



World Bank Administrative Tribunal Annual Report

Fiscal Year 2022

Message from Tribunal President Mahnoush H. Arsanjani



The World Bank Administrative Tribunal continues to advance its work as the independent judicial forum of last resort for the resolution of employment grievances submitted by staff of the World Bank Group. This annual report provides an overview of the Tribunal’s Fiscal Year (FY) 2022 activities, key issues addressed, and usage trends—all of which underscore the Tribunal’s importance, independence, and impartiality.

The independence of the Tribunal, rooted in the first Article of the Tribunal’s statute, is an unwavering commitment of all the judges on the Tribunal. The Tribunal must be independent and be seen to be independent to have the confidence of the parties who rely upon it for the resolution of employment disputes. This fiscal year, the Tribunal judges initiated discussions seeking Bank Group management to reaffirm the institutions’ commitment to respect and guarantee the Tribunal’s independence. The President of the Bank

Group accordingly issued *[The Essential Governing and Operating Rules Relating to the Tribunal](#)*, a document that confirms the Tribunal’s status as independent from any administrative unit within the Bank Group and that, for ease of reference and compliance, compiles the various governing and operating rules relating to the Tribunal.

The Tribunal also added to its rich jurisprudence on variety of issues related to ensuring workplace fairness. Due to the COVID-19 pandemic, it held its two annual sessions remotely—one in the fall and one in the spring. These sessions resulted in the closure of 27 cases filed by Bank Group staff members.

Judgments in FY 2022 examined issues relating to defects in selection processes, harassment, misuse of Bank resources, financial misconduct, the duty to cooperate with internal investigations, and transparency in reorganizations, and acknowledged the rights of staff in other significant ways. The full judgments can be found at <https://tribunal.worldbank.org>.

Executive Summary

Although the World Bank Administrative Tribunal's work in FY 2022 was marked by lingering challenges created by the COVID-19 pandemic, the Tribunal's judges and Secretariat stepped up to ensure that proceedings were handled in a fair and timely manner. This enabled the Tribunal to decide 27 cases in FY 2022, including 17 cases that were carried over from previous years.

The number of cases submitted stayed relatively stable in FY 2022; 25 cases were filed, as compared to 27 filings received during FY 2021.

Since its first decision in *de Merode et al v. International Bank for Reconstruction and Development* (1981), which addressed the salary and tax formula for D.C.-based staff, the Tribunal has rendered 746 judgments and orders. Its rulings have crossed a spectrum of employment issues while safeguarding the rights and due process of staff, upholding the values of the World Bank Group, and respecting the Bank's responsibility as a premier development institution.

Cases of significant impact in FY 2022 addressed defects in selection processes, harassment, misuse of Bank resources, financial misconduct, the duty to cooperate with internal investigations, and transparency during institutional reorganizations. On average, the time that lapsed between the filing of an application to the rendering of a judgment was 10 months.

During the Tribunal's fall session, the Tribunal issued judgments and orders in 12 cases. In its spring session, the Tribunal issued 15 judgments and orders. Some 48 percent of the cases addressed issues related to employment contracts. Complaints involving jurisdiction or the requirement of ethical or respectful behaviors were the drivers of most of the other applications. The full judgments can be found at <https://tribunal.worldbank.org>.

In recent years, applications by female staff at the World Bank Group have outweighed those of male staff. In FY 2022, however, this trend drastically changed. Female staff submitted only 22 percent of the claims while male staff submitted 78 percent of the applications. Looking at other demographic trends, the percentage of country office-based applicants has steadily increased over the past two fiscal years and now closely mirrors the demographics of the overall Bank Group staff. It is believed virtual outreach activities helped increase awareness that the Tribunal is accessible to all staff regardless of duty station.

The Tribunal in FY 2022 continued the dissemination of *The Bench*, its twice-a-year electronic newsletter. *The Bench* launched in September 2020 as a resource for keeping World Bank Group staff updated on the Tribunal's work and role.

