

Summary of FA (No. 2) v. IBRD, Decision No. 636 [2020]

The Applicant challenged (i) the decision to deny him access to Bank premises without first conducting a “business needs assessment”; (ii) the Bank’s release of the Applicant’s “Strictly Confidential HR [Human Resources] information to junior and mid-level staff within the Bank, and subsequently to [the Applicant’s] then-employer”; and (iii) the due process violations resulting from the investigation into the disclosure of his “Strictly Confidential HR information.”

The Applicant is a former Bank staff member, whose appointment with the Bank was terminated following a finding of misconduct. As a further disciplinary measure, the Applicant was permanently restricted from accessing Bank premises. Months later, the Applicant requested access to the Bank’s country office to attend meetings in his capacity as an International Fund for Agricultural Development (IFAD) employee assigned to work on a project co-financed by the Bank. The Human Resources Development Corporate Operations (HRDCO) Manager denied the Applicant’s request. Information pertaining to the Applicant’s access restriction and misconduct sanction was thereafter circulated to members in Corporate Security, and the Country Manager who in turn sent the information to four staff members in the country office including an Operations Officer, two Program Assistants, and a Senior Agriculture Specialist. The Senior Agriculture Specialist disclosed information pertaining to the Applicant’s access restriction and misconduct sanction to his then-employer, an IFAD Country Manager.

The Applicant stated he was informed by IFAD colleagues that upon their arrival at the Bank’s country office, security searched their car and trunk, asking for the Applicant’s whereabouts. IFAD subsequently terminated the Applicant’s employment.

The Tribunal found that the HRDCO Manager reasonably exercised his discretion in denying the Applicant access to Bank premises based on the permanent access restriction imposed on the Applicant.

The Tribunal found that the overall internal handling of the Applicant’s confidential personnel information was improper and in violation of Staff Rule 2.01. The Tribunal further indicated it was “not persuaded that ‘emergency’ circumstances justified the disclosure of the Applicant’s confidential personnel information to an outside entity.”

The Tribunal also found that the investigation into the Applicant’s allegation of unauthorized disclosure of his confidential personnel information was fair, was reasonable, and complied with the requirements of due process.

Decision: The Bank was ordered to (i) pay the Applicant compensation in the amount \$15,000.00 for the Applicant’s loss of contracts; (ii) pay the Applicant compensation in the amount of \$80,000.00 for moral and reputational harm to future earnings; and (iii) contribute to the Applicant’s costs in the amount of \$2,000.00.

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