



# 2nd annual report of the CERN Ombuds



Period covered: 1 July 2011 to 30 June 2012

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## 1] Introduction

*The Ombuds shall issue an annual report on his/her activities to the Director-General. This report shall contain anonymous, statistical information with respect to matters brought to his/her attention, including their nature and status or outcome, as well as a general assessment of the operation of the Office of the Ombuds.*

*Ombuds mandate.*

This is the second report issued from the CERN Ombuds. It covers the period from 1 July 2011 to 30 June 2012. The function of Ombuds was created at the same time as the CERN Code of Conduct in 2010. The basic function of the Ombuds is to provide a zero-barrier, informal, neutral and confidential channel for all Members of the Personnel as well as everyone working on behalf of CERN to express their concerns. Through various means such as listening, advices, coaching and mediation, the Ombuds helps every visitor to resolve his/her conflict, which may sometimes turn out to be just a misunderstanding or a lack of communication.

From the beginning of 2011, the Ombuds is also in charge of dealing with the informal resolution of the various types of harassment, as defined in the Operational Circular N0 9, *Principles and Procedures Governing Complaints of Harassment*.

This report presents a statistical picture of the Ombuds casework by making use of a system of classification developed by the International Ombudsman Organization [IOA]. Through nine broad categories and several sub-categories, this framework helps to organize and describe the many different issues that lead people to contact the Ombuds.

This report summarizes also some main observations collected during this year of operation, and offers few commentaries and recommendations. These considerations should be considered as made in a positive spirit to promote good behavior and smooth alternate dispute resolution methods. The number of cases treated during the year indicates that the CERN ambiance at work is in general correct; it compares with the average of other International Organizations although the span in numbers is large. The desired smooth evolution of culture allowing CERN to reach a level of a full application of its Code of Conduct as excellent as its scientific reputation will require a longer period than just two years.

A description of the additional activities of the Ombuds during the period of reference is also provided in this report, as well as the International Associations of which the Ombuds is part. Such appurtenance supports the legitimacy of the Ombuds function at CERN.

## 2] An overview: roles and principles

The CERN Director-General [DG] has decided upon the creation of a full-time position of Ombuds, starting in July 2010. The creation of the function of Ombuds represents a commitment by CERN to the well-being of all its collaborators and to the improvements of practices that affect the workplace environment.

Ideally, interpersonal issues between those working at, or on behalf of, CERN, should be resolved between the colleagues concerned. However, sometimes this dialogue is not successful or is not possible. In these cases, the services of an Ombuds may help to resolve disputes in a consensual and impartial manner, thus promoting the good functioning of the Organization.

The mandate of the Ombuds ( <http://cern.ch/ombuds> ) provides a detailed picture of the specific guidelines of this function. It may be useful to outline here the most important principles defining the Ombuds role at CERN. These principles are fully in line with the Code of Ethics of the International Ombudsman Association [IOA], which gathers Ombuds coming from Universities, Governments, Companies, and other International Organizations around the world. The IOA is dedicated to excellence in the practice of Ombuds work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

The following four values represent the foundation of the Ombuds work:

- ❖ **Confidentiality:** The Ombuds shall maintain strict confidentiality with regard to the matters brought to his/her attention. In addition, any reports, recommendations or other documentation issued by the Ombuds shall protect the confidentiality of all persons involved. The only exception to this rule is when the Ombuds deems there to be an imminent threat of serious harm to person or property. Persons involved in a matter brought to the Ombuds shall maintain strict confidentiality regarding their interaction with the Ombuds.
- ❖ **Neutrality/Impartiality:** The interests of both parties and the Organization are kept in mind. The Ombuds shall not take sides and not favor one person over another. In conflict resolution, he/she shall contact all parties involved and treat all parties equally.
- ❖ **Independence:** In performing these services, the Ombuds shall be independent. The Ombuds is not part of a Department hierarchical structure, but is directly linked to the DG Unit, while remaining a neutral interlocutor. The Ombuds does not hold any other function in the Organization, and consequently avoids conflict of interest.
- ❖ **Informality:** The Ombuds shall not have any powers of decision making or formal investigation. The Ombuds attempts to address problems at the earliest opportunity and lowest level of conflict. The Ombuds carries only informal investigations and does not accept notice on behalf of the Organization.

The access to the Ombuds is on a voluntary basis. People have the free choice to contact other channels at CERN as well; the Ombuds provides an additional facility which is by no

means in competition with the others. Access to the Ombuds is not intended to discourage people from using alternative channels.

The Ombuds' mandate is also to provide guidance with regard to the application and interpretation of the Code of Conduct and to offer confidential assistance for the informal resolution of interpersonal (or personal) issues. The Ombuds is there to listen, share and examine preoccupations or problems. Conflict resolution may only take place with the agreement of the parties involved. By relying on the responsibility and autonomy of the parties, the Ombuds seeks a fair and ethical solution to the problem.

Everyone working at CERN or in behalf of CERN is entitled to assistance from the Ombuds. However, the services the Ombuds may provide must be compatible with the individual status and/or employment relationship of the person(s) concerned, as well as the nature of the issue. It is also important to note that the Ombuds has direct access to all personnel, including the Directorate. However the Ombuds can only have access to the personnel records with the agreement of the concerned persons.

The Ombuds may furnish additional written reports in order to promote organizational and operational efficiency. Along these lines, the present Annual Report contains some general observations and recommendations.

The Ombuds is appointed by the Director General. The nomination runs for a three-year term, which may be renewed by the Director General for an additional two-year period. Both the nomination and renewal shall be made after consultation with the Staff Association (SA) and the Human Resources Department (HR). Upon completion of his/her service as Ombuds, the Ombuds shall separate from the Organization and may not serve in any other capacity as a member of personnel.

A long-term goal of the Ombuds is to help make sound conflict management skills become common practice at CERN. All efforts will be developed to strengthen CERN alternate dispute resolution and mediation capability so as to reinforce the important role of informal resolution, and to promote a respectful workplace environment.

### **3] Terms and Terminology**

In reviewing the information presented in this Annual report, it is important for the reader to understand the methodology behind the calculations and statistics, namely what the numbers represent. The key terms appearing in this Report are then defined below.

#### **Case**

A case is a visitor who has reported an issue to the Ombuds. Often a case involves several issues. For example someone having difficulties with his/her evaluative relationship with a supervisor may bring at the same time another issue having to do with his/her career situation. On the other hand, if several visitors come to the Ombuds to share a similar concern, several cases are then connected to a single issue. A single case may involve contacting several persons in order to have a complete picture of the situation. Within a single case also, the same visitor might have to be seen several times in order to reach a resolution of his/her issues.

Cases can involve simple discussion, advice and coaching, action, or mediation between parties. Not all cases are related to real disputes, some of them may only consist in giving information or coaching a visitor in the actions he/she intends to pursue.

#### **Issue**

Issues are concerns which are brought to the attention of the Ombuds for discussion, advice, coaching or action.

In reality, almost all cases involve several issues. For example, some abuses of power are evidently linked to some violation of the Code of Conduct, difficulties with supervisors, psychological threat, and connected to health safety. So while the number of cases represents an indication of the level of activity of the Ombuds during the period July 2011 to July 2012, the number and kinds of issues may be a better indicator of the conditions of employment, working conditions and relations between supervisees and supervisors, colleagues or groups of people.

This Report will make use of the IOA classification of issues and outlines nine major categories of issues. Each main issue may be partitioned in several sub-issues, which permits a better identification of the problematic encountered.

#### **Contacts**

Contacts are communications, interactions with the Ombuds, by telephone, e-mail, or some other means of written communication. Short discussions at the cafeteria or in corridors not involving confidential information are also classified in the class of contacts. Although such contacts are very frequent, they are not accounted for in this report, being considered just as common interactions in between colleagues.

#### 4] Profiles of the visitors to the Ombuds

In 2011-2012 the Ombuds received 104 visitors (cases). The following graphs identify visitors by gender, contract classification and method of first contact with the Ombuds. As would be expected, some cases remain pending and will have to be followed up in 2012-2013. Each visitor was seen in average 1.6 times. The average number of people who needed to be contacted for each case was 2, resulting in a grand average of 2.7 meetings per case.

