

OFFICE OF THE JOINT OMBUDSPERSON
UNDP/UNFPA/UNICEF/UNOPS

Report on the work of the Office for the period
1 January – 31 December 2006

Working together to find solutions

February 2007

Contents

INTRODUCTION	2
I. OVERVIEW OF THE WORK OF THE OFFICE FROM 1 JANUARY TO 31 DECEMBER 2006	
A. Overview of cases	5
B. Field visits	6
C. UNICEF: the first year and the joint experience	6
II. OBSERVATIONS AND RECOMMENDATIONS CONCERNING THE MAJOR CAUSES OF CONFLICT IN THE WORKPLACE REPORTED TO THE OMBUDSPERSON	7
A. Abuse of authority and management issues	7
B. Change management/Re-profiling	10
C. Recruitment processes	11
D. Performance management and feedback	12
E. Contracts management	13
F. Other causes of conflict	13
	19
III. OTHER OBSERVATIONS	
A. Independence of the Office of the Joint Ombudsperson	19
B. Follow up to the recommendations of the Office of the Joint Ombudsperson	20
C. Human resources management	21
D. Staff associations	22
E. Investigation processes	23
F. “Crystal ball” issues from the fifth annual meeting of the ombudsmen and mediators of the United Nations system and Bretton Woods institutions	24
G. Inter-agency cooperation: learning from the World Bank “Respectful Workplace Advisors” programme	25
Annex I. Statistics of cases brought to the Office from 1 January to 31 December 2006	26
Annex II. Action plan drafted at the fifth annual meeting of the ombudsmen and mediators of the United Nations system and Bretton Woods institutions, held at the Food and Agriculture Organization, Rome, 28 and 29 September 2006.	41

INTRODUCTION

The report on the activities of the Office of the Joint Ombudsperson for the period 1 January 2006 to 31 December 2006 covers a number of important milestones.

First, the Office was expanded, and with the appointment of the Associate Ombudsperson on 1 April 2006, began to offer services to UNICEF in addition to UNDP and the associated funds (UNCDF, UNIFEM and UNV), UNFPA and UNOPS.

Second, there was a marked increase in inter-agency cooperation among ombudspersons and mediators of the United Nations system and the Bretton Woods institutions. This will bear fruit in a number of ways, including most importantly an approach by several organizations to strengthen alternate dispute resolution systems at the country level.

Third, the Office was able to introduce a mediation component into its offerings, including seminars and workshops on the topic, thanks to the services of a distinguished Professor of Law, who specializes in mediation and who spent her sabbatical semesters in the Office of the Joint Ombudsperson.

Fourth, the Redesign Panel on the administration of justice in the United Nations system completed its report, which the General Assembly will consider at its resumed session in the first quarter of 2007. The Panel presented a strong case for strengthening the ombuds function throughout the system, believing that “The Office of the Ombudsman holds the most promise as a viable and integrated alternative dispute-resolution institution” (paragraph 39). The Panel also paid tribute to the work of the Joint Office, whose report for the year ending December 2005, it noted, “is a valuable example of the proactive role of the Ombudsperson” (paragraph 43, footnote 16). It is in the same spirit that the Ombudspersons submit the present report to the Executive Heads and staff of the organizations for whom they provide services.

The Office of the Joint Ombudsperson provides an independent, objective and confidential means for all those employed by UNDP and the associated funds (UNCDF, UNIFEM and UNV), UNFPA, UNICEF and UNOPS, regardless of their contractual status, to discuss grievances with the aim of attaining an informal solution acceptable to all parties. In particular, the Office looks forward to pursuing actively suggestions for increased use of the ombuds mechanism made by some regional directors and by the staff associations and councils. These suggestions are based on the realization that a great deal of very useful information is conveyed to the Office as an objective, proactive means of resolving conflict at the earliest stages. When goodwill is displayed by all parties concerned, those involved in the conflict brought to the attention of an ombudsperson become a part of the solution – and in the process, they actually strengthen the organization by taking ownership. The Ombudspersons would like to thank all those who participated in this manner and secured an equitable resolution to seemingly intractable problems, thereby restoring confidence in the organization and redirecting energy, time and resources to more productive channels.

At the organizational level, on the basis of observations made in the course of their duties, ombudspersons provide recommendations to senior management designed to avoid recurrences of conflict. Ombudspersons can thus be powerful agents for positive, dynamic change in an organization.

Despite the public, reiterated statements of the Executive Heads that it is a staff member's right to consult the Office of the Joint Ombudsperson, the Ombudspersons must regretfully draw to the attention of the inter-agency community that some managers still attempt to prevent staff members from consulting an ombudsperson. This is done in several ways: by threatening that those who contact the Ombudspersons will see their careers suffer; by retaliating – sometimes in ways that are difficult to confirm – against those who have contacted the Ombudspersons, thus dissuading others from doing so; and by negative comments on performance appraisals. In this context, the Ombudspersons call attention to the specific injunction against reprisal in the terms of reference.

In order for the Ombudspersons to fulfil the twin aspects of their mandate – to address individual grievances and to provide corporate recommendations – two basic criteria must be met. On the one hand, staff must keep themselves fully and realistically aware of the possibilities offered by the Office of the Joint Ombudsperson while the Executive Heads, on the other hand, must respond, and be seen to respond, to the report and its recommendations submitted to them by the Ombudspersons. This is not to suggest in any way, of course, that any party is obliged to accept any of the recommendations made by the Ombudspersons. To reiterate a point made in the report for 2005, it is essential that any recommendation made by the Ombudsperson, in accordance with the terms of reference of the Ombudsperson, be seen as a contribution to the process of resolving systemic problems identified by the work of the Ombudsperson.

The Office of the Joint Ombudsperson continues to help to find mutually acceptable solutions to most of the individual cases brought to its attention, as shown by the statistics (see annex I) and publishes articles and interviews, as well as the annual report, on its work.

The office's website (<http://www.jointombudsperson.org>) has inter-agency functionality, can be accessed via internal and external sites of the organizations, and provides timely information and useful links concerning the ombuds function. Further measures to encourage staff at large to keep abreast of the ombuds function include on-site visits to country offices and to headquarters units. Whenever an ombudsperson visits an office, (s)he gives a presentation of the work of the office and ensures that there is adequate time for a general question-and-answer period. Individual cases are never, of course, discussed in a public arena. Individual staff members are given the opportunity to consult the Ombudsperson on any matter of concern. As a matter of practice and to ensure confidentiality, appointments may be held at a site away from the country office.

The Office of the Joint Ombudsperson cannot, however, continue to function as intended and in accordance with its mandate without adequate, timely response to the report and to recommendations presented to the Executive Heads. The report for 2005 was submitted in January 2006 to UNDP, UNFPA and UNOPS. There was no acknowledgement of the report until some months later. The terms of reference are quite clear: “[The Ombudsperson shall] Prepare an annual report reflecting the type and number of grievances handled as well as recommendations for changes in policies and procedures, in particular where systemic issues have contributed to the problem”. The impact of a global message to staff members from the Executive Head underlining the importance attached to the work of the Office of the Joint Ombudsperson and drawing attention to the recommendations contained in the report cannot be overestimated. It provides a solid basis for the sustained effectiveness of the Office. Disregard of the report and of its recommendations can undermine the credibility of the Office, may discourage staff from using its services and implies impunity for those who fail to live up to the code of conduct for the international civil service in the kind of situations to which the Ombudsperson has drawn the attention of the Executive Heads. A global message supportive of the work of the office, transmitting the report to all staff and highlighting significant

findings was sent by the Executive Heads of UNFPA and UNOPS. While the Ombudspersons did present the report to the UNDP Senior Management Team and discuss it with them, no global message was sent to UNDP staff.

Taking extremely seriously the mandate of contributing to greater organizational and operational efficiency and effectiveness, and bearing in mind that the information and recommendations contained in the report are the result of observations and interaction with staff and management at all levels and in all geographical regions, the Ombudspersons look forward to an early response from the Administrator and the Executive Directors.

In accordance with the terms of reference drawn up at its establishment, the Office of the Joint Ombudsperson responds to requests for services on a timely basis as they are received. Of course, when there is, in the opinion of the Ombudspersons, a need for a more rapid response than usual, some priorities may be established. All requests are treated equally and are not pigeonholed according to organization; in reality, the issues brought to the attention of the Ombudspersons are issues common to the four organizations and the associated funds and programmes. Moreover, the issues are strikingly similar throughout the United Nations system, as the section on the activities of the mediators and ombudsmen of the United Nations system and Bretton Woods institutions shows (see section III.F).

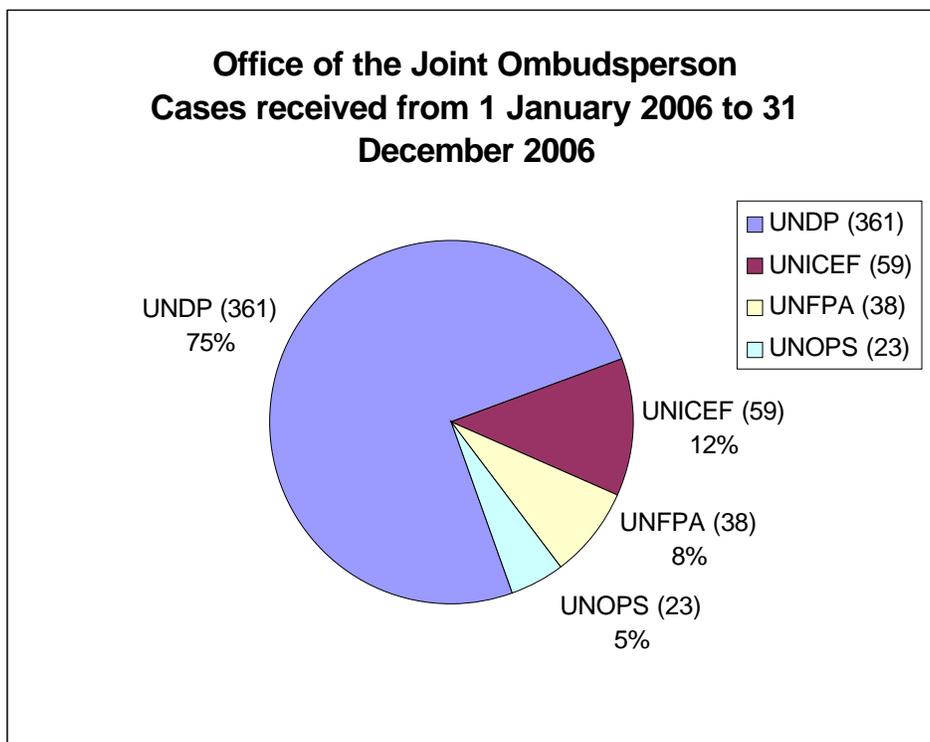
What are those issues? As in the past four reporting periods, the abuse of authority heads the list. Sadly, in organizations that are humanitarian in nature, there are too many cases of inappropriate management styles, styles that are contrary to the standards of the code of conduct for the international civil service. The extremely damaging effects of this failure to live up to those standards have been signalled in past reports. While the Ombudspersons are well aware that many new staff members enjoy rewarding professional relationships, it is nonetheless disquieting to hear gifted young recruits voice their disillusionment about the ways in which they are treated, to witness them seeking to leave as soon as possible – and carrying with them their disillusionment with the United Nations as they have known it. It is no less disturbing to hear that some long-serving staff members feel that they have been treated with a lack of dignity. Despite the incidents of seriously unacceptable management styles brought to the attention of the Office of the Joint Ombudsperson during the reporting period, the dedication of staff with which the Ombudspersons have interacted to the ideals of the organizations has remained, on the whole, unshakeable. It is thus all the more regrettable that individuals with so deep a commitment to service with the United Nations should be so badly treated.

Other matters addressed in the report include contractual complexities, general managerial issues including stress management, questions arising from the appraisal systems, recruitment and re-profiling. For the first time, the report also has a “crystal ball” section (III.F), in which issues likely to be brought to the attention of the Office of the Joint Ombudsperson are discussed.

In many respects, cases brought to the attention of the Office of the Joint Ombudsperson over the past year have given rise to graver concern than in preceding years. This may perhaps be explained because of the severity of the consequences, perhaps because the cases had been reported through other channels but no action had been taken and staff, not knowing what else to do, finally contacted the Ombudspersons, but also perhaps because the message is getting through that everybody working for the United Nations should expect to be treated with fairness, with justice and with dignity. If this objective is achieved, a more harmonious, more effective workplace will be created, one that will enable the organizations to attain the goals they have set for themselves.

I. OVERVIEW OF THE WORK OF THE OFFICE FROM 1 JANUARY 2006 TO 31 DECEMBER 2006

A. Overview of cases



NB: This chart does not represent time or resources spent on cases

1. The Office of the Joint Ombudsperson handled a total of 481 cases in the period under review. A detailed breakdown is provided in annex I.
2. The issues brought to the attention of the Office of the Ombudsperson are divided into eight main categories:

- § Interpersonal problems;
- § Abuse of authority, including abusive management style, atmosphere of fear in the office, arbitrary decisions and violations of the ICSC standards of conduct;
- § Promotion /classification/conversion;
- § Separation, including grievances with regard to re-profiling, termination, non-placement or reassignment;
- § Performance-related issues;
- § Contractual and working conditions, including terms of contract, change of contract, salary at entry; work/life balance, leave and physical conditions.
- § Entitlement questions, including pensions, grants and allowances;
- § Financial, legal and disciplinary processes, including waste, fraud and abuse of funds.

A ninth category containing issues other than the above is also included.

Note: There was a relatively small incidence of interpersonal problems between peers, often indicative of a troubled workplace. The incidence of interpersonal problems between supervisor and supervisee was much greater. While there may be genuine disagreements between a supervisor and supervisee regarding professional issues that may result in interpersonal problems, the Ombudspersons observed that in many instances the interpersonal problems between supervisor and supervisee could have been avoided with the exercise of more adept managerial skills.

B. Field visits

3. In response to serious issues brought to their attention, the Ombudspersons visited 11 country offices during the period under review. The Ombudspersons highly commend the proactive measures adopted in some country offices to promote alternate dispute resolution; equitable, immediate resolutions to conflict in the workplace serve only to strengthen the office.

