

Summary of DZ v. IBRD (Preliminary Objection), Decision No. 560 [2017]

Following the 2015 amendments to the Staff Retirement Plan and the Supplemental Staff Retirement Plan, the Applicant was notified by Pension Administration of her Additional Contributions eligible balance. Subsequently, the Applicant filed an appeal regarding her pension to the Pension Benefits Administration Committee (PBAC), requesting an appeal of her pension and consideration that she revert back to the Gross Plan, which was the Bank's Staff Retirement Plan for staff members prior to 15 April 1998. The PBAC denied the Applicant's request, concluding that there was no provision in the Staff Retirement Plan that would allow any former non-regular staff member who is a Net Plan participant to retroactively participate in the Gross Plan.

The Bank filed a preliminary objection to the Applicant's claims, arguing that the claims are out of time, the Applicant has not established non-observance of her terms of employment, and the Applicant's disagreement with Bank policy is not cognizable before the Tribunal. The Bank also argued that it did not agree to the submission of the complaint directly to the Tribunal and there are no exceptional circumstances that would warrant a waiver.

The Tribunal noted that the decision of the PBAC to deny the Applicant's request is the decision that is reviewable by the Tribunal. Having appealed to the PBAC, the Applicant exhausted all remedies available within the Bank Group and submitted the Application to the Tribunal within the 120-day deadline from receiving notice of the PBAC's decision, taking into account the extensions of time granted by the Tribunal. Since the PBAC rendered a decision on the merits of the Applicant's appeal, the Tribunal has authority to review the PBAC's decision. The Tribunal also found that it had jurisdiction *ratione materiae* because the Applicant claims that the changes to the Net Plan changed essential terms of her employment, were discriminatory, and were a breach of the Bank's duty to act in good faith and the principle of fairness.

Decision: The Tribunal found that the Applicant's claims were timely and admissible and ordered the Bank to contribute to the Applicant's legal fees and costs for the preliminary phase of the proceedings.