



World Bank Administrative Tribunal

2025

Decision No. 725

**Catherine Waithira Mwaniki,
Applicant**

v.

**International Bank for Reconstruction and Development,
Respondent**

**World Bank Administrative Tribunal
Office of the Executive Secretary**

**Catherine Waithira Mwaniki,
Applicant**

v.

**International Bank for Reconstruction and Development,
Respondent**

1. This judgment is rendered by the Tribunal in plenary session, with the participation of Judges Janice Bellace (President), Seward Cooper (Vice-President), Lynne Charbonneau (Vice-President), Martha Halfeld Furtado de Mendonça Schmidt, Thomas Laker, Raul C. Pangalangan, and Joëlle Adda.
2. The amended Application was received on 4 June 2025. The Applicant represented herself. The Bank was represented by David Sullivan, Deputy General Counsel (Institutional Administration), Legal Vice Presidency.
3. The Applicant challenges “[p]oor performance and partial performance on [an] OTI [Opportunity to Improve Performance plan] as the grounds for termination of [her] contract.”

FACTUAL BACKGROUND

4. The Applicant joined the Bank in 2020 as a local, Grade Level GF Psychological Counselor in the Health and Safety Directorate (HSD) Mental Health and Well-Being Unit based in Nairobi, Kenya.
5. The Bank states:

In 2020, the WBG [World Bank Group] established a Mental Health Task Force, chaired by the Human Resources Vice Presidency, to develop the institution’s first-ever Mental Health and Well-Being Strategy. This initiative was a collaborative effort involving the Health and Safety Directorate, a multidisciplinary working group, and a Sounding Board of about 200 staff from across the institution.

6. In May 2022, the WBG Mental Health and Well-Being Strategy titled “Better Together” was launched. According to the Bank, “[t]he strategy aimed to foster a culture of health and well-being, reduce stigma around mental health, and ensure that staff and their families have access to the support and resources they need.” The Bank further states that, “[t]o ensure the effective implementation of the Mental Health and Well-being Strategy, funding was identified to cover the costs of a Secretariat to implement the program,” which “would comprise a core staff of a Program Manager (GG), a Program Assistant, and other consultant experts as needed.”

7. In June 2022, the WBG initiated the recruitment of the Mental Health Strategy Program Manager (Program Manager). The job posting was an International Recruitment for a Grade Level GG position to be based in Washington, D.C., under the Human Resources Vice Presidency. The job posting stated the “Hire Type” as “Non-Managerial,” and the posting stated that the Program Manager “reports to the Vice President, HRD [Human Resources Department], with a dual reporting to WBG Mental Health Co-chairs.” According to the Bank, the Secretariat and program management were placed under the Human Resources Vice Presidency to “drive culture and policy, as well as frame mental health and well-being as a corporate issue.”

8. The Program Manager job posting stated the following “Duties and responsibilities” of the position:

The Mental Health Strategy Program Manager’s role has a WBG-wide reach, in terms of supporting and leading implementation but is administratively hosted in the Human Resources Vice Presidency. The Mental Health Strategy Program Manager works in close partnership with Program Sponsors and the multidisciplinary implementation committee and sounding board. The Mental Health Strategy Program Manager will have a supervisory function for roles commissioned and/or seconded to directly support the implementation program, including part-time roles. These include but may not be limited to administrator and analysis roles; communications advisor; and consultant support.

The Mental Health Strategy Program Manager, while implementing the mental health strategy, will partner with the head of the Joint Bank/Fund Health Services Department’s Personal and Work Stress Counseling Unit. This role will focus on the strategy while the Personal and Work Stress Counseling Unit will retain its role in administering services.

9. The “Job Purpose” was stated in the job posting as the following:

The Mental Health Strategy Program Manager manages the WBG MHS [Mental Health Strategy] implementation program, in partnership with the MHS Implementation Committee, Sounding Board, and other stakeholders.

The Mental Health Strategy Program Manager provides direction, support, and oversight to the program; and to staff assigned to provide direct support [to] the implementation program.

10. The job posting further stated that, within delegated authority, the Program Manager would be responsible for providing overall strategic leadership and policy guidance as follows:

- Lead – including reviewing and revising – its strategic direction, in consultation with stakeholders, as needed.
- Provide policy and technical guidance to Implementation Committee, Sounding Board, and other stakeholders; taking lead in implementation of agreed actions.
- Oversee and supervise direct reports that provide direct practical and technical support to implementation processes.
- Lead overall implementation program and specific project management processes, monitoring reporting and evaluation.
- Implement the necessary management structure to plan, coordinate, and project manage the three-year implementation program in close partnership with the implementation committee, sounding board, and other stakeholders.
- Ensure collaborative, multidisciplinary focus groups are (a) established for the priority actions; and (b) supported to achieve clear targets to meet implementation timelines.
- Prepare monitoring reports to implementation committee, sounding board, HRD, and senior management as necessary, ensuring KPIs [Key Performance Indicators] are met, and reporting is delivered by working/focus groups or partner agencies.
- Manage the MHS implementation budget and oversee the use of the funds, adhering to financial rules and regulations of the WBG.

- Lead, coach, supervise, and support WBG Staff and those employed/seconded or commissioned to directly work on implementation of the strategy.
- Lead projects, regular monitoring processes, periodic external evaluations, and the development of new tools and learning resources.
- Oversee projects, including communication and knowledge sharing initiatives (newsletter, e-workspace, social media presence, news videos, case study development, etc.).
- Facilitate timely communication, engagement, advocacy and key partnerships within the context of the program.
- Maintain strategic partnerships within and outside of the WBG to strengthen implementation, particularly with UN [United Nations] Mental Health Strategy Implementation Board, IMF [International Monetary Fund] Mental Health Strategy Board, the WBG Health and Safety Directorate, and others.
- Advocate for and engage the necessary leadership support, champions, and partners to sustain momentum for successful MHS Implementation, including the needed resources to alleviate constraints faced during the implementation of the program.
- Advocate for WBG-wide efforts relating to mental health promotion, stigma reduction and prevention, and relevant family support.
- Oversee implementation of agreed communications and engagement plan, ensuring continued visibility for WBG Workplace Mental Health Strategy, ongoing universal awareness raising and reduction of stigma through various communications, including overseeing and contributing to its weekly newsletter.

General:

Performs other related duties as required.

Travels worldwide, as needed and including high-risk duty stations, for leadership, coordination and practical support of implementing the strategy.

Frequent interaction with the following:

- Mental Health Strategy Implementation Committee and Sounding Board
- Health & Safety Directorate, including its Mental Health & Wellbeing Unit

- Provide practical support and input to implementation processes.

11. With respect to “Results Expected,” the job posting stated:

Implementation on the five-year strategy across the WBG achieving measurable i) increase in staff member resilience, productivity, and engagement; ii) desired shift in staff experience as described in strategy objectives.

12. On 7 October 2022, the Applicant was offered the Program Manager position after participating in a competitive process.

13. On 1 December 2022, the Applicant joined the Human Resources Vice Presidency in Washington, D.C., as the Program Manager. She reported to the Human Resources Vice President (HRDVP). In addition to the HRDVP, the Applicant also had a reporting line to two other Vice Presidents – the Corporate Vice President, Corporate Support (COSVP) at the International Finance Corporation and an Operational Vice President. Further, the Bank states that, during the first three months after the Applicant assumed her role as Program Manager, support was provided by the interim Secretariat which was composed of a Senior Human Resources Business Partner (Senior HRBP) and the Manager of the Health and Safety Directorate.

14. Commencing in March 2023, the Applicant received one year of executive coaching.

15. On 5 July 2023, the Applicant and the HRDVP had a Check-In Conversation. On 22 August 2023, the Applicant stated in the Check-In Conversation Summary in the ePerformance system:

Conversation centered on my experiences at work over the past six months. During the initial three months support was provided by the interim Secretariat. The lack of clarity regarding the terms of reference by the Oversight Committee resulted in wrong assumptions and subsequent establishment of the Stigma-reduction working group was unsuccessful resulting in lack of buy-in and participation in implementation of activities. Achievements include the pilot training through PaC [People and Culture, or HR] knowledge series for PaC/HR Staff, participation of Implementation committee members in storytelling activities and contributions to initiatives by different VPUs [Vice Presidential Units]. [...] My focus going forward is on enhancing collective efforts, being less directive and open to different opinions and perspectives, leveraging the expertise of the Oversight Committee members and providing the technical, administrative and logistical support to

implement activities proposed by the working groups. My work with the coach will focus on stakeholder engagement.

