This Annual Report outlines the accomplishments of the Executive Secretariat of the Administrative Tribunal of the IDB Group (IDB Group AT) in 2020.
This Annual Report covers the following topics:

A. Accomplishments of the Secretariat in 2020
   1. Judicial Activity
   1.1. New System for Electronic Filing of Complaints
   1.2. Trend Noted: Analysis of Cases Settled by the Parties
   1.3. Trend Noted: The Effects of Extension Requests on the Processing Time for Cases
   2. Outreach Strategy
   2.1. One-on-One Sessions with Country Offices and Asia and Europe Offices
   2.2. New Resources Available on the Webpage
   2.3. IDB and IDB Invest On-boarding
   2.4. Development of Module for Consultants
   3. Relevant Non-Judicial Functions in Different Areas
   3.1. Transparency and Governance: Participation in the Election of the President of the Bank
   3.2. Three New Members Joined the Tribunal

B. Vision Going Forward
Both the Secretariat and the Tribunal made an effective transition to the new reality of mandatory telework, continuing their operations without interruption and thus ensuring an efficient, high-quality service without delays.

**Adaptation**

Through individualized training sessions and with the support of the ITE department, the Secretariat assisted the members of the Tribunal in the use of the Teams and Interactio platforms, thus ensuring efficacy in the holding of each session.

In 2020, the Tribunal held four plenary sessions virtually and one additional session to elect the President of the Bank. Through these virtual meetings, the members of the Tribunal were able to discuss the complaints received and those already under consideration.

In 2020, four complaints were processed, two of which were received in 2019. One case was concluded by parties’ settlement; one complaint was not admitted by the Tribunal for lack of jurisdiction; and the other two cases are currently in process.
2020

Accomplishments of the Secretariat in 2020:

1. Judicial Activity

Four sessions held virtually
- March, May, September, November

First participation in the election of the Bank’s President
- September

Four complaints processed

Two complaints received in 2020, through the new system for electronic filing. These cases are currently pending.

One case concluded and one complaint was not admitted

Two complaints were received in 2019
1.1. **New System for Electronic Filing of Complaints**

In 2020, the Secretariat accelerated the implementation of a new electronic filing system for pleadings. This new process of digitization expedites the service and facilitates the procedure for the parties. In addition, it establishes equal access conditions to the Tribunal as between employees at Headquarters and those in the Country Offices.

**How did we do it?**

In **June 2020**, the Tribunal unanimously agreed to change the **Rules of Procedures**. The Secretariat implemented the **new electronic filing system** which has already yielded **positive preliminary results**. With the new electronic filing system, the complaint and other pleadings subsequently filed by the parties are received by email. Only if doing so is not viable will a physical copy be received.

**Our goals: Transformation**

- To **continue** applying a methodology for continuous **improvement** in the provision of services.
- To **increase** users’ satisfaction and expectations with respect to the services.
- To **improve** the services through a continued commitment to quality.
Results: Adaptation and Technology

With the implementation of the electronic filing system, the time for processing a matter in the pleadings phase fell on average from 14.1 months to 3 months, considering the only case that has concluded this phase of the process since June 2020. We considered for reference the cases filed between 2016 and 2020, before the new system for electronic filing was implemented.

Designed swift adaptation to the new reality of telework.

Initiated the modernization of processes making use of available technology.

The graphic analyzes cases in the pleadings phase, which begins with the receipt of the complaint, the answer, the replication, and the rejoinder, and ends with a ruling of the Tribunal that opens the probative phase.

The statistics consider the only case that has been processed with the new electronic filing system since June 2020. Other cases have now come in via this new system and are in process.

How has digitalization impacted the time for processing cases in the pleadings phase? (11 of 111 Decisions)
1.2. Trend Noted: Analysis of Cases Settled by the Parties

The conclusion of a case by parties’ settlement is exceptional. During the course of proceedings, and without the intervention of the Tribunal, the parties may voluntarily enter negotiations, in addition to those they may have pursued in earlier stages, such as formal or informal mediation, or others before the case was filed. As it is the parties who give impetus to the procedure before the Tribunal, it is they who will notify the Tribunal if they are pursuing a negotiated settlement, in which case they will request that the procedure be suspended. If the negotiation is successful, the Tribunal closes the case and publishes its termination by settlement of the parties. The substance of the agreement is not known by the Tribunal; such cases may not be resubmitted to the Tribunal.

Singularity and distinction: Cases concluded by deliberation of the Tribunal and cases concluded by parties’ settlement

When the Tribunal deliberates and decides on a case, the procedure and motivation are public. These decisions contribute to the body of case-law, which both benefits the employees and constitutes a source for the resolution of future cases.

In the cases settled by parties, there might be a missed opportunity to identify possible infractions and to learn from them to improve internal procedures. At the same time, the human and financial resources applied to the case until the settlement are considerable.

