

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

Report on the work of the Office for the period 1 January – 31 December 2015

confidentiality

independence

neutrality

informality

Working together to find solutions

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United Nations Funds and Programmes
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Ombudsmen



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Ms. Alayne Frankson-Wallace



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Introduction

The Office of the Ombudsman for United Nations Funds and Programmes is the informal grievance mechanism for staff members and non-staff personnel of UNDP, UNFPA, UNICEF, UNOPS and UN-Women, to whom it provides confidential and impartial assistance to facilitate informal resolution of workplace disputes and issues. Services provided include listening, coaching, shuttle diplomacy, negotiation, and mediation. In addition, former staff members and retirees contact the Office for help when there has been no response from the administration to a request regarding a benefit or entitlement. In providing services, the Office operates

on the principles of independence, confidentiality, neutrality and informality.

In its annual report, the Office provides information on matters brought to its attention over the reporting period, the systemic issues and trends underlying the disputes and conflicts handled and makes recommendations to the senior leadership of the five funds and programmes to address the issues identified. The report also details the outreach activities of the Office and the efforts made to raise awareness of the value of effective conflict management to the organizations.

The Office underwent a transition over the reporting period, as the previous Ombudsmen prepared their handover and welcomed the new Ombudsmen, Ms. Alayne Frankson-Wallace and Mr. Giuseppe De Palo, in August 2015. Early in their term, the first office retreat was held, during which the team reviewed the work of the Office over the preceding period and consolidated a programme

of action for 2016 and beyond. Through consolidation of activities in 2015, and work planning for 2016, the Office is positioning itself to continue its case management work, but also to encourage effective conflict management within the funds and programmes, and promote a culture of dialogue over a culture of litigation. This will necessitate development of curricula of courses and training modules, as well as increased awareness-raising and skills-building within the funds and programmes.

The Office is funded on a cost-shared basis among the participating funds and programmes and maintains operational independence from the organizations that it serves. The staff comprises two Ombudsmen at the D1 level, a P4 case manager, one Administrative Associate at the G7 level and an Administrative Assistant at the G5 level. Four part-time consultants provide additional support. The Office has advertised for a Junior Professional Officer but to date there has been no expression of interest from a donor. With the steady number of visitors over the years and the need to increase service delivery to staff across the organizations, as well as to expand training in the organizations to build conflict competence, there is need for at least one additional professional level post.

During the year, the Office responded to requests for information and comments from the Joint Inspection Unit (JIU) as part of its review of organizational ombudsman services across the United Nations system (JIU/REP/2015/6). The Office also provided comments to the Interim Independent Assessment Panel on the United Nations system of administration of justice. There were renewed efforts to finalize the terms of reference applicable to the Office of the United Nations Ombudsman and Mediation Services and the Office of the Ombudsman for the Funds and Programmes provided input to and participated on an advisory basis in those discussions.

The Office is positioning itself to continue its case management work, but also to encourage effective conflict management within the funds and programmes, and promote a culture of dialogue over a culture of litigation.

The Ombudsmen appreciate the trust that staff and management at all levels have expressed in the Office through their consistent engagement of its services over the reporting period. The Ombudsmen also appreciate the level of cooperation from opposing parties in a dispute and managers or stakeholders who were well placed to support or accommodate the resolution of a conflict. Resident coordinators, (resident) representatives, country or regional directors, staff representatives, human resource professionals, legal officers, ethics offices, investigators and staff at all levels of the organization have cooperated with the Office to find effective, informal solutions to workplace disputes and issues.

In its interactions with staff across the five organizations, the Office has been able to identify systemic issues and trends and has made recommendations to management to address them. At the organizational level, there has been an inconsistent approach to implementing recommendations made by the Ombudsmen over the years. For example, some organizations have responded with programmes to develop skills in leadership and mentorship and have introduced training and learning programmes for managers at specific levels to combat abrasive behaviours highlighted in previous ombudsman reports. However, more needs to be done to enhance the performance management of underperforming staff.

The Ombudsmen note that there continues to be misunderstanding about the role of the Office and the impact that an intervention by an ombudsman can have. Awareness-raising has to be a constant and consistent part of the work programme of the Office, as noted above. The Office supports greater collaboration with other relevant offices and stakeholders, such as ethics offices, human resources offices and departments, offices of audit and investigation and staff associations to communicate broadly about the work and role of the Ombudsmen.

At the same time, some staff who visit the Office express a fear of retaliation and are reluctant to fully engage with an ombudsman regarding their grievance. In cases where an ombudsman has permission to contact other relevant parties to a dispute, the other parties sometimes express annoyance or displeasure that their colleague has consulted the Ombudsman. This mindset is an obstacle to effective informal conflict resolution. The Ombudsmen must constantly remind their constituents that they are neutral and that their involvement should be seen as an opportunity to address issues constructively and informally.

One of the keys to success of organizational change is the ability of managers to lead the change process and to motivate people to support the new business model and the new ways of working while managing competing interests and expectations. This is where key leadership skills and competencies are necessary. The organizations may wish to review their leadership pipelines for senior management positions to evaluate whether they are recruiting and assigning people who have the skills to lead change and inspire staff to realize the vision of the organization. There may be a need to better balance programme-management skills with people-management skills. It is also important to evaluate the need for training and skills-building in those managers who are already in the organization. In situations of change, it is important to ask whether the organization has restructured its leadership architecture to ensure greater synergies between driving for change and leading and motivating people.

The Ombudsmen and their team have worked throughout the year with stakeholders towards achieving the goals mentioned above in the spirit of the motto of the Office: “Working together to find solutions”. This principle will continue to underpin the spirit of cooperation that can ensure success.

1. Overview of the Work of the Office from January 2015 to 31 December 2015

Overview of cases

For the 2015 reporting period, the Office was involved in 458 new cases, of which 80 per cent emanated from the field and 20 per cent from headquarters locations (see figure 1).

