Report of the Office of the Ombudsman for United Nations Funds and Programmes (UNDP/UNFPA/UNICEF/UNOPS/UN WOMEN)

1 January - 31 December 2014



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Introduction

The period 1 January 2014 to 31 December 2014 marked the last full year of the mandate of the current Ombudsmen for United Nations Funds and Programmes. An Ombudsman for the Funds and Programmes serves for up to five years in total and provides impartial, independent and confidential conflict-resolution expertise while at the same time developing practices and procedures that advance the function of the Ombudsman within the funds and programmes. The priorities of the Ombudsmen for the Funds and Programmes during their five-year mandate were not only to continue in the tradition of offering a safe space for staff to try to resolve their workplace issues but, equally as important, to use the Office as a resource for strategic thinking regarding people management. During the five years of the mandate of the Ombudsman, it has become gradually apparent that the Office of the Ombudsman can make a useful contribution in enhancing team building, increasing capacity in managing people and building trust in the workplace. The Office is uniquely placed to understand the intersection of organizational management practices with a diverse and multitalented workforce and the effects this has on performance delivery. Indeed, chapter II.A of the present report focuses on the management of talent and the challenges of retaining talent during periods of structural change. It is important for the organizations to reflect on whether they are making good use of the Office of the Ombudsman as a resource for best practices and risk management.

Although a rule-based mindset may be helpful in many cases, it does not necessarily lead to the right solution or agreement.

Organizations feel safe when they can refer to a regulatory framework to support their position. Although a rule-based mindset may be helpful in many cases, it does not necessarily lead to the right solution or agreement. Often, the solution to workplace disagreements does not lie in citing a rule or regulation but rather in a meeting of minds and dialogue around the table. During the reporting period, the Office of the Ombudsman dealt with a number of cases where the interplay between the formal and the informal sides of the system of justice demonstrated a need for the development of a culture of informal resolution of disputes. Supervisors who are not familiar with the skills to deal with awkward situations in workplace relationships would rather avoid addressing them. As a result, a culture of unaddressed conflict sets in and leads to other negative outcomes that would not have arisen if the original conflict had been addressed in an appropriate, timely manner. This raises a number of problematic issues. In chapter II.B, on organizational culture and the lost art of conflict resolution, ways to develop such a positive culture are highlighted.

The Ombudsmen heard from many staff who perceive a great degree of arbitrariness in decision-making by management within the organizations. This is seen, for example, in the way some organizations have managed realignment and restructuring processes. The Ombudsmen have observed that in situations where an administrative procedure is challenged for lack of due process, efforts to find a solution to address this concern are governed in many cases by the personal interests of senior management rather than by organizational interests. Such interests may include, for example, a manager's subjective preference to recruit one candidate instead of another equally qualified candidate. The Ombudsmen have also observed examples where a

manager upholds a decision that was seemingly taken unfairly simply because she or he can do so. A manager's position in the organizational hierarchy often seems to imply that the manager is able to take decisions with impunity and does not have to face the same scrutiny as other people lower in the hierarchy. Organizational structure therefore impedes due process whereas due process should be the backbone of organizational structure and decision-making practices.

Throughout their term of office, the current Ombudsmen for United Nations Funds and Programmes have met with a great many staff from all levels of the five organizations that they have served and have been guided by the motto of the Office: "Working together to find solutions". At times, they have helped to find equitable solutions to seemingly intractable problems, saving many cases from escalating to the formal system. At other times, they have seen the possibility of an informal, just solution slip away because of the lack of good will or because of inexperience in managing conflict by some parties. All in all, however, the Ombudsmen can say that staff in all the organizations are more attuned to the possibilities offered by the Office to establish and maintain a harmonious, productive workplace in which everyone can expect to be treated with dignity.

Chapter I

Overview of the work of the Office from January 2014 to 31 December 2014

A. Overview of cases

The Office of the Ombudsman for United Nations Funds and Programmes dealt with a total of 431 cases in the period under review. Of these, 76 per cent emanated from the field and 24 per cent from headquarter locations, as shown in figure 1. On average one case presents two major issues to address.

The types of issues that the Ombudsman helps to address are shown in figure 2. As in previous years, the three main issues brought to the attention of the Office of the Ombudsman were: (a) evaluative relationships (i.e., those between supervisor and supervisee); (b) job and career-related issues; and (c) organizational, leadership and management issues. A close fourth issue concerned compensation and benefits.

The majority of visitors contacting the Office of the Ombudsman Office did not do so in person. Most discussions about workplace concerns take

Figure 1. All cases, country offices versus headquarters, 2014

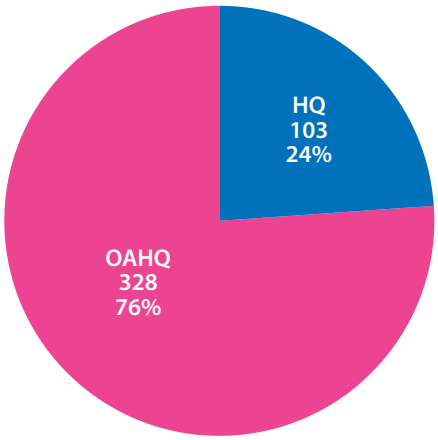
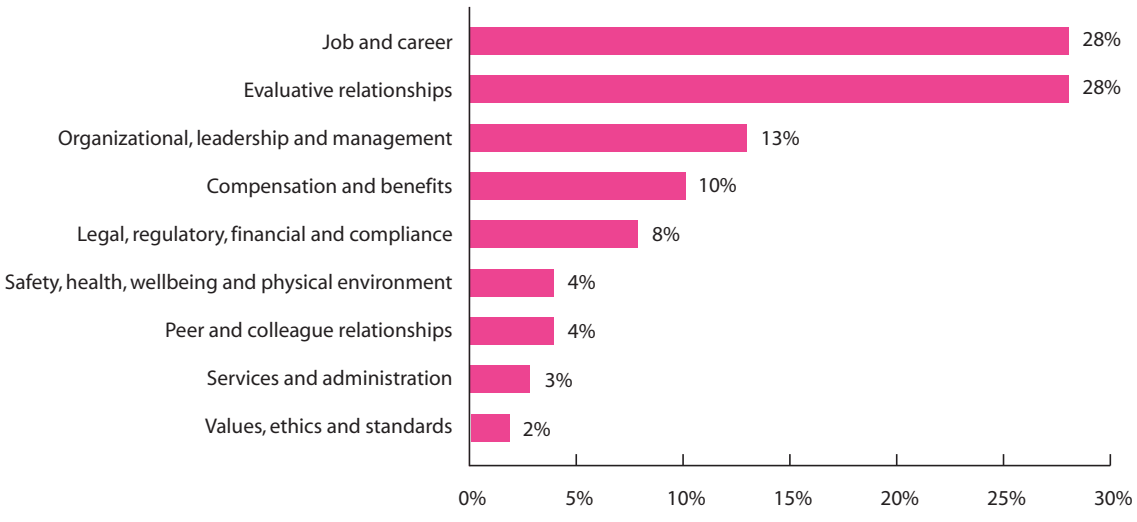


Figure 2. Overview of all issues in 2014, by percentage

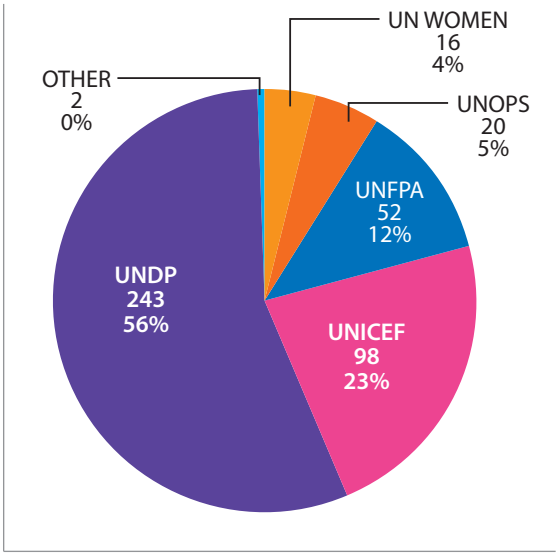


place over the telephone or through the use of Skype or Microsoft Lync. With costs of travel being sometimes prohibitive, the Office has had to rely more and more on technology to make and maintain contact.

