

ANNUAL REPORT OF THE EXECUTIVE SECRETARIAT OF THE IDB GROUP ADMINISTRATIVE TRIBUNAL

FIRST SUMMARY OF
ACHIEVEMENTS AND
CHALLENGES
2019





Welcome to the IDB Group Administrative Tribunal!

This informational material has been developed with IDB Group employees in mind, and it is intended to serve as a periodic source of information about the Secretariat's activities and analyses of cases.

In this First Summary, we present the 2019 Achievements of the Executive Secretariat of the IDB Group Administrative Tribunal (IDB Group AT), briefly introduce the Executive Secretariat's role within the Tribunal, analyze the Tribunal's judicial activity, and present key aspects of the ongoing Outreach Strategy. We also present, for the first time, a specific section containing data analysis on the Tribunal's jurisprudence. The Secretariat has been encouraged by employees' positive response to the knowledge-sharing sessions, and this response, together with the continuous support of the Board of Executive Directors, has led the Secretariat to innovate and redesign the way it communicates with potential users and interested parties. These new channels of communication aim to promote and disseminate information about the Administrative Tribunal's role and the services offered to employees.

As the Executive Secretary of the IDB Group AT, I act under the direction of the President of the Tribunal, and I am responsible for the Tribunal's day-to-day work; for the organization, custody, and care of official documents; and for generating knowledge about the Tribunal's jurisprudence. It has been an honor to serve the IDB Group AT, whose function is to ensure that employees' claims will be heard and judged fairly.

The Secretariat will further develop its data analysis for the benefit of its users. In addition, the Secretariat will continue to expand institutional dialogue through our annual Open House and other outreach activities at HQ and Country Offices. This goal is in line with one of the Secretariat's priorities for the coming years, which is to make the Tribunal's jurisprudence more accessible to users and provide information to foster a better understanding of the Tribunal's work.

Giuliana Canè

Executive Secretary of the IDB Group Administrative Tribunal

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1.

The Role of the Executive Secretariat of the IDB Group Administrative Tribunal

As the **supporting body** of the IDB Group Administrative Tribunal (IDB Group AT), the Executive Secretariat is responsible for **processing complaints** filed by employees of the IDB Group. In addition, the Executive Secretariat is responsible for **budget management and implementation**, and for the **creation of knowledge** about the Tribunal's **case law**.

Every day, the Secretariat endeavors to furnish **high-quality information**, enabling users to **know their rights** and the **process to be followed** to bring a case before the Tribunal, which is the conflict resolution mechanism of last resort established by the IDB Group for its employees.



Informative Note: Immunity from Jurisdiction

The IDB and IDB Invest, like many international organizations, enjoy immunity from jurisdiction of the courts of their member countries. For this reason, the Administrative Tribunal was established in 1981 to adjudicate disputes which arise out of the employment relationship of the IDB Group with its employees.

Four Years of Transformation and Learning

Over the past four years, the Secretariat of the Administrative Tribunal has led a process of transformation, pursuing **openness** and the **generation of knowledge** with the aim of sharing information of interest about the Tribunal. This process began in 2016 with the first Annual Report, which was submitted to the Board of Executive Directors in 2017, and it continues today through various **ways of providing information** with the **intention of increasing knowledge about the Tribunal** among the IDB Group's employees.

To this end, this **summary of the Achievements and Results** attained by the Secretariat in 2019 is being shared with employees of the IDB Group for the first time. This **action** is in addition to the **Outreach efforts** that have already been undertaken at Headquarters and Country Offices alike. Such summaries will serve as a **periodic source of information** about the Secretariat's activities and analyses. This first summary will share statistics and information of interest that have been presented in prior Reports to the Board, giving readers a general overview of the Tribunal's activity and its role within the IDB Group.

2.

Achievements of the Executive Secretariat of the IDB Group Administrative Tribunal in 2019

2.1 Judicial Activity

The Administrative Tribunal's main function is to resolve **conflicts arising out of the employment contract** between employees of the IDB Group and Management.

In **2019**, the IDB Group AT **issued one Decision** in a case that was filed by multiple complainants, and it **received one new case** (which was closed in 2020). The Tribunal's Decisions are available for consultation in English and in Spanish on its website at www.iadb.org/tribunal.

