

Summary of FL v. IBRD, (Merits) Decision No. 642 [2020]

The Applicant challenged (i) her Fiscal Year 2018 (FY18) Annual Review; (ii) her FY18 performance rating and the decision that she failed the Opportunity to Improve Unsatisfactory Performance (OTI) plan; and (iii) her “indefinite access bar to all WBG [World Bank Group] premises.” The Applicant contended that the FY18 Annual Review was unfair, inaccurate, and unbalanced; and the performance rating of “2” lacked a reasonable basis. The Applicant further contended that the Bank denied her due process with regard to the FY18 Annual Review and conclusion of the OTI plan. Finally, the Applicant asserted that the access restriction imposed on her lacked justification and she was denied due process.

The Tribunal found that notwithstanding the perceived areas for behavioral improvement recorded in the performance evaluation, the record also contained positive reviews of the Applicant’s professional accomplishments and behavior from feedback providers approved by the Applicant’s Manager. However, the Annual Review lacked a balanced portrayal of the feedback the Applicant received on her performance throughout the review period. The Tribunal therefore held that the totality of the reviews of the Applicant’s performance did not support a performance rating of “2,” and the performance evaluation lacked a reasonable and observable basis.

On whether the Applicant was denied due process in the FY18 Annual Review and the conclusion of the OTI plan, the Tribunal concurred with the findings of the Performance Management Review (PMR) Reviewer that (i) the Applicant’s OTI plan was not reviewed in a timely manner and the reviews were not documented as required, and (ii) management decided to give the Applicant a performance rating of “2” before her Annual Review discussion was held. The Tribunal further found that there were several additional due process violations and procedural irregularities in the conduct of the Applicant’s FY18 Annual Review and OTI plan. As a result of the above violations, the Tribunal found it necessary to supplement the compensation already awarded to the Applicant to reflect the extent of the procedural irregularities and due process violations in this case.

Finally, the Tribunal held that the decision to maintain the Applicant’s access restriction lacked due process and a reasonable and observable basis. The Tribunal found that the alleged threat made by the Applicant was not substantiated and that the Manager, HRDCO acted solely on the words of the Applicant’s Manager and the advice of Corporate Security which did not investigate the matter. Under those circumstances, the Tribunal was not convinced that there was a justifiable basis to maintain the access restriction on the Applicant’s record.

Decision: The Bank was ordered to (i) pay the Applicant compensation in the amount of one year’s net salary; (ii) remove all records of the OTI plan from the Applicant’s personnel records; (iii) remove the access bar and all records of it from the Applicant’s personnel records; and (iv) pay the Applicant’s legal fees and costs in the amount of \$7,231.25.

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