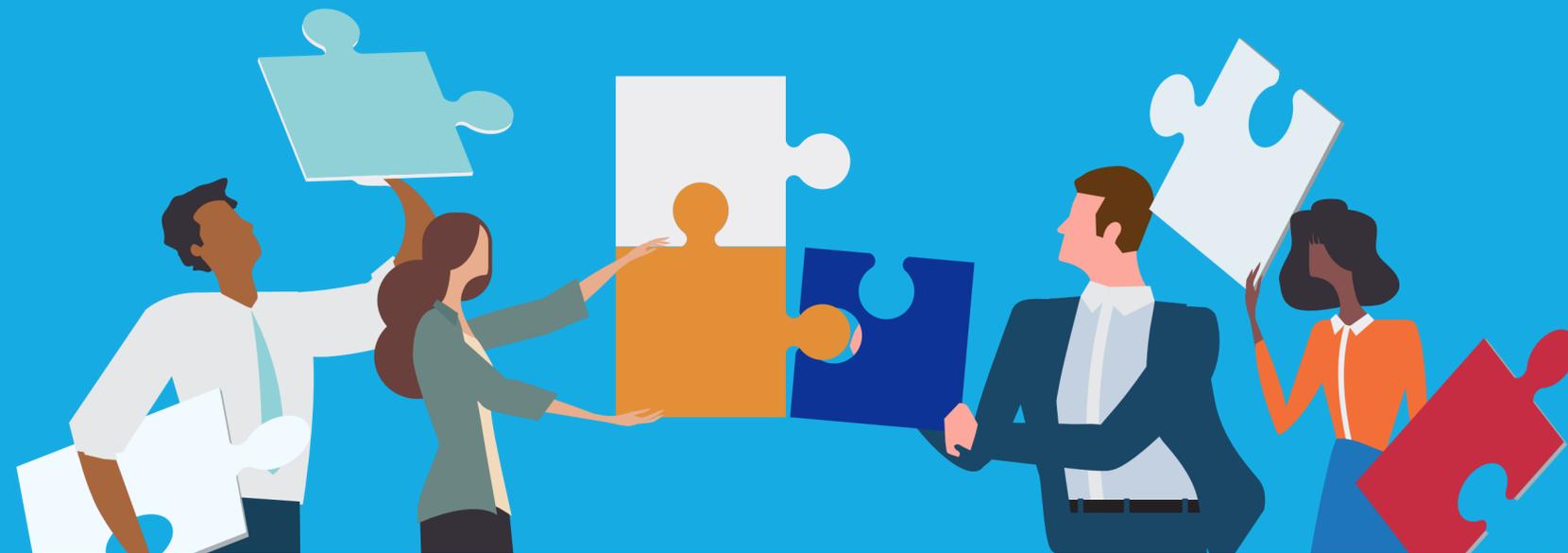


OFFICE OF THE OMBUDSMAN
FOR UNITED NATIONS
FUNDS AND PROGRAMMES

Mediating Around the World

MediationNewsletter | Inaugural Edition | Jan-Mar 2021



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Welcome Message



Giuseppe De Palo
Ombudsman

I am delighted to introduce the inaugural edition of “**Mediating Around the World**”, a newsletter of the Office of the Ombudsman for United Nations Funds and Programmes. Our office is honored to serve UNDP, UNFPA, UNICEF, UNOPS and UN Women, whose people, all together, work in over 190 countries to help those in need around the globe.

I extend greetings to all personnel in these five organizations and anyone inside and outside the broader UN system who is checking in to see what we are doing concerning mediation. I also extend my heartfelt thanks to my team who have worked so hard to make this newsletter a reality.

Why a new newsletter on mediation? First, of course, there is the unique nature of the five UN organizations to which we offer mediation (and other ombuds) services. This newsletter will enable our office to inform all personnel of these UN Funds and Programmes about our services, and it will provide an outlet to let all readers know about the exciting developments concerning mediation within these five organizations.

But we see this newsletter as a service extending beyond, and interacting with, the global discourse about mediation. While our mediation services have certain unique features, they are, at their core, based on fundamental mediation principles recognized worldwide. And around the world, mediation is coming to the fore as an increasingly valued way of helping to promote access to justice for all, one that enables resolution of seemingly intractable problems at all levels of society while educating participants about better ways to conduct difficult conversations. It also provides a less stressful means of resolving conflict than litigation and eases time and cost burdens associated with such formal mechanisms.

It is our hope that all readers of this newsletter will tell us about their mediation insights and experiences. We, in turn, see our office as playing a key role in promoting mediation by openly communicating our efforts to a wide audience.