The types of issues that the Ombudsmen were invited to assist in resolving and a breakdown of the number of cases per organization are shown in figures 2 and 3 below.

Outreach activities

A key role of the Office of the Ombudsman is to raise awareness of the value of informal resolution of workplace disputes and the positive impact this has in preserving professional relationships and fostering healthy work environments. Outreach activities, such as delivering generic presentations, participation in management or staff representative meetings

Figure 1: All cases, 2015, country offices vs. headquarters

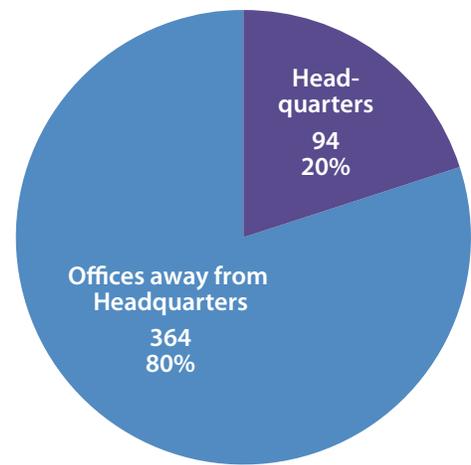


Figure 2. Issues addressed from 1 January to 31 December 2015

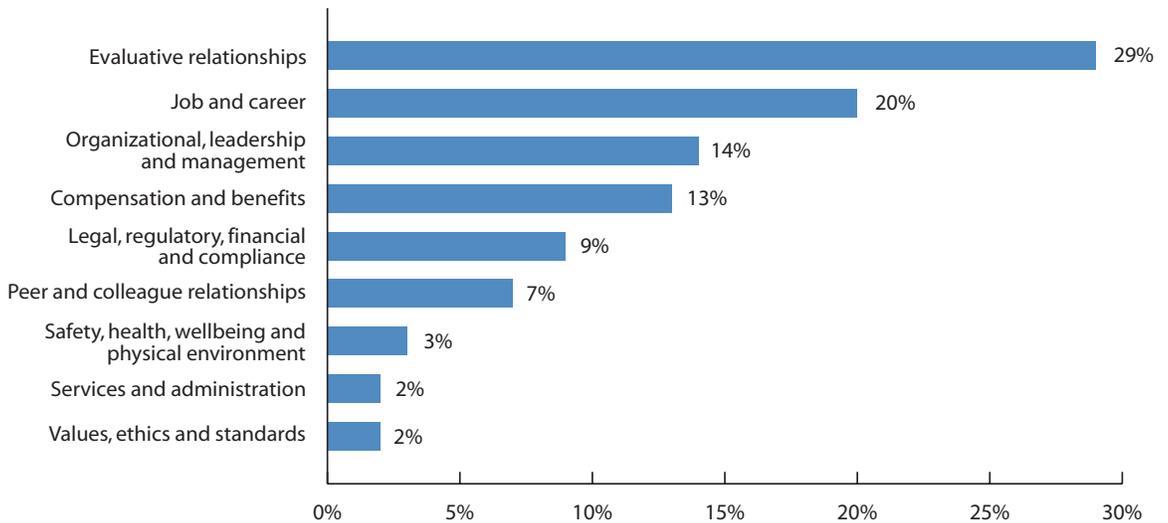
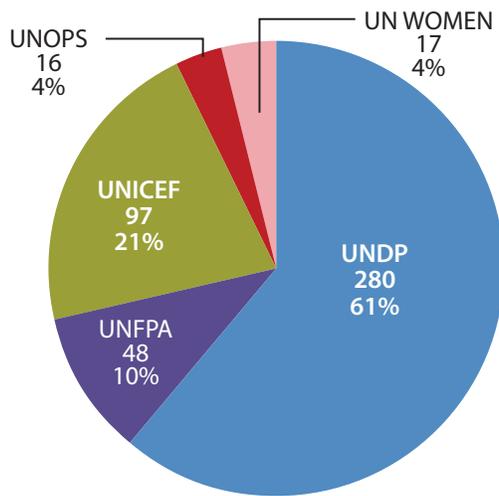


Figure 3. Cases received from 1 January to 31 December 2015



and facilitation of thematic workshops, constitute an important component of the work of the Office and form a platform on which to present the services that the Office can provide. The Office fielded visits to 15 country offices during the period under review, covering all five regions. When the Ombudsmen visit country offices or regional centres, they welcome opportunities not only to share practices with management and staff representatives on how to resolve workplace disputes but also to raise awareness among staff generally about the ombudsman services available to them. The Office also recognizes the importance of including training opportunities for staff in such outreach activities to build skills within the organization to engage with conflict constructively and to promote a culture of dialogue in the workforce. The Office organizes training sessions after assessing the issues highlighted in communication with the field office or the headquarters unit and tailors the training to those needs.

The Office maintains a website on each intranet site of the funds and programmes. This website includes general information about the mission and mandate of the Office and includes informational guidance through the publication of periodic ombudsletters on specific topics, the annual reports of the Office and responses to frequently asked questions. The Office plans to enhance the content of the website to promote the benefits of informal resolution and illustrate that the scope of issues that may be addressed and the opportunities for agreeable solu-

tions provided by informal resolution extend beyond the issues and outcomes that can be addressed through the formal administration of justice system.

As part of the outreach, knowledge-sharing and skills-building activities of the Office, the Ombudsmen attended regional meetings of management in the various organizations as well as of the staff associations. Regional meetings offer the opportunity for the Ombudsmen to deepen the understanding of senior managers of the benefits of informal conflict resolution in the workplace and influence the tone they set in their respective divisions or bureaux, reminding them that they have a special duty to promote a harmonious work environment, which includes timely and informal resolution of disputes. The Ombudsmen also alert the senior leaders that contacting the Office of the Ombudsman is not an escalation of a dispute and staff should not suffer reprisal for seeking their intervention.

