

## Summary of GY v. IBRD, Decision No. 688 [2023]

The Applicant challenged the non-confirmation of her appointment.

The Applicant contended that her Manager failed to establish a clear work program for the Applicant from the outset of her employment. The Applicant further contended that her performance was not evaluated fairly because the Manager removed one of her core responsibilities—the Fragility, Conflict, and Violence (FCV) Careers portfolio—only to replace it with ad hoc projects. Finally, the Applicant asserted that (i) the Manager did not afford her a fair opportunity to prove her abilities, (ii) she did not receive “meaningful supervision and guidance” from her Manager, and (iii) she was deprived of due process.

The Bank contended that the Applicant was provided with a clear and defined work program which did not include the primary functions and projects in the FCV Careers portfolio. The Bank further contended that the non-confirmation decision had a reasonable and observable basis and that it followed proper procedure. The Bank asserted that it did not confirm the Applicant’s appointment because of issues related to “(i) accountability and reliability in delivering assigned tasks on time; [(ii)] inability to deliver quality products; and (iii) lack of communication and updates that impact delivery of work.” Finally, the Bank maintained that the Applicant was given a fair opportunity to prove her abilities but that she failed to do so, the Manager provided the Applicant with adequate supervision and guidance, and the Applicant was accorded due process in connection with the non-confirmation decision.

The Tribunal first considered whether the Bank reasonably established a work program for the Applicant. The Tribunal found that the record demonstrated that the Manager communicated the work program and deadlines to the Applicant orally in meetings, in various email correspondence, and through objective setting in the Bank’s ePerformance system. Further, the Tribunal noted that at all times during the probationary period, the Applicant had no fewer than three core deliverables that she was working on at any given time and no fewer than five core deliverables in her work program at any given time. Consequently, the Tribunal was satisfied that the Manager established a well-defined work program for the Applicant. The Tribunal next considered whether the Bank’s non-confirmation decision had a reasonable and observable basis. Based on the record, the Tribunal concluded that there was a reasonable basis for the adverse assessment of the Applicant’s performance and was satisfied that the decision not to confirm the Applicant’s appointment was not an abuse of discretion.

Finally, the Tribunal considered whether the Applicant (i) had a fair opportunity to prove her abilities, (ii) received adequate supervision and guidance, and (iii) was accorded due process. Based on the record, the Tribunal found that the Applicant was given a fair opportunity to prove her abilities, was provided with adequate supervision and guidance, and was accorded due process during the probationary period.

**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)