Freedom of Speech, Freedom Of Conscience, & the World Bank

Do staff check their civil rights at the door when they join the Bank Group?

She is the head of Benefits, Mark Bowyer, has agreed to an extensive review of the Bank's contract with UNUM early in 2002 (see the box on page 4 entitled “The Good News from Continued on page 2"

MAY YOU USE YOUR SICK LEAVE? ASK UNUM FIRST

One more point about sick leave that most staff may not know: no matter how large your sick leave balance is, you can't use more than 20 days of it at once without UNUM's permission.

Bank policy is that accrued sick leave can be taken in blocks of 20 days. However, the staff association has agreed to an extensive review of the Bank's contract with UNUM early in 2002 (see the box on page 4 entitled “The Good News from Continued on page 2"

continued on page 2

GETTING BANK DISABILITY INSURANCE

UNUM: Promises & Reality Don't Always Match for Staff Who Are Ill

Not Bank staff, buzzing along as they are, probably don't give much thought to the topic of disability insurance. Disability is fairly rare, and tends to be filed in mental storage under “A shame, probably not relevant to me.” Unfortunately, this is what staff who are currently disabled thought—until they were struck with illness.

In July 1998, HRS sent a notice to all staff announcing a new disability insurance plan, at no additional cost to the staff. It provided for generous income replacement at 70 percent of net salary for those who were ruled to be disabled, and tends to be filed in mental storage under “A shame, probably not relevant to me.” Unfortunately, this is what staff who are currently disabled thought—until they were struck with illness.

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Freedom of Speech

The notification from Ethics to Easterly cited a Staff Rule...that staff must “conduct themselves at all times in a manner befitting their status as employees of an international organization”

In a subsequent Ethics notification, he was charged with disregarding the Media Guidelines. An Administration Manual section 14.28: Easterly was not even allowed to have a copy of the completed Ethics report on the investi- gation; he could only read it and repeat (Both Ghani and Easterly sought help from the Staff Association, and the SA paid for several hours of legal assistance for Easterly to draft his reply to Ethics.)

The Administrative Manual, whose legal force was confirmed in a 2007 agreement with the SA, notes that the Nicaragua case was “intended to provide specific legal guidance for staff.” The SA contends that the case was deliberately misinterpreted and reinterpreted to “tie the Bank into a legal corner in order to get it to agree to something it cannot agree to.”

Easterly has a lengthy list of witnesses to whom he handed out copies of the full Administrative Manual, see http://www0119/Institutional/Manuals/Ad- minMan.pdf (opens in a new window). These instructions come perilously close to saying that staff must not pub- licly suggest changes in the institution’s practice or policies, past or present, despite the fact that the Bank publically commits itself to finding the best way to fight povery and pays researchers to do so. How can the institution share “best practice” that invites any public confidence, if research staff cannot discuss “poor practice” based on high-quality scholarship? Does public disgrace matter more than germane research findings?

One of the main points Easterly made in his defense was that other Bank staff had published similar pieces in similar publica- tions, without prior permission. The charges against him say, inexplicably, that publishing an opinion in the Journal of Commerce (where others had published without permission) is not the same as doing so in the Financial Times.

Easterly took leave without pay, and for two months his future hung in the balance since HR had rendered an adverse decision about what to do with him. Then he was offered a research position at the Institute for International Economic Studies. He took it at least in part to retain his Bank benefits for two years under external service levels.

Since Easterly’s experience, the Ethics Office has been folded into a new, much larger investigative unit called the Institutional Integrity Department (which appears to have more powers and fewer con- trols than Ethics). The former manager of the Ethics Office, Ania Butkutis, is thus more free to discuss the Bank’s rules and practices vis-a-vis staff “wrongdoing.” She says can- didly that, in various instances of staff responsi- bilities, “there’s often not clear guidance for staff.” She agrees with Easterly that selective enforcement is a problem. “If the Bank were an American company, we would have problems because we are not consistent in enforcement regarding publi- cations. The criteria have not been well worked out. I cannot point staff to a spe- cific Staff Rule and say ‘you fall under this. There is no guidance . . . we don’t think we provide staff with very good guidelines. Also, a guideline is just a guideline. It needs to be backed up by detailed policies and procedures.” Baker, who helped set up a proactive ethics program for Lockheed Martin Corporation before coming to the Bank, also says she was “very reluctance to pursue Easterly’s case—his opinion had already been expressed by a number of other people in the press.” In her view, the Bank’s license to self-police, with no outside checks, makes it easier for management to abuse the rules and, vice versa, harder for staff to assert their rights.

The Bank Group is a public organization, sup- ported by the taxes of millions of citizens. “We were always trying to explain this to the public. We always thought, ‘How are we going to explain this to the SA?”’

The cases of Easterly and Ghani raise a final, worrisome question: can staff assert their civil rights at the door when they join the Bank Group? Known for their drive and dedication, they left other jobs to join the Bank Group, after a Mission Statement and Core Values as meaning what they say that the Bank’s goal is “to help people help themselves...by shar- ing knowledge...and should attract, excite, and nurture diverse and committed staff” that Bank principles include being “inspired and innovative,” that Bank values include “personal honesty, integrity, commit- ment...with openness and trust...encourag- ing risk-taking and responsibility.”

