

## Summary of FH (No. 2) v. IBRD, (Merits) Decision No. 680 [2022]

The Applicant has worked with the World Bank Group since 2003 and is based in Beijing, China as a Senior Information Technology Assistant at Grade Level GD. He challenged management's decision not to promote him in FY20 and claimed retaliation.

The Applicant filed a Request for Review with Peer Review Services (PRS) challenging the Fiscal Year 2020 (FY20) non-promotion decision. The PRS Panel dismissed the Applicant's Request for Review in its entirety stating that it did not have jurisdiction to review his claim. The Applicant filed his Application with the Tribunal.

In his Application, the Applicant highlighted what he considers to be his contributions to the Information and Technology Solutions (ITS) department, and contended that his contributions have not been recognized by management and that the Bank did not treat him fairly as required by the Principles of Staff Employment. The Applicant contended that the failure to promote him was unfair and unreasonable and constituted an abuse of discretion by the Bank. He further contended that the non-promotion decision was retaliatory. The Bank responded that there was a reasonable and observable basis for its decision not to promote the Applicant in FY20, and that the Applicant was treated fairly and impartially. The Bank asserted that the non-promotion decision was not based on retaliation.

The Tribunal recognized that promotion decisions are discretionary. The Tribunal observed the "established criteria" for ITS Vice Presidential Unit *in situ* promotion decisions and reviewed the record to determine whether there was a reasonable and observable basis for the Bank's decision not to promote the Applicant. The Tribunal found that the record showed that the other staff members in the Applicant's unit who were promoted in FY20 had higher performance track records than the Applicant. The Tribunal also "consider[ed] that a promotion decision is not limited only to a staff member's technical performance," and "observe[d] that the record is indeed replete with examples which support the Bank's position that the Applicant's behavior did not model the WBG core values of respect and teamwork." In particular, the Tribunal found that "[t]he record supports that the Applicant had issues with his hierarchy [...] and establishes that the Applicant demonstrated a pattern of behavior of resisting, without proper basis, managerial decisions, instructions, and processes." The Tribunal found that the decision not to promote the Applicant was not an abuse of discretion by the Bank nor was it inconsistent with the Bank's obligation of fairness toward the Applicant.

With respect to retaliation, the Tribunal stated that "the facts in the record do not establish a *prima facie* case for the Applicant's claim of retaliation," and the Tribunal was therefore "unpersuaded that 'the Bank is in some relevant way at fault.'"

**Decision:** The Application was dismissed.

This summary is provided to assist in understanding the Tribunal's decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at [www.worldbank.org/tribunal](http://www.worldbank.org/tribunal).