Cases Concluded on the Merits (71) v. Cases Concluded by Parties’ Settlement (18), by Decade 89 of 111 Decisions*

The decade from 2011 to 2020 has seen the largest number of cases concluded by parties’ settlement (14), significantly greater than the total for the previous 30 years (4 in all).

* 89 of 111 Decisions are considered. The remaining 22 Decisions are not shown in this graph because the complaints were found inadmissible or were withdrawn by the complainant.
1.3. Trend Noted: The Effects of Extension Requests on the Processing Time for Cases

Of the 111 Decisions issued between 1981 and 2020, the parties filed 124 requests for extensions in approximately 52.3% of cases (58 Decisions with at least one request for an extension).

These requests by the parties are submitted to the Tribunal for it to authorize an extension of the deadline for submitting a document. Requests have mostly been motivated by the complexity of the case (30.6%), followed by Parties’ travel plans (12%) and scheduling conflicts (8.9%). In 12 requests, (9.7%), the parties provided no justification. Since 2016, based on best practices and with the aim of rendering justice without delay, the Tribunal asked the requesting party to explain why it seeks an extension. The Tribunal then evaluates the merits of the request.

The Secretariat endeavors to further reduce the time required to process a case. Nonetheless, external factors such as requests for extensions have an impact on the resolution of cases. The extensions sought by the parties, when they are many or are lengthy, may draw out the normal duration of a case.
2. Outreach Strategy

2. Innovation and Knowledge

Confronting the challenges entailed in telework, the Secretariat has assigned priority to making use of technology to generate new methods, disseminate and strengthen the promotion of best practices, and disseminate the mission of the IDB Group AT.

2.1. One-On-One sessions with country offices and Asia and Europe offices

2.2. New resources available on the webpage

2.3. IDB and IDB invest On-Boarding.

2.4. Development of module for consultants
With the spirit of ensuring that all users have the same information to access the services offered by the Tribunal, the Secretariat has, since 2019, planned to take advantage of technology to connect with the 25 Country Offices and Offices in Asia and Europe. Mandatory telework did not affect this planning. In just seven months of using an individualized approach for the first time, we brought the services of the Tribunal to the employees away from Headquarters.

With the support and interest of the Vice Presidency for Countries and Country Representatives, in May 2020 we successfully concluded the individual introductory sessions offered in the four official languages via Teams.

In addition, the Secretariat held a session specially designed at the request of IDB Invest Country Office in Panama.
2. Outreach Strategy

The Outreach Strategy has triggered a great interest on the part of employees in the Tribunal’s mission.

During the introductory sessions, the Secretariat answered 98 questions. These inputs have been used to continue developing knowledge products such as the step-by-step guide and the module for consultants, which is now being designed.

At the same time, the Outreach Strategy included an in-person pilot training or other resource required, adapted to take account of the needs of the employees in the offices. This travel for training, provided for in the annual plan, will be organized as conditions allow.

### Percentage Partipation of Employees by Region/Office based on the total number of Employees invited (50% overall participation)

<table>
<thead>
<tr>
<th>Region/Office</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Offices in Europa and Asia</td>
<td>96%</td>
</tr>
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<td>Southern Cone Countries</td>
<td>58%</td>
</tr>
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<td>Andean Group Countries</td>
<td>48%</td>
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<td>Caribbean Countries</td>
<td>36%</td>
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<tr>
<td>Central American Countries and Haití, México, Panamá and Dominican Rep.</td>
<td>36%</td>
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</table>

### Topics addressed in the individualized sessions

<table>
<thead>
<tr>
<th>Topic</th>
<th>Number of questions</th>
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</thead>
<tbody>
<tr>
<td>Jurisdiction of the Tribunal, including issues related to outsourced employees</td>
<td>37</td>
</tr>
<tr>
<td>Representation of the Complainant and Cost</td>
<td>18</td>
</tr>
<tr>
<td>Issues raised in the Cases</td>
<td>15</td>
</tr>
<tr>
<td>Process before the Tribunal and Processing Time</td>
<td>9</td>
</tr>
<tr>
<td>Access to Information from the Tribunal and Anonymity of Cases</td>
<td>8</td>
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<tr>
<td>Composition and Independence of the Tribunal</td>
<td>8</td>
</tr>
<tr>
<td>Preventing Reprisals</td>
<td>3</td>
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2.2. New Resources Available on the Webpage

We want to make users more familiar with the Tribunal and put more resources at their disposal so that they can learn how to exercise their rights if needed. The Secretariat has made several materials available: a step-by-step guide on the procedure before the Tribunal; the Statute; the Rules of Procedures of the Tribunal, which includes the new system for electronic filing; and, for the first time, a summary of the most relevant accomplishments in 2019, which includes the publication of statistics.
Accomplishments of the Secretariat in 2020

