

## Summary of BI (No. 3) v IFC, Decision No. 518 [2015]

The Applicant challenged her 2013 performance evaluation and the subsequent salary increase she was granted by the IFC. She also alleged that IFC management had discriminated and retaliated against her in assessing her performance because she has a medical condition which prevented her from processing certain transactions.

The Applicant began working at the World Bank Group in 1999. In October 2010 she began working as a Program Assistant, Level GC, with the IFC.

In November 2012, as a result of the reorganization of work within her unit, management assigned certain responsibilities for processing SAP transactions to the Applicant. The Applicant refused to process these transactions, as she believed that managers were abusing their authority to authorize transactions that did not comply with Bank Group policy. In January 2013, the manager of the unit informed the Applicant that he took full responsibility for the transactions, that her actions were inappropriate, and that processing the transactions was part of her job profile. The manager subsequently asked EBC to investigate the Applicant's claims. EBC did so, and found no misconduct. However the Applicant persisted in her refusal to perform the transactions, and in March 2013 the manager requested a Fitness for Duty assessment of the Applicant. This assessment concluded that she was fit for duty, but recommended that she be excluded from SAP processing. In April 2013, the manager informed the Applicant that the work program of the unit had been rearranged so as to make the recommended accommodation for her.

The Applicant's 2013 evaluation report (PEP) included some negative feedback, particularly in respect of the Applicant's teamwork and unwillingness to take on tasks which she perceived to be outside of her terms of reference. The Applicant was surprised to read this and refused to sign the PEP. The PEP was signed by the Reviewing Official in September 2013. In light of the PEP, and management's assessment of the performance of others in the unit, the Applicant was given a 2013 Salary Review Increase (SRI) rating of 3.1.

The Applicant filed a request for review with PRS in January 2014, challenging the 2013 PEP and resulting SRI rating. In its June 2014 report, PRS concluded that management had made the PEP and SRI decisions on a reasonable and observable basis, and had followed applicable

procedures. PRS further concluded that there was no evidence of improper motivation, discrimination or retaliation.

The Applicant filed her Application with the Tribunal on 31 October 2014. She alleged that management became biased against her because she had refused to perform SAP transactions due to her health condition, and that her PEP took insufficient account of her achievements. She stated that she felt retaliated against. In response, the IFC argued that the 2013 PEP and SRI had a reasonable and observable basis, and were compliant with the relevant rules and guidelines.

The Tribunal found that the 2013 PEP had a reasonable and observable basis, that the assessments were supported by the record and that the PEP incorporated due acknowledgment of both the Applicant's strengths and weaknesses. The Tribunal further noted that the PEP discussed the Applicant's deficiencies in a constructive way, with clearly identified areas for improvement. The Tribunal also concluded that the requisite procedures were followed.

Moreover, the Tribunal found that the Applicant had not produced any evidence of deviation from the required procedure with regard to her 2013 SRI rating.

Finally, the Tribunal concluded that the IFC had reacted to the Applicant's health issues in a reasonable and fair manner which complied with the necessary procedures, and that the Applicant's allegations of retaliation and discrimination were without merit.

The Application was dismissed.