

Summary of Decision No. 474

BZ,
Applicant

v.

International Bank for Reconstruction and Development,
Respondent

The Applicant challenged the decision not to confirm his appointment as Adviser in the Education for All Fast Track Initiative (“FTI”) Secretariat, and his interim Overall Performance Evaluation (“OPE”).

The Tribunal first concluded that the non-confirmation decision was not based on a fair and objective evaluation of the Applicant’s performance. The Tribunal found that the influence of the Chair of the FTI, who had opposed the Applicant’s appointment, had affected the basis of the non-confirmation decision taken by the Applicant’s manager and had resulted in the Applicant being deprived of a fair chance to prove his suitability for continued employment. Furthermore, after reviewing the feedback from feedback providers listed in the Applicant’s OPE, from other FTI staff and FTI external donors and Board members, the Tribunal found that the OPE ratings and comments were not fully supported by the evidence before it, and that negative factors were given disproportionate weight. The Tribunal also noted that the Applicant was not afforded an opportunity to improve his performance.

The Applicant also challenged his placement on administrative leave and his removal from, and the restriction of his access to, the Bank’s premises. While noting the Bank’s discretion in these matters, the Tribunal expressed its dissatisfaction with the manner in which the Applicant’s administrative leave and removal from and restriction of access to Bank premises was handled, which it found not to have been adequately justified by the Bank and not to have respected the Applicant’s dignity.

The Applicant also alleged harassment by his managers, but the Tribunal dismissed this claim.

Decision: The Tribunal awarded the Applicant six months’ net salary as compensation and attorneys’ costs.