

Summary of EO (No. 3) v. IFC (Merits), Decision No. 673 [2022]

The Applicant challenged the International Finance Corporation's (IFC) compliance with the Tribunal's judgment in *EO (No. 2) (Merits)*, Decision No. 629 [2020] in respect of the following: (i) the delay in calculating the adjustment to his Long-Term Disability payments and the failure to correctly resolve the issues with the adjustments in a timely manner; and (ii) the decision to omit the period of 1 July 2017 to 15 July 2017 when calculating his retroactive salary adjustment.

The Tribunal considered whether there was an unreasonable manner of or delay in the implementation of the Tribunal's judgment. The Tribunal noted that the parties received the Tribunal's judgment in *EO (No. 2) (Merits)* [2020] on 29 June 2020 and that, as of 7 May 2021, the IFC had fully implemented the Tribunal's judgment. The Tribunal observed that there is nothing explicit in its Statute which sets a time by which its judgments must be fully implemented but noted that the Tribunal's judgments carry with them an obligation for the Bank Group to implement them in a reasonable manner and within a reasonable time. The Tribunal considered that a reasonable time for implementation may vary based on the specific circumstances and complexities of any given case.

The Tribunal noted that, despite delays and errors, the judgment in *EO (No. 2) (Merits)* [2020] was fully implemented as of 7 May 2021, with the bulk of that judgment being implemented far earlier and without difficulty. The Tribunal considered, then, that any harm to the Applicant from the difficulties in implementation of certain elements of the judgment was minimal when compared with the overall award. The Tribunal reminded the IFC that timely and correct implementation of Tribunal judgments is a fundamental right of IFC employees that requires assiduous follow-through in coordination, calculation, and communication. The Tribunal recognized the complexity of operationalizing payments in a large institution when some calculations and adjustments are complicated. In this case it was indeed complex given that different units of the Bank Group were needed to correctly calculate the amount owed to the Applicant. Nevertheless, the Tribunal noted that its judgment was transmitted to the parties on 29 June 2020 yet fully implemented only on 7 May 2021, close to one year later. Given this delay, the Tribunal could not say that the IFC fully implemented the judgment within a reasonable time and in a reasonable manner.

However, considering all the circumstances, the Tribunal found that the acknowledgement by the Tribunal that the IFC did not fully implement the judgment within a reasonable time and in a reasonable manner constituted a measure of satisfaction for the Applicant, and the Tribunal considered that monetary compensation was not warranted.

Decision: (1) The terms of this judgment, insofar as they acknowledge the failure of the IFC to fully implement the Tribunal's previous judgment within a reasonable time and in a reasonable manner, constituted a measure of satisfaction for the Applicant and were the extent of compensation which is appropriate; and (2) All other claims were dismissed.