And here are our first two contributions to this international discourse:

1. Our office has successfully advocated for the adoption of an “easy opt-out mediation” approach to encourage people in conflict to learn about mediation. With this model, if any of the parties feels uncomfortable with mediation at any point, they can opt out with no negative consequences – but a serious initial effort is expected. In this and upcoming issues of the newsletter, you will hear about various success stories with the easy opt-out mediation approach.
2. Recognizing the value of the easy opt-out model, in February of this year, UNICEF, one of the organizations we serve, introduced a Mediation Pledge. The Mediation Pledge, now adopted by all the Funds and Programmes, commits to considering the possibility of mediation for any workplace conflict between the organizations and their personnel worldwide, by way of a structured discussion facilitated by our mediation team. Thanks to dedicated funding we received to expand our mediation capacity, we now stand readier than ever to provide the services – around the world – promised by the pledge. It is our hope that, inspired by this action, international as well as national organizations will consider a mediation pledge for their personnel.

With thanks and excitement about what lies ahead,

Introduction to Mediation Services



Mushegh Manukyan
Mediation Specialist
Manager, Mediation Unit

We are pleased to introduce this first edition of the Mediation Newsletter. We hope it will become a valuable resource for all personnel of the five organizations served by our Office to learn more about mediation and how it can be effectively utilized.

The Newsletter will be published quarterly and will include various sections and rubrics ranging from short articles by the mediators to client stories. This inaugural edition of the newsletter will be made available on our website. We may also publish some of the material in subsequent editions on our website when we believe that the material will benefit the international mediation community beyond the Funds and Programmes and will not contain any proprietary or confidential information. We will also take the opportunity to celebrate our mediation champions—colleagues who actively promote and encourage mediation in their work—as well as when authorized share your feedback on our services received from mediation surveys. Although the Newsletter will be in English, some materials by our mediators may be available in 5 other UN languages, which you can access by clicking on the respective links.

In this first Newsletter, the distinguished on-call mediators of our Global Mediation Panel have chimed in from around the world to discuss the key reasons for choosing mediation when resolving conflicts at the workplace.

“Peace cannot be kept by force; it can only be achieved by understanding” – Albert Einstein

Before we present their compelling explanations of the benefits of mediation, I offer some preliminary thoughts on Why and When:

Why Mediate?

The need for open and confidential communication: In our daily work, we often forget about the importance of effective, open, and candid communication with our colleagues. This unintentional omission leads to situations in which our grievances deepen and eventually impact our professional and personal lives. We fail to **INITIATE** a conversation about problems; we fail to **LISTEN** to each other; and we fail to **SPEAK** humanely with each other. Imagine what would be possible if we were to allow more Initiating, more Listening, and more humane Speaking—without fear and with open minds. Mediation allows you to initiate, listen, and speak. Why not use it?

Highly professional mediators: The staff of the Mediation Unit has extensive experience in managing mediations and mediating conflicts ranging in complexity from cross-cultural workplace disputes to multi-million-dollar disputes. In addition, the Mediation Unit has engaged over 60 highly experienced external on-call mediators, each of whom had already mediated for years before joining our Global Mediation Panel. Many of our Panel mediators have led the development of mediation in their own countries.

We offer mediation services both online and, where feasible, in person. If your case would benefit from an in-person mediation and we have a mediator in your jurisdiction, you may even see a mediator in your own office. We may be able to even offer mediation in your own language. As Nelson Mandela has said, “[i]f you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart.”

When To Mediate

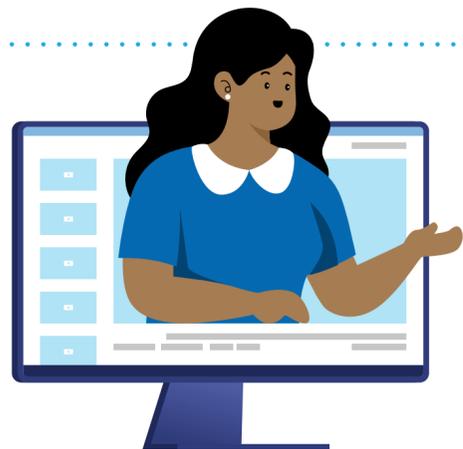
“Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser – in fees, expenses, and waste of time.” – Abraham Lincoln

Any time: Conflicts can be mediated at any stage, whether they are just developing, in litigation, in arbitration, or even after the completion of formal proceedings when there may be a need to restore the relationship between the parties who were in a conflict.

The earlier the better: That said, it is generally best to resolve disputes as early as possible. Over time, conflicts allowed to simmer tend to become more extreme, the positions of the parties tend to become entrenched, and relationships deteriorate.

