

Summary of DP v. IBRD, Decision No. 547 [2016]

The Applicant challenged her 2014 Overall Performance Evaluation (OPE) and performance rating. The Applicant also sought redress for (i) alleged harassment and retaliation by her former Track Team Leader and her Manager; (ii) the failure of the Office of Ethics and Business Conduct (EBC) to investigate her various misconduct complaints against her former Track Team Leader and her Manager; and (iii) EBC's abusive investigation and findings against the Applicant regarding a complaint filed by her former Track Team Leader.

The Tribunal concluded that the Applicant's 2014 OPE process was tainted by procedural irregularities and failed to comply with the requirements for a fair procedure. However, the Tribunal found that the Applicant's 2014 OPE and performance rating were not arbitrary, unfair, or unbalanced. The Tribunal found that the Applicant did not substantiate her allegation of harassment nor had she made a *prima facie* case that she was the subject of discrimination or retaliation. The Tribunal concluded that EBC conducted a proper initial review of the Applicant's complaints and, finding them to be unsubstantiated, correctly decided to close the case. The Tribunal found that the record does not support the Applicant's contention that EBC applied a double standard as between the treatment of her complaint and the treatment of her former Track Team Leader's complaint against her.

Regarding EBC's investigation into the complaint about the Applicant, the Tribunal held that the investigation was flawed and EBC's conclusions were not supported by the evidence. The Tribunal found that the omission of the Applicant's husband as a witness, particularly where his conduct was in question, resulted in an unbalanced investigation, and EBC ignored exculpatory information. The Tribunal noted that the HRVP found that the Applicant did not engage in misconduct.

Decision: The Tribunal ordered the Bank to pay the Applicant compensation in the amount of three months' salary net of taxes for procedural irregularities in her 2014 OPE process, as well as an additional three months' net salary for flaws in connection with the EBC's investigation into the Applicant and removal of all record regarding such investigation from the Applicant's personnel file. The Tribunal awarded the Applicant legal fees and costs in the amount of \$27,719.71.