

## Summary of HM v. IBRD, Decision No. 703 [2024]

The Applicant challenged the Bank's decisions (i) not to select him for a position during a batch rotation exercise and (ii) not to extend his term appointment.

The Applicant held various successive term appointments with the Bank for over fifteen years in several regions of operation. In Fiscal Year 2021 (FY21) the Bank introduced batch rotation exercises for staff to be considered for reassignments. The Staff Guide on this process noted that staff would be limited to eight years in a given region. The Applicant participated in the FY21 and FY22 batch rotation exercises and was not reassigned during either exercise. The Talent Board, tasked with batch rotation reassignment decisions, kept record of the reassignment outcomes through meeting minutes but did not record the reasoning for why the Applicant was not reassigned. Following the FY22 batch rotation exercise, the Applicant's manager informed him that his contract would not be extended. The Applicant was not provided in writing the basis for the non-extension decision at the time the decision was communicated to him.

The Applicant submitted a request for peer review. During peer review proceedings, the Applicant's manager cited two bases for the non-extension decision: (i) the Applicant was not reassigned during the batch rotation exercises, and (ii) the Applicant had reached the regional term limit because he had been based in the region for almost five years.

The Tribunal first determined that it did not have jurisdiction to review the Applicant's non-selection claim, as the claim was filed beyond the statutory time limits. It noted, however, that, because the Bank cited the batch rotation exercise outcome as a basis for the non-extension decision, it would have regard to the facts relating to the non-selection decision, on both substantive and procedural grounds, to the extent that they were pertinent to the merits of the Applicant's non-extension claim.

The Tribunal found that the Bank's failure to provide the Applicant in writing with the reasons for the non-extension decision, at the time the decision was communicated to him, constituted a due process violation.

It further found, based on an absence of sufficient documentation supporting the assertion that there was "no demand" for the Applicant during the FY22 batch rotation exercise, that the FY22 batch rotation exercise, as applied to the Applicant, lacked transparency and was an abuse of discretion. The Tribunal therefore did not accept that the results of the FY22 batch rotation exercise served as a reasonable and observable basis for the decision not to extend the Applicant's appointment. The Tribunal also found that the manager was mistaken as to the regional term limit, and that the Applicant had not met or exceeded the eight-year limit.

Based on the above, the Tribunal found that the Bank did not provide a reasonable and observable basis for the non-extension decision.

**Decision:** The Bank was ordered to pay twenty-one months' net salary and contribute to the Applicant's legal fees and costs. All other claims were 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).