16. In August 2023, the Applicant sought feedback through the ePerformance system from four feedback providers regarding her work performance. Three feedback providers responded to the Applicant's request.

17. On 12 October 2023, the Applicant and the HRDVP had a Fiscal Year 2023 (FY23) performance evaluation discussion. According to the Bank, feedback regarding the Applicant's FY23 performance was shared verbally with the Applicant during this discussion.

18. On 15 October 2023, the Applicant's FY24 "Individual Business Objectives" were approved by management as to "provide direction, support and oversight for implementation"; "manage and coordinate activities of sec & imp committee"; and "create an enabling and supportive workplace."

19. On 23 October 2023, the HRDVP entered "Supervisor's Comments" in the Overall Contributions Summary section of the Applicant's FY23 Annual Review, which stated:

[The Applicant] had a very rough start in embracing her program manager role. This is mostly due to her need to take more time to understand the culture of an institution that values teamwork and consensus building. She is a sound technical person who understand[s] mental health from a clinical and research perspective but is having difficulties bringing different stakeholders together. That may include taking a detour to reach consensus, more time to get buy-in or openness to consider different alternatives.

[The Applicant] was provided a coach to help her through the process and I hope she will take full advantage of it. Taking more time to listen to other people's opinion will only help to make sure that she provides the service that the institution needs.

I wish [the Applicant] the best next year when she has taken full advantage of her coach and rebuild[s] some of the bridges that may have fallen in her first few months.

20. With respect to the above “Supervisor’s Comments,” according to the Bank, “[g]iven how the ePerformance system operates, for the comments to be sent to [the] Applicant, in addition to inputting the comments, the supervisor would have had to submit the comments to the Reviewing Official (RO) or shared in draft with the Applicant.” The Bank states that “there was neither submission to the RO nor sharing with the Applicant.”

21. On 1 January 2024, the Operational Vice President was designated as the Acting HRDVP upon the retirement of the HRDVP and became the Applicant’s supervisor.

22. On 12 February 2024, the Applicant sent the Acting HRDVP and the COSVP a “Status Report on Startup implementation of the WBG Mental Health and Well-being Strategy.”

23. On 11 March 2024, the Applicant sought feedback through the ePerformance system from nine feedback providers regarding her work “with the Implementation Committee to improve engagement and ownership of the Mental Health and Well-being Strategy.” Three feedback providers responded to the Applicant’s request.

24. Also on 11 March 2024, the Applicant sought feedback through the ePerformance system from four feedback providers regarding her communication skills as part of her effort “[t]o become a more effective project team leader.” Three feedback providers responded to the Applicant’s request.

25. On 15 March 2024, the Acting HRDVP sought mid-year feedback on the Applicant’s “strengths and areas of opportunity” in “her role as Program Manager for the implementation of the Mental Health and Wellbeing strategy of the WBG.” The Acting HRDVP’s email request asked feedback providers to “respond to me [*sic*] confidential email, or through the ePerformance system.”

26. On 17 April 2024, the Senior HRBP recommended mediation between the Applicant and a program assistant in the Secretariat to address concerns the program assistant had about her working relationship with the Applicant.

27. On 17 May 2024, the Acting HRDVP and the Applicant had a meeting during which the mid-year review feedback received regarding the Applicant's performance was discussed. In a follow-up email to the Applicant on the same day, the Acting HRDVP stated:

As promised, I am summarizing in more [detail] the feedback I received on your mid year performance in your current role.

As I mentioned in our feedback session earlier today, I am trying to provide you with the candid, frank feedback that you deserve, so you know where you stand and how you are perceived.

I hope you can discuss with [the Senior HRBP] career options. I will be back next Thursday and we can discuss some more.

28. The Acting HRDVP's email further stated:

The WB's Mental Health Strategy's 3-year implementation plan was launched in the Spring of 2022 to (i) create a workplace that enhances mental and physical health and wellbeing; (ii) develop, deliver, and continuously evaluate mental health and wellbeing services at HQ [Headquarters], Country Offices and FCV [Fragility, Conflict, and Violence] locations; (iii) Support staff who [live] with health challenges; and (iv) ensure sustainable funding for mental health and wellbeing services.

To implement this strategy, [the Applicant] was hired to run the Secretariat for the Implementation of the MHS with the title of Program Manager on December 1, 2022 with the purpose of implementing the program in partnership with the MHS implementation committee, sounding board and other stakeholders. As key responsibilities, [the Applicant] is expected to lead the implementation of the strategy, provide policy and technical guidance, take the lead in implementing agreed actions, and oversee and supervise direct reports.

Based on the progress of the implementation of the strategy to date, mid-year review updates with stakeholders, feedback [the Applicant] requested via the ePerformance tool, and additional feedback I sought as the direct supervisor, it is evident that performance is not at the expected level, both in terms of results achieved so far and demonstrating the necessary behaviors for success.

29. The Acting HRDVP's email included commentary on "[w]hat is working well," and highlighted the Applicant's strength "in the demonstration of her expertise in mental health and her technical contribution to the different activities," as well as "oral communication skills and her passion and dedication to the mental health agenda." The email further stated that the Applicant's

“workshops and interaction with client teams was helpful as she shared her knowledge and ideas to inform and enhance awareness for staff,” and stated that the Applicant “has also provided helpful inputs into other leadership programs where the aspects of mental health can be mainstreamed for implementation.” The email further stated:

[The Applicant] has also worked with different stakeholders to foster the necessary partnerships for implementation, which is crucial to the success of the MHS. Although more needs to be done, this has been a very challenging but essential component to the implementation of the strategy. [The Applicant] has worked for the past 18 months in establishing her role in the Secretariat.

The program had a slow ramp up while [the Applicant] recruited the secretariat’s team. While there has been progress in several of the 8 action steps of the strategy, more needs to be done to effectively implement the current 5-year strategy, including a clearer manner for presenting the progress tied to the specific areas of the strategy and strengthened monitoring metrics to assess impact. This feedback was provided during the Q3FY2024 Mental Health & Well-being Strategy held March 11, 2024.

30. With respect to “[w]hat can be improved,” the Acting HRDVP’s email to the Applicant expounded upon challenges related to project management, communications, people management, and stakeholder engagement. The Acting HRDVP’s email included the following summary:

The lack of visible results, strong program management, communications and stakeholder engagement is placing the program and its funding at risk. The program must have clear progress in the next three to six months to be able to secure additional funding after FY25.

During our end year conversation, we will need to address the current trajectory. Unless [you take] alternative career options that are available to you. You may want to talk to [the Senior HRBP] for possible career options available to you. I have discussed with her some possibilities.

If you do not take alternative options, we will need to address the performance concerns summarized above. To do this, I would pair you with a mentor and provide specific milestones and outputs that aligned with institutional guidance when addressing such concerns.

31. On 28 May 2024, the Applicant had a follow-up discussion with the Acting HRDVP and the Senior HRBP.

32. On 3 June 2024, the Acting HRDVP placed the Applicant on an OTI. The Acting HRDVP stated in a 3 June 2024 email to the Applicant:

The purpose of this memo is to record the conversations we've had, including the one on May 17 and May 28, 2024 regarding your performance as Program Manager, Mental Health Strategy (MHS) in PACVP. I explained that the following aspects of your performance were unsatisfactory:

Based on the feedback and observed performance for the past 18 months, you are presenting severe deficiencies in your role. You are competent and an expert on mental health, but struggle in the areas of project and people management, communication, and stakeholder management. Unless considerable change takes place, you may not be fit for your role as program manager of the MHS. Deficiencies are observed in technical performance and workplace behaviors necessary for this role. Specifically,

