Annual Report
of the Office of the Ombudsman for United Nations Funds and Programmes 2016

Working together to find solutions
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Introduction

The Office of the Ombudsman for United Nations Funds and Programmes provides informal workplace conflict resolution services to the workforce of the United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), United Nations Children’s Fund (UNICEF), United Nations Office for Project Services (UNOPS) and United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). Operating on principles of independence, confidentiality, informality, neutrality and impartiality, the Office provides a safe space for staff, former staff and non-staff personnel (service contractors, consultants, interns, and UN Volunteers) in headquarters and field locations to examine options to resolve workplace grievances. The overarching goal of the Ombudsman intervention is to guarantee that principles of justice, fairness and due process are observed and that policies, procedures and behaviours are aligned to support the proper functioning of the organizations. The Ombudsmen have direct access to the UNDP Administrator and the Executive Directors for UNFPA, UNICEF, UNOPS and UN Women.

The Office focuses largely on individual cases brought to its attention by visitors. However, the administration, staff representatives and other offices may refer a matter to the Ombudsman; the Ombudsman can also act on his/her own observation. In working with parties to find solutions, the Office will use a wide range of approaches and techniques such as listening, coaching, shuttle diplomacy, negotiation and mediation. At times, a broader intervention may be warranted and the Office may undertake a field mission to interview parties, review documentation and gather facts, in an effort to identify the root causes of conflict. Through the analysis of information, the Office can identify systemic issues and trends which will form the basis of recommendations to executive leadership in the funds and programmes. Such recommendations may relate to action to address individual behaviours, or amendment of policies, procedures or managerial practices.

Individuals may contact the Office when they are involved in an interpersonal conflict, but also in relation to job and career matters, performance evaluations, benefits and entitlements and retirement or separation benefits. Individuals may contact the Office when they are involved in an interpersonal conflict, but also in relation to job and career matters, performance evaluations, benefits and entitlements and retirement or separation benefits. In addition to assisting to resolve conflicts through casework, the Office is also mandated to conduct outreach and raise awareness about the value of informal resolution in addressing issues and in supporting a healthy and harmonious work environment. The Office encourages a shift in the organizations from a culture of litigation to one of dialogue and delivers training to build conflict competence in the workforce.
The Office of the Ombudsman for United Nations Funds and Programmes is an independent pillar within the United Nations Ombudsman and Mediation Services (UNOMS). Together with the Ombudsman for the United Nations Secretariat and the Ombudsman for UNHCR, the Office supports system-wide coherence and harmonization of standards in the UN system. The Terms of Reference for UNOMS were revised and promulgated as Secretary-General’s Bulletin ST/SGB/2016/7. [Annex I] These revised terms of reference reflect the structure of the integrated Office of UNOMS, set out the foundational principles and serve as a guide on the practice of Ombudsman and Mediation Services within the United Nations Secretariat, the funds and programmes and UNHCR.

The present report provides information on the activities of the Office of the Ombudsman for United Nations Funds and Programmes for the period 1 January to 31 December 2016. In addition to reporting on outreach activities and training by the Ombudsmen to raise awareness and build conflict competence in the organizations, the report also includes observations and recommendations on the systemic issues and trends identified in 2016.
1. Overview of the Work of the Office

A. Overview of cases

In 2016, the Office received 428 new cases. Figure 1 shows that 225 were from UNDP, 26 were from UNFPA, 104 from UNICEF, 33 from UNOPS and 34 from UN Women, and six from other United Nations entities. A number of these cases had multiple issues and multiple parties. Some involved longstanding issues that required a significant investment of time and resources by the Ombudsman in pursuing resolution. As shown in Figure 2, 73 per cent of grievances came from field offices.

Figures 3a and b show that the top three categories of cases concerned job and career issues, the evaluative (supervisory) relationship, and compensation and benefits. Figure 3b indicates the trends in the major categories of issues received since 2012. Of the 2016 visitors on staff contracts, 63 per cent were international professionals. The Office received 70 cases from visitors in the non-staff category. These visitors included service contract holders, UN volunteers, individual contract agreement holders and consultants. The primary concern for non-staff visitors related to benefits and entitlements.

Cases about benefits and entitlement increased from 13 per cent in 2015 to 16 per cent in 2016. The majority of those cases pertained to pension payments, after service health insurance and other separation benefits.
Figure 3a. Issues presented from 1 January to 31 December 2016

Figure 3b. Job- and career-related issues, supervisory relationships, compensation and benefits, organizational, leadership and management issues as percentages of cases received 2012 – 2016
The Office received cases from 257 female (60 per cent) and 160 male (37 per cent) visitors, and 11 group cases. While the issues faced by both genders are relatively similar, more females had complaints about supervisory relationships and more males complained about job and career challenges. Other issues affecting more females than males include gender discrimination, harassment and interpersonal differences. Males submitted more complaints regarding investigative and disciplinary procedures, leadership and management and health insurance and medical entitlements. A breakdown of overall issues by gender is illustrated in Figures 4a and 4b below. Figure 4c shows the pattern of usage of the Office by gender, since 2012.
B. Outreach activities

A key part of the mandate of the Office of the Ombudsman is to raise awareness of the benefits of informal resolution in fostering a harmonious work environment, and to promote the use of informal resolution, to the fullest extent possible, without prejudice to staff members’ rights to access the formal justice system. The Office recognizes the need to address the root causes of conflict, not only through individual case interventions, but also through encouraging a values-based organizational culture which promotes behaviour that minimizes the occurrence of conflict, or that supports effective management of conflict when it arises. This approach has expanded the scope of the services provided by the Office to include conflict competence and skills building training.

Outreach activities provide an opportunity for the Ombudsman team to interact with individuals across the organization and to deepen understanding of the circumstances and conditions under which staff, especially those in the field, work. Additionally, engaging with whole teams, such as in field or regional offices, also allows the Ombudsman to work with those colleagues in developing strategies to deal with conflicts in their teams. While this may be done in reaction to issues brought to the attention of the Ombudsman, it is also useful as a proactive means of building skills in teams to anticipate and minimize escalation of conflicts. Outreach also allows for informing staff about the Office, meetings with the Ombudsman team and building a human connection, which lessens the anxiety arising from contacting the Office when an issue arises.