B. Field visits and outreach activities

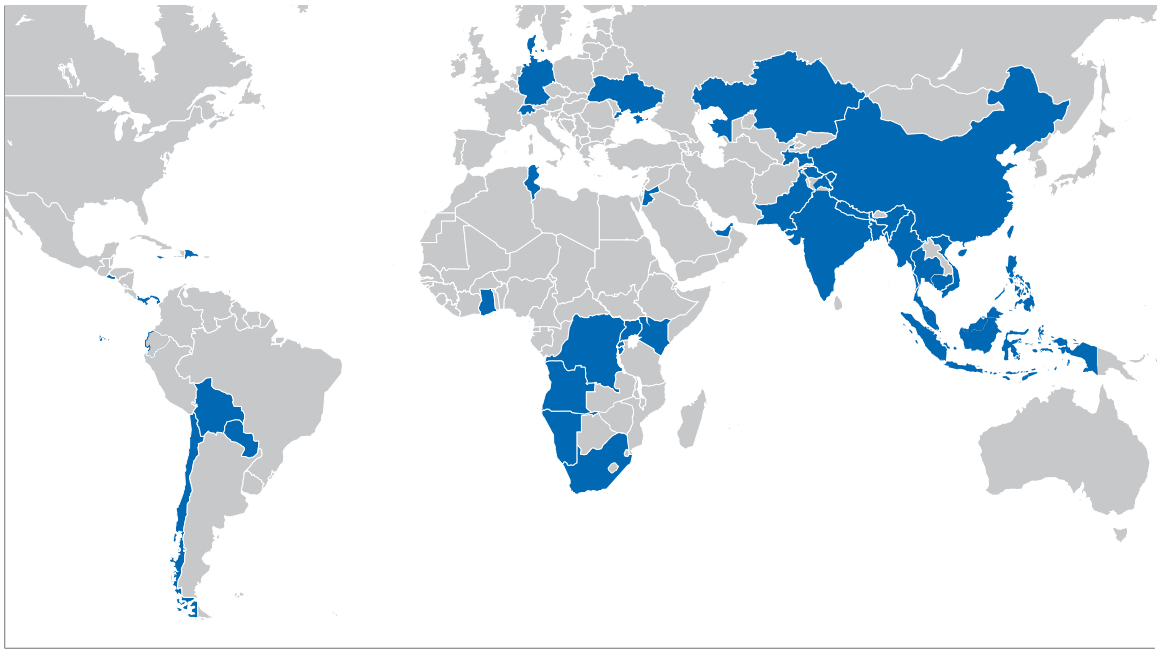
The Office of the Ombudsman visited 15 country offices during the period under review, covering all five regions and addressing issues from all five organizations (see figure 3 for a breakdown of cases received by organization). A number of country offices of the funds and programmes specifically requested a visit of the Ombudsman in order to support efforts at building teams and strengthening communication within their workplaces. The Ombudsman assists country offices in generating options on how to deal with a variety of conflictual situations. The Ombudsman also uses the opportunity to educate staff on the ombudsman mechanism and the different ways that it can be useful in helping to find solutions to workplace disagreements. Furthermore, the Office was invited to give presentations to newly recruited resident coordinators and resident representatives and country directors on the ombudsman mechanism.

Figure 3. Cases received by organization, 2014



When the Ombudsman visits a country office, special attention is often required as it involves a meeting of staff from the five funds and programmes at one time and place as well as the provision of premises suitable for confidential consultation without the risk of visitors being observed or interrupted during the process. Staff and management also need to be prepared to receive feedback from the Ombudsman once an understanding of the issues underlying conflict in the country office has been

Figure 4. Country and regional offices that have worked with the Office of the Ombudsman, 2010-2014



reached. Feedback may be sometimes difficult for both management and staff to hear; nevertheless, it offers an opportunity to reflect on how interactions or processes can be done differently.

Visits to country and regional offices have often generated interesting solutions to workplace situations. To arrive at a solution, the Ombudsman may often facilitate a dialogue or carry out a mediation session. At other times, the solutions that are generated are practical and more direct. For example, in a country office where the morale of staff was low due to changes in the office structure and leadership, a private counsellor was hired by the country office to be available to staff and to help them to cope with changes. In another country office, there was a perception that management did not interact directly with other staff except in a professional setting. This contributed to a fractured office environment where trust levels were slowly dwindling. Efforts were made by the resident representative to engage staff in a social setting, one of which led to the representative kicking off a staff football match. This helped to diffuse the image that senior management was not approachable. Figure 4 presents a global picture of the country and regional offices that have worked with the Office of the Ombudsman in the five-year period 2010-2014.

The Office of the Ombudsman now has an Internet presence with a website at www.fpombudsman.org. The site offers a much-needed web presence to staff of the funds and programmes staff, some of whom do not have access to the Intranet site. It also is a window of opportunity for staff of the funds and programmes to view the kind of issues being addressed by the Office and how they can have access to the services offered. All staff are encouraged to visit the site and provide feedback.

Chapter II

Observations and recommendations concerning the major causes of conflict in the workplace reported to the Office of the Ombudsman for United Nations Funds and Programmes in 2014

A. Talent retention

The issue

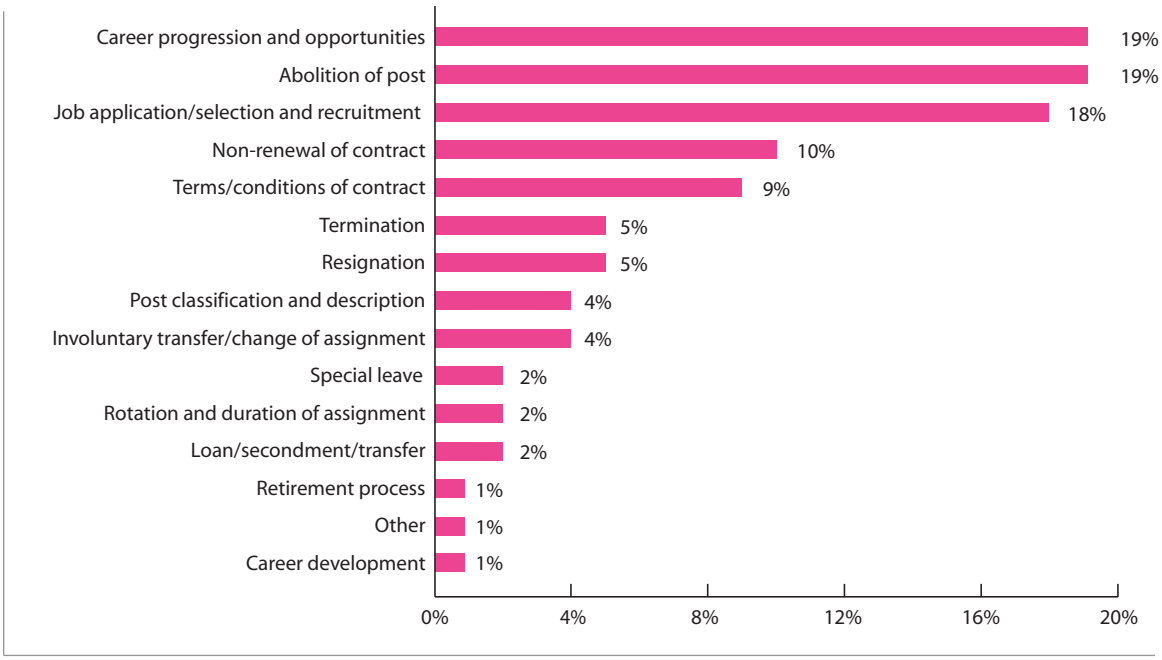
The resilience of an organization often lies in the talent of its workforce. A talented workforce is one that demonstrates not only knowledge and skills but also a natural ability to understand, foresee and assimilate organizational needs and directions into their day-to-day functions. How is talent identified? How is talent measured? How is it rewarded, maintained and built? Organizational efforts at talent retention often operate within a framework of restructuring and realignment. How does the organization proactively drive talent within the organization? How do the funds and programmes find and practice equitable coping mechanisms when financial constraints are causing levels of career turbulence never before witnessed within the funds and programmes? The Office of the Ombudsman has striven to engage management and staff at all levels in finding answers to these questions and putting them into practice. Success has been limited to date for the reasons mentioned below.

The majority of visitors to the Office of the Ombudsman hold fixed-term contracts and many of them have worked for the organization for more than five years. A fixed-term appointment, however, does not hold an expectancy of renewal irrespective of a staff member's length of service. The Office has received a number of cases that show that staff members holding fixed-term appointments seem to stagnate, with many finding that there are fewer and fewer opportunities in their field in the United Nations for which they can apply. Many who come to the Office in this situation disclose that they have applied on average for over 30 vacancies and that they have been interviewed for some of them but have not received any offers. It is impossible for them to understand how the positions for which they applied go to candidates who do not appear to have the level of expertise and experience of long-serving staff members. Many of the staff members tell the Ombudsman that they have been identified as talented, strong performers but remain unemployed or displaced. They note that they have been encouraged to apply for positions where their abilities and experience are needed and so they continue to apply. Faced with encouragement to apply on the one hand and failure to succeed in gaining a position on the other hand, these staff members often seek from the Ombudsman answers to the questions for which they have received no satisfactory reply from their organizations. Figure 5 shows that the abolition of post and the recruitment process are two of the main issues concerning jobs and careers that visitors came to see the Ombudsman about during the reporting period.

> The degree of seeming arbitrariness within the administration damages the professional self-esteem of the talented staff in question and has a negative effect on the morale of staff in general.

The Office sometimes hears some long-serving staff claim that the organization has a responsibility towards them since they have invested a good part of their life in it and therefore should be treated differently: the organization should show greater deference to them than to other staff. In such con-

Figure 5. Job- and career-related issues, 2014



texts, the question of how performance and long service are rewarded within the organization often arises. Is a certificate of long service anything other than just that – a certificate? The Office of the Ombudsman believes that the organization and staff should focus on the functions performed by the staff member, the context within which these functions were performed and the results obtained rather than on the years of service alone. In this context, it is important to remember that a culture of loyalty and a spirit of commitment to the organization are very strong elements in a productive organization and it is therefore incumbent on the organization to determine how it recognizes and rewards good performance, loyalty and commitment. When staff know how the organization will take into account their dedication and good performance, productivity may increase in the workplace and it may be easier to ensure that talent remains within the organization even in the face of severe financial constraints.

Another aspect of the difficulties experienced by some displaced staff in securing a position is that, in recognition of their high performance, they are part of a talent management group created by their offices to encourage and reward good performance within the organization. These successful staff members are given indications either through one-on-one conversations or in their performance evaluations that they should expect to be placed through successful interviews subsequent to the abolition of their positions. Nevertheless, when they participate in job fairs, they are unsuccessful at finding positions. It is difficult to understand the significance of talent initiatives when after much investment in them, candidates are not retained despite the positive evaluation of their performance by management noted above. The degree of seeming arbitrariness within the administration damages the professional self-esteem of the talented staff in question and has a negative effect on the morale of staff in general.

