

## Summary of GG v. IFC, Decision No. 658 [2021]

The Applicant contested the IFC's decision to reject his voluntary separation (VS) application, claiming the selection process was improper and the decision was an abuse of discretion. Alternatively, he contended that his position should have been declared redundant on the basis that his health prevented him from locating to his duty station.

With respect to the IFC's VS application selection criteria, the Tribunal observed that all IFC staff were informed via the IFC Workforce Planning Frequently Asked Questions that VS decisions would be based on the business needs of the Vice-Presidential Unit (VPU). The Tribunal was satisfied that the business needs that were identified and communicated by the Applicant's VPU and unit in this case served as the advertised criteria, and that the Applicant's department provided sufficient clarity to its staff and transparency for the Tribunal to review how the criteria were applied to the VS applications.

With respect to the fairness and transparency of the VS selection decision, the Tribunal was unpersuaded by the Senior Manager's justification for the absence of contemporaneous records on how VS decisions were made, namely that there were too many VS applications for contemporaneous documentation to be feasible. The Tribunal noted that with many candidates the potential for casual review could increase, therefore also increasing the importance of contemporaneous documentation. Based on the absence of even a minimum amount of relevant contemporaneous documentation of the VS decisions, the Tribunal found the IFC failed to act with fairness and transparency.

The Tribunal found that the Applicant's health and personal circumstances were appropriately not considered in the VS application review process, as they did not impact the criteria by which VS applications were assessed. The Tribunal further observed that the Applicant was permitted to telecommute for more than a year after the VS decision was made. The Tribunal observed there is nothing in the Staff Rules that would suggest the IFC must declare a position redundant based on a staff member's medical condition. Therefore, the Tribunal found no procedural irregularity in the IFC's not declaring the Applicant's appointment redundant.

With respect to the added level of review by the IFC Chief Executive Officer (CEO), which was announced after the VS process had concluded and decisions were announced, the Tribunal acknowledged that the IFC CEO may exercise authority to review VS decisions; however, the Tribunal found the IFC CEO's involvement and lack of explanation to warrant departing from the communicated decision-making authority to be a procedural irregularity.

The Tribunal was not convinced a different outcome would have resulted absent the procedural irregularities in the VS process. However, the Tribunal concluded that the procedural irregularities found nevertheless warranted compensation.

**Decision:** The IFC was ordered to pay two months' salary to the Applicant as compensation for the procedural irregularities and to pay a portion of the Applicant's legal fees and costs. 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).