Over the reporting period, the Office conducted outreach activities at various locations through face-to-face meetings or via electronic media. The Office delivered 25 conflict management trainings and group information sessions in 2016, compared to six in 2015. Training was provided on themes such as effective conflict management, managing difficult conversations, and conflict management and diversity appreciation. A training activity lasts for two to three hours and involves case studies or other group work. Participants practice exercises and develop approaches to addressing conflict. Training also serves as an awareness tool for staff to learn how individual behaviour impacts the work environment. Participants in training in addition learn
about the services of the Office, as well as the services provided by other offices and resources in
the internal system for the administration of justice in the United Nations.

Information sessions may be from an hour to an hour and a half and may be on particular
topics or on conflict management in general, or on informal resolution in the context of the
United Nations internal justice system. These sessions are often in the form of a town hall meet-
ing and draw together staff and non-staff personnel from the various funds and programmes to
share knowledge and answer questions on the role and work of the Ombudsman.

The Ombudsmen have also participated in meetings organized by staff representatives and
continue to build a strong stakeholder relationship to further the shared goal of promoting
a healthy and harmonious environment for every member of the workforce. In addition, the
Ombudsmen have been requested to contribute to panel discussions at regional
management meetings and departmental gatherings on various themes related to
improving the workplace.

The value of the opportunity for the Office to be able to use these occasions
to meet staff and managers across the organizations, to build awareness about
effective conflict management, cannot be overstated. While there have been oppor-
tunities to do this in some agencies, they have been varied, inconsistent and not
systematic in all the agencies served by the Office. Some organizations routinely
invite the Ombudsman to such events while others appear not to recognize the
contribution that an address by the Ombudsman on workplace conflict manage-
ment can have on staff management relations in their organizations. The mere
opportunity for individuals at these meetings to be able to have an unstructured
interaction with the Ombudsman can lay the foundation for future engagement
when a conflict arises.

Although based in New York, the Office makes every effort to ensure that indi-
viduals across the organizations can access its services. The Ombudsman continues
to connect with members of the workforce through frequent field visits and tele-
phone or Skype discussions. In 2016, as well as undertaking field visits to respond
to requests for intervention, the Ombudsmen also proactively visited locations to
provide information about dispute resolution in the organization and build conflict
management skills. While requests from individuals for Ombudsman intervention
remain the norm, management has increasingly sought the services of the Ombuds-
man as well, in pursuing an informal resolution of conflict. In 2016, a number of
requests for intervention at locations in the field came through regional or headquarters lead-
ership reaching out to the Ombudsman after issues had been raised for senior management
attention. This reflects the growing familiarity with and confidence in the kind of outcomes that
can be gained from informal resolution of disputes. In addition to training and awareness-raising,
an Ombudsman’s mission to field offices also affords individuals the opportunity to have
confidential consultations, on request. These individual consultations may lead the Ombudsman
to conduct mediation between disputing parties, if they agree.

The Office recognizes that contacting the Ombudsman remains a challenging and daunting
step for many staff and managers, particularly those in the field who feel they are in vulnerable
situations. The Ombudsman has to ensure equal engagement with both sides so that managers
understand how the Ombudsman can support proper exercise of managerial authority, while
also ensuring that staff can access the Ombudsman’s office without fear of reprisal.

The Office maintains a dedicated webpage on the intranet of each organization, providing
details of the role and work of the Office. Also, a short informational animated video was
posted in 2016, offering a glimpse into how the Office operates. Topic-specific advice is provided
through published Ombudsletters.
C. Mediation

In the annual report for 2015, the Office of the Ombudsman discussed the importance of mediation as one of the tools to address certain kinds of dispute within the workplace. Mediation is a voluntary process where a trained third-party neutral facilitates communication and negotiation with a view to reaching an amicable resolution of the dispute. The Office, in particular, noted a degree of reluctance, especially on the part of the administration, to engage in mediation as an alternative to litigation when the parties had been unable to reach, directly or via their lawyers, an amicable resolution of a particular case. Despite the slightly upward trend in number of mediation cases during the last five years, with the Office receiving 6 cases in 2012 and 10 in 2016, the number of mediation cases remains lower than it could be. As a result, the Office of the Ombudsman continues to promote the use of mediation as a key component of its outreach activities to all stakeholders.

During the reporting period, the Ombudsman observed the positive impact of mediation, particularly in the cases that had reached the litigation stage and in some cases had been pending for years and would otherwise have gone through the United Nations Dispute Tribunal and Appeals Tribunal or were already pending there. These types of cases often contain multiple issues of varying degrees of complexity and involve several stakeholders. It is also worth noting that the proposal to initiate mediation in such cases has sometimes come from the administration rather than from the Office or the staff member. This is usually prompted by the recognition of the amount of time and resources that is spent on such cases, and mediation is seen as a last resort in the hope that more formal intervention can be avoided. The use of mediation in such situations can significantly improve the bottom line by reducing the far more significant indirect costs of a litigious work environment, such as wasted time, lost productivity, absenteeism, health costs and even staff turnover.
2. Observations and Recommendations Concerning the Major Causes of Conflict in 2016

A. Supervisory relationships and performance management

The supervisory relationship is one of the most interdependent relationships in the organizations. Consequently, the possibilities for conflict to arise are very high. Differences in cultures, working or communication styles, personalities and organizational structures are some of the sources of conflict that impact the supervisory relationship. Figure 5 below shows the breakdown of issues in the supervisory relationship category.

A cornerstone of the supervisory relationship is the ability to manage people and conflict effectively. Supervisors are generally recognized for their ability to deliver results and for mobilizing resources; less emphasis is placed on the skills needed for good people management. This often means that supervisors appear to lack sufficient skills or experience in effectively anticipating and managing conflict. Too often, the response is one of conflict avoidance, with the hope that either the situation will resolve itself, or the supervisor will move on to the next career opportunity, leaving the problem for a successor.

