

OFFICE OF THE OMBUDSMAN
FOR UNITED NATIONS
FUNDS AND PROGRAMMES

ANNUAL REPORT 2022

Working together
to find solutions



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I INTRODUCTION

The Office of the Ombudsman provides an independent, objective, and confidential means for all those employed by UNDP, UNFPA, UNICEF, UNOPS, and UN-Women, regardless of their contractual status, to discuss complaints with the aim of attaining an agreement acceptable to all parties.

The Office of the Ombudsman for United Nations Funds and Programmes was in a period of transition during the reporting period and remains so at the time of writing of the present report: two of its key professional positions, Ombudsman and Ombudsman Specialist remained vacant in 2022. Nevertheless, the Office team continued to provide dedicated services in spite of the lack of adequate staffing and wishes to extend appreciation and thanks to all management and staff of the five organizations served who demonstrated their belief and support in the Office. The cooperation and forthright spirit of resident representatives, the staff of human resources, legal, ethics, and investigation offices, in addition to staff representatives, who encouraged colleagues to make use of the services provided by the Office contributed to the overall effectiveness of informal resolution in the workplace. Recruitment for the position of Ombudsman for United Nations Funds and Programmes, which became vacant in February 2022, remains in progress at the time of writing of the present report. While it is true that the five organizations have to cooperate and reach consensus in the recruitment process, which can be time-consuming, the consequent delays have had a considerable, exacting impact on the workforce of the Office as well as on its operations.

The Office of the Ombudsman provides an independent, objective, and confidential means for all those employed by UNDP, UNFPA, UNICEF, UNOPS, and UN-Women, regardless of their contractual status, to discuss complaints with the aim of attaining an agreement acceptable to all parties. In this regard, chapter I of the present report provides an overview of the work of the Office, showing that, as in previous reporting periods, evaluative relationships, together with job- and career-related issues, are the main concerns that staff brought to the Ombudsman.

Chapter II addresses observations concerning conflict in the five organizations in 2022 and the Ombudsman makes recommendations on the basis of cases brought to the attention of the Office. In particular, section II. A discusses due process and fairness in a variety of workplace situations; section II.B focuses on the challenges of creating a harmonious workplace; and section II.C examines in detail the job- and career-related matters that gave rise to conflict during the year.

The Ombudsman notes with concern that during the reporting period, some colleagues were very reticent about approaching the Office to seek an informal resolution to a workplace conflict. In some cases, they feared that the hierarchical structure of their own office could trigger retaliation. In other cases, staff who sought help from the Office did suffer negative consequences. Even more seriously, management at times impugned the credibility and ethical standards of the Ombudsman, characterizing the Ombudsman as an advocate for views, comments, and positions that staff presented when they contacted the Office. It is of paramount importance to restate unequivocally that the Ombudsman advocates for due process in an impartial manner, one of the cardinal operating principles of the profession. In all the instances mentioned, trust in the informal conflict-resolution system was severely impaired owing to a lack of understanding or deliberate undermining by parties who believe that an intervention by the Ombudsman constitutes a threat. These regrettable issues are addressed in section II. D. 1.

An overview of the increase in cases successfully mediated by the Office and recommendations for future action are presented in section II.D.2.

Section II. F highlights the Respectful Workplace Facilitators programme, which continues to be a reliable resource for staff

in country offices and is in its third-year pilot phase. Finally, chapter III indicates plans for the future, where special emphasis will be on dispelling the notion that it is in any way dangerous to consult the Ombudsman and reminding all stakeholders and those who use the services of the Office that the principles of impartiality, confidentiality, independence, and informality are upheld without exception.

I. OVERVIEW OF THE WORK OF THE OFFICE

A. Overview of cases

In the 2022 reporting period, the Office of the Ombudsman received 461 cases. This represents a 9 per cent increase in cases from 2021. Figure 1 shows that 181 of all cases were from UNDP, 73 from UNFPA, 135 from UNICEF, 38 from UNOPS, 31 from UN-Women, and 3 from other entities. In the period under review, three main categories accounted for 62 per cent of the issues brought to the attention of the Ombudsman: evaluative relationships (29 per cent); job- and career-related issues (24 per cent); and peer and colleagues relationship issues (10 per cent). This marks the first time that the peer and colleague category has been

one of the three issues for which staff have contacted the Ombudsman. A breakdown of the types of concerns in this category can be seen in figure 4 in section II.B of the present report, which also contains fuller information on the issues. In keeping with previous years, 87 per cent of the cases received were from offices away from headquarters.

B. Training and outreach activities

The Office provides spaces for interaction through its training and outreach activities. It enables members of the Office team to engage with the targeted community through a positive mindset, at the same time sharing the growth of learning as different work scenarios are analysed. The purpose is to hone skills that help colleagues from around the world to be better equipped not only to manage conflict effectively but to prevent it.

Through different channels and with a focus on virtual presence, the Office delivered a total of 75 live training sessions in 2022 on a wide range of topics, including those on “Effective Communication”, “Psychological

