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Upcoming Events

Session Overview

On September 22, 2026, join the virtual presentation that will share key developments and summarize the Tribunal's newest decisions.

November 2026 Session Dates

The Tribunal's next session will begin on November 16, 2026.

Non-Renewal Decisions Highlight Importance of Documentation and Due Process, and Tribunal Finds Improper Motivation in One

In three cases decided during its May 2026 session, the Tribunal considered challenges to the non-renewal of term appointments. In *di Filippo v. IBRD*, the Bank contended that its non-renewal decision reflected changing business needs related to climate finance skills. Similarly, the non-renewal decision in *II v. IFC* purportedly arose from a workforce planning exercise and the need "to prioritize adding a senior staff position for the compliance team." In *IJ v. IBRD*, the Bank stated that the applicant's position had evolved and that his background and skills no longer met the requirements of the role.

In each case, the Tribunal considered the reasons set out for the non-renewal decisions. It accepted in *di Filippo* and in *II* that the organizations' business needs had changed, but it found that the organizations did not provide a reasonable and observable basis for their decisions. Specifically, the Tribunal noted the lack of any contemporaneous documentation regarding why the applicant in each case was chosen for non-renewal over similarly situated staff members. In *IJ*, the Tribunal found that the Bank sufficiently showed the skills mismatch related to the evolving requirements of the applicant's position.

The Tribunal also determined whether each non-renewal decision was improperly motivated. Considering the sequence of events before the non-renewal decision in *di Filippo*—a positive mid-year discussion, payment requests disputed by the applicant, and emails exchanged between his manager and senior management—the Tribunal found improper motivation for the decision. The Tribunal did not find improper motivation in the other two cases, despite alleged "personal animus" on the part of the applicant's vice president in *IJ*.

Finally, the Tribunal considered whether the Bank and IFC followed a fair and proper process, and it found a failure of due process in all three cases. In *di Filippo*, the Tribunal noted that, only a few weeks after receiving a positive mid-year review, the applicant was informed of the non-renewal of his appointment without having received any warning that changing business needs would affect his employment. In *IJ*, although the non-renewal decision provided to the applicant was reasonable and supported by contemporaneous documentation, the Bank failed in its obligation to alert the applicant early on that the changes to his position could affect his career prospects. The due process violation in *II* related to the lack of contemporaneous documentation, which—in this case and others—"undermines the transparency and reviewability of the non-renewal decision."

As remedies in *di Filippo*, the Tribunal ordered the reappointment of the applicant to a similar position or payment of two and a half years' salary for the improper non-renewal decision and six months' salary for violations of fair and proper process; the applicant was also awarded full legal fees and costs. In *II*, the Tribunal found that no additional compensation was warranted beyond what the applicant had already received pursuant to the Peer Review Services recommendation. It ordered the Bank to pay three months' salary to the applicant in *IJ* for the due process violation, along with some contribution to his legal fees and costs.

In Case of First Impression, Tribunal Considers Whether Mobility Premium Policy Is Indirectly Discriminatory

In *GX v. IBRD (Merits)*, the Tribunal had its first opportunity to consider a claim of indirect discrimination on the merits. The applicant challenged her ineligibility for mobility premium benefits, claiming that the "Change of Position" exemption applied to her discriminates indirectly because it "disproportionately disadvantages female staff members at Level GF and above who are more likely than men to have been internally promoted rather than externally appointed." Her claim focused on the discriminatory effect of the measure rather than on the language of the measure itself.

The Tribunal decided to hold oral proceedings in order to facilitate its consideration of the legal question presented by the application. In a virtual hearing, the Tribunal had the opportunity to hear from and question the parties as well as expert and general witnesses who shed light on the statistical and policy issues of the matters at hand. Because oral proceedings are held in public unless exceptional circumstances require otherwise, staff of the organization were permitted to observe the hearing. As indication of the general importance to staff of the issues raised by the applicant, about 100 staff members were present virtually throughout the proceedings.

In reviewing the applicant's claim, the Tribunal adopted a definition of indirect gender discrimination as concerning "situations where a facially neutral rule, criterion, or practice places one gender at a significant disadvantage compared with the other, unless that measure pursues a legitimate aim through means that are both appropriate and necessary." It also emphasized the requirement in Principle 2.1 of the Principles of Staff Employment that the Bank "not differentiate in an unjustifiable manner between individuals or groups within the staff." Taking note of this requirement in Principle 2.1, the Bank's statements before the Tribunal during the oral proceedings, and its jurisprudence as well as the jurisprudence of other international administrative tribunals, the Tribunal held that the Bank has an obligation not to indirectly discriminate against its staff.