OVERVIEW

The World Bank Administrative Tribunal is the only judicial forum, as well as the forum of last resort, for the resolution of cases submitted by Bank Group staff members alleging non-observance of their contracts of employment or terms of appointment. Article I(2) of the Tribunal's statute emphasizes that "The Tribunal is a judicial body that functions independently of the management of the Bank Group. The independence of the Tribunal shall be guaranteed and respected by the Bank Group at all times." The Tribunal's decisions are final and binding.

WHO WE ARE

The Tribunal is composed of seven independent judges who are nationals of different member states of the Bank Group. The Tribunal's statute states that the judges "shall be persons of high moral character and must possess the qualifications required for appointment to high judicial office or be jurisconsults of recognized competence." The Board of Directors appoints judges from a list of candidates nominated by the World Bank Group President after appropriate consultation. The judges are appointed for a term of five years, renewable once.

The judges on the Tribunal in FY 2022 were Mahnoush H. Arsanjani (Tribunal President), a national of Iran; Marielle Cohen-Branche (Tribunal Vice President), a national of France; Janice Bellace, (Tribunal Vice President), a national of the United States; Andrew Burgess, a national of Barbados; Seward Cooper, a national of Liberia; Lynne Charbonneau, a national of Canada; and Ann Power-Forde, a national of Ireland.

The Secretariat, the administrative arm of the Tribunal, is managed by the Executive Secretary. As specified by the Tribunal's statute, the Executive Secretary, in discharging duties, is responsible solely to the Tribunal.

CASE SUMMARY

Caseload. Overall, the Tribunal decided 27 cases in FY 2022. All judgments are published online and can be viewed at <https://tribunal.worldbank.org>.

Issues Raised. The issues most frequently brought to the Tribunal during FY 2022 related to employment contracts (48 percent), ethical/respectful behaviors (19 percent), and jurisdiction (18 percent). Notable issues addressed by the Tribunal in FY 2022 included defects in selection processes, harassment, misuse of Bank resources, financial misconduct, pension benefits, the duty to cooperate with internal investigations, and transparency in reorganizations.

Demographics. Some 52 percent of applicants were based at Bank Group headquarters, compared to 48 percent of applicants in country offices. The country office-based applications now reflect a steady increase over the course of the past four fiscal years and now closely align with the makeup of the Bank Group staff. The increase may be a consequence of virtual outreach activities designed to ensure that the Tribunal is accessible to all staff regardless of duty station.

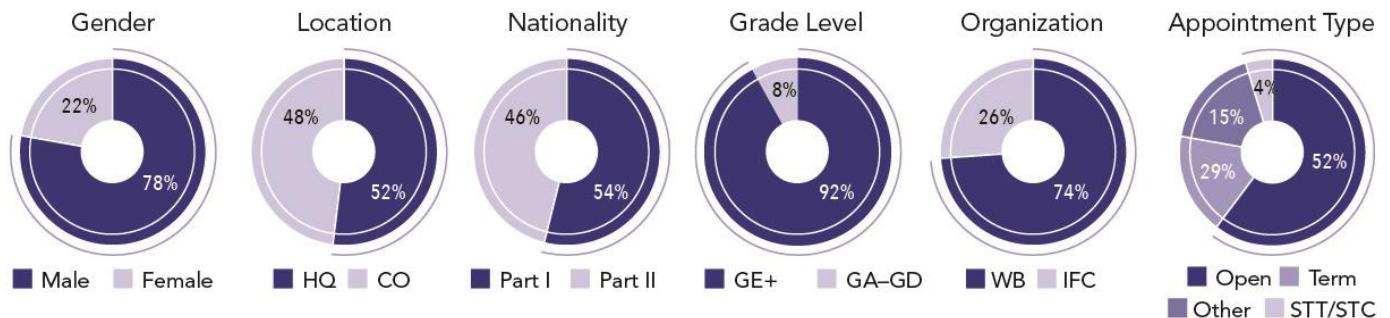
Unlike the previous four fiscal years wherein applications were primarily submitted by female applicants, this fiscal year applications were disproportionately submitted by male staff. While 48 percent of Bank Group staff are male, 78 percent of Tribunal applications were submitted by male staff in FY 2022, and female staff accounted for only 22 percent of the applicants.