Regional meetings also serve to enhance collaboration among key stakeholders in the workplace to encourage informal resolution, particularly in the areas of human resources, operations and programme management. These management meetings also serve as a way for management to highlight areas where the intervention of an ombudsman would be helpful. In some cases, this has led to follow-up visits by the Ombudsmen. Engagement with the staff associations also provides the Ombudsmen with the opportunity to review overarching issues affecting staff, particularly where these arise from policies of the organizations.

The Ombudsmen have engaged with key offices within the broader formal administration of justice system, such as the Office of Staff Legal Assistance and the legal offices of the organizations, to build stronger relations that will encourage the use of informal resolution to the fullest extent possible, even as parties explore options available through the formal channels.

The Ombudsmen attended the annual general meeting of the Ombudsmen and Mediators of United Nations and Related International Organizations (UNARIO), which provided an opportunity to share best practices and discuss common issues that affect the practice of informal conflict resolution in the United Nations and multilateral context, and illustrated the value of collaboration. The Ombudsmen also attended the annual conference of the International Ombudsman Association.



2. Observations and Recommendations Concerning the Major Causes of Conflict in the Workplace Reported to the Office of the Ombudsman for United Nations Funds and Programmes in 2015

A. Performance evaluation and potential conflict

The supervisory relationship is one of the most interdependent relationships in the workplace. The interpersonal dynamic between the two individuals

will influence how effectively they are able to work together. It is not unusual for interpersonal conflict to arise between a supervisor and supervisee. During the reporting period, the Office received more cases about conflict arising in the supervisory relationship than any other issue.

Many interpersonal disputes between supervisors and supervisees are

brought to light through the performance-evaluation exercise, which is not, however, intended to address interpersonal conflict. Moreover, the Ombudsmen find that this misuse of the exercise also gives rise to other elements of workplace conflict when factors such as contract extensions or the prospect of career advancement are brought into focus. Too often managers are perceived to use the performance evaluation-management tool and the related power not to extend contracts as a means of dealing with staff with whom they have had a difficult relationship.

The Ombudsmen have also noted that disputes arising from performance evaluations often include

allegations of harassment, disrespect, unfair treatment, poor communication, misunderstandings and suspicion by both parties with the result that the performance of both parties is likely to suffer. If attempts are made to address performance, without having addressed the interpersonal relationship in the appropriate setting, the conflict is likely to escalate, usually making it difficult for the parties to have a constructive dialogue. The performance-evaluation process thus loses its true purpose of identifying areas of strength and areas for development for the staff member and deprives the organization of a fair opportunity to surface and nurture talent. Instead, it is used by the parties as a sword, or shield, to wield power to safeguard reputation, contractual status or career advancement.

Supervisors and supervisees must therefore be encouraged to deal with interpersonal issues through an ongoing, informal resolution process rather than waiting for the formal setting of the performance review. Senior management must exercise effective oversight and scrutiny over the performance-evaluation process within their units to safeguard that it is not abused by either party. When this approach is successful, the rebuttal process can be properly utilized to identify aspects of true disagreement on performance rather than as a means to further aggravate the interpersonal dispute. The Ombudsmen have been able to work informally with supervisors and supervisees in such situations to clarify misunderstandings and to find solutions to the interpersonal conflict. These solutions open up channels of communication that then

Supervisors and supervisees must therefore be encouraged to deal with interpersonal issues through an ongoing, informal resolution process rather than waiting for the formal setting of the performance review.

enhance the ability of the parties to have a constructive performance-evaluation dialogue.

Managing underperformance is one of the most challenging roles of a manager. The underperforming staff member often refuses to accept feedback on the poor performance or even to accept that performance is an issue. If managers are to be effective in managing performance, they must also have the skills to deal effectively with a degree of conflict, as this is almost inevitable in these circumstances. Some managers do not know how to deal with underperformance – or choose not to – because they cannot manage the ensuing conflict effectively or because they believe that the investment of time and energy required will detract from the pursuit of strategic goals. Consequently, in an effort to avoid conflict, managers will rate underperforming staff as having met expectations, which is a disservice to the staff member, the work unit and the organization. It also sets up a conflict with a succeeding manager who tries to address the underperformance, but is confronted with prior good performance ratings. It also demoralizes other staff who see no consequences for underperformance.

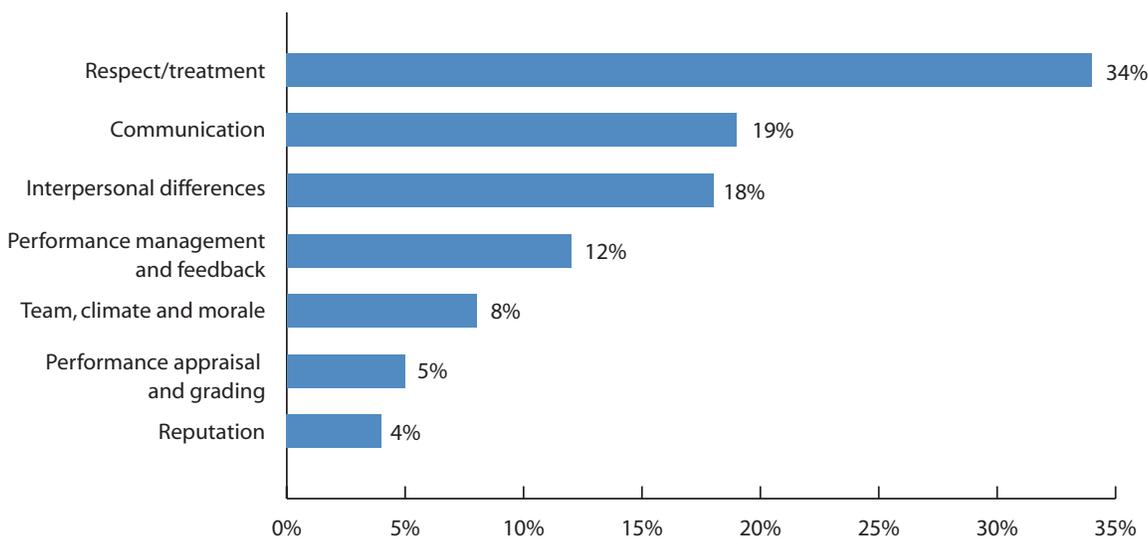
When underperformance is an issue, it must be effectively addressed through a performance-improvement plan. However, there is a negative connotation to this mechanism and staff may be resistant to it, viewing it as a form of harassment or abuse of managerial authority, especially if it comes in the

