

Summary of DD v. IBRD, Decision No. 526 [2015]

The Applicant worked as an Operations Analyst at level GE within the World Bank Institute (WBI), which was later renamed the Leadership, Learning & Innovation Vice Presidency (LLI). Around 2009, WBI underwent a major reorganization, Thereafter, the Applicant joined the WBI Knowledge Exchange Unit (WBIKE) and her work program was significantly changed. In April 2014 another major reorganization was announced in WBI, including WBIKE. Following a call for volunteers, and a review of the positions to be declared redundant in WBI/LLI, the Applicant's position was abolished. The Applicant was given a notice of redundancy of her employment which did not specify which provisions of Staff Rule 7.01, paragraphs 8.02 and 8.03, had been applied in the declaration of her employment as redundant. The Applicant claims that she was given different reasons for the redundancy of her position. The Applicant challenged the Bank's decision to terminate her employment pursuant to the declaration of redundancy of her position.

The Tribunal found among other things that: (i) the notification of the correct subdivision of the Staff Rule under which the Applicant's employment was declared redundant is paramount as it is not simply an issue of procedure but, most importantly, one of substance because the situations covered by the different subdivisions of the Staff Rule may have different procedural and substantive requirements; (ii) in this case, the failure by the Bank to invoke any subdivision of Staff Rule 7.01, paragraph 8.02, in its written notice to the Applicant resulted in considerable confusion for her and placed her at a disadvantage in preparing her defense before a decision was taken in her case by her managers as well as before the Tribunal; (iii) the identification of the correct subdivision of the Staff Rule also enables the Tribunal to review both whether the redundancy decision had a legitimate basis and whether fair and transparent procedures were strictly observed in the Bank's implementation of Staff Rules dealing with redundancy; (iv) even though it was stated in the Redundancy Memorandum that the duties of the Applicant's position were phased out and thus her position would be abolished under paragraph 8.02(b) of Staff Rule 7.01, a review of documents of record and of the language used in them lends support to the view that the reorganization in WBIKE was carried out under paragraph 8.02(d) and that the Applicant was at the same time compared to other colleagues on the basis of the criteria set out at paragraph 8.03; (v) because the Applicant had been placed in a list with and

compared to staff of a much higher grade when decisions were made as to whom to retain in order to carry out the new work program, the Bank appears to have prejudiced the Applicant's position; and (vi) the Applicant had not substantiated her claims that the Bank failed to assist her in finding alternative employment before and after the declaration of redundancy. The Tribunal concluded that the Bank failed to identify and follow the proper procedure, and notify the Applicant of such, and appears to have conflated procedures in relation to the declaration of the redundancy of the Applicant's position, with adverse consequences for the Applicant.

Therefore the Tribunal ordered the Bank to pay the Applicant compensation in the amount of 18 months' salary net of taxes and her attorney's fees and costs.