

**MEDIATION UNIT OF THE OFFICE OF THE OMBUDSMAN
FOR UNITED NATIONS FUNDS AND PROGRAMMES**

MEDIATION GUIDE



HOW TO:

**WORK,
COLLABORATE &
MEDIATE IN THE
UNITED NATIONS
WORKPLACE**

The Office of the Ombudsman for United Nations Funds and Programmes (the “Office”) is a confidential, neutral, independent, and informal resource for all members of the UNDP, UNFPA, UNICEF, UNOPS and UN Women workforce. The Office helps to prevent and resolve workplace disputes regardless of the type of contract or position (including managers, other staff members, and consultants).

This Mediation Guide describes the role of the Mediation Unit of the Office in supporting effective conflict resolution and collaboration among the members of the workforce, with particular focus on the enhanced capacity of the Office for timely and effective provision of top-quality mediation services.

Please feel free to reach out to the Mediation Unit if you have any questions about mediation services:

- **Mushegh Manukyan**, Mediation Specialist and Manager of the Mediation Unit, mmanukyan@unicef.org
- **Maria Migoya Fernandez**, Mediation and Conflict Resolution Officer, mmigoyafernandez@unicef.org

Mediation Unit of the Office of the Ombudsman for United Nations Funds and Programmes
304 East 45th Street
6th Floor, Room FF-671
New York, NY 10017
USA
Telephone: +1 646 781 4083
Fax: +1 212 906 6281
Email: mediation@fpombudsman.org

WHAT IS MEDIATION?

Mediation is a confidential dispute resolution process, in which a neutral third-party professional—a mediator—helps the parties in dispute to engage in a constructive conversation, discuss issues, express interests, brainstorm options, find common ground, and, where applicable, reach consensus with a view to resolving the dispute.

All mediations conducted by the Mediation Unit are based on the four key principles of the Office: **confidentiality**, **impartiality and neutrality**, **independence**, and **informality**. More information about these principles can be found on the Office website at <https://fpombudsman.org/what-are-our-principles>.

The Office also operates in accordance with the principles of voluntary participation, self-determination, and informed consent.

Voluntary participation: the participation of disputing parties in mediation is voluntary, which means that the parties engage in the process voluntarily. Similarly, the parties exit from the process voluntarily. The voluntary nature of the process enables the parties to be honest and candid in communicating their own perspective, to control the process, and to achieve mutual understanding.

Self-determination: the mediator will not impose any solutions on the parties. The disputing parties will have the right and power to decide the outcome of the dispute, to explore and find a solution acceptable to them. In an adjudicative process, however, such as the United Nations Dispute Tribunal or arbitration, a judge or an arbitrator will impose a binding outcome on the disputing parties.

Informed consent: during the process, the mediator will ensure that the parties understand the risks and benefits of a settlement so that they can make an informed decision.

WHAT IS THE DIFFERENCE BETWEEN OMBUDSMAN AND MEDIATION SERVICES?

The primary role of an ombudsman is to listen to your concerns and help you to develop strategies on how to address those concerns. Through ombudsman services you can also untangle a complicated situation, clarify the options available to you to resolve your concern, or receive clarifying information on policies and procedures.

In mediation, however, parties engage in a facilitated discussion. In other words, if a potential conflict would benefit from a dialogue between the parties, you may choose mediation to resolve the conflict.

At any rate, when you approach us, the experts of our Office will discuss with you the most suitable route to address the particular matter.

HOW CAN MEDIATION HELP?

The goal of mediation within the Mediation Unit is to give all contract-holders of the five United Nations organizations served by the Office an easy and early access to a voluntary mechanism that provides an informal, cost-effective, and efficient means of resolving workplace conflicts, thereby promoting harmonious working relationships and partnerships.

Mediation is significantly quicker than litigation and can take from a few hours to a few weeks, provided that the parties are committed to resolving their conflict in an efficient manner. Mediation is also much more economical than litigation, both in terms of the financial resources as well as

the emotional cost (such as avoiding unnecessary stress, fear etc.).

Common issues that parties refer to mediation include:

- Performance review concerns
- Interpersonal relations between supervisors and supervisees and among peers
- Employment contracts and terms of employment
- Termination of employment and service contracts
- Wages, benefits, and entitlements
- Workplace discrimination
- Retirement
- Relocation
- Occupational safety and health concerns
- Misapplication of policies and procedures

Mediation can help the parties to:

- Improve and repair working relations
- Resolve conflict
- Reduce tension, anxiety and fear in workplace disputes
- Address perceived discrimination, alleged personal, professional, moral and/or psychological harassment, or unprofessional or inappropriate conduct
- Resolve communication, personality or cultural issues

THE ROLE OF MEDIATOR

The role of the mediator is to facilitate the discussion between the parties and to help the parties to reach a satisfactory outcome, in confidence, and in the spirit of trust. The mediator does not take sides nor judge who is right or wrong, but rather creates an opportunity for the parties to have a constructive dialogue with the professional assistance of a neutral and independent mediator.

WHO CAN REQUEST MEDIATION?

The members of the UNDP, UNFPA, UNICEF, UNOPS, and UN Women workforce who seek to resolve a workplace dispute are eligible to request mediation services from the Mediation Unit of the Office regardless of their contractual modality (including managers, other staff members, consultants, and interns). The Office ultimately retains the discretion to determine whether a case is appropriate for mediation. If the matter is not suitable for mediation, the Visitor may choose to discuss the issues through the ombudsman services. Any party that participates in mediation retains the right to pursue formal dispute-resolution processes.

HOW TO REQUEST MEDIATION?

Typically, mediation commences with a party initiating the process by sending an email to the Office at ombudsmediation@fpombudsman.org with a brief description of the situation that such party is facing. All communications with the Office, including this initial communication, are strictly confidential. Once a need for mediation is expressed and the Mediation Unit determines that mediation is appropriate, the Mediation Unit will obtain both parties' consent to the mediation process.

THE COSTS OF MEDIATION

The parties are expected to participate in mediation in good faith. The Mediation Unit of the Office offers mediation services to all contract-holders at no cost.

The leadership of the five United Nations organizations served by the Office are investing in mediation services for

all contract holders of their organizations. It is hoped that all disputing parties will make use of mediation services when appropriate, and use them judiciously. When mediation is not conducted by a staff member of the Office, but by an external mediator affiliated with the Office (such as a mediator of the Global Mediation Panel), the costs associated with the services will typically be borne by country offices.

GLOBAL MEDIATION PANEL

As part of its enhanced mediation capacity, the Office is currently developing a Global Mediation Panel consisting of external on-call mediators, who are also supported by an International Advisory Board. It is expected that these external on-call mediators will be engaged by the Mediation Unit if and when in-person mediation would be helpful.

Please visit the Office website to check whether a mediator is available in your location. The Mediation Unit will assign cases to mediators based on a number of factors, including the nature of disputes, conflict of interest, costs, and availability.

More information about the Global Mediation Panel, International Advisory Board, and their members can be found on the Office website: <https://fpombudsman.org/global-mediation-panel/>.



MEDIATION RESOURCES

- Please watch the short mediation video on our website. You can access the video by clicking the below picture.



- The [annual reports](#) of the Ombudsman are available on the Office website.
- This mediation guide, short overview of the mediation process, and other useful resources are also available on the Office website.

"IN THE MIDDLE OF EVERY DIFFICULTY LIES OPPORTUNITY."
ALBERT EINSTEIN



Empowered lives.
Resilient nations.



United Nations Entity for Gender Equality
and the Empowerment of Women