C. UNICEF: the first year and the joint experience

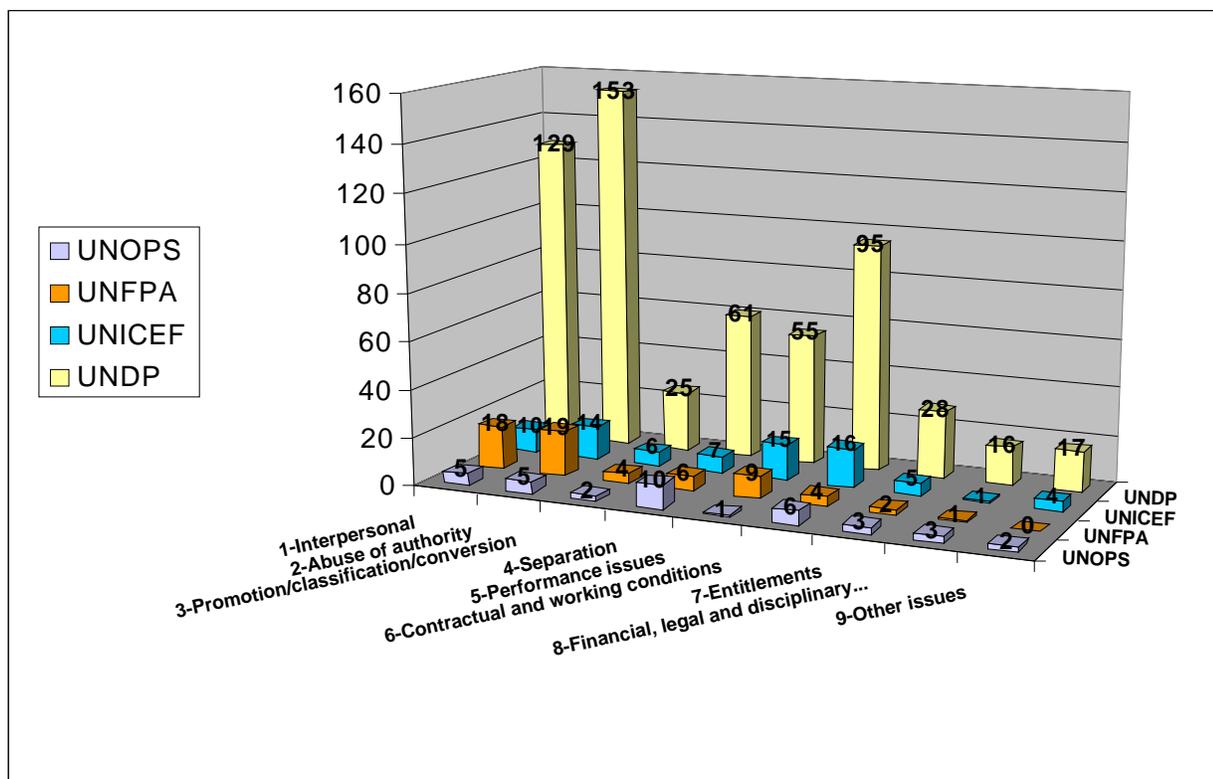
4. The Office of the Joint Ombudsperson has provided a unique opportunity to consolidate the technical expertise of the Office to address problems systemically in the four organizations and the associated funds and programmes. This short period has already allowed comparative analyses of how differently various issues are handled among the four organizations, in spite of standard United Nations policies.

5. A major challenge for the Office of the Joint Ombudsperson has been the varied interpretations and uneven application of policies and rules by the organizations, sometimes even within an organization itself. Another has been the differences in application of performance instruments used by the organizations. The RCA in UNDP, the PAD in UNFPA, the PRA in UNOPS and the PER in UNICEF are managed in a variety of ways even when similarly structured committees are involved. Challenges such as these underline the need for more serious and deliberate efforts to harmonize the application of rules across organizations so that similar issues are resolved in a consistent way.

6. A second challenge has been to respond to a widespread demand for a preliminary contact point for staff in the field to enable them to have access to the informal system. This common point would provide information and appropriate support and would respond to concerns as quickly and effectively as possible. This additional tier would also serve as an initial screening process, allowing more complex concerns to be channelled directly and rapidly to the Office of the Joint Ombudsperson.

7. This need, voiced initially by the UNICEF Staff Council and the Division of Human Resources, was later echoed by a number of UNDP offices as well as other organizations (see section I.B). Efforts are under way to address this need by creating and training an appropriate cadre of staff as discussed more fully in section III.G.

II. OBSERVATIONS AND RECOMMENDATIONS CONCERNING THE MAJOR CAUSES OF CONFLICT IN THE WORKPLACE REPORTED TO THE OMBUDSPERSON



A. Abuse of authority and management issues

Abuse of authority

8. In the previous annual report, the Office of the Joint Ombudsman also emphasized the problem of abuse of authority by managers, providing some details of how this problem is manifested and proposing some solutions. Unfortunately, it is necessary to reiterate this year that the problem remains grave and widespread. Moreover, as pointed out in the introduction to the present report, the recommendations made in 2006 have not been addressed by all organizations.

9. Abuse of authority is found in many country offices as well as in headquarters units. It consists of bullying; shouting and screaming; humiliating staff in front of others; arbitrary decision-making concerning tasks, contracts, performance reviews, recommendations for promotion and posts; frequent re-profiling of office positions; an atmosphere of fear in which staff are afraid to voice their opinions; and threats of retaliation if staff protest in any way.

10. All such behaviour constitutes harassment. Although there is a formal procedure through which staff may bring charges of harassment against a manager, the Office of the Joint Ombudsman finds that many staff members are unwilling to enter into this process, even some of those who make contact with the Ombudsman. The reasons for this lack of willingness are many, and include the lengthy period taken by the process, during which time staff have to continue to work in a difficult atmosphere

with the alleged harasser; the difficulty of establishing proof of harassment; a perception that the process is biased in favour of the person accused of harassment; the absence of evidence of effectiveness of the process; and the apparent rewarding of senior managers known to be abusers of authority by their continued reassignment and movement up the career ladder.

11. Even in situations where there has been an investigation of harassment and a manager has been found guilty of abuse of authority, organizations may not manage the aftermath appropriately. Few individuals have actually been punished for harassment; rather, some have been allowed to resign with full benefits. In addition, there has been little effort to provide any post-abuse rebuilding of morale. Instead, the problems are seen as individual psychological ones (which might require professional counselling) rather than general management problems of re-establishing an atmosphere of mutual trust within an office.

12. Furthermore, it must be acknowledged that, when the Ombudsperson is provided with information about the abusive behaviour of certain senior managers, this is frequently well known at the highest levels. In some cases, this behaviour has been perceived for many years, but the person is unpunished because of other alleged qualities, such as fund-raising and programme delivery. In its previous annual report, the Office of the Joint Ombudsperson recommended that performance reviews of all managers must be based on their management, and that a manager known to be an abuser of authority should always receive an unsatisfactory rating, whatever their achievements in other areas. There is little evidence that this recommendation is being heeded. Little priority seems to be given to management skills in assessing or reassigning senior staff in some organizations.

13. A further manifestation of abuse of authority is that of cronyism, which is the practice of senior managers making appointments that do not conform to due process. This occurs at headquarters and in country offices, and creates widespread lack of confidence in the fairness and objectivity of appointments processes.

14. If the Ombudsperson discovers instances of abuse of authority and alerts senior management, it is essential that the organization respond quickly and decisively by undertaking a management review according to a strict protocol for which appropriate training should be provided. A roster of suitable consultants needs to be maintained, consisting of former staff with excellent managerial records. A three-person management review team should be sent as quickly as possible after the Ombudsperson has raised the alarm, and should be briefed fully by the Ombudsperson. If the management review discovers that there is indeed abuse of authority, the manager should be removed immediately from the duty station and placed on leave with pay pending a decision about future assignments and responsibilities. An abusive manager who remains in office is likely to cause an even further deterioration of the working environment.

15. It is possible to take swift, effective measures against abusive managers, as has been demonstrated in a very small number of cases over the reporting period. The Ombudspersons encourage the organizations to augment measures of this kind.

RECOMMENDATIONS

Many of the recommendations of the Office of the Joint Ombudsperson in the area of abuse of authority were made in its previous annual report but remain valid and should be addressed.

All newly appointed heads of units should undergo management training and orientation.

Performance reviews of all managers should be based on their management capacity, and any evidence of abuse of authority must result in an unsatisfactory rating, irrespective of achievements in other areas. Rebuttal panels should also be made more aware of the centrality of management capacity and of the need to provide the strongest possible disincentive to abusive behaviour in arriving at a fair assessment of performance.

In post-abuse situations, the organization itself must take responsibility for the breakdown of mutual trust, with efforts to rebuild morale and collective functioning.

In order to reduce the degree of scepticism concerning appointments, it is essential that due process be followed in all cases, and that evidence of cronyism be punished as an aspect of abuse of authority.

Management issues

16. The Office of the Joint Ombudsperson has received large numbers of complaints that reflect a variety of managerial deficiencies in all the organizations. In several offices, as “new directions” have been shaped, the processes are not always clearly communicated, nor understood, because often there has been no corporate, transparent discussion with staff. The need to feel involved and included was a recurrent theme in complaints sent directly from staff members to the Joint Office or voiced to the Ombudspersons during their visits to country offices. Decisions are shared at the last minute, that is, when they have already been made.

17. It has been particularly disturbing to see offices transformed into “shadows” of their former selves, according to some staff members, after there has been a change of manager. One characteristic strategy is that contracts are not renewed and that communication of this information is withheld until a very short time before the renewal date. This may be justified by invoking the clause that contracts have no expectation of renewal and that they expire without notice. Some managers succeed in marginalizing or humiliating staff by their practices and management style as noted above. Staff on contracts that did not allow them to accumulate leave have in some instances not been allowed to take vacations during their contractual period. At the end of their assignment, since the unutilized leave could not be remunerated, dedicated staff have lost the opportunity to take advantage of an employment entitlement that is theirs, which leaves former staff with extremely negative views of the United Nations as an employer. In turn, they take with them a sense that an organization dedicated to lofty ideals but which fails to live up to them in its treatment of staff is guilty of hypocrisy.

18. All organizations of the United Nations system need good managers who are able simultaneously to provide leadership, manage people, oversee excellent programmatic performance and outcomes, and help their organizations to compete in a fast-changing environment. The four organizations served by the Office of the Joint Ombudsperson need to ensure that this is a minimum acceptable standard for managers of the future since the image of all organizations is reflected in the managers who represent them.

19. A major priority of all the organizations is to attract and retain young people. Ironically, as noted in the introduction to the present report, some young recruits have expressed disappointment during the reporting period at poor managerial treatment, and a seeming absence of ethics and other core values among managers.

20. Of course, not all offices exhibit the type of negative managerial performance which has been emphasized in the foregoing paragraphs. Indeed, during their interactions with a number of managers at headquarters and in country offices, the Office of the Joint Ombudsperson has been encouraged by the excellent management skills exercised. The Ombudspersons are particularly pleased that some senior staff at headquarters and in the country offices as well as members of the staff associations have expressed a desire to benefit from the services of the Office on a more strategic and proactive basis. While the Office of the Joint Ombudsperson cannot, by its very nature, be an integral member of any management task force, it can certainly continue to signal reported managerial deficiencies and, on the basis of complaints received, to make recommendations on the way forward.

RECOMMENDATIONS

The previous annual report contained a number of recommendations about the selection, training and performance monitoring of managers. Those recommendations remain valid and the Ombudspersons reiterate them.

The organizations should examine more closely how they select and train leaders. This is all the more important as the organizations served by the Office of the Joint Ombudsperson currently seem to be concerned with reshaping the direction and content of their programmes. The approach taken by UNICEF to leadership training has elements that may be of use and interest to other organizations. All organizations should be equally concerned about the appropriate management of human resources.

B. Change management/Re-profiling

21. The Office of the Joint Ombudsperson recognizes that organizations have to adapt to a changing external environment and that in such a changing context internal changes may become necessary. Nevertheless, the Office has found that too often, under the guise of change management, various forms of human resource restructuring have taken place leading to precipitate and arbitrary contractual changes and at times to the termination of contracts of staff members, many of whom are approaching retirement age, and some of whom have, until the termination of their contracts, been assessed as high performers. The Office is also aware that re-profiling exercises are used inappropriately as a management tool to address poor individual performance; in the opinion of the Ombudspersons, poor performance should be addressed with the appropriate, available mechanisms.

22. The Ombudspersons are aware that some managers have continually assessed some staff members as performing well, when this may not have been the case (a managerial shortcoming, in the opinion of the Ombudspersons, for which managers should be held accountable). However, if a staff member's good performance has been genuine, it becomes difficult to see why organizations would dispense with someone in whom they have invested time, money, and resources and instead propose recruiting a candidate who is perhaps untested and inexperienced in the hope that this will bring about improvements in effectiveness. The Ombudspersons believe that organizations need to actively recruit and seek highly competent staff members who are appropriately experienced as well as equipped with current expertise. To do this, they need to study carefully the changes that are desired, determine the profiles that are required to ensure that ultimate changes will bring about more positive results, and decide whether appropriate upgrading of some staff skills would not be an equally viable alternative to an external appointment.

23. Realignment has often resulted in the removal of persons hired by a previous head of office. Even long-serving staff members may be affected. This creates a state of turbulence and instability and promotes a strong likelihood that even able staff members will find themselves spending more time on planning their next move and less time on improving the effectiveness of the office. This appears to contradict the strategy to keep staff in position for a few years to help them to develop professionally and to gain experience to make a tangible impact on programme delivery. Many staff members have contacted the Office of the Joint Ombudsperson to express their concerns about their professional future and about the renewal of their contracts in the midst of a proliferation of realignment exercises in an office. In such environments, the pursuit of excellence would surely be significantly compromised.

24. A comprehensive mapping of the work force should assist in genuinely determining the short- and longer-term needs of offices. Accepting that some of the short-term needs may evolve into longer-term needs, there still seem to have been too many random and capricious realignment or re-profiling exercises during this reporting period. It is hard to understand why, in several offices, as soon as one head of office has left, the incoming head almost automatically initiates a reprofiling exercise. Are problems of poverty and development so volatile that almost every three years, offices have to deal with the issues differently and as a result require a totally different staffing profile?

RECOMMENDATIONS

The frequency of re-profiling exercises should be subject to closer scrutiny and rigour, with a minimum interval that needs to be observed before such an exercise can be repeated in the same unit.

Management should carefully review proposals for realignment and re-profiling to ensure that proposed changes will in fact lead to more effective programmatic and office performance.

Under no circumstances should a re-profiling exercise be used as a pretext to target individuals.

Nomenclature should be clarified, with a checklist prepared to indicate to staff exactly what the process will involve.

C. Recruitment processes

25. Hiring and separation practices have constituted another area of action for the Office of the Joint Ombudsperson. Several cases presented during the reporting period concerned recruitment. At the heart of most of these cases were concerns about the transparency, objectivity and ultimately the fairness of the processes. Across organizations, although processes may have varied, one trend was very apparent: long-serving staff members, many close to retirement, and some national staff members felt targeted by managers in recruitment processes or recruitment linked to re-profiling exercises.

26. Serious doubts were expressed about the consistency of criteria in drawing up shortlists and in the standards applied in final recruitment. For example, in some instances staff members who had been documented as consistently performing tasks at highly acceptable levels, found themselves, solely on the basis of an interview, eliminated from recruitment processes for positions in which they had performed satisfactorily or better for decades. In other instances the selected candidate did not meet all the criteria for the post, but was still deemed to be the most suitable. In yet other instances, candidates

who were not successful under the prevailing requirements (which were not written down and could therefore appear arbitrary) would have been successful under the requirements introduced shortly afterwards. Furthermore, there is a widespread perception that some positions, although appearing in vacancy announcements, have already been earmarked for a specific candidate. The Ombudspersons wish to point out that the United Nations should set the highest standards in the recruitment process and should always bear in mind that unjust practices can have a devastating effect.

27. In the previous report, the existence of “hybrid” organizations (i.e., a relationship which some United Nations organizations are establishing with non-United Nations bodies) was brought to the attention of the organizations, with a recommendation that greater oversight needs to be exercised to ensure that all United Nations contract holders are involved in normal work-planning and appraisal procedures. In reiterating that recommendation, the Ombudspersons wish to alert management to the need to adhere to normal United Nations recruitment processes even when the successful candidate, albeit with a United Nations contract, may not in fact be working for the organization itself but for a “hybrid” organization.

28. The practices noted above seem to be inconsistent with established principles, and risk tarnishing the image of an organization supporting such practices.

RECOMMENDATION

All the organizations should give the utmost priority to ensuring that fair practice governs the recruitment and hiring of all those seeking employment with the United Nations.

D. Performance management and feedback

29. Despite clearly defined policies of performance management, this area continues to be a source of conflict in the work place. Too many supervisors use performance evaluation as a weapon instead of as a management tool.

