

Summary of Decision No. 476

CB,
Applicant

v.

International Bank for Reconstruction and Development,
Respondent

The Applicant contested the decision of the Vice President, Human Resources (“HRSVP”) to impose disciplinary measures on him for misconduct, in the form of a written censure in his personnel file for five years and reassignment to a non-managerial position at the same grade level. The Applicant had been the subject of investigation by the Office of Ethics and Business Conduct (“EBC”) for repeatedly sending unsolicited or unwelcomed personal e-mails to a colleague between December 2011 and February 2012. Based on the EBC investigation, the HRSVP informed the Applicant of his conclusion that the Applicant had engaged in misconduct under Staff Rule 3.00, paragraph 6.01(b) (reckless failure to observe generally applicable norms of prudent professional conduct) and paragraph 6.01(e) (harassment contributing to a hostile work environment).

The Tribunal noted that it was undisputed that the Applicant sent his colleague several e-mail messages of a personal nature, and observed that the Applicant had conceded that his conduct amounted to misconduct under Staff Rule 3.00. The Tribunal found that the sanctions imposed by the HRSVP were provided for in the Staff Rules and were not disproportionate to the misconduct of a “reckless failure to observe generally applicable norms of prudent professional conduct,” and also dismissed the Applicant’s allegations of procedural irregularities during the investigation. Finally, the Tribunal addressed the Applicant’s contention regarding the definition of harassment, and held that the definition of harassment, contrary to the Applicant’s assertion, does not require conduct to be hostile or abusive.

Decision: The Application was dismissed.