



3rd annual report of the CERN Ombuds



Period covered: 1 July 2012 to 30 June 2013

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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 third report issued from the CERN Ombuds. It covers the period from 1 July 2012 to 30 June 2013. 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 NO 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 still requires attention.

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://ombuds.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 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. 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 2012-2013 the Ombuds received 93 visitors (cases) [82 in 2010-2011, 104 in 2011-2012]. The following graphs identify visitors by contract classification and gender. As would be expected, some few cases remain pending and will have to be followed up in 2013-2014. Each visitor was seen in average 2 times. The average number of people who needed to be contacted for each case was 2.2, resulting in a grand average of 3.1 meetings per case.

In the past three years the number of cases referred to the Ombuds stayed around 3% of the CERN staff, which is a quite reasonable number, as no Institution can pretend to live without conflicts.

Contract classification

The Ombuds has been used by various visitors. The largest category of visitors is the CERN staff (69%), followed by the Users (15%) and Fellows and Students (7.5%). The negligible number of cases related to Associates, 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. Although such a percentage show variations along the three years, it may still remain that the number of LD people seeing the Ombuds is lower that the number of the IC ones.

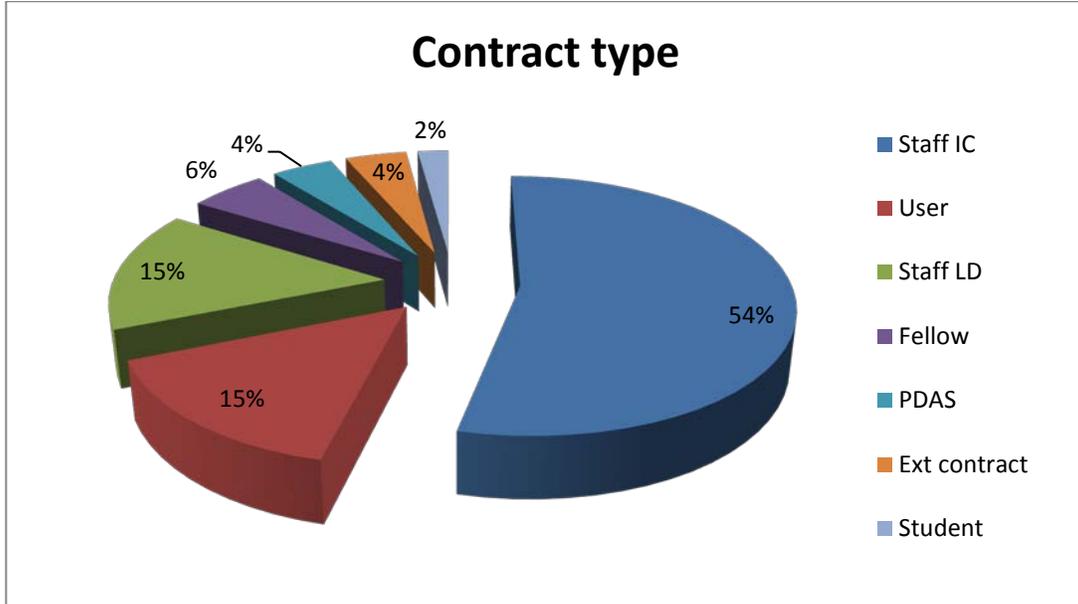


Fig.1: Sharing of the visitors along their contract type.

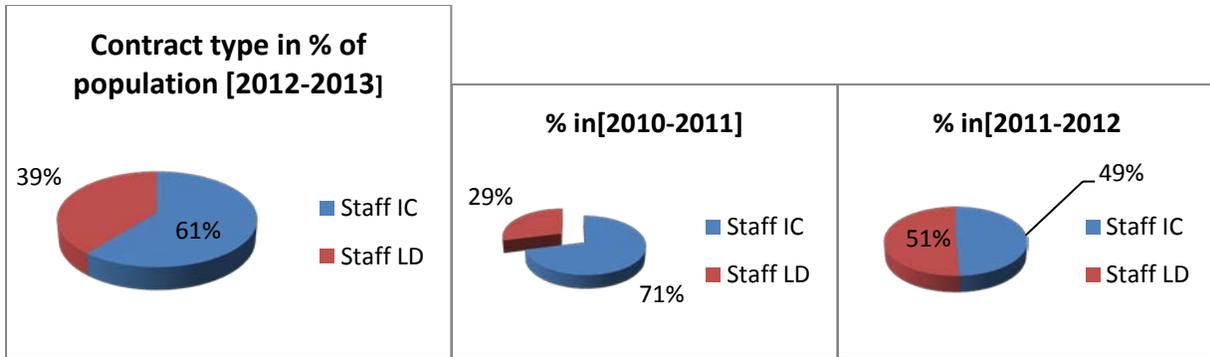


Fig.2: % of staff visitors with an IC and LD contract.

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.

Gender

In terms of raw number of visitors, the Ombuds met this year a larger number of men than women. Out of the 93 cases, 50 were related to men and 43 to women. In terms of CERN staff, the numbers are very similar: out of 64 cases, 36 were with men, and 28 with women.