Figure 1. Cases received from 1 January to 31 December 2022

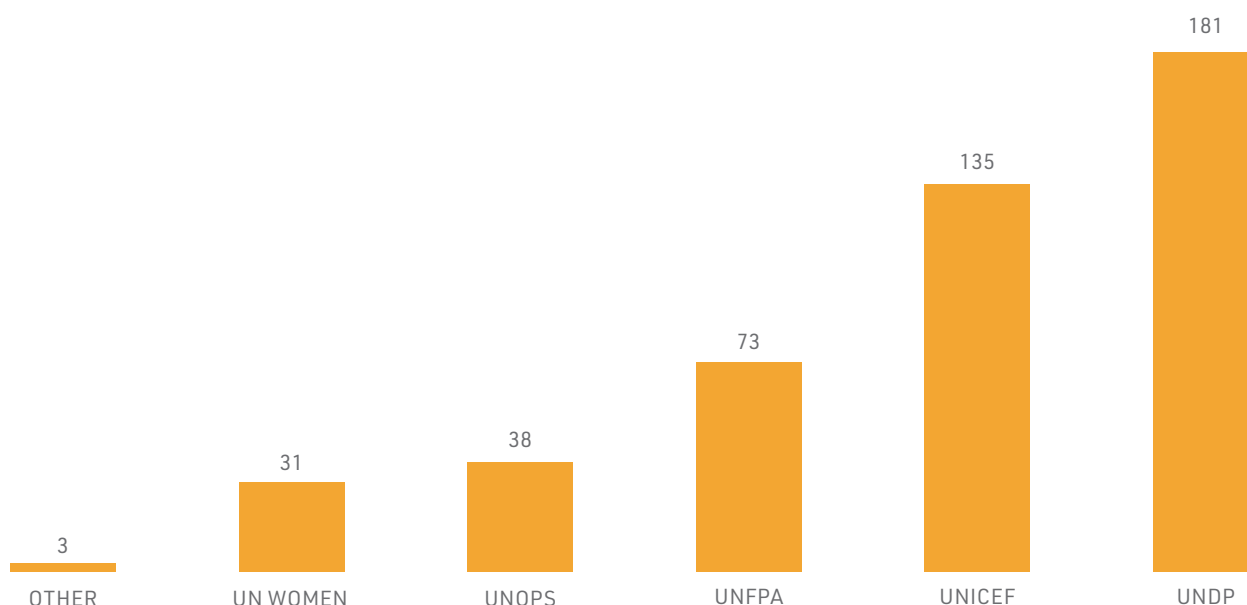


Figure 2. Issues addressed from 1 January to 31 December 2022

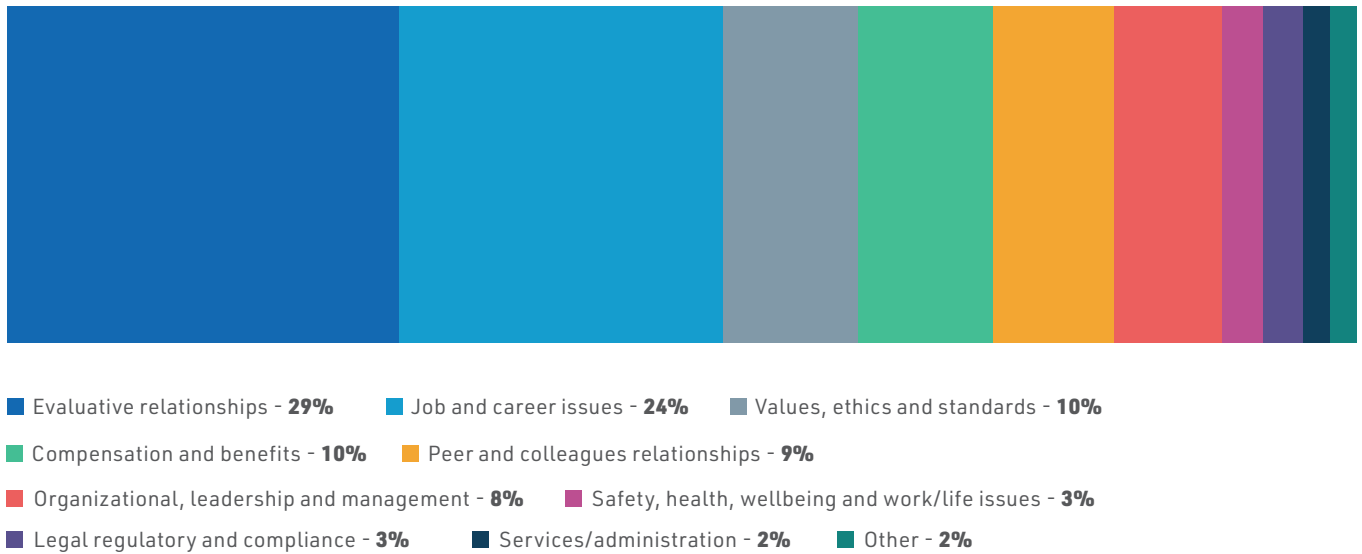
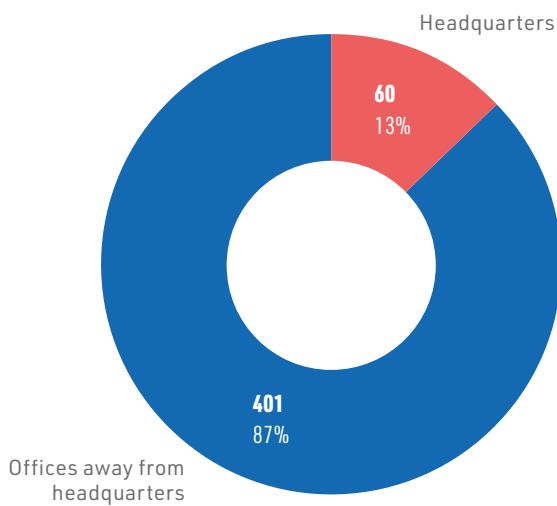


Figure 3. Cases away from headquarters and at headquarters, by percentage



Safety in Teams”, “Intercultural Interactions”, “Managing Emotions”, “Civility and Respect”, and sessions to introduce the services of the Office. Sessions were presented in all regions and in different languages and showed an increase of some 50 per cent over the number of sessions conducted in 2021. In line with the global moment when people gradually began to return physically to the workplace, some of

the sessions of 2022 were in person, through missions and workshops where the Office has regional representation. The members of the team are pleased to report that attendees rated the sessions very highly. The numbers of live sessions (combining virtual and in-person) presented to the organizations were: UNDP: 19; UNFPA: 19; UNICEF: 14; UNOPS: 14; UN-Women: 4; multiple organizations: 5.

The Office has continued to develop and enhance its e-learning catalogue, making it freely accessible to all colleagues on the website of the Office (fpombudsman.com/training), and through the learning-management systems of the five organizations served. There are now six asynchronous training courses available, including the two most recent additions: “Psychological Safety in Teams” and “Intercultural Interactions”.

During 2022, the Office started an in-depth group-facilitation project aimed at measuring and improving the psychological safety of those teams who participate in the facilitation. The first groups have completed the facilitation and 2023 will be a year of growth for the project to address this important topic.