- i. **Communications:** Strengthen clarity and conciseness in written communications. Reduce the back and forth for clarifying actions and next steps with agreed stakeholders. There is also a recurring theme that you do not listen to the ideas and messages that are coming from the implementation committee that was created by the organization to support project implementation. Need to further leverage the community and existing resources to improve awareness and embed the change across the institution. You are seen as dismissive of differing views presented by members of the implementation committee. This behavior disempowers and disengages the team from action. As a program manager, you need to focus on harnessing support to implement such a complex strategy, vs alienating the implementation partners. This feedback was presented to you by [the HRDVP], your previous supervisor, but it seems to continue, based on the feedback from stakeholders.
- ii. **People management:** You have not been successful in coaching and mentoring more junior team members supporting [...] initiatives and guide them for success. You have had difficulty managing two different assistants, which has made the work environment more difficult. This needs to be remediated immediately as perception of such work environment is not tolerated in the organization and is contradictory to the WBG values.
- iii. **Stakeholder engagement:** You have not been successful in engaging fully the stakeholders, and particularly the managers in the implementation [of] the strategy. As a result, there are critical delays that have negative consequences for the credibility of the program. You need to use the committee members as sounding boards and leverage their input as part of the voice of the institution. Several of the managers that have been selected (voluntarily as they are passionate about the subject) have resigned from their role in the committee as its mandate seems to have changed. Others, who helped with the design of the

strategy, have not been actively involved. Without line managers leading the change, it will not be a sustainable model for implementation of culture change. You need to demonstrate the willingness to learn, adjust and adopt differing ideas from the ones you believe should be pursued. Feedback was received that when facing these situations, you prefer to listen to the ones who share [your] views. As a PM [Program Manager], this is a crucial behavior and skill to modify: You need to be a convener of ideas and empower others for implementation. Working group and implementation partners do not feel supported or listened to. Additionally, you need to gain stronger insight into the workload and overall commitments of implementation partners and embed this into the planning and execution. Since the structure of implementation is a partnership, having awareness of the limitations and working with the stakeholders to ensure their success is critical.

- iv. **Project management:** You need to improve the overall program management, program structure, clear timelines and deliverables, cadence of meetings with project team and communications with stakeholders. Organize more in-person events in addition to virtual events for CO [Country Office] staff. You need to increase the frequency of communication, team meetings and meetings with members of the implementation committee to have traction and make progress.

33. The email informed the Applicant that she was “being given an opportunity to address these deficiencies,” and stated:

Specifically, you are expected to demonstrate satisfactory performance in the following areas, which are in line with the expectations of the role, the TOR [Terms of Reference] and the MHS:

- a. **Project management:** Establish measurable indicators of success. The strategy has an abundance of indicators, yet they are not used to report progress. Secretariat must implement proper project management techniques and reporting is essential for the success of the program.
 - i. Review the roles and responsibilities of the implementation working groups for clarity and renewed commitment. This must be done as a co-creation and truly listening to the points of view of the different stakeholders. It must also include IFC [International Finance Corporation] and MIGA [Multilateral Investment Guarantee Agency] to ensure this is a WBG initiative. Gain agreement by all stakeholders on the new operating governance and collective responsibilities.
 - ii. Develop an integrated project plan with all the different initiatives across all implementation partners and actively track and monitor implementation. Identify KPIs to measure program progress and

impact. Leverage the UN Strategy (and the associated investment) to develop this.

- iii. Concentrate on the implementation of all areas of the strategy (the 9 objectives) to deliver impact. Define short-, medium- and long-term metrics to show progress and focus on delivery.

- b. **Communications and stakeholder engagement:** Ensure the Secretariat is aligning the different stakeholders towards a common vision, plan and execution, to demonstrate a seamless response. Improve the perception of stakeholders and garner their support for the change program as a WBG (IBRD [International Bank for Reconstruction and Development], IFC and MIGA).

- i. Rollout communication strategy and implement adequate cadence of communication to all stakeholders aligned with the expected outcome of the strategy. This cadence must increase the frequency to a bi-weekly/monthly/quarterly cadence depending on the groups to engage.
- ii. Develop a senior leadership engagement plan and motivate leadership to take a public stance on this matter going forward. Achieve at least one senior leadership intervention in the MHS.
- iii. Establish and execute measurable ways to gauge the impact of change management and communications activities. E.g impact [of] learning programs, communications, change in perceptions, awareness, stigma reduction, etc. Demonstrate via spot surveys, learning surveys and other concrete means, progress and evaluation of the effectiveness of the interventions.

- c. **People Management:**

- i. Debrief and listen to staff concerns in a psychologically safe manner and strive to build a good work environment for the team.
- ii. Work with the assigned coach to develop managerial skills.
- iii. Progress will be measured via feedback from relevant staff and consultants.

34. The email informed the Applicant that improvement was expected by 3 September 2024 and further stated:

I, and [...] your assigned mentor [Mentor], will discuss your progress with you periodically. You will document and meet with [your Mentor] once every two weeks. Periodically, feedback will be gathered to gauge progress of these areas noted.

35. Additionally, the email informed the Applicant:

Please note that failure to improve at a reasonable pace or to sustain satisfactory performance is a serious matter and could result in the termination of your employment from the World Bank Group under the provisions of Staff Rule 7.01: Ending Employment. Further, successful completion of the OTI does not guarantee the renewal of a term appointment. Under the terms of a letter of appointment and Staff Rule 7.01, a term appointment shall expire at the end of its duration, as specified in the letter of appointment, or as otherwise amended. The WBG has no obligation to extend a term appointment or to offer a new appointment, even if the staff member's performance is outstanding.

36. On 4 June 2024, the Applicant emailed the Acting HRDVP and stated:

During our discussion, I expressed to you my concerns that the feedback provided was not balanced. I have sought ongoing feedback which is recorded in myHR.

Further, I would like to seek further clarity on how you have arrived at conclusions regarding my competence and expertise on mental health and deficiencies observed in technical performance and work-place behaviors based on one request for performance feedback and allegations from one HRBP.

Related to your request for performance reviews, you mentioned that several implementation committee members wrote to you anonymously. The Implementation Committee members have contributed minimally to any ideas, activities or even participated in events throughout the year. It is not possible as an individual to implement the Strategy and then be held accountable for the inaction of Implementation Committee volunteers. Anonymity, especially in peer performance reviews has completely obscured the accountability between the views being shared and the people expressing them.

You have stated that feedback was presented to you by [the HRDVP] and that this behavior (probably in reference to not listening and being dismissive) has continued based on feedback from stakeholders. We held several discussions with [the HRDVP] and the only record of our discussion was where the HRBP was present. This feedback has not been shared with me to date (except as a chat comment during a meeting with Implementation Committee members) nor recorded on myHR. It is difficult to understand how I am expected to act on feedback that I am not aware of.

During our discussion, I explained that [the HRDVP] provided instructions to the HRBP [...] to terminate the contract of my Program Assistant. With the current Program Assistant, I have sought your guidance again and you have recommended mediation based on our discussions. To conclude that this is a reflection of my people management skills prior to going through this process is not only pre-emptive but unjustified.

The feedback provided by other Implementation committee members and stakeholders is available on MyHR. For the Program Sponsors and Interim Committee, I have provided several plans of action, program structure during implementation Committee meetings, and provided briefings to different VPUs. These are all summarized in the reports that I provided following the last Implementation Committee meeting.

[The HRDVP] recommended coaching which has been ongoing. Last year, I started attending the TLSP [Team Leaders and Supervisors Program] course – where 360 feedback was provided by Implementation Committee volunteers – and concluding the training at the end of June 2024. Therefore, I would like to request that you review this feedback and amend the opportunity to improve accordingly.

I appreciate that [the Mentor] has agreed to provide support. I welcome an opportunity to work with her based on revised feedback and a realistic time frame.

37. On 8 July 2024, the Applicant requested Administrative Review of her placement on the OTI and the terms of the OTI.

38. On 24 July 2024, the Acting HRDVP sent the Applicant a memorandum regarding “Opportunity to Improve Unsatisfactory Performance,” which extended the time frame of the OTI from 3 September 2024 to 3 October 2024. The memorandum stated that the extension was at the Applicant’s request and further stated that the “adjustment is to account for the summer period and [...] provide additional time to engage and collaborate with the team and stakeholders.”

39. On 1 August 2024, a new HRDVP joined the Bank. According to the Bank, the new HRDVP asked the Acting HRDVP “to continue to manage pending HR cases such as this one.”

