

Summary of Hanney v. IFC, Decision No. 535 [2016]

The Applicant was offered a Short Term Consultant (STC) appointment “for about 100 days.” He began his assignment, which consisted of credit risk management work with an IFC client bank (“Client”), in Yangon, Myanmar on 11 May 2015. While the Applicant was in Myanmar, he requested certain information from employees of the Client, and in response, he was told by his Task Team Leader to consult with her before requesting further information from employees of the Client. The IFC claimed that on 12 May 2015, after the Applicant presented a proposed credit risk methodology, members of his IFC unit expressed concerns about the quality of his advice and his communication style to the Manager of the unit. The IFC claimed that the Chief Executive Officer (CEO) of the Client expressed similar concerns about the Applicant’s communication style, which was thought to be inappropriate for the environment in Myanmar, to the Manager and a Senior Operations Officer in the unit. The Applicant’s Task Team Leader, the Manager, and the Senior Operations Officer relayed the concerns of the Client’s CEO to the Applicant on 14 May 2015. During the same meeting, the Applicant was told that his appointment would be terminated, and that he would be paid for the five days he was in Myanmar, from 11 to 15 May 2015.

The Applicant alleged that his appointment was terminated due to age discrimination, and that he was not given adequate notice of the termination of his appointment and of his performance deficiencies. Additionally, he contended that the IFC did not offer him substitute work. Finally, the Applicant argued that the IFC’s actions defamed him.

The Tribunal held that the Applicant did not put forth sufficient “detailed allegations and factual support” to establish a *prima facie* case for age discrimination. The Tribunal also found that the IFC had sufficiently established that its motives were based on business considerations. Additionally, the Tribunal found that the Applicant was given two days’ notice of termination, which was sufficient in the circumstances of the case, including the type and length of the Applicant’s appointment. The Tribunal also held that the record showed that the Applicant was provided with sufficient notice of what his colleagues and the Client found to be deficient in his approach, and that the Applicant was given opportunities to defend himself. The Tribunal concluded in addition that the Applicant’s claim that he was entitled to another assignment was not sustainable, and that the IFC’s actions did not defame him.

The Application was dismissed.

This summary is provided to assist in understanding the Tribunal’s decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: www.worldbank.org/tribunal