



9th annual report of the CERN Ombud

1st January 2019 – 31st December 2019

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Contents:

| | |
|--|-----------|
| 0. Executive Summary | 2 |
| 1. Introduction | 3 |
| 2. Roles and principles | 4 |
| 3. Terms and Terminology | 5 |
| 4. Possible Outcomes | 6 |
| 5. Profiles of visitors to the Ombud | 8 |
| 5.1. Categories of Personnel: types of contract | |
| 5.2. Gender | |
| 5.3. Profile of visitors: conclusion | |
| 6. Issues raised with the Ombud | 13 |
| 6.1. Evaluative relationships | |
| 6.2. Safety, health and physical environment | |
| 6.3. Peer relationships | |
| 6.4. Career progression and development | |
| 6.5. Values, ethics and standards | |
| 6.6. Services and administrative issues | |
| 7. Outcomes to Issues raised | 18 |
| 8. Additional Ombud activities | 19 |
| 8.1. The Ombud Blog | |
| 8.2. Promoting a respectful workplace at CERN | |
| 8.3. International contacts | |
| 8.4. Training, conferences and networking | |
| 9. Observations | 20 |
| 10. Recommendations | 23 |
| 11. Conclusion | 24 |
| 12. Appendix | 26 |

Executive Summary

There have been on average 97 visitors/year since the Office was established in 2011.

In 2019, there were 74 visitors to the Ombud Office, all categories included, representing a 26% decrease compared to the average number of visitors in the period 2011-2018, probably mostly due to a prolonged absence of the Ombud for health reasons. Staff members still represented the largest proportion. There was a comparable number of users compared to 2018, but overall increasing compared to the preceding periods. Women represented 2.5% of the relevant staff member population, as compared to 1.0% of men, indicating that proportionally, there are still 2.5 times more female than male visitors to the Ombud office.

The majority of the outcomes were reached through advice or coaching, with the remaining issues being handled through mediation, referral or recourse to formal action, as appropriate. It should be noted that the majority of colleagues chose discussion or coaching over intervention, continuing to cite a fear of disclosure or retaliation as a basis for this preference. As in previous years, a significantly high proportion of the issues falls into the Evaluative relationship category, followed by Safety, health & physical environment, then Peers relationship. The other issues concerned Career progression and development, Values, ethics & standards, and Administrative issues.

At the end of the report a number of reflexions are formulated concerning among others gender equality, formal procedures, and the fellow & students programmes.

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 eighth report issued from the office of the CERN Ombud. It covers the period from 1 January 2019 to 31 December 2019. The Ombud function was created in 2010, at the same time as the publication of the CERN Code of Conduct. The basic function of the Ombud is to provide a zero-barrier, informal, impartial 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, providing information, coaching and mediation, the Ombud works with visitors to identify options by which they may address their own issues and / or resolve any conflict whether due to misunderstanding, ineffective communication or rooted in a difference of opinion or values.

Since 2011, the Ombud has also been 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*. At any moment that a formal complaint is lodged, the Ombud is no longer involved.

This report presents a statistical picture of the Ombud 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 Ombud.

This report also summarises some of the main observations that have resulted from this year of operation, and provides a few observations and recommendations. These comments have been made in a constructive spirit and are aimed at promoting good behaviour and a respectful workplace environment. The number of cases treated during the year indicates that the CERN working atmosphere is generally acceptable; it compares with the lower average of other International Organizations although the span in numbers is large. The smooth evolution of CERN towards a full application of its Code of Conduct has been put in motion, but it still requires some attention in order to bring its workplace culture to the same level of excellence as its scientific reputation.

A description of the additional activities of the Ombud during the reference period is also provided in this report, together with a list of the International Associations to which the Ombud belongs. Participation in these bodies supports the legitimacy of the Ombud function at CERN.

2] Roles and Principles

The CERN Director-General (DG) established a full-time position of Ombud, in July 2010. The creation of the Ombud function represents a commitment by CERN, and its Management, to the well being of all its collaborators and to the promotion of a respectful 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 Ombud may help to resolve disputes in a consensual and impartial manner, thus promoting the good functioning of the Organization.

The mandate of the Ombud (<http://Ombud.web.cern.ch>) provides a detailed picture of the specific guidelines of this function. It may be useful to outline here the most important principles defining the Ombud role at CERN. These principles are fully in line with the Code of Ethics of the International Ombudsman Association (IOA), which includes Ombuds coming from Universities, Governments, Companies, and other International Organizations around the world. The IOA is dedicated to excellence in the practice of Ombud 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 principles represent the basis of the Ombud function:

- ❖ **Confidentiality:** The Ombud 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 Ombud shall protect the confidentiality of all persons involved. The only exception to this rule is when the Ombud deems there to be an imminent threat of serious harm to person or property. Persons involved in a matter brought to the Ombud are also expected to maintain strict confidentiality regarding their interaction with the Ombud.
- ❖ **Neutrality/Impartiality:** The interests of both parties and the Organization are kept in mind. The Ombud shall not take sides and not favour 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 Ombud shall be independent. The Ombud is not part of any departmental hierarchy, but is administratively linked to the DG Unit, while remaining a neutral interlocutor. The Ombud does not hold any other function in the Organization, and consequently avoids any risk of a conflict of interest.
- ❖ **Informality:** The Ombud shall not have any powers of decision-making or formal investigation. The Ombud attempts to address problems at the earliest opportunity and lowest level of conflict. The Ombud only carries out informal investigations and does not accept notice on behalf of the Organization.

Access to the Ombud is on a voluntary basis. Other channels such as the HR Frontline, the Medical Service or the Social Affairs Service are also available at CERN and Members of Personnel are free to contact any of these bodies in seeking support to address their concerns.

The Ombud's mandate is also to provide guidance with regard to the application and interpretation of the Code of Conduct and to offer confidential assistance in the informal resolution of interpersonal issues. The Ombud 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 Ombud seeks a fair and ethical solution to the problems.

Everyone working at CERN or on behalf of CERN is entitled to assistance from the Ombud. However, the services the Ombud 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 Ombud has direct access to all personnel, including the Directorate. However the Ombud can only have access to the personnel records with the agreement of the concerned persons.

The Ombud may furnish additional written reports in order to promote organizational and operational efficiency. In this spirit, the present Annual Report contains some general observations and recommendations.

The Director General appoints the Ombud. 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 Ombud, the Ombud shall separate from the Organization and may not serve in any other capacity as a member of personnel.

