

## Summary of Decision No. 475

CA,  
Applicant  
v.

International Bank for Reconstruction and Development,  
Respondent

The Applicant challenged (i) the Bank's 2011 decision not to select him for a Portfolio Manager position; (ii) the Bank's 2011 decision to renew his Term contract for only one year; and (iii) the Bank's 2012 decision not to renew his Term contract. The Tribunal affirmed that these were discretionary managerial decisions that would not be overturned unless the decisions involved abuse of discretion.

Regarding the non-selection, the Applicant challenged the hiring manager's decision to seek additional feedback on the top two candidates identified by the interview panel after its deliberations. The hiring manager explained that the position required supporting different teams in his unit, and that he had sought the views of the heads of those teams before making a final decision. The Tribunal found this to be reasonable and not in violation of any Bank rules or practice. The Applicant also challenged the decision not to hire him even though he was the "best fit for the job." The hiring manager argued that, based on additional feedback and reference checks, he concluded that there was a risk that the Applicant would not work well in a team and he was not willing to take a risk in hiring him. Again, the Tribunal found no abuse of discretion in the hiring manager's decision to select the candidate ranked second and described by the interview panel as a "very close" contender. The Tribunal concluded that choosing the candidate ranked second by the interview panel did not necessarily violate Principle 4.1 of the Principles of Staff Employment, which requires the Bank to hire candidates "of the highest caliber appropriate to job requirements."

With respect to the Bank's decision of 2011 to renew the Applicant's contract for one year only, the Tribunal found that the decision was based on the business needs of the Applicant's unit and was not an abuse of discretion or violation of any Bank rules. The Tribunal found no discriminatory treatment against the Applicant.

Finally, regarding the Bank's 2012 decision not to renew the Applicant's contract, the Tribunal found no abuse of discretion because the record demonstrated that in 2011 and early 2012, new management came on board bringing in organizational changes and setting new priorities and

ultimately deciding that there was no ongoing business need for the extension of the Applicant's contract. The Tribunal did not find reason to set this decision aside.

The Tribunal noted that, under the Staff Rules, retaliation against staff members who use the conflict resolution system ("CRS") amounts to misconduct, and stated that managers must not discourage staff members from resorting to the CRS when differences arise. One of the Applicant's supervisors had made a comment regarding the fact that the Applicant had filed a request for review before Peer Review Services, which is a part of the CRS. The Tribunal found that the comment was ill-judged but did not, without more, establish retaliation.