A key responsibility of supervisors is managing performance. The performance management system entails a collaborative process whereby the staff member’s contributions to the unit can be evaluated against objective criteria. Organizations are increasingly holding supervisors accountable for effective performance management and, particularly, for addressing poor performance or underperformance. This is giving rise to increased complaints.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respect/treatment</td>
<td>31%</td>
</tr>
<tr>
<td>Interpersonal differences</td>
<td>21%</td>
</tr>
<tr>
<td>Performance management and feedback</td>
<td>16%</td>
</tr>
<tr>
<td>Team, climate &amp; morale</td>
<td>12%</td>
</tr>
<tr>
<td>Communication</td>
<td>8%</td>
</tr>
<tr>
<td>Performance appraisal and grading</td>
<td>6%</td>
</tr>
<tr>
<td>Reputation</td>
<td>6%</td>
</tr>
</tbody>
</table>

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Differences in cultures, working or communication styles, personalities and organizational structures are some of the sources of conflict that impact the supervisory relationship.
about supervisors. Furthermore, reductions in resources limit the ability of offices to absorb the cost of poor performance or underperformance. Some staff members complain about unfair workload distribution where there are non-performers or underperformers in their unit, which affects team climate and morale. The Office of the Ombudsman has found that issues of respectful treatment, communication and interpersonal differences often impact interpersonal relationships and exacerbate issues to do with performance.

Staff visiting the Office often speak about the management style and behaviours of their supervisor. Typically, they raise complaints of harassment and abuse of authority, as well as concerns about abrasive and disrespectful communication. Complaints relate to degrading or demeaning language, lack of self-awareness and self-control, and cultural insensitivity.

The Ombudsman has noted, at times, a connection between staff who are the subject of performance management efforts and complaints from those staff about harassment or abuse of authority by their managers. Where the Ombudsman is permitted to engage with the supervisor, it is not unusual to find that the supervisor is also dealing with the challenge of managing the staff member’s performance.

In some cases, the staff member has had a history of interpersonal conflict with his or her previous supervisors in the context of performance appraisals and the new supervisor has only inherited an already problematic situation. These disagreements may not have been reflected in the staff member’s previous appraisals and, in some cases, the new supervisor is only vaguely aware of the challenges that the previous supervisors faced. Supervisors who have inherited these situations often cite frustration or a lack of incentive to engage with the performance problem. They often see the risk of a protracted and unpleasant conflict situation as outweighing the benefit of taking on a problem that has existed for years. Often supervisors will make the choice of simply containing the situation of the underperforming staff member before moving on to their next position. This does a disservice to the staff member, the organization and the next supervisor.

When the Ombudsman engages with these situations, it becomes apparent that some staff are unable to receive honest feedback on performance and treat such feedback as a personal affront or abuse. In other instances, a trend is observed in which some staff demonstrate an unwillingness to accept the authority of the supervisor and believe they have a right to refuse lawful instructions because they have a different point of view. Where the supervisor tries to exercise legitimate authority, the staff member makes claims of harassment. This situation occurs most commonly where the staff member has been in the unit or organization longer than the supervisor, or perceives that he or she has more power and influence than the supervisor.

The Ombudsman has also noted that some supervisors have had no management training and little practical experience in managing people. Consequently, they lack the skills to have constructive dialogue about performance. In some instances, staff express concern that the performance management tool is used by the supervisor to retaliate or settle a disagreement with the staff member.

In the main, insufficient resources have been provided to support effective people management. Moreover, when a manager decides to address poor performance, there is often inadequate institutional support for both the manager and the relevant staff member. Managers need better guidance and training on how to manage and communicate with staff about poor performance; staff need a better understanding of the implications and possible outcomes of the performance management process and encouragement to engage constructively. Human resources practitioners should be more engaged, and act more as stakeholders in the process, to provide meaningful support to both parties. Too often their only contribution is referral to an intranet website or a policy document. If supervisors continue to feel vulnerable to accusations or lack the skills and confidence to embark upon the process, they may be less inclined to assume the individual burden and professional risks of managing poor performance.

A key responsibility of supervisors is managing performance.
This resource situation relating to people management is not uniform across all funds and programmes. One or two organizations have allocated trained individuals to support their performance management systems and have implemented measures to strengthen institutional structures to surface and address poor performance or underperformance and build supervisors’ and supervisees’ skills in addressing performance issues. Staff and managers can receive training and coaching on giving and receiving feedback.

Unless investment is made in a comprehensive manner to support performance management systems, the instances of conflict in the supervisory relationship will increase as supervisors engage in more effective performance management. Organizations that invest in providing skilled human resources practitioners to support the performance process will have better outcomes. This institutional support will be necessary until organizations close the gap between those managers who have received people management training and those who have not.

Additionally, the performance appraisal, designed to be an interactive and inclusive process, with consistent dialogue throughout the year, is too often only implemented at the end of the year. The value of the process is thus lost. The organizations need stronger accountability measures to hold the staff member and the supervisor responsible for fulfilling their respective roles in making the performance management process meaningful.

The performance improvement plan is a tool to help the parties structure their response to underperformance. These plans allow for improvement in the staff member’s performance and offer an opportunity to measure improvement in a transparent and objective manner. Guidelines on how to construct a performance improvement plan are provided by the organization. However, even if the plans are well constructed, the timing is often as important as the plan itself. Performance improvement plans should not come as a surprise to the staff member. In addition, performance improvement plans should not be used as a disciplinary or punitive measure at the end of a performance appraisal process. Neither should they be used to manage a strained relationship between the staff member and the manager. The objective should always be to improve performance, not to punish the staff member. Organizations should invest more time in sharing best practices relating to how and when to use performance improvement plans, with examples of when the plans have been effective.

