

Summary of BI (Nos. 6 and 7) v. IFC, Decision No. 587 [2018]

The Applicant challenged: (i) the implementation of her Opportunity to Improve plan (OTI); (ii) the decision to terminate her employment; (iii) her placement on administrative leave; and (iv) the restriction on her access to Bank Group premises.

The record before the Tribunal demonstrated that the Applicant had continuous, well-documented performance problems which were brought to her attention on several occasions. In fiscal year 2014 (FY14) the Applicant received a performance rating of 2, which means “below expectations” and was subsequently informed that she was being placed on an OTI.

The OTI provided the Applicant with notice of the aspects of performance that were not satisfactory, guidance on expected improvements by the end of the six-month OTI term, and notice of the consequences of her failure to improve. The Applicant was also provided accommodations as recommended in two Fitness for Duty (FFD) Assessments and was given the opportunity for coaching sessions. Throughout the OIT term, the Applicant’s manager scheduled bi-weekly OTI feedback meetings, nevertheless, her performance problems continued.

In preparation for a meeting between the Applicant, a Staff Association representative, and the Applicant’s management, the Applicant sent an email including the following statement which she identified as a talking point for the meeting: “Threatened employ might result to negative actions – I don’t know what but idea of mass shootings is rampant nowadays.”

After this statement was made, management confirmed with Bank Group security that the Applicant was to be denied access to Bank Group premises beginning that day. On that same day, she was also placed on paid administrative leave.

The Applicant’s manager provided the Applicant with a memorandum detailing an assessment of the Applicant’s performance during the OTI period and recommended the termination of the Applicant’s employment. The memorandum concluded that “management’s recommendation is to close the OTI cycle with an unsuccessful rating and to recommend termination of employment.”

The Tribunal, on the basis of the record as a whole, found that a reasonable basis exists for the termination of the Applicant’s employment for unsatisfactory performance.

The Tribunal’s precedents suggest that considerable deference should be given to the IFC in making its security decisions, including whether or not to impose access restrictions on staff members. The Tribunal was satisfied that the IFC had a proper basis to place the Applicant on paid administrative leave and to impose restriction on her access to Bank Group premises.

The Tribunal found that the Applicant failed to substantiate the basis of her claim that she was the subject of discrimination or retaliation.

Decision: Application dismissed.

This summary is provided to assist in understanding the Tribunal’s decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: www.worldbank.org/tribunal