

do Sacramento v. IBRD, Decision No. 493 [2014]

After many years in the employ of the Bank, the Applicant became an Operations Analyst (HIV/AIDS & Transport Specialist and the Focal Person for HIV/AIDS) in the Africa Technical Families Transportation Sector (“AFTTR”) at level GE. Her position was created in 2004 as part of the Bank’s effort to address urgently the recognized problem of HIV/AIDS in developing countries. Following the progressive lack of need for the Applicant’s position, such position was abolished with effect 1 March 2012. The Applicant was not successful in finding alternative employment during the six-month reassignment period following the redundancy of her position and her employment was terminated on 1 September 2012. The Applicant filed an application with the Tribunal contesting the decision to declare her employment redundant.

The Tribunal found that: (i) there was a legitimate rationale for the abolition of the Applicant’s post; (ii) while the Applicant had taken training courses in order to diversify her skills, the Bank had not offered her the required “on-the-job training” which would assist her in taking up a social safeguards position in the future; (iii) after the declaration of the redundancy of the Applicant’s position, the Bank tried to place the Applicant in a position for which it ultimately determined that she was not qualified; (iv) the reassignment efforts for that position were destined to be unsuccessful since the Applicant had not been earlier offered the “on-the-job” training to acquire the qualifications necessary for the position; (v) the Bank did not meet its obligation under the Staff Rule to offer the Applicant a lower-level position after the declaration of the redundancy; (vi) the Applicant also had an obligation to raise the possibility of occupying that lower-level position which had been offered to her before the declaration of the redundancy of her position; (vii) proper process was followed in the declaration of the redundancy; and (viii) there was no evidence that the Applicant’s age played a role in the actions of which she complained in this case. The Tribunal concluded that the Bank did not adequately assist the Applicant in finding alternative employment and, on this ground, awarded the Applicant compensation in the amount of \$25,000.