Applicants from Part I countries submitted 54 percent of the cases; the remainder were from Part II countries. Of the applicants holding graded positions, 92 percent were staff members at grade levels GE and above. The remaining 8 percent were submitted by staff members at grade levels GA–GD.

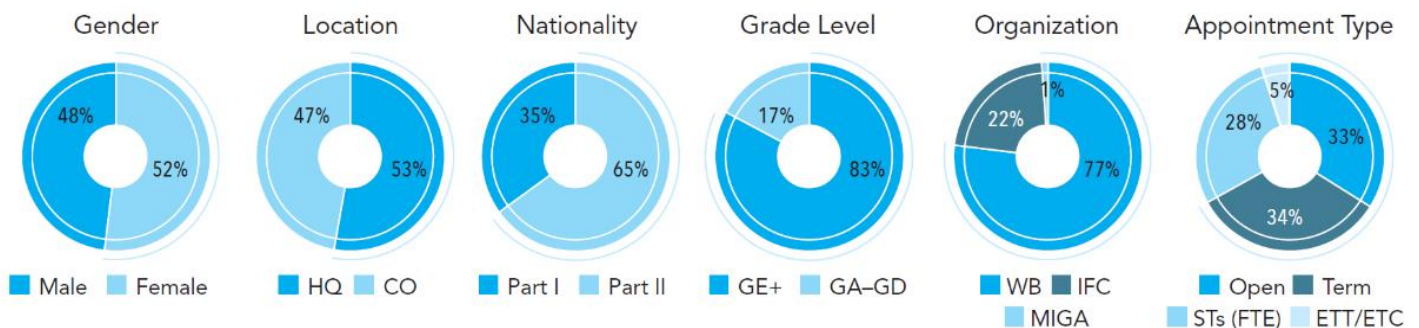
Fifty-two percent of applicants held Open-ended appointments, 29 percent held Term appointments, 4 percent held Short Term or Extended Term appointments, and 15 percent did not have an appointment type. FY 2022 shows a marked decrease in cases filed by applicants with Short Term appointment types compared to FY 2021 in which 25 percent of applicants held Short Term appointments. The decrease may reflect positive changes brought about by STT/STC advocacy groups.

The charts below display the demographics for Tribunal applicants alongside the World Bank Group’s staff demographics for visual comparison of the data.

Tribunal Applicant Demographics FY 2022



World Bank Group Demographics FY 2022



Average Processing Time. The exchange of written pleadings between an applicant and respondent takes close to six months before a case is ready for the Tribunal’s deliberation. Factors that affect processing time may include: the number of cases decided in one session, whether jurisdiction and merits were decided in the same judgment, whether a hearing was held, the nature and complexity of the case and the scheduling of Tribunal sessions, and whether the parties have requested an extension or a stay of proceedings. During FY 2022, on average, it took the Tribunal 10 months to dispose of a case counting from the time of filing an application to the rendering of a judgment.

PROGRAM ACTIVITIES

The Tribunal is committed to increasing awareness of the services available to staff, and its Secretariat regularly participates in New Staff Orientation and outreach events. As part of its outreach efforts, the Secretariat conducts overview presentations throughout the year to share key developments and summarize the Tribunal’s newest decisions. These presentations provide a forum for staff to ask questions about the judgments and express their views. The Tribunal also disseminates an electronic newsletter, *The Bench*, to keep staff updated on Tribunal rulings and activities.