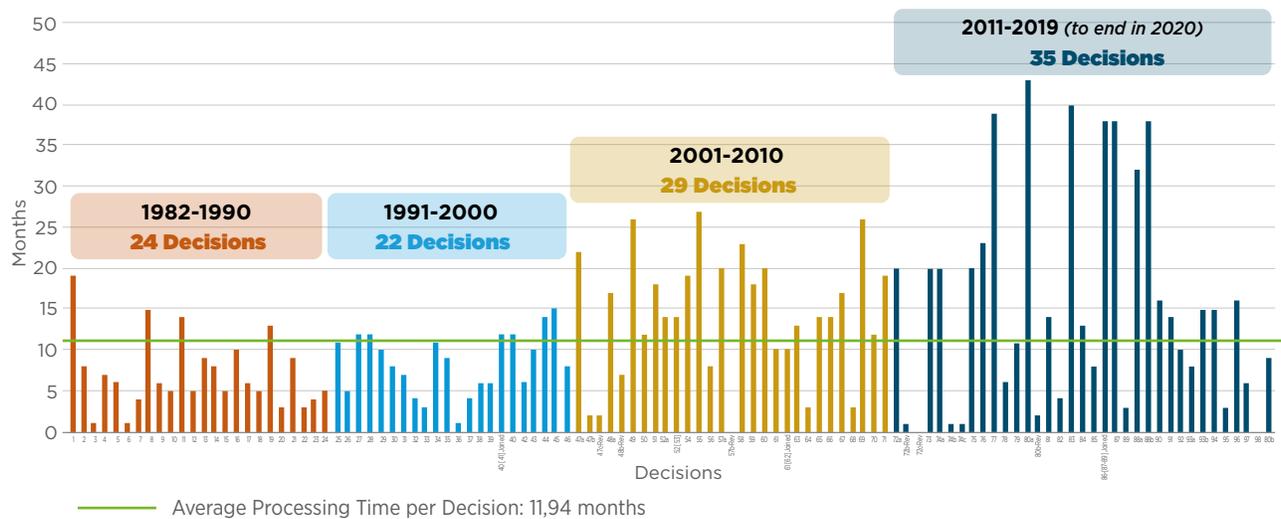


Informative Note: What is a Decision?

A Decision is a verdict issued by the IDB Group AT regarding the claims presented by the Parties during the proceedings. The Tribunal's Decisions are final and without appeal, ending the formal conflict resolution process established by the IDB Group.

As of **December 31, 2019**, the IDB Group AT has issued **110 Decisions**, **averaging 2.82 Decisions per year** and **11.94 months to process a case** and issue a Decision. However, beginning with the Decisions that were filed in 2016, the average time to process a case has decreased significantly, falling to 7.5 months per Decision between 2016 and 2019.

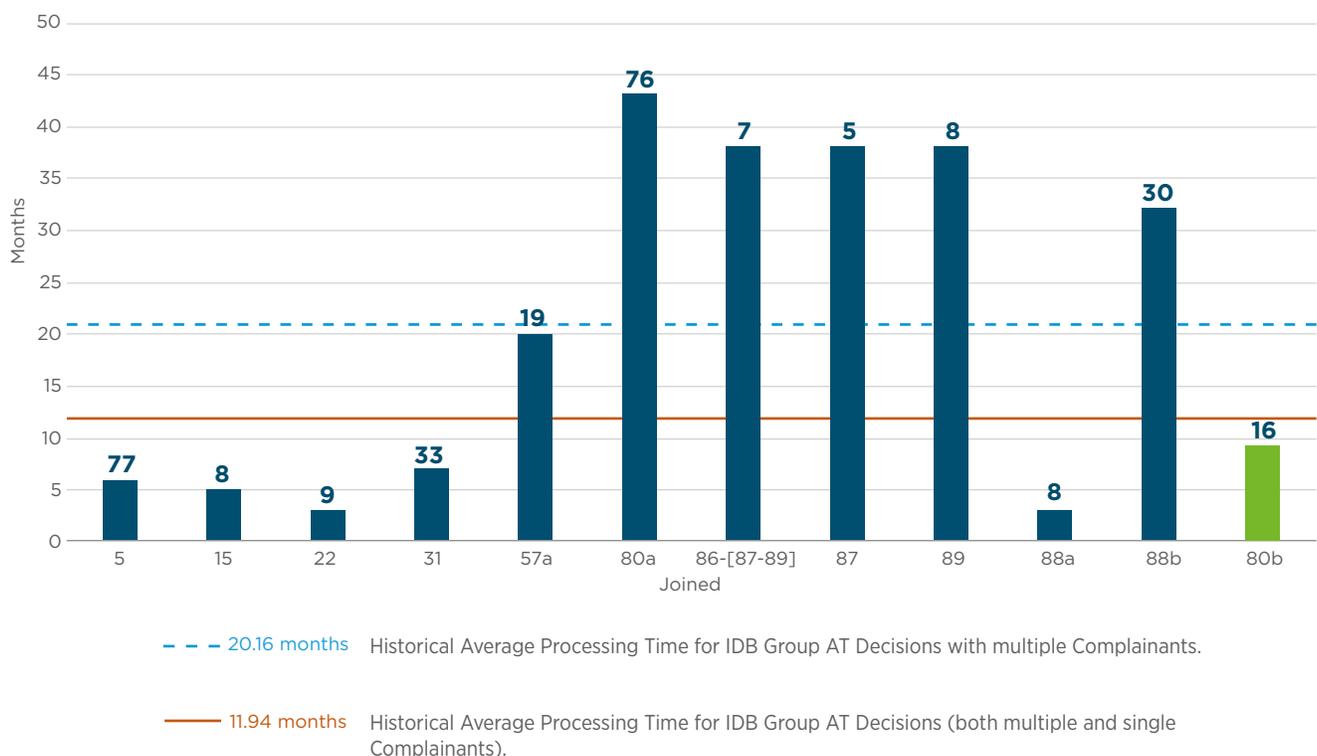
Graph 1: Historical Graph of Decisions by Decades issued by the Administrative Tribunal from 1981 to 2019



Historically, the processing time for cases filed by more than one complainant has exceeded the **overall historical average processing time of 11.94 months**. The Secretariat is constantly endeavoring to enable cases to be resolved in the shortest time possible, with the aim of always providing the best service and fulfilling the mandate established in the Statute of the Administrative Tribunal.