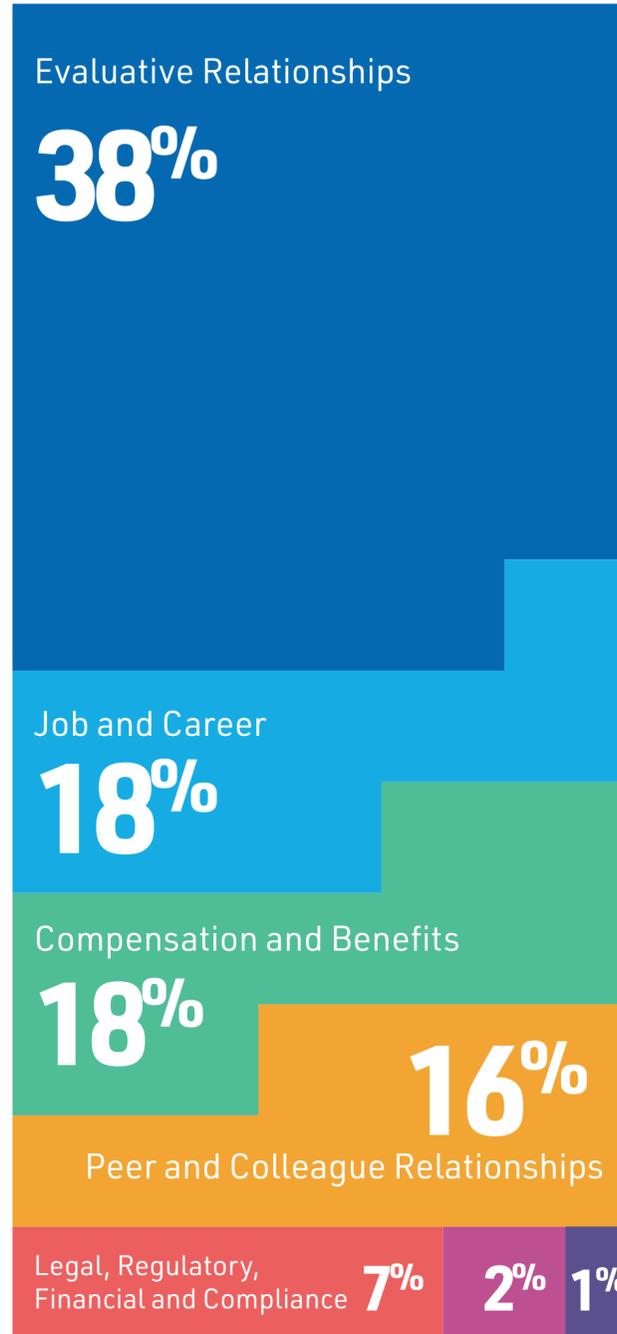
The Mediation Unit is readily available to provide professional mediation services to all personnel; we hope that members of personnel of the five UN organizations that our office serves will actively use our resources to achieve a harmonious workplace in their respective organizations.

Mediation Highlights of 2020



1000+ colleagues attended mediation webinars

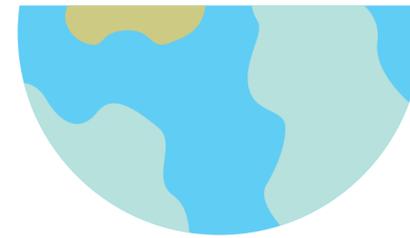
Breakdown of issues in mediation cases (%)



- Safety, Health, Wellbeing, Stress and Worklife
- Values, Ethics and Standards

63

on-call mediators from around the world available to mediate conflicts involving all personnel of the five organizations served.



450+

HR colleagues trained on mediation referral techniques

Our survey shows that

100%

of users recommend mediation regardless of the outcome

★★★★★ Testimonials

Anonymous accolades or comments from those who have been a party to a mediation.

"I did not reach out to the Office but was 'taken' or 'reported' - as I initially took it, to the Office. At the end of it, it was a very useful, productive, learning and growth opportunity. I never thought I would end there, but glad that I did and learnt so much. The mediators were very professional, understanding, empathetic, used the right approaches and made us value each other in ways we had not done before. I am fully satisfied with the process and do appreciate the outcome. I now see the relevance of the Office more than before and would recommend this process or procedure for any manager or staff who find themselves in the situation we both did."

Manager

"The mediator was outstanding. With his exceptional mediator and legal skills, he was able to understand the issues and facilitated the mediation process."

Consultant

"Mediation played an important role in bringing significant changes in the relationship between my supervisee and me, including helping me understand better how I can support my team."

Manager

Our survey shows an average rating of





Latest News and Updates

April – December 2021

The Mediation Unit will be conducting a series of events titled “A Conversation with the Mediator”, in which Manager of the Mediation Unit Mushegh Manukyan and Mediation Officer Maria Migoya Fernandez joined by the members of the Global Mediation Panel will virtually visit 24 country offices to train personnel on mediation and evaluate the suitability of pre-registered conflicts for mediation.

 **Full schedule:**
www.fpombudsman.org/global-mediation-panel/

No registration needed for the training portion of the program, to schedule a 15-minute confidential intake call with the Mediation Unit, register at:
www.surveymonkey.com/r/FP7TFZP

March - April 2021

Innovative e-learning course titled “Mediation As An Effective Way Of Resolving Disputes” will be introduced for all personnel of UNICEF, UNDP, UNOPS, UN Women, and UNFPA. The course will be available on our website and on the platforms of the funds and programmes.

4 May 2021

Along with UNICEF’s Executive Office, Staff Association and other offices, the Office of the Ombudsman hosted a Global Mediation Townhall to formally introduce its mediation services, the Global Mediation Panel, and the Mediation Pledge.