To assist in the analysis of claims of indirect discrimination, the Tribunal adopted a framework guided by three questions. First, is the measure facially neutral? Second, does evidence show that the measure has a disparate impact on a protected group? Finally, does the organization provide a legitimate justification for the measure?

Both parties and the Tribunal agreed that the "Change of Position" exemption does not provide for differential treatment, making the measure facially neutral. The Tribunal then moved on to consider the second question. It examined separate statistical analyses conducted by the applicant and the Bank, which used different approaches and reached different conclusions about the exemption's impact on female staff. For the purposes of this case, the Tribunal found it sufficient to assume *arguendo* that the applicant had sufficiently demonstrated a disparate impact on female staff members; in other words, the Tribunal determined that it was not necessary to determine which conclusion was correct in order to decide the issue presented by the case in front of it. The Tribunal therefore turned to the third question and considered the Bank's justifications for the policy, its submissions demonstrating the policy's consistency with legitimate institutional interests, and the lack of any alternatives presented by the applicant for achieving the policy's objectives. Overall, the Tribunal found that the mobility premium policy and "Change of Position" exemption achieve a legitimate purpose through reasonable and proportionate means.

Having found that the "Change of Position" exemption had a legitimate justification, the Tribunal concluded that it does not unjustifiably indirectly discriminate on the grounds of sex. The Tribunal therefore dismissed the application; however, noting the unique circumstances of the case, particularly as a matter of first impression, the Tribunal also ordered the Bank to pay half of the applicant's legal fees and costs.

> **"The Tribunal has recognized that, even where there is no intention to discriminate, a facially neutral policy of the organization may nonetheless have a discriminatory effect on staff. […] The Tribunal holds that the Bank does indeed have an obligation not to indirectly discriminate against its staff."**
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> – *GX (Merits)*, Decision No. 726, paras. 57–58

Tribunal Rescinds Termination Sanction Imposed on Staff Member with 20-Year Bank Career but Allows Other Forms of Sanction

A World Bank staff member, found to have committed misconduct, challenged that finding and the disciplinary measures imposed on him. Even if he had committed misconduct, the applicant in *IH v. IBRD* said, the sanctions he received were harsher than warranted. The Tribunal was not convinced of the proportionality of the sanctions, having compared the applicant's situation to the situations of others disciplined by the Bank over the past six years.

The applicant had diplomatic privileges during a three-year field assignment outside the United States. After the three years, the applicant was allowed to telecommute from the assignment country, but his diplomatic privileges expired when the assignment ended. Despite reminders from the country office to return his diplomatic identity cards and license plates, the applicant held onto them for eight months. He also drafted a note with misleading information to explain the delay, a note then submitted to the government of the country where he'd been working.

The applicant telecommuted for a year and then returned to Washington, DC. His family stayed behind so his daughter could finish school in the assignment country. After a trip that combined a return from mission travel and a flight to visit his family, the applicant submitted inaccurate travel expense information, including failure to tag a hotel expense as personal.

The Tribunal upheld the misconduct findings, noting that the applicant's inaccurate expense claims, retention of diplomatic credentials, and submission of misleading and inaccurate information represented serious misconduct. However, upon review of the sanctions imposed—which included termination of employment and ineligibility for future World Bank Group employment—the Tribunal found that the Bank had not met its "fundamental obligation to treat staff members fairly." The Tribunal emphasized that it "must be satisfied that the degree of punishment fits the gravity of the offense." In comparing the applicant's sanctions to those imposed on other staff members, the Tribunal noted that the record did not explain why he received more severe sanctions than staff members found to have committed similar acts of misconduct, some which involved deliberate and sustained misreporting and some which involved much greater monetary amounts. It also determined that the Bank did not properly weigh the mitigating factors in the case: the applicant's 20-year career, good performance record, lack of prior disciplinary history, cooperation with the investigation, and correction of the expense report once inaccuracies were identified.

The Tribunal rescinded the sanctions imposed on the applicant. It also ordered the Bank either to reinstate him to a position similar to the one he held before his termination, subject to the Bank's ability to impose any sanctions short of termination, or to pay him six months' salary. The Bank was also required to contribute to the applicant's legal fees and costs.

Tribunal Judgments Address Disability, Workers' Compensation, and Jurisdiction

The World Bank Administrative Tribunal heard nine cases in its May 2026 session. Six cases, *di Filippo v. IBRD*, *GX v. IBRD (Merits)*, *IH v. IBRD*, *II v. IFC*, *IJ v. IBRD*, and *IK (No. 3) v. IBRD*, were heard on the merits. Three cases, *HU (No. 2) v. IBRD*, *IF v. IBRD*, and *IG v. IBRD*, involved preliminary objections.

