



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

# MEDIATION GUIDE



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Mediation Unit of the Office of the Ombudsman  
for United Nations Funds and Programmes

**HOW TO:**

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

## © Office of the Ombudsman for United Nations Funds and Programmes

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

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

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

Mediation Unit of the Office of the Ombudsman for  
United Nations Funds and Programmes

304 East 45th Street

6th Floor, Room FF-671

New York, NY 10017

Telephone: +1 646 781 4083

Fax: +1 212 906 6281

Email: [mediation@fpombudsman.org](mailto:mediation@fpombudsman.org)

# WHAT IS MEDIATION?

Mediation is a confidential conflict 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 to resolve the conflict.

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

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

- **Voluntary participation:** the participation of disputing parties in mediation is voluntary, which means that the parties engage in the process voluntarily. Similarly, the parties exit from the process voluntarily. The voluntary nature of the process enables the parties to be honest and candid in communicating their own perspective, to control the process, and to achieve mutual understanding.
- **Self-determination:** the mediator will not impose any solutions on the parties. The disputing parties will have the right and power to decide the outcome of

the dispute and explore and find a solution acceptable to them. In an adjudicative process, however, such as the United Nations Dispute Tribunal or arbitration, a judge or an arbitrator will impose a binding outcome on the disputing parties.

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

## THE DIFFERENCE BETWEEN OMBUDSMAN AND MEDIATION SERVICES?

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

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

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

## **MEDIATION PLEDGE & GA RESOLUTION**

In 2021, all five organizations served by the Office had each signed the following **Mediation Pledge**:

*In the event of a workplace conflict between [the organization] and a member of its personnel, the organization is prepared to discuss the possibility of resolving the conflict through Mediation.*

*At the request of the member of personnel or of [the organization], an initial discussion on the suitability of Mediation will be hosted by the Mediation Unit of the Office of the Ombudsman for United Nations Funds and Programmes.*

*At any time during the mediation process after the initial discussion, if one or both parties believe that Mediation is not viable in their case, either party may withdraw and proceed with formal options to resolve the matter.*

This landmark development reflects a powerful spirit of inter-agency cooperation and a recognition of the value of mediation as part of a multifaceted conflict-resolution system. The main goal of the Pledge is to reinforce the organizations' commitment to resolving workplace conflicts in an informal manner, including by preventing

such conflicts from escalating to litigation in the RME or UNDT processes.

In December 2022, **the General Assembly passed a resolution A/RES/77/260 of 30 December 2022**, which included significant support to mediation. Namely, paragraphs 16-18 of the resolution stated:

*Reaffirms the importance of the informal dispute resolution process in the Organization, which represents an effective method of dispute resolution as compared with the formal process, and the **central role of mediation, and emphasizes that all possible use should be made of the informal system;***

*Recognizes mediation as a core part of the work of the Office of the United Nations Ombudsman and Mediation Services and as a cost-effective method of informal conflict resolution, **underlines the importance of increasing the use of mediation services, and encourages improved communication between all parts of the system of administration of justice to increase opportunities to address underutilized mediation;***

*Requests the Secretary-General to increase awareness among staff of the possibility of having conversations with the Office of the ... Ombudsman ... **to explore informal resolution, including mediation, as a first step, where feasible, prior to filing a formal complaint...***

# HOW CAN MEDIATION HELP?

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

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

## **Common issues that parties refer to mediation include:**

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



## Mediation can help the parties to:

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

## THE ROLE OF MEDIATOR

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

## WHO CAN REQUEST MEDIATION?

The members of the UNDP, UNFPA, UNICEF, UNOPS, and UN Women workforce who seek to resolve workplace conflicts are eligible to request mediation services from the Mediation Unit of the Office regardless of their contractual modality (including managers, other staff members, consultants, and interns). The Office ultimately retains the discretion to determine whether a case is appropriate for mediation. If the matter is not

suitable for mediation, the Visitor may choose to discuss the issues through the ombudsman services. Any party participating in mediation retains the right to pursue formal dispute resolution processes.

## **HOW TO REQUEST MEDIATION?**

Typically, mediation is initiated by a party's email to the Office ([ombudsmediation@fpombudsman.org](mailto:ombudsmediation@fpombudsman.org) or [mediation@fpombudsman.org](mailto:mediation@fpombudsman.org)) with a brief description of the situation that such party faces. All communications with the Office, including this initial communication, are strictly confidential. Once a need for mediation is expressed and the Mediation Unit determines that mediation is appropriate, the Mediation Unit will obtain both parties' consent to the mediation process.

