

Ghzala v. IBRD, Decision No. 501 [2014]

The Applicant filed an Application contending that his 2012 Overall Performance Evaluation (OPE) and Salary Review Increase (SRI) were arbitrary and procedurally flawed. He also challenged the Bank's decision not to undertake a salary review at his request.

The Tribunal first addressed the Applicant's contention that the Bank failed to follow the proper process in conducting his 2012 OPE and that his OPE ratings were arbitrary. Having reviewed the record the Tribunal found that the requisite formal OPE discussion was never completed. At the same time, the Tribunal observed that the Applicant's supervisor made considerable efforts to meet with the Applicant and found that the Applicant bore some responsibility for the fact that his OPE discussion was not completed prior to the establishment of his OPE and SRI ratings.

Secondly, the Tribunal addressed the Applicant's argument that he should have been given more positive ratings in his OPE. Having determined that the Applicant was awarded a "Fully Successful" OPE, the Tribunal noted that rendering judgment on the appropriateness of a "Fully Successful" versus a "Superior" rating came close to a microscopic review of the Applicant's performance – a task which would involve an unwarranted intrusion on managerial discretion.

Thirdly, the Tribunal considered the Applicant's arguments that his due process rights were violated. The Tribunal noted that the Applicant was aware of some concerns regarding the team for which he was responsible, and the record showed that the Applicant had an opportunity to defend himself against the criticisms. As a result the Tribunal did not find the Applicant's due process were violated. On the Applicant's contention that his SRI rating was arbitrary and procedurally flawed, having found that the 2012 OPE was not arbitrary, the Tribunal held that the Applicant's SRI was commensurate with a fully successful OPE.

Finally, the Tribunal addressed the Applicant's request for a salary review. The Bank had denied the Applicant's request on the grounds that he was a retired staff member and no longer entitled to a salary. The Tribunal noted that neither the Staff Rules nor the Ad Hoc Increase Guidelines shed any light on whether a salary review could be conducted for a retired staff member. The Tribunal found that in the absence of a clearly stated policy concerning salary reviews for retired staff members, it is necessary to assess the purpose of the Applicant's request for a salary review. The record showed that the Applicant requested a salary review to know if "he was not properly aligned with his peers," and "whether he has been treated fairly in comparison with his peers." The Tribunal noted that in the event a salary review demonstrated misalignment with the Applicant's peers, the 2005 Ad Hoc Increase Guidelines expressly state that "ad hoc increases designed to address salary alignment issues are not applied retroactively, but are effective following the approval of the ad hoc increase." Since, as a retired staff member, the Applicant no longer receives a salary, an ad hoc salary increase could not apply to him. The Tribunal therefore found the Bank's

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

reason for denying the Applicant's request for a salary review a legitimate one with a reasonable basis.

Decision: The Bank shall pay the Applicant compensation in the amount of two months' net salary and contribute to part of the Applicant's attorney's fees.