

Summary of FK v. IBRD, Decision No. 627 [2020]

The Applicant challenged (i) the non-extension of his Institutional Staff Resources Program (ISRP) assignment; (ii) the decision not to shortlist him for the Senior Operations Officer position in the Education Global Practice, Middle East and North Africa Region (GED05); and (iii) the insufficient notice of termination.

The Tribunal first found that the record supported that the proposed extension to the Applicant's ISRP assignment was based on business demand and agreed to by the sponsor. The Tribunal found that the Bank had several opportunities when it might have stated a reasonable basis for the non-extension decision but observed that there were inconsistent justifications given for the non-extension decision and a lack of support for these justifications in the record. The Tribunal found that the non-extension decision lacked a reasonable and observable basis and thereby constituted an abuse of discretion. The Tribunal concluded, however, that the Applicant had already been adequately compensated for the non-extension decision as recommended by Peer Review Services.

The Tribunal was satisfied that there was evidence that a promise was made to the Applicant to create a position for which he could fairly compete, but concluded that there was insufficient evidence on the record to support a conclusion that the position promised was intended to match the Applicant's qualifications and responsibilities. Based on the record before it, the Tribunal found that the Applicant was given a fair opportunity to compete for the Senior Operations Officer position in fulfillment of the promise made to him even though, ultimately, he was not shortlisted for the position. The Tribunal further found that the Shortlisting Committee was properly constituted in accordance with applicable Human Resources policies and Tribunal precedents and therefore dismissed the Applicant's contention in that regard. Finally, the Tribunal rejected the Applicant's contention of bias on the part of the GED05 Practice Manager during the shortlisting process.

The Tribunal finally found that, because the Applicant's ISRP assignment had been extended from its initial date of termination, the Applicant received fair notice of the end of his assignment on the date on which the extension was granted. The Applicant's claim that he was deprived of fair notice was therefore dismissed.

Decision: The Bank was ordered to contribute to the Applicant's legal fees and costs in the amount of \$11,000.00. All other claims were dismissed.