The Office does not intervene in performance management as such, since the Ombudsman cannot know the details of a staff member’s performance. However, to the extent that performance management disputes are often not solely about the appraisal process, there is scope for Ombudsman intervention to help address the underlying issues. In some cases, the Ombudsman has assisted parties to deal with long-standing interpersonal problems that had led to an absence of trust and cooperation between the parties. The Ombudsman, as a neutral party, provides objectivity in working with the parties as they look for solutions. Investing in conflict management related to performance makes good business sense since it is almost inevitable that performance will suffer where the supervisor and supervisee are involved in a conflict.

Not all performance-related grievances concern low performance. Organizations should also review how they recognize and reward high-performing staff. Staff value the opportunity to participate in external trainings, conferences or meetings, or to take short-term assignments in other offices or duty stations. Such opportunities can boost morale, increase their visibility and professional standing and enhance their motivation. There are cost and human resource implications for the organization, but to the extent that these experiences can be provided, organizations should consider them favourably, as they can improve the work experience for staff, motivate others and foster a more harmonious environment. Such experiences contribute to mobility, knowledge-sharing and skills-building, and help local staff to experience the organization in its international context. Organizations should manage these opportunities transparently to avoid perceptions of favouritism or unequal treatment.
Recommendations:

- Organizations need to invest more resources into their performance management systems to better support managers and staff in achieving positive outcomes.

- Human resources practitioners should be more engaged, as stakeholders, in providing meaningful support to both staff and management.

- The organizations need stronger accountability measures to hold the staff members and supervisors responsible for fulfilling their respective roles in the performance management process.

- Organizations should create opportunities to recognize outstanding performance and manage those opportunities transparently to avoid perceptions of favouritism or unequal treatment.

B. Job and career issues

Figure 6 below shows the percentage of cases in the job and career category for 2016. As in previous years, the three major issues in this category are post abolishment, job application/selection and recruitment processes and non-renewal of contract. During 2016, budgetary constraints continued to result in post abolishment within the funds and programmes. When information is shared with staff and processes are undertaken transparently, the rationale for post abolishment is often well understood and accepted by staff. It is often the question of how the post abolishment affects the career prospects and opportunities within the organization that brings staff to the Office.

Staff aggrieved about non-renewal of contracts have raised the issue of inadequate communication. At times, the inordinate delay in communicating with the staff appears deliberate and calculated to cause anxiety. In a well-managed office, a decision whether a contract is to be extended should be made well in advance of its expiration. Under no circumstances should the

| Job application/selection and recruitment | 22% |
| Abolishment of post | 19% |
| Non-renewal of contract | 16% |
| Career progression and opportunities | 7% |
| Termination | 7% |
| Terms/conditions of contract | 5% |
| Career development | 5% |
| Post classification and description | 4% |
| Loan/secondement/transfer | 4% |
| Involuntary transfer/change of assignment | 3% |
| Resignation | 2% |
| Other | 2% |
| Retirement process | 2% |
| Special leave | 1% |
| Rotation and duration of assignment | 1% |
decision come just a day or two before the contract lapses. Staff also ask the Office for help where they are not told of the reasons their contracts are not being renewed.

The responsibility for career management is a shared one. Staff must build their skills and competencies and explore opportunities for growth and advancement. The organizations have to provide an enabling environment to support career growth and development and provide mechanisms for identifying and supporting talent. The Office has observed circumstances where some staff feel a sense of entitlement to a particular position, duty station, promotion or career opportunity based on their years of service, nationality or contract type, and thus question the application of competitive recruitment policies to them.

While organizations have dedicated resources to identify and manage talent, these resources remain inaccessible to some staff. Staff in certain career groups receive extensive induction and periodic training, coaching, mentoring and broad exposure and information about the organization and opportunities to network, whereas staff not falling within these select groups are not as well supported. A sense of unfairness is created when staff perceive that they are not as well situated as their peers to receive organizational career support. This situation may also be unfair to the staff perceived to be beneficiaries, who may have their qualifications and competencies questioned since they are seen as holding their positions for reasons other than merit. The resultant resentment does not lend itself to a harmonious work environment and the perception of discrimination creates conflict in the workplace. Some effort is being made in some organizations to expand the scope of such opportunities, but this is not happening at a fast enough pace to right the perceived imbalance.

**Recruitment processes**

In previous reports the Office expressed the need for recruitment processes to be transparent, fair and competitive. There is a lack of trust in recruitment processes, and the failure to communicate openly and transparently about recruitment exercises leads to speculation and (mis)perceptions of malpractice or irregularities. Several cases during the reporting period concerned individuals complaining of perceived bias in the recruitment panels. The lack of diversity in the panels also fuels perceptions of bias. Furthermore, the credibility of the recruitment process is questioned when there are re-advertisements of a vacancy announcement, with no explanation to candidates who may have already been interviewed. At other times, the candidate may perceive that he or she is better qualified than the person selected and thus question the integrity of the selection process. This can be of particular concern for internal candidates who may already be doing the job, if they then see an external candidate selected.

While recruiting internally has benefits, the organization may require more for a position than the institutional memory or even the outstanding performance record of an internal candidate. It is incumbent upon the organization, when an internal candidate is not selected, to provide feedback and address the unmet expectations. Additionally, organizations should clarify at what stage in the recruitment process consideration is given to performance records. If outstanding performance appears to carry no or insignificant weight in a hiring exercise, staff are left to wonder at the value of driving for outstanding results.

The organizations should set the highest standards in recruitment processes and be mindful that any appearance of malpractice affects the credibility and reputation of the organization.
The Office has often emphasized the need for induction programmes and their role in ensuring that knowledge about the organization is broadly disseminated. Some organizations have invested in creating new platforms for their induction programmes, making information more accessible to staff.

**Recommendations:**

- **Organizations should enhance transparency and credibility of recruitment processes by**
  - (i) communicating better with candidates,
  - (ii) clarifying at what stage consideration is given to performance records and
  - (iii) seeking feedback on the process.

**Mobility and rotation**

As field-based organizations in over 190 countries in the world, the funds and programmes rely on an international, diverse and mobile workforce. Mobility provides an opportunity for staff to plan and manage their careers; organizations benefit from mobility through being able to identify, develop and utilize talent to meet organizational needs, refresh the workforce and undertake strategic planning. Communication and implementation of mobility policies has not always worked to meet these mutually beneficial ends.