## **THE COSTS OF MEDIATION**

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

It is hoped that all disputing parties will use mediation services when appropriate and use them judiciously.

## **GLOBAL MEDIATION PANEL**

As part of its enhanced mediation capacity, the Office has developed a Global Mediation Panel (GMP)

consisting of external on-call mediators, who are also supported by an International Advisory Board.

You may visit the Office website to check whether a mediator is available in your location. The Mediation Unit will assign cases to mediators based on a number of factors, including the nature of the conflict, conflict of interest, costs, availability, and the like. More information about the Global Mediation Panel and International Advisory Board can be found on the Office website: <https://fpombudsman.org/global-mediation-panel/>.



## CONTACTS

Mediation may be requested by emailing the Office at [ombudsmediation@fpombudsman.org](mailto:ombudsmediation@fpombudsman.org) or [mediation@fpombudsman.org](mailto:mediation@fpombudsman.org) with a brief description of the situation. Once a need for mediation is expressed and the Mediation Unit determines that mediation is

appropriate, the Mediation Unit will obtain both parties' consent to the mediation process to start the process.

Mediation Unit of the Office of the Ombudsman for  
United Nations Funds and Programmes  
304 East 45<sup>th</sup> Street  
6<sup>th</sup> Floor, Room FF-671  
New York, NY 10017  
E-mail: [mediation@fpombudsman.org](mailto:mediation@fpombudsman.org)

## RESOURCES & LINKS



[Office of the Ombudsman for the United Nations Funds and Programmes](#) – the Website of the Office of the Ombudsman

Guide for Parties on How to Prepare for Mediation – Office of the Ombudsman

Mediation Guide for External Lawyers – Office of the Ombudsman

Mediation Advocacy Guide – Office of the Ombudsman

[Mediation Process](#) – Office of the Ombudsman

[Formal Deadlines and Extension](#) – Office of the Ombudsman

[Global Mediation Panel FAQ](#) – Office of the Ombudsman

[Issue Definition](#) – Office of the Ombudsman

[Annual Reports](#) – Office of the Ombudsman

[Terms of Reference](#) – Office of the Ombudsman

[Code of Conduct of the Mediators of the Global Mediation Panel](#) – Office of the Ombudsman

[Agreement to Mediate](#) – Office of the Ombudsman

[A Staff Member's Guide to Resolving Disputes](#) – Office of Administration of Justice

[Staff Rules](#) – United Nations

[Rules of Procedure](#) – United Nations Dispute Tribunal

[Rules of Procedure](#) – United Nations Appeals Tribunal

[UN Internal Justice System Timelines](#) – Office of Administration of Justice

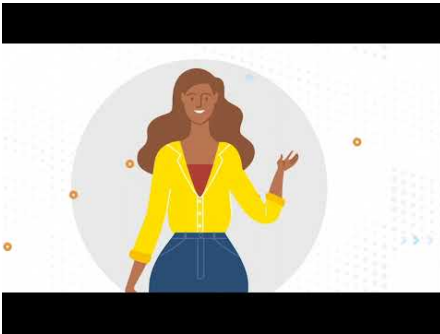
[OSLA](#) – Office of Staff Legal Assistance

# MEDIATION VIDEOS



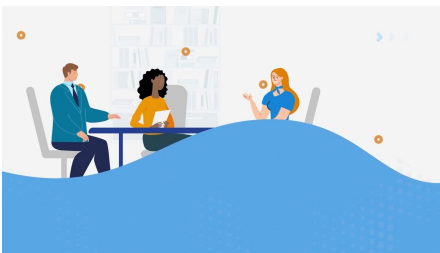
## CASE 1

- Interpersonal
- Performance
- Stress
- Separation



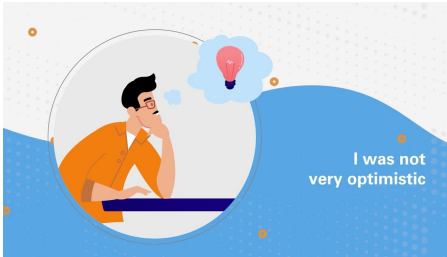
## CASE 2

- Office Reorganization



## CASE 3

- Performance
- Harassment
- Interpersonal misunderstanding



## **CASE 4**

— Professional Services Performed but Subsequent Payment was not Issued



## **CASE 5**

— Organization's Perspective on Mediation