context of a relationship involving an interpersonal conflict. The manager has often not adequately supervised the staff member during the year and it is only at the final review stage that unmet targets are addressed and a performance-improvement plan is introduced. If there is a constant, constructive dialogue between the supervisor and supervisee during the performance cycle, the need for performance-improvement plans should be significantly reduced. It is important that organizations take steps to underline the positive intention of the performance-improvement plans.

The Ombudsmen are encouraged by efforts made in some organizations to better train and equip managers to deal with performance, starting with training in planning work, setting goals and deadlines and providing coaching and constructive feedback to staff throughout the performance period. Managers are also encouraged to have ongoing dialogue with their supervisees, rather than at set times in the cycle. Support is also provided to managers on how to give and receive feedback in a constructive way to minimize workplace disputes and to focus on managing talent. In some organizations, information on how to improve supervisory skills and better manage people is readily available to all staff on the human resources intranet website. This type of training should be mandatory for every supervisor.

It is important that performance problems are not viewed in isolation. Allegations of harassment

Figure 4: Evaluative relationships



and abuse of authority can arise during performance-management issues. The Ombudsmen have clarified to staff that where a supervisor is trying to manage performance effectively by requiring that deadlines be met or deliverables produced, that in and of itself is not harassment. At the same time, supervisors are reminded they have a duty to foster a healthy and harmonious work environment and their behaviour has a direct impact on that environment. In order to address performance issues, organizations should look holistically at factors such as patterns of inadequate or ineffective performance management, abrasive behaviour that suggests harassment or abuse of authority and structural factors such as organizational charts and reporting lines to address performance-related problems in a meaningful way.

B. Jobs, careers and organizational change

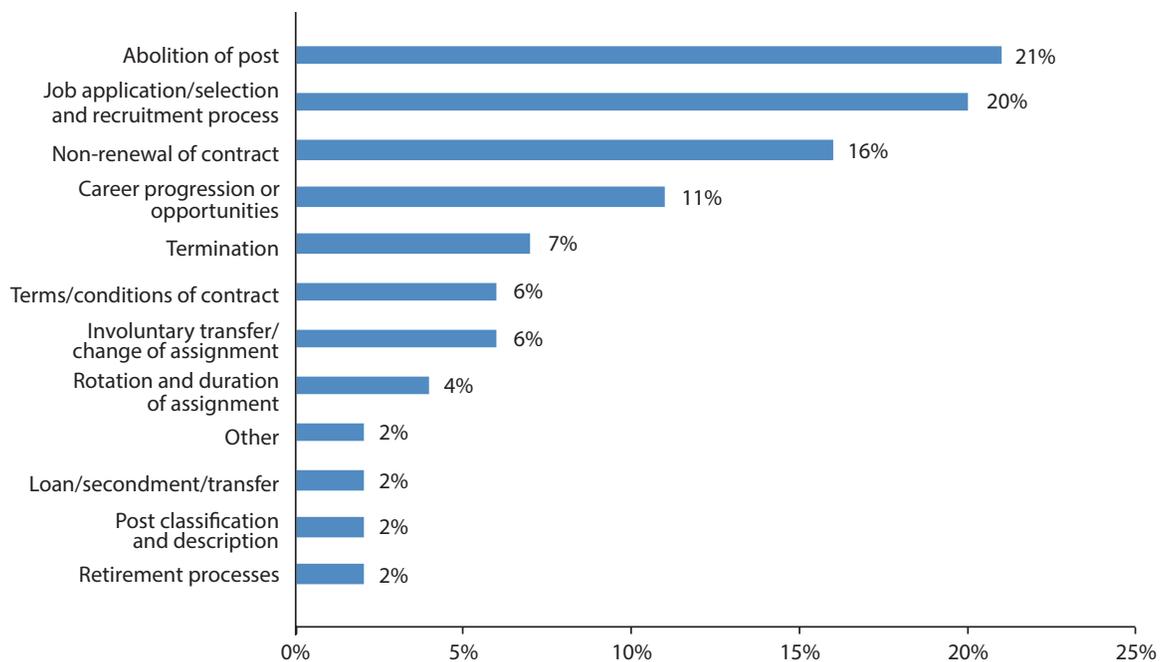
Individuals often leave successful jobs and careers in their home countries to join the United Nations funds and programmes in headquarters or field-based locations. They may spend a significant part of their working lives in the organizations performing tasks and developing skills not easily related back to a national context. At the same time, the orga-

nizations have to manage their workforce within their strategic plans and financial resources, as well as in accordance with prescribed rules and regulations. This means organizations have to reorganize the workforce from time to time, which may impact the career goals of individual staff members. Career management is therefore a critical issue for both staff and management and is at the root of many conflicts in the workplace since it is not always easy to reconcile the interests and needs of both sides.

Organizations that take a holistic, strategic approach to career management from recruitment to retirement, through talent development and skills-building, promotions or advancement, and succession planning will have a happier and healthier workforce. For the reporting period, the Office has received visitors who expressed concerns about organizational policy and practice, including recruitment, abolition of post and decisions on non-renewal of contracts. Figure 5 shows the breakdown of issues brought to the Office in the category of job and career.