In the past year the number of cases referred to the Ombuds has increased from 82 in 2010-2011 to 104, namely an increase of 27%. That would not necessarily mean an increase of the misunderstandings or conflicts, but probably that the Ombuds function became more known and visible. This actual trend reflects the prevention efforts which have been done through the Ombuds Corner in the CERN Bulletin, and the tendency within our population that meeting the Ombuds became a more familiar move.

##### Contract classification

The Ombuds has been used by various visitors. The largest category of visitors is the CERN staff (77%), followed by the Users (12%) and Fellows (6%). The negligible number of cases related to Associates, Students and to people under an Industrial Service Contract should be noticed. In 2010-2011, striking differences in between the categories of the staff members, depending if the people have an indefinite [IC] or a limited duration [LD] contract had been observed, showing a very low percentage of LD people. It should be noticed that such a tendency has disappeared this year; now the relative percentages to the two populations is similar.

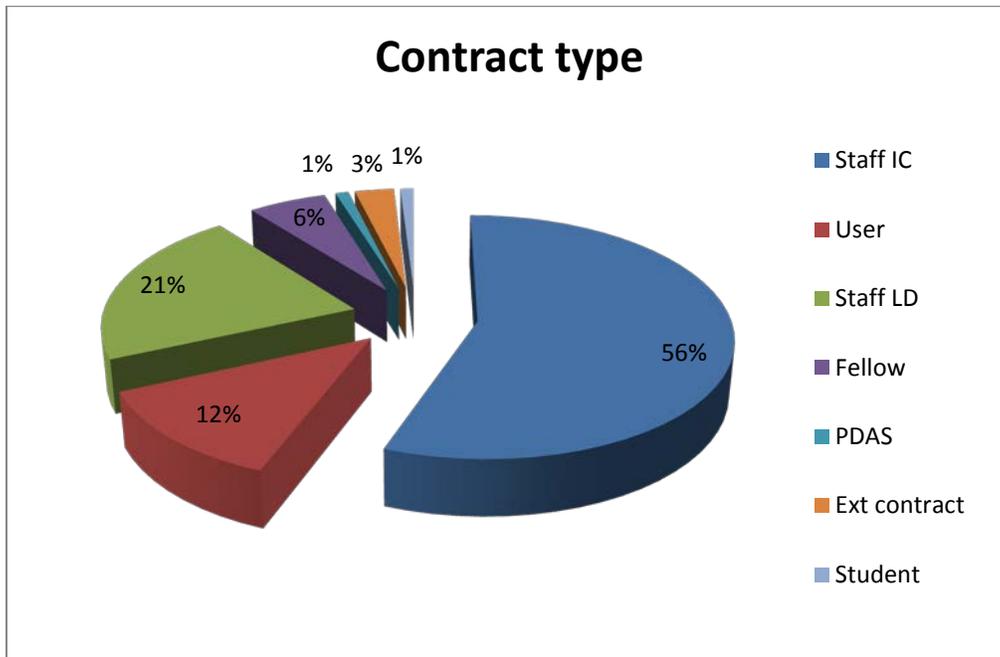


Fig.1: Sharing of the visitors along their contract type.

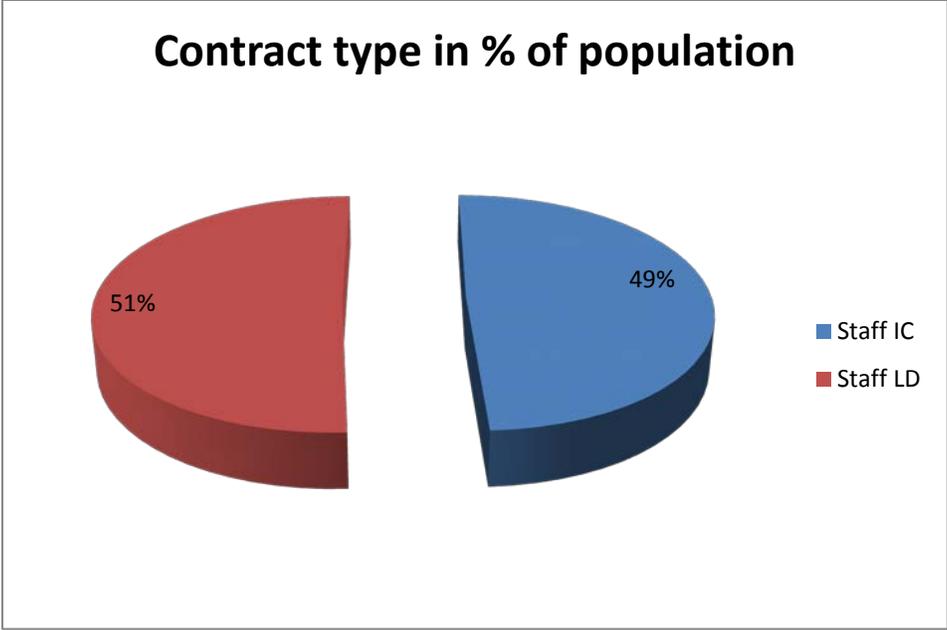


Fig.2: % of staff visitors with an IC and LD contract.

The equality of the number of cases related to people holding an IC or a LD contract, relative to their own population, means that addressing the Ombuds by the LD people is becoming accepted in our Organization. Contrary to what the results from the first year could have led to think, meeting the Ombuds does not seem anymore to represent for them an apprehension, at least not more than it could represent for the people holding an IC contract. This is a very good result coming out of the statistics of the second year operations. It probably just means that the population took longer to realize that the Ombuds is here to help them in a quite confidential way.

## Gender

In terms of raw number of visitors, the Ombuds met this year a larger number of men than women. Out of the 104 cases, 69 were related to men and 35 to women. In terms of CERN staff, the numbers are very similar: out of 80 cases, 52 were with men, and 28 with women.

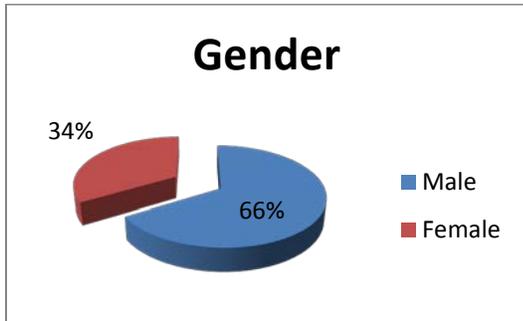


Fig.3: Overall gender sharing

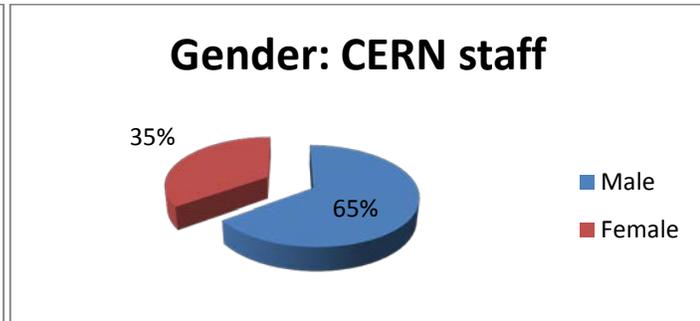


Fig.4: CERN staff gender sharing

Like the first year of the Ombuds function, these numbers show a different picture for the CERN staff if they are computed in percentages of the two populations male and female. At the time of the present statistics, there was a total of 2424 CERN staff, including the staff paid by external sources: 1922 men and 502 women. The percentage of women CERN staff who met the Ombuds compared to the female CERN staff population is of 5.6%, whether for men it is of 2.7%. 2 times more women CERN staff used the services of the Ombuds. One can then probably deduce that the CERN culture towards Diversity has still to be improved in the Organization, although such tendency is going down as such ratio decreased from 2.7 to 2.0 within a year.