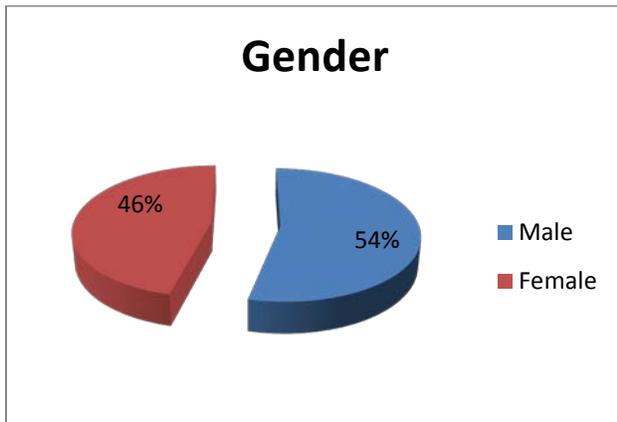


Fig.3: Overall gender sharing

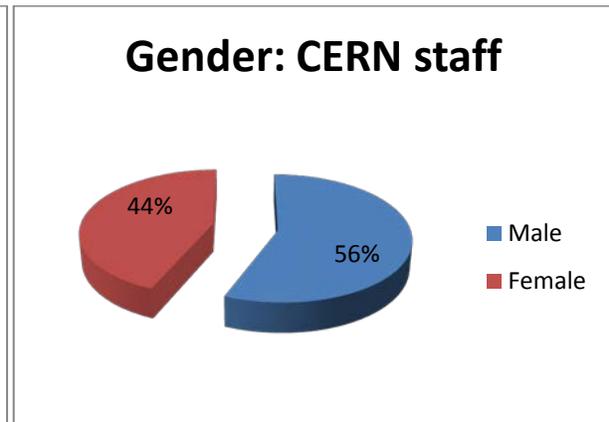


Fig.4: CERN staff gender sharing

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 2512 CERN staff, including the staff paid by external sources: 1999 men and 513 women. The percentage of women CERN staff who met the Ombuds compared to the female CERN staff population is of 5% over three years; whether for

men it is of 2.2%. 2.5 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.

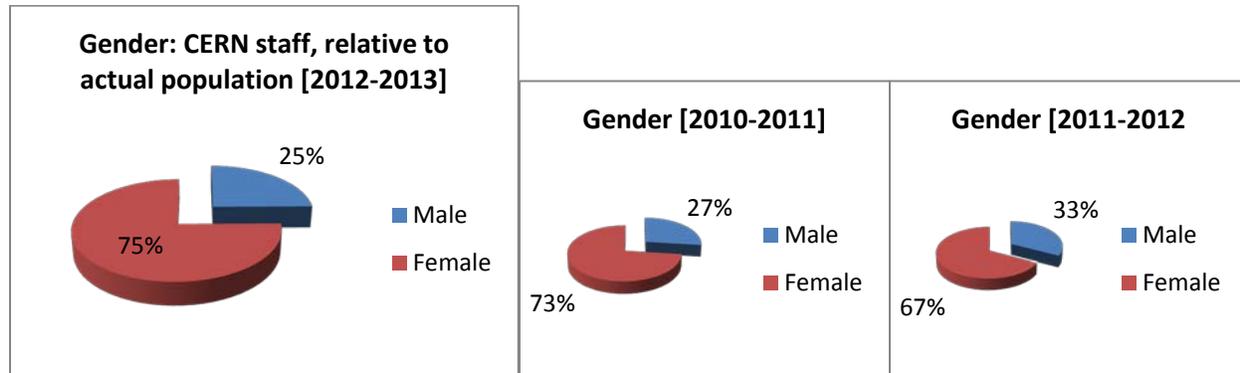


Fig.5: Relative percentage of men and women CERN staff

Conclusion

An overall number of 64 cases related to CERN staff over a population of 2512 persons, namely around 2.6% 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 three first years of Ombuds operations in the correct side, namely around 3% of the staff met the Ombuds.

The larger percentage – by a factor 2.5 - of women over men is still a concern. This fact should be taken into consideration and efforts will have to be pursued in that direction with our new Diversity politics.

The difference in percentages relative to the population between people under IC and LD is fluctuating.

5] Issues raised and taken up by the Ombuds

All together 175 issues were identified, namely an average of 1.9 issues per case. It should be noted that for CERN staff no issue 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:

- | | | |
|--|------------------|--------------|
| • Evaluative relationships | 42 issues | 24.0% |
| • Career progression & development | 40 issues | 22.9% |
| • Peers relationship | 33 issues | 18.9% |
| • Safety, health and physical environment | 23 issues | 13.1% |
| • Values, ethics and standards | 19 issues | 10.9% |

The highest category concerns the relationship between supervisees and supervisors, which represents a quarter of the issues. These results compare with the ones of the first years.

