

STAFF RULE 8.01

ADMINISTRATIVE REVIEW PROCEDURE

- 8.01/1 In order to ensure the fair treatment of the staff of the Bank in matters relating to their employment, in accordance with the generally recognized principles of international administrative law, this Staff Rule establishes an administrative review procedure.
- 8.01/1.1 This Staff Rule shall supplement the informal dispute prevention and resolution processes available to the staff of the Bank.
- 8.01/1.2 Such informal dispute prevention and resolution processes shall be on a basis without prejudice to administrative review under this Staff Rule and any other means of redress.
- 8.01/2 Any determination by the Vice President & Chief Administrative or Director-General, Human Resources with legal effect upon a Staff Member shall constitute an administrative decision.
- 8.01/2.1 Within one month of any other determination with legal effect, a Staff Member may request a corresponding administrative decision regarding such determination from the Director-General, Human Resources Department.
- 8.01/2.2 As part of such administrative decision, the Director-General, Human Resources, may recommend that the matter is referred to the informal dispute prevention and resolution processes. Regarding apparently systemic matters, the Director-General, Human Resources Department shall consult the Human Resources Review Committee.
- 8.01/2.3 Upon request, the Director-General, Human Resources Department, shall promptly take an administrative decision to confirm, vary or reverse a corresponding determination, and provide written reasons accordingly.
- 8.01/3 A Staff Member may challenge an administrative decision which adversely, directly and personally affects them in accordance with the procedure established by this Staff Rule. This challenge must be submitted by the Staff Member to the Vice President & Chief Administrative Officer within one month of such administrative decision.
- 8.01/4 This challenge shall comprise a written statement identifying the following:
- 8.01/4.1 The challenged administrative decision;

- 8.01/4.2 The related adverse, direct and personal affects upon the challenger Staff Member; and
- 8.01/4.3 The alleged inconsistency of the challenged administrative decision with the terms and conditions of employment of the challenger Staff Member.
- 8.01/5 The Vice President & Chief Administration Officer shall promptly consider the challenge and shall dismiss any out of time challenge.
- 8.01/6 A timely challenge shall be referred by the Vice President & Chief Administration Officer to the President. The President shall promptly appoint an independent Reviewer from a panel maintained by the General Counsel.
- 8.01/6.1 An independent Reviewer shall be a person of high moral character and possess the qualifications and professional experience of a highly-regarded lawyer, accountant, actuary or human resources specialist, familiar with the terms and conditions of employment of the international civil service.
- 8.01/6.2 An independent Reviewer shall be impartial and shall not currently or have formerly discharged any other duties or responsibilities for the Bank.
- 8.01/6.3 All Staff Members shall cooperate with an independent Reviewer. Knowingly failing to cooperate shall constitute a breach of the Code of Conduct for Bank Personnel.
- 8.01/6.4 To the greatest reasonable extent, the review undertaken by the independent Reviewer shall be confidential, expeditious and unobtrusive.
- 8.01/6.5 In undertaking the review, the independent Reviewer shall have regard to the terms and conditions of employment of the Staff Member, including the internal legal framework of the Bank and the generally recognized principles of international administrative law.
- 8.01/7 Upon appointment, the independent Reviewer shall undertake a review of the challenged administrative decision, in accordance with the following procedure:
- 8.01/7.1 First, the independent Reviewer shall obtain a report from the Vice President & Chief Administration Officer, limited to findings of fact, agreeing or rebutting the allegations of the challenger Staff Member. This report shall append materially relevant documentation and written testimonials.
- 8.01/7.2 Second, the independent Reviewer shall share with the challenger Staff Member the report (with appendices) of the Vice President & Chief Administration Officer and invite a written response, agreeing or rebutting

the reported findings of fact. This response may append materially relevant documentation and written testimonials.

- 8.01/7.3 Third, the independent Reviewer shall share with the General Counsel the report (with appendices) of the Vice President & Chief Administration Officer, the written response of the challenger Staff Member (with appendices), and obtain a legal opinion identifying the law applicable to the review.
- 8.01/8 At any time the independent Reviewer may also:
- 8.01/8.1 Obtain and consider such documents or written testimonials as may be necessary to establish the credibility of the facts alleged during the review procedure.
- 8.01/8.2 Set a deadline for the completion of a constituent action of the review procedure and adopt any resulting procedural prejudice or adverse inference commensurate with the disregard of such deadline.
- 8.01/8.3 Undertake any such other actions reasonably related to the review procedure.
- 8.01/9 The independent Reviewer shall complete the review procedure, within four months of their appointment, by submitting to the President, copied to the challenger Staff Member, a recommendation, comprising:
- 8.01/9.1 A statement of relevant alleged and established facts.
- 8.01/9.2 Findings as to breach of the terms and conditions of employment of the challenger Staff Member.
- 8.01/9.3 A recommendation as to whether, consistent with the terms and conditions of employment of the challenger Staff Member, the challenged administrative decision should be upheld, varied or reversed by the President. The independent Reviewer may recommend financial compensation in the alternative to the variation or reversal of the challenged administrative decision.
- 8.01/9.4 As enclosures, the submissions to the review procedure of the Vice President & Chief Administration Officer and challenger Staff Member, and the legal opinion of the General Counsel, and any other documents or written materials obtained by the independent Reviewer.
- 8.01/10 Within six weeks of receipt of the recommendation by the independent Reviewer, the President shall issue the challenger Staff Member with an Administrative Review Decision.

- 8.01/10.1 The Administrative Review Decision shall weigh the recommendation by the independent Reviewer, and uphold, vary or reverse the challenged administrative decision in accordance with the terms and conditions of employment of the challenger Staff Member. To the extent that the Administrative Review Decision departs from the recommendation of the independent Reviewer, reasons shall be provided. The Administrative Review Decision may award financial compensation in the alternative to the variation or reversal of the challenged administrative decision.
- 8.01/10.2 The Administrative Review Decision shall be made available to Members of the Executive Committee. An anonymized factual and legal summary of the Administrative Review Decision shall be promptly prepared by the General Counsel and made available to the staff of the Bank.
- 8.01/10.3 The Administrative Review Decision shall constitute a final decision and exhaustion of all means of redress afforded by this Staff Rule and Article 13(2) of the Staff Regulations.
- 8.01/11 Prior to the issuance of an Administrative Review Decision, the challenger Staff Member may discontinue their challenge under this Staff Rule at any time by written notification to the Vice President & Chief Administration Officer accordingly. The Vice President & Chief Administration Officer shall so inform the President, the General Counsel, and if an independent Reviewer has been appointed, such independent Reviewer.
- 8.01/12 Consistent with Article 13(2) of the Staff Regulations and the Code of Conduct for Bank Personnel, no retaliation shall be allowed against the challenger Staff Member or any staff of the Bank implicated by the administrative review procedure under this Staff Rule.