The Ombudsmen have observed some positive developments in some human resource offices to promote better management of talent and careers within the workforce with a view to increasing staff engagement and productivity. The Ombudsmen

Figure 5: Job and career issues



commend this progress but also emphasize the need to ensure that opportunities for career development and advancement must be available to all staff regardless of grade levels, functions or duty station.

Career management during change processes continues to be one of the most difficult for staff and management. Indeed, coping with change was a major concern for staff that visited the Office with job and career issues over the period. Change caused by shrinking financial resources, mobility policies, post abolition or downgrading of posts are some of the issues that the Office addressed. The Office has seen the impact of change processes on individual staff who are affected but also the effect on the managers who have to communicate decisions (sometimes made by other managers) to the affected staff and then try to motivate a demoralized workforce. The organizations must provide support to staff and managers during change processes to safeguard the health and well-being of both parties.

Abolition of post has been one of the main reasons that staff have come to the Office. The decision to abolish a post is often taken within a restructuring process where positions must be abolished to reflect changing strategies and priorities. It is often not the rationale behind the restructuring that brings staff to the Office but the way in which information is shared with staff that is a cause of disputes in the workplace. Although information may be shared through presentations, meetings and discussions, staff complain of a certain lack of transparency in the decision-making process. The lack of transparency usually pertains to decisions about which positions will be abolished, which functions will be reclassified, and how related hiring exercises are undertaken. The Ombudsmen are encouraged by the efforts that some organizations have made to share information with staff about restructuring. The Ombudsmen recommend that the organizations adopt a uniform approach to restructuring, maintaining transparency about the strategic goals underpinning the need to restructure and the process to be employed and that they communicate effectively with affected staff about the exercise. Involving staff representatives at early stages can also reduce the risks of disputes arising from the exercise. The Ombudsmen recall that best practices show that involving staff at the preparatory stage of change and during its implementation is crucial to perceptions of transparency, fairness and effective participation in the exercise.

The abolition of posts, however, is not always in the context of a restructuring exercise. The Ombudsmen have observed that in some cases it appears that posts have been abolished as a means of terminating the services of staff members perceived to be underperforming rather than using the performance evaluation process to address the situation (see section II.A). In other instances, it is perceived to be in respect of a staff member who may have been the most outspoken about concerns in the office.

The abolition of a post is not a mechanism intended to address underperformance. To use it as such may be perceived as an abuse of authority and lack of due process. The Ombudsmen recommend that in all cases where a post is being abolished, but particularly if it is the only post affected in the office, the administration should closely scrutinize the manager's justification for the abolition. Such scrutiny is especially important in cases where performance of the incumbent is an issue, but also where the decision may be based on other illegitimate reasons. Organizations should develop and maintain updated policies that clarify roles and procedures when a post is to be abolished and share them with staff and managers.

The Office has been involved in cases where the administration sends a letter notifying a staff member of the abolition of a post without having verified the contents, such as the date of abolition or the post title. This suggests that insufficient care was taken to personalize the template and a factually inaccurate letter with such devastating impact is sent to a staff member who is already distraught. This adds to the impression of some that the organization does not care about its staff.

The Office has also addressed cases in which staff members have been notified informally that their position is going to be abolished or that they will be placed on short contracts, which affects benefits and entitlements, but do not receive an official letter confirming the abolition or change of status until much later. Lack of adequate information provided to staff whose posts are

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abolished leads to suspicion, distrust and increased resistance to change. The Ombudsmen emphasize that in cases where the abolition of post leads to workplace disputes, the likelihood that the issues will be resolved informally decreases dramatically if no proper information about the abolition was shared with the staff concerned.

Interagency mobility provides an opportunity for staff to gain experience in other agencies, as well as to share knowledge, skills and expertise across agencies. It often also provides opportunities for career advancement where similar opportunities may be limited in the agency in which staff member is employed. Interagency mobility usually takes place

through the mechanisms of loans, secondments or transfers. Depending on the situation of the staff member and the needs of the staff member's office, the staff member may be given a specific lien against his/her post or a general lien against the organization. Staff mem-

bers often take a risk by going on secondment without a lien on a specific post in the organization. The other side of this, however, is that in the absence of a specific lien, the staff member's parent office is able to recruit against the post to meet its business needs. At the same time, even while recognizing the talent that it obtains by hiring experienced staff from other organizations, the receiving organization may hesitate to agree to a transfer, which would mean taking on the financial commitment of benefits and entitlements that are associated with the staff member's long service within the system, especially staff with permanent contracts.

The Ombudsmen have observed that negotiations and discussions pertaining to the cost and career implications of interagency modalities such as transfers and secondments are often held without the input of the staff member. In an environment of financial constraints, organizations are looking at different ways to manage expenses. Nevertheless, it is important to share information about the career and cost implications with staff considering secondment. Negotiations regarding transfers and secondment should involve all parties to allow staff members to make informed career decisions.

C. Interpersonal conflict in the workplace

Conflict is a normal part of human interaction. The United Nations workplace is no different from any other in that workplace issues and disputes will arise. In a diverse, multicultural environment, where communication styles differ, misunderstandings do occur and if not managed properly, they can turn into disputes that destroy trust, create unhealthy working relationships, demoralize and demotivate individuals and undermine individual and organizational performance. Workplace conflict allowed to go unaddressed can paralyse a work environment and an organization may lose some of its best talent, as well as partners and funding.

The Office has observed that as the organizations struggle with a reduction in core funding, the risks for conflicts developing in the workplace also increase. There is a constant drive for staff to do more with less, with a sharp focus on delivery for results. While this makes good business sense and seeks to optimize the use of scarce resources, consideration should be given to the impact this can have on the workforce and the work environment if not managed carefully. A balance must be struck between driving for results and having a well-skilled, motivated, workforce to achieve those results.

