

Summary of Andriamilamina (No. 4) v. IFC, (Merits) Decision No. 657 [2021]

The Applicant challenged the IFC's decision to make her employment redundant. The Applicant contended that the IFC abused its discretion with respect to the redundancy, and she made various claims in this respect including that the redundancy decision was not supported by the correct legal basis under Staff Rule 7.01; that the decision lacked transparency; that the IFC used redundancy as a pretext to remove her for purported performance issues; that the redundancy decision was discriminatory and retaliatory; that the IFC failed to make a good faith effort to place her in another position; and that she was forced to retire early, against her will, and without adequate financial compensation. The IFC contended that the redundancy decision had a reasonable basis and adhered to proper procedure and was not an abuse of discretion.

The Tribunal considered the facts surrounding the IFC's workforce planning exercise during which various staff members were subject to a reassignment exercise and in which the Applicant was not successfully reassigned. On consideration of the record, the Tribunal found that the redundancy decision was supported by the correct legal basis, Staff Rule 7.01, paragraph 9.02(b). The Tribunal also concluded that the redundancy decision was made by the appropriate decision-maker under the Staff Rules and that the Applicant received proper notice of the decision. The Tribunal further considered the Applicant's claim regarding the lack of transparency of the reassignment process and was satisfied with the IFC's explanations of how staff members were selected. The Tribunal also concluded that the decision to abolish the Applicant's position was not pretextual.

With respect to the Applicant's claim that the redundancy decision was retaliatory, the Tribunal found that the Applicant established a *prima facie* case of retaliation in that the "direct link between the alleged motive and the adverse action" (*AH*, Decision No. 401 [2009]) was shown based on email correspondence between IFC management and Human Resources. The burden then shifted to the IFC, and the Tribunal found the IFC met that burden given the explanations in the record of the efforts the IFC made to ensure the Applicant was treated equally during the reassignment exercise. The Tribunal also considered management's "important interest in internally communicating candidly and clearly with respect to personnel issues," and noted that "the use of the [Internal Justice Services] does not provide immunity from the managerial authority and discretion to carry out the reassignment process."

With respect to the Applicant's claim that the redundancy decision was discriminatory, the Tribunal found that the Applicant did not establish a *prima facie* case of racial discrimination and that the record did not demonstrate that the Applicant had been treated differently from other staff members in the reassignment exercise. The Tribunal noted that 14 staff members were not successfully reassigned and that several of those staff members were at the same grade level and position as the Applicant.

The Tribunal found that the IFC complied with its obligations under the Staff Rules with respect to providing the Applicant with support in seeking alternative employment, and reiterated that "the job-search exercise requires efforts from both sides." *Marshall*, Decision No. 226 [2000]. With respect to the Applicant's claim that she was forced to separate without adequate financial compensation, the Tribunal took note that the Applicant chose to waive severance payments so as to avoid any impact on her pension. In sum, the Tribunal concluded that the redundancy decision should be upheld.

Decision: The Application was dismissed.

This summary is provided to assist in understanding the Tribunal's decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at www.worldbank.org/tribunal.