May - June 2021

The Office of the Ombudsman is hosting a series of cross-agency global webinars on mediation in 6 UN languages. Please visit our website to learn about further updates and the dates of the events.

Resources



Maria Migoya Fernandez
Mediation and Conflict
Resolution Officer

The mediation unit has developed useful resources to guide you throughout our process. The materials will help you better understand what mediation is and what it is not, as well as explain the steps we follow when you reach out to our office.

Here is a list of some of the available materials:



Introductory
Video on
Mediation



Mediation
Guide



Mediation
Process



Role of
Lawyers



Agreement to
Mediate



Survey



Mediation and Workplace Conflicts

All contract holders in the United Nations should always consider mediation for workplace—and other—conflicts. Why? Here are the top 8 reasons:

Management can encourage a culture of mediation through education about the benefits of mediation and individual conflict coaching.



Lela Porter Love

Chair of the International Advisory Board

1

Voice and choice

Working it out yourself builds empowerment and self-determination.

When you work things out with others involved in a conflict, you come to a better understanding of co-workers and you retain control over the outcome. You will have time to tell your side of the story, and you will be encouraged to listen thoughtfully to others.

2

Participation in the solution

In mediation, you will like the solution, if you're able to reach one, (you chose it) and everyone will be more committed to it (because it works for them). Here's what happened to Thomas and Giorgi. In staff meetings, Thomas felt unable to speak because Giorgi, the supervisor, never called on him, and he never got a chance to participate. Thomas felt his silence and Giorgi's failure to recognize him caused reputational harm. In mediation, Giorgi explained that Thomas sat in the back of the room and didn't raise his hand to speak. Giorgi couldn't see him. Between them they worked out a fail-safe method for Thomas to be more involved: Thomas agreed to sit in front and volunteer to speak by raising his hand. Giorgi agreed to call on him regularly.

3

Avoiding the risk of others deciding

In addition to having a more desirable and durable outcome, you won't risk an outcome that no one really wants. Outcomes created by bosses, arbitrators or judges can miss the mark for everyone involved. Consider Maria. Maria complained about a hostile environment to her supervisor because she was ignored by co-workers. The supervisor decided to transfer her to another unit. Maria later learned, though, that others in her unit did like her. They didn't invite her to lunch and other outings because she kept the door to her office closed all the time, and no one wanted to disturb her. Maria kept her door shut because she wanted to concentrate more. Transferring her was a bad solution—she just needed to tell people to knock on her door (which she could have done in mediation)!

4

Speed

Mediation can be very fast. Sit down with a mediator and your counterpart. There is a good chance you will work things out in one session if you are committed! Denisa, for example, thought she wasn't promoted because of her nationality. In mediation, Ignacio explained that she wasn't promoted because of certain concerns over her performance. Ignacio and Denisa agreed to a plan that would enable her to get that promotion.

5

Avoiding the expense of adjudication

Getting advice from a lawyer can cost money and cause stress. Think what mediation could have done for Elena and Manon. They each felt the other was trying to undermine them in the office, and each had gossiped about the other. They found that being in a prolonged dispute created health issues—sleeplessness and anxiety. In fact, each ended up going to a therapist to deal with the issues. Instead of all the health-threatening and expensive drama, they could have asked for mediation and worked out a way to live together constructively at the workplace.

6

Better outcomes with creative problem-solving

Let's imagine that Tsisana needs a transfer from New York to Rome. But Rome does not have an available post or stretch assignment. Tsisana desperately wants to be nearer her family in the EU. In mediation, she works out a scheme with her supervisor whereby she can work part-time remotely and be with her family in the EU, as long as she is present in New York for at least 50% of the year.

7

Positive leadership

Walk the talk. Whether you are a supervisee or a supervisor, modeling constructive conflict resolution by using mediation to communicate better and build consensual resolutions will build a workplace environment to be envied. When you "walk the talk," your workplace will become a better place to be. Whether the dispute is about vacation days, overtime or disrespectful conduct, you can use mediation to set things right.

8

Change the workplace and the world

If everyone got used to mediation—instead of formal/adversarial processes such as the United Nations Dispute Tribunal or arbitration—we would have better communication, better solutions, and happier workplaces. Remember that formal procedures are always available if mediation doesn't work. Mediation is worth a try!

Contributions from Mediators in all six UN Languages



ARABIC

Workplace Mediation: Advantages and benefits

[Click to read in Arabic](#)

CHINESE

Disputes between My Boss and Me: Is it Possible to Mediate?

[Click to read in Chinese](#)

ENGLISH

[Ask a Mediator](#)

FRENCH

Can mediation help in the workplace?

[Click to read in French](#)

RUSSIAN

Can mediation help in a workplace conflict?

