

Summary of *DQ v. IBRD (Merits)*, Decision No. 555 [2017]

Following an exchange of pleadings on the Bank's preliminary objection in *DQ* (Preliminary Objection), Decision No. 549 [2016], the Tribunal held that the Applicant's claims were admissible. This judgment addresses the merits of those claims. The Applicant challenged the alleged unauthorized disclosure of his sexual orientation and marital status by his spouse's manager and the decision of the Office of Ethics and Business Conduct (EBC) to dismiss his complaint against the manager regarding the unauthorized disclosure.

The Tribunal found that the information improperly disclosed about the Applicant's spouse, even by inference, could not have linked the Applicant with his spouse. Therefore, there was no unauthorized disclosure of the Applicant's confidential information, as neither his sexual orientation nor his marital status was disclosed. The Tribunal found that EBC's decision to close the Applicant's case, after conducting an initial review, was reasonable since the witnesses' evidence from the initial review did not support the Applicant's allegation, nor did the Applicant identify to EBC any witnesses who supported his allegation. As well, the Tribunal found that EBC's decision to close the Applicant's case was not tainted by the decision of the Vice President, Human Resources regarding his spouse's allegation about the manager's disclosure. Regarding the Applicant's rights as a reporter of alleged misconduct, the Tribunal recognized that a reporter's right to information during the initial review stage is relatively limited. However, in the present case, the Tribunal found that it was reasonable for the Applicant to expect and indeed to receive responses to his queries about the status of his case. The Bank's silence for nine months, in the face of the Applicant's two requests for an update about his case, did not constitute being generally responsive to the Applicant. The Tribunal further found that taking eleven months to complete the initial review of the Applicant's allegation was an unreasonable delay in the circumstances of this case. However, the Applicant in his capacity as a reporter had not demonstrated that he has suffered any harm as a result of the delay.

Decision: The Tribunal dismissed the Application, but ordered the Bank to contribute to the Applicant's legal fees and costs.