



World Bank Group Directive

Staff Rule 9.03 - Peer Review Services

Bank Access to Information Policy Designation

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Content

This Directive, "Staff Rule 9.03, Peer Review Services," (hereinafter Rule) describes the purpose and operation of the World Bank Group's ("Bank") Peer Review Services.

Applicable to

IBRD,IFC,MIGA,ICSID,IDA

Issuer

EXC

Sponsor

MDCAO

SECTION I – PURPOSE AND APPLICATION

- 1.01 This Directive, "Staff Rule 9.03, Peer Review Services," (hereinafter Rule) describes the purpose and operation of the World Bank Group's ("Bank") Peer Review Services.
- 1.02 The provisions of this Rule apply to all current and former Staff Members of the institutions of the World Bank Group.

SECTION II – DEFINITIONS

- 2.01 Capitalized terms in this Rule have the meanings ascribed to them in Staff Rule 1.01, "General Provisions," and as follows:
- a. **Disputed Employment Matter.** A managerial action, inaction, or decision that is the subject of a Staff Member's Request for Review and that is reviewable under paragraph 7.01 of this Rule.
 - b. **Request for Review.** The document a Staff Member must submit to request peer review of a disputed employment matter.
 - c. **Requesting Staff Member.** A Staff Member who has filed a Request for Review.
 - d. **Responding Manager.** The Manager designated to respond to a Request for Review.

SECTION III – SCOPE

03. The Peer Review Process, Objectives and Principles

- 3.01 **Process.** Peer review is a service offered by the Bank to facilitate the resolution of Staff Members' employment-related concerns. During the peer review process, a Staff Member and his/her Manager present evidence regarding a disputed employment matter to a panel of peers. The panel reviews the evidence and considers whether the Manager's actions were consistent with the Staff Member's contract of employment and terms of appointment, including the pertinent Bank rules and policies. The panel may recommend that the Bank award relief to the Staff Member and/or take other corrective measures. A panel's recommendations generally are submitted to the Requesting Staff Member's and Responding Manager's Vice President, who renders a decision with advice from the World Bank Group Human Resources Vice President.
- 3.02 **Objectives.** The objectives of the peer review process are to provide Staff with a means to obtain review of disputed employment matters by their peers in an informal and non-legalistic procedure; to reach just, fair, and efficient resolution of such matters; and to ensure Managers' accountability for their actions affecting Staff.
- 3.03 **Principles.** The peer review process is part of the Bank's efforts to create a conflict competent workplace, providing a structure and support to Staff Members who wish to obtain review of disputed employment matters. Peer review is a participatory process designed to increase mutual respect, trust, and communication between Staff and management.

04. Peer Review Membership

- 4.01 **Peer Review Members.** The Bank's peer review services shall be provided by Peer Review Members, who are volunteer Staff Members appointed by the President or his/her designee based on the joint recommendations of the World Bank Group Human Resources Vice President and the World Bank Group Staff Association, according to the process described in Annex A, "Service of Peer Review Members," of this Rule. Each Peer Review Member shall hold a three-year term, renewable once for a second three-year term. There shall be 40 or more Peer Review Members.
- 4.02 **Peer Review Chair.** A Chair of the Peer Review Services shall also be appointed by the President or his/her designee based on a joint recommendation from the World Bank Group Human Resources Vice President and the World Bank Group Staff Association. The Peer Review Chair shall serve on a volunteer basis for a three-year term, renewable once for a second three-year term. The Peer Review Chair is responsible for advising the Peer Review Secretariat on matters relating to the operation of Peer Review Services and for representing Peer Review Services in various Bank forums. In addition, the Peer Review Chair is vested with the authority to decide certain matters relating to cases, as specified within this Rule. The Peer Review Chair is also considered a Peer Review Member and may participate in the review of cases.
- 4.03 **Peer Review Panels.** The Peer Review Secretariat shall designate a Panel consisting of three Peer Review Members to review each Request for Review. Each Panel will include Peer Review Members at both the managerial and non-managerial level. Where feasible, each Panel will include at least one Peer Review Member who is either at the same grade level as, or shares similar work experience with, the Requesting Staff Member, and at least one Peer Review Member from the same Bank Group institution as the Requesting Staff Member and the Responding Manager. All Peer Review Members must complete the training course offered by the Peer Review Secretariat prior to serving on a Panel.

05. The Peer Review Secretariat

- 5.01 The Peer Review Secretariat shall consist of an Executive Secretary and other Staff Members reporting to him/her.
- 5.02 The President or his/her designee shall appoint the Executive Secretary, after consultation with representative members of the Staff selected by the World Bank Group Staff Association. The Executive Secretary will report directly to the President or his/her designee. S/He will be appointed to serve for a period of five years with the possibility of one five-year renewal.
- 5.03 The Peer Review Secretariat is responsible for providing administrative support to the Peer Review Members in a neutral and impartial manner. The Secretariat also serves as an information resource regarding the peer review process.