40. On 30 September 2024, the Administrative Reviewer provided the new HRDVP with her recommendations. The Administrative Reviewer recommended “maintaining the OTI in effect with the language, terms and conditions as stated.” The Administrative Reviewer found:

- Proper process was followed for providing support, guidance, and performance feedback to [the Applicant], giving her the chance to respond to performance deficiencies before placing her on the OTI [...].
- Language in the OTI is clear, factual and helpful to clarify performance deficiencies and expectations going forward. Also, a balanced set of comments has been included, reflecting the feedback received.
- Terms and conditions of the OTI are adequate, clear and actionable.

41. On 1 October 2024, the new HRDVP accepted the Administrative Reviewer's recommendations.

42. On 8 October 2024, the Senior HRBP met with the Applicant to discuss the option of reassignment to another position in the Bank. The Applicant was offered reassignment to a local position with the HSD Mental Health and Well-Being Unit at Grade Level GF in Johannesburg. The Applicant declined this offer.

43. On 11 October 2024, the Acting HRDVP recommended to the Managing Director of Operations that the Applicant's employment be terminated for unsatisfactory performance.

44. On 21 October 2024, the Applicant provided comments regarding the recommendation for termination via email to the Managing Director of Operations.

45. On 28 October 2024, the Applicant requested Performance Management Review (PMR). In her request for PMR, the Applicant requested review of her performance evaluation, performance rating, placement on an OTI, and terms of the OTI. She stated the reasons for seeking PMR as the following:

- Administrative Review does not provide a balanced view of performance
- Performance evaluation and rating does not reflect achievements in FY2024
- OTI is based on terms of reference for GH level job description and not performance objectives.

46. On 29 October 2024, the Managing Director of Operations informed the Applicant via email that she had reviewed her email of 21 October 2024 as well as the recommendation for

termination and that she agreed with the Acting HRDVP's recommendation that the Applicant's appointment be terminated for poor performance effective 1 November 2024. Also on 29 October 2024, the Applicant received a "Notice of Termination" memorandum from the Managing Director of Operations.

47. On 17 January 2025, the PMR report was sent to the Managing Director and WBG Chief Administrative Officer. The Performance Management Reviewer determined that the Applicant's claims regarding her FY24 performance evaluation and rating were not raised before Administrative Review and were thus outside of the scope of PMR. The Performance Management Reviewer considered the decision to place the Applicant on an OTI and the terms of the OTI, and concluded and recommended:

- a. [T]here was a reasonable and observable basis for management to conclude that [the Applicant's] performance in FY24 was below expectations; therefore, it was within managerial discretion to place her on an OTI [...], and I did not find grounds for its rescission.
- b. The terms of [the Applicant's] OTI [...] satisfied the WBG's requirements for an OTI [...], and I did not find grounds for changing the terms of her OTI [...].

48. On 22 January 2025, the Managing Director and WBG Chief Administrative Officer provided the Applicant with a copy of the PMR report via email and informed the Applicant that he accepted the PMR recommendations and agreed with the reasons explained in the report. He also explained in his email that, due to the Applicant's "reporting line to the HRD Vice President [...] and the performance management actions undertaken by HRD management, this case has had to be reassigned outside of HRD given potential conflicts of interest."

49. On 4 June 2025, the Applicant filed an amended Application with the Tribunal.

50. On 26 June 2025, the Bank filed a letter with the Tribunal which stated:

[The Bank] avers that the only claims that are validly before the Tribunal are those related to the decision to place [the Applicant] on [an OTI] and the terms of the [OTI], which are the claims for which prior remedies have been exhausted through the Performance Management Review process. [The Bank] does not believe that a

preliminary objection is necessary, in the interest of judicial economy, we would nonetheless respectfully request permission to address the inadmissibility of certain claims within the context of [the Bank's] Answer.

51. On 1 July 2025, the Tribunal transmitted the Bank's 26 June 2025 letter to the Applicant and informed the parties:

This letter confirms the Tribunal's understanding that the [Bank] intends to submit an answer on the merits addressing the claims that the [Bank] understands the Applicant to be raising in her Application. The Tribunal further understands the [Bank's] intention to address, within the context of its answer, the admissibility of other potential claims which the Applicant may be raising.

52. The Applicant challenges "[p]oor performance and partial performance on [an OTI] as the grounds for termination of my contract." She further states:

I would like to contest the entire performance management process: the mid-term performance review, the placement on an OTI [...] and its terms, the result of the AR [Administrative Review] confirming it, the conclusions reached after the implementation of the OTI [...] and the PMR report. As I was time-barred in contesting the termination of my contract based on the above-mentioned decisions and documents, contesting the performance review process would allow me to (i) clear my record, improving my prospects for future employment, (ii) achieve personal justice, and (iii) seek moral and possibly financial compensation for damages.

53. The Applicant seeks "[p]ayment of monthly salary and any other dues until June 2025 for the program documents prepared during the OTI process." She also requests that the Tribunal

- Declare that the decision to place me on an OTI, and the subsequent termination based on its outcome, violated procedural fairness and due process[;]
- Order the rescission of the termination decision, or alternatively, award compensatory damages for reputational harm, loss of income, and emotional distress[; and]
- Recommend institutional reforms to strengthen performance management processes for staff in strategic or newly created roles.

54. The Applicant further requests the following from the Tribunal:

- Declare the Mid-Year Review, OTI placement, Administrative Review, and PMR procedurally flawed and inconsistent with Bank policy;
- Order expungement or correction of the performance records;
- Direct the Bank to conduct a good faith, transparent review of the Applicant's contributions, incorporating the documents listed in the Annex;
- Moral damages for reputational and emotional harm;
- Compensatory damages for diminished career prospects.

SUMMARY OF THE CONTENTIONS OF THE PARTIES

The Applicant's Main Contentions

Management abused its discretion with respect to the imposition and terms of the OTI and violated the Applicant's due process rights

55. The Applicant asserts that “[t]he core issues revolve around the procedural fairness, clarity, and managerial discretion in the imposition and handling of the OTI that culminated in my contract termination.” The Applicant further contends:

While the procedures were strictly speaking followed, several irregularities raise concerns and may award a closer scrutiny. Specifically: the lack of written recording of my performance reviews; the lack of prescribed form and details in the OTI [...]; the (alleged and to be substantiated) lack of consideration for my comments on the OTI [...]; the non-extension of the time for completing the OTI. (Emphasis in original.)

56. The Applicant clarifies that the Application “does not contest the termination decision per se” but “challenges instead the administrative decisions and procedural irregularities that cumulatively caused reputational, professional, and material harm.” The Applicant takes issue with (i) the mid-year review, which she contends failed to reflect her contributions; (ii) her placement on and execution of the OTI, which she asserts was imposed without proper notice or alignment with established performance objectives; (iii) the Administrative Review, which the Applicant claims upheld the OTI despite procedural violations; and (iv) the Performance Management Review, which the Applicant contends concluded in a manner inconsistent with the facts regarding

performance and without correcting defects. The Applicant asserts that “[t]hese decisions are interconnected and collectively form the contested scope of this Application.”

57. The Applicant contends that, “[u]p until the mid-performance review in May 2024, there is no record of written feedback from any of my supervisors regarding the OTI’s three critical focus areas.” She submits that, “[w]hile verbal exchanges may have occurred, the lack of contemporaneous documentation violates the Bank’s own procedural guidance.” The Applicant also contends that “the mid-year review failed to acknowledge documented contributions to the implementation of the Global Mental Health and Well-being Strategy,” and she submits that “the mid-year review narrative was reductive and incomplete.”

58. The Applicant avers that “[b]oth the FY23 and FY24 eperformance evaluations confirm that the Applicant delivered substantive outputs and strategic contributions, while the areas identified as development needs were structural and organizational in nature rather than performance deficiencies.” The Applicant contends that she “submitted a comprehensive Status of Implementation WBG MHW [Mental Health and Well-Being] Strategy Report May 2022 to December 2023 [...] to the Acting HR[D]VP in March 2024 [...] which was neither acknowledged nor discussed despite repeated requests.” In the Applicant’s view, “[t]he failure to engage with this documented evidence reflects a breach of the principle of completeness and fairness in performance evaluation.”

59. The Applicant submits that concerns about her performance “were supposedly raised already in the final performance review of 2023, however, [the Applicant] did not get to know them until September 2024 in the context of the Administrative Review process.” She alleges that the Bank “introduced retrospective entries in the FY23 eperformance evaluation [...] attributed to the previous HR[D]VP,” which she contends were not present in the ePerformance system contemporaneously and were first raised during the Administrative Review. To the Applicant, “[r]etroactive alteration of official records undermines transparency and [is] evidence of bad faith.”

