

## Summary of ER v. IBRD (Preliminary Objection), Decision No. 586 [2018]

The Applicant challenged the Office of Ethics and Business Conduct's (EBC) decision to close its investigation into the budgeting matters raised by the Applicant. The Applicant also sought classification as a whistleblower under Staff Rule 8.02. The Bank filed a preliminary objection, arguing that the Applicant's claims related to budgeting practices which do not form part of the Applicant's contract of employment or terms of appointment and therefore fail to fall within the jurisdiction of the Tribunal.

The Applicant brought what he perceived to be budget-related anomalies to the attention of EBC. According to the Applicant, EBC indicated the Bank's Internal Audit Department (IAD) as the appropriate venue to report budget-related anomalies. IAD performed an audit and issued a report finding neither a breach of Bank policies nor "any attempt to circumvent institutional governance arrangements." The report did note some documentation lapses and recommended improvements to provide for a more robust documentation trail in the tracking of budget decisions.

The Vice President of the Applicant's unit formed a working group to monitor the practices of the unit and address any of the Applicant's remaining concerns. This working group became part of the Applicant's work program. The Vice President of the Applicant's unit awarded "Bravo Points" to the Applicant for his "appreciation for [the Applicant's] work on the IAD audit," stating it was very "professionally done."

Article II, Para. 1 of the Tribunal's Statute provides:

The Tribunal shall hear and pass judgment upon any application by which a member of the staff of the Bank Group alleges non-observance of the contract of employment or terms of appointment of such staff member. The words "contract of employment" and "terms of appointment" include all pertinent regulations and rules in force at the time of alleged non-observance [...].

The Tribunal noted that the Applicant had not identified any adverse consequences actually suffered by him. It further noted that the Applicant's concerns regarding budget anomalies were addressed through an IAD audit, and new practices were implemented to improve the budget record process as a result of the audit conducted at the Applicant's insistence, and that these facts do not relate to an allegation of non-observance of the Applicant's contract of employment or terms of appointment.

**Decision:** Application dismissed.