06. Administrative Oversight and Support to Performance Management Review

- 6.01 The Peer Review Secretariat shall provide administrative oversight and support to Performance Management Review. Performance Management Review is a process, set forth

in Staff Rule 9.07, "Performance Management Review," by which Staff Members seek review of Performance Management Decisions.

07. Review of Disputed Employment Matters

Matters Subject to Review

- 7.01 Except as set forth in paragraph 7.04 of this Rule, a Panel may review any Request for Review in which a Requesting Staff Member alleges that a managerial action, inaction, or decision was not consistent with his/her contract of employment or terms of appointment. The phrases "contract of employment" and "terms of appointment" include the terms in a Staff Member's letter of appointment and all pertinent Staff Rules and policies, including the Principles of Staff Employment and the Staff Rules in effect at the time of the alleged action, inaction, or decision.
- 7.02 A Staff Member seeking a review of a disputed employment matter is required to submit the matter first to the Peer Review Services prior to appealing to the World Bank Administrative Tribunal, unless the matter comes under one of the exceptions listed in paragraphs 7.03 or 7.04 of this Rule. A Staff Member seeking review of the performance management decisions set forth in subparagraph 7.04 (h) is required to submit the matter to Administrative Review, as set forth in Staff Rule 9.06, "Administrative Review of Performance Management Decisions," and thereafter Performance Management Review, as set forth in Staff Rule 9.07, "Performance Management Review," prior to seeking review with the World Bank Administrative Tribunal.
- 7.03 A Staff Member seeking review of a decision to terminate his/her employment may elect to bypass the peer review process and file an application concerning the matter directly with the World Bank Administrative Tribunal pursuant to Staff Rule 9.05, "The World Bank Administrative Tribunal."
- 7.04 Panels do not review Requests for Review concerning:
- a. decisions made by the President, the World Bank Group Chief Ethics Officer or the World Bank Group Human Resources Vice President regarding the request by a Staff Member to accept a public office, or receive a medal or decoration under the provisions of Staff Rule 301, "Standards of Professional Conduct," or undertake an outside activity under the provisions of Staff Rule 3.2, "Employment Outside the Bank Group";
 - b. decisions of the Benefits Administrator, the Finance Administrator, or the Pension Benefits Administration Committee of the World Bank Group Staff Retirement Plan;
 - c. decisions about claims for workers' compensation benefits, disability insurance benefits or health insurance benefits provided to enrolled Staff and dependents by the Medical Insurance Plan or the Medical Benefits Plan;
 - d. actions, inactions, or decisions taken in connection with Staff Member misconduct investigations conducted under Staff Rule 3.00, "Ethics and Business Conduct Department (EBC)," Staff Rule 8.01, "Disciplinary Proceedings," or Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)," including decisions not to investigate allegations, decisions to place a Staff Member on

administrative leave, alleged procedural violations, factual findings, performance management actions taken pursuant to Staff Rule 3.00, "Ethics and Business Conduct Department (EBC)," and the imposition of disciplinary measures;

- e. a challenge to the validity of a Memorandum of Understanding (MOU) or settlement agreement between the Bank, IFC or MIGA and a Staff Member. (Panels may review an allegation of breach of such an MOU or settlement agreement, although a Staff Member seeking review of an alleged breach of an MOU or settlement agreement may elect to bypass the peer review process and file an application concerning the matter directly with the World Bank Administrative Tribunal pursuant to Staff Rule 9.05, "The World Bank Administrative Tribunal");
- f. any decision where the Request for Review is in violation of Section 8, "Time Limitations for Submitting Requests for Review," of this Rule; and
- g. any other type of decisions for which specialized appeal procedures may be established or in relation to which it is specifically provided that peer review is not available.
- h. the following decisions regarding performance management: (i) a Staff Member's written performance evaluation; (ii) a Staff Member's performance rating; (iii) the decision to place a Staff Member on an Opportunity to Improve (OTI) plan, or (iv) the terms governing a Staff Member's OTI plan.

7.05 **Analysis of Disputed Employment Matters.** In reviewing a case, a Panel shall consider whether the disputed employment matter was consistent with the Requesting Staff Member's contract of employment or terms of appointment, as defined in paragraph 7.01 of this Rule.