We are pleased to report that the case that was closed in 2019 **was processed** in record time; the case involved 16 complainants and was processed in **nine months**. This processing time was **55% shorter** than the historical average for **complaints with multiple complainants** and **25% shorter** than the **overall average**.

Graph 2: Decisions with Multiple Complainants issued between 1991 – 2019 (12 out of 110 Decisions)





Informative Note: Individual Complaints and Complaints Filed by Multiple Complainants

The Administrative Tribunal hears individual complaints filed by one employee of the IDB Group.

The Rules of Procedure also provide for cases to be processed jointly if the issues of fact and of law coincide. Under these circumstances, the President of the Tribunal, *motu proprio* or at the request of a party, may authorize the joinder of cases. Over time, the IDB Group AT has heard cases filed by multiple complainants who, having shared issues of fact and of law, decided to bring a case before the Tribunal based on the same *petitum*. Regardless of whether a petition is filed jointly or is joined during the proceedings, joint cases are considered individually.

2.2 Outreach Strategy

In addition to judicial activity, the Executive Secretariat's functions and explicit objectives include creating and disseminating knowledge about the services provided by the Administrative Tribunal. To accomplish this objective, the Secretariat generates case law analysis and statistics about the cases decided by the Tribunal. This activity is also intended to create and cultivate an awareness of the Tribunal's history, and to identify aspects that make it possible to offer the best service to employees of the IDB Group.

How did we arrive at this Strategy?

Based on the results of this analysis, the Secretariat developed an Outreach Strategy for an initial audience of consultants and employees at Country Offices. Other mechanisms that the Bank uses to gauge understanding of the remedies available to resolve conflicts arising out of the employment contract (such as the Gallup Poll) also served as a basis for the Strategy.

After two years of presenting relevant data to the Board of Executive Directors and observing keen interest and a positive response to learning in detail about new aspects of how the IDB Group AT works, the Secretariat presented an Outreach Strategy in our 2020 Work Program and Budget Proposal.

This **Outreach Strategy** thanks to the assistance of the Board of Executive Directors, the Vice Presidency for Countries, the Staff Association, and the Vice Presidency for Finance and Administration, is now an important component of the Secretariat's day-to-day work. This Strategy is intended to **foster** and **disseminate knowledge about the Tribunal's role** as part of the IDB Group's conflict resolution mechanisms.

Components of the Outreach Strategy

Since the Outreach Strategy was first created, its central focus has been on increasing knowledge among employees of the IDB Group about the conflict resolution mechanism of last resort, particularly among employees where there may be a lack of information.

This Strategy has three key components:

1. Providing employees with **improved sources of information** by holding annual events like the Administrative Tribunal Day, updating the website, and responding to inquiries from employees and other Departments of the IDB Group.
2. Emphasizing **one-on-one outreach** to **Country Offices and Offices in Europe and Asia**.
3. Creating and disseminating our knowledge, especially for employees who may not know about the Tribunal's services (**consultants**, new employees of the IDB Group during the **Onboarding** session).

2.2.1. Providing Improved Sources of Information

Communicating with employees is a priority for the Secretariat of the Administrative Tribunal. In support of this priority, the Secretariat has endeavored to offer a wide range of resources, tools, and opportunities for interaction to acquaint employees with how the Tribunal works and its jurisdiction.

IDB Group Administrative Tribunal Day

Among employees of the IDB Group, Administrative Tribunal Day is the best-known event and the one that reaches the most employees. The third Administrative Tribunal Day was held in 2019, with a schedule of activities that got underway days prior to the event, followed by the Open House—which has already become a noted event—and capped off by positive feedback from employees.

Leading up to the day of the main events, the Secretariat offered a series of interactive activities related to the Tribunal's role. The activities, which took place in the common areas at the IDB Group Headquarters, included games and a trivia with interesting facts about the Tribunal and its history, as a way for participants to actively learn about essential aspects of how the Tribunal works.

The Secretariat also organized our first-ever Town Hall, where employees had the opportunity to interact with all the members of the Tribunal and ask them questions, either directly or anonymously. The event was simulcast in English and Spanish, and employees at Country Offices were able to actively participate by connecting remotely. Of the **participants who took part in the event via IDBtube, 54%** were at **Country Offices**, demonstrating that employees outside Headquarters are very interested in learning about the work of the IDB Group AT.

After **participating** in the **interactive Town Hall in large numbers, employees** were interested in learning about the Tribunal's role and seeing its facilities for themselves, and they returned for the Open House that same afternoon.

Image 1: Key Numbers from the 2019 IDB Group Administrative Tribunal Day

THE NUMBERS: How did we connect with employees for the Administrative Tribunal Day?