30. Some supervisors have not demonstrated an ability to engage in constructive dialogue with supervisees during the reporting period. This often resulted in protracted conflict that could have been avoided if the supervisor had substantiated criticisms of work performance with concrete examples and indicators of required behaviour and performance. This is a necessary part of performance feedback. In some instances, supervisors have indicated in performance assessments that staff members (both long-serving and recently hired) lack what organizations describe as core and functional competencies required for the job, competencies which they should have been assessed against to get the job in the first place.

31. It has been brought to the attention of the Office of the Joint Ombudsperson that in some field offices the performance appraisal process (RCA, PAD, PRA, PER), which is designed to emphasize an interactive and inclusive performance management with continuous engagement and fuller accountability of managers, is being implemented only at the end of the year. In the view of the Office of the Joint Ombudsperson, it is imperative that the mid-term review also be executed. The mid-term review provides an opportunity for managers to undertake their ongoing performance management functions effectively. It also gives staff members a chance to be aware of the manager’s views on their performance and, under the continuing guidance of the manager, to take steps to ensure satisfactory performance. The absence of a mid-term review can create the risk of termination of a contract due to

lack of adequate communication between manager and staff member. The execution of a mid-term review can help to diminish this risk and allows the manager an opportunity to undertake a balanced review of performance.

32. In addition, it has been reported to the Office of the Joint Ombudsperson that some supervisors are making use of 'closed' evaluations, which are not available to be seen by the staff member. In the opinion of the Office of the Joint Ombudsperson, such 'closed' evaluations are not consistent with a transparent and accountable management approach, and do not enable the staff member to challenge judgements which are unfair or inaccurate. There is no good reason for allowing managers to adopt this type of performance review, and in the view of the Office of the Joint Ombudsperson, such practices should be discontinued.

33. Lastly, rebuttals also appear to be handled differently across the four organizations. Some have established panels that carefully review assessments and at times reverse unsubstantiated or biased comments by supervisors. In others, however, staff members do not benefit from the same comprehensive review and rebuttals are a mere formality with no redress.

RECOMMENDATIONS

All the organizations served by the Office of the Joint Ombudsperson should make a more systematic effort to hold managers accountable for timely and proper performance management, and to monitor their compliance with the established policies.

The system of performance rebuttal should be standardized across the four organizations served by the Office of the Joint Ombudsperson.

E. Contracts management

34. The Office of the Joint Ombudsperson has received very large numbers of queries about benefits and entitlements from staff at all levels, demonstrating lack of trust in the version given to them through official channels, or a feeling that those responsible would not deal with them fairly. One troubling trend noticed across the organizations was to undertake a recruitment process to fill established positions and then, once interest has been shown and the interview process has identified suitable candidates, to offer them short-term contracts, or special service agreements. At the end of these short periods, the new recruit could be terminated. This is an unfair, unethical practice and organizations are not likely to attract and retain good human resources with such practices.

RECOMMENDATION

Greater scrutiny must be placed on the hiring practices of managers to eliminate bait-and-switch tactics.

F. Other causes of conflict

1. Stress management

35. Several offices indicated that stress is a constant problem. Policies to promote better work-life balance need to be implemented more seriously. Given the constant changes generated by job fairs and

other upheavals in the work place, it was at times difficult to determine whether stress was work-load related, or generated by the office environment where constant change had become routine. The Ombudspersons have, however, been made aware from a number of sources that sick leave attributable to workplace-induced stress is inordinately high.

RECOMMENDATION

Staff well-being should have more than token consideration, with more effort devoted to defining and enforcing sustainable policies for work-life balance.

2. ALD entitlements

36. As in past years, the Office of the Joint Ombudsperson has seen a number of cases coming from holders of contracts for activities of limited duration (ALD) both at headquarters and in country offices. The focus was both on the nature of the ALD modality as well as the associated entitlements.

37. It is the observation of the Office of the Joint Ombudsperson that ALD contract holders are frequently carrying out functions that normally could be considered “core functions” and the modality is simply a convenient way of adding staff without having a funded post and/or going through a regular, stringent recruitment process. This is particularly evident in the area of information technology and in offices with various kinds of special initiatives that may not have a strong core-funding base.

38. Aside from these more general and systemic problems with the ALD modality, a number of complaints were received from staff concerning pay levels. The calculation of salary when someone is engaged on an ALD contract seems to be somewhat discretionary and may be arbitrary. There are no firm guidelines establishing the level at which a person is hired, and people are often faced with a drop in salary, especially when staff are converted from an ALD to a 100-or 200-series contract. The change in salary may be quite dramatic depending on the level.

39. Some staff reported on problems inherent in moving from one country to another on an ALD contract especially if the cost-of-living allowance is part of the equation. In particular, the move from a hardship duty station to a non-hardship one may make the financial change so significant that a decision may be taken to leave the organization.

40. Other ALD contract holders have reported difficulties in making the conversion because of inconsistencies in the application of human resource policies, particularly at the country-office level. Promises are often made and then it is discovered that there are reasons why these promises cannot be honoured, leaving the staff member aggrieved.

RECOMMENDATIONS

Calculations of salary for ALD contracts should be made less arbitrary, and more explanation given about differences between salary levels for ALD contracts compared with 200-series contracts.

More clarity needs to be provided about the circumstances in which ALD contracts are given rather than 200-series contracts.

3. United Nations Volunteers

41. The Office of the Joint Ombudsperson continues to provide services to the United Nations Volunteers programme and dealt with a number of cases over the reporting period. They occurred in general because of a lack of knowledge at the country office level as to how the rules and regulations apply to UNV specialists (a point raised in the two previous reports). The Office has been contacted in cases of alleged unfair dismissal, improperly conducted evaluations, and entitlements.

42. It should be noted that the Office of the United Nations Volunteers in Bonn cooperates fully with the Office of the Joint Ombudsperson and cases were usually solved in a satisfactory manner.

RECOMMENDATION

The Ombudspersons repeat the importance of treating UNV specialists with due professional regard and underline the importance of UNV specialists themselves becoming fully aware of the conditions governing their employment, particularly regarding appraisal and recourse procedures.

4. Rehiring

43. The Office of the Joint Ombudsperson continues to hear about and deal with examples of staff being hired by an organization after a period of not working in the system. It sometimes becomes clear that the person being rehired had not performed satisfactorily in the previous position; however, performance appraisals and/or references were not checked prior to rehiring. This is linked to the ongoing problem, noted above, of performance appraisals not reflecting the true nature of performance. These appraisals may be either unjustifiably positive, lukewarm or negative in a way that makes it impossible to realistically judge the abilities of the applicant. Referees may not give a true picture of abilities and past performance. Efforts should be made to consult as many objective sources as possible in the case of rehiring.

44. Conversely, the Office of the Joint Ombudsperson has dealt with examples of cases where competent staff members have been penalized because of irregularities in the performance appraisal system or in the recruitment process. It is nearly impossible for a staff member to ascertain whether there may be information available in addition to that contained in the performance appraisal that could have an adverse effect on being hired for another position. The Office has assisted in informal processes to redress several examples of this.

RECOMMENDATION

Organizations should strengthen efforts to ensure that the performance appraisals of those seeking to be rehired by the United Nations portray faithfully the competencies required and should seek other objective sources of information regarding the potential of a candidate.

5. 200-series contracts

45. As in past years, grievances arising from the use of the 200-series contractual modality have led staff members to consult the Office of the Joint Ombudsperson. The 200-series contract was originally conceived as a means of hiring staff for projects both in country offices and at headquarters duty stations, but for various budgetary and management reasons staff may be hired under this type of contract as a way of supplementing the numbers of budgeted and classified 100-series posts. In the

past, holders of 100- and 200-series contracts received nearly the same rights and privileges, giving rise to the view among staff that the two could be regarded as interchangeable. However, practice has shown that 200-series contract holders have found themselves disadvantaged at the time of extension, funding, separation and promotion. Holders of 200-series contracts sometimes discover that they are “second-class citizens”.

46. Some of the more blatant abuses have resulted in abrupt dismissal, shortened terms of a contract because of alleged financial considerations, inappropriate recruitment and/or conversion processes, dismissal at the end of a series of renewals totalling nearly five years, putting the staff member’s pension at risk, and posts not being classified at the appropriate level. The performance evaluation of 200-series contract holders may also not receive the same scrutiny as is expected for 100-series contract holders.

47. As with other contractual modalities, some of the problems arise from a lack of clarity of policy or from the way policy is interpreted and implemented at the working level. There is considerable latitude in the way human resources policy is implemented in country offices, and the 200-series modality is one of the types of contract that may be abused because of its apparent flexibility and the variety of circumstances in which it may be applied. Even a recent search of the UNDP intranet revealed no policy documents relating specifically to 200-series contracts.

RECOMMENDATIONS

A policy document should be available to indicate precisely the conditions applicable to 200-series contracts for all of the organizations served by the Office of the Joint Ombudsperson. The policy document should be easily accessible to all staff.

The conditions for employment on a 200-series contract should be made clear to prospective candidates prior to recruitment and should be based on the policy document.

The circumstances in which a 200-series contract is appropriate should be clarified so as to avoid unrealistic expectations once a contract has started.

6. Special service agreements

48. During the reporting period, the Office of the Joint Ombudsperson received a number of complaints from holders of special service agreements (SSAs). The most blatant abuses of past years such as overly long retention of consultants and inappropriate rates of pay are no longer prevalent but there remains dissatisfaction arising from the management of various aspects of this contractual modality. The new guidelines for breaks in service now seem to ensure that SSA contract holders work for a period of time with a break for some months before their next assignment.

49. SSA contract holders have reported working with unrealistic terms of reference, or terms of reference that were changed once the contract was begun. It was reported that contracts were sometimes terminated abruptly when it was deemed that the work of the contract holder did not meet expectations. Moreover, in some instances, there seemed to have been initial confusion about the qualifications required: consultants were hired on the basis that they had demonstrated the appropriate qualifications to be hired but once the work started they were told that they were not up to the task. SSA contract holders also mentioned that they were asked to report to people who knew little about the job being carried out.

50. Performance assessment is an ongoing source of dissatisfaction in the SSA modality. There is supposed to be an assessment when an SSA holder completes the contract but the Office of the Joint Ombudsperson has been made aware that, in some instances, either the evaluation form is not completed at all or it is completed by someone who had little direct supervisory relationship with the SSA holder. SSA holders have no means of rebutting an unsatisfactory evaluation, indeed it may not even be given to the contract holder and the only means of finding anything out is through hearsay or informally from another sympathetic staff member. It is not apparent that there is any ongoing monitoring during the time of the contract, so SSA holders may not have any idea of how their work is being perceived.

51. This lack of transparency carries over into the area of rosters and applications for future employment. Since there seems to be no centralized consultant roster or even any uniform standards for judging the competency of consultants who would be working on an SSA, it makes it difficult to judge whether a candidate is qualified and/or has done good work for one of the organizations. On the other hand, a capable candidate may be penalized by an evaluation done by someone not able to judge the performance or by one that is incomplete, or in some cases, there has been no evaluation at all and therefore the satisfactory completion of an assignment is not part of the record of the potential consultant. This can also relate to the rehiring of staff for other positions (see paragraphs 43-44)

52. There have also been grievances relating to the absence of terms of reference and abrupt changes in the nature of assignments during the course of a contract. In the case of one organization, the office of the Joint Ombudsperson was informed that it is normal for SSA holders to be working without terms of reference, or to find that their terms of reference have changed without proper notification, on the grounds that there are emails or memoranda so that all contract holders “know what is expected of them”. In the view of the Office of the Joint Ombudsperson, it is not appropriate for any contract holder to be working without terms of reference, and if terms of reference change, new ones should be drafted in an appropriate format. Without such written terms of reference, it is not possible to evaluate performance. Furthermore, in the event of disputes about performance or contract termination, the organization will not easily be able to defend itself if a contract holder decides to seek arbitration.

RECOMMENDATIONS

All SSA holders should have formal terms of reference that are realistic and that provide the benchmarks against which performance will be evaluated. If the nature of the assignment changes during the contract period, terms of reference should be amended.

All SSA holders should have an evaluation at the end of their assignment, undertaken by the supervisor of the assignment. The SSA holder should have access to this evaluation and should have an opportunity to challenge the evaluation in the event of disagreement.

7. The Career Review Group

53. It has been brought to the attention of the Office of the Joint Ombudsperson that in some field offices, staff members’ contracts may be terminated by the UNDP CRG on the grounds of lack of funding. It is the understanding of the Ombudspersons that the CRG does not have the authority to terminate a contract and, according to its terms of reference, may make recommendations to the Resident Representative only on the basis of documented performance.

RECOMMENDATION

As part of establishing effective performance appraisal systems in all organizations, and as recommended elsewhere in the present report, clear guidelines should be established for the appraisal process, with appropriate checks and balances that will enable those evaluating to act strictly according to their terms of reference and will allow those being evaluated to challenge the evaluation.

8. Sick leave

54. It has come to the notice of the Office of the Joint Ombudsperson that both at headquarters and in country offices, some managers have attempted – and succeeded in some cases – to find out why a staff member has been on sick leave. The Ombudspersons remind all concerned that medical records are strictly confidential documents accessible only to the staff member, the doctor(s) concerned and the United Nations medical services. It is a matter of grave concern that anyone should attempt to violate this confidentiality.

RECOMMENDATION

All the organizations should take the utmost care to ensure that the confidentiality of medical records is maintained.

III. OTHER OBSERVATIONS

A. Independence of the Office of the Joint Ombudsperson

55. As indicated in the terms of reference, the Ombudsperson operates in strict accordance with a number of cardinal principles: independence; objectivity; confidentiality; accessibility; and the pursuit of justice. While Ombudspersons themselves bear the responsibility to act and to be perceived as acting in a manner consonant with these principles, the staff and management of each organization also bear responsibility to ensure that conditions are met to enable the Ombudspersons to operate accordingly.

56. For example, an ombudsperson will always stipulate that conversations with individuals seeking assistance from the Office of the Joint Ombudsperson are confidential: the Ombudsperson will not disclose the content of a conversation nor the source of information provided confidentially unless specifically requested to do so by the individuals themselves. The individuals, for their part, have the responsibility to conform to the same accepted degree of confidentiality. Unfortunately, this responsibility is not always respected and there have been examples of individuals who have disclosed the nature of conversations that had been held on the strict understanding that they would be confidential. This has a counterproductive effect in that possible options are discussed outside the privileged environment otherwise enjoyed by an Ombudsperson and opinions may be wrongly attributed to anyone of the parties in a dispute, thus blocking a mutually acceptable way forward.

57. Similarly, some parties in a dispute will try to discover who has said what in a first step to retaliating against colleagues who have brought a grievance to the Ombudsperson. “I know exactly who you got that from,” an ombudsperson often hears, “and I can tell you that the person who told you has not been performing adequately for some time. She’s the one who told you, isn’t she?” Ombudspersons know how to deal with such attempts to undermine confidentiality and compromise the objectivity of the Office and are constantly on guard to prevent them.

58. The operating principles noted above are strongly interlinked, with the principle of independence being the kingpin. When the office enjoys true independence, then as a matter of course an effective ombudsperson operates in accordance with the other principles. Attempts to undermine the independence of the office or to discredit the ombuds function require that the Ombudspersons reassert the operating principles. The time required to do this detracts from time that would otherwise be spent on responding with maximum efficiency to staff who seek ombuds services. The opportunity cost is borne by staff at every level of the organizations.

59. What responsibilities do the Ombudspersons, management and staff have to ensure that the Office of the Joint Ombudsperson is indeed independent?