A long-term goal of the Ombud function is to help make sound conflict management skills become common practice at CERN. All efforts will be developed to strengthen CERN's 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 order to ensure a full and correct understanding of the statistics and observations contained in this report, some key terms are defined below:

Visitor

A visitor is anyone who comes to see the Ombud with an issue.

Case

A case refers to the single instance of a visitor to the Ombud's Office. Often a case involves several issues. For example, visitors having difficulties in the evaluative relationship with their supervisors may at the same time bring up issues having to do with their career situation or their health. 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 visitors might have to be seen several times in order to reach a resolution of their 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 consist only of providing information or coaching visitors in the actions they intend to pursue.

Issue

Issues are concerns, which are brought to the attention of the Ombud for discussion, advice, coaching, mediation or other types of action.

In reality, almost all cases involve several issues. For example, an abuse of power, in addition to being linked to a violation of the Code of Conduct, may also involve difficulties with supervisors, a psychological threat, or be related to health and safety. So while the number of cases represents an indication of the level of activity of the Ombud during the reference period, the number and kinds of issues may be considered a more accurate indicator of the conditions of employment, working conditions and relations between supervisees and supervisors, colleagues or groups of people.

This Report makes reference to the IOA (International Ombudsmen Association) classification of issues and outlines nine major categories of issues. Each major issue is sub-divided in several sub-issues, which permits a better identification of the problems encountered. Primary issues refer to the concern with which the visitor contacted the Ombud, secondary or tertiary issues refer to concerns that are revealed through the ensuing discussions.

Contacts

Contacts are communications, interactions with the Ombud, 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 under the heading of contacts. Although such contacts are very frequent, they are not covered in this report, as considered to be part of common interactions between colleagues.

4] Possible Outcomes

Cases brought to the Ombud's office can typically result in three types of outcomes, as described below:

- Discussion: A simple discussion with the Ombud where the visitors have the opportunity to tell their story without fear of being judged. This in itself is very helpful in that people know that someone in the Organization listens to them, they are able to externalise their concerns and in many cases, the simple fact they have been heard helps to release tension and allows them to be more open to search for solutions.

In some cases, visitors have already considered possible solutions and the Ombud serves as a ‘sounding board’ for them to test out their ideas for action.

- **Advice / Coaching:** Advice is limited to providing factual information as needed. Coaching refers to a more focussed discussion where the Ombud helps the visitors to clarify their objectives and identify options by which to achieve them. The role of the Ombud here is essentially to help the visitors to help themselves by encouraging them to consider alternatives and to think ‘out of the box’ in order to tackle the situation and resolve the issues they face.

- **Action**
 - **Mediation:** A more formal and structured process where the Ombud facilitates a discussion between the parties concerned who agree to take part in the process with the aim of reaching a mutually acceptable solution.
This involves a ‘win-win’ approach that is future oriented and aimed at improving the working relationship. It may either take the form of a ‘face to face’ discussion in the presence of the Ombud or a shuttle mediation where the Ombud talks to both parties separately in order to help them reach a solution.
Multi- party or team mediations may also be necessary in some situations.
In all mediation exercises, the role of the Ombud is to be a confidential, impartial resource, responsible for ensuring fair and equal process without entering into the actual content of the dispute.

 - **Intervention:** An action taken by the Ombud with the clear authorisation of the visitors – this may involve contacting other people to obtain more information, accompanying or representing the visitor in a given situation or requesting a follow up action as appropriate.

 - **Referral:** A recommendation for the visitor to take up the issue with another service, e.g. HR or the Medical Service, etc., as appropriate.

5] Profiles of the visitors to the Ombud Office in 2019

In 2019, the Ombud handled 74 cases, (as compared to an average of 100 cases in the period 2011-2018)

The following figures provide an overview of the profile of visitors to the Ombud Office by contract classification and gender. As to be expected, a few cases remain pending and will have to be followed up in 2020. For each visitor there was an average of 1.8 meetings, ranging between 1 and 6 meetings per visitor.

As in the previous year, in most cases, the Ombud worked only with the visitors, with the aim of equipping them, through discussions and coaching, to address their issues themselves, whilst maintaining total confidentiality. In a small number of cases, the Ombud needed to contact other people or services, always with the express authorisation of the visitors. In a few instances, the issues were referred to the HR Department for action.

5.1] Categories of Personnel – by types of contract

Visitors to the Ombud's Office in 2019 represented the full range of CERN categories of personnel.

Whereas CERN staff members still represented the largest proportion of visitors (49%), this year saw a stable proportion of Users at 23%. The numbers of Fellows and Students remained stable, at 18%, and still in progression when compared to the average of all previous years.

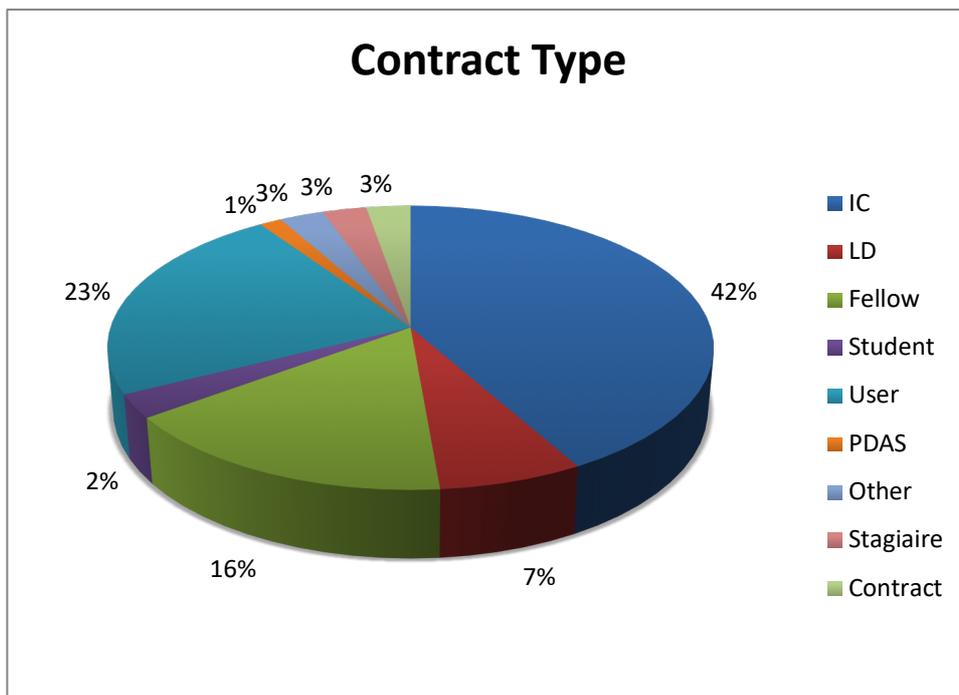


Fig.1

A total of 36 Staff Members visited the Ombud Office in 2019, representing 1.35% of the total CERN population concerned.

