Summary of HZ v. IBRD, Decision No. 717 [2025]

The Applicant contested the misconduct findings against him and the disciplinary sanctions imposed. He further claimed that procedural irregularities occurred in the disciplinary process.

The Applicant, upon returning to his duty station from a mission, took a pair of sunglasses from a duty-free shop in the airport without paying for them. The client country's Ministry of Foreign Affairs informed the Bank's Resident Representative about the incident. The Resident Representative reported the incident to the Ethics and Business Conduct Department (EBC). The Applicant admitted to the theft and explained that the incident was influenced by stress, eye pain from recent surgery, and a misguided sense of playfulness with his spouse. The Applicant reimbursed the cost of the sunglasses. The Applicant was offered the option to resign but chose to continue with the investigation process. The HRDVP met with the Applicant's Manager before issuing a decision on the matter. The HRDVP decided on termination, a hiring restriction, restricted access to Bank premises, and a written censure to remain in the Applicant's record.

The Applicant claimed that his actions did not constitute misconduct because they occurred outside of work. The Applicant maintained that, even if his actions amounted to misconduct, the mitigating factors were not adequately considered and the sanctions imposed were disproportionate. The applicant further claimed that procedural irregularities occurred.

The Bank maintained that the theft was a serious matter that adversely reflected on the World Bank's integrity and reputation, the sanctions were accordingly proportionate, and the proper disciplinary procedure was followed.

The Tribunal affirmed that a staff member's conduct, including conduct outside of work, may come under the disciplinary jurisdiction of the Bank if it reflects adversely upon the Bank's reputation or integrity. The Tribunal determined that the Applicant's actions constituted misconduct.

The Tribunal considered the seriousness of the Applicant's conduct, the fact that this was not his first time stealing, the extenuating circumstances raised by the Applicant and noted by EBC in its Final Investigation Report, the interests of the World Bank, and the situation of the Applicant. It further reviewed comparative disciplinary data showing consistent sanctions for similar misconduct. The Tribunal found that the sanctions imposed were not significantly disproportionate to the offense.

The Tribunal considered the EBC record to be adequate. It observed that a Misconduct Advisory Committee was convened to review the Applicant's case. It further observed email communications demonstrating that the Applicant's Manager was properly consulted. The Tribunal acknowledged that an HR official had initially cited an incorrect Staff Rule when presenting the Applicant with the option to resign, and observed that the error was promptly corrected. The Tribunal was satisfied that the Bank adhered to its decision-making process and that the Applicant's due process rights were respected.

Decision: The Application was dismissed.