[Click to read in Russian](#)

SPANISH

Consider Mediation First

[Click to read in Spanish](#)

ARABIC

Workplace Mediation: Advantages and benefits



Georges Feghali
Mediator, Global
Mediation Panel
Lebanon

Workplace mediation in United Nations Funds and Programmes is typically an effective, informal dispute resolution process. It provides a free and safe space in which to negotiate. In workplace mediation, a trained, impartial third person called a mediator helps the participants negotiate and identify their issues, interests, and needs in an atmosphere of respect and confidentiality. The mediator also empowers the parties to bridge their differences so they can voluntarily reach a binding agreement.



Sherif Elnegahy
Mediator, Global
Mediation Panel
Egypt, Saudi Arabi

Safety and freedom are important characteristics linked to the rules of mediation. Safety is related to the obligation of confidentiality: mediation is strictly confidential for mediators, participants, and every person attending a mediation session. Information shared during mediation sessions cannot be disclosed even after the end of the mediation process, irrespective of the result (except when there is an “imminent risk of serious harm”).

The participants also benefit from the freedom of self-determination during the mediation: they can decide whether to proceed with mediation, as well as whether to

reach an agreement. The mediator has no authority over the participants except organizing and managing the sessions.

Mediation can also help prevent or lessen disputes; it serves as a safety valve or a seat belt to minimize conflict. It is also known to be effective because of its high success rate.

Workplace mediation also has benefits for the workplace itself. Mediation maintains the relationships between staff, contractors, supervisors, and managers. It allows people to rebuild and restore trust. It creates an environment of satisfaction and mutual trust, which in turn help to increase productivity and quality of the workplace. It transforms each conflict into a creative meeting for the benefit of the participants and the organization.

Most importantly, mediation is available to all contract-holders, regardless of the contract modality. Therefore, when a potential issue may arise, or even after it occurs, it is recommended that you first discuss the concerns with the relevant managers. If no mutually agreeable solution is found, you are strongly encouraged to pursue the mediation process by approaching the Office of the Ombudsman.

CHINESE

Disputes between My Boss and Me: Is it Possible to Mediate?



Jody Sin
Mediator, Global
Mediation Panel
Hong Kong

A year ago, XiaoNan joined the China office of one of the organizations that the Office of the Ombudsman serves. Everyone enthusiastically welcomed her to the team and formed a close relationship with her. XiaoNan was relatively inexperienced in project planning and made occasional mistakes. Although her colleagues were supportive, and XiaoNan was satisfied with the job, she was afraid of the head of the planning team, GuangLi.

During the work progress meeting every Monday, XiaoNan frequently found herself trembling with fear. When GuangLi was dissatisfied with a work product, he would heavily redline the writing and insert aggressive comments to show his disapproval of the quality of her work. XiaoNan felt that GuangLi's approach could jeopardize her success in the UN. But she was undecided on how to start a conversation with GuangLi. On the one hand, she feared losing her job. But on the other hand, she was concerned that if she continued with her role, the eventual outcome would not be favourable to her. XiaoNan also felt that GuangLi had not been fair to her because some of the data in her reports were provided by other

colleagues. GuangLi should have recognised that there were shared responsibilities within the team before blaming any shortcomings in XiaoNan's reports on her.

XiaoNan's colleague recommended that she visit the Office of the Ombudsman's website at <https://fpombudsman.org> to check the information and materials about mediation of workplace conflicts. She reviewed the website's page <https://fpombudsman.org/what-we-do/mediation/> and found out that:

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.

She also found helpful resources on the website such as a mediation guide, an FAQ page, a mediation process chart, and the like.

XiaoNan decided to give mediation a try, especially since she would lose nothing by pursuing mediation: it is free and confidential and will allow her to maintain all other formal options to resolve the conflict.

READ IN
ARABIC
HERE

READ IN
CHINESE
HERE

Ask a Mediator



Anna Doyle
Mediator, Global
Mediation Panel
Belgium



Allison Attenello
Mediator, Global
Mediation Panel
Denmark

Q1 - How can mediation help me?

A1 - Mediation de-escalates conflict, reduces stress, and helps people to get on with fulfilling their professional duties. It can be especially helpful in improving working relations, clarifying rights and entitlements, and creatively exploring ways of building bridges to enable people to perform at their best. The process is quick, informal and confidential. You remain in control of your actions and decisions, and you retain the right to pursue other options to address any unresolved issues.

Q2 - What happens in mediation?

A2 - In mediation, participants talk about their perspectives, experiences and feelings. Mediators use tools like asking questions, reflecting, and identifying interests to facilitate understanding. Participants decide on the agenda and what actions to take; the mediator guides the process. Mediators don't take sides – we are neutral, impartial and independent – and we work in the best interests of everyone involved. When you choose mediation, you can expect to be treated fairly and listened to fully.

Q3 - What are the possible outcomes of mediation?

A3 - Mediation can have several outcomes. You may fully or partially resolve your issues in a variety of ways. Shifting your mindset to a “resolve” mode helps you explore all available possibilities. You may choose whether to have a verbal or written agreement that details any shared commitments you make. Whether mediation leads to resolution or not, you will come away with a clearer sense of your own (and others') needs, new ways of seeing things, and insights on how to move forward.

