

## **Summary of González Flavell (Nos. 11 and 12) v. IBRD, Decision No. 617 [2019]**

In Application No. 11, the Applicant challenged the alleged denial of the “full internal job search assistance to which she was entitled” and the alleged “failure to comply with the job search assistance obligations stipulated under the terms of the Applicant’s Notice of Redundancy dated 1st July 2015.” In Application No. 12, the Applicant challenged the alleged denial of “the full external outplacement counselling services to which she was entitled” and the Bank’s decision “to refuse and/or ignore the Applicant’s request for travel to Mexico City for purposes of job search and instead to provide only financial compensation after her termination.”

The Bank filed a preliminary objection to both Applications. The Bank contended that the Applications should be dismissed because they are barred by the principle of *res judicata* and do not relate to the Applicant’s contract of employment or terms of appointment. The Bank also asserted that that the claims in Application No. 12 are time barred.

The Tribunal joined the preliminary objections to the merits. The Tribunal noted that the Applicant’s claims concern the provision of internal and external job search assistance as required by Staff Rule 7.01 and therefore pertain to an allegation of the non-observance of the terms of appointment. The Tribunal also determined that the Applicant filed her Applications with the Tribunal in a timely manner. In addition, the Tribunal concluded that the subject matter of the present Applications is different from the issues addressed in the Applicant’s prior cases because the question of whether the Bank properly discharged its responsibilities in terms of job search assistance and a home country travel allowance has never arisen before the Tribunal.

With regard to the merits, the Tribunal noted that the Applicant was offered assistance and repeated explanations by Human Resources staff, and she was provided access to a job search specialist whose role was to equip staff members with the tools required to engage in job searches on their own, rather than to seek out opportunities on staff members’ behalf. The Tribunal found that the Applicant’s claim of not having received internal job search assistance was without merit, and that the Bank discharged its obligations under the version of Staff Rule 7.01, paragraph 8.06, that was applicable at the relevant time.

The Tribunal also concluded that the Applicant was provided access to external job search assistance through an outplacement counseling services provider, and that there was no arbitrariness in requiring the Applicant to commence services with this outplacement counseling services provider before her last day of employment with the Bank. The Tribunal dismissed this claim.

The Tribunal addressed the Applicant’s claim regarding her home country travel allowance. The Tribunal determined that the Applicant did not provide a Staff Rule under which the Bank would have to provide her with the travel allowance at a time that was convenient for her. The Tribunal further noted that the Applicant received her home country travel allowance at the end of her employment, as stipulated under the Notice of Redundancy. The Tribunal held that the Bank applied the version of Staff Rule 7.01, paragraph 14.01, that was applicable at the relevant time, properly and acted consistently with its practices.

The Tribunal also addressed the Applicant's claims of retaliation and harassment. The Tribunal observed that the Applicant specifically declined raising claims of retaliation or harassment during the Peer Review Services (PRS) proceedings. The Tribunal found that the Applicant could not introduce those claims to the Tribunal without having alleged them before PRS. The Tribunal held that the Applicant's claims of retaliation and harassment were inadmissible.

**Decision:** The Applications were dismissed.