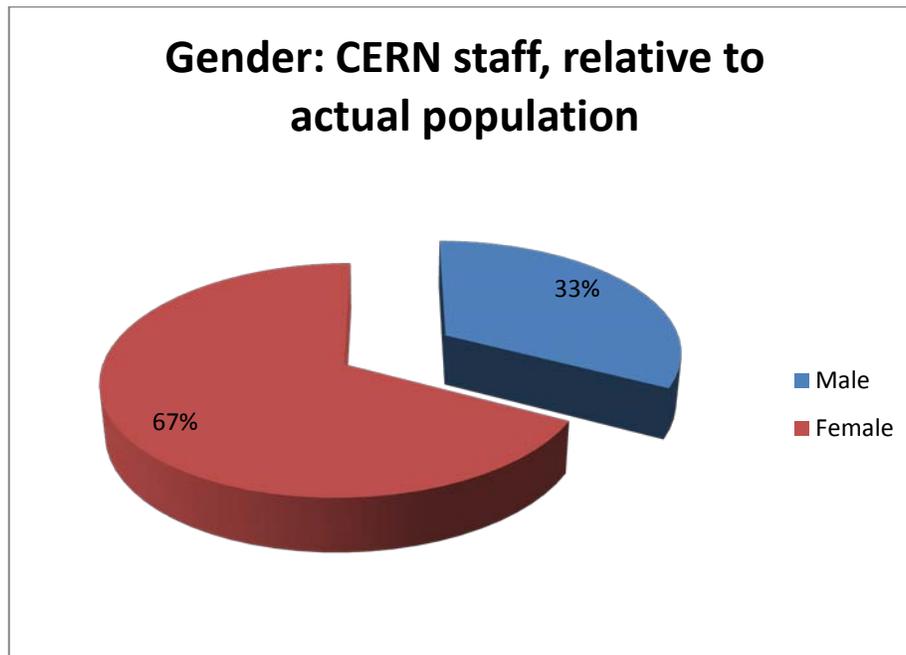


Fig.5: Relative percentage of men and women CERN staff

## Initial contacts

Although the Ombuds is generally available by phone, visitors prefer to contact him by e-mail. The reasons can be due to confidentiality – one never knows where the person answering with a mobile phone is – or simply by habit of using e-mails extensively. The way by e-mail can also offer a first contact which is less direct than a phone call. Few people dropped by the office directly.

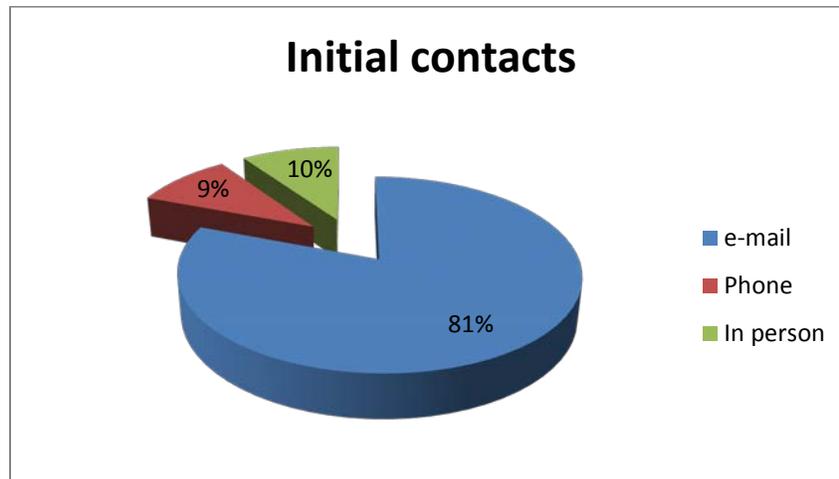


Fig. 6: Percentages of means of first contact with the Ombuds.

## Conclusion

An overall number of 80 cases related to CERN staff over a population of 2424 persons, namely around 3.3% is quite reasonable. There is no organization without conflicts. Comparing as much as possible with other International Organizations, our level of cases is on the low side. A too low percentage of cases may be the indication that an Organization is putting problems under the rag, and a too high percentage is certainly the sign of too many disputes. CERN looks in the two first years of Ombuds operations in the correct side.

The larger percentage – by a factor 2 - of women over men is still a concern. This fact should not be forgotten and efforts certainly will have to be developed in that direction with the new Diversity program. However this difference is lower than in the first year.

The difference in percentages relative to the population between people under IC and LD has vanished. Now the percentage of people holding an IC or a LD contract is similar, which was not the case during the first year where the number of LD coming to the Ombuds was strikingly lower than the number of IC's. This new situation means that using the services of the Ombuds is by now accepted in the LD population: this is very good news.

## 5] Issues raised and taken up by the Ombuds

All together 218 issues were identified, namely an average of 2.1 issues per case. It should be noted that no issue passing through the Ombuds has escalated in formal complaints.

### Statistics of issues and classification

Nine broad categories have been extracted for this Report from the overall classification of issues established by the International Ombusman Association [IOA]. The purpose of taking the same classification as other International Organizations facilitates the comparison among them. The chosen categories are described in the Appendix I, along with their own respective sub-categories.

Out of them 5 main categories can be extracted:

• <b>Evaluative relationships</b>	<b>53 issues</b>	<b>24.3%</b>
• <b>Career progression &amp; development</b>	<b>46 issues</b>	<b>21.1%</b>
• <b>Peers relationship</b>	<b>35 issues</b>	<b>16.1%</b>
• <b>Safety, health and physical environment</b>	<b>27 issues</b>	<b>12.4%</b>
• <b>Values, ethics and standards</b>	<b>23 issues</b>	<b>10.6%</b>

The highest category concerns the relationship between supervisees and supervisors, which represents a quarter of the issues. These results are similar to the one of the first year.

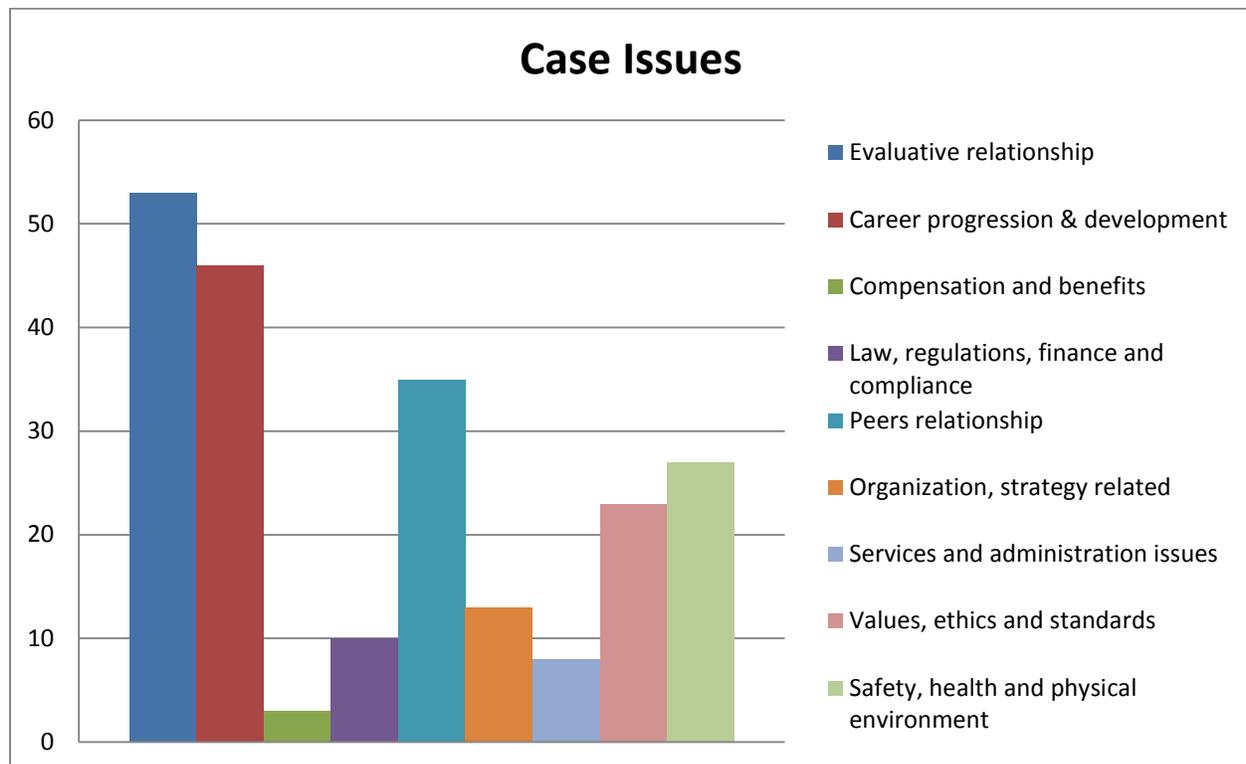


Fig. 7: Number of cases issues.