08. Time Limitations for Submitting Requests for Review

8.01 A Staff Member who wishes to request peer review must submit a Request for Review with the Peer Review Secretariat within 120 calendar days of receiving notice of the disputed employment matter. If the 120 calendar day deadline falls on a Saturday, Sunday, or official Bank Group holiday at Headquarters, then the deadline shall include the next working day. In cases of challenges to redundancy decisions, the Staff Member must submit the Request for Review no later than 120 calendar days after the Staff Member's termination date from the Bank Group (as opposed to 120 calendar days from receipt of notice of the redundancy and termination).

8.02 A Staff Member receives "notice" of a disputed employment matter when s/he receives written notice or ought reasonably to have been aware that the disputed employment matter occurred.

8.03 If a Staff Member requests mediation of the disputed employment matter with the Office of Mediation Services prior to the expiration of the 120 calendar day deadline for submitting a Request for Review, then following the termination of an unsuccessful mediation, the Staff Member has the greater of 30 calendar days or the remainder of the 120 calendar day period to submit a Request for Review.

8.04 An Ombudsman may, on behalf of the Staff Member and within the 120 calendar day deadline for submitting a Request for Review, request and receive from the Peer Review Chair

an extension of the submission deadline for a reasonable and specific period of time to facilitate informal resolution of a disputed employment matter.

09. Assistance Available to Participants in the Peer Review Process

- 9.01 The Peer Review Secretariat provides assistance to the parties regarding the peer review process. In keeping with its neutral and impartial character, the Peer Review Secretariat do not provide advice to parties concerning the substance or merits of their cases.
- 9.02 The Bank has provided the World Bank Group Staff Association with funds for an attorney to be available to advise Requesting Staff Members in connection with the peer review process. The Staff Association also maintains a roster of counselors to provide advice and assistance in relation to the peer review process.
- 9.03 Responding Managers may receive advice from the Bank's Legal Vice Presidency.
- 9.04 Attorneys advising Requesting Staff Members or Responding Managers may provide information regarding the peer review process and give advice regarding the matters at issue. The Requesting Staff Member and Responding Manager are required to draft submissions in their own words. Attorneys do not draft submissions, and attorneys will not be permitted in the hearings.
- 9.05 At hearings, the Requesting Staff Member and Responding Manager may each be accompanied by an adviser who is a current or former Staff Member. An adviser does not be a witness in the matter and may not be engaged in the practice of law. An adviser must also agree to be bound by the rules of confidentiality governing the proceedings. The Requesting Staff Member and Responding Manager are encouraged to present their own cases, and advisers may play a speaking role at the hearing only with the consent of the Panel.
- 9.06 Members of the Legal Departments of the Bank, IFC, or MIGA does not represent, advise, or otherwise assist Requesting Staff Members in preparing or presenting their cases in the peer review process.

10. Duties of Cooperation and Truthfulness

- 10.01 Any Bank official or Staff Member called upon by a Peer Review Panel to be a witness or to produce documents or information in connection with a matter under review is obligated to cooperate fully, except to the extent that the Bank Staff Rules or policies provide otherwise, such as in the case of medical records.
- 10.02 Any individual who is a witness or otherwise provides information in the peer review process is obligated to be truthful. Intentionally providing false testimony or falsifying documents or information presented in the peer review process is a form of misconduct.

11 Consideration of Requests for Review

Peer Review Procedures

11.01 The procedures governing the peer review process are contained in the Procedure, "Peer Review Procedures."

Powers of the Peer Review Chair and Panels

11.02 Prior to the designation of a Panel, the Peer Review Chair may exercise the powers set out in subparagraphs 11.03 (a) – (f) of this Rule.

11.03 At any stage in a proceeding, a Panel may:

- a. Refer a matter to the Office of Mediation Services, the Ombuds Services Office, the Ethics and Business Conduct Department (EBC), or any other office or individual within the Bank for review or to encourage informal resolution of a disputed employment matter;
- b. Dismiss a Request for Review, or one or more of the claims made therein, when circumstances warrant, including when:
 - i. The Request for Review was not timely submitted pursuant to Section 8, "Time Limitations for Submitting Requests for Review," of this Rule;
 - ii. The disputed employment matter falls outside the scope of Peer Review Services described in Section 7, "Review of Disputed Employment Matters," of this Rule;
 - iii. The disputed employment matter has already been challenged in the peer review process or before the World Bank Administrative Tribunal;
 - iv. The Secretariat is unable to contact the Requesting Staff Member after reasonable efforts to do so; or
 - v. The Request for Review represents an abuse of the peer review process.
- c. Reject a submission that is not permitted under, or is not in conformity with this Rule or the Procedure, "Peer Review Procedures;"
- d. Make an interim recommendation regarding resolution of a case;
- e. Suspend the review of a Request for Review for a reasonable period of time as warranted under the circumstances, not to exceed six months;
- f. Consolidate for review one or more Requests for Review filed by the same Staff Member;
- g. Decide upon the parties' document and witness requests;
- h. Request any individual, including those involved in the matter under review, to produce documents or information relevant to the disputed employment matter within a specified period of time. A Panel does not obtain: (i) medical records without the express consent of the individual concerned; (ii) documents covered by the attorney-client privilege; or (iii) records of an ongoing investigation until the completion of all formal proceedings. In

addition, the Staff Rules protect certain offices, such as the Ombuds Services Office, from being required to disclose information. A Panel may request individuals who are not Bank Staff Members to produce documents or information but cannot compel them to do so.