Staff who visited the Office have complained, for instance, that while there have been cuts in posts there has not been a commensurate rationalization of business processes or that actual cost savings cannot be detected as a result of measures introduced. Often, the result is that fewer individuals still have to undertake multiple processes in a business transaction. Staff have seen an increase in workload and an increase in stress levels, which often causes strains in working relationships or illness. This is reflected in an increase in the number of cases received by the Office that deal with interpersonal relationships. More staff came to the Office to talk about dysfunctional professional workplace relationships than at any other time within the last five years.

In addition, staff have expressed great anxiety and insecurity, as it is never quite clear whether they are at risk of having their post abolished or will undergo other change processes that may lead to loss of job, reduction in post level or relocation. Consequently, collaboration has often given way to a defensive and isolationist way of working. Rather than supporting a harmonious work environment, with individuals

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sharing the same goals and the drive for results, individuals are often working in a survival mode. This way of working not only stifles innovation and creativity, it also means individuals will be more reluctant to speak up and raise concerns, allowing risks – reputational and financial – to the organizations to go unreported.

Some staff also find it difficult to accept that the organizations need to change with the times and that reductions in core funding require a new business model as well as new ways of working. The Ombudsmen have observed that some staff who have been in the organizations a long time are often reluctant to adapt to the new organizational realities and feel entitled to continue as they have over the years. This also creates tension, not only with management, but also with other colleagues. A worrying trend noted by the Ombudsmen is that staff are beginning to question the rationale for maintaining certain staff or posts in their offices. This is manifesting itself in the dynamics between national staff and international staff in some offices. As business models and cost-sharing arrangements change between the organizations and their donors or partners, so too must the communication strategy of the organizations be enhanced to reinforce the international character of a United Nations organization and the need for certain safeguards to ensure the diversity, independence and impartiality of staff.

Interpersonal conflict can spill over into the broader work unit and in cases reported to the Office, allegations of workplace harassment, abuse of authority, such as favouritism and discrimination arising from the interpersonal conflict, have caused an office or unit to become dysfunctional. The Ombudsmen have provided support in these instances to find solutions to enable staff to work in a healthier environment.

The Ombudsmen have also worked with human resource officers and senior management in units to find temporary solutions to alleviate tension in the workplace and allow colleagues to fulfil their functions with as minimal disruption as possible. In some instances, the Ombudsmen have proposed temporary physical relocation of one party to the dispute. This solution is not easily achieved and requires a lot of administrative effort and agreement in order to succeed. When it is achieved, the results are instantaneous and the tension is often immediately dif-

fused. Nevertheless, this action is often not available and more needs to be done by the organizations to curb inappropriate behaviour.

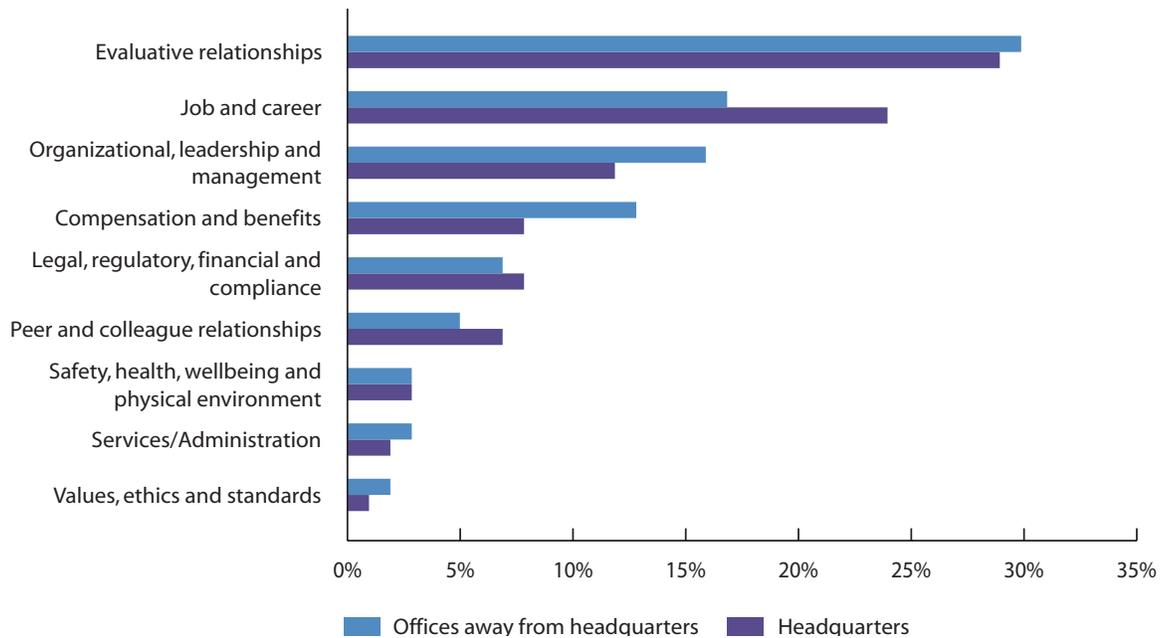
In such situations, the Ombudsmen have recommended training to curb abrasive behaviour, even if it does not rise to a level that would warrant an investigation for disciplinary action, and skills-building in giving and receiving feedback. This is especially important for staff with supervisory responsibilities. Some organizations have responded systematically to these recommendations through the creation of dialogue facilitators for staff dealing with interpersonal issues. Other organizations have created leadership or mentorship programmes or provided coaches to assist supervisors in developing skills in leading and managing people. Such initiatives are helpful but can only work if there are sustained efforts by the organization to monitor progress made by supervisors and take necessary action if there is no behavioural change.

Reflecting the distribution of the workforce, most cases of interpersonal issues that the Office receives are from the country offices (see figure 6). The issues faced by staff at both headquarters and in the country offices are similar except that cases concerning compensation and benefits arise more frequently in the country offices than at headquarters (see figure 6). While the reason for this is not clear, the Ombudsmen have observed that the interpretation or application of the regulatory framework is inconsistent in the country offices. It is not unusual to have two similar country offices that have a different understanding of the regulations and rules, which confuses staff.