## Caveat

The present various categories used for getting some information on the statistics of issues should not be considered as fully watertight, as some of them can overlap. For example violations of the standards of the Code of Conduct [CoC] are underlining many problematic issues, even if the visitors have not expressed their concerns in specific terms related to the CoC. Some general conclusions can be derived from the information presented.

## Evaluative relationship

More than 24% of the 218 issues reported fell under the category of evaluative relationships; these are concerns mostly arising between managers or supervisors and supervisees.

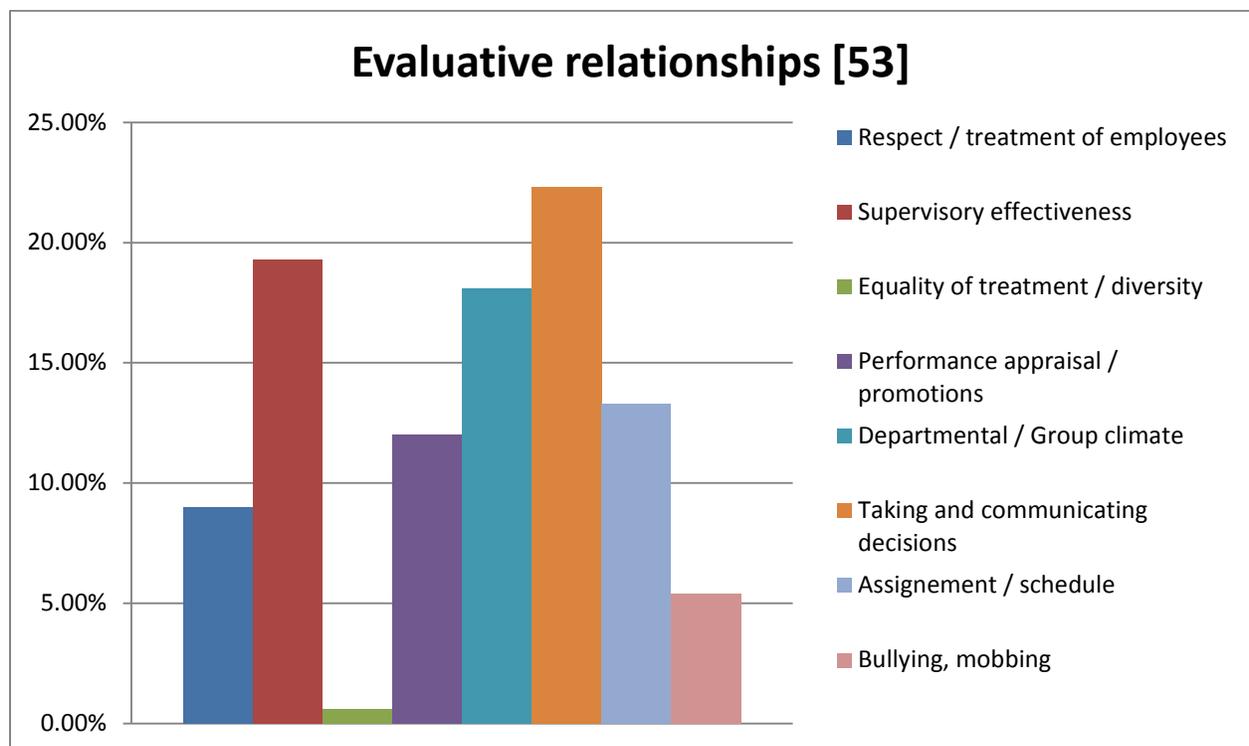


Fig.8: Statistics on sub-issues of Evaluative Relationships

Taking and communicating decisions, supervisory effectiveness and group climate are forming like in the first year the largest sub-groups. Clearly a continuous effort in the training of the supervisors towards better ways of first discussing, communicating, and explaining decisions should be considered. In general one could deduce that some managers, chosen from their excellence in scientific or technical competence, could improve as well the human side of their management, namely improve their leadership qualities.

Two other factors merit to be noticed. As the first year, the level of bullying and mobbing stay low. This is a sign of good health for the Organization, meaning that only a small fraction of the issues escalate in disputes. The cases mentioned have mainly to do with complaints of incorrect moral behavior and some perception of abuse of authority. It should be recalled that the border between a strong management and a case of abuse of authority is not so well defined. No cases of sexual harassment have been reported to the Ombuds during this year.

A negligible number of cases have been specifically reported as related to Diversity. However contemplating the difference in number of cases between men and women, it would not be correct to believe that there is no case related to equality of treatment. It is again probably due to the fact that the Diversity Program is still new so such perception will take time to be expressed.

A continuous comment should be offered concerning the performance appraisals, the MARS. Supervisors should speak the truth. Cases happened where the appraisals were generally good, so the person felt confident that the work done was quite satisfactory and that no need of improvement would be necessary. When a difficulty finally comes up, such persons have no way to understand why suddenly they are considered as not performing to standards. In addition, as their unsatisfactory performances were never explicitly mentioned, they had no chance of improving their way of working. Training should be actively pursued by the supervisors, on how to speak the truth to their supervisees in a way which they can accept.

### **Career progression and development**

This category is dominated by the concerns on career development and assignments, which is at the level of half of the overall number. Concerns towards IC or LD boards stay lower. Cases concerning internal mobility remain at a low level.

Some cases reported the fact that the information which was given to people on the issue of their board where they were not selected was not fully transparent to them. Whether it is a question of perception or a fact, it still remains that such people then started to persuade themselves that some incorrect procedure had been applied. That should be avoided by explaining them the real reasons of their non-selection, even if they could be difficult to digest. Such worries are greatly increased if the confidentiality of the board is not fully respected. It is quite detrimental if some people, not selected, learn the name of the person selected in corridors, before they had been noticed themselves officially by HR. In cases of boards, only the HRA should be allowed and in charge of giving information. Rumors or advanced information in corridors should be avoided by all means. Telling someone that he did an excellent board should be accompanied by explanations why at the end he did not get the job. This is not easy as the deliberations of the board should stay confidential.

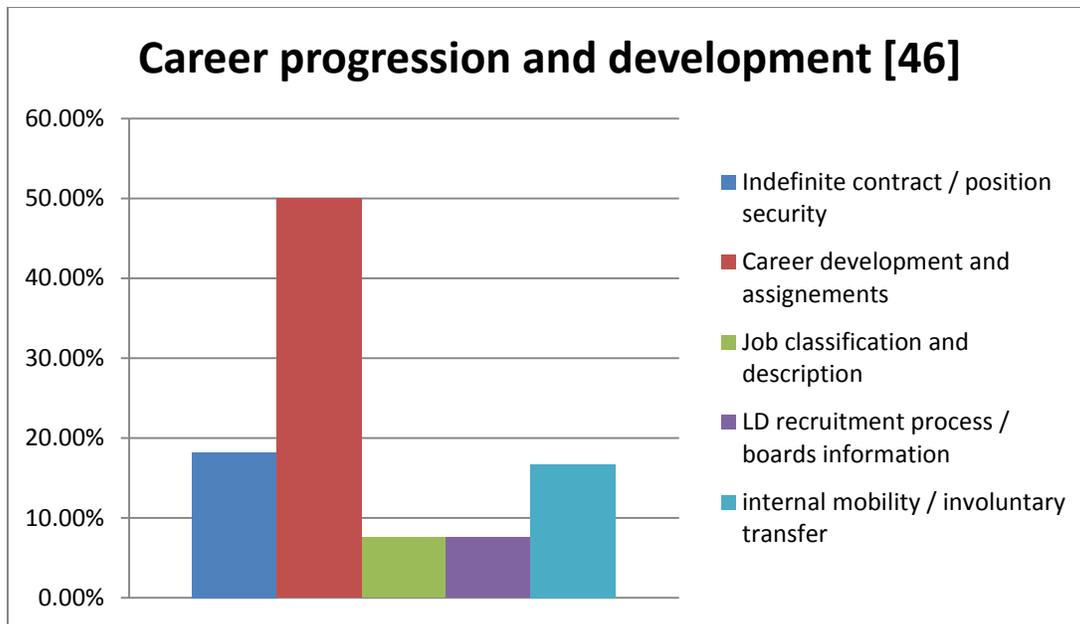


Fig. 9: Statistics on sub-issues of Career and development

The large concern about career development speaks in favor of improving our culture towards discussion and reflection by the supervisors on the career of their supervisees. More long-term assessments of the career of people would be desirable.

