

Summary of [GF] v. IBRD, Decision No. 602 [2019]

The Applicant challenged the nonrenewal of his appointment.

The record supported the Bank's explanation that the restructuring of the Applicant's unit directly affected its information technology (IT) team, including the Applicant, insofar as a general decision had been made to outsource the unit's IT needs, rather than rely on an IT team within the unit as it had done in the past. While there were issues with the Applicant's performance, the main reason for the nonrenewal was the mismatch between the Applicant's skills and the Bank's evolving business needs. The Tribunal recalled that it will not interfere in management's decisions about the staffing needs of a unit, unless abuse of discretion is apparent. The Tribunal was not persuaded that management abused its discretion in the present case when it decided not to renew the Applicant's appointment.

It was the Applicant's contention that the nonrenewal decision was motivated, at least in part, by concerns that he raised in 2015 about being subjected to a hostile working environment, the misuse of his unit's resources, and the violation of the Bank's cybersecurity policies. The Bank denied that any of the managers who were involved in the nonrenewal decision were aware that the Applicant had raised these concerns. The Tribunal found that the Applicant had not established facts sufficient to amount to a *prima facie* case of retaliation.

Having found that the nonrenewal decision, based on the unit's change in business needs, was not an abuse of discretion, the Tribunal held that the reason for this decision was not false, pretextual, or fabricated. However, the Tribunal found that it was not reasonable for the Bank to rely on the Applicant's overall feedback discussions over the years as constituting notice of a lack of skills that would lead to nonrenewal. The Tribunal further found that the adverse outlook for the Applicant's career at the Bank was not reflected in the Applicant's Staff Annual Review or year-end discussion. Rather, at best, it was reflected only in Talent Reviews, which were not shared with the Applicant. The Tribunal urged the Bank to be more candid about a staff member's need to obtain or demonstrate certain skills and the consequences of the failure to do so. The Bank's lack of candor in this case was unfair to the Applicant and warranted compensation. The Tribunal was troubled by the Bank's repeated reliance on Talent Reviews that were inconsistent with performance evaluations but which were relied upon by the Bank to make staffing decisions.

The Tribunal found that the Bank did not abuse its discretion when it did not consider the Opportunity to Improve process as an option for the Applicant.

Decision: The Bank was ordered to pay the Applicant compensation in the amount of three months' net salary based on the last salary drawn by the Applicant. The Bank was ordered to pay the Applicant's legal fees and costs in the amount of \$26,082.74. All other claims were dismissed.