The applicant in *IK (No. 3) v. IBRD* challenged the non-extension of her short-term disability benefits and denial of her workers' compensation claim. Finding that the applicant did not provide sufficient updated medical information before her disability benefits expired, the Tribunal also found that the Disability Review Panel had reasonably determined that the applicant had not established continued eligibility for disability benefits. With respect to workers' compensation, the Tribunal determined that the applicant had not shown that her illness or injury arose out of or in the course of her employment. The Tribunal therefore dismissed the application. The Tribunal partially upheld the Bank's preliminary objections in *IF v. IBRD*, finding that some of the applicant's claims were inadmissible for failure to exhaust internal remedies. The Tribunal will consider the applicant's remaining claims in its upcoming session. Similarly, in *HU (No. 2) v. IBRD*, the Tribunal dismissed the Bank's preliminary objections, finding that the application was not barred by *res judicata*. The Tribunal will thus consider the merits of the application in its upcoming session. The Tribunal dismissed *IG v. IBRD*, finding that the applicant either failed to exhaust internal remedies or had untimely submitted her claim.

The text and summaries of all the Tribunal's judgments and orders may be found here.

A Distinguished Jurist: Judge Raul C. Pangalangan's Commitment to Justice in International Law

When Judge Raul C. Pangalangan joined the Tribunal in April 2024, he brought with him a remarkable depth of experience in public international law. A Filipino national with decades of service across some of the world's most prominent legal institutions, he stands among the most accomplished jurists of his generation.

Before joining the Tribunal, Judge Pangalangan served as a Judge at the International Criminal Court (ICC) in The Hague, where he presided over the first ICC case on the war crime of attacking cultural and religious heritage, a case that tested the boundaries of international humanitarian law. He has sat in landmark cases involving child soldiers, forced marriages, and sexual slavery, confronting some of the gravest violations of human dignity, and ultimately served as President of the Trial Division.

Today, in addition to his work on the Tribunal, Judge Pangalangan serves as a Judge and President of the Asian Development Bank Administrative Tribunal. He is also a Member of the Permanent Court of Arbitration (The Hague), serving as Chair of the Philippine National Group, and is a Member of the *Institut de Droit International*.

Judge Pangalangan's influence extends well beyond the bench. A member of the Philippine Bar since 1984, he has argued before the Philippine Supreme Court and has been designated as *amicus curiae* in leading constitutional law and international law cases. Long before joining the ICC as a Judge, he helped shape the very framework of international criminal justice; he was a Philippine Delegate in the drafting of the Rome Statute of the ICC in 1998, co-chaired the national campaign for ratification by the Philippines and other Asia-Pacific states, and is a contributing author to the Commentary on the Rome Statute. His sense of duty to justice beyond the courtroom has continued in recent years: he chaired the ILO Commission of Inquiry on Myanmar and currently chairs the civil society–initiated Truth Commission on the extrajudicial killings in the Philippines under then-President Rodrigo Duterte, who is now charged with crimes against humanity at the ICC.

Alongside his work as a practitioner and jurist, Judge Pangalangan has spent much of his career shaping the minds that will carry international law forward. A Professor of Law and former Law Dean at the University of the Philippines, Judge Pangalangan specializes in public international law and constitutional law. He completed his post-graduate study at Harvard Law School, where he received his LL.M. (winning the Laylin Prize in international law) and S.J.D (winning the Sumner Prize for best dissertation on international peace), and he has also received the Diplôme of The Hague Academy of International Law. He has held visiting appointments at Harvard Law School, Hong Kong University, and Melbourne University, and has lectured at The Hague Academy for International Law, where he also served as its Director of Studies, as well as the Irish Centre for Human Rights; Japan Society of International Law; Thessaloniki Institute of International Public Law; Salzburg Seminar on International Criminal Law, Humanitarian Law and Human Rights Law; International Nuremberg Principles Academy; and Siracusa International Institute for Criminal Justice and Human Rights.

Judge Pangalangan's scholarly leadership continues today. He serves or has served in the governing councils of the Asian Society of International Law, the International Association of Constitutional Law, and the Philippine Society of International Law, and is currently Co-Chair of the Editorial Board of the *Asian Journal of International Law* and Editor-in-Chief of the *Philippine Yearbook of International Law*. In May 2026, Judge Pangalangan accepted an appointment as the inaugural dean of the Pamantasan ng Lungsod ng Pasig College of Law in the Philippines, thus continuing his longstanding commitment to legal education.

Judge Pangalangan's storied career has been defined by his decades-long commitment to justice and the rule of law in all its forms, whether serving as an advocate, scholar, educator, or jurist. As a member of the Tribunal, Judge Pangalangan continues his career of sustained contribution to international law and strengthens the Tribunal's capacity to deliver careful and well-reasoned justice.