60. The Applicant thus takes issue with the Administrative Review and contends there were “clear procedural violations.” To the Applicant, “[b]y relying on extraneous, undocumented

feedback, the review breached principles of due process and denied the Applicant a fair opportunity to challenge the grounds.” The Applicant raises additional due process concerns with the Administrative Review and contends that it was requested on 8 July, but the findings were provided late on 30 September. The Applicant asserts that “[t]his delay coincided with the conclusion of the OTI process, the very matter under challenge, thereby depriving the Applicant of a timely safeguard.”

61. The Applicant further contends that, “[i]n the [ePerformance system,] nothing has been recorded regarding check-ins with the Program Sponsors, approval of performance objectives, performance shortcomings or reviews,” and the Applicant claims that “[t]here is no written performance appraisal for 2023 and for 2024 it is only recorded in email exchanges.” The Applicant submits that she was informed of her shortcomings at the 2024 midpoint review and avers that she was asked to leave the Program Manager position “for reassignment in HR or undergo an OTI.” The Applicant also states that the Acting HRDVP “highlighted the shortcomings during personal meetings with her and subsequently produced notes about them and requested the implementation of an OTI.”

62. The Applicant asserts that “inadequate and delayed feedback on key performance areas is noted in the PMR which acknowledges that ‘program management,’ a central element of the OTI, was not raised in writing until May 17, 2024 – 18 months after [the Applicant’s] appointment.” To the Applicant, this constitutes a due process violation and “deprived [the Applicant] of the ability to understand or respond to performance concerns in a timely and effective manner.” The Applicant also asserts that there was “inappropriate use of anonymized feedback, during the FY24 mid-year review.” She submits, “While anonymity may be allowed, the Bank must ensure that such comments are substantiated and traceable to identifiable work interactions. This was not the case.”

63. The Applicant avers that, in her feedback on the OTI, she asserted that the OTI was based on the Terms of Reference and did not include specific deliverable objectives, and that she prepared an updated version sharing her comments which were not considered. The Applicant also contends that “the scope of responsibilities, including inter-VPU strategic coordination and multi-

stakeholder governance reform, clearly extended into GH-level competencies.” She contends that “the OTI expectations failed to reflect the initial job description, or the performance objectives stored in the WBG’s HR systems.” Further, the Applicant contends that the PMR acknowledges that she “reported directly to multiple Vice Presidents during [her] tenure—the only GG-level Program Manager to do so—without clear day-to-day oversight,” and she submits that “[t]he PMR describes this reporting structure as ‘flawed.’”

64. The Applicant submits that, apart “from sporadic meetings with the former HR[D]VP, there is no record of substantive feedback provided by the other supervising Vice Presidents,” and she contends that “[t]his absence of oversight was a material mitigating factor which management failed to address before imposing adverse measures.” Specifically, the Applicant asserts:

Between October 2023 and May 2024, there is no contemporaneous written feedback on the OTI’s three critical focus areas. Reliance on retrospective and anonymous stakeholder comments in the FY24 mid-year review deprived the Applicant of the opportunity to rebut or contextualize these criticisms.

In the Applicant’s view, “institutional design failures are material mitigating factors that were not adequately addressed by management prior to initiating formal performance measures.” The Applicant alleges that “the OTI was a pro-forma for termination and career mismanagement on the part of the organization as my position in HR was made redundant and transferred to the Health and Safety Directorate.”

65. The Applicant asserts that her FY24 performance evaluation “[d]emonstrates clear improvement and progression.” With respect to challenges with stakeholder engagement and securing Implementation Committee ownership, the Applicant submits that “this matter was consistently brought to the attention of the Program Sponsors as it was related to structural governance – using [individual] volunteers and not VPUs as stakeholders,” but the Applicant states that it “remained unaddressed, and therefore [was] not due to individual negligence.”

66. In the Applicant’s view, the OTI was “imposed without proper advance notice or opportunity to contest the grounds” and “was presented as a fait accompli – to either discuss career options with the HRBP or undergo the OTI process,” undermining her “right to good faith

engagement.” The Applicant reiterates that “[t]here was no prior documentation of performance concerns and the OTI was not aligned with the agreed FY 2024 performance objectives.” She submits:

The implementation of the Global Mental Health and Well-being Strategy was structurally fragile: the reliance on self-selected volunteers, particularly Managers within the Implementation Committee deprived the Applicant of an accountable team; the retirement of the HR[D]VP removed the primary sponsor and advocate; the sponsorship of the two other VPs was inconsistent and largely symbolic; and the succeeding HR[D]VP deprioritized the program. A Brief was provided to the HR[D]VP with whom the Applicant met on only one occasion [...]. Further, there was a governance vacuum and informal influence of Managers who were part of the volunteers in the Implementation Committee that operated without accountability. These systemic weaknesses were outside the Applicant’s control but were central to the alleged deficiencies in performance.

67. The Applicant avers that the Tribunal has “ordered reinstatement and alternatively awarded damages in the amount of 2 years of net salary when it found that a termination for underperformance decision was arbitrary.” She submits that, “[w]hile the decision in question is not the one of termination, it concerns the very basis on which the termination decision was founded, and could therefore lead to similar considerations, if the merits of the case allow.” She further avers that the Tribunal has awarded one year’s salary and removal of references to OTIs in staff personnel files where an infringement of due process has been found.

The Bank’s Response

The Applicant’s placement on an OTI had a reasonable and observable basis and complied with due process, and the terms of the OTI were appropriate

68. The Bank asserts:

The decision regarding poor performance on OTI and termination is outside of the scope of the Tribunal’s jurisdiction, as no remedies have been exhausted in connection therewith. As [the] Applicant admits, any attempt to directly revoke those decisions would be time-barred.

The Bank “acknowledges that a successful challenge to [the] Applicant’s placement on OTI and its terms, could have implications for subsequent decisions, including completion of OTI and

termination,” but the Bank contends that “the Tribunal’s jurisdiction is limited to the placement on OTI and its terms, as these are the decisions for which remedies have been exhausted, and consequently, the only matters which can be validly contested through the Application to the Tribunal.”

The Applicant’s placement on an OTI had a reasonable and observable basis, and complied with due process requirements

69. The Bank submits that the Applicant was provided with appropriate and timely performance feedback. It asserts that management’s concerns about the Applicant’s performance and needed improvement were documented in the ePerformance system in August 2023 and October 2023 and that therefore the Applicant was made aware of her performance deficiencies prior to the 2024 mid-year review.

70. The Bank cites the 5 July 2023 Check-In Conversation and the Summary submitted by the Applicant to the ePerformance system and contends that “communication issues with stakeholders, the consequent impact on program implementation, and the need for improvement” were noted. The Bank also references the 12 October 2023 performance discussion meeting between the Applicant and the HRDVP, and the feedback from the HRDVP in the Applicant’s FY23 Annual Review. To the Bank, the “records demonstrate that [the] Applicant received consistent feedback about performance deficiencies throughout the relevant period.”

71. Further, the Bank challenges the Applicant’s claim that she was made aware of concerns about her FY23 performance only in September 2024 in the context of the Administrative Review process and submits that this is “directly contradicted” by the Applicant’s “own comments on the Fiscal Year 2023 end-year evaluation assessment.” To the Bank, “[t]he parallel between [the] Applicant’s comments and her manager’s feedback suggest that she was aware of the challenges recorded in the system by her manager, which she now claims to have ignored.”

72. The Bank submits that the HRDVP’s comments were entered into the ePerformance system by 23 October 2023 and thus contemporaneously with the FY23 performance discussion, and the

Bank disputes the Applicant's claim of retroactive alteration of her FY23 Annual Review. The Bank submits a written statement from the HRDVP, dated 13 October 2025 and filed with the Tribunal, in which the HRDVP states with respect to the "Supervisor Comment's" in the FY23 Annual Review that these comments

were added by me to the ePerformance management system after my conversation with [the Applicant] concerning the Fiscal Year 2023 year-end performance evaluation in October 2023. They summarize our conversation and the feedback provided verbally to [the Applicant] at the time to the best of my recollection.