60. The answer to that question lies again in the terms of reference, which give the guarantee that “that the Ombudsperson will not be removed for political reasons or because the results of investigations have offended those in power”. Clearly, the Executive Heads entered into a commitment in establishing the Joint Office; it is a commitment that has been shared by the Ombudspersons themselves. Every attempt has been made by the Office of the Joint Ombudsperson to remain scrupulously objective and confidential and to uphold the principle of independence. The Ombudspersons also appreciate that the Executive Heads do not attempt to exercise control over the

modus operandi of the Office of the Joint Ombudsperson and have in fact on a number of occasions directly sought intervention from the Ombudspersons.

61. The Ombudspersons equally have the reasonable expectation that the solutions they are required to suggest in individual cases, in accordance with the terms of reference, are taken seriously by the Executive Heads, notwithstanding the need expressed earlier for a more timely and effective response to the annual report and to the recommendations it contains.

62. Managers and staff sometimes seek solutions and action from the Office of the Joint Ombudsperson when in fact action by management itself is the required response. The services of the Office are always available to managers who might wish to examine their options in the light of experience gained by the Ombudspersons. The Ombudspersons cannot, of course, become a formal part of the solution but can help to open up communication between the parties. In keeping with the terms of reference, the Ombudspersons try to empower parties in a conflict to bring about their own resolution; such a resolution can never be dictated by the Ombudsperson nor should responsibility be shirked by claiming that the Ombudsperson is responsible for a course of action taken.

63. The Office of the Joint Ombudsperson has introduced the mediation function as a further way of facilitating dialogue among people in an impartial setting. As noted in the introduction, the Office benefited greatly from the services of a distinguished professor of law during her sabbatical leave. Two other members of the team have qualifications and skills in mediation and the web site has a section dedicated to mediation.

64. In short, and as noted passim in the report of the Redesign Panel, the independence of the Office of the Joint Ombudsperson is essential: the Office must be free of all attempts to annex its authority; its reports require a timely response; its recommendations should be heeded in a constructive manner, as they were submitted; its potential to find equitable, acceptable solutions should be maximized by all concerned; and its motto, *working together to find solutions*, should be a constant reminder that the Office is a positive force for effective, speedy and cooperative action.

B. Follow-up on the recommendations of the Joint Ombudsperson

65. A separate section has been assigned to this topic even though it has been referred to very clearly in other parts of the report. In the opinion of the Ombudspersons, only half the job can be done if the recommendations are allowed to languish. One part of the work of the Office of the Joint Ombudsperson is to respond confidentially and individually to all who seek assistance, whether they are staff or management. The statistics presented in annex I show the number and types of cases from a variety of perspectives. Overall numbers show that the services of the Office are sought on a regular basis. What the Office cannot show, unfortunately, is the effect of the recommendations submitted to the organizations by the Ombudspersons. The Ombudspersons do not wish to draw the conclusion that the recommendations are superfluous nor would they like the staff of the organizations to reach a similar conclusion. The recommendations are the result of many conversations and much correspondence on how to address systemic problems in the organizations. The Office has consolidated what the Ombudspersons have heard from dedicated staff with the aim of providing senior management with possible alternatives for more effective ways forward.

66. The Ombudspersons urge management to give the same seriousness of thought to the recommendations, as did those who made a point of contacting their Ombudspersons.

C. Human resources management

67. As indicated in the discussion in section G below of the ‘crystal ball’ exercise during the annual meeting of the United Nations and Bretton Woods Institutions, ombudsmen and mediators an issue raised by many ombudspersons was the changing role of offices of human resources. The Ombudspersons wish to note that they have established good working relations with a number of human resources specialists and advisers in all the organizations and would like to extend to them their thanks for effective collaboration.

68. In particular, it was noted in the annual meeting that in a number of international organizations, offices of human resources are becoming increasingly powerful. During the reporting period, grievances from staff focused on this trend as especially noticeable in UNDP. Simultaneously with a reduction in job security, there has been a shift in the balance of posts between 100-, 200- and 300-series contracts, an increasing use of the service contract modality, and a lengthening of the permitted maximum period for SSA contracts. It appears that these trends are not only endorsed but shaped by OHR, with the aim of contributing to a more productive and competitive working environment. The Office of the Joint Ombudsperson has had occasion to raise doubts about these changes, and some of the main concerns will be re-emphasized here.

69. It is not evident that greater job insecurity does indeed create a more productive working environment. The contribution and productivity of staff members depends on their commitment, enthusiasm and experience as well as on their skills and professionalism. A degree of organizational stability is required to retain this commitment, enthusiasm and experience. In this context, the United Nations provides staff with training opportunities that enable them to continuously upgrade their skills, which involves an investment of significant resources in the existing workforce. In addition, contractual stability provides staff with a degree of protection and the possibility of recourse against the type of arbitrary and abusive management which the Office of the Joint Ombudsperson has encountered. Furthermore, the appointments process is extremely costly in terms of staff time, and the costs of continuous replacement of staff hired under short-term contracts needs to be fully acknowledged. Further costs associated with short-term contracts result from the inevitable loss of focus, time and energy by staff that will necessarily devote significant amounts of time to job-search, as noted in section II.B.

70. Aspects of the increased influence of OHR in UNDP, which may be mirrored in other organizations, as signalled in the annual meeting of ombudspersons and mediators, include the following:

Frequent changes in procedures governing recruitment, appointments and reassignments. This means that staff outside OHR are rarely fully cognizant of the rules, giving OHR much greater influence;

There are arbitrary elements in the recruitment and appointments process which give OHR considerable leeway but this leeway is not available for the hiring unit in some cases; for example, highly qualified candidates with proven capacity are sometimes not recommended for appointment, against the judgement of the hiring unit. At the same time, great leeway is given to some hiring units allowing them to justify disqualifying long-serving displaced staff members based on a 30-minute interview. Such counterproductive decisions are apparently unchallengeable, once endorsed by OHR;

In cases of disputes among members of interview panels it seems OHR acts as arbiter and makes the final decision; and

The downplaying of substantive and professional skills in the appointments process – by upholding that all members of shortlists are equally professionally qualified – gives OHR greater authority, as the interview panel, rather than addressing professional and technical abilities, focuses on generic competencies, which are defined by OHR and assessed by methods determined by OHR.

71. At the same time, there are a number of unfortunate consequences stemming from a failure to apply appropriate standards and quality control in human resource decisions. One evident to the Office of the Joint Ombudsperson is that some appointments have been made to senior management positions in which the appointee has no demonstrated management skills, no management experience and is offered no management training. Another is that senior staff are reassigned to increasingly responsible positions despite widespread knowledge of their poor management skills.

72. In the past, the role of OHR was as a facilitator of appointments and recruitment processes, with the decisions taken on substantive/professional grounds by appropriate appointments committees, operating according to procedures which were flexible enough for the committee itself to arrive at a decision which was satisfactory to all concerned. The shift towards OHR playing a much more central and influential role in appointments has occurred without an overt decision having been taken that this shift is desirable and that it will improve the quality of appointments. From the perspective of the Office of the Joint Ombudsperson, it is not possible to agree that decisions regarding appointments made by OHR are superior to those made by substantive/professional units, since the latter inevitably have more understanding of the nature of the position.

RECOMMENDATIONS

All organizations should ensure that the role played by human resources offices in appointments and reassignments strikes an appropriate balance between the offices and substantive units in decisions concerning human resources.

All organizations should ensure greater clarity and consistency in the rules governing appointments to ensure that the best candidates are appointed.

D. Staff associations

73. The Office of the Joint Ombudsperson has held a number of consultative meetings with the UNICEF Global Staff Association and with the UNDP/UNFPA/UNOPS Staff Council. These meetings have been productive and have enabled a free exchange of views on matters concerning all organizations. The UNICEF Global Staff Association has given valuable assistance in raising awareness of the Office throughout the organization while the UNDP/UNFPA/UNOPS Staff Council has on many occasions, both formally and informally, urged the administration to respond to the report of the Ombudsperson. The Office of the Joint Ombudsperson looks forward to increased cooperation with the representatives of all the organizations.

74. Nevertheless, many staff have indicated to the Office of the Joint Ombudsperson that the Staff Council and Staff Associations could function more effectively. In the case of the

UNDP/UNFPA/UNOPS Staff Council, there is a perceived problem of lack of representativeness. This is in large part because of the absence of contested elections, in that there has not been a contested election for seven years. There seem to be several reasons for this. First, perhaps the increased pressure of work has made it difficult for staff to take on an additional commitment. Secondly, certain staff members feel that by becoming a member of the Staff Council they may jeopardize their career and promotion prospects. But thirdly, the relevance and importance of the Staff Council might need to be enhanced, to ensure that it is genuinely representative of staff members, so that it can more effectively play its role of defending working conditions.

75. The Ombudspersons have visited country offices with effective, participatory staff associations that have instituted innovations in the office and suggested ways of increasing output while preserving staff rights and respect for all in the workplace. In many country offices, however, staff associations are inactive and ineffective. There is great potential to increase their viability as a means of enhancing staff-management relations and providing a useful channel for raising grievances, particularly those that affect many staff. The inter-agency cooperation discussed at length in section III.G below is an area where revitalized local staff associations can play a major role.

76. In the view of the Office of the Joint Ombudsperson, some serious consideration needs to be given to ways of revitalizing the UNDP/UNFPA/UNOPS Staff Council, by encouraging staff to participate. It would be useful for senior management to reiterate their support for the Staff Council and their commitment to ensuring that no negative consequences will follow for anyone's career as a direct result of membership of the Staff Council. It is also essential to find ways of similarly revitalizing staff associations at the country level. The health of the organization as a whole depends on the existence of effective channels through which the views of staff can be represented and through which staff can be involved in consultation processes. For example, the current difficulties concerning recruitment and reassignment are issues in which the Staff Council has been closely involved, and in which serious and sustained efforts have been made to represent staff interests. However, the effectiveness of this effort could be greatly strengthened by enhancing the degree to which the Staff Council is perceived to be representative of the staff as a whole.

E. Investigation processes

77. The importance of providing adequate training for members of investigation teams was underlined in the report for 2005 (see section III. E). In addition to what was said at that time, the Ombudspersons wish to voice a further concern. There seems to be a two-tiered system for investigations: one that uses the services of properly trained professionals and the other that uses ad hoc, mainly volunteer, investigators. Without wishing in any way to diminish the valuable role played by volunteers in this area, whether they are current or retired staff members, the Ombudspersons believe that any alleged breach of the code of conduct for the international civil service must be investigated by professionals who have professional training. It is not clear how the decision is made to hold an investigation neither is it clear under which circumstances a volunteer team is deployed. In situations that can have such far-reaching consequences for professional and personal life, the Ombudspersons believe that the organizations should rely solely on fully trained professional investigators. This is not an area where the organizations should look for cost-cutting measures.

F. “Crystal ball” issues from the fifth annual meeting of the ombudsmen and mediators of the United Nations system and Bretton Woods institutions.

78. During the annual meeting of the ombudspersons and mediators of the United Nations system and related international organizations, held in Rome in September 2006, some time was devoted to a discussion of trends affecting the organizations, and new issues and problems which were emerging and are likely to be brought to the attention of Ombudspersons. This proactive role of the Ombudsperson is explicit in the terms of reference and is standard professional practice. Many of these new issues and problems are already manifesting themselves in the case of the Office of the Joint Ombudsperson; some have even been raised in the annual report for 2005. The most important issues signalled in the September 2006 meeting, which, of course, do not all refer to every organization, were as follows:

Off-shoring, relocation, outsourcing and decentralization;

Hybrid organizations and multi-partnering;

Contractual changes involving the erosion of benefits;

The challenges of transitions;

Ageism;

The changing role of human resource offices, in particular attempts by human resource offices to increase their influence over appointments and reassignment processes. Human resource offices seen as attempting to move beyond the role of facilitating appointments and reassignments, with greater decision-making authority vis-à-vis substantive units;

Increased psychological stress;

The shifting external perception of the United Nations;

The decreasing value placed upon management skills, including the lack of management training and absence of emphasis on management in performance reviews;

The different expectations of new generations of United Nations contract holders – with less job security, new employees may have a different relationship to the institution, with less loyalty and commitment, and ultimately this may lead to a crumbling of corporate values.

79. In relation to ombudspersons, it was felt that there was evidence of increasing vulnerability of ombuds offices, despite the potential for improved status, wider scope and more resources proposed by the Redesign Panel on the United Nations system of administration of justice. The increasing vulnerability has already manifested itself in relation to contractual decisions taken without adherence to the codes of practice governing ombuds offices, as well as changes in terms of reference.

G. Inter-agency cooperation: learning from the World Bank “Respectful Workplace Advisors” programme.

80. In November 2005, Respectful Workplace Advisors (RWAs) from World Bank field offices and from Headquarters gathered in Washington D.C. for four days to receive orientation and training on their role. The training workshop was organized by the RWA programme staff and overseen by the World Bank Office of the Ombudsman. The Information Officer of the Office of the Joint Ombudsperson (UNDP/UNFPA/UNICEF/UNOPS) participated in the workshop.

81. The RWA network at the Bank is a country-level, first-hand resource for informal conflict management, in effect for almost a decade. It consists of peer-selected volunteers who have received basic training in informal conflict resolution. RWA training is a well-established, successful programme at the World Bank. The coordinating team has accumulated an impressive amount of capacity and expertise in the area.

82. The training is essential to equip new RWAs with basic tools needed to interact effectively with staff coming forward with complaints while adhering to important principles of confidentiality and objectivity. One of the major objectives of the seminar was for RWAs to understand their role, boundaries and position vis-à-vis other informal resources available for staff (Ombudsman, Mediation, and Ethics Office). Clearly, in this context, there is a fundamental difference in the authority invested in the Ombudspersons, whereby, for example, they have full access to all documentation and information (except legal and medical records) and the initial, immediate action that can be so usefully undertaken by the RWAs. Effective listening, analysis of issues and referral to appropriate resources were the main aspects of the role discussed. Direct intervention by the RWA in the conflict is discouraged to protect both the visitor and the RWA, who is also a member of staff in the country office. However, RWAs can play a role beyond listening and referring, by discussing options with staff members and sometimes even proposing general and indirect intervention (e.g., making a general observation as the RWA at a staff meeting about policies on particular unacceptable behaviours without naming any specific complainant). In these cases, the RWA would use his/her own judgment but is highly encouraged to discuss any possible action with the Ombudsman’s Office.

83. The World Bank RWA training method and ensuing discussions clearly showed that this local informal network has become a fully integrated tool at the Bank for addressing conflict at its earliest onset. The major lesson learned was that, to be effective, this network needs to be well managed, well maintained and well supported. Most importantly, however, providing effective training will be a key factor. In this regard, it would be highly advantageous for the United Nations to build on the long-standing experience at the World Bank and lessons learned of almost a decade. The achievement would be a workplace with fewer incidences of harassment, prevention of the escalation of issues to costly litigation, higher staff morale, better employee ethics and productivity.

Annex I.

Statistics for 1 January 2006 to 31 December 2006 of UNDP/UNFPA/UNICEF/UNOPS staff members who contacted the Ombudsperson.

During the calendar year 2006 a total of 481 staff members (visitors)¹ contacted the Office of the Joint Ombudsperson, either in person, by phone or by email. Of the total, 361 were from UNDP, 59 from UNICEF, 38 from UNFPA and 23 from UNOPS. Of the total of 481, 263 were women and 218 men, so that women accounted for 55 per cent of visitors and men 45 per cent. The numbers of visitors from UNDP, UNFPA and UNOPS have remained fairly stable compared with previous years. The relatively small number of cases from UNICEF are an indication that the OJO is a new service for UNICEF staff which has only been available from 2006, and therefore that awareness of the OJO is perhaps lower among UNICEF staff members. It is anticipated that, as information about the services available from the OJO spreads, the numbers of cases from UNICEF will rise in the future. It is also important to emphasize that the numbers of visitors do not in themselves reflect the time or costs involved in resolving the issues brought to the attention of the OJO – in some cases it is possible to resolve an issue after one or two discussions, in other, more complex cases, it is necessary to undertake multiple meetings with many parties in order to bring about a resolution.