More than **400** interactions from IDB Group employees



Employees from **23** Country Offices connected online
54% of employees who were connected by IDBtube were in the Country Offices

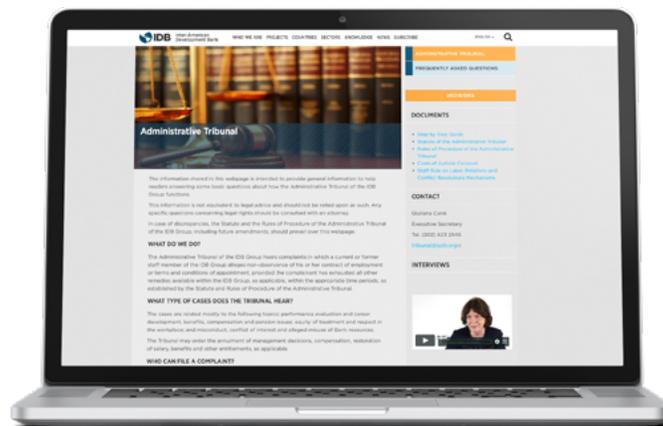


32% of the employees at Headquarters that participated, attended more than one of the scheduled activities

New Website of the IDB Group AT

The website serves as another way to communicate with employees and the general public. The new version of the website, which was launched in 2019 in response to inquiries by staff members and consultants of the IDB Group, is intended to be a more user-friendly tool, providing basic information about how to use the Tribunal’s services. The website also explains the composition of the Tribunal and showcases its activity. The new website incorporates more resources and materials, including the Tribunal’s Statute, Rules of Procedure, Code of Judicial Conduct, frequently asked questions, and a Step by Step Guide to the Tribunal. The Tribunal’s history, and Decisions are also available on the website, along with interviews with past Presidents of the Tribunal.

Image 2: Overview of the new website and resources available



Responding to Inquiries

The Executive Secretariat is constantly striving to offer employees of the IDB Group more sources of information. In 2019, the Secretariat saw an increased in the number of requests for information made by staff members, consultants, and other areas of the Bank. In addition, the Secretariat succeeded in enabling employees to obtain personalized responses to their inquiries, by building the trust necessary for them to approach the Secretariat freely about such inquiries.

These requests for information are handled confidentially.

2.2.2 Emphasizing One-on-One Outreach to Country Offices and Offices in Europe and Asia

One-on-One Outreach to Country Offices and Offices

The focus on employees at Country Offices emerged after potential information gaps were identified based on an analysis of the complainants who have filed complaints with the Tribunal over time. The analysis showed that approximately one third of employees were working at Country Offices when they filed a complaint. However, just 25% of them filed an individual complaint, leading us to conclude that employees in this group have a need for greater knowledge about the Tribunal's role.

With the aim of ensuring equal access to information at Headquarters and Country Offices alike, an introductory presentation was developed to acquaint employees at Country Offices with the services available to them. The presentation focused on the Tribunal's jurisdiction and composition, the steps involved in filing a complaint, the procedures for filing a complaint at a Country Office, and overall statistics about the matters at issue in the cases heard by the Tribunal and how those cases are resolved.

The Outreach Strategy for Country Offices and Offices in Europe and Asia promptly got underway in the last quarter of 2019. The aim was to include all the IDB Group's regions of operation in Latin America and the Caribbean right from the outset. As a matter of priority, employees working in various settings and locations were among those who saw the pilot presentation over the first four months, and the presentation reached at least one Country Office per region. The Secretariat also made it a priority to reach employees working in countries with challenging security environments.

In 2019, the introductory presentation was offered via videoconference in three of the IDB Group's official languages, reaching all employees at nine Country Offices.

Image 3: Timeline of Individualized Introductory Presentations given to Country Offices in 2019



2.2.3 Creating and Disseminating our Knowledge

One of the Secretariat's priorities is to create and disseminate knowledge about the Tribunal's function and its case law. In support of this priority, over the past four years, we have been working to develop new statistics about the Tribunal's operations. This work is intended to cultivate an awareness of the Tribunal's history and identify aspects that make it possible to offer the best service to employees of the IDB Group.

We are also endeavoring to share best practices with peer institutions and strengthen connections that foster learning.

Data Analysis: Sharing our Knowledge with New Employees and Other Areas of the IDB Group

This undertaking effort, which involves generating knowledge based on the 110 Decisions that the Tribunal has issued over its 39 years of existence, has been reported to the Board of Executive Directors of the Bank since 2017, and it has also inspired the creation of new ways to communicate with employees. Based on the Board's recommendation and interest, and in keeping with the Secretariat's commitment to provide relevant information to employees, we have been expanding our data analysis and our analysis of the Tribunal's case law.

The Secretariat has disseminated information at Headquarters and Country Offices, sharing our knowledge with relevant groups, including the Staff Association, the Vice Presidency for Countries (VPC), and Human Resources Management.

To increase awareness of the Tribunal's function, since 2019, the Secretariat has been part of the conflict resolution panel at the On-Boarding session for new staff members of the IDB Group.

Peer to Peer Learning

The Executive Secretariat constantly strives to provide high-quality service by staying up to date and strengthening our relationships with peer institutions. To this end, the Secretariat led the expert committee that organized the high-level seminar on international administrative tribunals in 2019, and we continue to participate in the seminar every year.

In addition, the Executive Secretariat continues to respond to requests to share best practices with other international institutions. Because these institutions identify the Executive Secretariat of the IDB Group AT as a model, they are particularly interested in learning about our work. Organizations including the International Law Institute (ILI) and the African Union (AU) visited the Tribunal to learn about internal aspects of how it works. The Caribbean Community (CARICOM) also inquired with the Executive Secretariat about aspects of operation, seeking input in order to form its own Tribunal.

