

Summary of GX v. IBRD (Preliminary Objection), Decision No. 687 [2023]

The Applicant challenged the Bank's denial of her request for a mobility premium following her promotion to an internationally recruited, GF-level position. The Bank submitted preliminary objections to the Tribunal's jurisdiction.

The Tribunal first considered whether the Application was timely. The Tribunal found that, in the circumstances of the present case, the triggering event for the Applicant's claim was not the receipt of her Letter of Appointment (LOA) in October 2017 but rather her promotion to a GF-level position on 16 February 2022. In so finding, the Tribunal considered that, prior to the Applicant's promotion, any application of the mobility premium's "Change of Position" exemption was only prospective and, as such, not yet ripe for challenge. The Tribunal noted that it would have been speculative and premature for the Applicant, upon receiving her LOA, to challenge the application of the mobility premium policy, the application of which would be contingent on her being promoted in the future to an internationally recruited, GF-level position. The Tribunal thus concluded that the Applicant's claim became ripe on 16 February 2022, and the Applicant had 120 days to challenge her ineligibility, which she did by filing a Request for Review with Peer Review Services (PRS) on 8 June 2022. Following the dismissal of her Request for Review on 30 June 2022, the Applicant then timely filed her Application with the Tribunal on 26 October 2022.

The Tribunal next considered whether the Applicant exhausted internal remedies. The Tribunal noted that it had already determined that the Applicant's claim became ripe on 16 February 2022. Because the Applicant filed her Request for Review with PRS on 8 June 2022, the Tribunal thus concluded that the Applicant timely sought recourse with PRS. The Tribunal further found that it was not necessary for the Applicant to bring her claim to the Ethics and Business Conduct Department (EBC) to exhaust all internal remedies, nor was it necessary to suspend the current proceedings so that EBC could review her claim.

The Tribunal finally considered whether it was competent to consider the Applicant's claim. Based on the data submitted by the Applicant, the Tribunal found that the Applicant alleged a plausible claim of gender discrimination and concluded that it had subject matter jurisdiction. The Tribunal observed that the Bank's contention that the mobility premium policy was not inherently discriminatory was a question for the merits and would properly consider it at that stage of the proceedings.

Accordingly, the Tribunal dismissed the Bank's preliminary objections.

Decision: The Bank's preliminary objections were dismissed; the Bank was ordered to pay the Applicant's legal fees and costs in the amount of £2,676.50 for the preliminary objection phase of the proceedings.

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