Across organizations, mobility practices are inconsistent, and staff have uneven opportunities. There are functional groups or pools of staff who, by the nature of their work, are subject to rotation on a fixed cycle. Often, mobility policies are principally aimed towards these functions, and resources such as training and human resources management are directed towards supporting these key roles. In some organizations, staff in functions not subject to periodic, or any, rotation are often less able to rely on organizational support in moving. The more specialized the role, the more difficult it becomes for the relevant staff.

Moreover, the use of short-term/temporary assignments, whereby staff can gain new skills, build professional networks and explore new areas of work, are treated differently across the funds and programmes. In some organizations, these opportunities are widely advertised, broad participation is encouraged, and there is an appearance of fairness and transparency in providing equal opportunities to staff. Staff are allowed to explore swapping places to learn new skills, or are provided electronic platforms through which they can express their interest in short-term opportunities to managers who may be looking for talent.

In other organizations, however, this facility for movement is more obscure. Staff are not equally well informed of opportunities and there is hardly any visible support for staff not in functional pools. There is also a lack of transparency in the allocation of such short-term assignments and staff often complain that favouritism rather than merit is the deciding factor. Consequently, some staff benefit from mobility opportunities, while others are left to create opportunities for themselves. The impact on staff of the lack of mobility opportunities can be more acute depending on whether they are international professionals or locally recruited.

Since skills are transferrable, better focus should be placed on identifying skill sets within the organization, especially for those job families not automatically subject to rotation, so that the staff can have a fair chance for career growth and development as well.

Mobility also creates challenges for the organizations, in cases where staff are resistant to mobility and instead become settled at duty stations, unwilling to move from certain work contexts where they are most comfortable. This resistance to mobility limits the ability of the organization to support staff in moving. Too often, it is staff working in hardship or conflict duty stations who are negatively affected. Staff complain to the Ombudsman of serving in multiple conflict duty stations sequentially and describe the toll it takes on their mental health.
and well-being as well as on their families. There is also a significant cost factor that impacts the ability of organizations to fully implement mobility. Organizations need to examine the costs and relative benefits of moving large numbers of staff (and their families) cyclically.

Career mobility is not exclusively geographic. During the reporting period, the Office received cases where staff had been offered opportunities in other organizations but had been unable to take advantage of them due to lack of clarity of the implications that such a career move might have on their contractual status. In some cases staff have had to contend with the possibility of not having their permanent contract recognized if they transferred to another organization. In others, secondments of staff from non-rotational positions to rotational ones have required extensive discussions with the staff of the implications for career continuity. Staff seconded to another United Nations organization retain no lien against their post and often have difficulty in returning to the parent organization. These discussions are often facilitated by the Ombudsman where staff do not trust that the organization will provide information on which that the staff member can rely in making an informed decision. There are often complaints of dissatisfaction with the quality of information that staff receive from human resources and, given the career implications, staff seek the intervention of the Ombudsman to help them evaluate whether to accept mobility opportunities. There is a sense of being at a disadvantage because it is perceived that the organization has information that the staff member does not and that is not always provided to him or her.

Mobility supports a healthy and harmonious work environment. While the benefits of mobility may be easily appreciated, the detriments of not implementing mobility are less obvious. There are instances where the root cause of workplace conflict can be linked to individuals being in the same office or role for extensive periods with little or no apparent prospects for career growth, or interest in moving. Such individuals can foment disharmony in the workplace and, over time, create toxicity and dysfunction. In other instances they are able to exert power and control disproportionate to their formal authority. Strong mobility policies will reduce the ability of these individuals to become so embedded in a unit or office as to be empowered to impact the environment negatively for others.

The mental health and well-being of staff are also affected by organizational policies on mobility. Many staff serve the organization in some of the most difficult, insecure and hazardous locations. The impact of working under such circumstances on the individuals and their families is often not recognized. While there may be financial benefits and entitlements provided at the system-wide level, there is need for greater attention at the organizational or individual level to meet the challenges these staff face. In undertaking recruitment, particularly where vacancies are announced internally, organizations should consider whether an additional consideration should apply to staff serving in hardship/difficult duty stations and whether such staff should be equally situated with staff applying from headquarters or family duty stations. Moreover, organizations should likewise examine whether, in the interest of mental health and well-being, there should be special measures for future assignment of staff who have served in multiple hardship locations sequentially over an extensive period.

Recommendations

- Organizations should promote mobility generally in the workforce, focusing on identifying transferable skills, especially for those job families not automatically subject to rotation, so that all staff can have a fair chance for career growth and development.

- Organizations should examine whether, in the interest of mental health and well-being, there should be special measures for future assignment of staff who have served in multiple hardship locations sequentially over an extensive period.
C. Conflict management and leadership

Competency in organizational conflict management demonstrates the ability to address workplace disputes early, effectively and fairly. Responsibility for conflict management rests with all individuals in the workplace. However, managers have the authority to make formal decisions, and as such, have a particular responsibility to address workplace conflict in a timely and effective manner.

Managerial competencies in conflict management are crucial to organizational efficiency. However, insufficient emphasis is placed on these skills in recruitment or career advancement decisions, especially for senior management positions. While technical skills and the ability to deliver on results are important, the Office has observed that lack of conflict management skills can undermine organizational efficiency and delivery of results. It is not unusual for the Ombudsman to find that an office with high conflict is characterized also by low delivery. Organizational resources have to be directed at fixing the problem.

Organizations should re-examine the mechanism and profile being used for selecting managers, particularly senior managers to serve at country level. At times, the Office noted that some managers’ leadership and management style are not suitable for a particular country context. At other times, there is a lack of understanding of, interest in or awareness of the cultural context, coupled with inexperience in managing a diverse workforce of local and international staff under various contractual modalities. This is often accompanied by an inability to adapt and move the conflict in a positive direction. The Ombudsman has observed that it is more likely for managers to use administrative processes, such as post abolition, to address workplace conflict rather than address the conflict directly.