Neither Ghani nor Easterly appears to regret his actions. Easterly says, “I found I had to speak out on what I found in my research. I had an obligation to speak out.” Ghani comments, “Staff should have an inalienable right to express themselves on issues of human welfare.” He believes the involvement of his own country is “reSsentially secondary. As human beings, apart from our commitment to our own civil rights, I think we have an individual moral obligation to the poor. It is only through individual moral decisions that Bank staff can work towards the mission of the Bank from a mere statement into a col- lective reality.” Ultimately, the departures of Ghani and Easterly are a powerful test of the princi- ples, experienced employees, representatives, a big loss to the Bank Group and to its clients than to the two men.■
In the past few years, the World Bank has had some difficulty in handling internal discord and criticism. After Chief Economist and resident philosopher, Dr. Henry Roth, a local rheumatologist, took the hint and his leave, there were many negative consequences. The interplay between questions of truth and power and adopted Official Views to boast about the achievement of genuine progress in problem-solving. The same general principles of separating truth and power apply to any organization aspiring to be a knowledge institution—such as the open contestation of advanced study, has often ridiculed the “rage for Advanced Study, has often ridiculed the “rage for

Mixing Truth & Power: Implications for a Knowledge Organization

GUEST EDITORIAL

Ed. note: This opinion was written by David Ellerman, a member of the Board of Directors of the Institute of Advanced Studies. The Institute is a non-profit educational foundation that is dedicated to the promotion of learning about development, particularly if the transgressors had shown a little more decorum and restraint. It is important for an organization that does or does not foster the development of knowledge. The problem lies much deeper in the organization—particularly with any public relations office. There is no royal road to learning, no road that bypasses real competition and local experimentation—even within the organization. What makes a single cookie broken on development, Albert Hirschman of the Institute for Advanced Study, has often ridiculed the “rage to conclude” that tends “to cut short that long confrontation between man and a situation” (Camus) so fruitful for the achievement of genuine progress in problem-solving.

The Role of “Public Relations”

The basic role of the public relations or external affairs office in an organization is to disseminate information about the programs, activities, and mission of the organization. University public relations offices act as a matter of course. There is no inherent conflict between the public relations function and the separation of truth and power in a knowledge-based institution.

The mix of views within the organization—particularly with any public relations office—seeks to assure the public exercise of alternative approaches should be encouraged. UNUM's administration and rules are what they were looking for were like for a manu- leral labour, although at the time I was barely able to lift a glass. They were asking ques- tions like I was a factory worker on an assembly line. The context of another member, UNUM goes after fraud, that’s their mindset.

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UNUM: Promises & Reality

Continued from page 3

thing, they attempted to hide their condi-
tions to avoid being thought of as incapaci-
ted. One woman who was treated for a major heart attack spoke of a return to work and re-
employment: “Many people at the Bank, when they have these things, just try to work away to try to avoid being seen as sick. It’s those who have clearly the worst situation.”

UNUM is far from transparent.

In the Rules of Procedure for the Disability Review Panel, the company is given the right to include documents in its case file, to write their lawyers’ opinions and to proprietary infor-
mation. Then proprietary information is de-
efined: “It shall include, but not be limit-
ted to, documents not to be recorded by UNUM’s general processes and procedures, internal company guidelines, reserve infor-
mation and the like.”

Internal company guidelines presumably refer to databases that UNUM uses to decide how long it should take to recover from Disease X, how severely affected some-
one must be to be disabled by Condition Y. Consequently, staff who are familiar with these stan-
dards cannot know what quality/quantity mea-
tures their applications are judged by. According to Therna Bowyer, a UNUM benefits staff Asso-
ciation member, American medical practice has for years been accused of bias in favor of treating limited symptoms, over application, and of being more integra-
tive, normative approaches that analyze the functioning of the whole person.

Many staff are afraid of legal details of their cases recognized by management. They worry about their careers. Such worry does not foster healing and gradu-
ate return to work, which Dr. Demure would like to see handled better at the Bank through a program similar to the one he is initiating. (Demure has no involvement with UNUM.) With waves of redundancies at headquarters, staff who are disabled fear that being absent from work or, worse yet, appealing a denial from UNUM, may mark them as trouble cases of managers’ eyes.

According to Mark Bowyer, the Disability Review Panel was designed “to save staff from having to take disability dis-
penses to U.S. courts.” UNUM would have preferred disputes to go through the federal courts because that is the system they are familiar with, and they persuaded them to accept a Bank-specific mechanism.” Although only one staff member currently is appealing a decision from the Disability Review Panel’s makeup seriously concerns the SA and staff who have been denied at earlier stages. To their credit, Benefits man-
agers did contact the SA when the disability program was put in place in 1998, and the SA agreed to the proposal at that time. It also selected an attorney to serve on the Review Panel. But now, three years later, given staff’s experience and a law firm’s findings, the SA feels the appeal to a U.S. court, rather than UNUM, is a better approach. The disability program generally has drawn favorable feedback. The Disability Review Panel is made up of three lawyers, not doctors: one attorney appointed by UNUM, one by the Bank Group, one by the Staff Association. It is highly questionable to have a representative of UNUM—which has already said no—on the review panel and the same could be said for the Bank. It is also unclear why lawyers, not doctors, should be making the final decision, based on the medical infor-
mation rather than a clear slate. In the opinion of Dr. Roth, who has dealt with cases of disability claims, the final decision on a patient’s condition should be made by “an independent doctor, who has actually examined the patient.”