Five of these visitors were LD contract holders, representing 0.6% of the overall population concerned, whilst the remaining 31 of Staff Member visitors were IC contract holders, and represented 1.7% of the corresponding CERN populations, meaning that there were proportionally three times more ICs than LDs visiting the Ombud Office.



Fig.2



Fig.2b

5.2] Categories of Personnel – by Gender

The proportion of women visitors in 2019 was comparable to the previous years with 39 women and 35 men, representing a balanced gender distribution, at least in absolute figures.

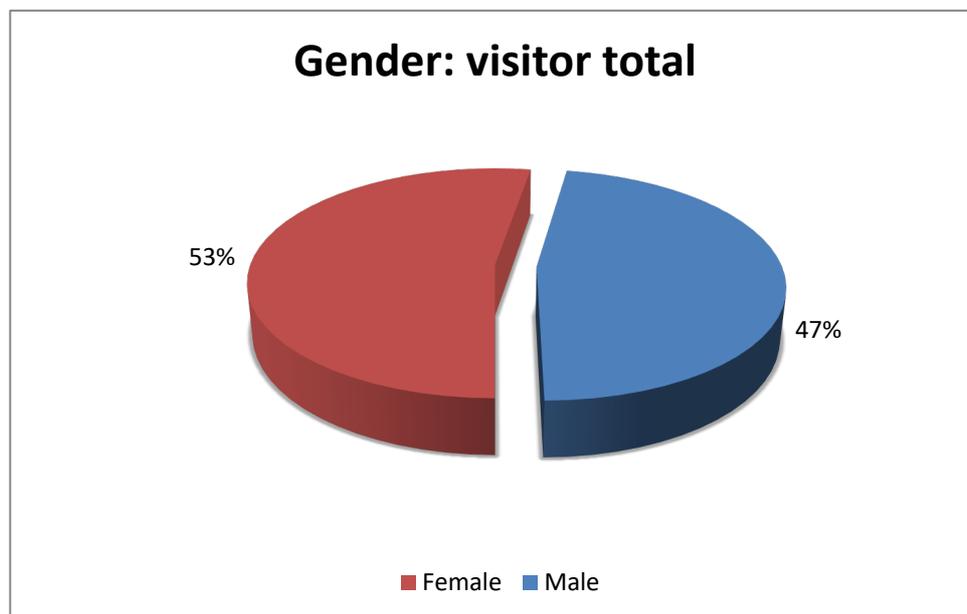


Fig.3

As in the past, when viewed proportionally to the relevant population of staff members, women visitors represented 2.5%, whilst men represented 1.0% of the corresponding total staff member populations. Whereas this difference remains comparable to the figures in previous years, these numbers still represent 2.5 times more female than male visitors to the Ombud office as shown in Figure 5 below, a proportion which is significantly higher compared to other international organizations in the area.

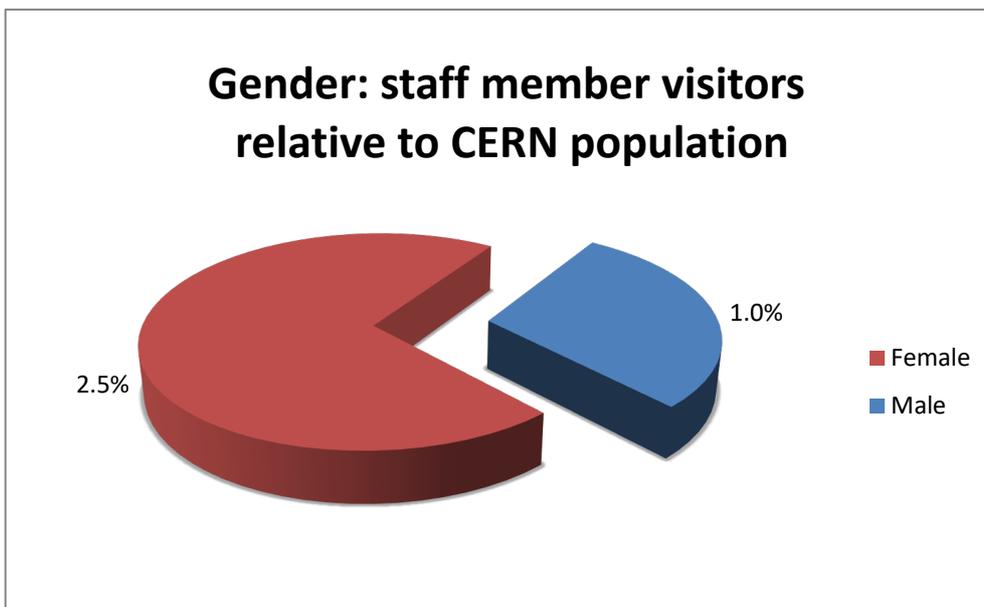


Fig. 5

This continuing difference in the proportion of women visitors relative to the population as shown in Figure 6, below, was already signalled in previous Ombud reports as a matter of concern.

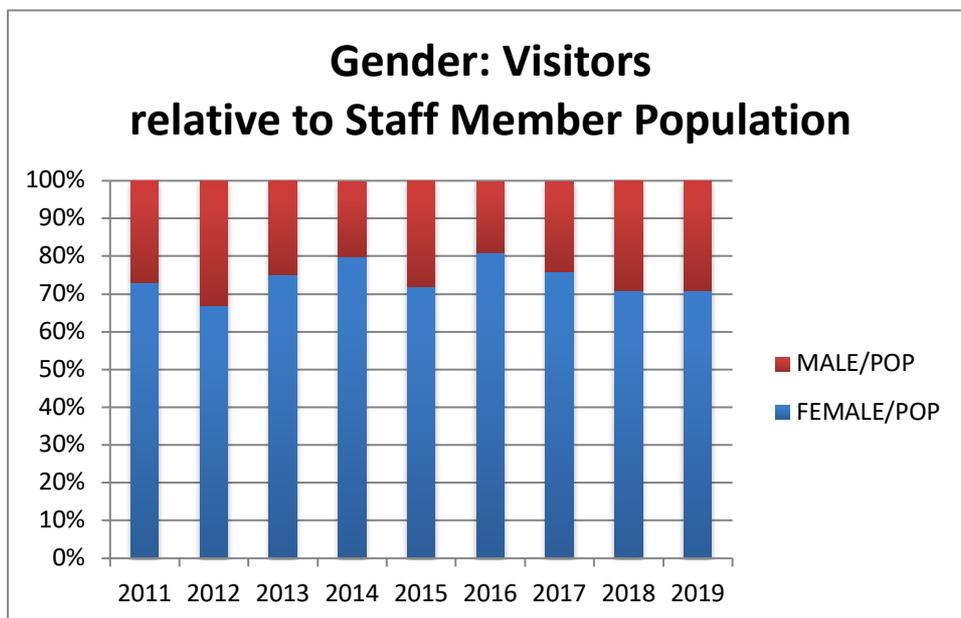


Fig.6: Gender distribution relative to CERN Staff Member population - period 2011-2019

