

Summary of EU v. IBRD, Decision No. 593 [2018]

The Applicant challenged: 1) the performance rating of 3 for Fiscal Year 2016 (FY16); 2) the revocation of trading authorization; 3) the removal as Team Leader; 4) the public announcements of the reassignment due to failure to follow procedures in a trading transaction and refusal to provide information about the transaction; 5) the reassignment to “special projects” under the Director of a Department; 6) placement on leave; 7) the restriction of access to the Bank during the leave and the failure to provide notice of or justification for this restriction; 8) the relocation of the Applicant’s work station; and 9) the restriction of access to the Bank outside of work hours, after the Applicant’s return from leave, and the failure to provide notice of or justification for this restriction.

The Tribunal found that a performance rating of 3 was not incommensurate with the Applicant’s performance evaluation, which was generally positive but identified behavioral issues. The Tribunal concluded that the Applicant’s FY16 Annual Review observed due process, with the exception of the failure to warn Applicant that his behavior was inappropriate. However, the Tribunal held that the absence of such feedback in this case did not prejudice the Applicant, warranting compensation.

The Tribunal found that that the Bank’s justifications for reassigning the Applicant were neither reasonable nor fair. In view of the ambiguity of the requirement for pre-trade authorization, the Tribunal found that the trade effected by the Applicant was consistent with the Bank’s objective and did not violate any policy or practice of the Bank. It was unreasonable to permanently reassign the Applicant for behavioral issues that were successfully addressed through the Opportunity to Improve process. The reassignment was an abuse of discretion and a disguised disciplinary sanction, imposed without any of the safeguards provided for in the disciplinary process. The Tribunal further found that the reassignment was not consistent with Staff Rule 5.01 and was flawed procedurally.

The Tribunal found that the Bank did not act consistently with Principle 2.1 of the Principles of Staff Employment when it placed the Applicant on leave that was not provided for in the Staff Rules. Although the Applicant did not suffer a financial loss when he was placed on leave, the situation did not allow the Applicant to be informed of the actions taken against him or to respond to the charges against him.

The Bank’s access restrictions to the physical premises were not reasonable and did not accord with Principle 2.1 of the Principles of Staff Employment. The Applicant was not given any advance notice of these access restrictions, any opportunity to respond, or any details about the nature of the access restrictions.

Decision: The reassignment decision was rescinded and the Bank was ordered to remove all records of this decision and related decisions taken after the reassignment from the Applicant’s personnel files. The Bank was ordered to reinstate the Applicant to his position prior to the reassignment decision or to a similar position. The Bank was ordered to pay the Applicant compensation in the amount of one year’s net salary. The Bank was ordered to pay the Applicant’s legal fees and costs in the amount of \$20,663.60. 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