- i. Request any individual to appear as a witness at a hearing. A Panel may request individuals who are not Bank Staff Members to appear as a witness but cannot compel them to do so. In addition, the Staff Rules protect individuals from certain offices, such as the Ombuds Services Office, from being required to be a witness in such proceedings.
- j. Make findings of fact and reach conclusions with respect to disputed employment matters; and
- k. Recommend to management that the Bank award relief to the Requesting Staff Member and/or take other corrective measures as appropriate.

Duty of Impartiality

11.04 The Peer Review Chair, Peer Review Members, and the Peer Review Secretariat shall, in the exercise of their duties, act impartially.

Methods of Review

11.05 The peer review process shall generally include a hearing (in person, by videoconference, or by teleconference).

11.06 The Panel may issue a recommendation based on the written submissions without a hearing when: (i) the Requesting Staff Member so requests; (ii) it appears based upon review of the written submissions that there are no genuine issues of material fact; (iii) the Requesting Staff Member has failed to make himself/herself available for a hearing within 90 days after the Responding Manager submits his/her Response; or (iv) the Panel determines that it is not feasible to conduct a hearing.

The Report

11.07 The Panel shall prepare a Report summarizing its findings and the corrective measures and other relief, if any, recommended by the Panel. The Panel may also include in its Report observations and recommendations regarding areas for potential improvement in Bank practices and procedures that came to light through its review of a matter. The Peer Review Secretariat shall submit the Panel's Report to the decision-maker, as described in paragraph 12.01 of this Rule, and provide notice of such submission to the parties.

12. Decisions on Requests for Review

12.01 The Requesting Staff Member's and Responding Manager's Vice President shall, with advice from the World Bank Group Human Resources Vice President, or his/her designee, decide whether to present to the Requesting Staff Member some or all of the corrective measures and relief recommended by the Panel to resolve the case. In any case where a Vice President referenced in this paragraph was the Responding Manager or has a conflict of interest affecting his/her ability to decide a case, or the Responding Manager does not report directly or indirectly to a Vice President, then the Managing Director who has responsibility

over the Vice President or Responding Manager, shall be the decision-maker. If the Managing Director has a conflict of interest affecting his/her ability to decide a case, then the President shall designate an appropriate, alternative decision-maker at the level of Vice President or above.

12.02 If a decision on the Panel's recommendations is not provided to the Requesting Staff Member within 30 calendar days of receipt by the designated decision-maker of the Panel's Report, then the Panel's recommendations will be deemed final and the Requesting Staff Member will be so informed. The decision-maker shall provide a copy of the Panel's Report to the parties with his or her decision.

12.03 If a decision-maker and the Requesting Staff Member agree on resolution of the case, the Bank shall promptly provide to him/her the agreed corrective measures and relief.

13. Confidentiality

13.01 Peer Review Members, the Peer Review Secretariat, the parties, their advisers, and individuals asked to participate in the peer review process by providing advice or testimony or by producing documents or information shall treat all information obtained in connection with the peer review process in a confidential manner. "Confidential" means that such information is not disclosed except to persons who require access to it for legitimate business purposes of the Bank Group.

SECTION IV – EXCEPTION

None

SECTION V – WAIVER

The Issuer may waive any provision of this Rule with advice from the Managing Director and Chief Administrative Officer, MDCAO.

SECTION VI – OTHER PROVISIONS

None

SECTION VII – TEMPORARY PROVISIONS

None

SECTION VIII – EFFECTIVE DATE

This Rule is effective as of the date on its cover page.

SECTION IX – ISSUER

The Issuer of this Rule is the President, IBRD/IDA, IFC and MIGA, EXC.

SECTION X – SPONSOR

The Sponsor of this Rule is the Managing Director and Chief Administrative Officer, MDCAO.

SECTION XI – RELATED DOCUMENTS

Procedure, "Peer Review Procedures"

ANNEX(ES)

Annex A: Service of Peer Review Members

Questions regarding this Directive should be addressed to the Sponsor.