73. The Bank states that it "does not contest [the] Applicant's assertion that she did not have access to [the HRDVP's] comments in the ePerformance system or that she was unaware that the comments had been inputted into the system until the Administrative Review process." However, the Bank maintains that the Applicant's own comments in the FY23 performance evaluation indicate that she was aware of the HRDVP's concerns and, to the Bank, "[w]hile it would have been preferable for the contemporaneous written feedback recorded in the system to have been accessible to [the] Applicant, even with this oversight, it is clear that [the] Applicant was not taken by surprise by the feedback, as her own comments demonstrate, and [the] Applicant did not suffer any prejudice as a result."

74. More specifically and with respect to project management, the Bank asserts that as early as August 2023 the Applicant's peers recommended that regular communication to outline progress on strategy objectives should be enhanced. The Bank further avers that "specific concerns about [the] Applicant's lack of progress in implementing the Strategy were raised during the Quarterly Implementation Committee Review meeting," and the Bank submits that "[t]hese concerns were reiterated in writing as early as March 12, 2024, in the context of [the] Applicant's performance evaluation." The Bank stresses that "[t]he feedback provided in the context of the 2024 mid-year review did not introduce new concerns but rather reiterated previously identified performance issues."

75. The Bank next asserts that the Applicant's due process rights were not violated by the use of anonymized feedback. The Bank submits that "the use of anonymized feedback is permitted under WBG policy in the context of performance reviews, as it encourages honest and candid

input,” and the Bank states that the feedback “was provided to the HRDVP on a confidential basis and was therefore anonymized only when the summary was provided to [the] Applicant.” The Bank underscores that the “Applicant was provided with a summary of the anonymized feedback and had the opportunity to challenge it, which she did.”

76. The Bank contends that management’s decision to place the Applicant on an OTI was based on a balanced review of her strengths and areas for improvement, and the Bank avers that “[t]he record reflects that [the] Applicant’s accomplishments were acknowledged.” To the Bank, the Applicant’s “persistent deficiencies in key focus areas warranted formal intervention,” and the Bank highlights that the Performance Management Reviewer found that management provided a balanced view of the Applicant’s performance. The Bank submits that it met its obligation to provide the Applicant the opportunity to respond to performance feedback before formal measures were taken, and the Bank contends that the Applicant was provided with opportunities to comment on the feedback that led to her OTI and that she did so verbally and in writing. The Bank submits that the record shows that the Applicant provided comments on the OTI, and the Bank asserts that the “Applicant’s comments served as a response to the feedback and as background information for the implementation of the OTI.”

The terms of the OTI were appropriate

77. With respect to the OTI, the Bank submits that “it is unclear what [the] Applicant means by ‘prescribed form,’” and the Bank asserts that “the requisite formalities were met.” The Bank also avers that “the three main areas of concern identified in the OTI [...]—project management, communications and stakeholder engagement, and people management—were key expectations of [the] Applicant’s role as Program Manager,” and the Bank cites the Terms of Reference for the position. The Bank also highlights that, as the WBG has program managers at both Grade Level GG and Grade Level GH, “the OTI expectations, which aligned with the expectations of her role, were not above [the] Applicant’s grade.” The Bank asserts that “the OTI [...] provided a monitorable set of actions to address the specified performance deficiencies.”

78. The Bank contends that, with respect to the support provided to the Applicant during the OTI period, the Performance Management Reviewer noted the “significant time and effort that was invested” in respect of the Applicant, and the Bank submits that the Applicant’s OTI period was extended by one month to account for the summer period.

79. With respect to the Applicant’s claims of career mismanagement, the Bank states that the “Applicant’s career mismanagement claims are not properly before the Tribunal, as internal remedies have not been exhausted and the claims are time-barred.” Further, the Bank asserts that the Applicant’s contentions regarding career mismanagement are without merit as, in the Bank’s view, the Applicant “competed for the position, was aware of its scope, and declined an offer to return to a position similar to her previous role after the OTI process.” The Bank also challenges that the OTI was “pro forma for termination,” and contends this claim “is speculative and unsupported and [...] directly contradicted by the record.”

80. The Bank clarifies that “[t]here was no redundancy for the Program Manager position as defined by Staff Directive 7.01,” and submits that “the issue was not that the position was no longer needed, but rather that [the] Applicant did not perform her role as Program Manager as expected.” The Bank avers that “[t]he position was reassigned to HSD but not rendered redundant; it continues under new leadership.” To the Bank, “the reassignment of the role was an urgent measure to safeguard the credibility of the Mental Health and Well-being Strategy, which had been jeopardized by implementation delays.”

81. The Bank avers that “[a]ll challenged managerial decisions should stand, and there is no basis on which to award [the] Applicant any compensation.” Further, the Bank submits that the “Applicant was compensated for all work performed during the OTI period; no further payment is warranted,” and that the “Applicant’s request for recommendations regarding institutional reforms to performance management processes is outside the scope of appropriate relief in this matter.”

THE TRIBUNAL'S ANALYSIS AND CONCLUSIONS

82. At the outset, the Tribunal notes the Bank's position that the only matters properly before the Tribunal are the Applicant's placement on an OTI and the terms of the OTI. The Tribunal agrees. The Tribunal notes that the Applicant has acknowledged that she is not contesting the termination decision. The Tribunal will therefore not address the termination of the Applicant's employment, or the managerial decision that the OTI was unsuccessful, which ultimately led to the termination decision.

WHETHER THE DECISION TO PLACE THE APPLICANT ON AN OTI HAD A REASONABLE AND
OBSERVABLE BASIS

83. The Tribunal observes that the Staff Rules provide the mechanisms for addressing performance issues with a staff member. Pursuant to Staff Rule 5.03, paragraph 5.01, in place at the relevant time:

If a Manager or Designated Supervisor determines that a Staff Member's performance (which includes professional and work-place behavior) is not satisfactory, the Manager or Designated Supervisor may do the following: [...]

- b. Discuss and Document Opportunity to Improve Unsatisfactory Performance. Discuss and share with the Staff Member in writing:
 - i. the aspects of performance that are not satisfactory,
 - ii. guidance on what improvement is expected and by when, and
 - iii. the possible consequences of failure to improve.

84. In *AI*, Decision No. 402 [2010], para. 109, the Tribunal stated:

The imposition of a PIP [otherwise known as an OTI] is a discretionary decision of management; as such, the Tribunal will interfere with or invalidate such an exercise of discretion if it can be shown that the decision was "arbitrary, discriminatory, improperly motivated or carried out in violation of a fair and reasonable procedure." *Sebastian (No. 2)*, Decision No. 57 [1988], para. 22.

85. At the same time, the Tribunal has also expressed that the purpose of an OTI “is not to dismiss a staff member but to give him or her an opportunity to improve, and to achieve required performance standards. This is why it is called a ‘Performance Improvement Plan’ [OTI] not a ‘Termination Plan.’” *AI (No. 2)*, Decision No. 437 [2010], para. 66.

86. The Tribunal recalls that, on 3 June 2024, the Acting HRDVP placed the Applicant on an OTI. The Acting HRDVP stated in his email:

Based on the feedback and observed performance for the past 18 months, you are presenting severe deficiencies in your role. You are competent and an expert on mental health, but struggle in the areas of project and people management, communication, and stakeholder management. Unless considerable change takes place, you may not be fit for your role as program manager of the MHS. Deficiencies are observed in technical performance and workplace behaviors necessary for this role.

87. The record indicates that the Applicant’s placement on the OTI was triggered in large part by the feedback the Acting HRDVP received during the FY24 mid-year review of the Applicant’s performance. This feedback was solicited by the Acting HRDVP on 15 March 2024 and was summarized and shared with the Applicant in a meeting on 17 May 2024 and in an email on the same day, without disclosing the names of the feedback providers. The Acting HRDVP’s 17 May 2024 email to the Applicant outlined the Applicant’s strengths in her role, documented “[w]hat is working well,” and identified project management, communications, people management, and stakeholder engagement as the four areas where the Applicant needed to improve her performance.

88. The Tribunal observes that the Acting HRDVP’s OTI email of 3 June 2024 also specified and expanded upon communications, people management, stakeholder engagement, and project management as the four areas of observed deficiencies. The Tribunal will now review the record to determine whether it demonstrates that the Bank had a reasonable and observable basis for placing the Applicant on an OTI pursuant to these deficiencies.