International staff placed in a country at times display insensitivity to the history and culture of that country, and demonstrate behaviours inconsistent with the UN Charter. This provokes a negative reaction in the national staff, who may complain, sometimes anonymously, to senior leadership at headquarters. Failure by senior leadership to address unacceptable behaviours has caused staff to explore other channels, at times external to the organization, to seek resolution. It is important for organizations to act decisively in addressing behaviours that do not meet the values and standards of the international civil service. Staff should be reminded of prohibitions against seeking the assistance of the external entities to address issues internal to the organization.

Sometimes, the lack of cultural sensitivity is directed by the local staff towards the international professionals. There is an unwillingness to embrace the ideas, standards and skills brought by the international staff and there is resentment or questioning of the value-added of their presence in country. Local staff may then create obstacles to work or resist the authority of the international staff, leading to conflict in the office.

Every member of the workforce is expected to maintain an international outlook and demonstrate tolerance, understanding and respect for all persons equally. It is critical for staff and managers to promote a culture of dialogue in their offices to create an environment where conflict can be minimized and, when it does occur, effectively addressed. Offices also need to identify their own internal mechanism to deal with conflict. In some offices, staff use a suggestion box; others have a feedback mechanism facilitated through a staff and management committee.

Some offices rely on a strong and effective staff association that works with management to build a harmonious workplace. The Ombudsman consistently promotes a strong collaborative relationship between the staff association and management in offices. Experience has shown that offices with strong and active staff associations, willing to work with management towards mutually beneficial outcomes, are usually better able to manage conflicts in their workplace. For the period, the Ombudsman observed that offices with high conflict often have no staff associ-
Working together to find solutions

- There is a misperception that the supervisor is always the harasser or disrespectful party. The Ombudsman has seen situations where it is the staff member who has been disrespectful and abusive towards the supervisor. Usually, the staff member has been in the unit or office or the organization for a longer period than the supervisor. From that position of perceived power, the staff member challenges and undermines the authority and decision-making of the supervisor, and at times, mobilizes other staff against the supervisor as well. These staff are very quick to raise harassment, abuse of authority and retaliation as a means of distracting from their own conduct, and also to limit the ability of the supervisor to address that behaviour.

Recommendations:

- Organizations should re-examine the mechanism and profile used for selection of senior managers at country level and ensure managers have strong people management skills.
- Organizations should act decisively in addressing behaviours that do not meet the values and standards of the international civil service.

D. Diversity in the workforce

The funds and programmes, as United Nations organizations, are expected to have a diverse and multicultural workplace. The Office of the Ombudsman is encouraged by the efforts to recruit staff with disabilities. However, gender equality and geographic diversity need improvement in some organizations.

As organizations recruit at the local and international levels, every effort should be made to ensure that the workforce at all levels draws from the diversity of the local and global popula-
tion. In interactions of the Ombudsman with staff in offices at headquarters and in the field, concerns have been raised about the composition of the workforce when, in the views of staff, it does not reflect the diversity expected of the organization. Questions arise, for example, as to how recruitment of a disproportionate number of staff from the same geographical region happens in one office or function given that recruitment is supposed to be fair, open and competitive. The Ombudsman has received complaints that recent restructuring activities in some entities affected staff from certain locations disproportionately, and particular managers were perceived to have used the opportunity to build a team around their own cultural preferences. This calls into question the effectiveness of accountability frameworks and the vigilance of oversight mechanisms in restructuring exercises.

Staff in some field offices express concern to the Ombudsman when recruitment appears to be reflective of a particular ethnic group or geographic region in country. While this may indicate broader societal realities, in terms of access to education or economic opportunities, United Nations organizations must lead by example by ensuring diversity in the workforce. This may require developing a specific and targeted recruitment strategy to address any imbalance.

At local level, staff question the rationale and cost of having international staff in their offices. They compare the cost of an international professional and that of a national officer and suggest that the organizations should make decisions based on the relative cost of each. Organizations must reinforce the international nature of the United Nations and the position of a single country office in the multilateral organizational framework.

Recommendation:

- Organizations should conduct diversity audits to ensure that diversity in ethnicity, language, religion and geographical representation, among other factors, is adequately monitored and reflected in the workforce.

E. Looking ahead

Conflict is an inevitable part of human interaction at work. It can fuel creativity and innovation and strengthen bonds in teams. It creates opportunities for growth and deeper understanding of issues. However, if it is not managed effectively, it can erode trust, destroy relationships and damage the work environment. There is great cost to the individual, the organization, clients, partners, stakeholders and beneficiaries if workplace conflict is not addressed properly. The Office is committed to promoting informal resolution to preserve relationships, facilitate communication and foster harmony.

For 2016, the Office focused on building the conflict competence skills within the workforce, through strategies used in addressing individual cases, as well as through group training and workshops. The Office will continue expanding contact with the global workforce through face-to-face trainings, as well as through electronic and other media. A new e-learning module on effective conflict management is being developed. This course will raise workplace conflict management awareness and will increase knowledge on the resources that are available to individuals who need support and assistance in managing conflict. The Office will also support building a culture of effective conflict management, collaboration, mutual respect and a willingness to find mutually agreeable solutions.

The Office will increase efforts to inform the workforce about the benefits and processes of mediation and encourage increased use of mediation over litigation of disputes. As the Office successfully mediates more cases, fewer matters will proceed through the Dispute Tribunal; of those filed, some will be considerably shorter with the recognition that mediation can produce more mutually beneficial outcomes.
The Office of the Ombudsman is strengthening its Respectful Workplace Facilitators (RWF) programme, formerly Respectful Workplace Advisors (RWA). These facilitators help to reduce the occurrence and intensity of conflicts in the workplace by acting as an early warning and informational resource system. The Office will relaunch the programme during 2017 with gradual and needs-based expansion in the following years.

The Office of the Ombudsman expects that with improved awareness of how workplace conflict can arise, the common sources of such conflict as well as the tools that are available to help manage conflict more effectively, more individuals will feel empowered, the work environment will be healthier and conflicts will not be an inhibitor of organizational efficiency.

