

Summary of Decision No. 471

BY
Applicant

v.

International Bank for Reconstruction and Development
Respondent

The Applicant contested, *inter alia*, his 2009 Overall Performance Evaluation (“OPE”), salary review increase (“SRI”) rating of 3.1, and the Bank’s decision to recall him from his duty station. The Applicant claimed that the 2009 OPE and SRI processes were procedurally flawed, and the recall decision was taken without prior notification to him, failing to satisfy the requirement of transparency. He further argued that the decision did not conform to the requirements of due process as it was made prior to his OPE discussion with his Manager. Finally, the Applicant contended that ill-treatment by his managers at the Bank not only destroyed his professional career but also damaged his health.

The Tribunal observed several procedural irregularities in the OPE process including the reversal of the process relating to the Applicant’s OPE and SRI ratings. Additionally, the Tribunal found that the Bank breached the rules on the involvement of the Reviewing Manager during the OPE process, and found that the Reviewing Manager’s direct participation in setting the Applicant’s OPE ratings did not conform with the Staff Rules and extended beyond the mere provision of guidance to the Applicant’s Manager. As a result of the procedural irregularities in the OPE process, the Tribunal held that the Applicant’s 2009 SRI rating, which was not detached from the flawed OPE, was materially and adversely affected by the procedural irregularities and should be set aside. The Tribunal further addressed the decision to recall the Applicant and held that where the real issue is management’s dissatisfaction with the Applicant’s performance, notice and the opportunity to improve are required prior to an adverse decision. Finally, with respect to the Applicant’s claim that ill-treatment by his managers damaged his professional reputation, career and health, the Tribunal held that the Applicant failed to demonstrate the requisite nexus between his recall and the alleged severe damage to his professional reputation and career prospects. Similarly, the Applicant did not adduce any reason why the Tribunal should not uphold the exclusivity of the Worker’s Compensation Program as a remedy for injury attributable to the Bank.

Decision: The Applicant’s 2009 OPE and SRI ratings shall be deleted from the Applicant’s personnel record, and the Bank shall pay the Applicant compensation in the amount of 6 months’ salary net of taxes, and costs. All other claims were dismissed.