89. On communications, the Tribunal observes that the OTI identified “clarity and conciseness in written communications” and “not listen[ing] to the ideas and messages that are coming from the implementation committee” as well as being “seen as dismissive of differing views” as key

deficiencies. On stakeholder engagement, the OTI noted that the Applicant had “not been successful in engaging fully the stakeholders, and particularly the managers in the implementation [of] the strategy,” and cited “critical delays” as a result. It further stated that committee members had resigned and noted that the Applicant “need[ed] to demonstrate the willingness to learn, adjust and adopt differing ideas from the ones [she] believe[s] should be pursued.” The OTI stated, “[y]ou need to be a convener of ideas and empower others for implementation. Working group and implementation partners do not feel supported or listened to.”

90. The Tribunal finds that these two aspects of the OTI – communications and stakeholder engagement – are deficiencies substantiated in the record such that management was within its discretion to pursue the formal performance management measure of an OTI.

91. Specifically, the Tribunal recalls the Applicant’s comments with respect to the 5 July 2023 Check-In Conversation, which stated in part:

The lack of clarity regarding the terms of reference by the Oversight Committee resulted in wrong assumptions and subsequent establishment of the Stigma-reduction working group was unsuccessful resulting in lack of buy-in and participation in implementation of activities. [...] My focus going forward is on enhancing collective efforts, being less directive and open to different opinions and perspectives, leveraging the expertise of the Oversight Committee members and providing the technical, administrative and logistical support to implement activities proposed by the working groups. My work with the coach will focus on stakeholder engagement.

92. The Tribunal considers that the Applicant’s reference to “lack of buy-in and participation in implementation of activities,” as well as her stated “focus going forward [...] on enhancing collective efforts, being less directive and open to different opinions and perspectives,” supports the Bank’s contention that the Applicant had deficiencies with respect to stakeholder engagement and communications. The Tribunal further considers that the Applicant’s reference to working with a coach on stakeholder engagement also supports that issues existed in this area.

93. The Tribunal also recalls that, on 12 October 2023, the Applicant and the HRDVP had the FY23 performance discussion. On 23 October 2023, the HRDVP entered “Supervisor’s Comments” in the Applicant’s FY23 Annual Review, which stated:

[The Applicant] had a very rough start in embracing her program manager role. This is mostly due to her need to take more time to understand the culture of an institution that values teamwork and consensus building. She is a sound technical person who understand[s] mental health from a clinical and research perspective but is having difficulties bringing different stakeholders together. That may include taking a detour to reach consensus, more time to get buy-in or openness to consider different alternatives.

[The Applicant] was provided a coach to help her through the process and I hope she will take full advantage of it. Taking more time to listen to other people’s opinion will only help to make sure that she provides the service that the institution needs.

I wish [the Applicant] the best next year when she has taken full advantage of her coach and rebuild[s] some of the bridges that may have fallen in her first few months.

94. In the Tribunal’s view, the HRDVP’s comments in the Applicant’s FY23 Annual Review clearly indicate that there were performance challenges with respect to communications and stakeholder engagement.

95. The Tribunal notes with concern that the Bank states that due to an “oversight” the HRDVP’s written feedback on the Applicant’s FY23 performance was not made available to the Applicant through the ePerformance system and that the Applicant was not made aware of this written feedback from the HRDVP until the Administrative Review process. However, with respect to determining the propriety of the Applicant’s placement on the OTI, the Tribunal observes that the Applicant’s comments in the FY23 Annual Review acknowledge challenges in the areas of communications and stakeholder engagement.

96. In the “Behaviors and Skills to develop” section of the Applicant’s FY23 Annual Review, the Applicant stated:

To better navigate the culture of the organization, I have been working with a coach to support my transition in my new role which has involved leveraging personal and professional skills to managing myself better, learning to establish strong and impactful relationships with different stakeholders and expanding my [*sic*] about the organization to create effective networks that will support the implementation of the strategy. Enhance collaboration through demonstrating greater flexibility, inclusion and sharing of knowledge with others, learning to handle conflicts and differences more effectively, and adapting my working style to ensure buy-in and a sense of ownership by the Implementation Committee members.

The Tribunal notes that the Applicant herself submits in her pleadings that her FY23 and FY24 performance evaluations “acknowledge challenges with stakeholder engagement and securing Implementation Committee ownership,” although she asserts that “this matter was consistently brought to the attention of the Program Sponsors as it was related to structural governance” rather than “individual negligence.”

97. The Tribunal also recalls that, on 11 March 2024, the Applicant sought feedback through the ePerformance system regarding her work “with the Implementation Committee to improve engagement and ownership of the Mental Health and Well-being Strategy.” In response, a Manager stated in the ePerformance system on 12 March 2024:

I acknowledge [the Applicant’s] good intentions in support of the work of the Implementation Committee but have been frustrated by [the Applicant’s] persistent unwillingness to hear messages that are not aligned with her vision for the Committee. As a result, there [...] continues to be a divergence in expectations between [the Applicant] and the Committee. This was most pronounced with respect to the role of managers in the strategy, with the net effect being a failure to constructively engage with this key constituency in implementing the strategy. As a result of a broader disconnect between [the Applicant’s] priorities and those who worked on the strategy, implementation of the strategy is lagging significantly, with negative consequences for the credibility of the institution’s commitment to mental health.

98. The Tribunal also takes note that, with respect to communications and stakeholder engagement, the Performance Management Reviewer found:

[T]here have been growing ructions and disconnections, in particular with critical key partners of HSD and HRD. The coalition of volunteers and interested parties – including those with strong ties to line management, who are critical for the success of any change management exercise – is fraying and bringing people back to the

table will be important, even if there is scope to revisit the various councils and committees and the accountability framework that governs them.

99. In the Tribunal's view, evaluating a staff member's interpersonal effectiveness lies primarily within the discretion of management, which is best placed to gauge the operational impact of communication style on project outcomes. The Tribunal also considers that the coordination of institutional stakeholders is inherently a managerial responsibility requiring judgment about priorities, tone, and influence, and the Tribunal will not second-guess said judgments to the extent that they rest on a reasonable appreciation of evidence and follow the procedures established by Staff Rule 5.03. On review of the record, the Tribunal finds that there was a reasonable and observable basis for management to determine that the Applicant needed to improve with respect to communications and stakeholder engagement.

100. The Tribunal next notes the inclusion of people management in the OTI. The Tribunal will now examine whether the record supports that the Applicant had performance deficiencies in this area.

101. The OTI recorded that the Applicant had "not been successful in coaching and mentoring more junior team members," and stated that she "had difficulty managing two different assistants, which has made the work environment more difficult." It stressed that "[t]his needs to be remediated immediately as perception of such work environment is not tolerated in the organization and is contradictory to the WBG values."

102. The Tribunal observes correspondence in the record from the Senior HRBP to the Applicant on 26 October 2023 concerning separation options for a program assistant and noting that "[t]here have been continued relational strains with [the program assistant] that [have] not been resolved through multiple conversations. Based on the information you provided, she has not been able to know her role vs your role as her supervisor." The Tribunal also observes correspondence in the record pertaining to concerns raised by a second program assistant regarding her working relationship with the Applicant in April 2024.

103. The Tribunal takes note that, in her review, the Performance Management Reviewer interviewed eleven WBG staff whom she “considered to have [...] direct knowledge of the disputed matter,” and ultimately found that “there have been interpersonal issues within the Secretariat that have seen tensions between [the Applicant] and three individuals (two of whom have left) that cannot go unchecked, so addressing people management as an area of focus is appropriate.”

104. The Tribunal is satisfied that the record shows that there were performance deficiencies in the area of people management and therefore placing the Applicant on an OTI to address this area was reasonable.

105. The Tribunal next observes that, with respect to the fourth area of deficiency in the OTI, project management, the OTI specified that the Applicant needed “to improve the overall program management, program structure, clear timelines and deliverables, cadence of meetings with project team and communications with stakeholders,” and to “[o]rganize more in-person events in addition to virtual events for CO staff.” It also stated that the Applicant “need[ed] to increase the frequency of communication, team meetings and meetings with members of the implementation committee to have traction and make progress.” In the Tribunal’s view, some of these deficient areas for improvement are supported by the feedback received on the Applicant in the ePerformance system.

