

Summary of FJ v. IBRD, Decision No. 626 [2020]

The Applicant challenged the decision to make his position redundant.

Between January 2018 and March 2018, the Applicant had multiple verbal and written exchanges and disagreements with management regarding the Applicant's readiness for promotion. Beginning in February 2018, the Applicant's Vice-Presidential Unit underwent a Workforce Planning Exercise. In conducting the Workforce Planning Exercise, the Applicant's 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.

In his Application, the Applicant claimed that the redundancy decision was taken in retaliation for his disagreements with management regarding his promotion 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 Applicant did not meet the burden of establishing 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. The Tribunal therefore found that the Applicant's due process rights were respected in the implementation of the redundancy decision.

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