II. OBSERVATIONS AND RECOMMENDATIONS CONCERNING CONFLICT IN 2022

A. Due process, fairness, and workplace conflict

Due process is a set of procedures and practices that seek to ensure fairness and accountability in decision-making and the management of resources. It also underscores the importance of all employees being heard even when they may or may not agree with a decision or practice that affects their employment. In this context, the Office of the Ombudsman received complaints from staff during the reporting period regarding fair treatment. Since the role of the Ombudsman is not to advocate for a particular individual position but for equitable treatment, a neutral perspective is provided to visitors on how best to address questions of fairness and which options exist to help to gain clarity and redress. In most of these cases, formal litigation is not attractive for either the

The Ombudsman offers a safe place where decisions that are made on a case-by-case basis are explained and discussed in an attempt to provide clarity and pursue workable solutions with the aggrieved visitor.

organization or the staff member owing to the amount of time required balanced against the need for immediate redress or attention. Staff therefore resort to the Office hoping that it can help to initiate a dialogue with the organization to find a practical solution or gain insight into the problem. The Ombudsman notes that an organization may sometimes take a decision on an issue that differs from previous decisions in similar situations, invoking its discretion to be able to do so, and may also have to weigh a variety of factors to arrive at an equitable, humanitarian decision in the exercise of its duty of care. Nevertheless, this can lead to impressions, complaints, and allegations of favouritism, especially when new rules have superseded older ones. The Ombudsman offers a safe place where decisions that are made on a case-by-case basis are explained and discussed in an attempt to provide clarity and pursue workable solutions with the aggrieved visitor.

The Office received complaints about perceived lack of fairness in the following areas: vaccination mandates, disability, emergencies, flexible workplace arrangements, and relocation.

Vaccination cases

Since the middle of 2021 until the writing of the present report, the Office has received cases regarding the impact on the workplace wrought by the Covid-19 pandemic. Like other workplaces around the world, the United Nations system, including the five organizations served by the Office, faces the ongoing, thorny question of how to uphold the duty of care to ensure a safe working environment amidst a public health crisis while meeting the demands of delivery and business continuity. The Ombudsman is aware that some colleagues in organizations throughout the system raised objections to the approaches adopted by their organization, at times questioning the efficacy of wearing

masks and of the vaccines themselves and registering their unwillingness to be vaccinated based on scientific, medical, or religious grounds. They also saw the choice as unfair since it was either being vaccinated and remaining in their post or not being vaccinated and being forced out of their post. The Ombudsman notes that these concerns were voiced in town-hall meetings throughout the system, including in the five organizations served. The Division of Healthcare Management and Occupational Safety and Health of the United Nations, to the best of the Ombudsman's knowledge, has not granted anyone exemption from vaccination.

One organization served by the Office required and continues to require that all staff and affiliated personnel be vaccinated against Covid-19 to remain employed by the organization or to be considered for employment. Prior to the decision, and throughout its implementation, the Ombudsman has been in dialogue with policymakers of the organization to gather information and share concerns heard. Furthermore, the Ombudsman was in dialogue with senior management and was assured that the decision had been made after careful consideration and study. Nonetheless, some colleagues continued to question the decision and its administration. The Office provided a safe place for these colleagues to voice their views, which it conveyed to the organization. The colleagues also expressed their comments directly to the organization. Some opted not to be vaccinated and separated from service – an outcome that neither the organization nor colleagues wanted.

The Ombudsman found the WHO Policy brief, "Covid-19 and mandatory vaccination: Ethical considerations" (<https://www.who.int/publications/i/item/WHO-2019-nCoV-Policy-brief-Mandatory-vaccination-2022.1>) from May 2022 illuminating. It reflects what the Ombudsman heard from visitors and policymakers and clearly and comprehensively

articulates the challenges that mandatory vaccination policies pose for a given population. The Ombudsman encourages all colleagues from the five organizations to read the brief as it provides a meaningful, appropriate framework for understanding the challenges of these decisions and the related conversations.

Disability

Staff Rule 1.3 states that "Staff members with disabilities shall enjoy an accessible, non-discriminatory and inclusive workplace, as well as the right to reasonable accommodation, under conditions established by the Secretary-General". Despite this rule, challenges remain to providing support to disabled staff members outside of the physical workplace, including home adjustments, remote work, and medical-related needs not covered by health insurance. In some cases, staff members who worked remotely had to fund their own disability aids. The Office successfully supported negotiations in situations where disabled staff and the organizations served had to agree on what could be covered in remote work situations and what could not. This raised a fundamental question of whether the organizations were doing enough to ensure the reasonable accommodation of disabled staff, especially when they are required to work remotely.

In this context and pursuant to the United Nations Convention on the Rights of Persons with Disabilities and in the spirit of the Secretary-General's bulletin on employment and accessibility for staff members with disabilities in the United Nations Secretariat (ST/SGB/2014/3 of 19 June 2014), the Ombudsman recommends that the five organizations expand their policies for reasonable accommodation, particularly in light of the changes brought about by the pandemic, including the rise of remote work, flexible work arrangements, teleworking, and other modes

of working. This includes providing support to disabled colleagues outside of the physical United Nations premises and ensuring that disabled staff receive necessary support in the discharge of their functions and responsibilities even when their work-related health needs are not covered by health insurance. The Office strongly encourages the five organizations to take concrete steps towards this goal so that disabled staff can enjoy a more accessible, non-discriminatory, and inclusive workplace, in line with the commitment of the United Nations to the rights of persons with disabilities.

Recommendation

The Ombudsman recommends that the five organizations expand their policies for the reasonable accommodation of disabled colleagues in the discharge of their functions and responsibilities outside of the physical United Nations premises and ensure that these colleagues receive necessary support when their work-related health needs are not covered by health insurance.

Treatment of staff in emergencies

In employing members of the workforce, the five organizations use a number of contractual modalities that vary depending on the type of work and its duration. The rationale for these contractual differences is not always evident, especially when personnel work as a team under similar conditions. When a humanitarian crisis or emergency arises, however, the situation is aggravated: the staff rules and regulations state clearly the benefits and entitlements of staff in emergencies but this is not the case for personnel who hold other types of contracts. Affected contract holders contacted the Office since they had perceived unfairness and lack of

clarity, particularly when the situation in the country was acute and required extraordinary measures such as relocation or evacuation.

