

## Summary of Bauman v. IBRD, Decision No. 532 [2016]

The Applicant worked as a Short Term Consultant (STC) in the Bank's Kinshasa Country Office in the Democratic Republic of Congo (DRC). He claimed that he was informed by another staff member that he was on a "blacklist" of disfavored staff that was prepared by the Country Director in the Country Office. When an Ombudsman from the Bank visited the Country Office, the Applicant discussed with him certain issues related to the over-charging of invoices in the Country Office. The Applicant claimed that the Country Director knew that he had met with the Ombudsman, but the Country Director contended that he did not know of the meeting. A few weeks after the Applicant's meeting with the Ombudsman, a colleague forwarded to him a letter written by a DRC Government official to the Country Director, in which the DRC Government official criticized the Bank for involving itself in political issues in a manner inconsistent with its mission. The Applicant forwarded this letter to multiple officials in the unit. Subsequently, the Country Director told the Applicant's Manager that the Applicant had approached a DRC Government official in order to get the Country Director out of the country, and that he did not think that "consultants with such a behavior should work for the World Bank." A few days later, the Applicant's Manager informed the Applicant that his contract would be terminated in 14 days.

The Applicant contacted the Office of Ethics and Business Conduct (EBC), which opened an investigation of the Applicant's allegation that his Manager had abused its authority in making the termination decision. EBC eventually concluded that the Applicant's allegations were not substantiated and closed the case. The Applicant also filed a Request for Review with PRS, challenging the termination decision. PRS found that the Bank had failed to provide the Applicant with a fair and proper process, and recommended that the Applicant be awarded monetary compensation in the amount of \$15,000. The Applicant did not accept the compensation offered.

Before the Tribunal, the Applicant challenged the decision to terminate his STC appointment and also claimed that he was subjected to retaliation.

The Tribunal found that the termination of the Applicant's appointment was a disciplinary measure. The Tribunal also held that there were multiple breaches of procedure in this case. The Tribunal found that the termination decision lacked a reasonable and observable basis, constituted an abuse of managerial discretion, and should be rescinded. The Tribunal also held that the termination decision constituted an act of retaliation, and the Bank failed to provide "clear and

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](http://www.worldbank.org/tribunal)

convincing evidence” that the termination decision would have been made absent the Country Director’s retaliation against the Applicant.

The Tribunal ordered the Bank to pay the Applicant the salary and benefits due for 120 days’ employment at his most recent STC rate (which constituted the remainder of his STC contract that he had not worked), as well as additional compensation in the amount of the salary due for 150 days’ employment at his most recent STC rate. The Tribunal awarded the Applicant attorney’s fees in the amount of \$24,975.