

Summary of DZ (No. 2) v. IBRD (Merits), Decision No. 598 [2019]

The Applicant challenged decisions not to investigate her claims of manipulation, interference, bias, and potential misconduct in Peer Review Services (PRS) Request for Review No. 338. According to the Applicant, the different investigative and oversight bodies of the Internal Justice Services (IJS) hesitated to take action and instead deferred to the interests of Bank Management at the expense of integrity and staff fairness. In particular, the Applicant challenged the decision of the Office of Ethics and Business Conduct (EBC) not to review her allegations on the grounds that her allegations were beyond EBC's mandate.

The Tribunal reviewed the record and was persuaded by the Bank's arguments that the Applicant did not provide EBC with the requisite information to support her allegations of potential misconduct in PRS Request for Review No. 338. The supporting documentation the Applicant provided to EBC contained no evidence that was suggestive of external influence or manipulation. The Tribunal held that EBC's decision not to review the Applicant's allegations was ultimately not unreasonable.

However, the Tribunal disagreed with EBC's interpretation of Staff Rule 3.00, paragraph 6.01, that allegations of manipulation, interference, and bias in PRS amount to an appeal of the PRS process and are beyond the scope of EBC's mandate. The Tribunal observed that the opening clause of Staff Rule 3.00, paragraph 6.01 provides a general and broad definition of misconduct, followed by a list of examples. The Tribunal found that the acts alleged were acts which were, in and of themselves, within the scope of the definition of misconduct under the Bank's Staff Rules. To uphold the Bank's argument that a review of allegations of interference, manipulation, and bias in the PRS process is outside the mandate of the sole investigative body equipped to address such acts would leave staff members in a difficult predicament with respect to addressing genuine instances of interference, bias, or manipulation.

The Tribunal considered that such claims could be reviewed by EBC without entailing an appeal of the substance of the PRS Panel's recommendation, as a review would address the acts alleged not the correctness of the Panel's recommendation. Whether or not the Applicant provided the necessary information to support her allegations was an entirely separate issue from the question of whether such allegations could be considered misconduct within EBC's scope of review under Staff Rule 3.00. According to the Tribunal, there may be genuine circumstances where credible evidence is presented against a staff member engaging in bias, manipulation, and interference. In such instance, EBC may not decline jurisdiction. However, such circumstances did not exist in the present case.

Decision: The Application was dismissed.