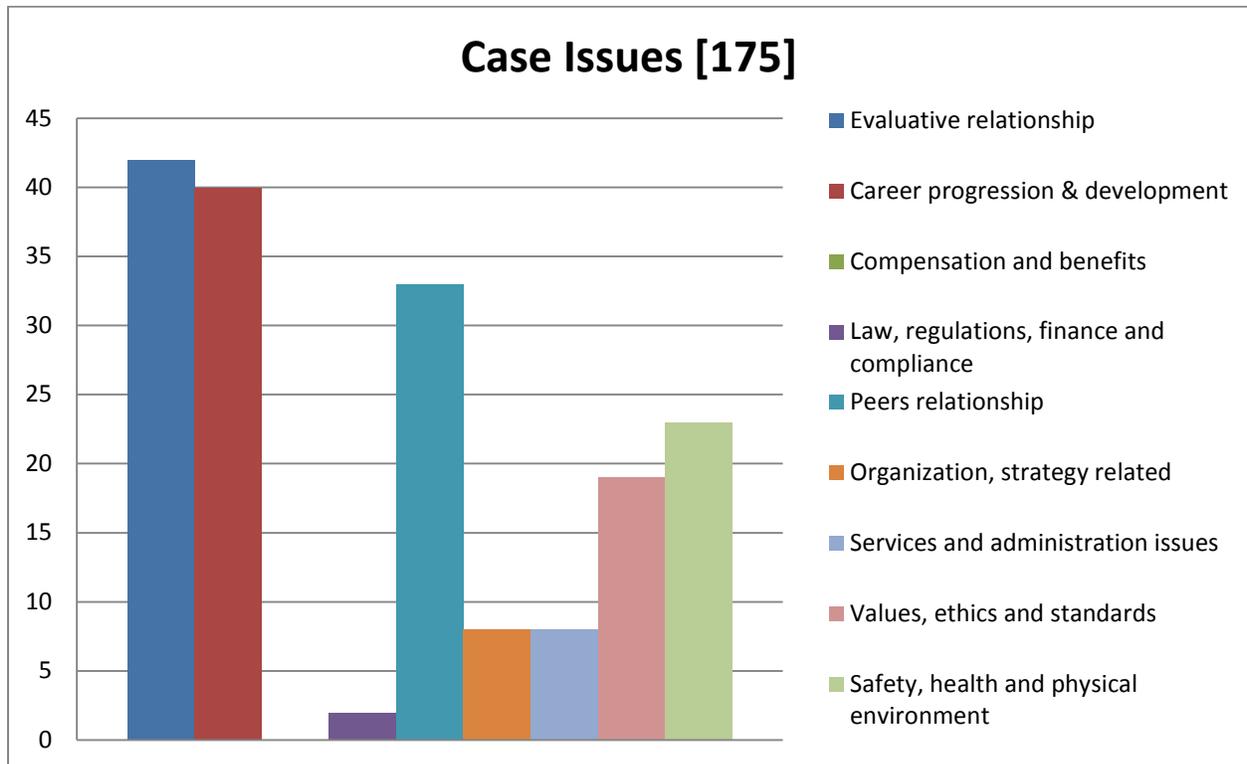
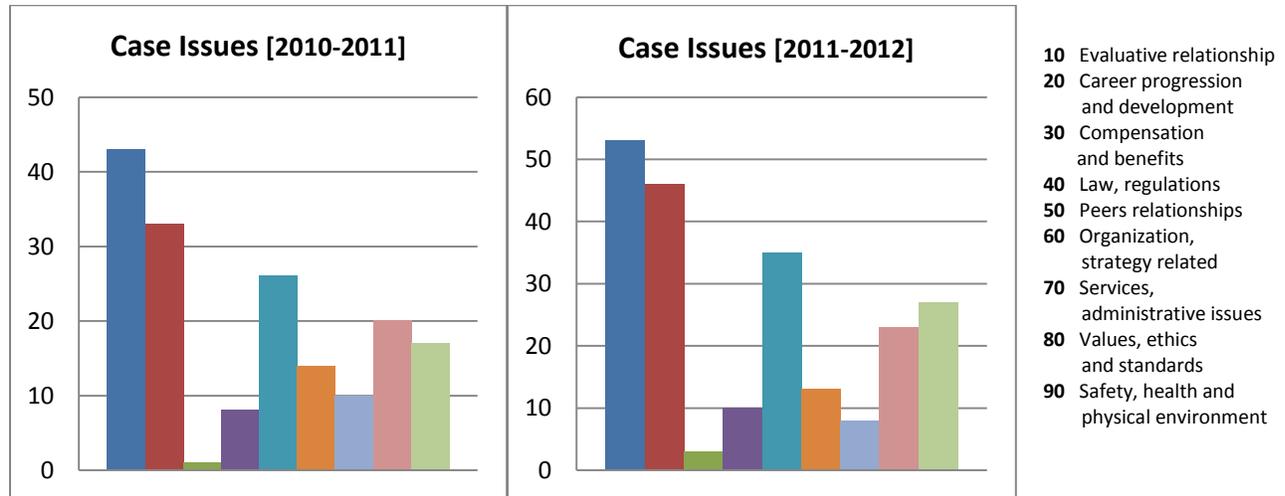


Fig. 7: Number of cases issues.

In the years 2010-2011 and 2011-2012, the spectrum of issues was quite similar. One can then deduce that these main observed issues are endemic issues at CERN.



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. Only some general conclusions can be derived from the information presented.

Evaluative relationship

Around 24% of the 175 issues reported fell under the category of evaluative relationships; these are concerns mostly arising between managers or supervisors and supervisees.

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. In some cases, coaching would be an adequate method to help them. It has already been proven to be effective.

