

## Summary of FL v. IBRD, (Preliminary Objection) Decision No. 630 [2020]

The Applicant submitted an Application challenging her Fiscal Year 2018 Annual Review, her performance rating, and the restriction placed on her access to World Bank Group premises following allegations that she made threatening remarks to her manager. The Bank submitted a preliminary objection to the admissibility of the Applicant's access restriction claim. According to the Bank, the Applicant failed to exhaust internal remedies on this claim in a timely manner. This judgment addressed the preliminary objection.

The central issue which arose was the date of the disputed decision which the Applicant was challenging. According to the Bank, 24 September 2018 was the relevant date since that was when the Applicant received an email from a Human Resources Specialist informing her of the disputed decision, *i.e.*, the access restriction. The Bank stated that the Applicant's request for review to Peer Review Services (PRS) was filed on 31 January 2019, more than 120 calendar days after becoming aware of management's decision to restrict her access to all WBG premises. According to the Applicant, the relevant date was 21 December 2018 since she was challenging the new decision of the Manager, Human Resources Development Corporate Operations (HRDCO) to keep the access restrictions in place.

The Tribunal found that the actual disputed employment matter was the decision to maintain an access restriction on the Applicant's record pursuant to allegations that she made threats against another World Bank staff member. The Tribunal held that while the Bank is not "precluded from entering and maintaining flags as a preliminary safeguard pending due process," it must make a good faith effort to obtain the staff member's informed response to the allegations made against him or her. The purpose of this is to provide "an objective decision-maker with sufficient evidence to be able to determine the true nature of the facts and reach a well-founded decision as to whether the flags are to be maintained or removed pursuant to Bank rules and policy[.]"

The Tribunal observed that having reviewed the Applicant's comments, "consulted further with the Corporate Security team," and discussed with the Applicant's manager, the Manager, HRDCO decided that the Applicant's "limited access restriction [would] remain in place." This decision was conveyed to the Applicant on 21 December 2018.

The Tribunal therefore found that the relevant date for the purposes of challenging the access restriction before PRS was 21 December 2018. It was on that date that the Applicant, having provided a response to the allegations, was notified that her claim, *i.e.*, her request for the access restriction to be lifted, was rejected. The Applicant had 120 days from 21 December 2018 to submit a request for review to PRS challenging this decision. She did so on 31 January 2019, well within the time limit. The Applicant's claim was submitted in a timely manner before PRS and was thus admissible before the Tribunal.

**Decision:** The Bank's preliminary objection was dismissed. The Bank was ordered to pay the Applicant's legal fees and costs in the amount of \$10,000 for the preliminary objection phase of the proceedings.

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](http://www.worldbank.org/tribunal)