106. Specifically, with respect to feedback the Applicant sought regarding her communication skills as part of her effort “[t]o become a more effective project team leader,” a Consultant stated on 15 March 2024:

Critical step will be to organize in-person events rather than solely virtual events. This should apply for team meetings, meetings with the members of the Implementation Committee and Task Force, with other teams in charge of parallel initiatives and programs. In addition, need to organize monthly learning and knowledge sharing events to raise the mental health literacy in the institution, with particular attention to CO staff.

107. Further, with respect to feedback the Applicant sought regarding her work “with the Implementation Committee to improve engagement and ownership of the Mental Health and Well-being Strategy,” the Consultant stated on 15 March 2024:

Need to establish a regular calendar of meetings to keep everybody involved. Should consider organizing monthly meetings focusing on a [*sic*] different topics agenda.

Also, reaching out and involving teams from across the institution should be a regular action going forward – partnerships is the name of the game.

And a Senior Program Manager stated on 19 March 2024:

For the future it could be helpful to renew communication lines with some stakeholder groups especially given there are new organizational structures being put in place [...] which will put new pressures on both managers and staff in HQ and the field.

108. Further, in considering the inclusion of project management in the OTI, the Tribunal recalls that the Bank states that the Acting HRDVP had been involved with the Mental Health and Well-Being Strategy as one of the program sponsors and served as chair of the Implementation Committee. The Tribunal considers that, by virtue of his broader involvement with the MHS and with the Implementation Committee, the Acting HRDVP was well-positioned to assess the overall project management of this initiative and the Applicant’s strengths and deficiencies in this respect. Additionally, and more important, in the Tribunal’s reading, the project management deficiency overlaps and intersects with the other areas of the Applicant’s OTI – communications, stakeholder engagement, and people management – and highlights the Applicant’s shortcomings with respect to taking the Mental Health and Well-Being Strategy forward as its dedicated program manager. The Tribunal finds that management had a reasonable basis to conclude that the Applicant had deficiencies in the area of project management that needed to be addressed through the OTI.

109. On review of the record as a whole, the Tribunal is satisfied that the Bank had a reasonable basis to conclude that there were deficiencies in technical and behavioral aspects of the Applicant’s performance to be addressed through an OTI. The Tribunal finds no defects amounting to abuse

of discretion in this regard and concludes that the Bank acted within its discretionary authority under Staff Rule 5.03, paragraph 5.01(b).

WHETHER THE TERMS OF THE APPLICANT'S OTI WERE REASONABLE

110. The Tribunal recalls that, pursuant to Staff Rule 5.03, paragraph 5.01(b), in response to unsatisfactory performance, a manager may:

Discuss and Document Opportunity to Improve Unsatisfactory Performance.
Discuss and share with the Staff Member in writing:

- i. the aspects of performance that are not satisfactory,
- ii. guidance on what improvement is expected and by when, and
- iii. the possible consequences of failure to improve.

111. Further, the Tribunal has recently held that, in accordance with the Bank's HR guidelines, OTIs "must be specific." *HT*, Decision No. 710 [2024], para. 127. The Tribunal explained in *HT* [2024], para. 129, that "an OTI must set out clearly a staff member's deficient behaviors to be improved and the expected outcomes for the staff member to achieve and sustain."

112. The Tribunal will now assess whether the terms of the Applicant's OTI constituted an abuse of discretion in light of the above standards.

113. The Tribunal considers that the OTI set out the aspects of the Applicant's performance that were deemed unsatisfactory. As previously noted, the OTI specified deficiencies in the Applicant's technical performance and workplace behaviors in the areas of communications, people management, stakeholder engagement, and project management. On review of the terms of the OTI, the Tribunal is satisfied that it clearly set out the aspects of the Applicant's performance which were deficient and needed to be improved. The Tribunal finds that the Bank has met the requirement of Staff Rule 5.03, paragraph 5.01(b)(i), to share in writing the aspects of the Applicant's performance that were not satisfactory.

114. The Tribunal will now consider whether, pursuant to Staff Rule 5.03, paragraph 5.01(b)(ii), the OTI provided “guidance on what improvement is expected and by when.”

115. On review of the OTI, here, too, the Tribunal is satisfied.

116. On communications and stakeholder engagement, the OTI stated that management expected the Applicant to “[r]ollout communication strategy and implement adequate cadence of communication to all stakeholders aligned with the expected outcome of the strategy,” and specified that “[t]his cadence must increase the frequency to a bi-weekly/monthly/quarterly cadence depending on the groups to engage.” It also tasked the Applicant with “[d]eveloping a senior leadership engagement plan and motivate leadership to take a public stance on this matter going forward,” and to “[a]chieve at least one senior leadership intervention in the MHS.” The OTI also directed that the Applicant “[e]stablish and execute measurable ways to gauge the impact of change management and communications activities” and provided examples.

117. On people management, the Tribunal observes that the OTI provided the following expected outcomes:

- i. Debrief and listen to staff concerns in a psychologically safe manner and strive to build a good work environment for the team.
- ii. Work with the assigned coach to develop managerial skills.
- iii. Progress will be measured via feedback from relevant staff and consultants.

118. In the Tribunal’s view, these objectives are broadly phrased. The Tribunal recognizes that some flexibility is inherent in performance improvement plans, particularly where interpersonal dynamics are complex and not easily quantifiable. In the context of this case, the Tribunal does not find that the absence of fixed indicators constitutes unreasonableness or abuse of discretion.

119. Finally, on project management the OTI noted, and further detailed, the need to “[r]eview the roles and responsibilities of the implementation working groups for clarity and renewed commitment,” to “[d]evelop an integrated project plan with all the different initiatives across all

implementation partners and actively track and monitor implementation,” to “[i]dentify KPIs to measure program progress and impact,” to “[l]everage the UN Strategy,” and to “[c]oncentrate on the implementation of all areas of the strategy (the 9 objectives) to deliver impact.” The Tribunal considers that, while the OTI in this case could have specified clearer milestones, the absence of such does not rise to the level of arbitrariness.

120. The Tribunal finds that the OTI as written provided sufficient guidance about what improvement was needed and satisfies the requirements of Staff Rule 5.03.

121. The Tribunal next observes that the OTI specified a three-month time frame for completion, which was later extended by one month at the Applicant’s request. The Tribunal therefore finds that the OTI provided the Applicant with instruction on when improvement was expected as required by Staff Rule 5.03. Finally, the Tribunal observes that the OTI identified the possible consequences of failure to improve as required by Staff Rule 5.03, paragraph 5.01(b)(iii), in that it stipulated that “failure to improve at a reasonable pace or to sustain satisfactory performance is a serious matter and could result in the termination of your employment.”

122. The Tribunal concludes that the terms of the OTI are consistent with the requirements of the Staff Rules and the Tribunal’s jurisprudence.

123. The Tribunal takes note of the Applicant’s contention that the OTI imposed tasks and expectations which were more suitable for a Grade Level GH position than for the Grade Level GG Program Manager role which she held. On review of the Program Manager job posting and position description, the Tribunal is of the view that the OTI’s emphasis on structure, planning, and cadence of communication corresponded to the expectations attached to the Program Manager role. The Tribunal thus finds no abuse of discretion in respect of the alignment of the OTI expectations with the Applicant’s grade and role, as the OTI measures were rationally related to the Applicant’s overall responsibility for ensuring delivery of the Mental Health and Well-Being Strategy.

124. The Tribunal also takes note of the Applicant's contention that her comments on the OTI sent via email of 4 June 2024 to the Acting HRDVP were not incorporated into the OTI. The Tribunal recalls that the Bank submits that, "while staff members are consulted on the contents of the OTI, the imposition of an OTI is not a negotiated process; rather, it is a managerial tool designed to address documented performance concerns." The Tribunal agrees.

125. Finally, the Tribunal is satisfied that in this case the essential due process rights of the Applicant have been respected.

126. The Tribunal observes that "Better Together" was a new and ambitious program. The Tribunal also observes that, in the context of this program, the Applicant's reporting framework was evolving, and the Tribunal considers that this may have created a challenging and difficult situation for the Applicant. However, based on the claims before the Tribunal – the Applicant's placement on an OTI and the terms of the OTI – the Tribunal does not find any abuse of discretion.

DECISION

The Application is dismissed.

/S/Janice Bellace
Janice Bellace
President

/S/ Zakir Hafez
Zakir Hafez
Executive Secretary

At Washington, D.C., 14 November 2025