Organizations should undertake systematic training of human resources staff in the country offices on practices in human resource management. While this kind of training takes place more regularly in some organizations than in others, there is still a need to be more proactive in ways to share information about policy changes and standard practices. Such an approach will not only empower the human resource personnel but will help to enhance staff confidence in them.

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Figure 6: Breakdown of issues headquarters vs. country offices



The administration of compensation and benefits is the responsibility of human resources offices and it may be difficult to see the link between that and workplace conflict. In those cases that do come to the attention of the Office in this category, the underlying cause of workplace conflict is the perception of tardiness, unfairness or lack of consistency in the administration of compensation and benefits. For example, staff members often complain to the Office that they have received no response to their queries from the units responsible or that they have reached an impasse with the management in trying to find a solution. Other areas where the Office has received complaints include the payment of daily subsistence allowance in a transparent and timely manner and in processes leading up to separation or retirement.

The Ombudsmen have observed the positive efforts of both country offices and headquarters in managing human resources in emergency situations. They have also observed the efforts to manage human resources in an efficient, systematic manner. During the reporting period, there were a number of crises and emergencies that took place and the funds and programmes reacted with foresight in drawing up lists of qualified staff ready to be deployed and in making provision for the quick processing of recruit-

ment and hiring once decisions had been made. In other emergency situations, the political circumstances in a country require all international staff to be evacuated and operations to be scaled down. The Ombudsmen have seen immediate reaction from the administration to changing circumstances and encourage this swift and efficient action on the part of the administration.

Questions do arise, however, when emergencies continue over long periods and staff members are left to make decisions about their families, private legal obligations and employment when they can no longer function in the country office that they were recruited for. Staff are often called to make immediate decisions about where to live, where to work and what to do as the emergency continues. To make matters worse, in some situations, staff members do not hear from the administration for long periods or receive inconsistent messages. It is in situations such as these that they contact the Office not only to gain clarity but also because they do not feel heard and they know that the Office offers a safe place for them to finally tell their story. It is worth noting that staff members often describe horrendous events in these situations. They are sometimes traumatized by what they have witnessed and the insensitivity they

perceive of an organization not responding to them resonates deeply. The Office has received grievances from both international and national staff in such situations. As the organizations continue to face increasingly challenging political and climatic circumstances, it is important to share guidelines and best practices on managing human resources in crises with all concerned as frequently as possible.

D. After-service health insurance

During the reporting period, the Office received a number of cases concerning after-service health insurance (ASHI). The Ombudsmen have observed that retired staff members risk suffering from inadequate medical coverage. ASHI coverage is available on an optional basis to retired staff members and eligible dependents with permanent and fixed-term appointments governed by the Staff Regulations and Rules. A staff member must also qualify for retirement, early retirement, deferred retirement or disability under the regulations of the United Nations Joint Staff Pension Fund (UNJSPF). The ASHI benefit is managed and dependent upon the coordination of two offices, the Health and Life Insurance Section of the Secretariat and UNJSPF, both of which have separate complex rules and regulations on eligibility. The separation process itself is managed by the human resources office of the parent organization.

The Ombudsmen noted that owing to the number of offices involved and the application of eligibility requirements to the very varied circumstances of individual staff members, there is a high risk for an uncoordinated approach and a lack of consistency. In addition, it is often challenging for retirees to communicate with all three offices, particularly for those who were based in field locations where electronic communication is often not very accessible or reliable. When there is an obvious error in the documentation of a case, the units responsible do not always seem able to address the issues in a way that takes into account that they are dealing with human beings, not simply forms and numbers. When an administrative error has occurred, a common-sense approach is needed that respects the spirit, not the letter, of regulations.

The Ombudsmen are aware that attempts are being made to increase coordination between UNJSPF, the Health and Life Insurance Section

and the human resources units of the funds and programmes and hopes that they will improve consistency in determining ASHI costs and coverage and close the communication gap between the organization and the beneficiary. The Ombudsmen recommend that the funds and programmes redouble efforts to re-examine the process of acceding to ASHI coverage in order to improve coordination in the delivery of services.

E. Mediation within the funds and programmes

In previous reports, the Ombudsmen have noted the importance of mediation in settling workplace disputes, and have included measures to enhance its use in the 2016 Office work plan. These include the preparation of online and off-line resources, such as training demonstrations to show-case the value-added of mediation as a tool for informal dispute resolution. In doing so, the Office is acting on General Assembly resolution 62/228, which stresses the pivotal role of mediation in reconciling differences, as well as the recommendation of the Joint Inspection Unit (JIU) in its review

of the organizational ombudsman services across the United Nations system (JIU/REP/2015/6), where it recommended the creation of “an enabling environment in the budget and financial rules and regulations, which will make the use of mediation possible.”

As the time and costs of litigation in the United Nations Dispute and Appeals Tribunals continue to grow, mediation is being increasingly promoted as a step to be taken by parties in an employment dispute. Aside from being faster and cheaper, mediated solutions offer several qualitative advantages. In particular, mediation:

- a. Facilitates having all parties at the same table at the same time;

As the time and costs of litigation in the United Nations Dispute and Appeals Tribunals continue to grow, mediation is being increasingly promoted as a step to be taken by parties in an employment dispute. Aside from being faster and cheaper, mediated solutions.

- b. Allows for parties to deal with difficult problems in a confidential setting;
- c. Allows parties to focus on communication and mutual understanding around the true interests in the dispute, not only on rights and obligations;
- d. Enables the parties to address the roots of the problem, which is a key element when they must continue to work together, or simply share the same office space;
- e. Permits the parties to craft their own solution, as opposed to obliging them to accept a ruling imposed on them by a judge;
- f. Is voluntary, therefore allowing parties to resort, at any time, to other dispute-resolution mechanisms, should the process not satisfy them;
- g. Can result in a written agreement, putting an end to a dispute, or simply in a facilitated conversation between the parties and a trained third-party neutral.

