

Summary of Moss v. IBRD (Merits), Decision No. 585 [2018]

Following an exchange of pleadings on the Bank's preliminary objection in *Moss (Preliminary Objection)*, Decision No. 571 [2017], the Tribunal held that only the Applicant's claim regarding irregularities in her FY15 mid-year performance review was admissible. This judgment addressed the merits of that claim.

The Tribunal found that the mid-year conversation was properly used to discuss the Applicant's progress on her individual performance objectives and to clarify performance expectations for the remainder of the year. The Tribunal further found that the mid-year performance review was fair and accorded with the purpose of such a review. Regarding the procedure, the Tribunal found that the Applicant's conversations with the Manager and the Task Team Leader satisfied the requirements of the mid-year conversation. These meetings and the email exchanges between the Applicant, the Manager, and the Task Team Leader provided the Applicant with ample opportunity to discuss her performance, and the Staff Member Comments section of the mid-year review document would have been the proper forum for the Applicant to express her own views about her performance, rather than attempting to redraft her Manager's comments.

With respect to the Applicant's claim that the mid-year performance review constituted retaliation, the Tribunal observed that there was insufficient evidence to conclude that the Applicant had made a *prima facie* case of retaliation. Specifically, there was no evidence that the Manager preferred another colleague to the Applicant in a recruitment process or that there was any link between the Applicant's request to sit in on management team meetings and her mid-year review.

Finally, the Tribunal did not find that the Applicant suffered harm as a result of the mid-year review, which was ultimately closed without any comments.

Decision: Application dismissed.