The Office received complaints from personnel who had expectations of receiving compensation from the organization for conditions due to an emergency but realized that because of their contracts, such compensation was non-existent or limited. In addition, these members of personnel are sometimes referred to the small print in their employment contracts that address questions of compensation and insurance claims, which are normally managed by a private company. This adds to the perception that these members of personnel do not benefit from the duty of care of the organization they serve even though they have worked with the organization for many years.

The relocation of locally recruited staff can be especially complicated as far as emergency allowances are concerned. Needless to say, the situations that warrant the evacuation of locally recruited personnel often entail trauma and desperation. Moreover, evacuated local personnel may find themselves in an unfamiliar environment without employment but with a connection to the organization as far as disbursement of any entitlements. Communication with the organization at such times can be delayed and the affected personnel contacted the Ombudsman in 2022 to get answers to their questions.

Recommendation

The Ombudsman recommends that the five organizations raise awareness of employee rights and organizational obligations when there is an emergency and that the kind of support to be expected for those holding non-staff contracts be clearly stated.

Mobility, relocation, and entitlements

During 2022, the Office received cases concerning flexible working modalities, especially those involving teleworking arrangements. In trying to adjust to post-pandemic times, the organizations showed flexibility regarding return to the office and teleworking. The Ombudsman observed some cases where return to work policies overlapped, causing adjustments to the detriment of staff and leading to conflict.

In addition, the Office received cases where visitors perceived inconsistent application of the flexible working modalities within the same office or team, noting that most decisions in this setting were left to the discretion of managers, as the approving authority. Visitors expressed concerns and allegations of discrimination and favouritism were raised.

The Office also worked with managers of large teams or entire offices that were going to be relocated to a different duty station. The Office received numerous cases of visitors who reached out to the Ombudsman individually, with concerns about the relocation process that their office was undertaking. In both cases, the same issues were raised by those affected by the relocation, which included lack of consultation, lack of appropriate communication to all staff, lack of transparency in the process, lack of adequate management of expectations, and unfairness in the decision-making process.

The Ombudsman observed an escalation of these concerns in the final stages of the process, often in the absence of adequate support for the logistical consequences or the human impact of relocation, which created tensions and stressful working environments. The Ombudsman believes that a well-planned process, including appropriate support and regular communication throughout, is key to avoiding subsequent conflict. Against this

background, the Office successfully facilitated group discussions in 2022 to support staff and management to reach an agreement on the process and communication strategy to be followed in relocation.

Recommendations

The Ombudsman recommends that the managers of the five organizations ensure consistency in the application of their respective teleworking policies and guidelines to avoid the perception of discrimination.

The Ombudsman recommends that the five organizations ensure a transparent relocation process by developing a strong communication strategy involving all personnel in the planning stages, consulting them on the process, and, to the extent possible, considering and trying to accommodate individual circumstances. The Ombudsman further recommends that the focus be placed on conflict prevention, by trying to anticipate potential issues that may arise. The organizations should contact the Ombudsman as early as possible in the process for support in facilitating dialogue with different stakeholders and decision makers.

B. Challenges of maintaining a harmonious workplace

There are various components fundamental to establishing and maintaining a healthy, harmonious workplace, including civility, cultural awareness, work-life balance, psychological safety, civility, and a harassment-free environment. Respect and dignity, however, are the foundations of any harmonious workplace. During the

reporting period, the Office saw an increase in complaints from peers. Figure 4 shows that most of the complaints had to do with interpersonal differences and respect/treatment at work.

Respect is a core value of the United Nations. Workplace respect entails treating others as one would want to be treated oneself while recognizing the impact one has on others. Showing respect includes accepting and valuing differences, which in turn fosters inclusiveness. When there is respect in the workplace, not only is it a place where staff want to be, but it is also where people work more collaboratively and report a greater sense of satisfaction.

Dignity takes respect one step further. It is about an individual's perception of equality, fair treatment, the ability to speak up in the workplace as well as autonomy and team focus. While respect is aligned with inclusiveness, dignity focuses on diversity, a testament to zero tolerance for harassment, discrimination, and abuse of authority.

In the reporting period, the Office helped to address many conflicts that could have been avoided had parties shown civility, dignity, and respect to one another. Cases dealt with signaled that these three elements were undermined and as a result there occurred conflict between staff, abuse of power, harassment, and discrimination, with disregard for the dignity of others. In the cases the Office received on harassment and bullying, the

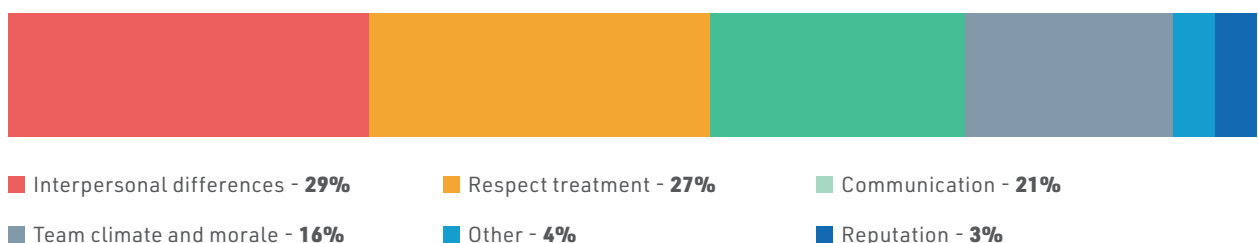
The failure to hold perpetrators to account is an important contributing factor to a breakdown in civility, respect, and absence of dignity as other staff start to model the behaviour which, if unchecked, becomes pervasive in the workplace.

victims often felt that the perpetrators had not been held to account for their behaviour. The failure to hold perpetrators to account is an important contributing factor to a breakdown in civility, respect, and absence of dignity as other staff start to model the behaviour which, if unchecked, becomes pervasive in the workplace.