5.3] Profile of Visitors - Conclusion

The overall number of 74 visitors to the Ombud office in 2019 is a low number compared to the previous years' average, since the establishment of the function at CERN. One among the possible explanations was the limited availability of the Ombud, who has been absent almost two months following a traffic accident.

Staff Members visitors represented 1.35% of the total number of Staff Members, a figure that is rather on the lower side since the creation of this Office. This figure is also on the low side compared to other International Organizations in the area, where the lowest average is at 4% of staff.

The numbers of Fellows & Students contacting the Ombud have risen until 2017. The 14 Fellow & Students visitors in 2019 confirm the downward trend which had been noticed since. This may be put in perspective with the many internal initiatives aimed at this specific population.

The relative number of female visitors continues to be significant and represents colleagues from all categories of personnel – Staff Members, Fellows, Students and Users. One third of the issues brought by women falls under the Safety, Health & Physical Environment, more specifically Psychological and sexual harassment. Again, the question raised in previous years as to whether or not the CERN culture is fully supportive to women remains open, and some effort to educate colleagues as to evolving expectations of behaviour across genders in support of the Code of Conduct is highly recommended.

6] Issues raised with the Ombud in 2019

As with previous CERN Ombud reports, the issues have been classified according to nine broad categories in line with the overall classification of issues established by the International Ombudsman Association (IOA). The purpose of using the same classification as other International Organizations is in order to facilitate the comparison among them. The categories are described in the Appendix I, together with their respective sub-categories.

The main issues raised in 2019 can be categorised as shown in Figure 7 below.

As in previous years, a significantly high proportion of the topics fall into the Evaluative relationship category, with 42% of visitors raising issues related to the supervisor-supervisee relationship. On the second place we find Safety, Health & Physical Environment, at 14%, followed closely by Peers relationship, 13%. Career progression and development and Values, ethics and standards are both at 7%. At the bottom we find at 1% Services and Administrative issues. There were no issues related to Organization & Strategy, Compensation & Benefits neither Law, regulations, finance and compliance.

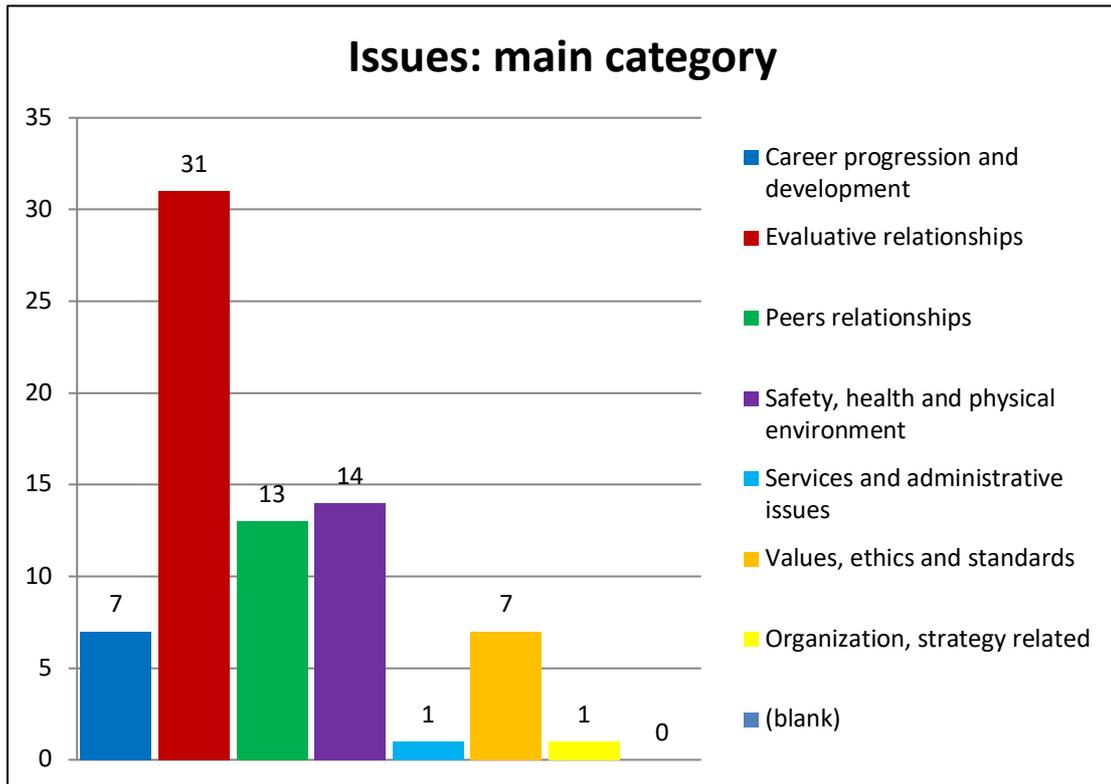


Fig. 7

Considered over the past years, the proportion of issues related to Evaluative relationship seems to remain rather in a growing trend over a longer period. Safety, health and physical environment is significantly up compared to previous years. A possible explanation could be that the cases of psychological and sexual harassment have been classified under this category since 2018, according to the IOA classification, while they previously could have been classified under Evaluative relationship or Peers relationship. Career progression and development is again slightly up since its drop in 2014. Value, ethics and standards is back to the level it had been until 2016. Organization & Strategy, Compensation & Benefits and Law, regulations, finance and compliance remain out of the picture since 2015-2016.