Statistics of Interest

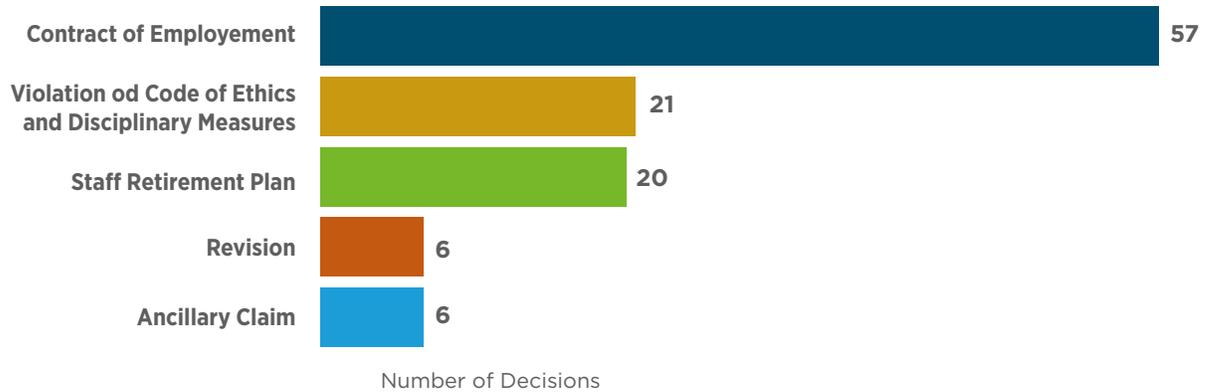
During outreach sessions that we have held, employees have asked questions indicating some pertinent subjects that are of interest to them. These subjects are worth looking at to gain a fuller understanding of how the Administrative Tribunal operates and the process of bringing a case before the Tribunal.

First of all, the most frequently asked question is about the type of complaints that the Administrative Tribunal hears. The **majority** of the Complaints filed with the IDB Group AT, from the time that the Tribunal was created through 2019, have alleged non-observance of the **Contract of Employment (57 Complaints)**. This is **followed** by Complaints involving non-observance of the **Code of Ethics and Disciplinary Measures (21 Complaints)**, as well as Complaints related to the **Staff Retirement Plan (20 Complaints)**.

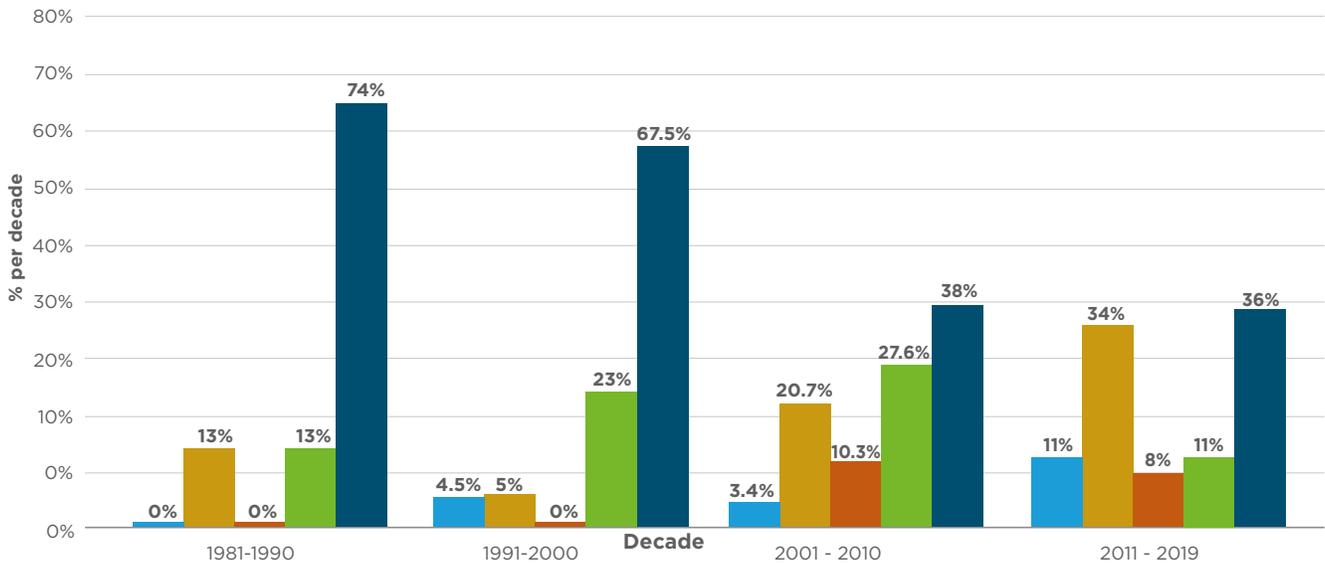
Historically, this tendency has been consistent, with most cases involving alleged non-observance of the contract of employment. During the current decade, however, the number of complaints involving

violations of the Code of Ethics and Disciplinary Measures is similar to the number of complaints primarily related to the contract of employment.

Graph 3: Historical Graph, 1981 – 2019, Type of Complaint



Graph 4: Historical Graph, 1981 – 2019, Type of Complaint by Decade



When it comes to complaints involving non-observance of the contract of employment, the majority of these complaints arise out of situations that occur at either the start or end of the employment.