The availability of career-planning resources during a time of transition is important. The Office of the Ombudsman welcomed the many positive initiatives that took place during the reporting period to support staff in transition. For example, some organizations have a dedicated unit that is mandated to assist unassigned staff to find positions. The kind of support offered is advisory. Other organizations have clearance procedures allowing vetted staff to be considered automatically for positions at a certain level and function thus expediting the recruitment process and giving a staff member an immediate opportunity. Nevertheless, the Office has observed that despite these types of resources,

staff members do not receive clear, timely communications on their career options. Furthermore, the organization does not always seem to take into account the drastic effect that those options can have on the personal obligations of affected staff. This is particularly true when staff members are given unreasonably short deadlines in which to make decisions on significant issues such as whether or not to accept the terms of a separation agreement or early termination. The Office has observed practices where some organizations have sent different versions of agreements to the same staff member with a deadline of three days before the staff member can communicate his or her decision.

The organization seems to approach the challenge of placing unassigned talented staff as a one-size-fits-all process. Staff receive generically drafted correspondence indicating the procedures that are in place regarding the transition period. However, such correspondence – even when it is timely given, which is not always the case – does not address their particular needs such as the ability to relocate, their own or a family member's disability and other family considerations, including schooling. When staff members bring questions about these elements to the Office for clarification, the Ombudsman can often conclude that they could have been addressed by the organization at the point when it entered into correspondence with the staff member. Each staff member's situation varies so an approach using generalized communication will be only partially successful in addressing staff needs. It remains very difficult for some staff members to access clear, pertinent information. The result is unnecessary conflict.

The Office of the Ombudsman has been requested to address numerous situations where staff members have been recruited and have relocated from one duty station to the next in order to take up their new responsibilities only to find six months later that the organization has decided to abolish the post. The reason for the abolition of the post is usually because there has been a change in direction, budgetary resources or the skills required for the function. In such situations, the staff member comes to the Office at a loss as to what to do because they and their families have relocated – at considerable expense for both the organization and the staff member – and everything will now have to be reversed. It is difficult to understand why the change in direction or in the skills required could not have informed the recruitment process before a decision was made to recruit personnel.

As much of the workforce in the funds and programmes is restructured and relocated, the Office of the Ombudsman has received concerns from staff who, though they have been retained by the organization, are wondering when the next wave change will take place and if indeed they are prepared for it. After witnessing how their colleagues were treated by the administration, some retained staff members question their own role in the organization and whether indeed it is a good fit for them. Thus, instead of focusing on their responsibilities and functions, some retained staff feel the need to continue looking for opportunities in places where they believe their aspirations might be better met. These top performers seek to leave the organization shortly after being retained. In other words, retention is only one part of the equation – what happens after they have been retained seems to have been left unaddressed by the organization. Other staff members who may be pleased to have been retained quickly find that their new roles carry more responsibility and workload than their previous functions. This happens even when some staff members have accepted positions at a lower grade than they held in the past. In addition, retained staff often observe that there is a lack of clarity as far as their new functions are concerned.

It remains very difficult for some staff members to access clear, pertinent information. The result is unnecessary conflict.

One major factor that the Office of the Ombudsman has observed is the level of frequency with which human resource policies change, especially in times of restructuring. Consequently, it is difficult to know which policies are being followed and which are not. When policies are not specific enough or lag behind the reality in the workplace, staff are left to speculation and rumour that there are unwritten rules or practices that are being implemented. In addition, when an organization is faced with the need to reorganize its structure, even to abolish posts in attempts to optimize delivery, it is important to remember that the exercise is not a merely a question of dealing with an inanimate

organizational chart. A staff member occupies each post depicted in the chart and the organization should consider the financial, family and personal implications – often dire – of each staff member affected. An approach that has not lost the human face so often referred to in the United Nations would entail providing sufficient, clear information in a timely fashion regarding the corporate and unit plans for the future. Such a participatory approach would avoid the extreme stress reported to the Office of the Ombudsman in 2014.

What can the organization do?

It is good practice for the organization to ensure that talent remains within the organization. As noted above, a culture of loyalty and a spirit of commitment to the organization are very strong elements in a productive organization. To foster these elements, the organization should determine and disseminate how it recognizes and rewards good performance, loyalty and commitment. This has the potential to increase productivity in the workplace and ensure that talent remains within the organization even in times of severe financial constraints.

It is good practice for the organization to ensure that talent remains within the organization.

Staff members perceive a great deal of arbitrariness when it comes to decision-making about talent retention, especially in restructuring and change-management exercises. The organization should ensure that those in charge of talent-management programmes and initiatives are held accountable for the decisions they take when administering such programmes.

The organization should invest in induction programmes before, during and after a change has taken place in an office.

The organization should not only communicate the rules and procedures to displaced staff regarding their displacement but should also tailor their communications to staff to raise awareness of important personal responsibilities in areas such as relocation grants, education benefits and health insurance. Careful consideration of each staff member's situation will provide clarity and avoid conflict.

When staff members are given the option for agreed separation, the organization should give reasonable deadlines within which to make a decision on whether or not to agree to the proposed terms. Deadlines should be instituted to allow staff members to effectively use the services of the Ombudsman or other relevant offices in order to come to a decision.

Organizations should examine carefully proposed terminations in situations where the staff members have been recruited only very recently. They should hold the offices concerned accountable to justify the expense of recruiting a staff member only to terminate the contract after a short period.

The organization should invest in induction programmes before, during and after a change has taken place in an office. Emphasis should be put on more frequent and open organizational communication, particularly after change has taken place, in order to retain staff who have remained in the organization after restructuring.

What can the Ombudsman do?

The Ombudsman can give feedback to the administration on initiatives to retain talent and change organizational culture.

The Ombudsman can provide examples of best practice and raise questions of fairness.

The Ombudsman is also uniquely placed to describe the business case and alert the organization to contextual information that often proves useful in business decision-making.

After receiving permission from the visitor to contact other parties, the Ombudsman can informally inquire about alleged maladministration or arbitrariness in decision-making and make recommendations on how best to address all concerns.

The Ombudsman can coach visitors and explore options with them on how to obtain clear answers from the administration on some of the issues they are facing during separation.

The Ombudsman can invite stakeholders to address matters in a comprehensive, holistic way.

B. Contractual modalities

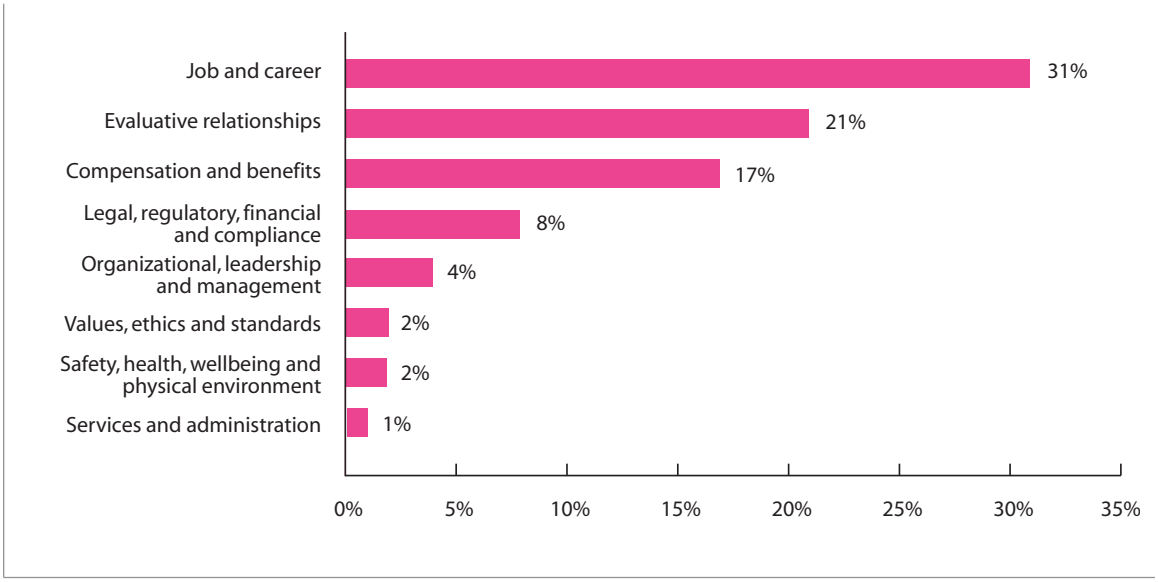
Since the Office of the Ombudsman was established in 2002, its doors have always been open to all contract holders of the organizations. Broadly

speaking, the United Nations workforce consists of two major components: staff members, whose terms of employment are governed by the United Nations Staff Regulations and Rules, and non-staff personnel, whose terms of employment are governed by other contractual modalities. Over the years, the United Nations has introduced a number of contractual modalities to employ personnel, including consultant agreements, individual contract agreements, service contracts, special service agreements, and contracts for United Nations volunteers and internships. All these contractual modalities hold the organization and the employee to varying degrees of accountability regarding the offering of benefits, means of dispute resolution and options for career advancement. In this scenario, holders of contracts of all types work alongside one another in the funds and programmes. The Ombudsman has found that conflict arising in the workplace almost always involves staff holding differing contracts and has consequently made the services of the Office available to all employees.