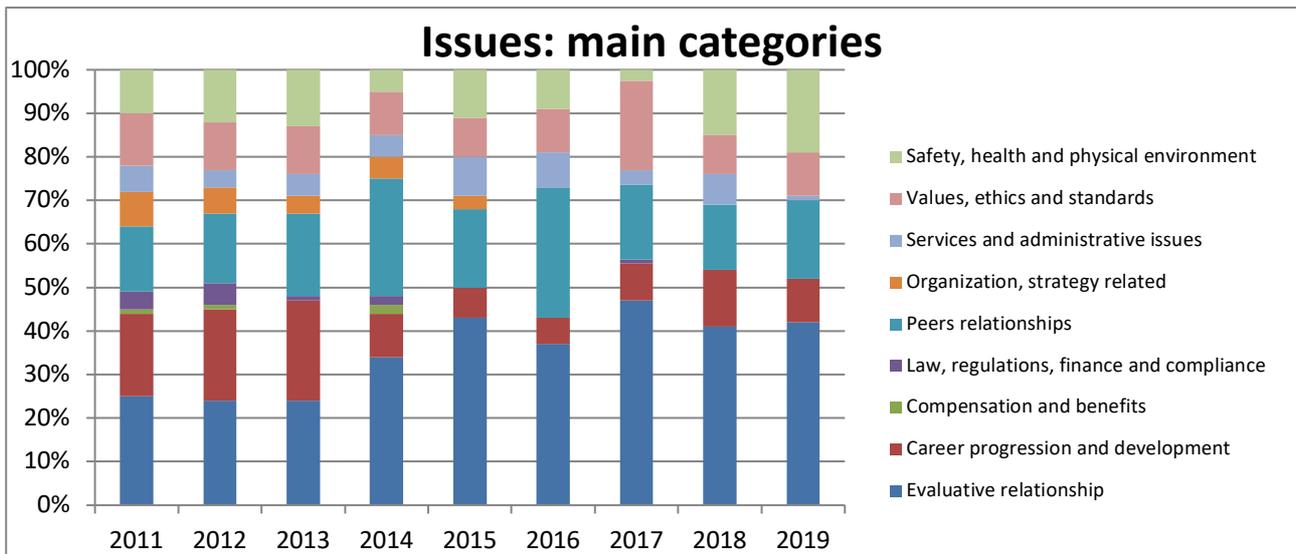


Fig. 8: Proportion of issues by category - period 2011-2019

It should be noted that Figures 7 and 8 represent the main issues that are raised in the Ombud Office, but that there are often other related issues linked to them, notably from the Safety, health and physical environment and Values, ethics and standards categories as well as overall respect of the CERN Code of Conduct.

Unlike other international Organizations, the cases handled by the Ombud Office at CERN remain mainly focused on inter-personal issues, rather than issues related to Organizational strategy, services or administration and this has been a fairly consistent trend over the years.

6.1] Evaluative relationships: 31 issues

Figure 9 shows that the main issue within this category was related to Supervisory effectiveness, with a few cases of supervisors who were perceived as technically not competent enough, unable to take decisions, or responsible of micro-management. Some situations described also seemed to indicate a lack of basic people management skills.

In second position we find Assignments & schedule of employees, which concerned cases of supervisors perceived as unable to define the right priorities, organise the assignments in an ineffective way, or under- or overloading their staff.

The third category in order of importance was Performance appraisal & promotions, which mainly concerned disagreements about the performance level, or the performance appraisal process as it was conducted by the supervisor.

In most of these cases, there was a recurrent fear of retaliation that led visitors to confidential help in dealing with the situations themselves, whilst at the same time wishing to put this behaviour on record at the Ombud Office in case it should persist.

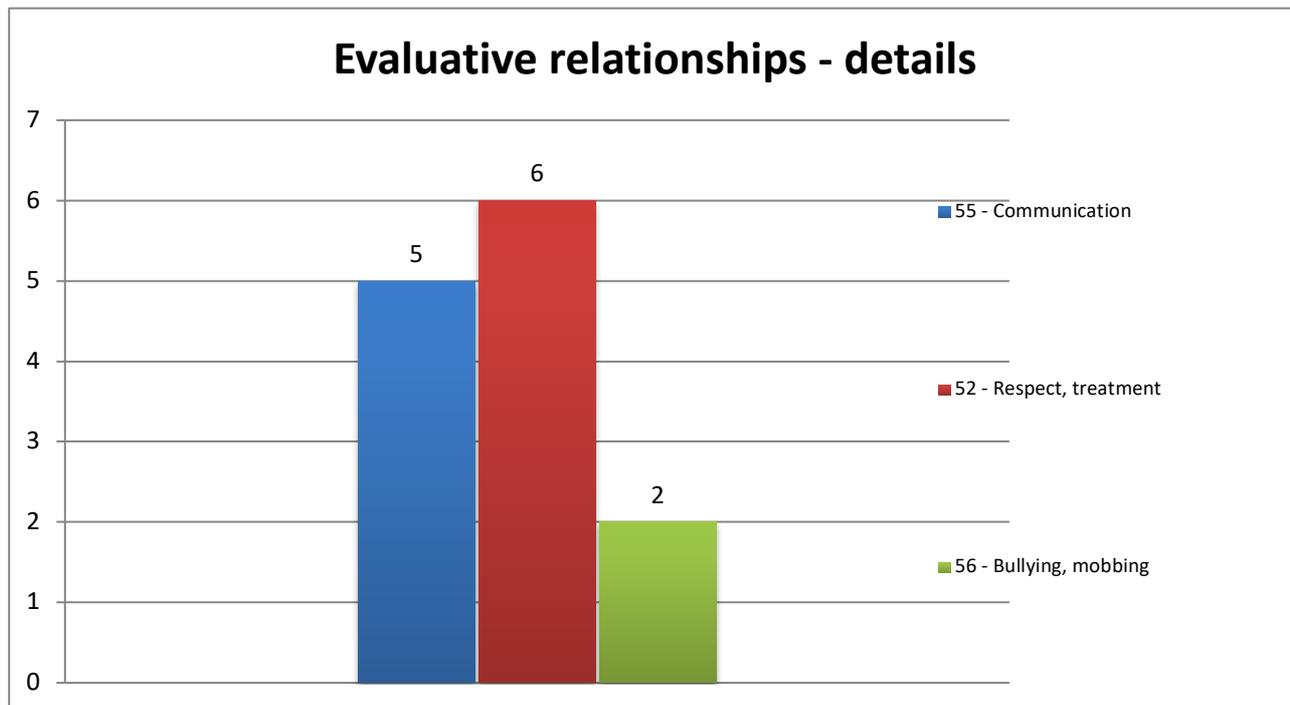


Fig.9

6.2] Safety, health and physical environment: 14 issues

Up till now mainly the issues related directly to safety and physical conditions were reported in this category. Since 2018, and in accordance with the International Ombuds Association Organization, the issues related to psychological and sexual harassment have been included here, considered as having a direct impact on the mental health at work. Probably many of these cases had been reported previously under Evaluative relationships or Peers relationships.