A. Who Files Complaints?

In general, staff members have filed more complaints with the Tribunal than consultants have. In 2013, the Statute of the Tribunal was amended, explicitly expanding the Tribunal’s jurisdiction to include complaints filed by consultants as well. In practice, the Tribunal had already previously admitted two cases filed by consultants.



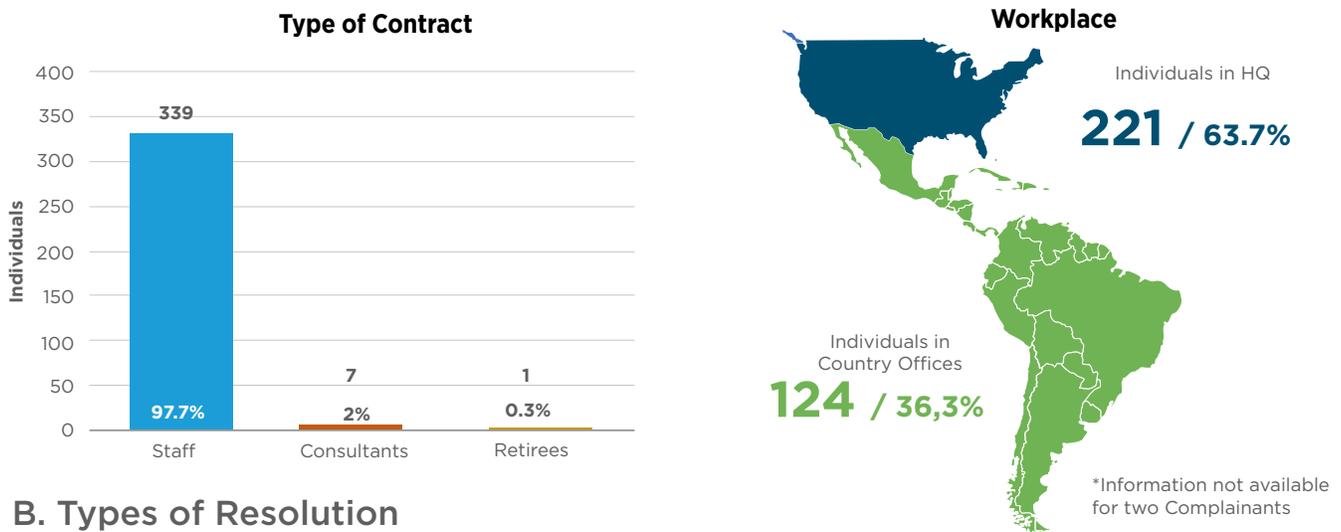
Informative Note: Who can file a complaint?

The Administrative Tribunal has jurisdiction to hear complaints filed by IDB Group staff members, as well as by consultants, retirees, and former employees who have or had a direct contractual relationship with the IDB Group.

From the time that the Tribunal was created through December 2019, 339 staff members have filed a complaint (representing 97.7% of all Complaints), along with seven consultants (2%) and one retiree (0.3%). In other words, a total of 347 individuals have filed a case over the 39 years that the Tribunal has been in existence.

Of all the complainants, 63.7% worked at Headquarters, and 36.3% worked at one of the Country Offices.

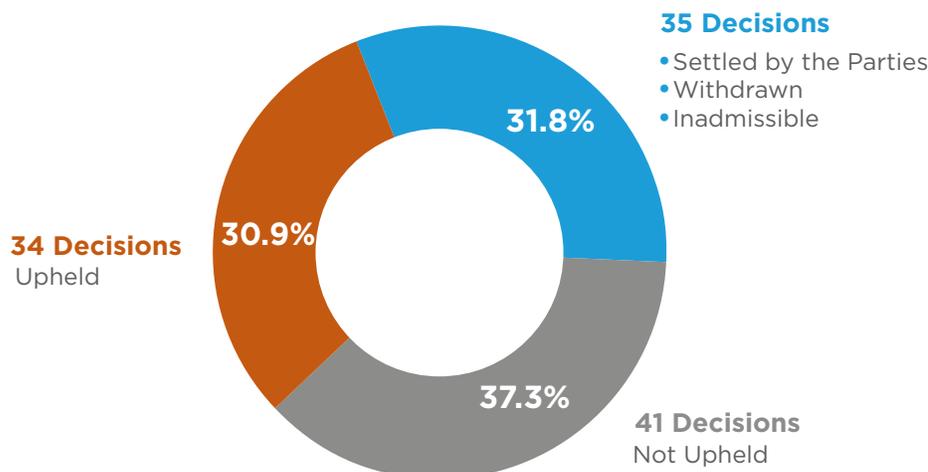
Graph 5 and 6: Focus on Complainants



B. Types of Resolution

Historically, in 30.9% of cases, the Tribunal has issued a Decision granting the complainant’s petitions (granted). The complainant’s petitions have not been granted in 37.3% of cases (not granted), and the remaining 31.8% of cases have been resolved by the parties, withdrawn, or found inadmissible before the Tribunal issued a Decision.