Concerns about lack of internal mobility are statistically low. It is however surprising that some cases of request for internal mobility took months to be resolved, or be left on the waiting stage under the argument that no position was available to make such a transfer possible. Transfers are generally stopped by the fact that each Department holds its own posts, still taking into consideration the number of tasks that each Department fulfills. It would be profitable that an authority superseding the Departments could take a more rapid decision and alleviate the problem of the personnel “quotas” of the Departments.

### Peers relationships

It should first be noted that concerns in between peers are lower than in between supervisees and supervisors. Again communication is spotted as the main item. The following highest sub-issue concerns the role of the managers, which again appears in this category.

It is a good sign that retaliation as well as bullying/mobbing is very low. On the other hand it could still be that some fear of retaliation has stopped the people to come to the Ombuds. Such cases, of course, if existing would not show up in the statistics.

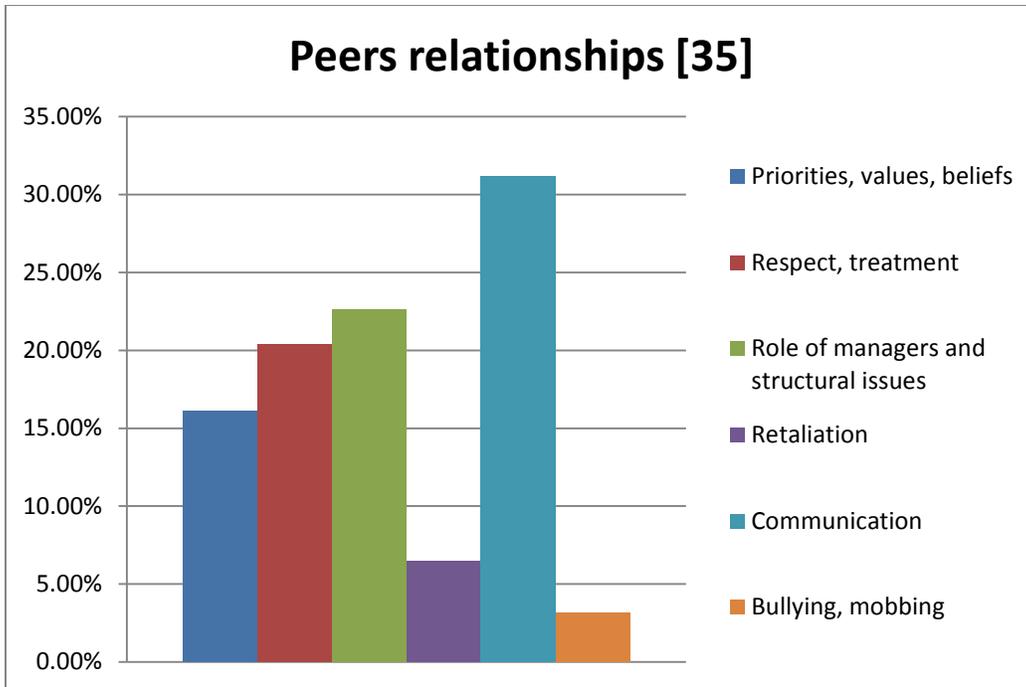


Fig. 10: Statistics on sub-issues of Peers relationships

### Values, ethics and standards

91% of the cases reported in this category have to do with a behavior which was not considered by the visitors as compatible with the CERN Code of Conduct [CoC]. The CoC is a call towards a respectful workplace environment. It should be to the honor of everyone working for or in behalf of CERN to follow its recommendations. It remains that almost 21 issues out of 218 have to do with incorrect behavior compared with the CoC. It should also be added that several issues, even if not expressed in terms of violations of the CoC, concern effectively the CoC in practice. Efforts are then continuously required within the Sections, Groups and Departments to promote a culture of correct behavior. The CoC appeared in the CERN landscape after many years of activity. Such a change is apparently not yet digested by everyone in our Organization. It will just take a little more time until some habits disappear.

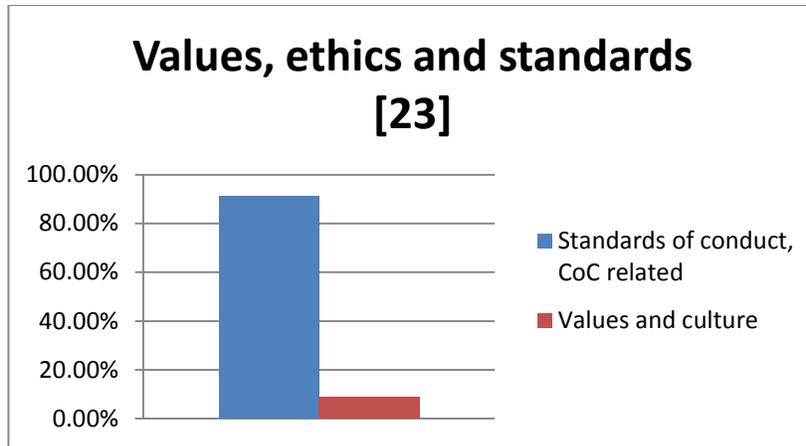


Fig. 11: Statistics on sub-issues of Career and development

### Safety, health and physical environment

This heading shows that work-related stress is present in our Organization. This is not surprising in such competitive area of research and technology where the goals to be achieved are multiple and sometimes look “absolute”. Stress related cases are at the level of 10% of the overall issues. One notices that safety issues are negligible, as reported to the Ombuds. Alleged harassment is at the 2.5 % level. No cases escalated to any formal complaints for harassment, which proves that a confidential and informal resolution of such matters is effective.

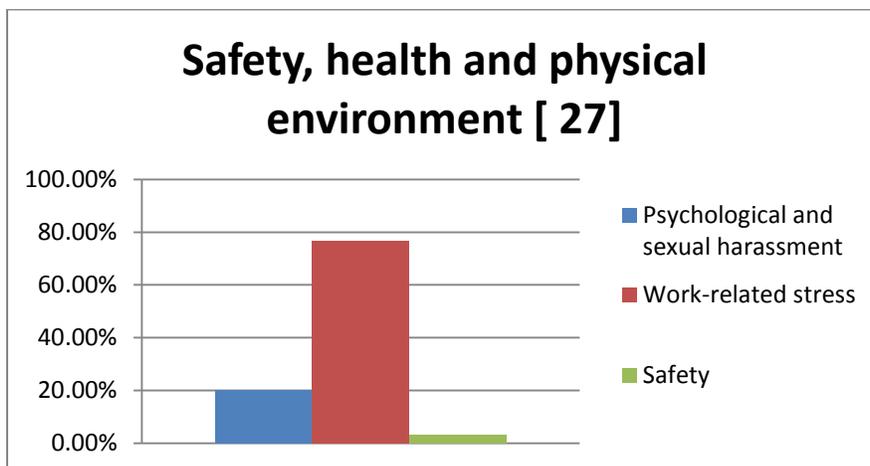


Fig. 11: Statistics on sub-issues of Safety, health and physical environment

## Organization-, strategy related

It is not surprising that the question of the lack of resources comes up. The present graph cannot however be considered as a full indicator of a more general feeling, expressed in various contacts which have not been classified in the present study.



Fig. 11: Statistics on sub-issues of Organization, strategy related

## Other issues

Some minor issues in quantity, but not in seriousness, concern administrative issues or risks. From its mandate, the Ombuds does not have the prerogative of interacting with an administrative decision. However he/she can help the communication in between the parties, so to reach a mutual understanding on such decisions..