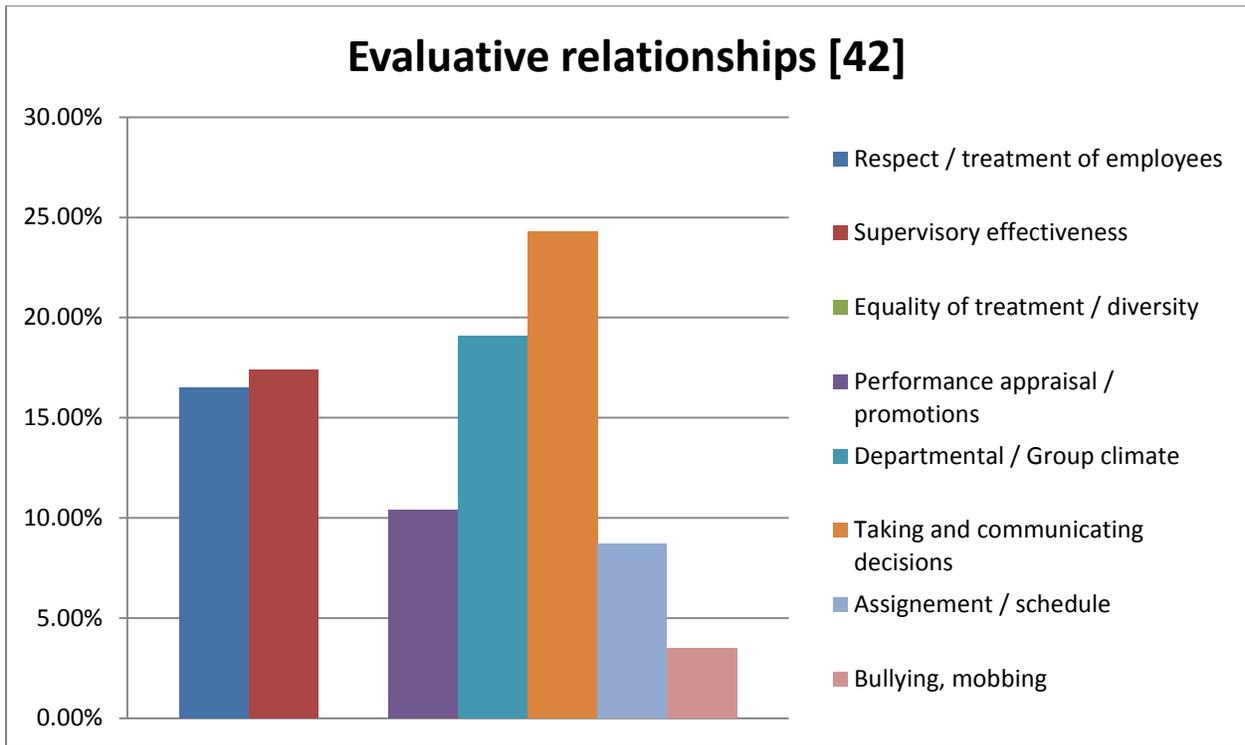
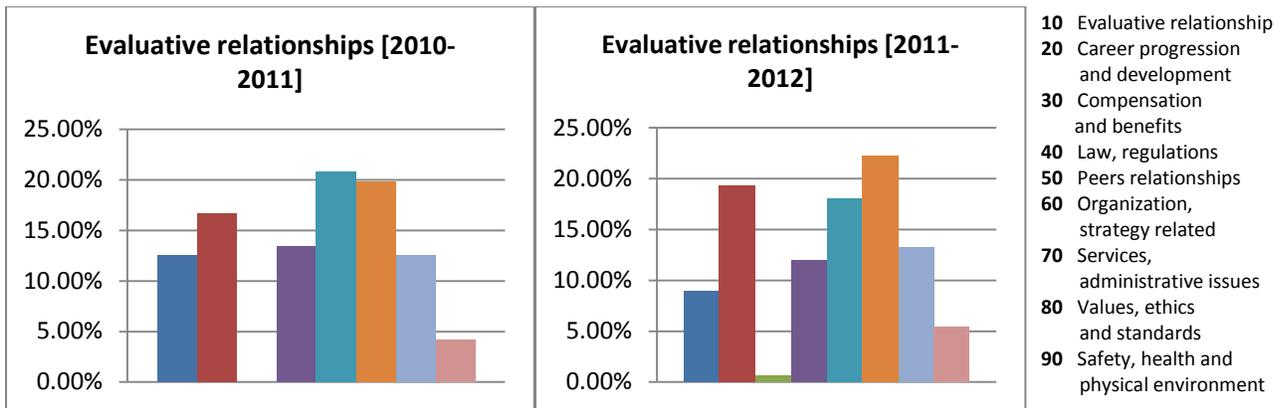


Fig.8: Statistics on sub-issues of Evaluative Relationships



Two other factors merit to be noticed. The level of bullying and mobbing is 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.

A continuous comment should be offered concerning the performance appraisals, the MARS. 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.

In the past, some cases reported the fact that the information which was given to people on the issue of their recruitment board where they were not selected was not fully transparent to them. During the last year a big improvement on confidentiality of boards has been observed.

