

## Summary of Milton v. IFC, Decision No. 682 [2022]

The Applicant alleged that the International Finance Corporation (IFC) failed to follow fair and proper processes with respect to the non-confirmation of her appointment and her probationary period.

The Applicant contended that the IFC's decision to recommend her for non-confirmation was pre-determined, premature, and arbitrary, and the IFC did not follow the performance management process as required by the Staff Rules. The Applicant also contended that the IFC failed to follow the applicable Staff Rules and Principles of Staff Employment regarding the confirmation/non-confirmation of her probationary period. Finally, the Applicant asserted that her separation from the IFC was a result of retaliation. The IFC maintained that the Applicant's performance management-related claims were moot because the Applicant was separated from the IFC due to her transition to Long-Term Disability (LTD), not poor performance, and the IFC acted in good faith and in the Applicant's best interests. The IFC contended that it followed a proper process, treated the Applicant fairly, and gave the Applicant every opportunity to succeed. The IFC further contended that the Applicant's separation from the IFC was not a result of retaliation.

The Tribunal first considered whether the IFC failed to follow a fair and proper process with respect to the Applicant's separation from the IFC. Based on the record, the Tribunal (i) was satisfied that the Applicant was separated from the IFC through the approval of her LTD benefits and not through non-confirmation of her appointment and (ii) found that IFC management followed a fair and proper process regarding the Applicant's separation from the IFC. Notably, the Tribunal observed that by not taking steps to implement the recommendation for non-confirmation and by extending the Applicant's probationary period, the IFC allowed the Short-Term Disability and LTD processes to reach their respective conclusions – ultimately allowing the Applicant to transition to LTD status and preserve her LTD benefits, which included 70% disability pay and continued participation in the Staff Retirement Plan, Retiree Medical Insurance Plan, and Retiree Group Life Insurance Plan.

The Tribunal next considered whether the IFC followed a fair and proper process with respect to the Applicant's probationary period. Based on the record, including evidence of warnings the Applicant received from IFC management regarding her work performance and behavior towards her manager and colleagues, the Tribunal found that the IFC treated the Applicant fairly, gave the Applicant adequate opportunities to succeed, and followed a proper process during the Applicant's probationary period.

Lastly, the Tribunal considered whether the Applicant's separation from the IFC was based on retaliation. Based on the record, including the conclusions reached by the Ethics and Business Conduct Department, the Tribunal found that the Applicant failed to make a *prima facie* case of retaliation and that the Applicant's separation from the IFC was not based on retaliation.

**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)