It is understood that with various forms of contractual modality, an organization has a certain amount of flexibility to perform its functions and deliver results. While there is indeed a positive advantage in retaining flexibility in order to fulfil the obligations of an increasingly demanding client base, the Ombudsman has become aware that the workplace in the funds and programmes is vulnerable to unfair labour practices and gives the perception that the organizations are unfairly exploiting their workforce. This is extremely dangerous for an organization such as the United Nations, which is guided by ideals and principles that decry such labour practices. The United Nations often draws attention to the failure to uphold international labour standards in some Member States when it is unclear whether the United Nations is itself always living up to the standards it proclaims. Figure 6 below shows a breakdown of the types of non-staff issues in the workplace

Best business practice emphasizes the importance of retaining and providing incentives to existing talent. The challenge to do so is intensified in offices where there is often a plethora of contractual modalities of employment. For example, an office responsible for offering technical services to the organization has to hire technicians, planners, logistics specialists, procurement specialists and personnel to perform a variety of other functions. All these professional and support staff employees have different types of contracts, ranging from individual contract agreements to permanent appointments. Clearly, staff employed through temporary contractual modalities should perform non-permanent functions; however, this is not always the case. The Ombudsman often hears staff members tell how

Figure 6: Overview of all non-staff issues in 2014, by percentage



their fixed-term contracts have been abolished; however, after lengthy conversations and negotiations, their supervisors say that they are prepared to retain them but only if they accept a consultancy contract. The argument is that this what the office can afford. This often gives the impression that consultancy contracts are offered to employees on a whim of their supervisors. In the same vein, there does not seem to be a thorough analysis of the functions being performed and the awarding of the appropriate contract. It is difficult for the Ombudsman to understand the business logic in retaining talent on contractual terms that are less favourable while expecting the same work to be done. In the experience of the Ombudsman, those who accept less attractive terms of employment to continue performing their work do so because they have no other option at the time. They accept the new terms, however, with a great deal of disillusionment and the organization may find it difficult to retain them even in the short term.

Leading an office with a variety of contractual modalities requires a more nimble management style.

At the same time, the Office of the Ombudsman recognizes that there are many occasions when hiring consultants is a much better use of the organizations resources than engaging personnel on other types of contractual modalities. There are also employees who for their own personal reasons seek consultancy opportunities rather than assignments of longer duration and more fixed contractual arrangements. This element adds a different dynamic to the workplace. Leading an office with a variety of contractual modalities requires a more nimble management style. Staff expectations and motivations are often dictated by their environment and contractual arrangements. A supervisor should be able to manage the budgetary and regulatory constraints that consultancy contracts provide.

The Ombudsman has discovered that the evaluations of work performed by consultants are not always managed efficiently. While an evaluation form for consultant services is provided by the organizations, supervisors do not always complete the evaluation. In addition, consultants often find it difficult to access their evaluations. The Ombudsman believes that it is incumbent on each organization to complete the evaluation for a number of reasons: (a) to ensure transparency in the hiring of consultants, hiring managers who consult the roster should have evaluations of former work readily available; (b) objective evaluations can help consultants to hone skills for future work with the United Nations; and (c) consultants should be able to refer to their evaluations of work performed for the United Nations in seeking future contracts either within the United Nations or elsewhere; it is not good business practice to have no record of a consultant's work.

What can the organization do?

In order to retain and provide incentives to talent in the workplace, the organization must use the variety of contractual modalities available in an optimal manner.

The organization should monitor the awarding of non-staff contacts in the same way that it monitors contracts offered to staff members, particularly to ascertain that supervisors are using the non-staff modality strictly for professional reasons and not out of personal interests. All contracts, including non-staff contracts, should be linked to the financial viability of the organization.

Organizations should introduce a comprehensive, sustainable view of retaining and hiring personnel and should not approach the issue solely out of budgetary consideration at the expense of business ethics and longer-term talent retention.

The organizations should ensure that the work performed by consultants is duly and timely evaluated in the appropriate form established by each organization and that the evaluations are made available to the consultants

What can the Ombudsman do?

The Office of the Ombudsman continues to receive cases from all contract holders and assists in examining options with them when contractual modalities may change or where there may be the possibility of negotiating with management.

The Office of the Ombudsman has also participated in town-hall meetings, has helped to ensure that communications are sent in a timely manner and that they are clear.

In cases where a consultant has been positively considered for a consultancy and has already worked in the funds and programmes, the Ombudsman



can, with the permission of the consultant, ask for the evaluation to be made available. If the consultant is unable to give permission, then the Ombudsman can guide the consultant and suggest ways in which the evaluation can be made available.

C. Organizational culture and the art of conflict resolution

The United Nations was founded on values and ideals that promote integrity, professionalism and respect for diversity. Within the Organization itself, therefore, it is particularly difficult to tolerate a workplace where these ideals are not met. In its report for 2012, the Office of the Ombudsman noted that in the funds and programmes "Abrasive behaviour takes on many forms and usually ranges from deliberate avoidance of interaction to open confrontation". During the current reporting period, the Office continued to receive visitors who complained of abusive management style and abrasive behaviour. The Office has observed that one of the challenges in addressing abrasive behaviour in the workplace concerns the insufficient dialogue within the organizations about core values. These values determine the organizational culture and behavioural norms in the workplace. The Office has observed that while the funds and programmes have demonstrated tremendous effort at communicating and upholding these ideals in their work across the globe, more effort is needed to observe these ideals within the organizations.

Fostering a workplace environment that is sensitive to diversity and multicultural representation requires deliberate intervention on the part of the organization. The Office of the Ombudsman has observed that in some offices the leadership does not recognize the value of the diverse talent in its workforce. A striking example is the failure to employ indigenous staff in a country where indigenous people are a significant minority and may sometimes even be in the majority. The Ombudsman has been encouraged by the proactive stance taken by some representatives to rectify this situation in some country offices. Diversity in staffing levels needs to be promoted.

When staff are faced with abusive conduct in the workplace, one of the first steps that they take is to consult the regulatory framework in order to seek protection and redress. The policies and guidelines governing misconduct are numerous and include the standards of conduct for the International Civil Service, the United Nations Staff Regulations and Rules, legal frameworks governing misconduct in specific organizations, policies on workplace harassment and abuse of authority, policies on protection against retaliation and investigation guidelines. The relationship among these policies and guidelines is not always clear, leaving staff members uncertain about which one refers to their own situation. As a result, staff members often consult the Ombudsman and other offices at the same time for guidance. It is clear that a rule-based approach to managing conflict in the workplace only serves to entrench staff into their

positions. Pursuing a rule-based approach to resolving disputes often results in stilted communication and suspicions of hidden agendas. Although regulations and rules are important in defining standards and increasing levels of transparency within the organization, they are ineffective at getting to understand the interests and relationships that often underpin workplace disputes. A legalistic approach often overlooks the subtleties of human behaviour and undermines trust and real opportunities of finding lasting solutions to chronic conflicts.

When staff insist on anonymity regarding communications about their workplace, it is usually an indication that there is fear and an inappropriate regard for people in the workplace.

When an ombudsman reviews a concern that has been brought to his or her attention, it is not unusual to receive pages of written correspondence revealing a breakdown of constructive communication and ineffective relationship-building. This increasing level of illiteracy in face-to-face dialogue and open communication hampers the workplace and has an immense impact on the efficiency of the organization. In offices where there are low levels of trust, there seems to be more of an emphasis on keeping all communication in writing. Opportunities for dialogue in such situations are few and when they do take place are often wrought with suspicion and animosity.

When visiting a country office, the Ombudsman places great value in observing communication between management and staff. In some country offices, staff rarely hear from management directly and communication takes place through emails sent to staff in general or formal addresses a few times a year. In other country offices, the management communicates more often with staff, has open-door policies, organizes team meetings and encourages one-on-one meetings, social events and other forms of informal and formal gatherings. Offices with leadership that gives an opportunity to everyone to make a contribution often manage conflict constructively. The Ombudsman has observed that the leadership in an office often sets the tone for the kind of culture within that office. This means that a singularly autocratic leadership style will most likely generate a culture of fear and presenteeism rather than one of collaboration and engagement. Leadership is not only about getting the work done; it covers all facets of human life in the workplace. It is not easy to have a functional office if the social aspect of human interaction is excluded.

Training staff to resolve conflict in the workplace, particularly conflict arising from performance appraisals, is paramount in ensuring a harmonious workplace.

The Office of the Ombudsman has continuously maintained that it does not accept or act on anonymous complaints. Nevertheless, this has not stopped staff from sending anonymous complaints to the Ombudsman. When staff insist on anonymity regarding communications about their workplace, it is usually an indication that there is fear and an inappropriate regard for people in the workplace. In addition, the Office is sometimes called upon to assist staff who are in receipt of anonymous complaints against them. These letters of complaint often allude to abusive management styles, abuse of authority, harassment, arbitrariness and conduct that is generally unbecoming of an international civil servant. Staff who are mentioned in such letters are concerned not only about the veracity of the claims but also display signs of anxiety about their reputation as these letters are sent around the organization and sometimes published on the Internet. It is not unusual for staff members in receipt of such anonymous complaints to feel harassed themselves.

Training staff to resolve conflict in the workplace, particularly conflict arising from performance appraisals, is paramount in ensuring a harmonious workplace. Most performance appraisals give provision for a rebuttal process in case there is disagreement. However, prior to engaging in a rebuttal process, the performance appraisal process gives ample opportunity for disputes to be addressed either through direct dialogue or dialogue through an intermediary. The Office of the Ombudsman has observed that the intermediary is usually the supervisor's supervisor or another colleague familiar with both parties. In order for a performance-related dispute to be amicably resolved, elements such as neutrality, confidentiality and uninterrupted time are crucial. The Office often receives complaints that the intermediaries were one sided. Staff members

involved in disputes with their supervisors do not trust the intermediaries because there is a perception that they are complicit with or in an alliance with their supervisor.

