

Summary of CR (No. 2) v. IBRD, Decision No. 582 [2018]

In the Applicant's first case before the Tribunal, the Tribunal confirmed the disciplinary measures imposed on the Applicant by the Human Resources Vice President (HRVP) on 30 May 2014, including that, "[a]ccess to any of the Bank Group's buildings is restricted to entry for business needs relevant to the Bank Group, at the determination and discretion of the Vice President, HR or his delegate."

In the present case, the Applicant challenged the HRVP's exercise of discretion in implementing his restricted access, specifically the HRVP's imposition of entry conditions upon him when seeking permission to access the Bank's premises, including the need for verification of the invitations extended to the Applicant to attend Bank events and the requirement of an escort. The Bank raised a preliminary objection to the admissibility of the claims in the Application. The Tribunal decided that the preliminary objection be joined with the merits.

The Tribunal rejected the Bank's preliminary objection. The Tribunal found that the Application was filed in a timely manner and that it had jurisdiction in cases where access restrictions had been imposed as a result of a disciplinary measure. The Tribunal therefore decided to address the merits of the case.

The Tribunal found that, in exercising his discretion, the HRVP may take any such measures as he deemed necessary to verify the information submitted by the Applicant, including contacting the organizers of the event, noting that the HRVP's discretion in this respect is broad and the HRVP determines the best ways to fulfill the responsibilities entrusted upon him in deciding whether access is justified "for business needs relevant to the Bank Group." The Applicant had argued that the confidentiality provisions in the Staff Rules limited the power of the HRVP to contact the organizers of the event provided such contact may risk revealing the Applicant's misconduct and resulting disciplinary measures. The Tribunal considered that, in the absence of an allegation of breach of confidentiality in the instant case, fear that the organizers of the event may raise questions regarding the Applicant's misconduct status was not a sufficient ground to limit the HRVP's discretion in this respect. The Tribunal also considered that anonymity under Rule 28 of the Tribunal's Rules did not have the direct effect of limiting the HRVP's discretion to contact the organizers of the event. The Tribunal stated however that the obligation of confidentiality of personnel information required that the Bank take every reasonable measure to ensure that the Applicant's misconduct and resulting disciplinary measures are not disclosed to any staff member during the business needs' verification process.

The Tribunal further found that the Bank had convincingly demonstrated that an escort is necessary to ensure that the Applicant's visit to the Bank's premises is limited to its intended purpose. In the absence of evidence to support the Applicant's claim that the requirement of an escort was abusive or arbitrary, the Tribunal concluded that the Bank's decision to require that an escort accompany the Applicant during his visits to the Bank was not unreasonable.

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