Out of the 14 issues two cases were clearly related to work related stress. Seven cases related to individual sexual harassment or sexism. There were four cases of moral harassment. Only one case out the 14 was brought forward by a man.

6.3] Peer relationships: 13 issues

Conflicts between peers represented 18% of the issues raised in the Ombuds office in 2019, a figure that is stable compared to the previous years.

In there we find communication issues, lack of respect, bullying and mobbing.

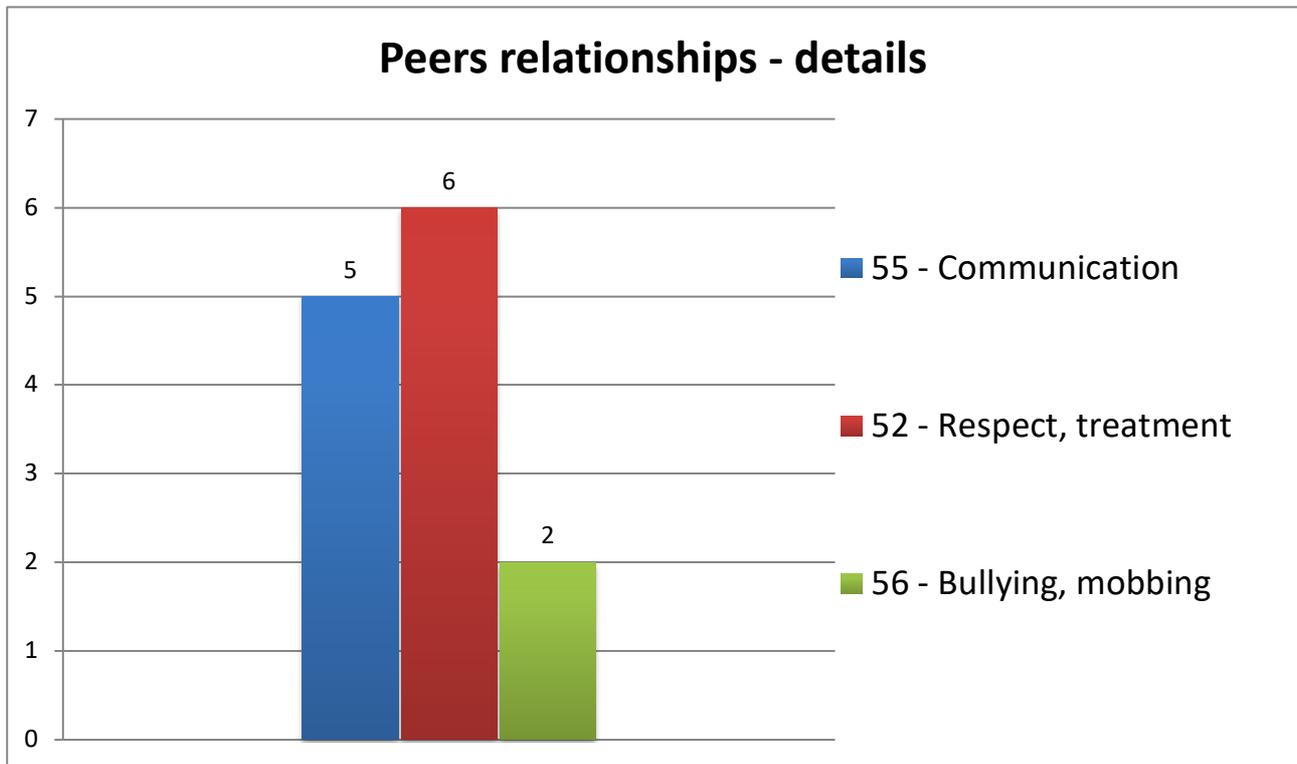


Fig. 10

6.4] Career progression and development: 7 issues

Out of the seven issues, two were related to hiring practice, the five others to career progression.

6.5] Values, ethics and standards: 7 issues

All cases were related to the application of the CERN Code of Conduct such as abuse of power, misconduct, conflict of interest, authorship in scientific publications, or withholding information.

6.6] Services and administrative issues: 1 issue

This case concerned entitlement to the reimbursement of medical expenses by the CHIS.

7] Outcomes to issues raised in 2019

Figure 11 below shows the distribution of outcomes for the cases brought to the Ombud's office in 2018:

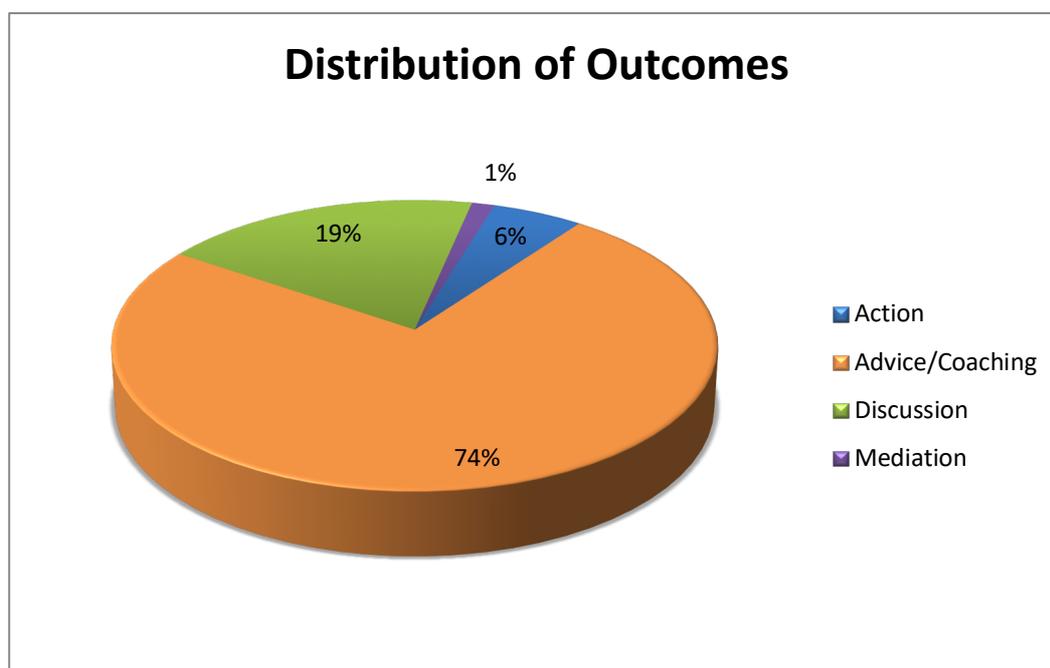


Fig. 11

It can be seen from this figure that in 2019, three quarters of the outcomes were reached through advice or coaching. This entailed listening to the visitors' concerns, and helping them to identify the outcome they sought. Once that had been clarified, it involved guiding them through a series of questions to identify the various options of action that could help them to reach their objectives. In several cases, in addition, it involved some situational coaching, in particular with regard to how to communicate with their interlocutor.