Graph 7: Type of Resolution



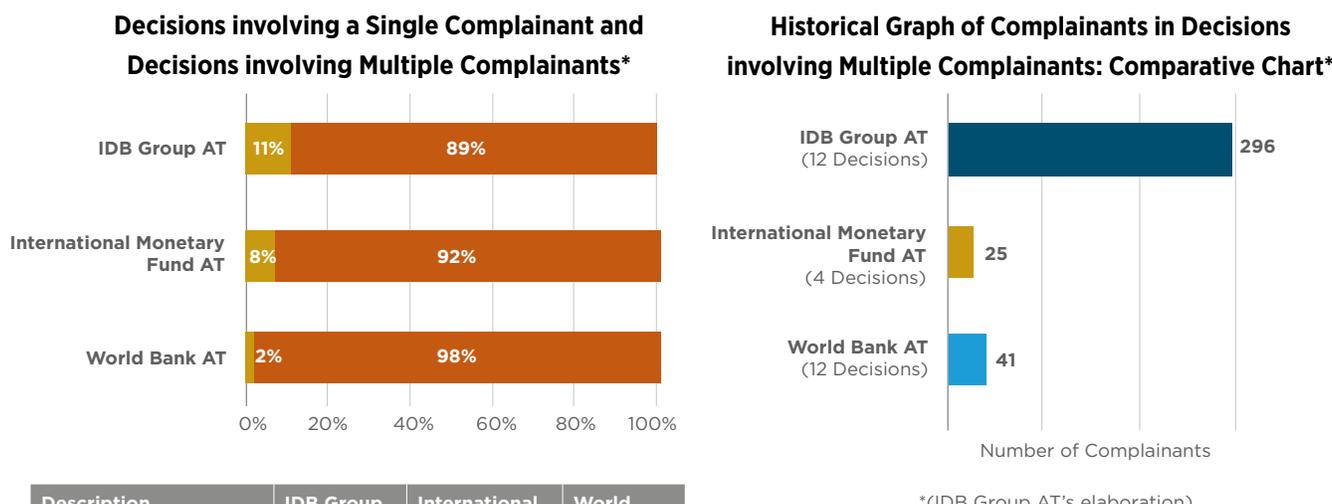
C. Complaints Filed by More than One Employee

Historically, the complaints heard by the IDB Group AT have mostly been filed individually, as is also true of other international administrative tribunals. Of the Tribunal’s Decisions, 89% (98 out of a total of 110 Decisions) have involved complaints filed individually.

Complaints filed by more than one employee represent 11% of cases, involving nearly 300 employees who have brought cases before the Tribunal jointly. The Decisions in these cases have primarily related to allegations regarding the contract of employment (7 complaints), the retirement plan (4 complaints), and cost application (1 complaint).

Fewer complainants have filed joint complaints with other administrative tribunals, such as the tribunals of the International Monetary Fund and the World Bank (25 and 41 complainants, respectively) (graphs compiled by the IDB Group AT Secretariat).

Graphs 8 and 9:



Description	IDB Group AT	International Monetary Fund AT ^a	World Bank AT
Decisions with Multiple Complainants	12	4	12
Decisions with a Single Complainant	98	58	688

^a The Statute of the IMF provides for the possibility of complaints being filed against a regulatory decision, not just against a particular administrative act or decision. This jurisdiction enables the IMF AT to review regulatory decisions, either directly or in the context of reviewing an individual decision based on a regulatory decision (Articles II and VI, IMF AT Statute). The IMF AT’s four Decisions in cases with multiple complainants have involved direct and indirect cases against a regulatory decision.

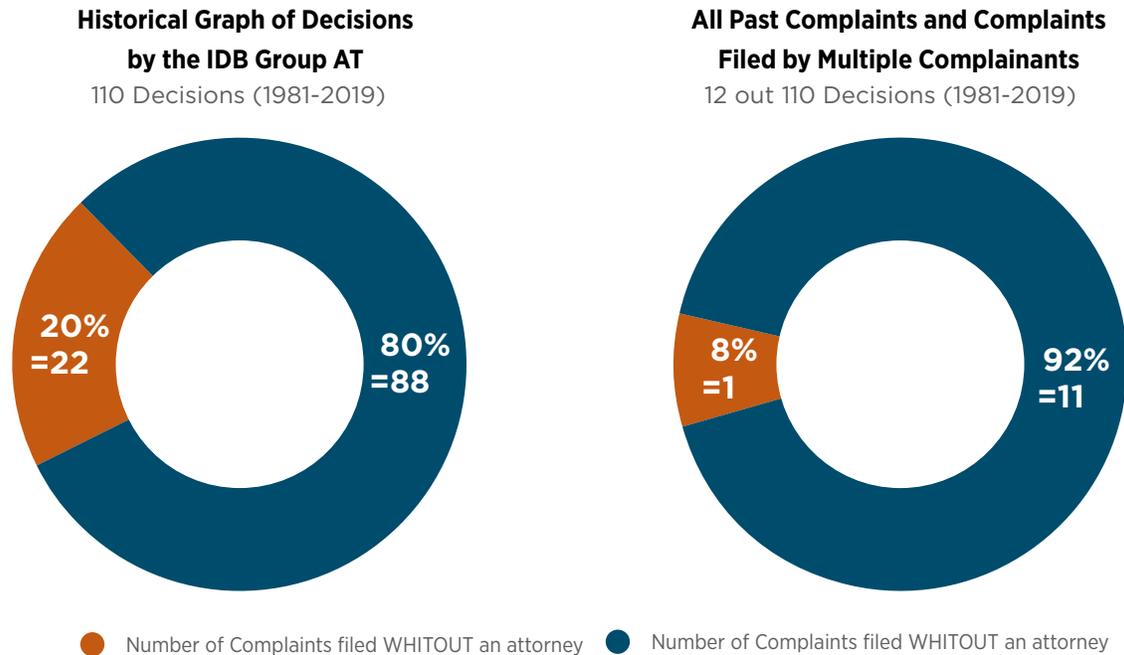
D. Complainants’ Representation, Types of Resolution, and Procedural Costs

To file a complaint with the IDB Group AT, complainants need not necessarily hire an attorney. It follows from Article 12(1)F of the Rules of Procedure that complainants may represent themselves or have a representative or an attorney.¹

Historically, the majority of complaints (80%) have been filed through an attorney, while a minority of complainants (20%) have opted to represent themselves before the Tribunal.

