

## Summary of DX v. IBRD, Decision No. 557 [2017]

The Applicant, a Short Term Consultant (STC), challenged the disciplinary decision of the Vice President, Human Resources (HRVP), to exclude him from any future employment and contractual opportunities with the World Bank Group for one year. The Applicant was disciplined for failing to pay court-ordered child support and failing to provide proof of compliance with his personal legal obligations.

The Tribunal found that the facts established legally amounted to misconduct. However, in considering the proportionality of the disciplinary measure, the Tribunal found that the Bank did not give sufficient weight to a number of mitigating factors. The Tribunal held that the disciplinary measure was excessively harsh and detracted from the Bank's policy and stated interest in ensuring that spouses and children of staff members receive the support payments to which they are entitled. The Tribunal encouraged the Bank to put in place a better mechanism to facilitate the compliance of STCs with support orders. The Tribunal found that the Applicant was afforded due process. The Tribunal observed that the Bank's refusal to make deductions from the Applicant's earnings as an STC was not discriminatory. Moreover, the creation of two different mechanisms to address noncompliance with support obligations, depending on the method of payment, was not incompatible with the principle of non-differentiation. Regarding the disclosure of the Applicant's confidential disciplinary letter by his child's mother during the custody proceedings, the Tribunal observed that there is no indication that this improper disclosure was investigated by the Bank when the Applicant's counsel brought the disclosure to the attention of the HRVP and the Vice President and Chief Ethics Officer.

**Decision:** The decision imposing the disciplinary sanction was rescinded. The Bank shall pay the Applicant compensation equivalent to the remuneration due for 150 days' employment at his most recent STC rate. The Bank shall take appropriate action, consistent with the terms of the judgment, should the occasion arise, that conduces towards the Applicant's discharge of any future child support obligations under Staff Rule 3.06. The Bank shall pay the Applicant's legal fees and costs.