UNDP

In the case of the 361 UNDP staff members who visited the Office, 53 per cent were women and 47 per cent were men; 76 per cent were from country offices and 24 per cent from headquarters; and 41 per cent were professional staff, 14 per cent national staff and 41 per cent support staff. In terms of the issues raised², 129 (36 per cent) were concerned with interpersonal issues, 153 with abuse of authority and standards of conduct (42 per cent), 25 (7 per cent) with promotion/classification/conversion, 61 (17 per cent) with separation, 55 (15 per cent) with performance issues, 95 (26 per cent) with contractual and working condition issues, 28 (8 per cent) with entitlements, 16 (4 per cent) with financial, legal or disciplinary processes, and 17 (5 per cent) with a range of other issues.

Of the 273 staff members from UNDP country offices who brought grievances to the OJO, 55 were having problems with a direct supervisor, 121 with senior management, 14 with a co-worker, 4 with a supervisee, 27 with human resource offices, and 39 with a policy issue. Of the 88 staff from UNDP headquarters who consulted the OJO, 23 were having problems with a direct supervisor, 26 with senior management, 1 with a co-worker, 2 with a supervisee, 20 with OHR and 13 with a policy issue.

The results of the 361 cases brought to the OJO by UNDP staff were as follows: 73 per cent were closed³, 11 per cent are ongoing, 11 per cent were referred to other offices, and 5 per cent had indicated their intention to proceed to formal channels.

¹ Note that, in accordance with its terms of reference, the OJO offers services to contract-holders who are not, strictly speaking, staff members. Visitors include holders of service contracts, whose contracts clearly state that they are not staff members, and holders of SSAs. In the latter case, there is a provision that disputes may be settled by arbitration, but if it is possible for grievances to be resolved by informal means, via the OJO, this is preferable as well as cost-effective for all concerned. In the context of this annex, the terms 'staff member' and 'visitor' are used interchangeably even though some visitors are not, as explained, staff members.

² The numbers of issues are greater than the number of cases because many visitors have grievances which are complicated and which involve more than one issue.

³ In defining cases as 'closed', this means either that the issue has been resolved to everyone's satisfaction, or that, despite the best efforts of the OJO, there is no possibility of further action at the informal level to resolve the issue.

UNICEF

In the case of the 59 UNICEF staff members who visited the OJO, 66 per cent were women and 34 per cent were men; 58 per cent were from country offices and 42 per cent from headquarters; 51 per cent were professional staff, 36 per cent support staff and 8 per cent national staff. In terms of the issues raised, 10 (17 per cent) involved interpersonal issues, 14 (23 per cent) were concerned with abuse of authority and standards of conduct, 6 (10 per cent) with promotion/classification/conversion, 7 (12 per cent) with separation, 15 (25 per cent) with performance issues, 16 (27 per cent) with contractual and working condition issues, 5 (8 per cent) with entitlements, 1 (2 per cent) with financial, legal and disciplinary processes and 4 (7 per cent) with a range of other issues.

Of the 34 UNICEF country office staff who visited the OJO, 10 were having problems with a direct supervisor, 8 with senior management, 1 with a co-worker, 2 with a supervisee, 7 with human resource offices and 3 with a policy issue. Of the 25 UNICEF headquarters staff who consulted the office, 5 were having problems with a direct supervisor, 5 with senior management, 1 with a supervisee, 7 with HR and 2 with a policy issue.

The results of the 59 cases brought by UNICEF staff were as follows: 61 per cent were closed, 25 per cent are ongoing, 7 per cent were referred to other offices and 7 per cent had indicated their intention to proceed to formal channels.

UNFPA

Of the 38 UNFPA staff who visited the OJO, 66 per cent were women and 34 per cent were men; 68 per cent were from country offices and 32 per cent from headquarters; 52 per cent were professional staff, 32 per cent were support staff and 16 per cent were national staff. In terms of the issues raised, 18 (47 per cent) were concerned with interpersonal issues, 19 (50 per cent) with abuse of authority and standards of conduct, 4 (10 per cent) with promotion/classification/conversion, 6 (16 per cent) with separation, 9 (24 per cent) with performance issues, 4 (10 per cent) with contractual and working condition issues, 2 (5 per cent) with entitlements, and 1 (2 per cent) with financial, legal and disciplinary processes.

Of the 26 UNFPA country office staff who visited the OJO, 9 were having problems with a direct supervisor, 8 with senior management, 2 with a supervisee, 4 with human resource offices, and 3 with a policy issue. Of the 12 UNFPA headquarters staff who consulted the office, 6 was having problems with a direct supervisor, 4 with senior management, 1 with OHR and 1 with a policy issue.

The results of the 38 cases brought by UNFPA staff were as follows: 68 per cent were closed, 21 per cent are ongoing and 11 per cent were referred to other offices.

UNOPS

Of the 23 UNOPS staff who visited the OJO, 16 were men and 7 were women; 14 were from headquarters and 9 from country offices; 18 were professional staff and 5 were support staff. In terms of the issues raised, 5 (22 per cent) were concerned with interpersonal issues, 5 (22 per cent) with abuse of authority and standards of conduct, 2 (9 per cent) with promotion/classification/conversion, 10 (43 per cent) with separation, 1 (4 per cent) with performance issues, 6 (26 per cent) with contractual and working condition issues, 3 (13 per cent) with entitlements, 3 with financial, legal and disciplinary processes, and 2 (9 per cent) with a range of other issues.

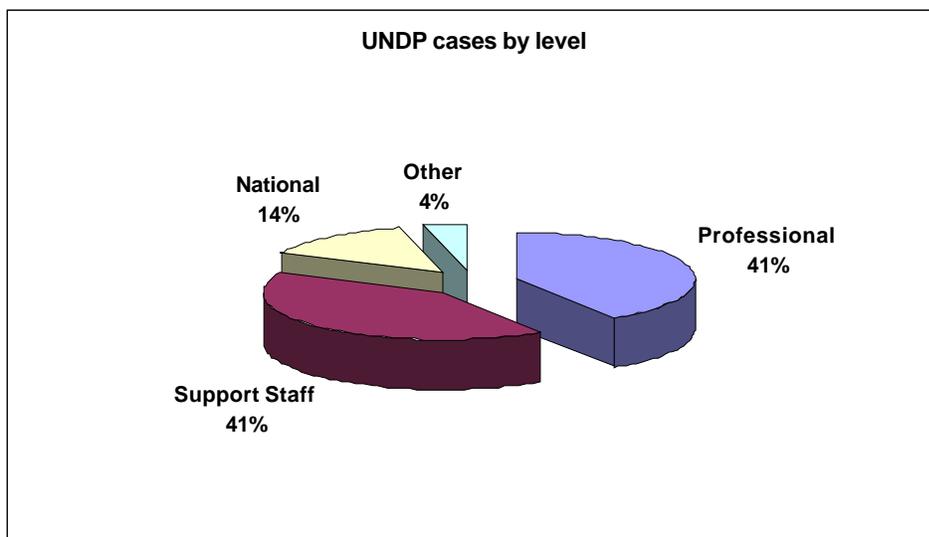
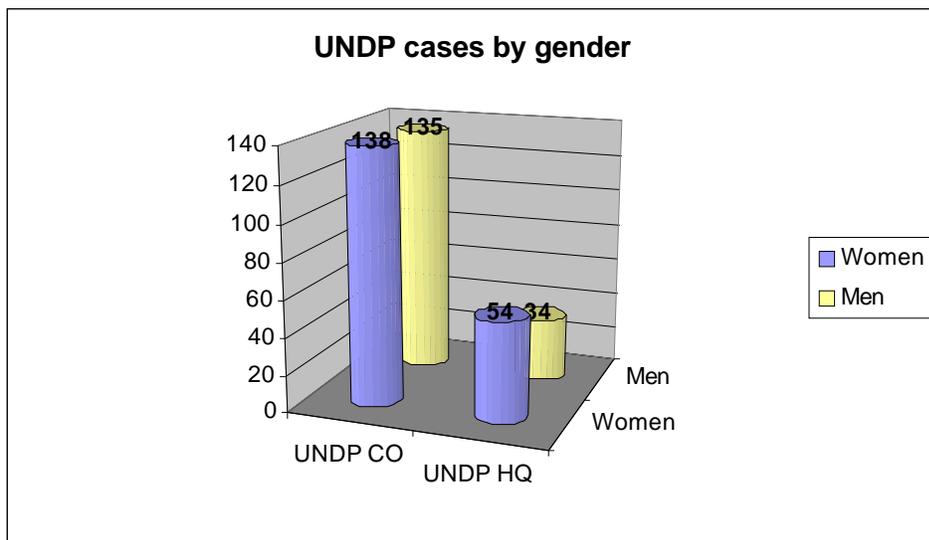
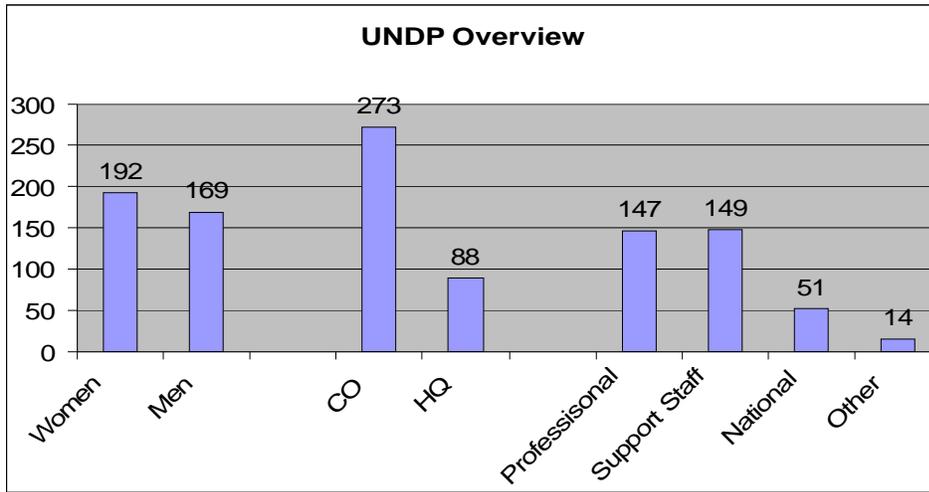
Of the 14 UNOPS headquarters staff who consulted the OJO, 1 had problems with a direct supervisor, 3 with senior management, 4 with OHR and 5 with a policy issue. Of the 9 UNOPS country office staff who visited the office, 2 had problems with a direct supervisor, 2 with senior management, 2 with a co-worker, and 2 with a policy issue.

The results of the cases brought by UNOPS staff were as follows: 78 per cent were closed, 13 per cent are ongoing and 9 per cent were referred to other offices