Services and administrative issues

[8 cases]

Law, regulations, finance and compliance

[10 cases]

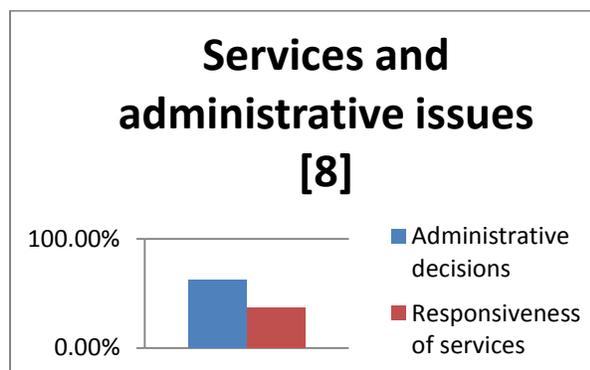


Fig. 12: Statistics on sub-issues of Services and administrative issues.

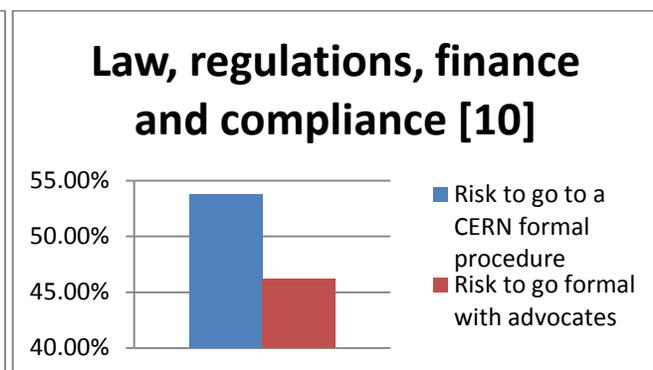


Fig. 13: Statistics on sub-issues of Law, regulations, Finance and compliance.

So far no cases presented to the Ombuds ended up in any formal procedure. The risks to have such disputes taken up by individual lawyers could be dealt with through an informal resolution. Although such issues represent only a very low statistics, they could have created a very big cost in their resolution for CERN, would they have been pursued to such a formal level.

## 6] Outcomes

Four categories of actions have been considered for this report:

- A simple discussion with the Ombuds where the visitor appreciates to be listened to and can say his/her story. Already that helps a lot many people. They feel that someone in the Organization has heard them. Such discussion acts positively in releasing the pressure from the people.
- The largest category goes with advice / coaching where the discussion is enlarged to a search for possible solutions with the help of the Ombuds. In such a case the Ombuds essentially helps the people to help themselves. It is the most current practice.
- An action where the visitor asks the Ombuds to take some practical action, such as meeting other people, representing the person, find some information that the person cannot find by him(her)self or any kind of help
- Mediation in between parties. This case is still rare, as most of the people, after discussion, advices or coaching, prefer to take action by themselves. However an increase of such method of conflict resolution has been observed compared with the previous year.

The repartition in between these various categories goes as follow:

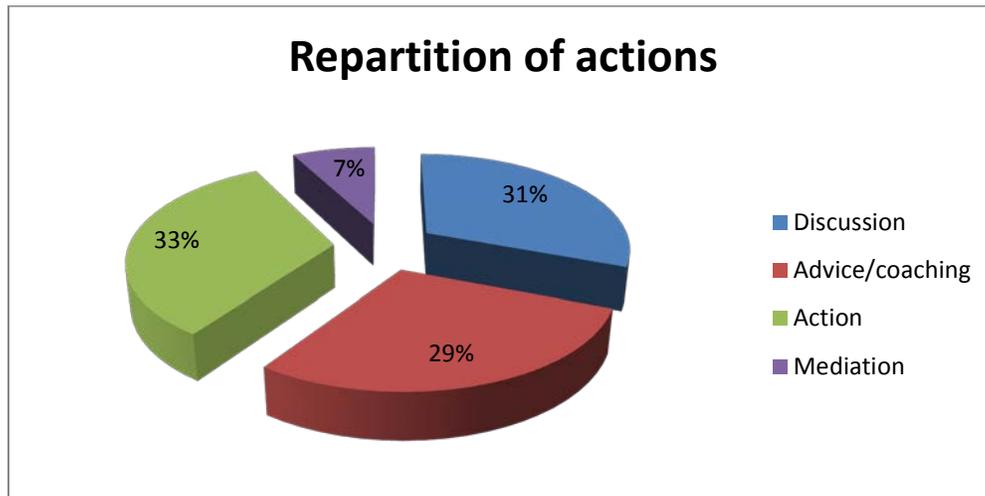


Fig. 14: Repartition of actions

It can be seen from this graph that the most frequent method is related to conflict resolution by coaching. Most of the time it is actually a question of empowering the visitor, who knows what he/she would like to accomplish but does not entirely understand whether or not such action would be appropriate. Verify with a neutral and impartial Ombuds the intended action allows the visitor to take his/her final decision. It should be recalled at this occasion that the Ombuds never takes a decision for the person and neither influences him/her strongly. Some cases are however so obvious on the way to follow that the advices from the Ombuds may be more selective in the interest of the person.

Not all cases have been resolved during the year 2011-2012, especially the ones which came near the summer 2012. Around 5% of the cases still need attention. On the other hand 89% of the cases have been resolved or closed. 6% of the cases have been referred to another organism: HR, Medical Service or Social Service, others to the Group Leader or Management for action.

As mentioned earlier there has been no formal appeal coming out of the cases where the Ombuds was involved. It should be said that it is the strict right of the people to go for a formal appeal and that it may happen in the future that the Ombuds faces such cases. It shall remain that such decision belong to the parties themselves; the mission of the Ombuds is not to stop formal appeals, only to try his/her best to help whenever possible resolving the cases in the informal way.

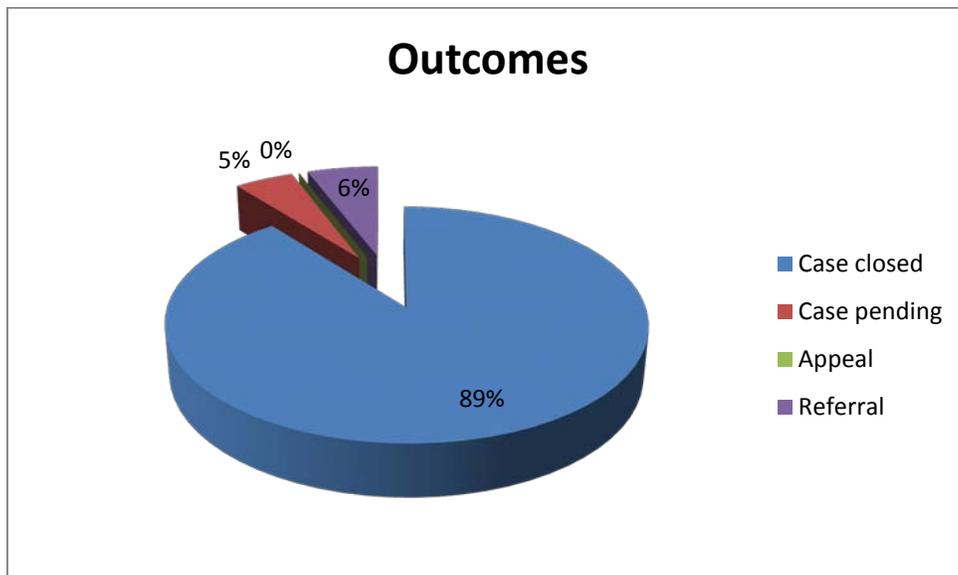


Fig. 15: Repartition of outcomes

## 7] **Additional Ombuds activities**

The year 2011-2012 was the second year of the Ombuds activity at CERN. Again time was spent on information on the function by elaborating educative stories on the Bulletin, raising the awareness concerning the Ombuds mandate, meeting all Departments, getting in contacts with the other CERN instances concerned with the CERN personnel and User's, following necessary training on Ombuds and mediation and fostering close contacts with the various Ombudspersons of the International Organizations and Associations.

