

Summary of DM v. IFC, Decision No. 542 [2016]

The Applicant challenged the 23 August 2015 decision of the International Finance Corporation (IFC) not to renew or extend his appointment. First, the Applicant argued that the non-renewal of his contract was a breach of a promise. Based on the record before it, the Tribunal decided that it could not conclude that a promise of extension or renewal was made either expressly or by unmistakable implication.

Second, the Applicant argued that the non-renewal of his contract was an abuse of discretion. The Tribunal found that the record supported the reasons articulated by the IFC for its decision not to renew the Applicant's contract. The Tribunal noted that the record showed that the Applicant's primary responsibility before he was placed on administrative leave was to manage the P7 portfolio and the record also showed that the IFC adopted changing investment strategies for the P7 portfolio. The Tribunal noted that: "Identifying the skills that are suitable for these changing needs and who is the most suitable staff to perform these tasks are discretionary decisions of the IFC." The Tribunal noted that the IFC concluded that Mr. D, the new supervisor of the Applicant, was in the best position to carry on managing the P7 portfolio and also concluded that the Applicant's skills with a GH level position were no longer in need. The Tribunal was not convinced that this discretionary decision of the IFC had been abused.

Third, the Applicant argued that the Office of Ethics and Business Conduct (EBC) improperly pursued an investigation and the IFC improperly placed him on administrative leave to oust him from the IFC. The Tribunal did not find that the IFC managers orchestrated the EBC investigation and the administrative leave. The Tribunal found that the IFC management had a proper basis for reporting allegations of misconduct against the Applicant. The Tribunal also found that EBC had a sufficient basis for pursuing an investigation. The Tribunal found no evidence that the IFC management and HR conspired together to improperly place the Applicant on administrative leave. The Tribunal concluded that it reviewed the record and remains unconvinced that a retaliatory scheme existed in which the Applicant's managers, HR officials and EBC investigators participated as a coalition of conspirators.

Decision: The Tribunal dismissed the Application.