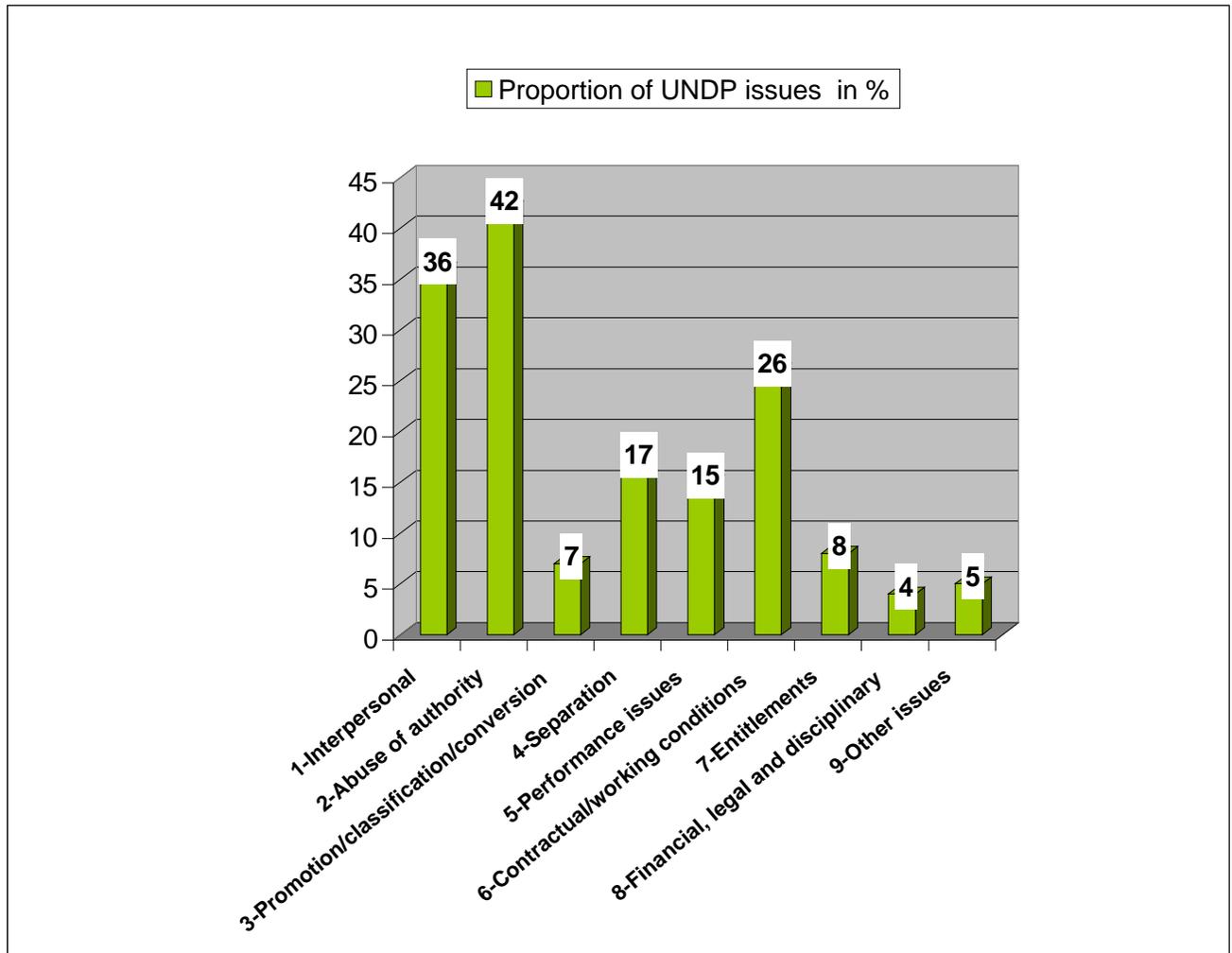
Breakdown of cases by agency

A. UNDP cases

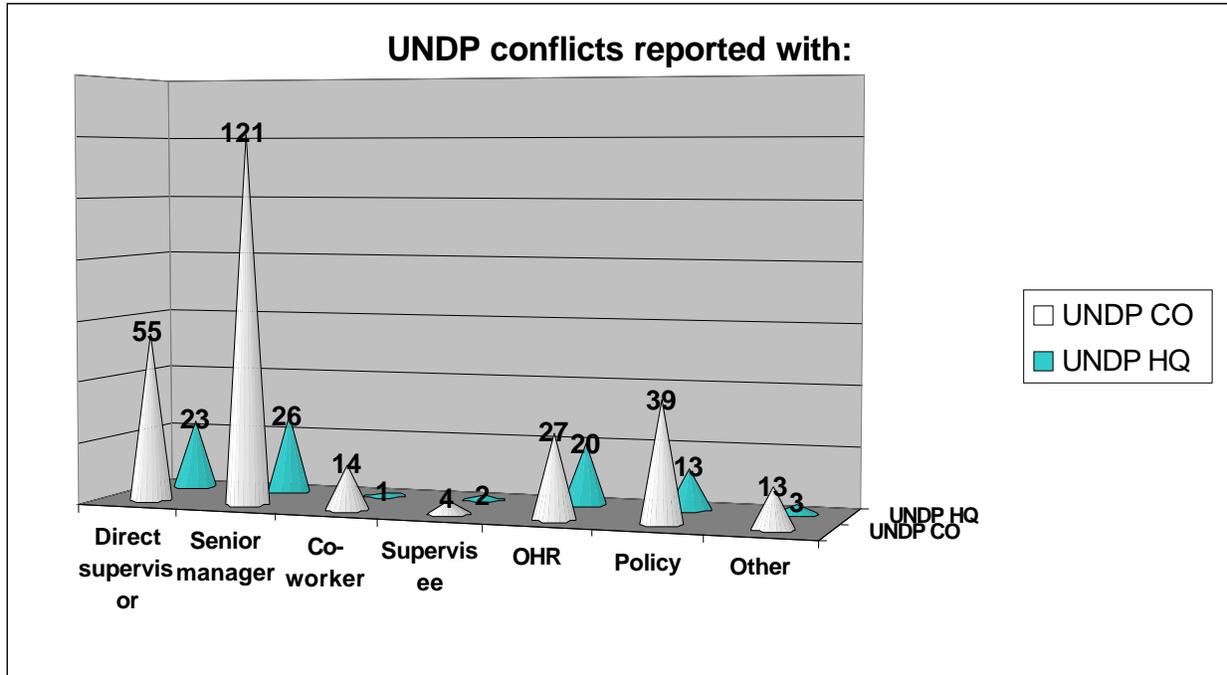
a. Overview



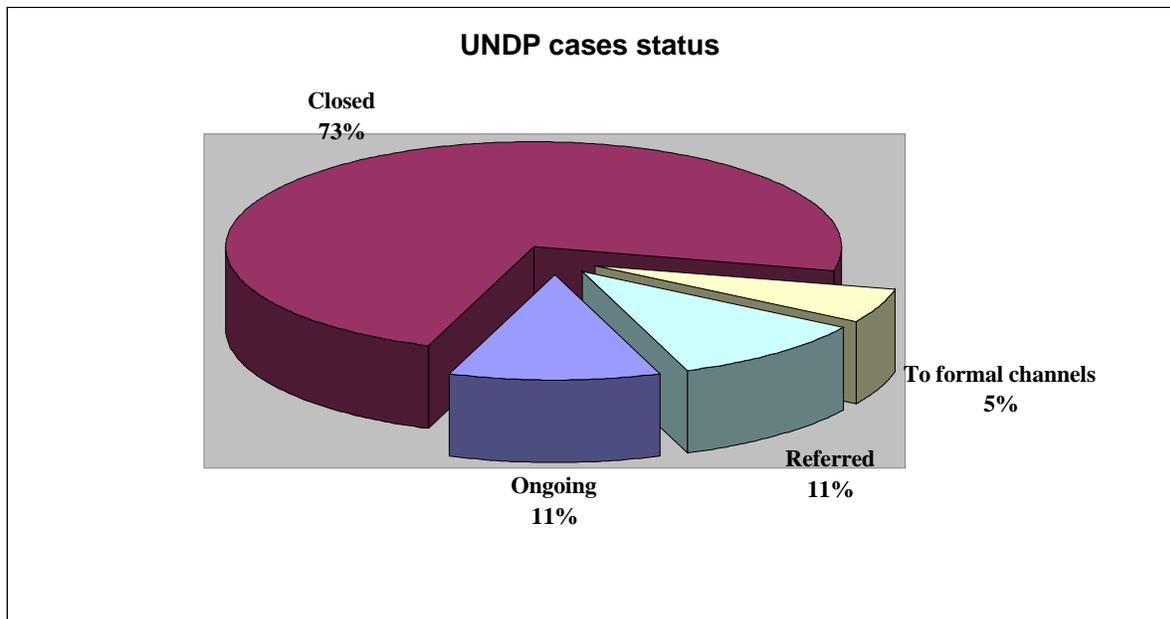
b. UNDP issues



c. **Other party in the dispute**

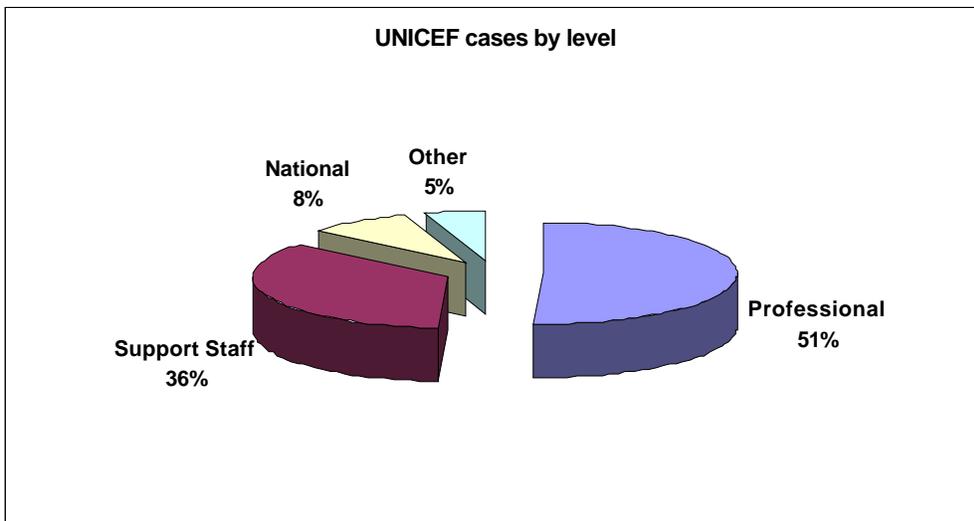
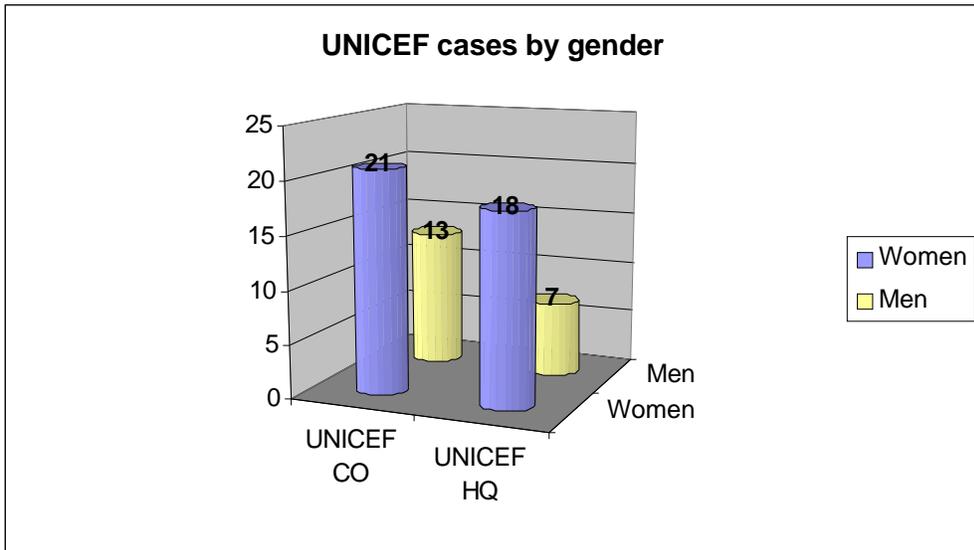
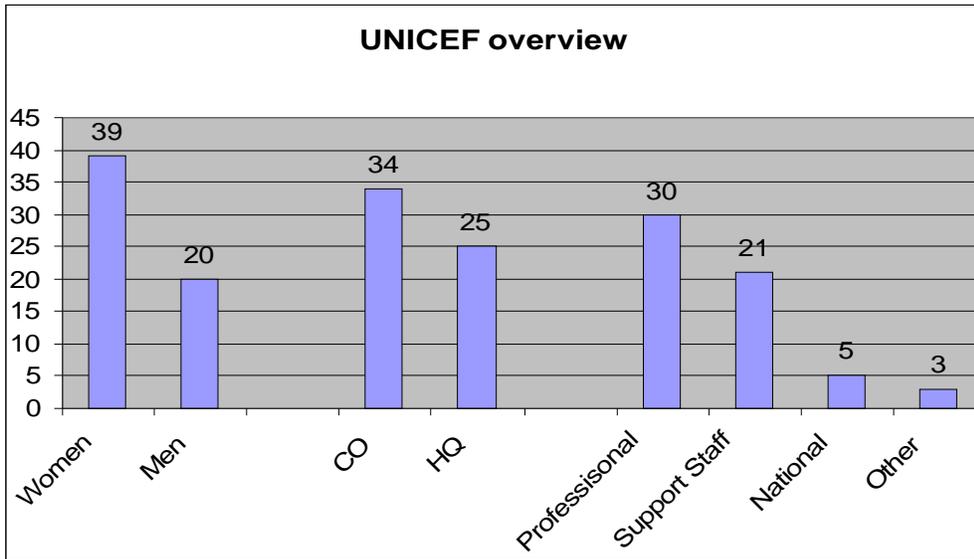