A network between the various actors [Diversity, HRAs, Medical Service, Staff Association and Social Service] has been set-up, meeting every two months, to exchange systemic issues.

The principal activities include:

### **Training**

- Four days of training on “Boss Whispering: The Science and Practice of Coaching Abrasive Leaders”, by the Boss Whispering Institute Ltd in Toronto, Canada, February 6-9, 2012.
- One day seminar on “Ethical decision making. Values in action”, WHO, Geneva, February 29, 2012.
- One day training on “Conflict Coaching for the Organizational Ombudsman”, part of the IOA Conference, Houston, Texas, USA, April 16, 2012

### **Information given**

- Web site <http://cern.ch/ombuds>
- Several (28 in total within two years) novels in the CERN Bulletin under the column “Ombuds Corner”
- CERN Ombuds' report, TREF, October 13, 2011
- Presentation of the Ombuds function to the Employment and Equality Committee, Parliament of Finland, CERN, June 13, 2012
- Presentation of the Ombuds role in the Induction Program for CERN newcomers
- Elaboration of slides on informal and formal conflict resolution, Code of Conduct and Ombuds for the CERN Core Package for Managers, presentation in such a meeting and in all CERN Management Meetings of the Departments
- Publication of two guides for managers and complainants on “Dealing with harassment” on the Ombuds web site

## International contacts

Contacts with the Ombudspersons of the International Organizations and Associations are essential for several reasons: exchange of information, access to reports, comparison of number of cases, advices on problematic, in addition to the rewarding personal links with professionals in the Ombuds world. In addition, this is also the occasion of promoting the good image of CERN, as CERN is the only scientific Organization among the International. Ombuds from other Institutions are very interested in knowing about CERN.

The CERN Ombuds is a full member of:

- IOA: the International Ombudsman Association. As a consequence the Ombuds agreed to follow the Code of Ethics and the Standards of Practice of this Association
- UNARIO: the United Nations And Related International Ombudsman group. This group contains Ombudsman from the UN and related Organizations, UNHCR, WPRO, WHO, PAHO, ICRC, WFP, WIPO, UIT, UNESCO, IOM, ILO, World Bank Group, IMF, Inter-American Development Bank, ICAO, Global Fund to Fight Aids, African Development Bank, and CERN.
- UNARIO “Geneva Group”. The Ombudspersons of the International Organizations having a center in Geneva meet every month. Such gathering allows all of us to exchange considerations. A visit of CERN was organized for this group on March 30, 2012.



*Some members of the UNARIO “Geneva Group” at the occasion of their visit at CERN.*

The Ombuds took contacts with the Medical Service and the psychologist, the Legal Service, the Social Service, the Diversity Program and entertains regular relationships with the Human Resources Department and the CERN Staff Association. In such contacts, everyone's confidentiality is fully respected.

The Ombuds was fortunate enough to be able to attend several conferences:

- European Meeting of the IOA Ombudsmen, MARS Factory, Veghel, Netherlands, 18-20 October 2011
- UNARIO Meeting, Santiago de Chili, Chili, January 18-20, 2012
- 7<sup>th</sup> Annual Conference of the IOA, Houston, Texas, USA, 15-18 April 2012
- Monthly meetings with the UNARIO "Geneva Group"

As resources permit, the Ombuds intends in the future to continue some training offered at the occasion of the IOA annual conference, and a further course on Mediation with Team. Annual meetings of UNARIO, and the European Ombudsman Association, a branch of the IOA, are still excellent occasions of fruitful exchanges.

This second year has been rich in training, working on awareness towards the Ombuds function and participation to the International Organization of Ombudsman. All worldwide Ombuds heard so many times about our Organization and knew it from its scientific high reputation. Now CERN is also integrated in this network, quite a different field.



*At the UNARIO Meeting in United Nations, Santiago de Chili in January 2012*

## **8] General observations**

This second annual report is part of the Ombuds work; it provides the opportunity to describe the level of activity of the Ombuds and to communicate at large with the Organization.

The report is also a way to encourage changes over time, following an honest and critical self-examination. The present impressions and conclusions are based on listening to many voices and concerns, contacts through the Organization. Some items which seemed the most important are discussed. In this section I would like to:

- Compare this year results with the ones of the previous year
- Discuss some aspects
- Offer few recommendations in the spirit of helping some improvement towards an even better respectful workplace environment

### **Comparison with the first year**

As in the first year around 3% of the staff used the services of the Ombuds. A sizeable increase of the number of cases has been however observed with time. If 82 cases were handled during the first year, 104 have been during the second year, which represents a 27% increase. A priori there is no reason to believe that the number of conflicts itself has inflated by 27%. This increase is probably due to the fact that, with time, using the services of the Ombuds became a more natural option. To get over up going to the Ombuds requires a decision, which is not easy for many people, either due to some inner fear of acting, or due to the hope that the situation would stay at a bearable level. Slowly people are more inclined to come, even for a discussion or looking for some advice, without being necessarily embedded in a strong dispute. The information about the role of the Ombuds and the various cases discussed in the Ombuds Corner of the CERN Bulletin have participated in lowering the threshold above which people decide to consult the Ombuds.

As far as the issues are concerned, a very similar picture has emerged from this year exercise as the one from last year. Again the relations between supervisees and supervisors dominate the statistics.

In terms of the population meeting the Ombuds, there are similarities and differences between the two first years of operations. The number of Fellows, Students, Users and people working under an industrial service contract who contacted the Ombuds, stayed low. This year still the number of women, when analyzed in terms of percentages of the population, remained higher than the number of men by a factor 2. Last year such factor was equal to 2.7. It is too early to deduce if such a trend is significant. Again essentially no case involving women has been reported by them in terms of violations of Equal Opportunity or Diversity. Such a phenomenon would certainly merit to be analyzed in the Diversity program, as it looks unlikely that gender would have presently no effect at all. At some occasions the Ombuds had the distinct feeling that, even if not expressed in such terms by the women coming to the Ombuds Office, the situations, or ways of talking, would have been different if men would have been involved instead of women.

A main difference between the first and second year concerns the people under a Limited Duration contract. Last year the percentage of people under LD contract was strikingly lower in percentage of the population compared with the percentage of people holding an IC contract. This year however such a tendency disappeared and percentages were similar. It is again an indication that making use of the services of the Ombuds became more natural in the LD population.

A low number of cases have been expressed in terms of presumed harassment. No case of sexual harassment came up during the period. The frontier between a hard, but still acceptable, management and an abuse of authority, which is part of the moral harassment, is not well defined; however few cases of distinct abuses, close to bullying, have been reported this year. These were more on the side of bad abuse of authority in the workplace than personal attacks against the presumed harassed person.

The great majority of the cases have been either resolved or closed. As in the first year, no case handled in an informal and confidential process by the Ombuds escalated in a formal complaint. This proves the utility of the function. Cost of disputes could be very high if not taken seriously in hands right from the beginning, including the most important cost: the human cost. Some cases have been referred to HR, Medical or Social Service, or to the hierarchy.

The collaboration with the HR Department has been constantly improving during the year. The collaboration with the Head of the HR Department and with the Staff Association has been extremely good, still respecting confidentiality when appropriate, or sharing information when it was allowed by the proponents. Relationship with all personnel was quite correct and nobody refused at the end to help the Ombuds. Lots of people mentioned in corridors or in passing by that they were quite happy that such function exists at CERN, some even expressed their satisfaction:

*“Even though we didn’t agree on all points, I would like to thank you very much for the conversation we had yesterday. In my view it is through such conversations (dialogues) that understanding and acceptance grows.”*

*“I would like to thank you very much for your help. Your advice was very helpful. I would also like to stress that our discussion has also helped me very much from a psychological perspective and gave me the necessary confidence to go through a difficult period successfully.”*

## Some aspects

Within two years of operations of the Ombuds function, some non-exhaustive aspects can be extracted from the meetings and from the analysis of the issues encountered.