Managers play an important role in setting the standards of acceptable behaviour in the workplace and when they fail to do so, there is a higher probability that incivilities and disrespectful behaviour will occur. In some cases received in 2022, managers were perceived to be part of the problem as they themselves did not uphold the core values of the United Nations of civility, professional integrity and respect for diversity. In other cases, they did not take timely action when incidents were reported or brought to their attention, thus enabling an escalation of the conflict.

The Office has adopted a proactive approach in supporting the organizations served to

Figure 4. Breakdown of issues in the peer and colleague relationships category



create and maintain a harmonious work environment by helping staff to understand what workplace conflict is as well as helping them to build the skills to address conflict. In this regard, the Office conducts regular sessions on topics that include psychological safety, intercultural communications, managing emotions, and difficult conversations. The Respectful Workplace Facilitator programme is also an important mechanism for promoting more harmony in the Office by providing an easily accessible, confidential space for staff to be heard and to discuss their options.

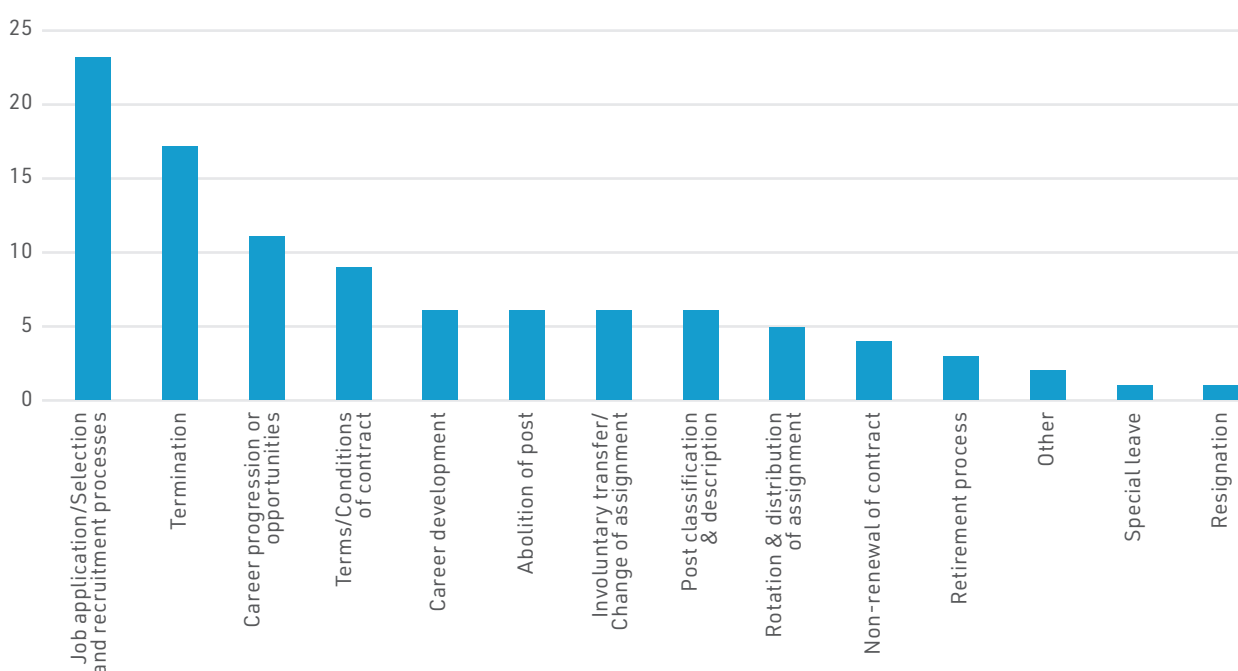
Recommendation

The Ombudsman recommends that the five organizations match recent, concerted efforts to promote a speak-up culture with a listening culture, combining them with decisive actions to address concerns relating to civility, respect, and dignity.

C. Job- and career-related issues

Recruitment practices remained a key concern for staff. Recurrent concerns related to candidates not having clear information on procedures and information not being shared in a timely or impartial manner. In previous reports, the Ombudsman has expressed the need for recruitment processes to be transparent and competitive and to adhere to established procedures. Figure 5 shows that the second most frequent issue in the job- and career-related category is termination. Most of the cases that had to do with termination came from the professional staff category. In some of these cases, the Office was contacted by the organization with a request to help to facilitate communication about the termination process. In other cases, the staff member reached out to the Ombudsman to discuss how to initiate a discussion about a mutually agreed separation. Cases about termination of contract where the reason for the termination was performance-related tended to take longer to address. This is because in those cases, the staff members were surprised at the decision to terminate

Figure 5. Breakdown of issues in the job- and career-related category



their contract or disputed the claims made by the organization on their performance. In such cases, the Ombudsman provided a safe space to initiate discussions and negotiations about separation.

Job application and recruitment processes

Target 8.5 of the Sustainable Development Goals is “By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”. The United Nations system should not be an exception to this target, yet in 2022 the Office received complaints relating to differential pay scales amongst staff performing the same work, which contravenes the equal pay for equal work principle. Some staff indicated that their peers received higher steps because they had received insider information on how to negotiate for higher steps. Human resources offices have an important role in remaining vigilant about such incidences and ensuring that staff with similar terms of reference and functions are treated equally.

Another concern raised was the alleged practice of handpicking candidates or earmarking positions. Staff complained to the Office about how they were discouraged from applying for positions because they had heard that there was a preferred candidate. It was claimed that terms of reference were drafted to favour certain individuals and that in some cases, these individuals were provided with the opportunity to shadow positions, giving them a distinct advantage over other candidates. In another type of case, staff disclosed that they had been informed that they had done well in the interview or were the top candidate only to see another candidate selected. This is a matter of concern as it suggests a breach of the confidentiality that should be observed during the interview and hiring processes.

It was also brought to the attention of the Office that letters of offer had been withdrawn because there was no agreement on their terms. External candidates are sometimes not familiar with United Nations contractual modalities and should be accorded the opportunity to seek clarifications to their satisfaction, especially because it is often the case that terms cannot be renegotiated once the contract is signed. Successful candidates should not be disadvantaged because they ask questions. Start dates can become contentious as separation processes vary across organizations and can delay the start date; in these cases, human resources offices have an important role in steering the conversation towards a positive outcome for both parties.