Q4 - How does the UN view mediation?

A4 - The leadership of UN Funds and Programmes fully supports and actively encourages mediation. The organization aims to empower people to work things out for themselves. It also recognizes that mediated agreements offer lasting solutions and have a positive effect on individual relationships and organisational culture.

Q5 - When is the right time to explore mediation?

A5 - Explore mediation whenever you have a potential conflict, misunderstanding or dispute that you are unable to resolve yourself. The opportunities participants have to shape the conversation and outcomes make it worthwhile to try mediation before pursuing more formal options.

Can mediation help in the workplace?



Dindio Konate
Mediator, Global
Mediation Panel
Cote d'Ivoire



**Birgit Sambeth
Glasner**
Mediator, Global
Mediation Panel
Switzerland

Conflicts are part of every human society, and the workplace is no exception. Workplace conflict can result from many sources, including poor workplace management, personality conflicts, disagreements about the use of workplace resources, and conflicts about how workplace rules apply.

When workplace conflicts arise, there are a number of possible ways to manage them. That said, in our view mediation is an excellent way to resolve a workplace conflict.

Why?

Mediation is a highly flexible process that the parties can design to be informal. Most importantly, the parties' participation in mediation is voluntary, and the parties themselves determine whether there is a solution to their conflict.

When dealing with a workplace conflict, the two most important aspects are the parties' relationship and the outcome. Mediation offers the parties a way to save their relationship while finding a solution that works for both. Preserving the relationship between colleagues is fundamental to keeping a well-functioning workplace, maintaining harmonious relationships between colleagues, and preserving a healthy and pleasant working atmosphere. All of these, in turn, result in the workplace producing quality results.

READ IN
FRENCH
HERE

RUSSIAN

Can mediation help in a workplace conflict?



Roman Koval
Mediator, Global
Mediation Panel
Ukraine

As Ronald Reagan once said, “Peace is not the absence of conflict, but the ability to cope with conflict by peaceful means”.

Differences in opinion that escalate into interpersonal conflict can be seen in every workplace and are detrimental to a team if not handled properly. It’s hard to avoid or hide the conflict. If you try just waiting until it goes away, it may not; on the contrary, it will probably reassert itself whenever stress grows or a new disagreement occurs.

Face-to-face negotiations at the workplace may work to manage the conflict. But when they do not, and to ease workplace tension before it transforms into something more, you can try mediation.

Why Mediation?

Mediation is a “natural” way to resolve workplace conflicts that uses an impartial and skillful person to help parties resolve their misunderstandings and disagreements informally.

All contract-holders are strongly encouraged to try resolving the matter through mediation before turning to stressful and costly

litigation. Mediation allows people to find a solution acceptable to all of the parties involved, and the process is controlled by the parties.

How does it work?

In conflicts, people typically listen to their opponents only so that they can formulate opposing arguments. The mediation process is designed to broaden your listening skills so that you listen to appreciate the other person’s point of view as well. Instead of focusing on what went wrong or who has made a mistake, you and your counterpart will talk about what can be done to solve the problem and prevent it from happening again.

You can try it yourself – you have nothing to lose because you will still keep your option to resort to a formal resolution if the mediation does not result in an agreement.

What does the mediator do?

To make the process work, the mediator encourages people to express their concerns while respecting each other’s views, all in a strictly confidential setting. The mediator also helps uncover the parties’ underlying needs and interests.

A harmonious relationship at the workplace is an essential basis for productive performance. To the question “Can mediation help with a workplace dispute?”, our answer is “Yes! Mediation can help the most!”

[READ IN
RUSSIAN
HERE](#)

SPANISH

Consider mediation first



**Fernando Navarro
Sánchez**
Capacity Building
and Conflict
Resolution Expert

Conflict clouds judgment. People often experience anger with the situation and with the other side, fear of future interactions, guilt about whatever has been said and done, sadness that the relationship feels broken, anxiety as to where the situation will take them, and uncertainty about how to act.

When conflict arises, it is not uncommon for people to try to talk it out, negotiate directly and settle the conflict. But if that doesn’t work, it is often for at least for one of the following reasons:

Selective perception

This is a cognitive bias that causes people to perceive only what supports their point of view, while unconsciously ignoring information that might challenge it. This bias is enhanced in a conflict where a person perceives “the other” as the one to blame for what is happening or for the hurt experienced.

Selective judgment

In conflict, people tend to interpret “the other’s” neutral behaviors as if they were evil or ill-willed.

[READ IN
SPANISH
HERE](#)

Autistic Hostility

Given the anxiety and uncertainty that conflict brings, people tend to avoid any communication with the other side.

Lack of Information

If or when a formal conflict resolution process can be expected down the road, people will be wary of disclosing information that might put them at a disadvantage in that future process. And as we know, a negotiation with partial information is often unfruitful.

Mistrust

In conflict, mistrust is greater than usual, and this has a direct effect on the efficiency of a direct negotiation. Trust is the lubricant of negotiation. And without it, the negotiation gets stuck and ultimately breaks.