1] The main issue concerns the domain of the hierarchical relationships. This class of issues involves at large the relations between the supervisees and the supervisors, the performance appraisals during the MARS exercise, the long-term career definition of the CERN personnel, the Group climate, all of that belonging to the domain of mutual communication within the hierarchy. The recommendations contained in the Code of Conduct towards a respectful behavior and actions have not yet penetrate our overall population, neither the entire class of the supervisors. It would be helpful to the Organization if all stakeholders would work to ensure that leadership and management style support and encourage a fully respectful workplace environment.

2] Peers to peers issues stay lower and come in third position in the list of concerns. It means in fact that the Ombuds treats more cases relating to managerial issues than purely interpersonal issues. It is a concern if one would consider that managerial issues should be primarily resolved by the management.

3] Management is not the same thing as leadership. Authentic leadership refers to a pattern of the behavior of leaders who promote a positive ethical climate, foster the capacities of their teams, help them to express opinions and to possess integrity, and in turn favors their affective organizational commitment. Leadership is about energy, not only structure and control. Such a dynamic exchange between supervisors and supervisees should be promoted among the CERN managers.

4] The numbers of contacts in between the Ombuds and the CERN Management remain low. Due to his numerous contacts and acting as a sounding board of the CERN population, feedback from the Ombuds could be given to the deciding bodies, if interested.

5] The confidentiality concerning the LD or IC boards should be recalled at each occasion. There are still violations in the corridors, rumors or gossips uncovering in advance the result of a board, or reflections which have been made during the deliberation of the boards. Also, following our new policy towards IC contracts, such boards are open to all LD's who can then compete under some conditions. Too often people are discouraged to participate by telling them that the issue of the IC board is known in advance, that it has been set-up in the intention of hiring someone in particular, or even telling them that their turn will come when in fact there is absolutely no guarantee that it will happen. This phenomenon can have even larger consequences now that the indefinite contracts are decided only once a year.

6] Incivilities stay under the radar of the Institution. There is a big gap in between a violation of the Staff Rules and Regulations and some mild violations of the Code of Conduct [CoC]. The CoC is conceived as an incentive, which means that it sets up the respectful path that everyone should take. The management at any level should take care, when they know about these facts, to recall people about the CoC and not to let some sort of impunity concerning these violations becoming a normal way of acting.

## **Few recommendations**

Given the issues outlined above, some recommendations can be offered to the management:

1] CERN has many courses in management. Specific training in leadership would be appropriate for managers. Human leadership is most important in order to reach the highest level of commitment to CERN as well as the best efficiency of the work. Such professional courses could be accompanied by the coaching of some managers who face more difficulties in that area, and are at the same time extremely useful in their position due to their great technical competences. Specific coaching should be given to the few managers who would have a tendency to be abrasive in the relationship with their personnel. Support of the high management for such a program is essential. The management should actively advocate such programs, and valorizes them so no one could feel stigmatized in being associated with a coach. The cost of such programs would certainly stay below the cost of the loss of efficiency of a poor leadership.

2] Good ethics and Code of Conduct are essential to make our Organization as excellent towards a respectful workplace environment, as it is in the domains of Science and Technology. A respectful behavior should be taken into consideration in many areas: in granting LD and IC positions, promotions, choice of managers. The new Competence Skills model provides a tool to achieve such a goal. A wider and public support from the Management would be quite appropriate if CERN believes seriously in the effectiveness of such a model.

3] Management positions could not be considered in more areas of CERN as life-time assignments. Some more rotation could be envisaged, as it would have the following advantages: managers could be replaced more easily in case of problems; more people would profit from this experience and could better understand the associated difficulties. It would also renormalize a bit the importance of the requirement towards a supervising position that CERN puts as a constraint on the careers of people. Technical expertise could be rewarded without requiring specifically a managerial expertise. It should be noted that such requirement of having to supervise people in order to reach a higher level in our positions of careers contains implicitly the possibility of offering supervision to actually poor leaders, just to be able to justify a change of their career path. So in a sense with our criteria we may open the possibility in promoting poor human managers, although they are excellent on the technical side.

4] Several cases were brought to the attention of the Ombuds concerning the attribution of IC contracts. In such cases, the mandate of the Ombuds does not allow him to challenge any managerial decision. However in the light of the discussions which took place, some comment could be offered. Several people could not understand that, being professionals, being needed for the CERN operations and having acquired expertise in their technical field, they would not be considered by CERN for a long-term appointment due to the restriction on the number of such contracts. They consider that as a loss of efficiency, especially if their field of expertise took them some years to get. The Management could then consider making a difference in between professions: some of them are highly technical, take a long time to acquire given the very large number of our various installations and could be considered preferably for long-term appointments. Some other professions could see a rotation, less damageable to the CERN efficiency.

5] Situations of stress, due to various causes, have come up with the Ombuds. Although normal and positive stress are considered boosting the energetic efficiency, managers should detect and follow more closely situations where the stress starts to weight on their colleagues, especially in the period of the coming long shutdown where the activities at CERN will ask for a tight schedule.

## **9] Conclusions and outlook**

The number of cases may be part of the indications of the well-being of an Organization. To this regard CERN remains an attractive place, as around 3% of the staff only has reported issues to the Ombuds. Very few cases of bullying/mobbing, no case of sexual harassment, have come up to the knowledge of the Ombuds. No case treated in an informal and confidential way through the Ombuds has escalated in any formal complaint. All of them could either be resolved, closed or are still in process by the time of this Report. This is an encouraging point concerning the usefulness of the Ombuds function in our Organization.

The issues related to the managers/leaders still occupy a pole position at CERN. Our Organization relies on them. So again, continuous efforts have to be developed to support them with training, coaching and mentoring programs. According to the statistics presented in this report, more than 40% of the issues have to do with the evaluative relationships, career development and assignments, role of managers and structural issues, and alleged harassment. At every level of responsibility, the management should participate actively in promoting a culture of respect, transparent communication and good ethics.

During the past year the awareness concerning the services of the Ombuds has increased in the CERN population as proved by the 27% increase of the cases brought to his attention. In the future, the Ombuds will continue his mission of promoting the values of CERN and of serving everyone working for or in behalf of CERN. Help everyone who wishes so to resolve his/her disputes in a neutral, consensual and impartial way is part of promoting the good functioning of the Organization.

## APPENDIX I: Classification of issues along the International Ombudsman Association

<b>Ident</b>	<b>Case Issue</b>	<b>Subject</b>
<b>10</b>	<b>Evaluative relationship</b>	<b>Supervisor vs supervisee</b>
11	Respect / treatment of employees	
12	Supervisory effectiveness	
13	Equality of treatment / diversity	
14	Performance appraisal / promotions	
15	Departmental / Group climate	
16	Taking and communicating decisions	
17	Assignment / schedule	
18	Bullying, mobbing	
<b>20</b>	<b>Career progression and development</b>	<b>Decisions concerning a job</b>
21	Indefinite contract / position security	
22	Career development and assignments	
23	Job classification and description	
24	LD recruitment process / boards information	
25	Internal mobility / involuntary transfer	
<b>30</b>	<b>Compensation and benefits</b>	<b>Examples: payroll, salary</b>
31	Salary scale	
<b>40</b>	<b>Law, regulations, finance and compliance</b>	<b>Legal risk, go formal</b>
41	Risk to go to a CERN formal procedure	
42	Risk to go formal with lawyers	
<b>50</b>	<b>Peers relationships</b>	<b>Relations among peers</b>
51	Priorities, values, beliefs	
52	Respect, treatment	
53	Role of managers and structural issues	
54	Retaliation	
55	Communication	
56	Bullying, mobbing	
<b>60</b>	<b>Organization, strategy related</b>	<b>Systemic issues related to CERN</b>
61	Lack of resources	
62	Leadership, use of positional power	
63	Organizational climate	
<b>70</b>	<b>Services and administrative issues</b>	<b>Policy, administrative decisions</b>
71	Administrative decisions	
72	Responsiveness of services	
<b>80</b>	<b>Values, ethics and standards</b>	<b>Fairness, CoC</b>
81	Standards of conduct, Code of Conduct related	
82	Values and culture	
<b>90</b>	<b>Safety, health and physical environment</b>	<b>Related to physical safety</b>
91	Psychological and sexual harassment	
92	Work-related stress	
93	Safety	