In addition to discussing options when staff are faced with human-resources-related concerns, the Ombudsman team will continue to work with staff to ensure that their concerns are communicated to human resources units. The Office also identifies systemic issues and conveys them to management. In addition, the Office facilitates a dialogue with human-resources professionals to help staff to obtain the information that they require.

Recommendations

The Ombudsman recommends the further strengthening of human resources functions to make them function more strategically in supporting the efforts of the organizations to attract and retain the best candidates possible, particularly in field offices.

The Ombudsman recommends the systematization of providing feedback to all internal candidates on their performance during interviews to dispel mistrust in the process.

Career progression and opportunities

The path to career progression often relies on the cooperation and guidance of the supervisor. Decisions about training or mentorship opportunities, two elements crucial to enabling staff to progress in their career, are often made by the direct supervisor. The Office received visitors in 2022 who complained about the lack of career progression owing to a lack of support from their supervisor. Often in these cases, there may have been disagreements or misunderstandings between the staff and the supervisor but with no active dispute; nevertheless, staff wished to register concerns about how they had often been overlooked when opportunities arose. In general, these concerns are more acute when the supervisee is facing a career transition. Another concern that visitors raised was the lack of clarity on whether training offered by the organization is available to those who hold non-staff contracts. In all these situations brought to the attention of the Office, the Ombudsman team helped visitors to examine options open to them and fostered dialogue between management and staff.

In other issues regarding career progression, the Ombudsman also observed that staff interpreted certain provisions such as special leave without pay (SLWOP) as entitlements. The Ombudsman notes here that staff may use SLWOP to pursue higher education or other opportunities that are career-enhancing. The Ombudsman did, however, receive concerns from staff whose requests for SLWOP had not been approved by the organization and who sought the assistance of the Ombudsman to engage the organization in a discussion about the decision not to grant SLWOP. While the organization may authorize SLWOP for many reasons, the decision is entirely discretionary and is not an entitlement. Nevertheless, the Ombudsman encouraged an open discussion

between the organization and the staff members concerned in these cases.

In addition to these activities, the Ombudsman team offered coaching to enable the supervisor and supervisee to have conversations, which can be difficult, on career progression and opportunities. To provide more options, the team referred visitors to other relevant offices, staff, and management in the organization who could advise them on how to better position themselves for career

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progression. These interventions, however helpful, are often only partial solutions; the Ombudsman therefore encourages the organizations to ensure that supervisors abide by ethical, professional standards in taking decisions that affect career progression, especially if the supervisors are in disputes with the staff on other matters.

In another career-related area, the Office received complaints from staff affected by the rotation exercise within their organizations. In such cases, staff are required to rotate from their positions by applying to other positions or by participating in the candidate pool for consideration for vacancies. Some of the concerns received by the Ombudsman were from long-serving staff with attested good performance and a strong track record of success in their field. These colleagues often find themselves unable to progress after being in a duty station for the required rotational duration despite their strong performance records. The Ombudsman observed cases where these candidates, some on permanent or ongoing contracts, were close to retirement, yet with enough time to complete a further tour of duty.

Nevertheless, these candidates were not chosen from the candidate pools, which caused them to raise concerns that they were being overlooked because of their age. In addition, some of these colleagues were interviewed for positions and shortlisted but ultimately not selected for any position. In these situations, they were surprised by the outcome and, through informal conversations with colleagues or with human-resources professionals, sought the reasons why they had not been selected. By the time they came to the Ombudsman, they had informally come to the conclusion, on the basis of informal conversations, that they had been blocked or that they were being forced out of the organization. The Ombudsman can listen impartially to the concerns expressed and explore with the visitors the options that are available to address them. It is important that human-resources professionals in the five organizations anticipate when some colleagues may encounter difficulties in career progression arising, for example, from gender or diversity considerations even when they have not previously been challenged in this area. Once it is apparent that risks may arise for some colleagues, the organization should actively and promptly engage with them in a career-transition discussion that will explore available options apart from agreed separation. The Ombudsman wishes to thank those human-resources professionals who are already responsive and proactive to colleagues facing challenges of this nature and strongly encourages others to follow suit.

Recommendation

The Ombudsman recommends that the five organizations further develop paths and training for career development offered to holders of all types of contracts as a means of enhancing career prospects and retaining personnel.

D. Ombudsman and mediation practice in the organizations served

Neutrality and confidentiality of the Ombudsman

The Ombudsman and the members of the team maintain an open mind at all times without consideration of a preconceived solution for cases brought to the attention of the Office. This is in keeping with professional practice, which requires adherence to the principle of neutrality, as well as those of confidentiality, informality, and independence. At the same time, the Ombudsman maintains a safe space where aggrieved staff are able to share their concerns without fear. This may sometimes seem like a paradox to some colleagues and the Ombudsman may be consequently and wrongly perceived as an advocate when addressing workplace concerns. During the reporting period, the Ombudsman received concerns from staff and management who had the expectation that the Office of the Ombudsman would lend its voice and support to their position or argument. In such cases, the Ombudsman is called upon, often at the last minute, when all efforts at finding a solution have failed. Parties in these situations seek to position the Ombudsman as a strategic supporter to win an argument or influence opinion. Contacting the Ombudsman with the wrong expectations often makes a difficult situation much worse for the staff. The Ombudsman and the members of the team have no personal stake in the outcome of a conflict and cannot be used to convince others of the strength or legitimacy of an argument. Any effort to weaponize the Office of the Ombudsman undermines its efficiency. The Ombudsman therefore recommends that management and staff examine their motives before approaching the Office and in their dealings with it. The Office cannot be used as a pawn to win an argument or to get more time to prepare for an adversarial process. The Office acts as a partner in helping to find workable, informal solutions.

The Ombudsman and the members of the team have no personal stake in the outcome of a conflict and cannot be used to convince others of the strength or legitimacy of an argument. Any effort to weaponize the Office of the Ombudsman undermines its efficiency.

