Summary of HS v. IBRD (Merits), Decision No. 712 [2025]

In his Application, the Applicant challenged the decisions to (i) declare his position redundant; (ii) engage in actions amounting to career mismanagement leading up to the redundancy decision; (iii) place the Applicant in a "temporary" position slated for redundancy; (iv) subject the Applicant to various forms of misconduct, including harassment, hostile work environment, retaliation, and disclosure of confidential medical information; (v) exclude the Applicant from the Water Global Practice (GP) Fiscal Year 2022 (FY22) batch rotation exercise; (vi) not shortlist the Applicant for certain positions in the Water GP FY22 batch rotation exercise; and (vii) exclude the Applicant from the Water GP FY23 batch rotation exercise.

In the merits phase of this case, the Tribunal first considered whether the redundancy decision constituted an abuse of discretion and observed due process. The Tribunal concluded that the redundancy decision had a reasonable and observable basis, was grounded in legitimate business needs, and followed proper procedures. The Tribunal did not find that the redundancy decision lacked transparency amounting to an abuse of discretion. The Tribunal found that the Applicant was given adequate notice of the redundancy decision and that the Bank provided adequate support in finding alternative employment. Moreover, the Tribunal did not find sufficient evidence in the record to support the Applicant's claims of retaliation and discrimination.

Second, the Tribunal considered the Applicant's contention that the Bank breached its duty of care with respect to the Applicant's participation in the Romania mission in September 2018. As it was not convinced that the Applicant was unduly pressured to travel to Romania, the Tribunal found that the Bank did not breach its duty of care. The Tribunal also found that the Applicant presented no *prima facie* evidence that Mr. A, the Applicant's then Practice Manager, harassed or created a hostile work environment for the Applicant with respect to the mission.

Third, the Tribunal considered whether the Bank abused its discretion with respect to the FY22 non-shortlisting decision. The Tribunal agreed with the PRS Panel's findings that the non-shortlisting decision regarding the Yaoundé position lacked a reasonable and observable basis, the Bank failed to follow a fair and proper process, and the FY22 non-shortlisting decision was not made in bad faith. To that end, the Tribunal was satisfied that the four months' compensation the Applicant received following the PRS process was fair and accurate.

Last, with respect to the Applicant's EBC and data privacy claims, the Tribunal found that there was insufficient evidence to support a finding that (i) the redundancy decision was improperly motivated and (ii) Mr. A harassed or created a hostile work environment for the Applicant. The Tribunal concluded that EBC did not abuse its discretion in this case. Further, the Tribunal found that there was no violation of the Bank's Data Privacy Policy.

Decision: The Application was dismissed.