There are no official provisions within the performance appraisal process for the Ombudsman to help to resolve performance disputes. Performance disputes are by their nature heavily reliant upon intimate knowledge of the context within which the dispute arises. This means that disputes are often settled where they are arise. However, the Office of the Ombudsman is sometimes contacted by staff members where there is a breakdown in communications and the effort to resolve the dispute has faltered. In such cases, the Ombudsman often has to contact the country representative or head of office to explore options for resolving the matter. On such occasions, the reaction that the Ombudsman sometimes receives from the head of office is very defensive. There is an unfortunate mind-set that with the visit of the Ombudsman, the matter has been escalated or taken to outsiders to resolve. The head of office often feels that his or her own performance has been questioned when the Ombudsman makes contact about performance-related disputes. The Ombudsman sometimes has to go to great lengths to demonstrate that, far from escalating matters, the objective of the Ombudsman is, as the motto of the Office says, to work together to provide solutions. It is important for everyone to remember that the ombudsman process is confidential and informal, both principles designed to prevent escalation.

The cases of abusive behaviour in the workplace reported to the Office of the Ombudsman sometimes denote a pattern of behaviour on the part of one person in many different offices and contexts. In the experience of the Ombudsman, when such a pattern of behaviour emerges, the root cause is deeper and presents a more systemic challenge. The Office has noted that cases that involve harassment and abuse of authority have been the most protracted and challenging. There is a linkage, albeit in varying degrees, between style of leadership and cases involving harassment and abuse of authority. The Office has observed that while the style of leadership is often the direct cause of harassment or abuse of authority in most cases, the inability to address the issues directly often exacerbates a situation that is already very stressful for everybody in the workplace. Allegations of harassment, bullying or abuse of authority often come to the Office only after staff have been subjected to such behaviour for a number of years. Something happens, usually an incident such as an open, dramatic confrontation, a particularly humiliating email message or an embarrassing comment that causes the person or persons affected to come to the Office. Usually after fact-finding and listening to the parties involved, including the staff member who has allegedly engaged in harassment, a solution becomes apparent that would require the attention and decision of management in that particular office. The Ombudsman recognizes that cases of harassment and abuse of authority are rarely clear-cut or transparent when it comes to motive and incentive to stop the behaviour. The solution is often not simple and redress can seem elusive, especially if there are disciplinary considerations to take into account. Nevertheless, options to address the situation in a way that refocuses the office do exist. The experience of the Ombudsman has demonstrated that the role of senior management is crucial in setting the tone for resolution. An engaged senior manager who is struggling to come to the right decision is often better than a disengaged manager who prefers to avoid addressing the matter, hoping that it will go away. It is important to note that the solution does not come from or belong to the Ombudsman but to the parties involved. In its 2010 annual report, the Office stated that executive heads and senior managers play an important role in promoting best practices, including strengthening a culture of conflict management in the organization and recommended the benefit of good people-management skills.

Allegations of harassment, bullying or abuse of authority often come to the Office only after staff have been subjected to such behaviour for a number of years.

An engaged senior manager who is struggling to come to the right decision is often better than a disengaged manager who prefers to avoid addressing the matter, hoping that it will go away.

Since then, the Office has been encouraged by the actions of some funds and programmes to heighten awareness of the importance of people-management skills, including through offering resources such as coaching to staff who need it. As in previous years, the Office would like to reiterate the importance of good people-management skills but would also like to suggest that the organizations share more information about coaching availabilities and, more particularly, strengthen monitoring mechanisms that are in place to ensure that the supervisor being coached is making progress.

What can the organization do?

The administrations of the funds and programmes should look at all options, including informal dispute resolution and not focus on a legalistic approach to resolve workplace conflict. It might be useful for the organizations to encourage its staff to explore the effectiveness of mediation as a first step in some conflicts. One way to assist in the process is for the organization to assess the usefulness of a first mandatory session for parties to review informal dispute resolution mechanisms and options.

Leadership should cover all facets of human life in the workplace, not concentrate solely on accomplishing tasks.

Supervisors should encourage staff to engage in dialogue rather than communicating differences or resolving disputes through email messages. The convenience of sending a message that is copied to various parties should be weighed against the potential reputational damage to the office and to the individual concerned

Leadership should cover all facets of human life in the workplace, not concentrate solely on accomplishing tasks. It is not easy to have a functional office if the social aspects of human interaction are excluded. Supervisors should be self-aware about how their personality traits are perceived in different cultural environments. The administration should promote practices of sharing information of different styles of management in order to support managers struggling with leadership.

Anonymous complaints should not be used in assessing a candidate's suitability for a position.

Supervisors must undergo training in how to manage conflict arising from performance appraisals. When an ombudsman contacts a supervisor about a performance-related dispute, it is not always a reflection of the supervisor's own performance; it should be seen as another resource that the supervisor can rely on to help find a solution to the performance dispute

The organization should share more information about coaching availabilities for supervisors with abrasive management styles and more particularly strengthen monitoring mechanisms to ensure that the coaching is having the desired effect. The organization should also be held accountable for removing abusive or abrasive managers who have the responsibility to manage people.

What can the Ombudsman do?

The Office of the Ombudsman is available as a safe place for both the administration and staff to analyse situations and explore options for dispute resolution. The Ombudsman has an intimate understanding of the practices of the funds and programmes that allows him or her to offer useful perspectives on how conflicts may be resolved.

The Office of the Ombudsman coaches visitors in communication skills and often acts as a neutral party in giving opinions on how statements, messages or discussions can be perceived.

The Office of the Ombudsman often acts as an early warning system for identifying management practices and styles that are causing conflict in the workplace.

The Office of the Ombudsman does not address anonymous complaints but can encourage staff to identify themselves by reiterating the guarantee of confidentiality.

While there are formal mechanisms to address performance-related disputes, all parties can consult the Ombudsman individually or together to help them to examine their options. All staff can consult the Ombudsman simply requesting him or her to listen to the challenges they are facing and discuss them; this often leads to a way forward.

Chapter III

Pension Fund Services

During the reporting period, the percentage of visitors that came to the Office of the Ombudsman with concerns relating to the United Nations Joint Staff Pension Fund increased. When a staff member needs to be in contact with the Fund, it is usually during the time leading up to separation, an event in life that can cause tension and anxiety in itself and one that is often exacerbated by the stringent, detailed application processes with which staff must comply in order to obtain their benefits.

The organization submits the application for Pension Fund benefits to the Fund once all the necessary paperwork has been duly completed. On inquiring about the status of their application, it is not unusual for new retirees or for staff members who are about to retire to hear from the Fund that they should check with the organization for an update and to hear from the organization they should in turn check with the Fund for an update. This lack of coordination leads to unnecessary anxiety and may result in financial hardship, causing the staff member or retiree to approach the Office of the Ombudsman to seek help in gaining clarity. Furthermore, this lack of coordination between the Fund and the organization makes it difficult to ascertain levels of responsibility when it comes to correcting administrative errors that may have occurred during the separation process, where, in the experience of the Ombudsman, the possibility of administrative error is quite high. Unfortunately, an administrative error at this stage can have lifelong financial consequences for a retiree. It is important for everyone involved in the separation process, including the staff member, to know what they are accountable for and to whom.

It is sometimes so difficult even for the Office of the Ombudsman to obtain a response from the Pension Fund that the Ombudsman understands how very frustrated current and recently retired staff members feel at the seeming lack of concern on the part of the Fund. Visitors who come to the Office as a last resort, understanding that the Ombudsman has no administrative authority, have said that they have tried contacting the Fund through its advertised telephone number and email and that although they have received an automatic acknowledgement, no one has called them to speak about their issue. Such a situation is especially challenging for staff members in country offices. While appreciating the pressures placed on the Fund from a variety of sources (including the ongoing implementation of a new integrated pension administration system (IPAS)), the Ombudsman takes very seriously the concerns expressed by staff members and retirees who are faced with a lack of timely response and feel abandoned, with few options for redress. Nevertheless, the Ombudsman wishes to commend the Legal and Compliance Unit of the Fund, which has been very helpful in resolving problems.

What can the organization do?

Communications with staff members who contribute to the Pension Fund should be frequent and consistent. The Pension Fund and the organization should coordinate their communication with staff so that there is a clear, timely understanding on the status of the application.

In order to help to ensure that administrative error does not occur, it is important to verify either through check lists or statements that administrative forms have been correctly filled out. The implications of error in such situations are often life changing. Increased effort to ensure that the information provided in administrative forms is correct and verified is essential. This is a shared

responsibility between the staff member and the organization.

Information on staff contributions to the Pension Fund is accessible electronically on the Fund's website. However, when individual staff members or retirees raise specific concerns, getting a response from the Pension Fund can take a very long time. Efforts should be made to ensure that all requests are promptly addressed.

What can the Ombudsman do?

The Office of the Ombudsman is a safe place for staff to explore their options when faced with the challenge of not receiving feedback or follow-up from administrative offices such as the Pension Fund. With the permission of the staff member or retiree, the Ombudsman is able to intervene with the Pension Fund.

Chapter IV

Reintegration into the workforce after sick-leave

The Office of the Ombudsman has observed that when a staff member does not recover from her/his illness and requires extended sick or other types of leave, both the staff member and the organization face various difficulties. These difficulties arise during the sick period but especially afterwards, when the staff member plans to return to work. Often, neither the organization nor the staff member are equipped to deal with the complex situation. The Office is approached by both parties to seek advice on how best to handle the situation.

As was mentioned in the 2012 report of the Office of the Ombudsman, mental health issues account for almost half of all illnesses among United Nations staff. Although the Office receives increasing numbers of staff members dealing with mental health issues, there are also cases where the staff member had a work-related accident (and, for example, the required surgery did not go well) leading to physical health problems. In these situations, the staff member now has to navigate among the involved parties (offices of human resources, the Medical Services Division, treating physicians, United Nations examining physicians, the United Nations Joint Staff Pension Fund, etc.).

