

Summary of DI v. IBRD, Decision No. 533 [2016]

The Applicant challenged the decision of the South Asia Region Vice President to declare her employment redundant and terminate her employment contract. The Applicant asserted that the SAR Vice President: (1) failed to declare her employment redundant for legitimate and genuine managerial reasons; (2) failed to ensure that fair and reasonable procedures were followed throughout the entire redundancy decision process; and (3) thereby abused his discretion in terms of both the substance and procedure of his decision.

The Tribunal was satisfied that there was a legitimate rationale for the decision to declare the Applicant's position redundant pursuant to Staff Rule 7.01, paragraph 8.02(b). The record contained evidence that the Applicant lacked a full work program and, despite efforts by both parties, there was ultimately no sufficient basis for maintaining the Applicant's position. Having reviewed the record, the Tribunal also found that the Applicant's allegations of discrimination on the basis of age and medical disability are not substantiated.

The Tribunal held that in executing the redundancy decision the Bank failed to notify the Applicant of the specific sub-section of the Staff Rules which applied to her, as well as provide her with a detailed rationale of the redundancy decision in a timely manner. As the Tribunal has held, this is more than a technical formality since failure to do so prejudices the Applicant's ability to defend her interests in a timely manner.

The Tribunal also drew to the Bank's attention the importance of due care in the preparation of documents dealing with redundancies, as well as the production of such documents in proceedings before PRS and the Tribunal.

The Bank shall pay the Applicant compensation in the amount of four months' salary net of taxes.