Summary of EQ v. IFC, Decision No. 595 [2018]

In her Application, the Applicant challenges the: 1) Reassignment of Client A and Client B portfolios and their removal from the Applicant's Fiscal Year 2016 (FY16) work program; 2) Applicant's FY16 Performance Evaluation; 3) Applicant's FY17 performance cycle; and 4) Mismanagement of the Applicant's career by IFC. During the jurisdictional phase of this case, the Tribunal ruled that the Applicant's claims about her FY17 performance cycle and the mismanagement of her career were inadmissible in this case.

The Tribunal found that the IFC's decision to reassign Client A and Client B and adjust the Applicant's FY16 business objectives had an observable and reasonable basis. Regarding Client A, the Tribunal was satisfied that management had a proper basis in deciding to bring a new lead into Client A's project, and to remove the Applicant from her role as client relationship manager. The Tribunal also found that the reassignment of the Applicant's business development role was justified because the IFC had shown that it was reasonable for the Applicant's Manager to only engage the Principal Investment Officer, who was already responsible for managing Client A. Regarding the reassignment of Client B, the record showed that the Applicant independently asked the Senior Investment Officer to take over the client. The Tribunal held that the IFC had convincingly explained that it only measured staff performance through concrete transactions with a company and that the Applicant's work before the reassignment could not be given credit.

The Tribunal observed that the Applicant had not proved that improper motives were the basis for the IFC's decisions to reassign Client A and Client B. The Tribunal found that the IFC had demonstrated that it followed a proper process in reassigning Client A and Client B.

In assessing the Applicant's FY16 Performance Evaluation the Tribunal determined whether: 1) the Applicant's Performance Evaluation had an observable and reasonable basis; 2) the FY16 Performance Evaluation was based on improper motives; and 3) the FY16 Performance Evaluation followed due process.

The Tribunal held that the Applicant's Manager balanced positive and negative factors in assessing the Applicant's performance during FY16. It praised the Applicant's good work on certain projects and also documented the Applicant's areas of improvement in a constructive manner. The Tribunal also held that the Applicant's Manager's statement in the Overall Supervisor Comments that the Applicant needed to "sharpen her core investment officer skills, such as structuring and team work" was supported by the record. The Tribunal further found that there was no support on the record for the Applicant's allegations that the FY16 Performance Evaluation was motivated by her Manager's desire to retaliate against her for having recourse to Peer Review Services.

The record also supported the conclusion that the Applicant knew of the reasons for the criticisms made against her in the FY16 Performance Evaluation, had plenty of opportunities to defend herself, and made her views heard on numerous occasions.

The Tribunal concluded that the Applicant's FY16 Performance Evaluation had a reasonable and observable basis, was not based on improper motives, and followed due process.

Decision: Application Dismissed.