In one fifth of the cases the visitor just needed to be listened to, without any particular expectation for advice or actions. In these cases, visitors either just needed to get something off their

chest, or wanted the Organization to be aware of a particular situation, often to prevent it happening to other people after them.

It should be recalled here that the Ombud never advises on a particular course of action – this remains a decision for the visitor; the Ombud’s role is to guide the visitors to a decision by tapping on their own inner resources. It is then the responsibility of the visitors to implement this decision, whilst always counting on the support of the Ombud, as needed.

Advice is limited to providing information, e.g. on rules, processes or services that may be of use to them.

Most of the cases brought to the Ombud’s Office in 2019 have been resolved or closed, with a few carried over into 2020.

8] Additional Ombud Activities

In addition to the main activity of providing a confidential and impartial resource to individuals seeking to resolve inter-personal issues in the work place, the CERN Ombud also undertakes various activities to raise awareness and generally promote a respectful work place.

8.1] The Ombud’s Corner.

A total of 15 articles were published in the ‘Ombud’s Corner’ section of the CERN Bulletin in 2019, covering a range of themes representing the various types of issues brought to the Ombuds Office and presented through fictitious scenarios and compilations. The articles were written in a constructive spirit and aimed to raise awareness and promote respectful behaviour and interactions between peers and within the hierarchical relationship of management and staff.

Topics covered over the year ranged across issues related to communication, diversity, harassment, equal treatment, respect or supervisory effectiveness.

CERN colleagues often expressed their appreciation of these articles both in person and via email, or indeed by querying their absence on the few Bulletin issues that did not carry them.

The Ombuds Corner articles all remain available at <http://Ombud.web.cern.ch/blog>.

8.2] Promoting the Ombuds Office at CERN

The Ombud continues to contribute to the CERN On-boarding programme for new members of personnel. On top of these regular presentations, the Ombud was invited on “ad hoc” meetings

for newcomers in the collaborations, such as in ATLAS, CMS and ALICE. After a presentation to the Enlarged Directorate and to TREF, The Ombud presented the Annual Report in the Group leaders' meetings of every department. The Ombud is also available, on invitation, to present the role and facilitate discussions around the typical workplace conflict situations that arise during management, staff and collaboration meetings, as appropriate.

8.3] Training, conferences and networking

The principal training and professional activities undertaken in 2019 include:

- Training in professional coaching which will result, on completion in 2020, in a certification recognized by the International Coach Federation;
- Participation in the IOA Annual conference, New Orleans, USA;
- Bi-annual meetings of the European Ombud Network, a mixed group including ombudspersons from the private as well as from the public sector.
- Monthly meetings with the Ombud network of Geneva based international organizations. These meetings provide a critical resource to this community and a regular opportunity for its members to share experience and benefit from each other' perspective on the challenges they face.

Contacts with one's counterparts in the International Organizations and Associations allow for a rich exchange of information with access to reports, and advice on problematic situations, in addition to a rewarding personal link with professionals in the Ombud world. These contacts also provide an excellent occasion to promote the image of CERN, as an employer concerned for the health and well being of its staff.

9] Observations

This ninth annual report is part of the Ombud function: it provides an opportunity to describe the activity of the Ombud, to report on the numbers and profiles of personnel having recourse to the Ombud's Office, and to share some of the major themes and concerns that have been raised by these visitors.

The report is also a means by which to encourage change over time by raising awareness of management and staff to the difficulties and challenges inherent in the Organization's practice and culture, and offering insights into ways of addressing them.

The following observations are based on the main issues reported to the Ombud Office in 2019:

- Preliminary remark: Ombuds findings compared to other evidences.

The number of visitors to the Ombud represent between 1.2% and 1.4% of the corresponding population, depending on the category. This figure is not high enough to extrapolate and draw general conclusions. The experience of the Ombud may in some aspects look contradictory to the pictures reported by the internal staff surveys and the external survey by the leading Swiss press, conducted in 2019. These surveys reflect an indisputable reality, nevertheless the cases reported to the Ombud are a reality too. Staff surveys report averages, the Ombuds Office rather sees the extremes, which in many cases remain invisible for the large community. It is important to raise awareness to which excesses some behaviours can lead: working on them sends a message and induces improvements in the whole system. Finally, when cross-compared with conclusions of other support services, and over a longer period, the findings of the Ombud also may indicate some trends.

- Fear of retaliation.

The proportion of confidential meetings (advise/coaching and discussion) remained above 90%, an increasing trend throughout the years. Whilst all visitors expressed their appreciation of a 'safe' place where they felt encouraged to share their concerns freely without fear of reprisal, many of them continue to feel that disclosure of their issue would be badly perceived by their hierarchy and/or environment and feared negative consequences for their career.

- Gender diversity and inclusion

All 14 issues of Safety, health and environment but one were reported by women. Inside this category, there were seven cases of sexual harassment, all individual, four of them being attributed to personnel higher up in the hierarchy. The ratio of female staff member visitors was 2.5 compared to their male colleagues. In comparison to the risk criteria identified by the American National Academies of Sciences, Engineering and Medicine in their 2018 report on sexual harassment of women, it looks like CERN may be meeting many of them. The combination of these several factors raises the question to which extend CERN is a safe place for women.

- Fellows and students.

There has been a peak of issues brought forward by fellows and students in 2017. Since then, the trend is downwards again, which may be related to the many actions specifically

related to this population that the Organization has taken. The population of fellows and students however continues to grow, compared to a staff member population which is more or less stable. Today there is one student/fellow for 2.3 staff members, which means that on average every staff member is supposed to look after 0.4 student/fellow. It is to be noted that the profile within this large population is very diversified, from young fellows and students completing their learning and thesis at CERN, to sometimes rather experienced professionals sometimes already in their forties.