¹ Rules of Procedure of the IDB Group Administrative Tribunal, Article 12(1)F: “1. Formal Requirements of the Complaint [...] F. The signature of the Complainant and, where applicable, that of the representative or attorney designated by him.”

Graphs 10 and 11:



Since 2013, when the Statute of the Administrative Tribunal was amended, the Tribunal has been able to award procedural costs, including attorney’s fees, in its final decision when finding in favor of the complainant. The awarding of costs is discretionary and depends on the individual facts of the case.

Of the cases filed since this amendment, an award of costs has been sought in only one case to which this amendment was applicable, and the Tribunal awarded costs in that case.

E. Average Processing Time for a Complaint: Motions for Extensions (1981-2019)

The processing time for a complaint can be affected by such factors as the number of requests for extensions filed by the parties, the number of complainants, and the complexity of the case, as well as the complexity of the evidence offered by the parties and requested by the Tribunal.

A request for extension is a request by one of the parties to extend the deadline that has been set for a filing in the case.

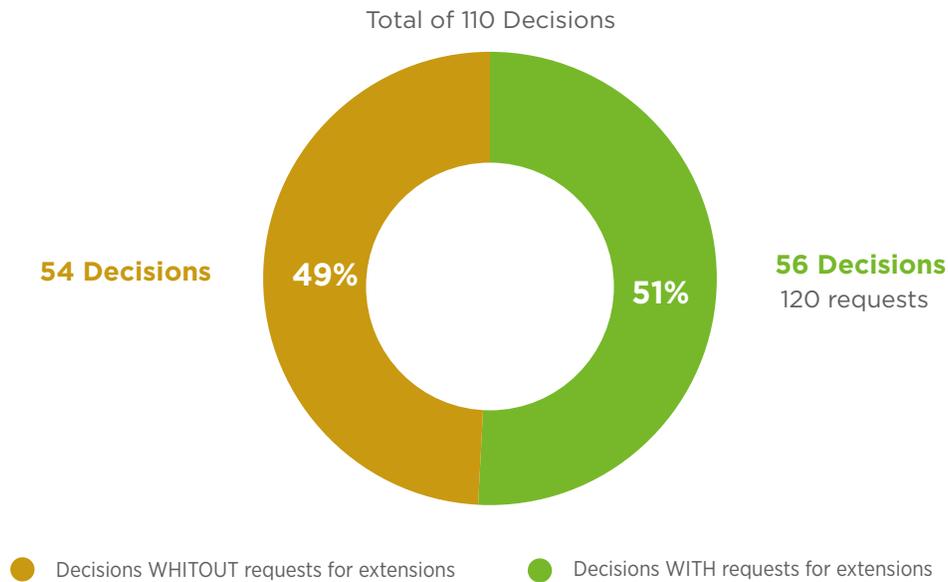


Informative Note: Factors Affecting the Processing Time for a Complaint

Some of the factors that can influence the average processing time for a complaint prior to a Decision being issued include: a) the complexity of the matters under consideration; b) the number of complainants on each petition; c) the number of requests for extensions of deadlines; d) the volume and complexity of the evidence offered to the Tribunal; and e) the Tribunal’s caseload during a given year.

The graph below shows the number of Decisions with and without motions for extensions filed by the parties.

Graph 12: Decisions with and without Motions for Extensions



Of the 110 Decisions that the IDB Group AT has issued, 56 Decisions have involved one or more requests for extensions filed by the parties, compared to 54 Decisions that have not involved any requests for extensions. In those 56 Decisions, the parties have requested a total of 120 extensions.

Of the 120 extensions that have been requested by the parties, 68 of those requests (57%) were made by the complainant, while 47 of them (39%) were made by the respondent; the remaining 5 extensions (4%) were requested jointly.

3.

Looking Forward

Employees of the IDB Group have shown interest in learning about the services provided by the IDB Group AT, and this positive response has encouraged the Executive Secretariat to continue developing ways to share information and disseminate its work. The Executive Secretariat is developing an interactive module for the virtual welcome course currently offered to new consultants, taking advantage of the technological tools and opportunities for training that are available to new employees of the IDB Group.

In addition, the Secretariat is constantly striving to identify tools and processes to facilitate access to the Tribunal. To this end, following a review and amendment to the Rules of Procedure, both the complaint and other filings required during proceedings will be filed electronically.

The Executive Secretariat of the Tribunal is strengthening outreach and the sharing of knowledge about the services offered by the Tribunal. In addition, the Secretariat will respond to the needs of users by further expanding our efforts to generate knowledge, with the aim of continuing to provide relevant information to employees of the IDB Group.



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