

CD v. IBRD, Decision No. 483 [2013]

The Applicant contested the ratings assigned in her 2011 Overall Performance Evaluation (“OPE”) and Salary Review Increase (“SRI”), and the alleged threat made by her supervisor to place her on a Performance Improvement Plan (“PIP”). The Bank responded that the Applicant’s 2011 OPE was the result of careful consideration of all positive and negative feedback her manager received about her performance.

First, the Applicant challenged the two “Partially Successful” ratings she received. The Tribunal held that the overall review of the Applicant’s performance during the 2011 OPE period was mixed and with such a mixed performance review, there was an observable and reasonable basis for the “Partially Successful” ratings. The Tribunal considered that the manager’s omission of the Applicant’s flexible working arrangement failed to give the Applicant credit for her demonstrated dedication. Nevertheless, the Tribunal found that, on balance, the 2011 OPE process was not arbitrary or unfair.

Secondly, the Applicant argued that her due process rights were violated particularly with respect to inadequate notice of criticism of her performance and the opportunity to defend herself. The Tribunal found that the Applicant was not provided with adequate warning of criticism which could result in an adverse decision. The Tribunal however held that she was offered several opportunities to defend herself prior to the completion of her OPE and SRI which she declined.

Finally, the Tribunal expressed concern that a measure as severe as placing the Applicant on a PIP was canvassed in view of the predominantly positive character of the Applicant’s performance over the years.

Decision: The Bank was ordered to (i) remove from the Applicant’s personnel records any references to discussion or consideration of placing her on a PIP and (ii) meet the Applicant’s legal costs.