- Evaluative relationships

While the results of the 2019 staff survey seemed largely satisfactory regarding the supervision at CERN, the issues reported in the Ombuds Office mainly pertained to supervisory effectiveness, with supervisors perceived as not enough knowledgeable about the matters ongoing in the group or section, not able to organize the work in the most effective way or indicating micro-management. There were also a few cases of disagreement consecutive to the MERIT exercise.

At some occasion visitors expressed their doubts whether senior staff at CERN were treated as rigorously as their younger colleagues. Some have the impression that the Organization is more lenient with higher ranked staff with a longer seniority than with younger and lower ranked colleagues.

- Peers relationships:

Communication and respect issues were also at the heart of conflicts reported in the peer relationship category, with several complaints concerning unethical behaviour, such as retention of information, racist observations or cheating with deals on the CERN market.

- Career progression and development:

In this category some visitors were unhappy with the recruitment procedure (both LD or IC), or were confronted with dilemmas between career progression and family life.

- Issues raised by Users:

Less than 20% of users are women, yet 76% of users having consulted the Ombud in 2019 were women. Four out of the seven cases of sexual harassment mentioned above were reported by users. This raises the question to which extend the collaborations offer safe conditions for women.

The users' community may find itself in a more vulnerable situation since the supervisory structure is not as well established as for the MPEs, the contractual status is more fragile, and the scientific competitive pressure can sometimes be extremely high.

The existence of the CERN Code of Conduct, and the availability of the support services may not be as well known among the MPAs as among the MPEs.

10] Reflexions

Given the above observations, and considering the main categories of issues raised, the following reflexions are made to the CERN management :

1) Gender diversity and inclusion.

Several combined factors continue to raise the question whether the environment at CERN offers the required conditions for equal career opportunities between women and men. Although there was no immediate increase in the reporting of issues of sexual harassment at CERN since 2017, in general more and more cases slowly start to raise to the surface and to be reported in society at large. CERN, despite its specificities, is a human society like all others and there is no reason why the Organization would make an exception to the general trend. It would therefore make sense to anticipate this evolution, for the benefit of both the individual and the Organization. How can CERN know whether or not there would be an issue, and in this case, manage it as any other risk like safety, environment and health?

2) Fellows and students.

Although the best way to learn is to practice and to be involved in operational activities, the announced purpose of the fellows and students programme remains to acquire knowledge and to be a first step stone in the career. Yet some of them can hardly be qualified as "first employment". The fellows and students' programmes have over the years been mixing up under the same banner young professionals and already experienced staff, thus creating confusion and false expectations. How can the differentiation between the different levels of experience be clarified?

3) Evaluative relationship.

The feeling that senior staff would enjoy some indulgence is concerning and potentially undermining the credibility of our procedures. How can CERN ensure to be as rigorous for all staff in case of misconduct, regardless of the level? Which kind of transparency can be ensured about sanctions taken? How can e.g. the "Annual Report of Chapter VI of the Staff Rules and Regulations (settlement of disputes and discipline)" be easily accessible to our staff, and updated year after year?

4) Low awareness of formal procedures.

Very few people who consider to be victim of harassment or other inappropriate behaviours are aware of the formal internal procedures existing at CERN. While the Organization encourages to first seek informal resolution of conflicts, this may not always be possible or lead to a satisfactory result. Hence it is important that staff know their way to the formal procedures too, when all other means have been exhausted. The existing procedures are arduous to read and to understand, and the existence of some support structures is sometimes ignored. While the Organization has to protect itself from thoughtless complaints, once a support structure has been created, how can everybody be informed about it and the way to use it? Some efforts have been done e.g. informing about the response channels in case of inappropriate behaviour, but to which extend has it found its way to the great public? How can a better knowledge of the formal procedures increase the feeling of protection with the members of personnel?

5) Users community

While CERN, as hosting institute, does not have hierarchical authority on users, it nevertheless offers them support structures for work-related issues. In case of inappropriate behaviour by a user, CERN depends to a certain extend on the home institute for corrective actions. Some events in the past have demonstrated that the outside world does not always make the distinction between users and members of personnel employed, and the behaviour of also users reflects on CERN's reputation, in good and in bad. How to ensure clear rules in all collaborations, whatever size? And how can CERN as host institute continue to fully support the collaborations in their efforts?

11] Conclusion

CERN as employer consistently reaches very satisfactory scores in internal as well as external surveys. This reality is supplemented by the other truths observed by the different support services, including the Ombud Office. While those individuals seeking help and advice from the support services fortunately remain a minority in proportion to the overall population, they probably represent the most concerning issues. Therefore, it is important to keep all of them and even reinforce some support services, and to issue an annual report because they can indicate systemic problems. Only those employers having put in place structures for the most vulnerable staff demonstrate they really care for their personnel.

Having the Ombuds office and the other support services therefore is essential for CERN to remain in the top category of employers.

APPENDIX I: Classification of issues along the International Ombudman Association

| Ident | Case Issue | Subject |
|--------------|---|---|
| 10 | Evaluative relationship | Supervisor vs supervisee |
| 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 | |
| 20 | Career progression and development | Decisions concerning a job |
| 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 | |
| 30 | Compensation and benefits | Examples: payroll, salary |
| 31 | Salary scale | |
| 40 | Law, regulations, finance and compliance | Legal risk, go formal |
| 41 | Risk to go to a CERN formal procedure | |
| 42 | Risk to go formal with lawyers | |
| 50 | Peers relationships | Relations among peers |
| 51 | Priorities, values, beliefs | |
| 52 | Respect, treatment | |
| 53 | Role of managers and structural issues | |
| 54 | Retaliation | |
| 55 | Communication | |
| 56 | Bullying, mobbing | |
| 60 | Organization, strategy related | Systemic issues related to CERN |
| 61 | Lack of resources | |
| 62 | Leadership, use of positional power | |
| 63 | Organizational climate | |
| 70 | Services and administrative issues | Policy, administrative decisions |
| 71 | Administrative decisions | |
| 72 | Responsiveness of services | |
| 80 | Values, ethics and standards | Fairness, CoC |
| 81 | Standards of conduct, Code of Conduct related | |
| 82 | Values and culture | |
| 90 | Safety, health and physical environment | Safety and wellbeing |
| 91 | Psychological and sexual harassment | |
| 92 | Work-related stress | |
| 93 | Safety | |