Poor Negotiation Tactics

People often negotiate based on “intuition,” power and muscle, competitive negotiating techniques where one side must win over another, oftentimes negotiating against themselves.

Mediation can help to overcome all these obstacles. A mediator facilitates the exchange of information; fosters a climate of trust; and, finally, serves as an impartial negotiation coach, making sure that the negotiating techniques used by the parties are appropriate and timely.

At the outset of a conflict, it is a good idea to involve a mediator in the conversation. The mediator can help increase the chances of a successful negotiation. There may only be one shot.

In conversation with James Lee, The first Ombudsman for UN Funds and Programmes



James Lee
Senior Conflict-Resolution Expert

In preparation for this first Mediation Newsletter, we asked James Lee to talk to us about his experience in alternative dispute resolution (ADR).

How did you first become involved in conflict resolution?

It all goes back to my first job in Haile Selassie I University, Addis Ababa. The student body was almost exclusively Ethiopian, but faculty members came from over 70 countries. The students had their own ideas about what they wanted to learn and what should be taught. You can see the potential for conflict! As Assistant Dean of the Faculty of Arts, I was amazed that simply getting the different factions together could bring about positive results and help everyone to understand other people's points of view. I learned the power of listening, of respecting others even though you might disagree with them, and of trying to resolve conflict by working together. Those tools served me well in the rest of my academic career before I joined UNDP as an editor.

Can you tell us how it was possible to institutionalize the functions of ombudsman/mediation?

In the early days, volunteer ombudsmen and mediators in the United Nations had no funding and largely had to work on their own time. Fortunately, decisionmakers throughout the UN system were awakening to the great possibilities of informal conflict resolution, and UNDP/UNFPA/UNOPS were among the first to do so. Acting on the recommendations of an independent review, and re-affirming the huge added value of ADR, the Executive Heads created the Office of the Joint Ombudsman in 2002. Also, in several resolutions, the Member States had indicated great interest in mediation as a means of helping to ensure a harmonious, decent workplace. Finally, the change became possible when there was funding and the immense value of informal resolution was recognized.

Does senior management follow up on the recommendations to encourage informal conflict resolution?

Indeed. You've just got to look at the annual reports and the policy changes they triggered. When I started, the Office staff was minimal (and I had to fight for adequate, professional space!). There are now 7 full-time staff and over 70 consultants and on-call mediators engaged by the Office. The message has

been heard loud and clear. Senior management is truly on board to make the maximum use of the informal conflict resolution modalities offered by mediation and ombuds intervention. I would also say that many managers understand their responsibility to ensure a harmonious, respectful and productive workplace, and to use the services of the Office.

What do you see as the ideal work environment?

I think that there are several elements that need to be in place. First, open communication is paramount – I often hear that staff perceive a lack of “psychological safety” in the workplace. It really is up to management to create an environment that will ensure that new ideas for improved delivery can be tested. Second, that communication must be clear, whether written and spoken, so that everyone is on the same page. Third, all members of the team must interact with respect for one another.

It is also essential to manage conflict as soon as possible. Here is where we come to the role of the mediator and ombudsman: they are often the key to resolving workplace conflict in a confidential, informal, independent and impartial way. It can be very difficult, if not impossible, for parties to a dispute to resolve the dispute on their own. With their specialized skills, mediators can bring the factions together and explore options that may never occur to the parties involved in a dispute. I think having recourse to a mediator or ombudsman is an indispensable part of the modern, harmonious and productive office.

Does conflict resolution play a part in your personal life?

Ah, that's an easy one to answer but also a very important one for me. Since I've been dealing with informal conflict resolution for most of my professional career, it has become a way of life. I've learned an immense amount of active listening skills in my professional roles and I find that friends and relatives also ask me to help out when they are facing conflict. Working together to find solutions is a great way to live, and I recommend it to everyone!

And by the way, congratulations on your first Mediation Newsletter.

The Evolution of Voluntariness in Mediation at the World Bank Group



Nadine Chapman
Manager, Mediation
Services, WBG



Kahlill Palmer
Mediation Officer,
Mediation Services,
WBG

The World Bank Group (WBG) Office of Mediation Services (MEF) was founded in October 1999 in response to a Grievance Process Review that took place the prior year. The review recommended the establishment of an informal mechanism to help staff address workplace disputes. Initially, mediation was voluntary for both parties. In addition, parties were provided with mediator profiles and afforded the opportunity to select mediators they believed were best suited to mediate their dispute.

In 1999 mediation was a relatively new concept in the WBG. Staff were at times reluctant to use the process based on their misperception of what it was and fear of negative consequences that could result from engaging in it. These issues were compounded by cultural differences – especially for staff from cultures in which seeking to bring a person of authority into an external process would be deemed inappropriate (i.e., “high context cultures”, “high power distance cultures”). In addition to the reluctance of parties to agree to mediate, the office also observed that parties had the tendency to seek mediators they believed would be most sympathetic to their story based on their photographs, professional backgrounds or other factors. These issues resulted in a low usage of mediation and the perpetuation of a misunderstanding of the process.