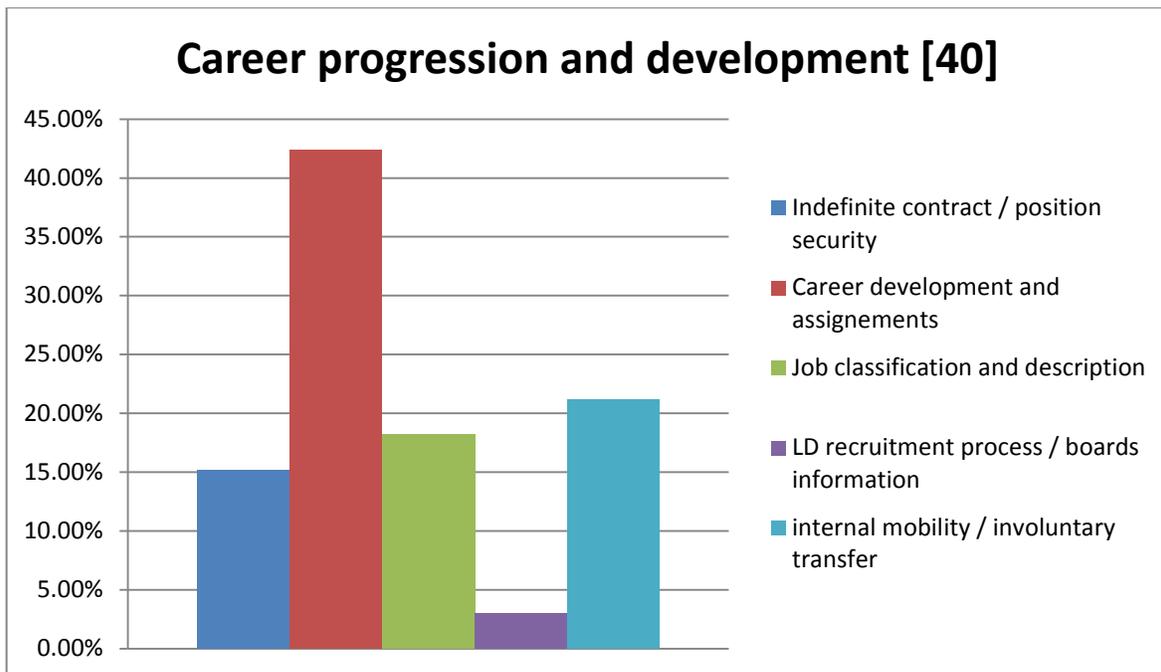
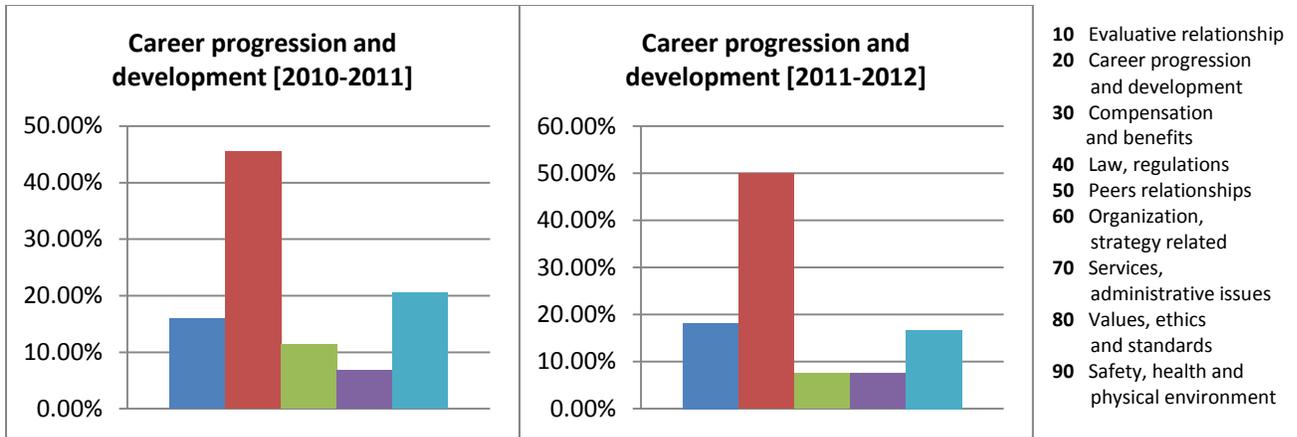


Fig. 9: Statistics on sub-issues of Career and development



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.

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.