Despite these clear advantages, mediation is used in relatively few cases in the funds and programmes. The Ombudsmen have found that the management of the funds and programmes has shown some resistance to the use of mediation. Part of the explanation may be that the party first approaching the Office of the Ombudsman is usually the staff member, who tends to rely on the Office's information regarding the best process to address concerns. Other explanations for the resistance to mediation

by the administration that have been expressed to the Ombudsmen include the following:

- a. Mediation as a means of addressing workplace disputes is still relatively new in the United Nations;
- b. By agreeing to mediate, the administration might send the wrong message and raise the staff member's expectations;
- c. A joint meeting, possibly followed by separate meetings, is too much time to devote in a single working day;
- d. It is unclear who can represent the organization at the mediation, and what is his or her authority will be, if a particular agreement emerges.

The Ombudsmen will focus in 2016 on addressing these concerns, especially since the arguments in favour of mediation, discussed above, far outweigh those against. Efforts will be employed to raise awareness of the value of mediation and as cases demonstrate, engaging in mediation does not necessarily mean that one side concedes to the other side's requests. These same efforts will show that being at the same table (or on the same telephone line), at the same time, can save countless hours and resources in separate communications or meetings to solve a particular matter. Finally, it will appear that when the delegates have appropriate initial authority, or easy access to the decision makers, the tentative agreement reached at the mediation table can easily be brought to the attention of those who have the authority to sign it and make it legally binding.



3. Looking Ahead

The Ombudsmen look forward to working with organizations to assist in moving from a culture of conflict avoidance to one of effective conflict management and from litigation to engagement and dialogue. This must involve increased awareness-raising activities across the funds and programmes about the benefits of effective conflict management and of informal resolution. Available data suggests that many staff members faced with a conflict situation would first approach their supervisor for advice and guidance and even intervention. Building the conflict competence and prevention skills in line managers and supervisors and promoting manager-led dialogues will also support the culture shift to effective conflict management.

Increased use of mediation will also enhance the sense of empowerment of individual staff members

who are involved in a conflict situation and who are able to work collaboratively with the other party to find solutions. The Office of the Ombudsman for United Nations funds and programmes, as an independent and neutral office, will continue to play a key role in educating staff and managers, and in promoting the use of mediation to resolve workplace disputes. At the same time, for cases not amenable to mediation, other informal resolution strategies such as shuttle diplomacy, negotiation, facilitated dialogues and coaching will be employed to the fullest extent possible to enhance informal resolution of workplace disputes.

The Ombudsmen will engage on a more sustained basis with senior leadership in the five organizations over the next reporting period to encourage a more systematic response to the recommendations made by the Ombudsmen.



Annex: Recommendations

Performance evaluation

1. Supervisors and supervisees must be encouraged to deal with interpersonal issues through an ongoing informal resolution process rather than wait for the formal setting of the performance review.
2. In order to address performance issues, organizations should look holistically at factors such as patterns of inadequate or ineffective performance management, abrasive behaviour that suggests harassment or abuse of authority and structural factors such as organizational charts and reporting lines to address performance-related problems in a meaningful way.
3. Supervisors demonstrating abrasive behaviour must undergo training and organizations must monitor progress and take action where there is no improvement in behaviour.
4. It is important that organizations take steps to underline the positive intention of the performance-improvement plans.

Job, careers and organizational change

5. In implementing change processes, senior leaders should adopt an inclusive approach, work more closely with human resources units and other internal stakeholders, such as staff representatives, to align staffing, available skills and business processes needs. Emphasis must be on effective, consistent and constant communication at every step of the change process to inform those impacted by the changing circumstances and to receive and act on feedback from them.

6. Organizations should develop and maintain updated policies that clarify roles and procedures when a post is to be abolished and share them with staff and managers.
7. In planning change processes, organizations must ensure that they have managers with the right mix of skills and competencies to lead change.
8. Where posts are abolished outside of a restructuring exercise, managers must be required to provide justification that is independently and objectively evaluated and must certify that performance is not a factor in the decision to abolish a post.
9. Organizations should manage the abolition of posts to avoid the impression of depriving staff of termination indemnities to which they may be entitled.
10. Organizations should adopt a uniform approach to restructuring, being transparent about the strategic goals underpinning the need to restructure, the process to be employed and communicate effectively with affected staff about the exercise. They should involve staff representatives at early stages to reduce the risks of disputes arising from the exercise and increase perceptions of transparency, fairness and effective participation in the exercise.
11. Where posts are abolished outside a restructuring exercise, managers must be required to provide justification that is independently and objectively evaluated, and must certify that performance is not a factor in the decision to abolish a post.

12. Opportunities for talent management and career development must be for all staff regardless of grade level, functions or duty station.

Workplace conflict

13. Organizations should undertake systematic training of human resources staff in the country offices on practices in human resource management
14. As organizations continue to face increasingly, challenging political and climatic circumstances, it is important to frequently share guidelines and best practices on managing human resources in crises.
15. Organizations should redouble their efforts to re-examine the process of acceding to ASHI coverage in order to improve coordination in the delivery of services.

Mediation within the funds and programmes

16. The funds and programmes should vigorously support efforts by the Office of the Ombudsman to raise awareness about the value added of mediation, both by encouraging staff to participate in mediation, when proposed by the Office, and by channeling them to informational initiatives organized by the Office.
17. Organizations should ensure that delegated representatives in the mediation process have the authority of entering into binding agreements, or at least have easy access to those who can ratify tentative agreements reached at the mediation table.



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Resilient nations.*



**Office of the Ombudsman for
United Nations Funds and Programmes**

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