In the 2018 annual report on the work of the Office, the Ombudsman reminded all visitors to the Office of the principle of confidentiality, a guiding principle of the work of the Office, which applies equally to the Ombudsman and to visitors". Confidentiality is thus the cornerstone of informal conflict resolution. When staff seek the services of the Office while engaged in other dispute-resolution processes or when their offices are undergoing change or audits, it is essential for the efficiency of those processes for all parties to adhere strictly to the principle of confidentiality. In addition, the communication, timing, and disclosure of information can make a big difference in the outcome of an informal solution and for this reason, all communication, written and oral, with the Office is confidential. The Ombudsman reserves the right to deny services to parties who violate this principle or who encourage the disclosure of privileged information.

The Ombudsman also noted in the reporting period that some colleagues were afraid or reluctant to contact the Office even when they had faced very disharmonious conditions in the workplace, which impaired efficiency and productivity. They were discouraged in their efforts to find solutions by open or veiled threats of retaliation. The Ombudsman would like to emphasize that discouraging staff from contacting the Ombudsman or

retaliating against those who do contact the Ombudsman can constitute abuse of authority. In turn, some managers – simply because they did not agree with the conclusions and findings of the Ombudsman – questioned the impartiality of the intervention of the Office of the Ombudsman. This impugned the credibility, ethics, and professional standards of the Ombudsman and Office team. The Ombudsman takes this opportunity to reiterate in the strongest terms that one of the cardinal principles of the Office is impartiality in advocating for due process, a principle to which the Office adheres without exception.

The Ombudsman also observed, and is grateful for, the prompt, proactive response to its requests for information from or meetings with some representatives of management or human resources during the reporting period. This was extremely helpful in finding a solution to cases that could otherwise have been prolonged, and exemplified the motto of the Office, "working together to find solutions". Unfortunately, this was not the case in all instances and the team experienced long delays in receiving responses to its queries despite repeated requests and, most disappointingly, in some cases did not receive a response at all. Not only is this not in accordance with the commitment of the organizations to find an informal solution to workplace conflict but it weakens the credibility of the Office and of those who fail to respond in a timely fashion.

Most regrettably, the issues noted above all undermined confidence in the informal conflict-resolution process. In many of its resolutions, the General Assembly has strongly supported the ombudsman and mediation processes to resolve workplace disputes and the Ombudsman appeals to all members of the workforce of the five organizations served to be guided by those resolutions. While the Office provides services in which participation by parties in a conflict is voluntary, it is professionally incumbent on all parties in a

dispute to work with goodwill towards finding informal solutions. The Ombudsman hopes that impediments such as those above will not persist in the workplace.

Recommendation

The Ombudsman recommends that the administration, staff, and management of the five organizations make every effort to avail themselves of the services offered by the Office of the Ombudsman in reaching an informal resolution of any workplace disputes in which they may be involved.

Mediation

The use of mediation in the organizations served increased significantly in 2022, with 168 requests for mediation, of which 82 became mediation cases, almost double the number of mediation cases in 2021 (45). By organization, the numbers of successful mediations were: UNDP, 25; UNFPA, 12; UNICEF, 31; UNOPS, 10; and UN-Women, 4. The Office also received complex group cases, which were reported as single cases. For example, the Mediation Unit tackled a complex group case involving over 120 colleagues, which facilitated conflict resolution both within the team and with management. Notably, almost 88 per cent of the cases were resolved through settlement, indicating the efficiency and effectiveness of the mediation process.

In addition, surveys show that 85 per cent of colleagues who participated in the mediation process would recommend it, regardless of the outcome, which highlights the value participants saw in the process. Colleagues also indicated that they would choose the same mediator again, with ratings of 4.4 out of 5. Furthermore, 71 per cent of mediation cases were resolved in less than 16 hours, which

also indicates that the mediation process is efficient and effective. The feedback of the mediation parties is reflected in the four issues of the “Mediating Around the World” newsletter (<https://fpombudsman.org/what-we-do/mediation/>).

The Mediation Unit flagship programme, “Conversation with the Mediator”, which provides mediation training followed by individual conversations with colleagues, was a success. Over 2,200 attendees from 37 offices and teams participated, almost triple the participation compared to 2021. The programme received a high rating of 8.3 out of 10, indicating that colleagues found it valuable. Moreover, the “Real Stories” mediation module and videos, which included five real stories developed through anonymous interviews with mediation parties, provided an engaging way to learn about mediation through real-life examples.

In 2022, the Mediation Unit handled a diverse range of cases, with the most common category involving disputes between supervisors and supervisees. Issues such as trust, respect, performance, communication, remote work, management style, feedback process, and entitlements were resolved through mediation. The Mediation Unit also mediated and resolved a number of litigation and disciplinary cases, some of which had

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spanned many years before being considered for mediation. However, the Office observed that some colleagues, predominantly non-staff personnel, had not become aware of the availability of mediation services until late in the formal process. Moreover, the alternative dispute resolution mechanism, such as conciliation through the rules of the United Nations Commission on International Trade Law (UNCITRAL), included in most non-staff contracts, is rarely, if at all, used. In this context, the absence of information about the availability of ombuds and mediation services in appointment letters and non-staff contracts serves as an impediment to the awareness of the Office among the personnel.

Mediation has received increasing attention from the General Assembly, as highlighted in its resolution 77/260 of 30 December 2022, in which it emphasized the importance of informal dispute resolution, including the central role of mediation. It is important in this context to underline the positive steps already taken by the five organizations served to promote the use of mediation, and the Ombudsman reiterates appreciation for the adoption of the Mediation Pledge by all five organizations served. The Pledge reinforces the value of mediation in workplace-related issues and helps to underpin the advantages of trying the informal system first. In that spirit, the mediation pledge can be advanced further by establishing mechanisms that will allow the Office to screen all formal complaints and litigation claims through the lens of mediation to explore the possibility of amicable resolution. As further measures to this end, the Ombudsman makes the following recommendations.

Recommendations

The Ombudsman recommends that the five organizations make it mandatory for all personnel to attend a brief session with the Office of the Ombudsman to learn about its services before filing a formal complaint such as a request for management evaluation or a claim to the United Nations Dispute Tribunal or the United Nations Appeals Tribunal.