d. **Status of cases**

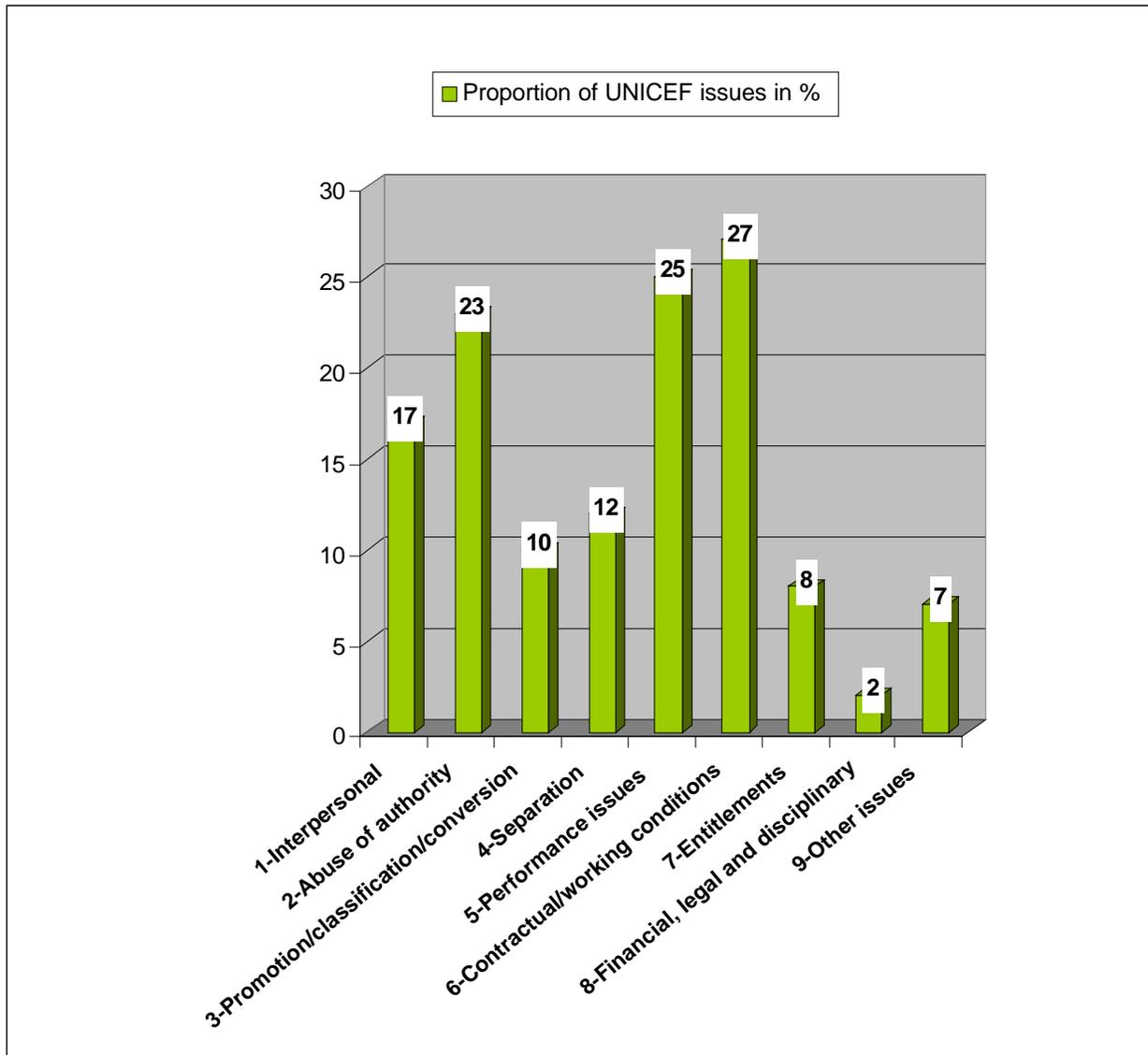


B. UNICEF cases

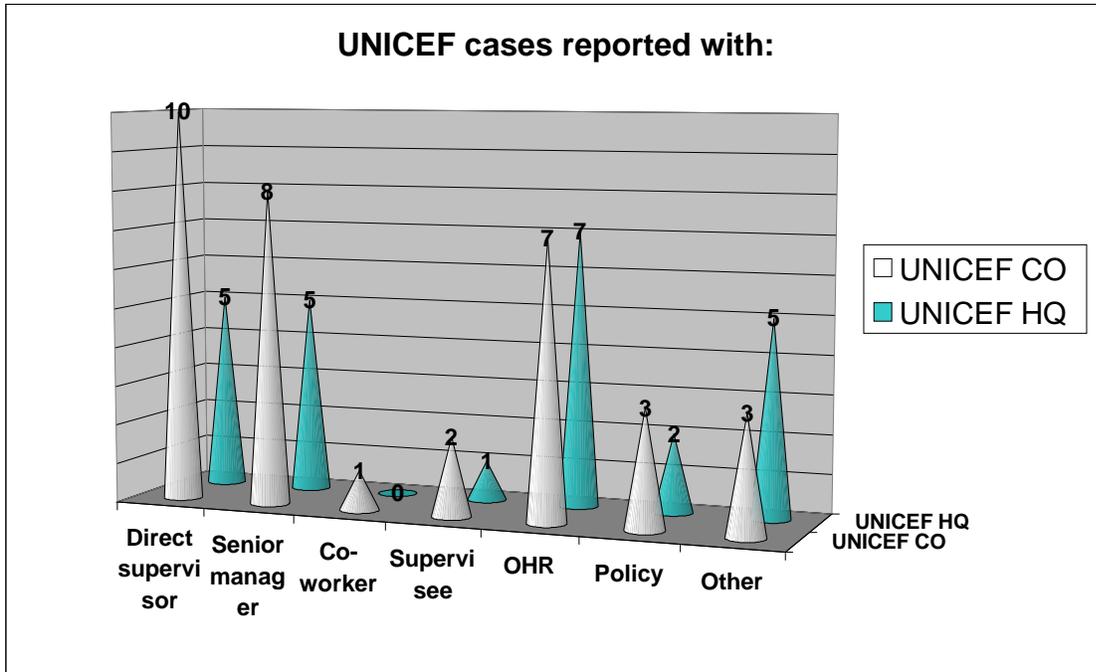
a. Overview



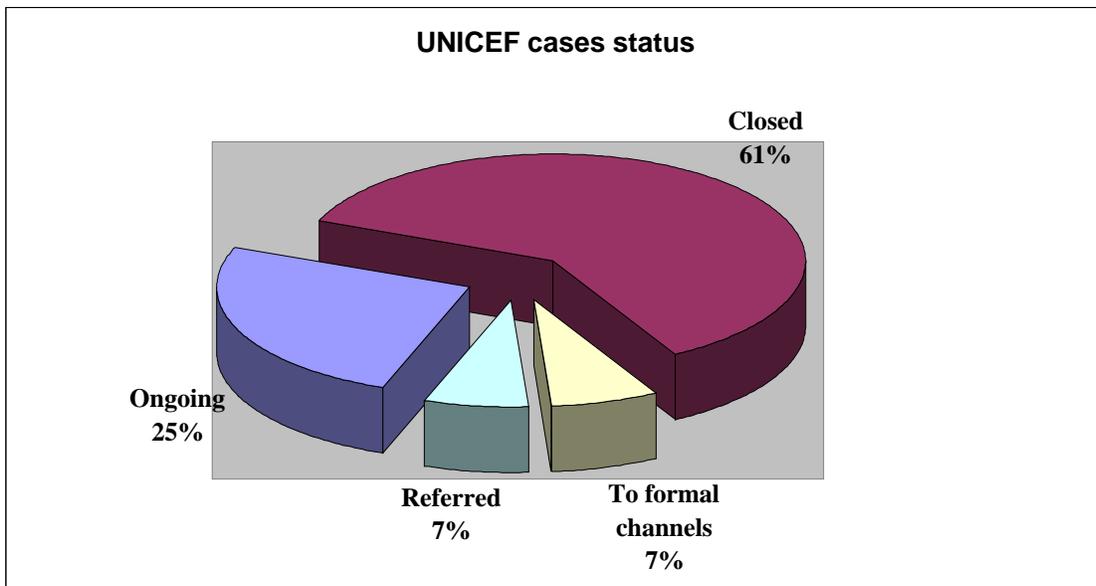
b. UNICEF issues



c. **Other party in the dispute**

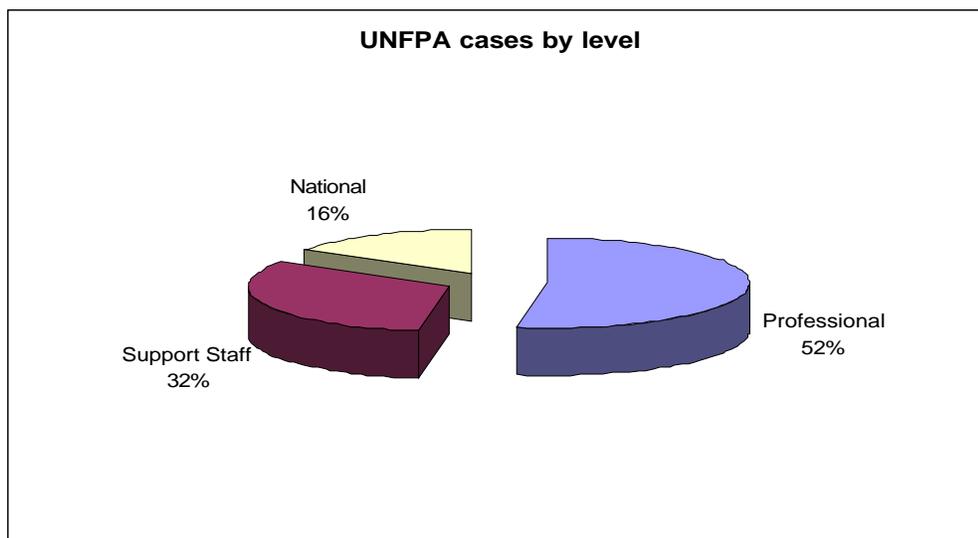
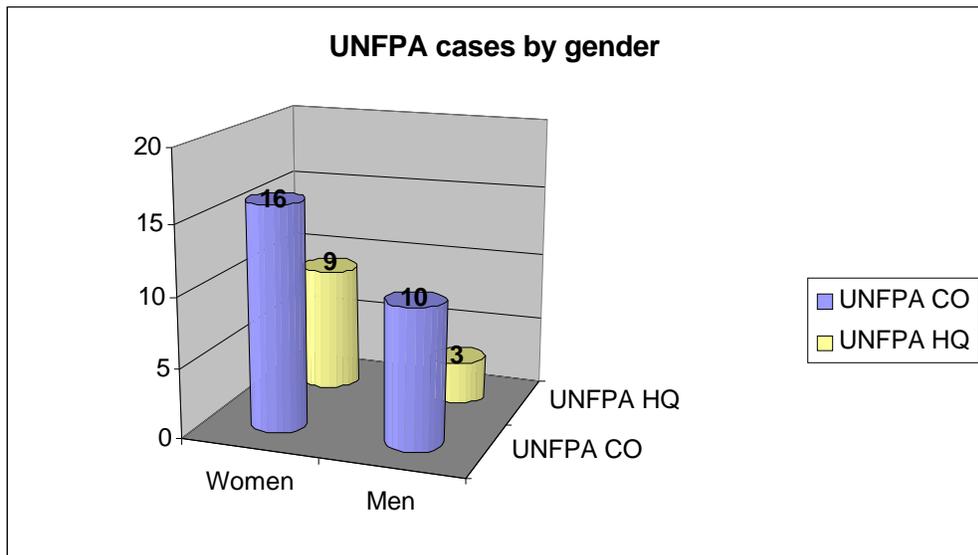
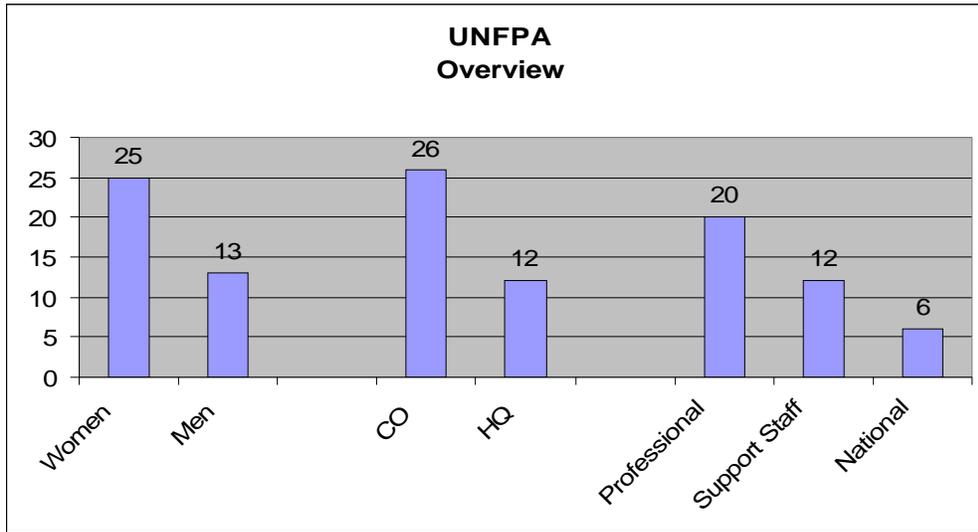