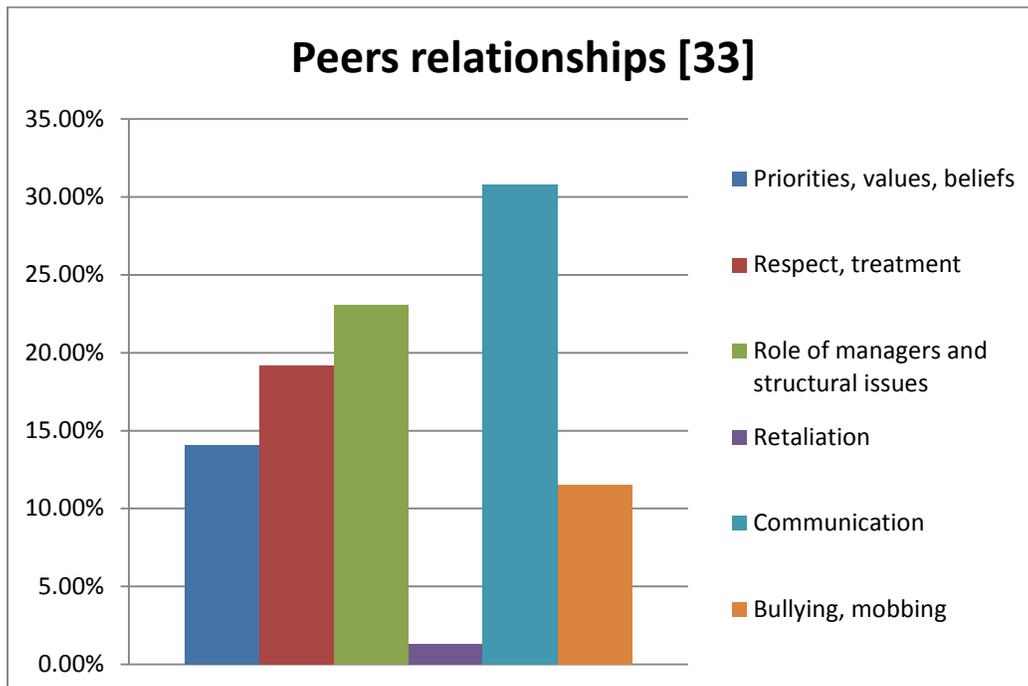
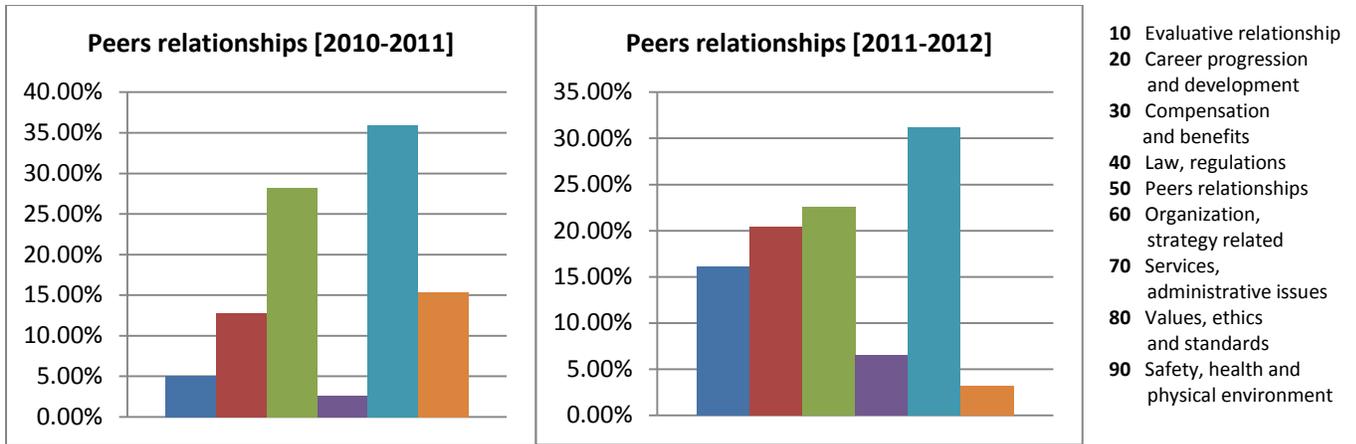


Fig. 10: Statistics on sub-issues of Peers relationships



Values, ethics and standards

70% 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 19 issues out of 175 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.

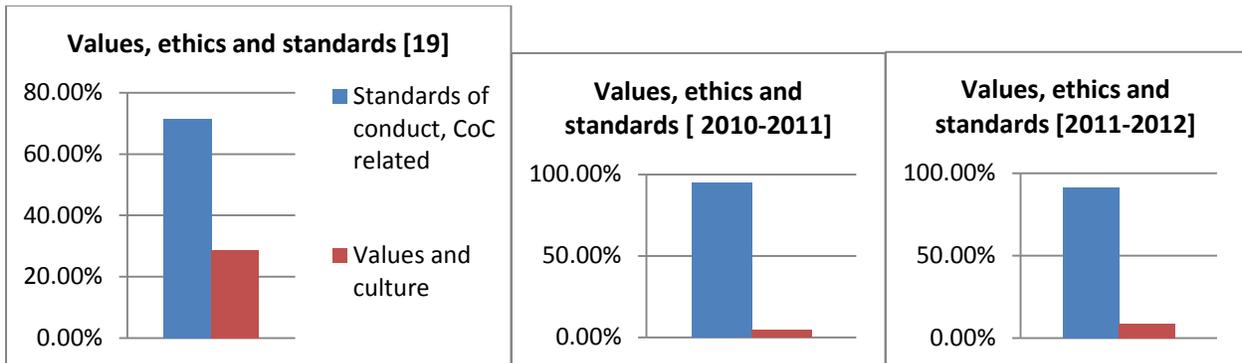


Fig. 11: Statistics on sub-issues of Career and development

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 12% of the overall issues.

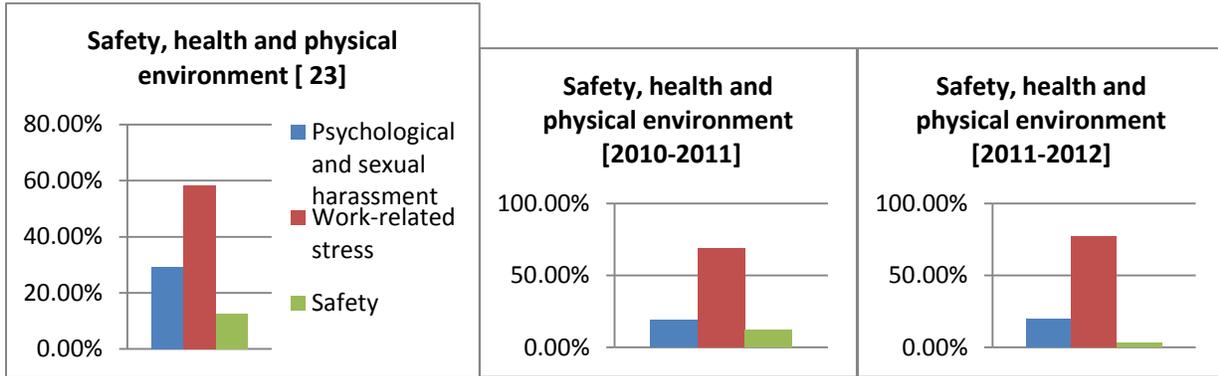


Fig. 11: Statistics on sub-issues of Safety, health and physical environment

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.