Insufficient communication and coordination among the parties can further delay both the healing and the required administrative processes. In previous years, the Office of the Ombudsman has observed that for staff members who hold a fixed-term appointment with one organization but whose contracts are administered by another organization (hybrid cases), even such basic processes as approval of medical evacuation can be delayed until it is almost too late for a medical professional to intervene.

The staff of the Office of Ombudsman is neither trained, nor mandated, to provide professional help to those who suffer from mental health conditions. However, once it appears that the visitor might benefit from professional medical support, the Ombudsman, while exploring different options together with the visitor, may suggest such an approach and encourage him or her to seek help from appropriate entities within the organization The re-entry into the workplace brings particular challenges with mental health issues as these often result in extended absence from the workplace. A well-managed reintegration process and effective strategies to facilitate a safe, timely return to work should be in the interest of all organizations not only from a humanitarian point of view but also to avoid legal, financial or reputational risks that may arise from extended leave and/or separation. Mismanagement of the re-entry into the workplace can also affect the well-being, productivity and morale of the staff member but also of the team the staff member returns to, and can contribute to workplace conflict. Furthermore, research shows that the ability to return to work can play a key role in the recovery process of those who are mentally ill. In 2012, the Joint Inspection Unit (JIU) published a report on sick-leave management, recommending that the "Executive heads of United Nations system organizations should, in consultation with their respective human resources department and medical/occupational health services, design and implement a return-to-work policy for their staff members." In consideration of the benefits of a systematic approach for both the staff member and the organization, the Office of the Ombudsman sees particular advantages in a jointly managed, future-oriented process where both sides engage to restore a functional work relationship. The term professional or

vocational reintegration emphasizes the collaborative notion of this idea.

What can the organization do?

The organizational culture, communication and attitudes must reflect that the organization cares about their staff members' safety, good health and well-being. The JIU report states that organizations and entities should be cognizant of this "duty of care" that they owe their staff. Despite the fact that the different entities are bound by confidentiality, close coordination within the organization (e.g., between the Medical Services Division, staff and stress counsellors, offices of human resources) helps to ensure that the staff member returns to the duty station only when found fit to serve. Clear communication between the parties and an accompanying administrative process allows the staff member to restart his/her duty in a timely and well-managed manner. Perhaps the organizations could consider creating a designated focal point to coordinate the communication among the parties. This could help staff members to navigate more easily through the administrative processes and also provide a focal point for the management team as well.

The organizational culture, communication and attitudes must reflect that the organization cares about their staff members' safety, good health and well-being.

The collaborative effort of management to get involved in the process and to promote the staff member's well-being is even more important in times of change and restructuring. Since offices merge and dissolve and working conditions, team structures and practices change over time, the staff member might face a new supervisor and team when returning for duty. While some staff members have felt harassed by receiving emails and even requests to perform work while on sick leave, others have said that the complete absence of communication from their office has made them feel neglected. The official policies of the organizations are that staff should not be disturbed while on sick leave. The Ombudsman would like to suggest that provided that the medical condition allows it and contact is desired from the staff member, maintaining a link between the staff member and the supervisor during sick leave can allow both sides to keep up to date about ongoing changes and help the staff member to prepare for his/her return (e.g., sending a greetings card, checking in once in a while, sending publications and important news from the office). It is important to note that establishing contact during sick leave is not recommended but can occur only if the medical condition permits such contact and if the staff explicitly state they would like to have periodic communication with their supervisors. As soon as the return to work is decided on, arrangements on suitable duties for the staff member consistent with his/her capabilities based on dialogue between management and the staff member (e.g., clarity of roles and responsibilities, expectations from the staff member and her/his team, modification of work plans, flexible work hours, telecommuting, ergonomic adjustments of the workplace, limited travel) can further facilitate a successful reintegration. Flexible work arrangements can also be put into place temporarily until the staff member is capable of resuming the original functions and capacity. Once the staff member returns to the workplace, it is to be ensured that the staff member will not be disadvantaged or prejudiced (e.g., expectations that the staff member will fall ill again, stigmatizing attitudes, perpetuation of stressful working conditions). This requires a particular sensitivity and awareness for the needs of staff members with medical issues, including mental health issues. It also calls for flexibility and understanding from management and the team to which the staff member returns, that injuries and health issues can be overcome and that the staff member should be granted a "fresh start" at the workplace (e.g., welcoming atmosphere, healthy work ethics). Awareness-training and appropriate information can help managers and staff members to deal with mental health issues appropriately and thereby contribute to the successful reintegration into the workplace.

In the case of trauma or other mental condition, it may not be possible for the staff member to return to the former duty station because of the risk of re-traumatization, hardship or inadequate medical facilities. In these conditions, relocation to a different duty station should be considered. When

the staff member is not found fit to return to work at all, attending physicians, the Medical Services Division and the Pension Fund may conclude that the staff member be placed on disability. It is important for the staff member to understand the financial and career-related repercussions of being placed on disability.

The Office of the Ombudsman wishes to point out that rather than a one-size-fits-all approach, decisions concerning reintegration into the workforce must be taken on a case-by-case basis, working closely with all parties involved. It would be helpful if a designated reintegration focal point within the various offices of human resources could assist the staff member to explore different options and give guidance on what solutions might be best, considering the individual situation (age, financial status, duty station, etc.). It is important not to medicalize staff members by labelling them "sick returnees" when they return to the workplace. What needs to be encouraged is humane, supportive and practical approaches to successfully reintegrate the staff member. The workplace can be a catalyst rather than an impediment to the full restoration of health and thus reduce stress and interpersonal conflict caused by insensitivity and stigma.

What can the Ombudsman do?

As an agent of change, the Ombudsman continues to address the need for an organizational culture that promotes staff well-being at all stages of employment. The objective has to remain preventive and the focus should be on a long-term strategy that retains talented staff members in the organization. This calls for a work environment in which staff members are given the opportunity to resume their duty after sick leave in a fair, well-managed manner.

Instead of focusing on interventions when the damage is done, early assistance is highly recommended and the Office of the Ombudsman is pleased to work on the reintegration process with visitors. Beyond that, the Office offers continuous support and guidance to all staff members and their respective management teams when facing this matter. Staff members can be assisted in evaluating appropriate options for the return to the workplace and find support to build their "emotional preparedness" to prevent the occurrence of workplace conflicts in the future. Furthermore, the Office can inform managers on their role in the reintegration process (e.g., how to communicate the situation with colleagues) and provide guidance on how to build a healthy, harmonious work environment for everybody in the team.

Chapter V

Looking ahead

In a number of its resolutions on the administration of justice in the United Nations, the General Assembly has stressed the importance of developing a culture of dialogue and amicable resolution of disputes through the informal system. Questions often arise how to build competencies in this area. Against this background, the Office of the Ombudsman has observed that there is no clear understanding within the administration of some of the funds and programmes about what it really means to engage in mediation or informal conflict resolution. In some organizations, it has happened that legal representatives, while acting in good faith on the part of the organization in a mediation, do not always have the coordinated support of or clear instructions from the administration on its position. It is also important to recall that not all mediations that take place within the organization are managed by the Office of the Ombudsman. Every so often, human resource professionals, supervisors and colleagues engage in workplace mediation. This should be encouraged as it helps to develop a culture of agreement and respectful communication.

The Office of the Ombudsman has observed challenges in developing capacity and awareness in conflict-resolution skills within the funds and programmes. It takes special management skills to lead a team whose members do not have long-term assurance that they will be retained even though they may be working on projects with long-term perspectives. Do the United Nations funds and programmes have managers with these skills? Leadership qualities that reflect interpersonal competence and skills in self-management and emotional intelligence are imperative for building teams and managing conflict in an environment of change. Recruited staff, especially those in managerial positions, should be prepared to demonstrate such role-model qualities that can be emulated by all.

The present and past reports of the Ombudsman indicate that these skills are not prevalent among all managers. For this reason, the Office of the Ombudsman, in conjunction with a team of expert global trainers from Durham University and with the guidance of the United Nations System Staff College, have worked on the design of a specialized training module for managers to address change and conflict in the workplace. It is envisaged that this training would be based on funds and programmes cases and would seek to build capacity in managers to resolve conflict in the workplace

The Office of the Ombudsman treats all matters brought to its attention with strict confidentiality. The Ombudsman will not take action on a complaint without the complainant's permission. The principle of confidentiality means that the Office is immune from any demand from the organization to disclose any information or document regarding a visitor to the Office. There is a practical reason for this: if confidentiality is not guaranteed, visitors to the Office would be hesitant to reveal information about their concerns. Nevertheless, in a digital age, the ability to give a guarantee of confidentiality remains a concern for the Office and it is not misplaced for the Office to reflect on whether full confidentiality is absolute when parties are obliged to communicate by electronic means. It is important for the Office to continue to develop practices and explore more options on how to maintain confidentiality and to guarantee a safe space.

Annex 1

Recommendations

Talent retention

1. It is good practice for the organization to ensure that talent remains within the organization. A culture of loyalty and a spirit of commitment to the organization are very strong elements in a productive organization. To foster these elements, the organization should determine and disseminate how it recognizes and rewards good performance, loyalty and commitment. This has the potential to increase productivity in the workplace and ensure that talent remains within the organization even in times of severe financial constraints.

2. Staff members perceive a great deal of arbitrariness when it comes to decision-making about talent retention, especially in restructuring and change-management exercises. The organization should ensure that those in charge of talent-management programmes and initiatives are held accountable for the decisions they take when administering such programmes.