d. **Status of cases**

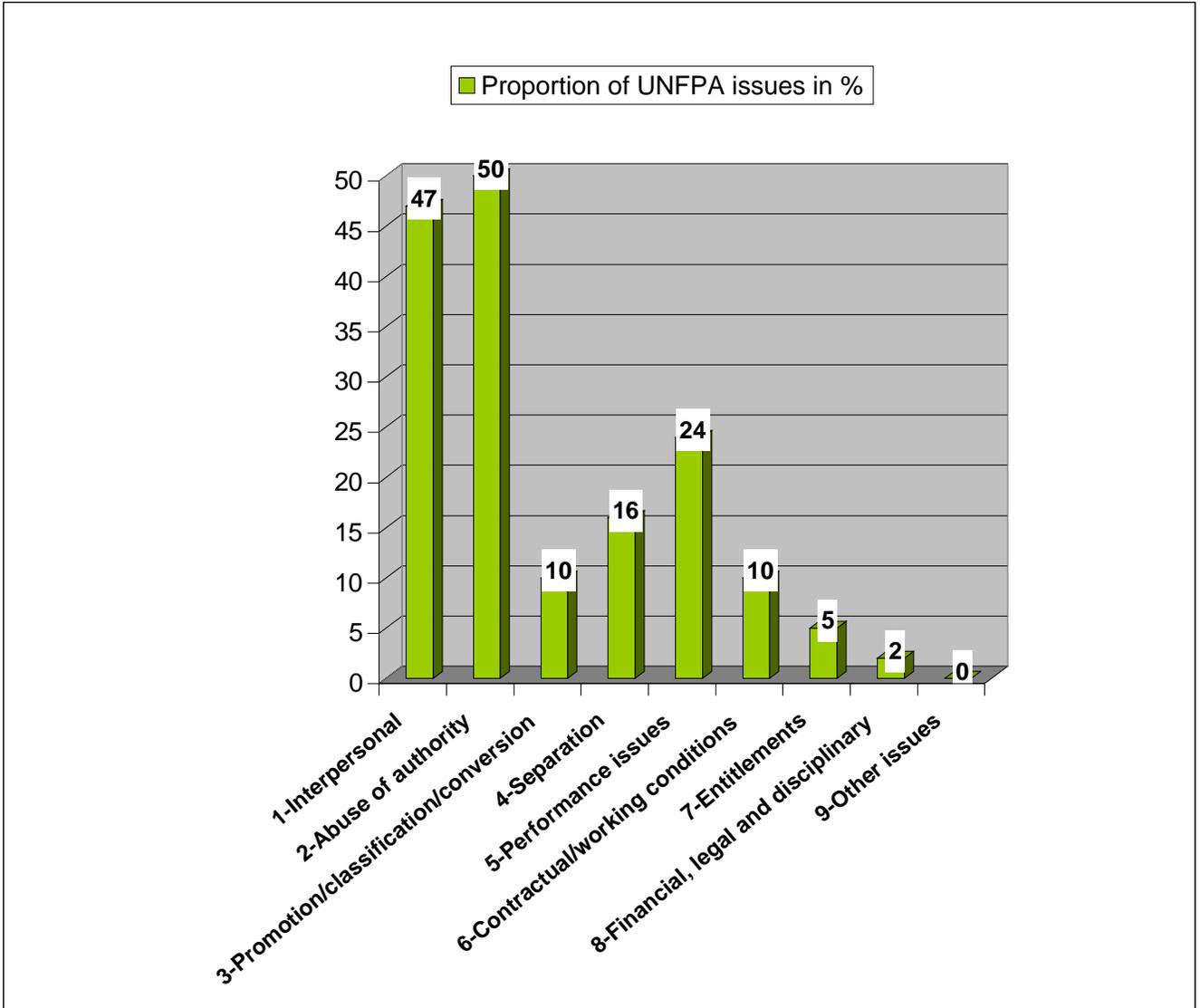


C. UNFPA cases

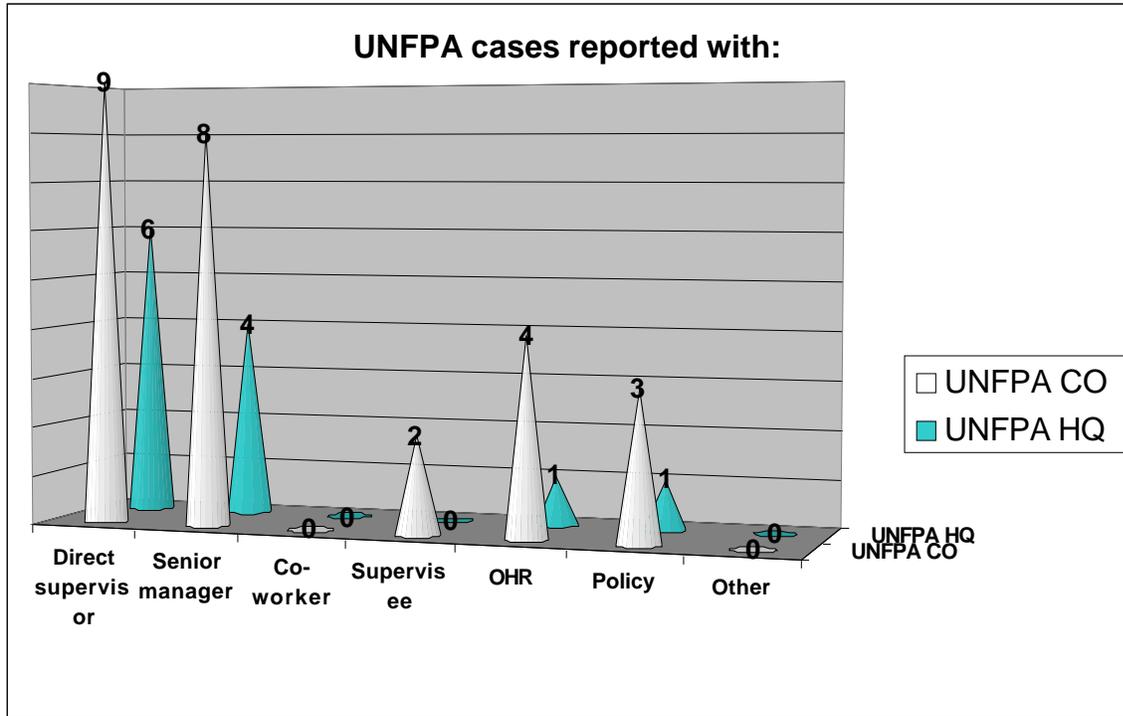
a. Overview



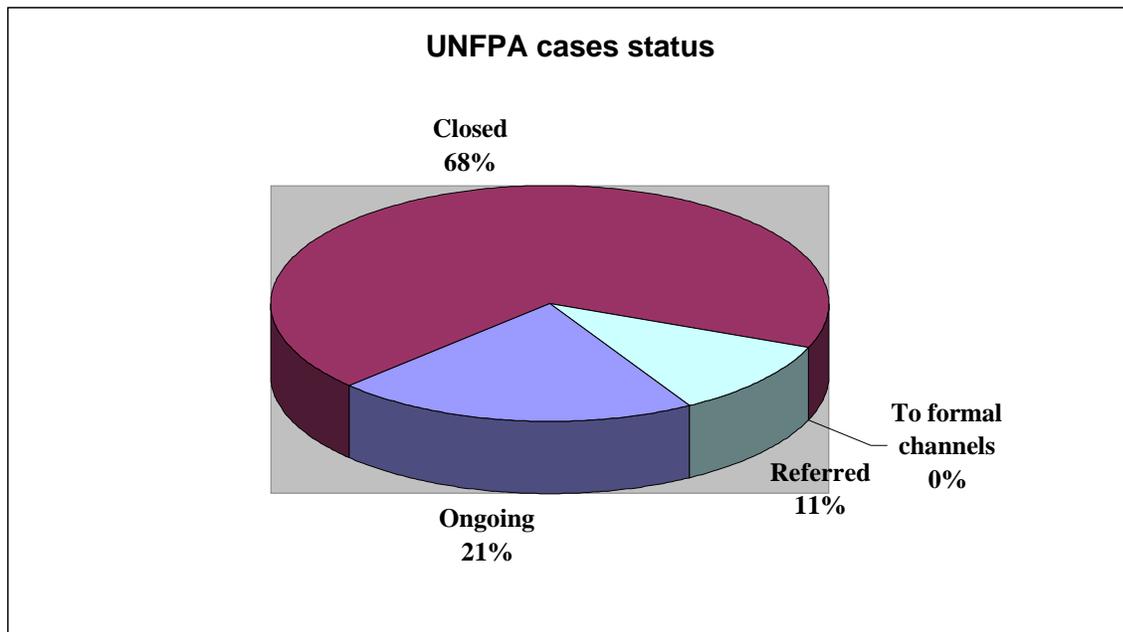
b. UNFPA issues



c. **Other party in the dispute**

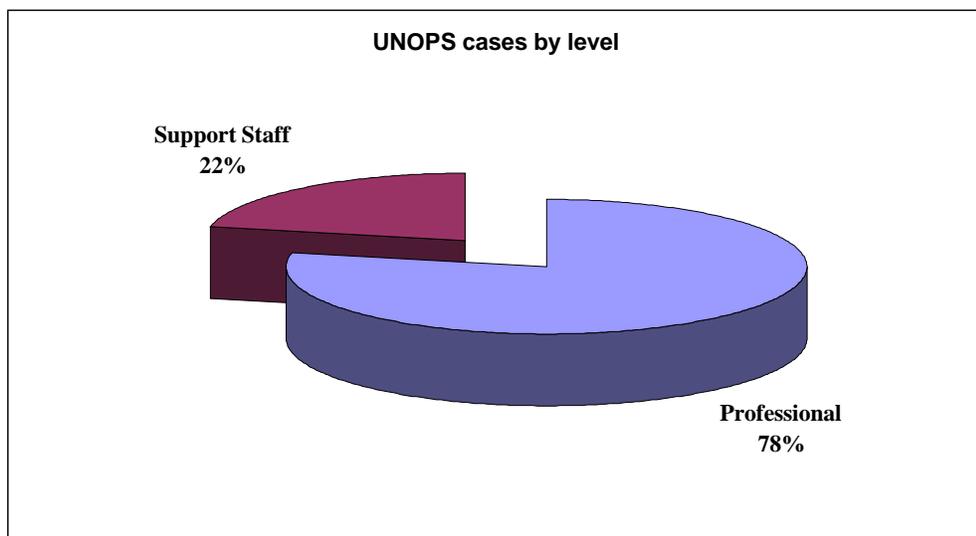
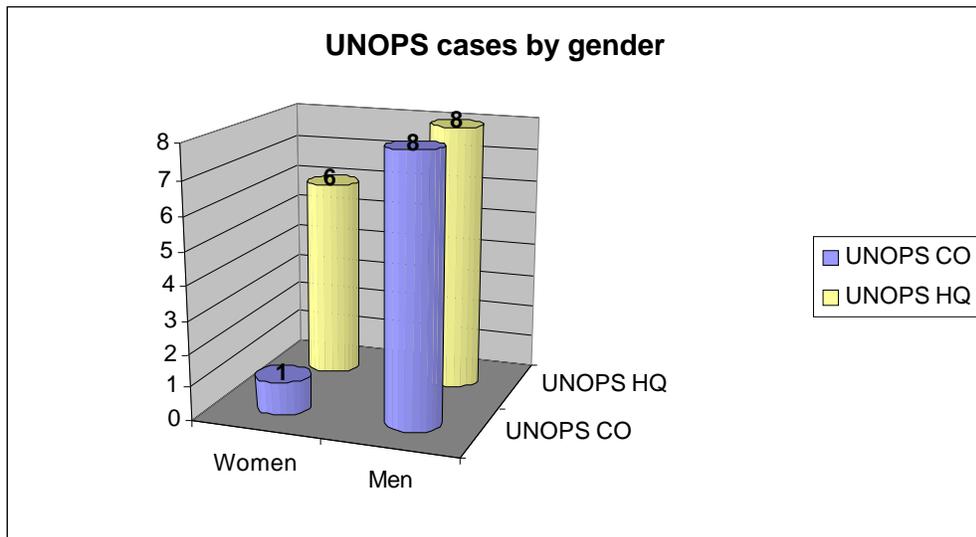
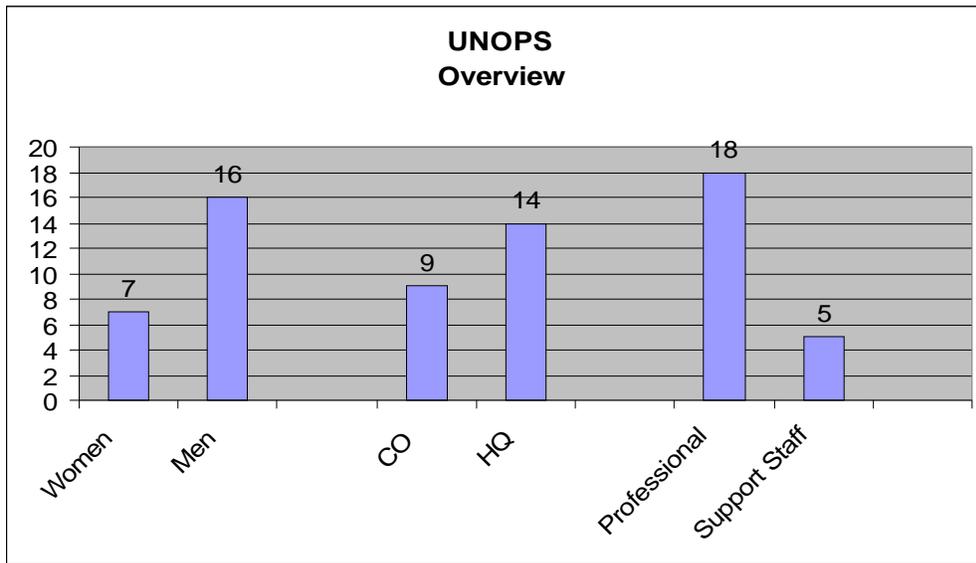


d. **Status of cases**

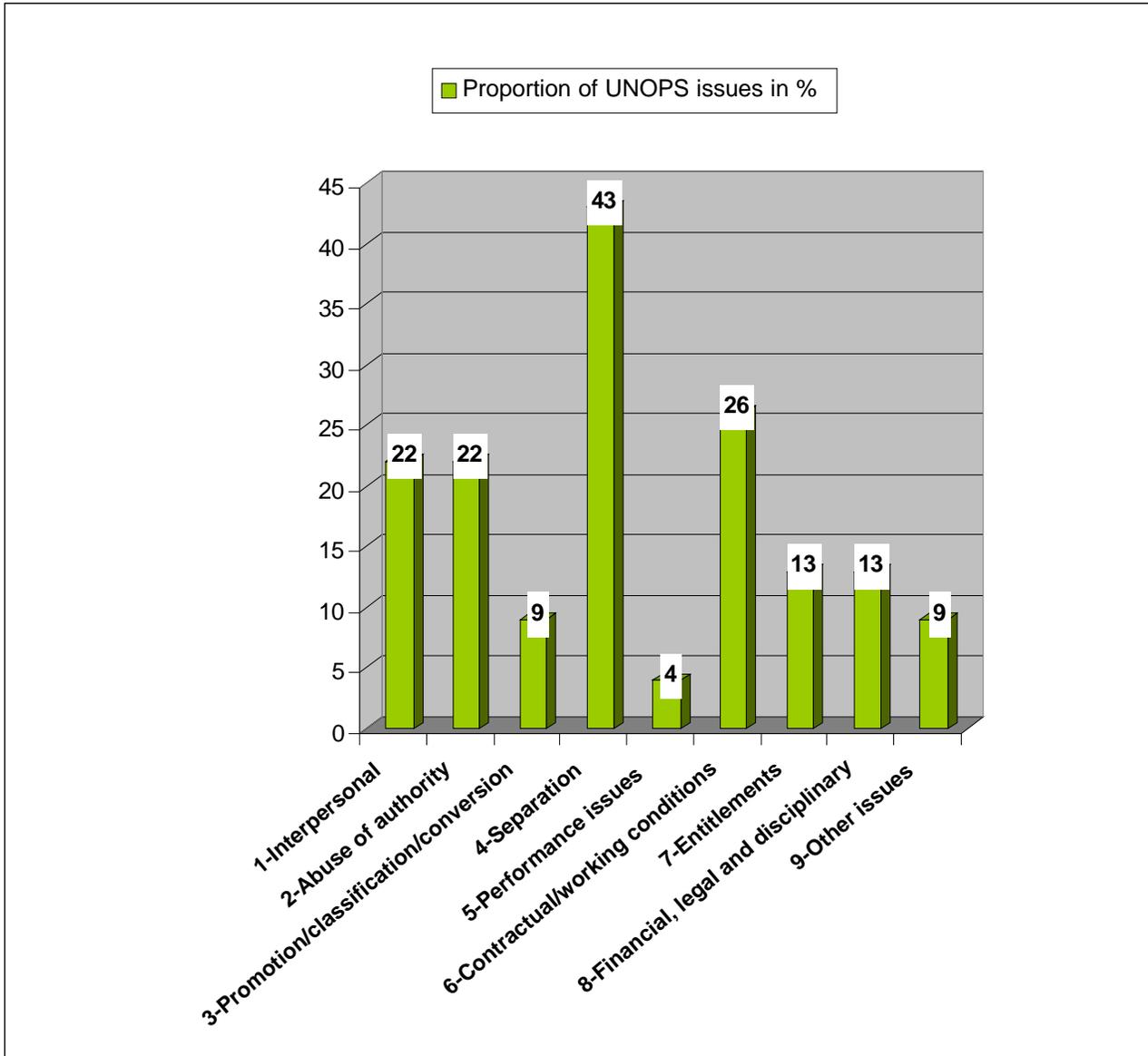


D. UNOPS cases

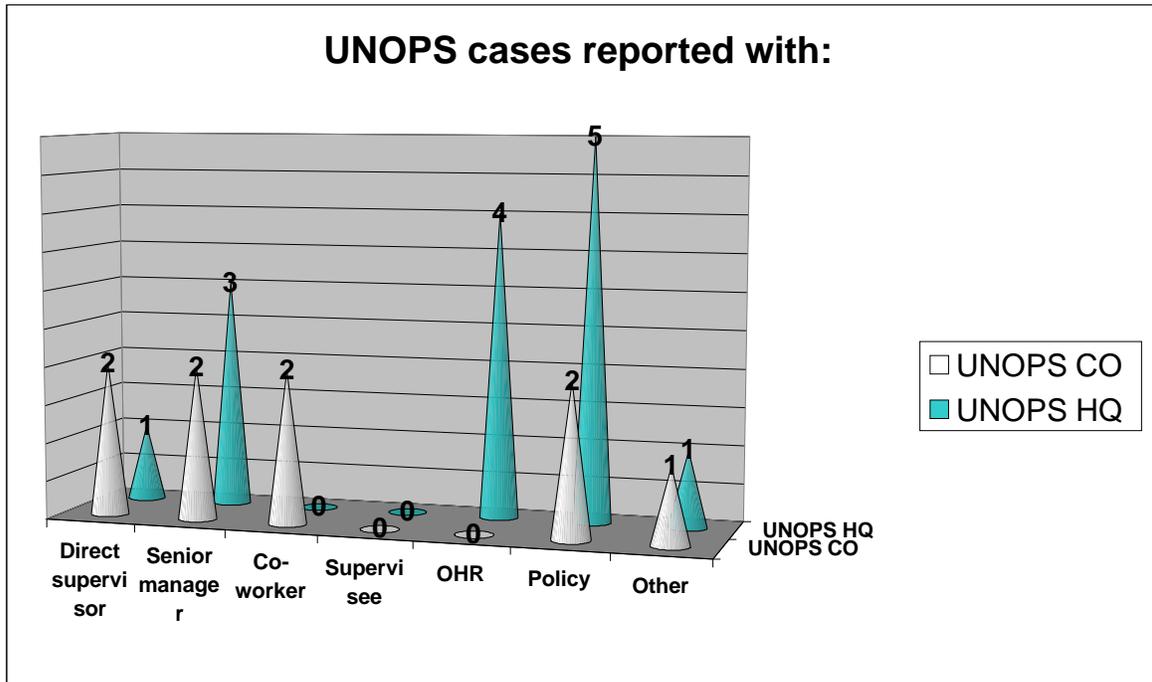
a. Overview



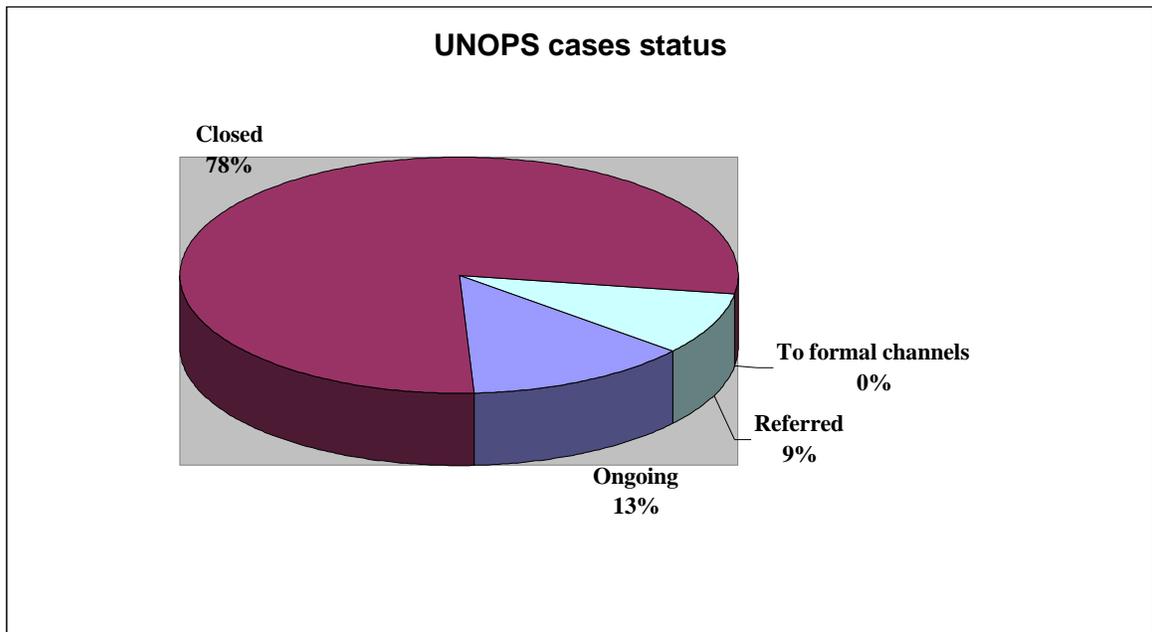
b. UNOPS issues



c. Other party in the dispute



d. Status of cases



Annex II

Action plan drafted at the fifth annual meeting of the ombudsmen and mediators of the United Nations system and Bretton Woods institutions, held at the Food and Agriculture Organization, Rome, 28 and 29 September 2006

1. Establish and finalise the core elements of generic Terms of Reference for Ombudsman. (WHO/OJO)
2. Establish and finalise common standards of practice (UN)
3. Implement expanded pilot of the use of common case categories for feedback report at the next meeting (WHO/WB)
4. Establish and finalise optional data set (UNHCR/OJO)
5. Enhance inter-agency collaboration in providing services to field and country offices by developing and piloting joint training of informal support network (OJO/UNHCR /WFP with technical support from WB)
6. Enhance inter-agency collaboration in providing services to the field and country offices through timely sharing of mission plans.(All agencies)
7. Formulate a statement of purpose for the UNARIO network (IADB/OJO/WHO Europe)
8. Identify impact indicators for Ombudsman services (UN/ADB/WFP)
9. Launch a discussion on harassment guidelines through an e-distribution (all agencies)