

Summary of DV v. IFC, Decision No. 551 [2016]

The Applicants challenged the decision to abolish his position under the redundancy provisions of Staff Rule 7.01, paragraph 8.02(b). The Applicant contested the legitimacy of the redundancy decision, claimed that the abolition of his position was not genuine and asserted that the redundancy decision was improperly used as a means to address perceived performance deficiencies.

The Tribunal observed that while there was a legitimate restructuring process underway and objective reasons which could have supported the IFC's redundancy decision, the evidence showed that the IFC was motivated to declare the Applicant's position redundant as a means to address perceived performance deficiencies. The record showed that prior to informing the Applicant of the decision to declare his position redundant, management had already outlined a plan to initiate his exit from the organization due to perceived performance deficiencies. This was an improper basis for the redundancy decision as it denied the Applicant the procedural safeguards afforded to staff members in the event of poor performance that might lead to termination of their employment. The Tribunal reiterated the rule that the organization may not use redundancy provisions to deal with unsatisfactory performance.

The Tribunal further reviewed whether the IFC complied with its obligations to assist the Applicant, in good faith, to find alternative appointment as required by the redundancy provisions in the Staff Rules. The Tribunal observed that there was no evidence in the record of any effort made by the IFC to comply with its obligations to assist the Applicant to find another position within the World Bank Group.

The Applicant also claimed that the delays in extending his Extended Assignment caused him harm. Unpersuaded by the IFC's explanations for its delays, the Tribunal was satisfied that the Applicant demonstrated that he suffered such harm as these delays affected his visa status in the country of residence.

Decision: The IFC shall pay the Applicant compensation in the amount of two years' net salary based on his salary at the time of the contested decision. The IFC shall pay the Applicants' legal fees and costs in the amount of \$23,776.26.