3. The organization should not only communicate the rules and procedures to displaced staff regarding their displacement but should also tailor their communications to staff to raise awareness of important personal responsibilities in areas such as relocation grants, education benefits and health insurance. Careful consideration of each staff member's situation will provide clarity and avoid conflict.

4. Organizations should examine carefully proposed terminations in situations where the staff members have been recruited only very recently. They should hold the offices concerned accountable to justify the expense of recruiting a staff member only to terminate the contract after a short period.

5. The organization should invest in induction programmes before, during and after a change has taken place in an office. Emphasis should be put on more frequent and open organizational communication, particularly after change has taken place, in order to retain staff who have remained in the organization after restructuring.

6. When staff members are given the option for agreed separation, the organization should give reasonable deadlines within which to make a decision on whether or not to agree to the proposed terms. Deadlines should be instituted to allow staff members to effectively use the services of the Ombudsman or other relevant offices in order to come to a decision.

Contractual modalities

7. In order to retain and provide incentives to talent in the workplace, the organization must use the variety of contractual modalities available in an optimal manner.

8. The organization should monitor the awarding of non-staff contacts in the same way that it monitors contracts offered to staff members, particularly to ascertain that supervisors are using the non-staff modality strictly for professional reasons and not out of personal interests. All contracts, including non-staff contracts, should be linked to the financial viability of the organization.

9. Organizations should introduce a comprehensive, sustainable view of retaining and hiring personnel and should not approach the issue solely out of budgetary consideration at the expense of business ethics and longer-term talent retention.

10. The organizations should ensure that the work performed by consultants is duly and timely evaluated in the appropriate form established by each organization and that the evaluations are made available to the consultants

Organizational culture and the art of conflict resolution

11. The administrations of the funds and programmes should look at all options, including informal dispute resolution and not focus on a legalistic approach to resolve workplace conflict. It might be useful for the organizations to encourage its staff to explore the effectiveness of mediation as a first step in some conflicts.One way to assist in the process is for the organization to assess the usefulness of a first mandatory session for parties to review informal dispute resolution mechanisms and options.

12. Supervisors should encourage staff to engage in dialogue rather than communicating differences or resolving disputes through email messages. The convenience of sending a message that is copied to various parties should be weighed against the potential reputational damage to the office and to the individual concerned

13. Leadership should cover all facets of human life in the workplace, not concentrate solely on accomplishing tasks. It is not easy to have a functional office if the social aspects of human interaction are excluded. Supervisors should be self-aware about how their personality traits are perceived in different cultural environments. The administration should promote practices of sharing information of different styles of management in order to support managers struggling with leadership.

14. Anonymous complaints should not be used in assessing a candidate's suitability for a position.

15. Supervisors must undergo training in how to manage conflict arising from performance appraisals. When an ombudsman contacts a supervisor about a performance-related dispute, it is not always a reflection of the supervisor's own performance; it should be seen as another resource that the supervisor can rely on to help find a solution to the performance dispute.

16. The organization should share more information about coaching availabilities for supervisors with abrasive management styles and more particularly strengthen monitoring mechanisms to ensure that the coaching is having the desired effect. The organization should also be held accountable for removing abusive or abrasive managers who have the responsibility to manage people.

Pension Fund services

17. Communications with staff members who contribute to the Pension Fund should be frequent and consistent. The Pension Fund and the organization should coordinate their communication with staff so that there is a clear, timely understanding on the status of the application.

18. In order to help to ensure that administrative error does not occur, it is important to verify either through check lists or statements that administrative forms have been correctly filled out. The implications of error in such situations are often life changing. Increased effort to ensure that the information provided in administrative forms is correct and verified is essential. This is a shared responsibility between the staff member and the organization.

19. Information on staff contributions to the Pension Fund is accessible electronically on the Fund's website. However, when individual staff members or retirees raise specific concerns, getting a response from the Pension Fund can take a very long time. Efforts should be made to ensure that all requests are promptly addressed.

Reintegration in the workforce after sick-leave

20. The organizational culture, communication and attitudes must reflect that the organization

cares about their staff members' safety, good health and well-being. Clear communication between the parties and an accompanying administrative process allows the staff member to restart his/her duty in a timely and well-managed manner. Perhaps the organizations could consider creating a designated focal point to coordinate the communication among the parties. This could help staff members to navigate more easily through the administrative processes and also provide a focal point for the management team as well.

21. Provided that the medical condition allows it and contact is desired from the staff member, maintaining a link between the staff member and the supervisor during sick leave can allow both sides to keep up to date about ongoing changes and help the staff member to prepare for his/her return (e.g., sending a greetings card, checking in once in a while, sending publications and important news from the office). It is important to note that establishing contact during sick leave is not recommended but can occur only if the medical condition permits such contact and if the staff explicitly state they would like to have periodic communication with their supervisors.

22. As soon as the return to work is decided on, arrangements on suitable duties for the staff member consistent with his/her capabilities based on dialogue between management and the staff member (e.g., clarity of roles and responsibilities, expectations from the staff member and her/his team, modification of work plans, flexible work hours, telecommuting, ergonomic adjustments of the workplace, limited travel) can further facilitate a successful reintegration.

23. Flexible work arrangements can also be put into place temporarily until the staff member is capable of resuming the original functions and capacity. Once the staff member returns to the workplace, it is to be ensured that the staff member will not be disadvantaged or prejudiced Awareness-training and appropriate information can help managers and staff members to deal with mental health issues appropriately and thereby contribute to the successful reintegration into the workplace.

24. It is important for the staff member to understand the financial and career-related repercussions of being placed on disability.

25. It would be helpful if a designated reintegration focal point within the various offices of human resources could assist the staff member to explore different options and give guidance on what solutions might be best, considering the individual situation (age, financial status, duty station, etc.).

26. It is important not to medicalize staff members by labelling them "sick returnees" when they return to the workplace. What needs to be encouraged is humane, supportive and practical approaches to successfully reintegrate the staff member. The workplace can be a catalyst rather than an impediment to the full restoration of health and thus reduce stress and interpersonal conflict caused by insensitivity and stigma.

Annex 2

Voices

"I also want to express you my gratitude for the attention you gave to my case. In the two occasions I contacted you (2012 and 2013), you listened to me, showed great interest in my case and provided me with good advice. I am sure that without your intervention I would still be waiting for a response."

"Antes que nada nuevamente quiero agradecerle todo lo que ha hecho por mí, me he sentido muy bien luego de la charla que he mantenido con usted, y le estaré eternamente agradecida por haber hablado con la directora."

"We would like to convey our sincere appreciation to you and your colleagues for your kind taking your busy time to visit and provide us very valuable direction and feasible recommendations in addressing staff concerns related to separation indemnity. Please allow me to inform you that our Country Management team have taken them into consideration and resulted extending case by case contract as per recommended."

"We are grateful and highly valued of your strong commitments and supports."

"All the best wishes, healthy, good luck and success to you and your team."

"Allow me to express my sincere and heartfelt appreciation for the support you have been giving."

"These have been challenging times for me both at a professional and personal level. The news I received have brought great joy to me and my family and I am looking forward to take up my new assignment."

"I would like to thank you for your continuous support and valuable advice about keeping faith in the system and her help in "keeping" me to think positive. I also want to acknowledge that being in touch regularly and knowing my case was receiving due attention made a lot of difference and allowed me to "navigate" effectively through this period."

"Your visit has forced me to look brutally into my actions and review every tiny act I have done. I believe I have worked extensively over the past year on myself and my team, through team building, personal reflections, coaching on myself and with my team. I have received some very encouraging feedback. I have become super sensitive and careful of my dealings and have made every effort to continuously check up and get the pulse on my performance. You can't of course have 100 % satisfaction but at least am no more blind."

"I have learnt lots of lessons good and bad...The good I cherish and continue....However, one of the lessons learnt is that i will be very careful against non performing staff. They drag you to the ground and they are much louder."

"Just to thank you again for the excellent service you offered. Your guidance and support at a key moment, meant that we were able to resolve the problem without a row that blights my ability to continue to contribute to the important mission of the Organization. Your fair responses helped me to think through the issue sensibly and clearly and to seek the resolution in the right places. Perhaps most importantly, having a listening ear eased my anxiety and mean that I was not distracted from critical organizational work while I was wrestling with the problem."

"No quiero pasar más tiempo sin antes agradecerles eternamente por su paciencia, profesionalismo, tiempo, sensibilidad y comprensión para con mi caso y mi persona. No saben el gran significado que guardo en mi corazón. Me siento con fe, optimista y orgulloso de haber estado en una organización que tiene a las personas ideales como ustedes para hacernos sentir importantes por más lejos que estemos."

"Allow me to thank you for all the support and encouragement you have offered to me all through the way, really appreciate having you as an important person in my life."

"Peut-être vous vous souviendrez de moi, mais une chose est sûr, moi je ne peux pas vous oublier. Demain vendredi 28 février 2014 est mon dernier jour de travail avant d'entamer ma retraite normale le 1er mars 2014. Il en est ainsi de par la volonté de Dieu et de par votre probité et sens de l'équité. J'ai naturellement donc une pensée très forte en cette veille de départ pour vous et c'est pourquoi je voudrais en toute primeur vous le rappeler et vous dire encore une fois merci. Mon merci est si peu lourd par rapport à la récompense que Dieu, le Tout Puissant vous fera avoir, car Il a dit « Si vous faîtes le bien, ne serait ce que le poids d'un atome vous le verrez ; Si vous faîtes le mal, ne serait ce que le poids d'un atome vous le verrez ». Que Dieu vous fasse donc voir votre bienfait à mon égard. Je vous souhaite également bonne continuation et que vous puissiez le moment venu bénéficier aussi d'une bonne et heureuse retraite."

