

## Summary of EA v. IFC, Decision No. 562 [2017]

The Applicant challenged the decision of the Vice President, Human Resources (HRVP) that she committed misconduct and the imposition of the following disciplinary sanctions: a) a 3-year prohibition of future employment; and b) a written reprimand to remain in her staff records for a period of 3 years following the termination of her current STC contract. The Applicant contends that the disciplinary sanctions were “extremely harsh” and significantly disproportionate to the act, which she admits she committed. The Applicant altered the date on an expired letter of appointment and tendered the altered document to facilitate the procurement of a re-entry permit. The Applicant argued that this act did not amount to misconduct as she performed it in good faith to support the IFC’s application for an entry visa. She asserted that her actions were “understandable in the circumstances” and she had a “reasonable rationale in supporting IFC’s business interests.”

The Tribunal found that the Applicant’s conduct amounted to misconduct, particularly as it could “reasonably be seen by the public to seriously undermine a staff member’s honesty and integrity and/or to be seriously discreditable or offensive.” In this case, the Applicant altered the date of an official LOA which was issued by the IFC on the IFC letterhead to give the impression that it was a recent contract. In reliance on the altered contract, the Kenyan Ministry of Foreign Affairs believed that: a) the IFC had provided the Applicant with a Letter of Appointment dated 16 July 2015; b) the Applicant was engaged on a term contract; and c) the duration of the term contract was for two years. Furthermore, the record shows that the altered document was relied upon and achieved its objective. It was submitted to support the application for a re-entry permit and on 8 October 2015, the Applicant was sent her passport with the re-entry permit stamped in it.

With respect to proportionality of the sanctions, the Tribunal found that the sanctions imposed were consistent with the treatment of other staff members who were found to have falsified documentation in breach of Staff Rule 3.00, paragraphs 6.01(b) and (c).

Finally, the Tribunal reviewed the Applicant’s claims that the requirements of due process were not observed. The Applicant argued that there were procedural irregularities with the EBC investigation and the HRVP’s decision. She also asserted that the decision by her managers to involve EBC was not a proper exercise of managerial discretion. The Applicant argued that informal procedures would have been more suitable. The Tribunal held that there was no merit in the Applicant’s claims of due process violation. Furthermore, the Tribunal noted that the Applicant benefited from the EBC investigation, since the record shows that her managers were inclined to immediately terminate her contract and possibly impose a lifetime ban on working with the World Bank Group. However, following the EBC investigation lesser sanctions were imposed.

**Decision:** Application dismissed.