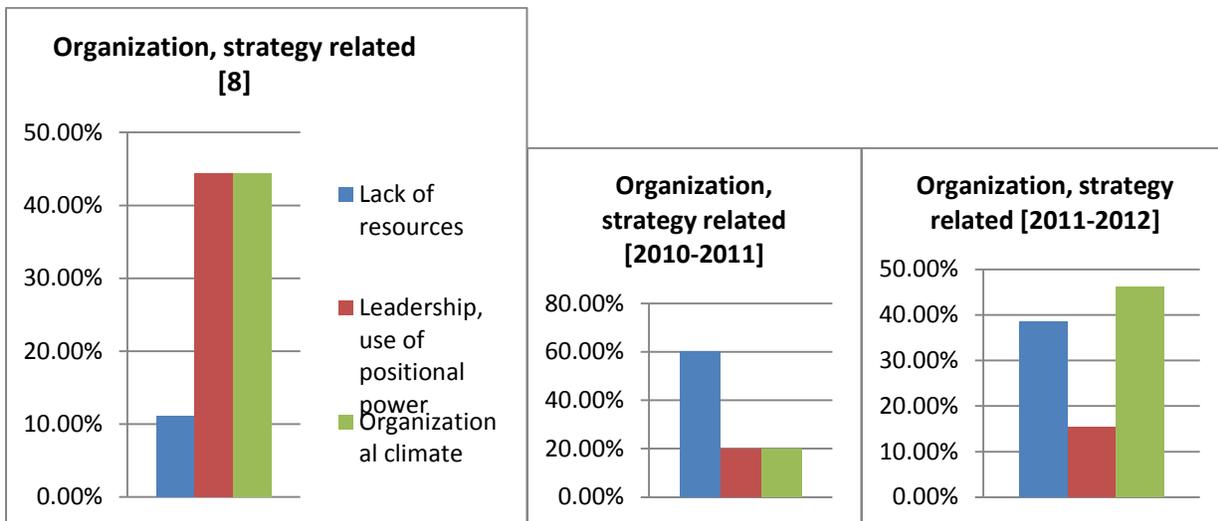


Fig. 11: Statistics on sub-issues of Organization, strategy related

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]

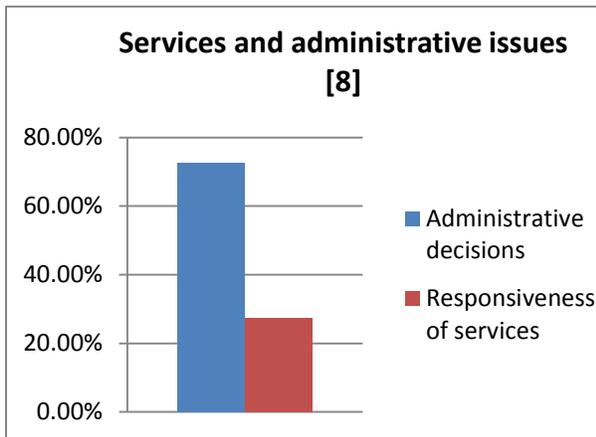


Fig. 12: Statistics on sub-issues of Services and Administrative issues.

Law, regulations, finance and compliance

[2 cases]

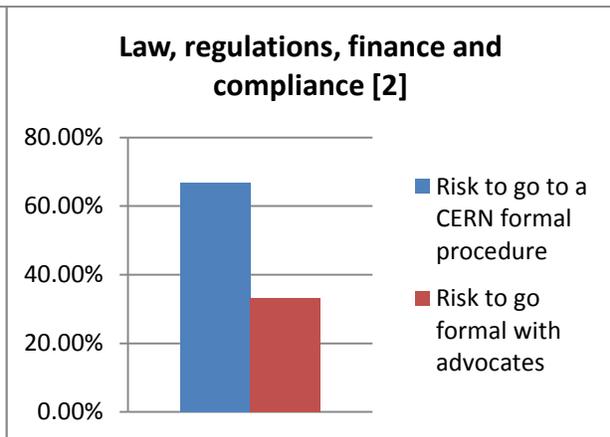


Fig. 13: Statistics on sub-issues of Law, regulations and Finance and compliance.

So far only two 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 create a very big cost in their resolution for CERN.

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, which release the pressure from the people.
- A large 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.
- An action takes place when the visitor asks the Ombuds to take some practical steps, 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 years.

