Summary of DK v. IBRD, Decision No. 537 [2016]

The Applicant was employed as a Short Term Consultant (STC) from 6 August 2012 to 30 September 2013 by a Senior Advisor to one of the Bank's Vice Presidents. The Applicant claimed that before and during the time that she worked for the Senior Advisor, he sexually harassed and sexually assaulted her on multiple occasions. She reported his alleged sexual harassment to the Office of Ethics and Business Conduct (EBC), and after EBC completed its investigation, the Vice President of Human Resources (HRVP) found in his decision that the Senior Advisor had committed misconduct. The Applicant subsequently contacted several officials in the Bank in an attempt to learn more about the EBC investigation and request a re-investigation of her allegations. She was told on 2 July 2015 by the EBC Manager that EBC could not re-investigate her allegations and that the HRVP's decision and the EBC investigation could only be reviewed by the Tribunal.

In the meantime, the Applicant applied to an open Senior Knowledge Management Officer position. She was shortlisted and interviewed for the position but was ultimately not selected.

After the contract under which she worked for the Senior Advisor expired, she was hired under a subsequent STC contract. Her new Task Team Leader was a Program Manager in another unit in the Bank. The Program Manager terminated her contract on 11 July 2014.

The Applicant filed three Requests for Review with PRS, in which she challenged, *inter alia*, the non-selection decision for the Senior Knowledge Management Officer position, sexual harassment, abuse of authority, retaliation, and the Program Manager's termination of her contract. PRS recommended that her requests for relief be denied in all three Requests for Review.

Before the Tribunal, the Applicant contested the following decisions: (i) EBC's decision not to reinvestigate her allegations; (ii) her non-selection for the Senior Knowledge Management Officer position; (iii) the PRS Chair's decision to dismiss some of her claims in Request for Review No. 195; (iv) the non-extension of her contract; (v) failure by management to provide her interim protection; (vi) false revision of her personnel records and People Page profile on the Bank's intranet; and (vii) the termination of her contract. She also alleged that EBC committed procedural violations in its investigation of her allegations, and that PRS committed procedural violations in her Requests for Review.

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

The Bank made the following preliminary objections to the Applicant's claims: (i) her claim challenging EBC's decision not to re-investigate her allegations was not filed in a timely manner; (ii) the Applicant did not state cognizable claims with regard to the PRS decisions in Requests for Review Nos. 195 and 217; (iii) the Applicant's claims alleging procedural violations were not reviewable by the Tribunal; and (iv) her claim relating to PRS's partial dismissal of her claims was not filed in a timely manner.

The Tribunal held that while the Applicant's claim challenging EBC's decision not to re-investigate her allegations was filed in a timely manner, her claim that EBC committed procedural violations in its investigation was not filed in a timely manner. The Tribunal also held that the Applicant had stated cognizable claims with regard to the PRS decisions in Requests for Review Nos. 195 and 217 in her Application. The Tribunal also decided that the Applicant's claims challenging certain procedural decisions by PRS were inadmissible because the Tribunal reviews procedural decisions made by PRS when they violate a staff member's rights, and here, PRS did not violate the Applicant's rights.

The Tribunal found that it had jurisdiction over the following claims: (i) EBC's decision not to reinvestigate the Applicant's allegations; (ii) the Applicant's non-selection for the Senior Knowledge Management Officer position; (iii) the non-extension of her contract on 30 September 2013; (iv) failure of management to provide her protection, to the extent it was raised before PRS in Request for Review No. 195; (v) false revision of her People Page profile; and (vi) the termination of her contract. The Tribunal awarded the Applicant attorney's fees in the amount of $5,000.

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