

## Summary of Chaturvedi v. IBRD, Decision No. 644 [2021]

The Applicant challenged the Bank's decision not to extend her term appointment.

The Tribunal first considered whether the non-extension decision was an abuse of discretion. The Tribunal found that the record supported the Bank's assertion that the business needs of the Applicant's unit changed and shifted away from tourism, the specialty for which she was hired, to safeguards. The Tribunal next considered whether the Applicant had the necessary skills for a position focused on safeguards. The Tribunal recalled that it is the prerogative of the Bank to identify which skill sets are required by a position and to determine which staff member is suitable for the position, and found that the record supported the Bank's assertion that there was a skills mismatch with respect to safeguards between the Applicant and the business needs of the unit. The Tribunal was therefore not persuaded that management abused its discretion when it decided not to extend the Applicant's appointment.

The Tribunal next considered the Applicant's contention that the non-extension decision was discriminatory based on her pregnancy and childcare needs. In this respect, the Tribunal considered a series of events which the Applicant submitted as *prima facie* evidence of discrimination. First, the Tribunal concluded that it was not discriminatory for the Bank to extend the Applicant's probation while she was on maternity leave and had performed for less than a full year of her original probation. Next, the Tribunal found that it was not discriminatory for the Applicant's Manager to request that the Applicant provide more details in her Home-Based Work requests. The Tribunal next found that the Bank was not unreasonable in denying one of the Applicant's telecommuting requests and that this denial was not discriminatory, especially when all of the Applicant's previous requests for accommodation had been approved. Finally, the Tribunal found that there was no evidence to support the Applicant's allegations of her Manager's hostility. Accordingly, the Tribunal found that the Applicant did not establish a *prima facie* case of discrimination.

The Tribunal finally considered whether there was a violation of due process. The Tribunal found that the failure to provide the Applicant with the specific and true reasons for the non-extension decision at the time the decision was communicated to her constituted a due process violation. The Tribunal also found that the delay in notification of the non-extension decision and lack of warning, while not a violation of the six-month notice requirement, nevertheless demonstrated a lack of fairness to the Applicant. The Tribunal noted that it is the obligation of the Bank to unambiguously inform its staff members of any concerns with their continued employment and found that the Bank failed to satisfy this obligation. The Tribunal finally found that the Applicant was sufficiently compensated for these violations by the Peer Review Services recommendation.

**Decision:** The Bank was ordered to contribute to the Applicant's legal fees and costs in the amount of \$9,500.00. All other claims were 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](http://www.worldbank.org/tribunal).