F. Ombudsman’s Office survey

Please complete the Ombudsman’s Office survey at: www.surveymonkey.com/r/fpombudsman

22 June 2016

The Secretary-General, pursuant to General Assembly resolutions 55/258, 56/253, 61/261, 62/228, 63/253, 65/251 and 66/237, in consultation with the executive heads of the separately administered funds, programmes and entities of the United Nations system, hereby promulgates the following:

Section 1
Establishment of the Office of the United Nations Ombudsman and Mediation Services

Purpose of the Office
1.1. The Office of the United Nations Ombudsman and Mediation Services is established as the informal component of the system of administration of justice to make available confidential services of impartial and independent persons to address work-related issues of staff members.

Scope
1.2. The Office shall serve staff members of the United Nations system, including but not limited to the Secretariat, the International Tribunal for the Former Yugoslavia, the International Residual Mechanism for Criminal Tribunals and the separately administered funds, programmes and entities of the United Nations system, such as the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children’s Fund (UNICEF), the United Nations Office for Project Services (UNOPS) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

1.3. All staff members will be informed by their respective organizations of the manner in which they can bring matters of concern to the attention of the Office.

1.4. The use of the services of the Office is voluntary. All possible use should be made of the informal system for the benefit of staff and management. Therefore, efforts for the informal resolution of conflict should be supported, encouraged and accommodated by the organization. No staff member who brings a matter to the attention of the Office, provides information to the Office, uses its services or pursues an informal resolution of conflict shall be subject to any reprisal, whether threatened to be taken or actually taken, because he or she sought the assistance of an ombudsman. Any staff member
Structure of the Office

1.5. The Office of the United Nations Ombudsman and Mediation Services is a single, integrated and decentralized office. It comprises three pillars:

(a) The Office of the United Nations Ombudsman;
(b) The Office of the Ombudsman for UNDP, UNFPA, UNICEF, UNOPS and UN-Women;
(c) The Office of the Ombudsman for UNHCR.

The Office also has a mediation service, which reports to the United Nations Ombudsman.

1.6. The United Nations Ombudsman shall be responsible for the oversight of the entire Office and enhance the coordination among its three pillars. The enhancement of coordination shall include the harmonization of standards, operating guidelines, reporting categories and databases.

1.7. The United Nations Ombudsman shall have direct access to the Secretary-General. The Ombudsmen for the Funds, Programmes and Entities shall have direct access to the executive heads of the funds, programmes and entities.

1.8. The Office shall include regional branch offices to ensure that staff members at all duty stations have easy access to its services. Each regional office will be headed by a regional ombudsman. The regional ombudsmen report to the United Nations Ombudsman and are independent of the United Nations entities in their respective regions.

1.9. For cases arising in the funds, programmes and entities, regional ombudsmen shall consult and liaise with the ombudsman serving the organization in question. Similarly, for cases that they may receive that arise in the Secretariat, the Ombudsmen for the Funds, Programmes and Entities shall consult and liaise with the United Nations Ombudsman or the relevant regional ombudsman.

Section 2
Appointments

2.1. The Secretary-General shall appoint, in consultation with the executive heads of the funds, programmes and entities, the United Nations Ombudsman, at the level of Assistant Secretary-General, from a list of candidates compiled and recommended by a selection committee composed of representatives of staff and management as well as outside ombudsmen.

2.2. The executive heads of the funds, programmes and entities shall appoint ombudsmen for their respective organizations following similar procedures, in consultation with the Secretary-General.

2.3. The United Nations Ombudsman shall serve for a five-year term, with the possibility of renewal for one additional term. Such renewal will be considered in consultation
with staff representatives and the executive heads of the separately administered funds, programmes and entities. Upon completion of his or her term of office, the United Nations Ombudsman shall not be eligible for other employment within the Secretariat.

2.4. The terms of office for the Ombudsmen for the Funds, Programmes and Entities shall be determined by the executive heads of their respective organizations. Upon completion of their terms of office, the Ombudsmen shall not be eligible for other employment in the funds, programmes and entities in which they served as ombudsmen.

Section 3
Operating principles

General principles

3.1. The ombudsmen shall have the authority to consider workplace conflict relating to employment within their respective organizations. The term “conflict” is to be construed in its broadest sense and includes matters pertaining to conditions of employment, the administration of benefits and managerial practices, as well as professional and staff relations matters.

3.2. In their work, the ombudsmen of the United Nations shall be guided by the Charter of the United Nations, resolutions of the General Assembly, the Staff Regulations and Rules, applicable policies, any other administrative issuances relevant to service in the Secretariat and the funds, programmes and entities, as applicable, as well as generally accepted international standards of practice for organizational ombudsmen and principles of justice and fairness.

3.3. Safeguarding confidentiality and impartiality is critical for the Office to carry out its mandate. Requests for access to information relating to the substantive work of the Office will need to take account of the guiding principles of confidentiality, independence, informality and impartiality, as articulated in the present terms of reference.

3.4. In accordance with section 1.2, an ombudsman may hear from any of the parties involved in an issue who wish to avail themselves of the ombudsman’s services. All interactions with an ombudsman shall be voluntary. As necessary, an ombudsman may refer staff to other appropriate offices.

Independence

3.5. The Office is independent of other organizational entities. The Office shall not report to or be affiliated or aligned with any other United Nations function or department.

3.6. In the performance of his or her duties, an ombudsman shall be independent of any United Nations organ or official. An ombudsman shall hold no other position concurrently within the Secretariat, funds, programmes or entities.

3.7. The Office shall have access to all records concerning staff. The exceptions to that access are:

(a) Medical records, unless the staff member concerned expressly consents to their release;

(b) Records of investigations, unless otherwise permitted by the relevant parties or authority;
(c) Records and communications covered by professional legal privilege, unless otherwise permitted by the relevant parties or authority;

(d) Financial disclosure statements made in accordance with staff regulation 1.2 (n).

The Office shall also have access to individuals in the organization that may be able to provide advice, information or expert opinions on a particular matter. Requests for information by the Office shall be answered promptly and efficiently.

