

## Summary of FI v. IBRD, Decision No. 625 [2020]

The Applicant challenged (i) the decision not to promote him; and (ii) the decision to make his position redundant. The Bank raised a preliminary objection to the admissibility of the non-promotion claim. The judgment addressed both the preliminary objection and the merits.

The Applicant was nominated for a promotion but was ultimately not selected. The Applicant filed a Request for Review with Peer Review Services (PRS) contesting the non-promotion decision. The Applicant's Director was the responding manager in the PRS proceedings. The PRS Panel recommended that the Applicant's request for relief be denied and, on 17 April 2018, the Applicant was informed that his unit's Vice President accepted this recommendation. Between February and May 2018, the Applicant's Vice-Presidential Unit underwent a Workforce Planning Exercise. In conducting the Workforce Planning Exercise, the Director identified certain positions from his units as redundant, and on 14 May 2018, the Director notified the Applicant his position had been made redundant. The Applicant thereafter requested the Office of Ethics and Business Conduct (EBC) to investigate his Director, Manager, and Supervisor regarding allegations of retaliation and abuse of authority. EBC conducted an eight-month investigation and ultimately found insufficient evidence to substantiate the allegations.

The Tribunal observed that the Applicant filed his non-promotion claim with the Tribunal 159 days beyond the filing deadline. Having found no exceptional circumstances to excuse the delay, the Tribunal upheld the Bank's preliminary objection to the non-promotion claim, and accordingly did not consider it on the merits.

The Applicant alleged that the redundancy decision was taken in retaliation for challenging the non-promotion decision through PRS and was procedurally flawed. The Bank maintained that there was a legitimate rationale for the redundancy decision and that it complied with procedural due process requirements.

While the Tribunal determined the Applicant had not established a *prima facie* case of retaliation, the Tribunal observed a lack of contemporaneous documentation surrounding the process by which the Applicant's position was identified as redundant. The Tribunal was "not convinced that the Bank ha[d] shown a reasonable and observable basis for making the Applicant's position redundant."

The Tribunal found that the Applicant was given adequate notice of the redundancy decision and the Bank fulfilled its obligations regarding reassignment following a redundancy decision. It therefore found that the Applicant's right of due process was respected in the implementation of the redundancy decision.

**Decision:** The Bank was ordered to pay the Applicant three years' net salary in addition to legal fees and costs. All other claims were dismissed.