

CC v. IBRD, Decision No. 482 [2013]

The Applicant was appointed to a four-year term appointment in the HR Vice Presidency as Director, Employment Policy and Compensation, effective 15 December 2008.

Following a reorganization in HR during 2012, the Applicant's position was abolished effective 1 October 2012. The Applicant was not selected to any of the newly created positions following the reorganization and her term appointment was not renewed. The Applicant filed an application challenging (i) the decision to abolish her position and to allow her term appointment to lapse; (ii) the decision not to select her for the position of Manager, Total Compensation; (iii) the decisions not to shortlist her for the positions of Manager, Corporate Units, and of Director, Shared Services.

The Tribunal held that: (i) there was no evidence of any unequivocal promise of renewal of the Applicant's appointment by the former HRSVP or any official of the Bank with the apparent authority to do so and therefore there was no enforceable obligation of the Bank to renew her appointment; (ii) there was a genuine business need for the HR reorganization and the abolition of the Applicant's position was not pretextual or based on illicit reasons; (iii) Staff Rule 7.01, Section 8, governing redundant employment was applicable in the Applicant's case but as it had not been applied, proper procedure was not followed, depriving her of the procedural guarantees under the Staff Rule and the severance payments that would have been due to her; (iv) the guarantees of transparency, rigor, objectivity, diversity and fairness were observed in the shortlisting process; (v) it was not established that the comparative assessment of the Applicant's qualifications vis-à-vis the other candidates in the interview process was not based on a reasonable and observable basis; (vi) the Applicant's claims of bias, hostile work environment and retaliation failed. The Tribunal awarded compensation in the amount of four months' salary net of taxes for the failure to follow proper procedure in this case. It also awarded costs in the amount of \$10,452.