3.8. An ombudsman shall exercise sole discretion over whether or how to act regarding staff concerns. An ombudsman may also initiate action on a concern identified through his or her direct observation.

3.9. The ombudsmen shall maintain operational independence from the organizations that they serve. They shall have responsibility for the management of matters raised by staff in their respective organizations.

Neutrality and impartiality

3.10. An ombudsman, as a designated neutral party, shall remain impartial and have no personal interest or stake in the outcome of an issue. An ombudsman shall consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

3.11. An ombudsman shall advocate fairness and equitably administered processes and shall not advocate on behalf of any party.

Confidentiality

3.12. All Office staff shall maintain strict confidentiality concerning matters that are brought to their attention and take every reasonable step to safeguard confidentiality and privileged information, including the following:

   (a) The Office shall not reveal the identity of any individual with whom there is contact in the course of case-related work, nor shall it reveal information provided in confidence that could lead to the identification of the individual, without the individual’s express permission;

   (b) Office staff shall take specific action relating to the matter only with the express permission of the individual staff member and only to the extent permitted, unless such action can be taken in a way that safeguards the identity of the individual, and even then at the sole discretion of the Office.

Others cannot waive the confidentiality of the Office. The only exception to strict confidentiality is when, as determined by the Office, there appears to be an imminent risk of serious harm and when there is no other reasonable option for confidentially handling the matter.

3.13. The ombudsman shall not be compelled by any United Nations official to provide information about concerns brought to his or her attention.

3.14. Information or documentation connected to the work-related issues of staff members obtained or generated by the Office through the exercise of its mandate, including requests for assistance by staff members and subsequent communications, are strictly confidential and will not be sought, obtained or used for any other purpose.
Informality

3.15. An ombudsman shall address work-related issues through informal means, including mediation, listening, providing and receiving information, identifying and reframing issues, exploring a range of options and undertaking informal fact-finding. The ombudsman does not replace any other organizational entity, but collaborates, with the permission of the staff member, with other offices and services to resolve work-related concerns and conflicts while respecting confidentiality.

3.16. An ombudsman cannot make or set aside managerial decisions, mandate policies or be a party to any formal administrative procedure. However, an ombudsman may be consulted on policy issues where his or her views and experience may prove useful. An ombudsman shall not have decision-making powers, but shall advise and make suggestions or recommendations, as appropriate, on actions needed to settle conflicts, taking into account the rights, equities and obligations existing between the organization and the staff member.

3.17. An ombudsman shall not determine rights, and procedures conducted by an ombudsman do not constitute formal adjudicative or investigatory procedures, nor shall ombudsmen keep records for their respective organizations or accept notice on behalf of their organizations.

3.18. In line with staff rule 11.1 (b), both the staff member and the Administration may initiate informal resolution of the issues involved at any time before or after the staff member chooses to pursue the matter formally. The conduct of informal resolution by the Office may result in the extension of the deadlines applicable to management evaluation and to the filing of an application with the United Nations Dispute Tribunal, in accordance with staff rules 11.2 (c), 11.2 (d) and 11.4 (c), in order to allow the parties to explore all avenues for finding informal solutions.

Section 4
Reporting

4.1. The Office shall identify, analyse and report on broad systemic issues and make recommendations to improve the policies, procedures, systems and structures of the respective organization, without breaching confidentiality or anonymity.

4.2. The United Nations Ombudsman shall provide regular reports on the activities of the Office to the General Assembly, through the Secretary-General. The Ombudsmen for the Funds, Programmes and Entities shall provide regular reports to the executive heads of their respective organizations.

Section 5
Mediation

5.1. The Office, including the Ombudsmen for the Funds, Programmes and Entities, shall provide mediation services and assist parties in working towards the resolution of a dispute or difference, with the parties themselves remaining in control of the final decision.

5.2. A party shall be able to request mediation at any time before or after the staff member chooses to pursue the matter formally. Pending efforts at mediation, the deadlines for
submitting a request for management evaluation or for filing an application with the United Nations Dispute Tribunal may be extended in accordance with staff rules 11.2 (c), 11.2 (d) and 11.4 (c).

5.3. Mediation can also be requested by any of the parties after a party has filed an application with the United Nations Dispute Tribunal. If the other party agrees to proceed with mediation, the Dispute Tribunal may suspend the proceedings for a period of time, in accordance with its statute and rules of procedure.

5.4. Mediation may be requested by any party to a dispute. A proposal to refer a dispute to mediation may also be made by the Management Evaluation Unit in the Secretariat, the executive heads of the funds, programmes and entities, the United Nations Dispute Tribunal, the United Nations Appeals Tribunal, the Office of Staff Legal Assistance and other similar offices. The referral of a dispute to mediation will, however, take place only with the consent of all parties concerned.

5.5. The Office shall maintain the confidentiality of all mediation discussions. A mediator shall not determine rights, and procedures conducted by the mediator do not constitute formal adjudicative or investigatory procedures, nor shall mediators keep records for their respective organizations or accept notice on behalf of their organizations.

5.6. Every person involved in the mediation shall keep confidential all information arising out of or in connection with the mediation, including the terms of any settlement, but not including where disclosure is required to implement or to enforce the terms of the settlement.

5.7. A mediator is governed by the present terms of reference and is expected to adhere to generally accepted mediation principles, which dictate that mediation should be voluntary, that the concerned parties should have all information necessary and should reach agreement themselves.

Section 6
Final provisions

6.1. The present bulletin shall enter into force on the date of its issuance.

6.2. The present bulletin supersedes Secretary-General’s bulletin ST/SGB/2002/12, entitled “Office of the Ombudsman — appointment and terms of reference of the Ombudsman”.

(Signed) BAN Ki-moon
Secretary-General
Office of the Ombudsman for UN Funds Programmes Team

Ms. Alayne Frankson-Wallace, Ombudsman
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(Left to right): Kentaro Kanyomozi, Eskandar Rastegar – On-call consultant, Nancy Ross, Nelson Amaya and Sharon Gordon-Smith
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