"Thank you so much for assisting both parties in resolving this case! Your involvement has been key in reaching this successful outcome. I agree that there is a lot to be learned from this case and I am looking forward to discussing the lessons learned when you return from your mission. Thank you very much for all the time you have invested in this case. It is always an absolute pleasure to work with you!"

"I would like to thank you for your help. I went through the investigation and the final report was sent to me yesterday informing me of the closure of the case (see mail below and attachment). Thank you so much, it gives us hope that UN system is working. My name was tarnished here in the office but the good Lord will take me through it. I am so happy this ended well. Big thanks to your team!"

"Gracias por tu ayuda, tu escucha empática, tu inteligencia emocional y tu profundo conocimiento de esta organización y su gente."

"Merci beaucoup pour l'appui. Ça me permet un peu de retrouver du poil de la bête car je traverse des moments difficiles. Ça ira avec la grâce de Dieu et l'appui de personnes sincères."

Annex 3

Issue Definitions

1. Compensation and Benefits	Salary, pension, leave, health insurance, various entitlements
2. Evaluative Relationships	Issues between colleagues with supervisory relationships
3. Peer and Colleague Relationships	Issues between colleagues with NO supervisory relationships
4. Job and Career Progression	Issues impacting job conditions or the career progression of the visitor: recruitment, contract, job description/classification, training, promotion, transfer and rotation, separation, abolition of post and retirement processes.
5. Legal, Regulatory, Financial and Compliance	Harassment, discrimination, retaliation, gender and geographic balance; investigative/disciplinary processes, waste, fraud and abuse of funds
6. Safety, Health, Wellbeing, Stress and Work/Life	Working conditions; general wellbeing and stress; accommodation for disability or health conditions; issues with health, safety and security
7. Services/Administration	Responsiveness, timeliness and nature of response/services from sections providing services to staff (HR, pension fund, tax unit, etc…)
8. Organizational, Leadership and Management	Organizational climate, morale, culture, communication; change management, issues with leadership in the organization and management styles
9. Values, Ethics and Standards	Issues pertaining to United Nations Core values

1. Compensation and Benefits

1a. **Compensation:** Rate of pay, salary amount, job salary category

1b. **Payroll Administration**

1c. **Pension**

1d. **Leave:** Annual; sick; maternity; excluding special leaves, sabbaticals, suspension for disciplinary reasons

1e. **Health Insurance and Medical Entitlements** (including medevac; DSA; companion ticket, etc.)

1f. **Dependent Benefits**

1g. **Taxes**

1h. **Recruitment Entitlements** (relocation grant; shipment; etc.)

1i. **Separation Entitlements** (repatriation grant; shipping; sep. indemnities, etc.)

1j. **Travel Entitlements** (ticket, DSA, hotel, excluding medical travel)

1k. **Special Operations/Hazard Entitlements**

1l. **Other**

2. Evaluative Relationships

(Excluding harassment, discrimination and retaliation)

2a. **Interpersonal Differences:** Interpersonal conflict involving differences in personalities/ suspicions of hidden motives/mistrust/ different work styles

2b. **Respect/Treatment:** Demonstrations of inappropriate regard for people, not listening, dismissive or rude behavior, unfair or preferential treatment.

2c. **Reputation:** Potential impact of rumors or gossip about professional or personal matters

2d. **Communication:** Quality or quantity of communication

2e. **Team Climate and Morale:** Prevailing norms, behaviours or attitudes in work unit

2f. **Performance Management and Feedback:** supervisory effectiveness in performance coaching, work assignment and support; feedback (or lack of) given outside of regular performance appraisal

2g. **Performance Appraisal and Grading:** Disagreements with the fairness of performance. evaluation or grading

2h. **Other**

3. Peer and Colleague Relationships

(Excluding harassment, discrimination and retaliation)

3a. **Interpersonal Differences:** Interpersonal conflict involving differences in personalities/ Suspicions of hidden motives/mistrust/ different work styles

3b. **Respect/Treatment:** Demonstrations of inappropriate regard for people, not listening, rudeness, crudeness; unfair or preferential treatment

3c. **Reputation:** Potential impact of rumors or gossip about professional or personal matters

3d. **Communication:** Quality or quantity of communication

3e. **Team Climate and Morale:** Prevailing norms, Behaviours or attitudes in work unit

3f. **Other**

4. Job and Career

4a. **Job Application/Selection and Recruitment Processes** (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)

4b. **Post Classification and Description**

4c. **Involuntary Transfer/Change of Assignment:** Removal from prior duties, unrequested change of work tasks

4d. **Terms/Conditions of Contract:** Position security/Ambiguity/Contractual limitations

4e. **Career Progression or Opportunities:** Delay/denial of promotion; lack of opportunities for career advancement

4f. **Rotation & Duration of Assignment:** Non-completion or over-extension in a job or location; area of rotation

4g. **Resignation**

4h. **Termination**

4i. **Non-renewal of Contract**

4j. **Abolition of Post**

4k **Career Development:** Coaching/mentoring/ training/lack of opportunities for skill development

4m. **Retirement Process**

4n. **Special Leave:** Approval of; return from SLWOP, SLWFP, excluding suspension for disciplinary reasons

4o. **Loan/ Secondment/Transfer:** Inter-agency mobility; terms of loan, return from loan

4p. **Other**

5. Legal, Regulatory, Financial and Compliance

5a. **Criminal Activity:** Threatened, planned, observed; fraud

5b. **Waste and Abuse of Funds:** Inappropriate actions that abuse or waste organizational finances, facilities or equipment; property damage

5c. **Harassment (Excluding Sexual):** Behaviours that creates a hostile or intimidating work environment; bullying/mobbing, abusive, threatening or coercive behavior

5d. **Sexual Harassment:** Unwelcome sexual conduct

5e. **Discrimination (Excluding Gender):** Different treatment compared with others or exclusion from some benefit on the basis of, for example, race, age, national origin, religion, etc.

5f. **Gender Discrimination:** Different treatment compared with others or exclusion from some benefit on the basis of gender

5g. **Retaliation:** Punitive behaviors for previous actions or comments; whistleblower

5h. **Investigative/Disciplinary Processes:** fairness/duration/ adherence to rules and regulations during investigations and or/disciplinary measures.

5j. **Visa Status:** Issues arising in acquiring or relinquishing travel or residency status for international staff members or their dependents

5k. **Geographic and Gender Representation:** Non compliance with policy or issues arising from the application of policy

5l. **Other**

6. Safety, Health, Wellbeing, Stress and Physical Environment

6a. **Safety:** Physical safety, injury, meeting local requirements for training and equipment

6b. **Physical Working/Living Conditions:** Temperature, odors, noise, available space, lighting, cleanliness, etc

6c. **Security:** Adequate lighting, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures

6d. **Work/ Life:** Issues with flexible working arrangements/schedules.

6e. **Stress:** Stress deriving from work related issues; post-traumatic stress

6f. **Disability and Accessibility:** Temporary, permanent, reasonable accommodation, assistive technology

6.g. **Other**

7. Services/Administration

7a. **Quality of Services:** How well services were provided, accuracy or thoroughness of information, competence, etc.

7b. **Responsiveness/Timeliness:** Response time or time to completion

7c. **Interpretation or Application of Rules:** Impact of non-disciplinary decisions, excluding formal admin. reviews

7d. **Behaviour of Service Provider(s):** How an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient

7e. **Other**

8. Organizational, Leadership and Management

8a. **Organizational Climate/Morale at the Organizational Level** *(Distinct from 2e and 3e)*

8b. **Organizational Culture**

8c. **Organizational Communication:** Content, style, timing, effects and amount; quality of communication about strategic issues at the organizational level *(Distinct from 2d and 3d)*

8d. **Change Management:** Making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change on a large scale.

8e. **Restructuring and Relocation:** Effects of reprofiling, organizational/unit downsizing relocation or reorganization

8f. **Leadership and Management (Quality/ Capacity of Management):** Quality/capacity of management/leadership decisions; management styles; accountability and transparency; priority setting and/or funding

8g. **Abuse of Authority/Positional Power:** Improper use of a position of influence, power or authority against subordinates

8h. **Other**

9. Values, Ethics and Standards

9a. **Core Values:** Non adherence to core organizational values (integrity, professionalism, respect for diversity)

9b. **Accountability and Transparency:** Issues with taking personal ownership for responsibilities and deliverables/operating in compliance with organizational rules and regulations, secrecy

9c. **Personal Conduct:** Issues with fulfilling private obligations, respecting local laws and using the privileges and immunities of the organization

9d. **Conflict of Interest:** Appearing to benefit improperly or to have a third party benefit improperly from certain associations, relationships or financial interests (including honors, gifts or remuneration, favoritism to family or friends, outside employment/ activities; business interests…)

9e. **Use and Protection of Information:** Using or divulging confidential information without proper authorization

9f. **Other**

Office of the Ombudsman

The Office of the Ombudsman is headed by the Ombudsmen Ms. Mame Diagne and Mr. Helmut Buss, assisted by Ms. Kentaro Kanyomozi, Case Manager, Ms. Nancy Ross, Administrative Associate, Ms. Sharon Gordon-Smith, Administrative Assistant and on-call consultants: Mr. James Lee, Mr. Eskandar Rastegar, Ms. Judit Revesz and Ms. Linda Schieber.







Top – left to right: Nancy Ross and Linda Schieber

Below – left to right: Sharon Gordon-Smith, Judit Revesz, Mame Diagne, Eskandar Rastegar, Kentaro Kanyomozi, James Lee and Helmut Buss.



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