In 2009, reforms were suggested for the WBG Internal Justice Services (IJS), including MEF. One of the recommendations was the requirement that if a party requests mediation, the then non-requesting party is obligated to participate in mediation from intake through the first mediation session. This change was intended to increase the number of otherwise reluctant staff to participate in mediation while encouraging them to address and resolve issues at an informal level.

As a direct result of this change, Mediation Services experienced a 54% increase in its caseload, as managers referred staff to mediation at an increasing rate. Separately, the office terminated the practice of allowing

parties to self-select mediators and instead assigned mediators. This practice resulted in time savings, and ensured that mediators were appropriately assigned by the office to address cases.

The main criticism of requiring participation is that it appears to run contrary to the principle of self-determination, which is a core principle of the mediation process. However, “studies suggest that mandating mediation does not reduce the rate of settlement as compared to voluntary mediation, nor does it adversely impact the parties’ experience in mediation.”¹ There are also procedural safeguards in place to ensure that the mandatory participation requirement does not lead to potential abuses by parties. During intake each case is carefully evaluated for its appropriateness for mediation. The review includes considering whether either party is engaging in mediation in good faith (e.g., using it to seek information or delay, exert pressure, or engage in intimidation or harassment). If the mediator determines that either party is not engaging in good faith, then the case will not proceed forward in mediation. Finally, parties are not compelled to come to agreement, but merely to participate during the initial sessions.

Requiring staff to participate in the initial stages of the mediation process has enhanced the usage of mediation by WBG staff. It has also resulted in a substantial saving of resources as cases brought to mediation are typically closed within 45-50 days from opening. Staff that address and resolve disputes early and at a low level tend to be happier and healthier, which has a positive impact on the entire organization.

¹ Menkel-Meadow et. al., *Dispute Resolution: Beyond the Adversarial Model* 284 (3rd ed Wolters Kluwer 2019).

Mediation Champion



Paul Frederic Badiane
Regional Chief of Human Resources for the Middle East and North Africa Regional Office, UNICEF

In each edition of the Mediation Newsletter, we'll announce a mediation champion – a colleague in the five UN organizations who actively supports mediation services by referring cases to the Office of the Ombudsman, engages with the Office in various activities (such as training, webinars, etc.), and encourages staff to use mediation in appropriate cases. We are thrilled to announce that Paul Frederic Badiane, UNICEF's Regional Chief of Human Resources for the Middle East and North Africa Regional Office, has been recognized as our first mediation champion. We are grateful for Paul's continued support to the mediation services and his commitment to improve the organizational culture at UNICEF. We also thank Paul for his inputs on the effectiveness of mediation in his work, which we present below:

How does mediation help in your work?

In alignment with its core values of "Care, Respect, Integrity, Trust and Accountability," UNICEF is committed to having a real and effective "psychological safety" culture in the workplace environment, a place where everyone should feel respected and valued.

To make that happen, we, HR professionals, give time, attention, and support to our staff when they face difficulty or conflictual situations in the workplace. But HR cannot have the organizational mandate to intervene in the capacity of a mediator (which is as per the Secretary General's bulletin is given to the Office of the Ombudsman), let alone the requisite resources to provide mediation services.

Having access to the professional mediators of the Ombudsman Office is therefore a Godsend for us. In appropriate cases, they handle the conflict, which also allows us to focus on our own priorities and mandate.

When do you consider referring a potential conflict to the Office of the Ombudsman for mediation?

As I have suggested above, contacting HR is one existing mechanism in UNICEF for staff to share their difficulties and concerns and get support. When a difficult situation or conflict is brought to our attention, we often are the first-line responders. We listen to the staff, help unpack the situation, and advise on the different existing mechanisms for dispute resolution.

If we determine that the case will need more time and expertise than we can provide, we suggest to the staff that they talk to a professional mediator.

When doing that, we always reinforce the message that with the mediator, the process will be confidential, neutral, independent and informal, and that staff can withdraw at any time.

How can staff benefit from mediation services?

Mediation services are free and available for all UNICEF personnel. Staff can check out or request the Ombudsman's mediation services by contacting the office through their website or email address, or by talking to HR colleagues or their office management.

Mediation stands in sharp contrast to formal processes such as a trial, where the court determines a winner and a loser. The process with the Ombudsman, instead, aims to help rebuild trust and promote a good work environment for staff in conflict.

Nobody will know if staff requests mediation support; it is between the staff and the mediator, unless the staff authorizes the mediator to share some information with specific people.

As far as mediation is concerned, do you have any advice for colleagues?

I encourage colleagues to use mediation as much as possible. You could start by just asking advice on your case, and when you feel comfortable you can move to the mediation process if you think it might help. It is so good to have a professional outside the organization, with enough time for you, available to help and support you in complete confidentiality.

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

If you'd like to reach out to the Mediation Unit, you can contact us at

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