

Summary of Brar v. IBRD, (Merits) Decision No. 661 [2021]

The Applicant alleges that the Bank (i) improperly divested him of his duties as Country Manager (CM) for Sierra Leone following the publication of a media article in the *Sierra Leone Telegraph* in January 2018; (ii) improperly failed to shortlist him for CM positions in the Republic of Yemen (“Yemen”) and in the Lao People’s Democratic Republic (“Lao PDR”); and (iii) improperly failed to provide him with feedback regarding his exclusion from the aforementioned shortlists and his non-selection for a CM position in Mongolia.

The Tribunal first considered whether the Applicant was divested of his duties by the Bank’s decision to appoint an acting CM and, if so, whether this constituted an abuse of discretion. The Tribunal did not find anything in the record to suggest that the Applicant was divested of his CM duties at any point in time prior to the end of his term. The Tribunal considered that, in the circumstances that prevailed, it was entirely prudent and in line with good practice for management to appoint an Acting CM to ensure business continuity and a seamless transition. Further, the Tribunal did not find anything in the record to support the Applicant’s contention that he was “disciplined,” nor did the Tribunal accept the Applicant’s contention that the Bank “endorsed” the slanderous statements in the media article.

The Tribunal next considered whether the Bank’s decision not to shortlist the Applicant for the Yemen and Lao PDR CM positions complied with the applicable policies and was not an abuse of discretion. Here, the Tribunal was satisfied that the Bank complied with the Managerial Recruitment Accountability and Decision-Making matrix for both the Yemen and Lao PDR CM positions. Further, the Tribunal was satisfied that the Bank’s decision not to shortlist the Applicant for the Yemen and Lao PDR CM positions did not contravene the applicable and relevant policies, including the FCS [Fragile and Conflict-Affected States] Shortlisting Policy, and was not an abuse of discretion. The Tribunal recalled its jurisprudence that “no staff member has a right to be selected to a particular position or to be included in a list of candidates for a position.” *Riddell*, Decision No. 255 [2001], para. 23.

Finally, the Tribunal considered whether the Bank’s failure to provide feedback to the Applicant on the Mongolia, Yemen, and Lao PDR CM decisions was an abuse of discretion. Here, in view of the Applicant’s grade level, the Tribunal determined that the applicable provisions relating to feedback for the positions to which the Applicant applied were to be found in the “Interview Guide – World Bank Group GH+.” Based on the record and totality of the circumstances, the Tribunal did not find any significant failure on the part of the Bank in terms of providing feedback for the Mongolia, Yemen, and Lao PDR CM decisions.

Decision: The Application was dismissed.