NOTABLE CASES

GH v. IFC and GI v. IFC, Decision Nos. 659 and 660 [2022]

Issue: The applicants contested the rejection of their requests for voluntary separation and asked the Tribunal to consider whether there were procedural flaws in the IFC’s determination regarding which employees were granted voluntary separation during a reorganization exercise.

Decision: Because VPU Selection Committee members met to discuss the candidates for voluntary separation before finalizing the selection criteria, the Tribunal found that the delay in finalizing the criteria opened the door to the perception that the guidelines were tailored around specific candidates.

In addition, the judges questioned the involvement of IFC’s Chief Executive Officer in the selection process, noting that the Bank’s best practices required an explanation for this involvement given that a decision-making delegation had been made specifically to handle the process.

The judges were also “deeply concerned” by the IFC’s statement that selection criteria were purposely not communicated so as to prevent staff from “argu[ing] their eligibility.” Stating further, “A decision to use overly broad selection criteria for the purpose of shortening the management decision-making process or shielding management from having to deal with staff competition for positions, coupled with a decision to not keep records that show how the selection criteria were applied, demonstrates a regrettable want of procedural fairness,” the Tribunal ruled. “Attempting to insulate managerial decisions from review is unacceptable.”

The Tribunal said both applicants failed to prove that the irregularities caused the rejection of their voluntary separation requests. However, the Tribunal found a lack of transparency and strongly criticized the IFC for failing to adequately document the selection criteria, process, and decisions. Because due process was not observed, the IFC was ordered to pay the applicants' legal fees, costs, and six months' salary, minus any amount they had already received through the PRS process.

GR v. IBRD, Decision No. 671 [2022]

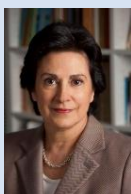
Issue: The applicant, a former country manager, contested findings that she harassed staff members, created a hostile work environment, and misused Bank resources. She challenged the disciplinary measures imposed on her, which included demotion from a managerial position and written censure to remain in her HR record for three years.

Decision: The Tribunal recalled that the Bank bears the burden of proof and requires substantial evidence to find misconduct. Following its well-established scope of review, the Tribunal reviewed the facts and whether they amounted to misconduct, considered the legality and proportionality of the sanctions, and decided whether the Bank had observed the requirements of due process. The Tribunal noted staff members must “receive an adequate opportunity to respond to allegations made against them and to put forward their own evidence.”

The Tribunal found that “the record and established facts” showed that the applicant’s behavior, including routinely asking staff to perform personal tasks for her, did not meet the Bank Group’s standards of “professional and ethical conduct,” especially because she held “a position of power and authority over local country staff.” In confirming the finding that she engaged in harassment, the Tribunal pointed out that the Bank Group’s “Guidance on Anti-Harassment provides concrete examples of the types of behaviors that constitute harassment or unprofessional behavior.” Although noting the applicant’s “impressive career trajectory with the Bank” and subsequent “stellar reviews,” the Tribunal found that the disciplinary measures were reasonable. It also determined that the Bank had not violated the applicant’s due process rights. The Tribunal dismissed the application.

WORLD BANK ADMINISTRATIVE TRIBUNAL AND SECRETARIAT COMPOSITION

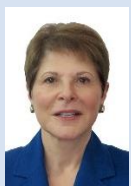
FY 2022 TRIBUNAL COMPOSITION



Mahnoush H. Arsanjani –
President
(Iran)



Marielle Cohen-Branche –
Vice President
(France)



Janice Bellace – Vice
President
(United States)



Andrew Burgess – Judge
(Barbados)



Seward Cooper – Judge
(Liberia)



Lynne Charbonneau – Judge
(Canada)



Ann Power-Forde – Judge
(Ireland)

SECRETARIAT COMPOSITION



Zakir Hafez
Executive Secretary



Devon Bromfield
Counsel



Mohammad Edirissa Faal
Counsel



Farkanda Haseen
Legal Analyst



Tara Ippoliti
Extended Term Consultant



Kaara Martinez
Short Term Consultant



Robert Newman
Extended Term Temporary