2. Outreach Strategy

Steps before the IDB Group Administrative Tribunal:
from filing to judgment

**Pleadings Phase**

- **Complaint**
  - Art. 12
- **Admissibility of the Complaint**
  - Art. 16(1)
- **Answer to the Complaint**
  - Art. 17
- **Rejoinder**
  - Art. 18(2)
- **Replication**
  - Art. 18(1)

**Probative**

- **Offer and Request**
  - Art. 20(2)
- **Comments on the Evidence Offered**
  - Art. 20(3)
- **Ruling on the Admissibility of the Evidence**
  - Art. 20(5)
- **Comments on the Probative Value**
  - Art. 22
- **Hearing of Witnesses**
  - Art. 20(9)

**Deliberation and Judgment Phase**

- **List Case for Decision**
  - Art. 23(1)
- **Hearing of Oral Arguments**
  - Art. 24(4)
- **Deliberation and Judgment**
  - Art. 26

Judgments are final and without appeal

- **Ruling done by the Tribunal**
- **Action done by the Complainant**
- **Rules of Procedure**
- **Action done by the Respondent**
- **Hearing**
As it moves forward, the Secretariat continues exploring new spaces and mechanisms for interacting with employees.

In November 2020, the Secretariat participated in the on-boarding for new IDB employees. This on-boarding includes a section in which the Secretariat provides a general description of the Tribunal’s work as a part of the IDB Group’s conflict resolution mechanism. It is an essential tool for outreach.

In the same month, the Secretariat has also integrated the on-boarding offered to new employees of IDB Invest.
Like other international tribunals, the Administrative Tribunal has jurisdiction to receive complaints from both staff members and consultants. Historically, the total number of complaints filed by consultants, accounts for only 2% of all the cases in the history of the Tribunal. These statistics, generated by the Secretariat, have been the driver for creating this innovative module, which seeks to close possible information gaps among employees.

With the support of the Board of Executive Directors, in 2020, a mandatory module began to be developed for new consultants and employees of the IDB Group.

Objectives:

- To empower employees in terms of knowing how to exercise their rights.
- To disseminate the role of the Tribunal from the outset of the contractual relationship.
- To respond to employees’ prior queries.
- To strengthen the presence of the Secretariat as the unit responsible for generating and disseminating knowledge of the Tribunal.
3. Relevant Non-judicial Functions in Different Areas

3.1. Transparency and Governance: Participation in the election of the President of the Bank

Election of the President:

Acting as the representatives of the Tribunal as an oversight unit, three judges and two alternates participated for the first time in the election of the Bank’s President on September 12, 2020, certifying the vote.

This unique experience in the history of the institution will be foundational and a reference for similar elections in the Bank going forward.
3.2. Three new members joined the Tribunal

In September 2020, the Secretariat organized an onboarding session for the three new members of the Tribunal.

Working virtually, the new members were able to gain familiarity with essential aspects of the Tribunal’s operations, its judicial activity, the Secretariat’s function of creating and generating knowledge, and tools for accessing information (Ezshare), which will enable them to perform their functions remotely. In addition, Unit Chief for HR, Travel, and Record Management were able to share pertinent policies.

The OHRA Chairman welcomed the new judges.
B. Vision Going Forward

The Secretariat continues planning with the aim of having sufficient budgetary capacity to respond to future situations. Its priorities include:

• **Efficient and Effective Use of Resources:**

  Make efficient and effective use of resources, optimizing the use of the budget allocated for operating in 2021, based on the priorities established by the Secretariat.

• **The Outreach Strategy as one of the fundamental pillars of the Secretariat’s work in 2021:**

  Continue reinforcing the existing channels of information and offering new materials to benefit the users. We are taking strength from the positive results obtained with the individualized sessions in Country Offices and Offices in Asia and Europe, the participation in the on-boarding of new staff employees, and other presentations geared to specific areas of the IDB Group.

  In 2021 we hope to cover possible information gaps by launching the mandatory courses for new consultants and employees of the IDB Group.

  The Secretariat made itself available to hold a special introductory session geared to new members of the Board of Executive Directors as part of their on-boarding.

• **Development of Strategic Knowledge:**

  Leveraging the celebration of 40 years of service in 2021, the Administrative Tribunal will expand the opportunities for knowledge sharing among the employees of the IDB Group. We planned to develop practical tools that will benefit the users when consulting the case-law, understanding the process before the Tribunal, as well as relevant new statistics.

  The Secretariat continues to further dialogue with other mechanisms that are part of the conflict resolution system with the aim of finding opportunities for cooperation, fostering transparency of the system, and benefitting the employees of the IDB Group.

• **Welcoming Two New Members of the Tribunal in 2021:**

  In the second half of the year the Secretariat will welcome two new members of the Tribunal, whose terms will last six years.