The Ombudsman recommends that all staff and non-staff contracts include clauses referring to the mediation services provided by the Office to help to ensure that staff and non-staff personnel are aware of the availability of mediation services at an early stage and can utilize them if necessary.

E. Respectful Workplace Facilitators

In its third year, the Respectful Workplace Facilitator (RWF) pilot continued making progress in important functions, simultaneously acquiring a significant lesson about volunteer peer-support networks.

Supervising and supporting the RWFs is a responsibility that the Office takes very seriously. Building on the restructuring of the Office in 2021, in 2022 the RWF network was divided into smaller regional groups so that their activity could be monitored and supervised by a local member of the Office of the Ombudsman team. Team members acting as regional focal points are often the first point of contact for RWFs who require support or assistance. Regional focal points facilitate regular meetings (either monthly or quarterly) with the RWFs. The meetings are opportunities for networking, socializing, raising questions, sharing concerns, capacity-

building, and sustaining the connection between RWFs and the Office.

For similar purposes, the Office created an online case-management log for RWFs to inform the Office of its cases. The online log is available in three languages, English, Spanish, and French, and has been updated and refined in response to RWF feedback. RWFs use the log to provide useful information about the RWF programme and the issues that visitors share with RWFs. As a matter of best practice, the log does not contain any identifying information whatsoever about the visitor, thereby upholding strict confidentiality, a principle in which RWFs are fully trained. The Office breaks down data by organization, country/region, issue, etc., generating essential information to provide to organizational stakeholders. When an RWF enters a case in the log, the regional focal point is notified and then contacts the RWF to discuss the case confidentially. This helps the RWFs to reflect on their practice and develop skills; it also helps the Office and the RWFs to explore whether interventions beyond RWF scope are necessary.

In 2022, the Office also continued to train RWFs virtually so that their offices could take advantage of the resource. The challenges of virtual training that the Office dealt with in 2021 continued in 2022. The RWF training team facilitated five additional virtual training cohorts and offered smaller group catch-up sessions to help those RWFs who were not able to complete the virtual training. An additional 25 RWFs completed their training virtually. Owing to the extreme internet capacity challenges that the RWF francophone group faced, the Office facilitated an in-person training for 12 RWFs in December 2022. In total, 37 RWFs completed their training in 2022. There remain 29 nominated RWFs who have yet to complete their training.

As it did prior to each virtual training period, the RWF training team closely reviewed

feedback it received to improve the training. Drawing on the experience gained during virtual training, which was the only viable means during the COVID-19 pandemic, the team members analysed those elements that could be integrated into and enhance in-person training. The feedback from the in-person training was positive, and the RWF training team could see the very notable difference in engagement, focus, and skill development between the virtual and in-person trainings. Beginning in 2022, the Office resumed in-person missions, and in 2023 the RWF training team plans to facilitate multiple in-person refresher trainings for those RWFs who were trained virtually.

The RWF programme faced an important reality in 2022: RWFs do not stay in their roles permanently. Currently, there are 164 RWF slots overall in the three-participating organizations. Of these, there are 100 active RWFs, 29 nominated RWFs who need to complete their training, and 35 slots that are currently empty and that the Office expects to fill in 2023. Twenty RWFs either left their organization in 2022, became ineligible to act as an RWF owing to changes in their jobs or withdrew from the programme for personal reasons.

Once RWFs are trained and certified, they become additional resources for their offices. However, when RWFs leave the programme, for whatever reason, the capacity goes with them. The Office of the Ombudsman and participating country and regional offices then take steps to identify new RWFs, who will receive training from the Office. In short, the sustainability of the RWF programme relies on the ability of the Office to replace RWFs systematically and to train them. In view of the attested, positive contributions that RWFs make to their offices, it is essential to sustain the programme beyond the pilot stage. The Office has received requests to introduce the programme in country offices in addition to offices in headquarters. With

this in mind and with an eye to the future, the Office is reviewing methods to retain RWFs, to complete the nomination process as efficiently as possible, and to facilitate training opportunities. The Ombudsman wishes to extend the heartiest thanks to the RWFs for the contributions they continue to make.

In 2022, RWFs reported 61 cases (up from 26 in 2021) primarily concerning organizational leadership and management, peer and colleague relationships, and evaluative relationships. The RWFs also contributed to an increase in the number of ombudsman and mediation cases that the Office received because RWFs also referred colleagues directly to the Office. Similarly, RWFs played an important role in supporting outreach and awareness about institutional resources. In all, 18 RWF teams presented their role to their offices, reaching approximately 690 colleagues. Lastly, RWFs continue to report that colleagues come to them to be heard and listened to even if they are not acting in their official RWF capacity.

Recommendation

The Ombudsman recommends that the RWF programme move beyond the pilot stage and be introduced to greater numbers of eligible country offices in the organizations.

LOOKING AHEAD

It is clear from the incidents when staff were afraid to consult the Ombudsman or were actively discouraged from doing so that a major focus of outreach in the year ahead will be to dismantle any lingering ideas that it is dangerous to use the services of the Office. Accordingly, targeted messages will be included in debriefings to senior management of the five organizations, in town-hall meetings and webinars, and during missions to country offices. These messages will also reiterate the cardinal principle of impartiality, which along with independence, informality, and confidentiality, form the unwavering operational standards of the Office of the Ombudsman for United Nations Funds and Programmes in the work that it undertakes.

The Office will continue to leverage its regional presence to contribute to finding tailored solutions to workplace conflict. Outreach will be geared to responding to region-specific needs while maintaining the standard services of the Office.

The Office will continue to engage with organizations to expand its RWF programme to more countries. As the RWF numbers continue to grow, the focus will begin to change from raising awareness to measuring the effectiveness of the programme. This will require engagement with stakeholders such as the regional and country offices where the RWFs are deployed. The outcome of this exercise will be an important factor in deciding whether the programme should move beyond the pilot stage and become an integral part of the services that the Office provides. The Office would like to encourage those who use its services to give feedback about their experience. In this regard, a link to a short survey about services provided can be found on its website <https://fpombudsman.org/>. The link to the survey can be found here: <https://www.surveymonkey.com/r/OmbudsOfficeServices>

INDEPENDENCE
NEUTRALITY
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INFORMALITY

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