The repartition in between these various categories goes as follow:

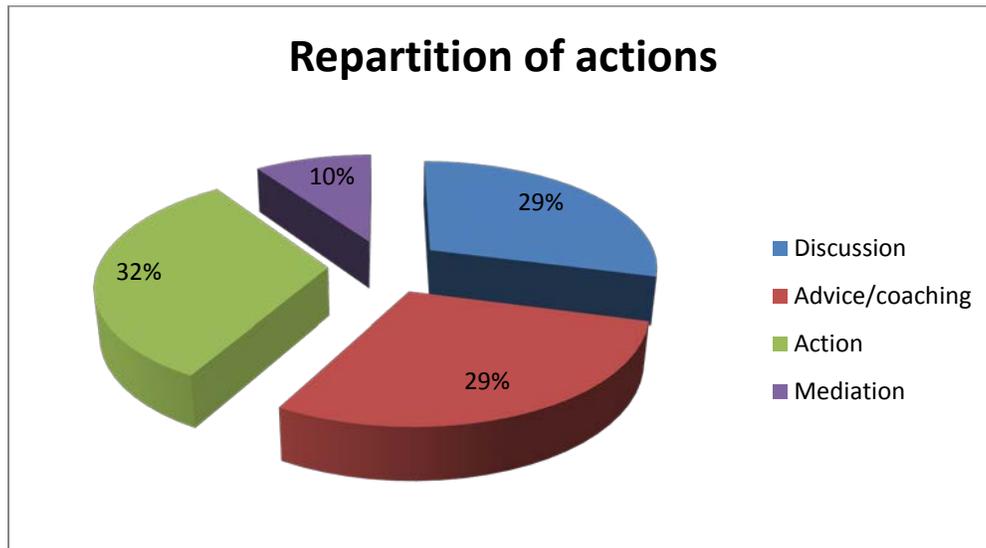


Fig. 14: Repartition of actions

It can be seen from this graph that the most frequent methods are related to discussion and 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. 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 2012-2013, especially the ones which came near the summer 2013. Around 2% of the cases still need attention. On the other hand 88% of the cases have been resolved or closed. 9% of the cases have been referred to another organism: HR, Medical Service, others to the Group Leader or Management for action.

There have been only two specific formal appeals 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.

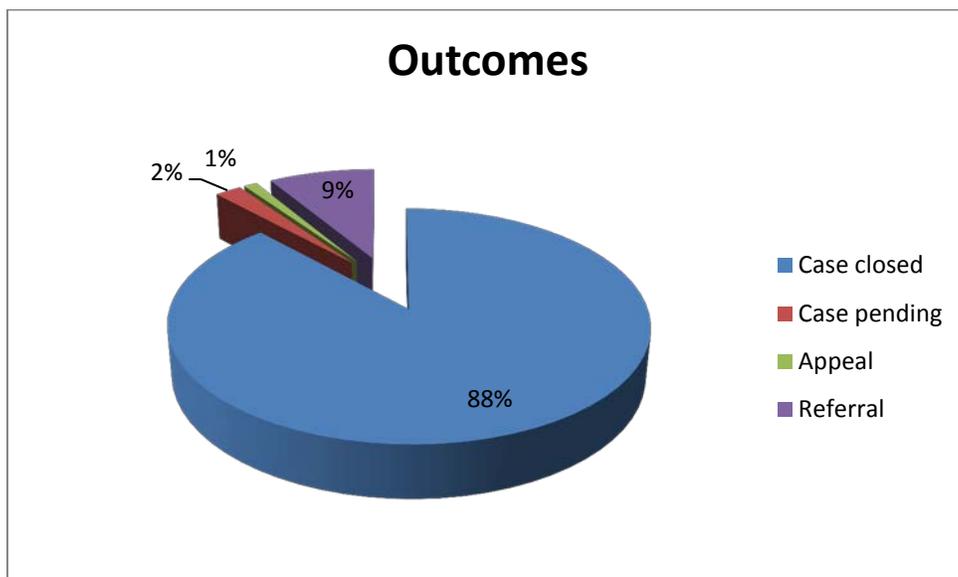


Fig. 15: Repartition of outcomes

7] The gender and age question

We have seen previously that there is in average a factor 2 to 2.5 difference in the categories of staff visiting the Ombuds. Many more women are coming, proportionally to the actual population. Two main questions remain:

1. Is that a particular phenomenon at CERN? What is the situation in the other International Organizations? What is the situation in high energy physics laboratories?
2. Is it possible to isolate a factor which would explain this difference? In particular are there differences in issues reported to the Ombuds between women and men? Or differences in professional categories or age?

Situation in other International Organizations and Physics Laboratories

As part of the United Nations and Related International Organizations, the CERN Ombuds has a confidential access to the Annual Reports of such Organizations. Their percentage of women varies, and it is then interesting to see if such percentage of gender can be correlated to the observed number of cases. Annual reports of Organizations as ILO, UNHCR, WHO, Global Fund for Aids, PAHO, WFP, have been studied and the results are shown on the next figure.

Several scientific Organizations and Laboratories have been contacted including NASA, NSF, ESA, ISO, and various US Laboratories. Not all of these Institutions have an Ombuds and some of them did not answer. However one US Laboratory was kind enough to send extensive data on the gender question. These data show an identical pattern as the one of CERN. The figure suggests that women seem to be more frequently exposed than men to situations that lead them to contact the Ombuds, when their relative percentage in the workplace is smaller than that of men (i.e. in a more male dominated work environment). When the two populations are equal (i.e. in a mixed gender work environment), the number of cases with the Ombuds is equivalent. They could be related to the culture of the Institution, as it appears that the more masculine is the culture of an Organization, the more difficulties are experienced by women, who represent a minority.

Another possibility would be that women would have a larger tendency in looking up for help in various situations, and men less. It should be said that although there is such a discrepancy in terms of gender, the problems could be more related to a masculine versus feminine cultures.

Although we do not have statistics concerning such hypothesis, this result could suggest that a similar difficulty may arise for other minorities that form our diverse Organization.

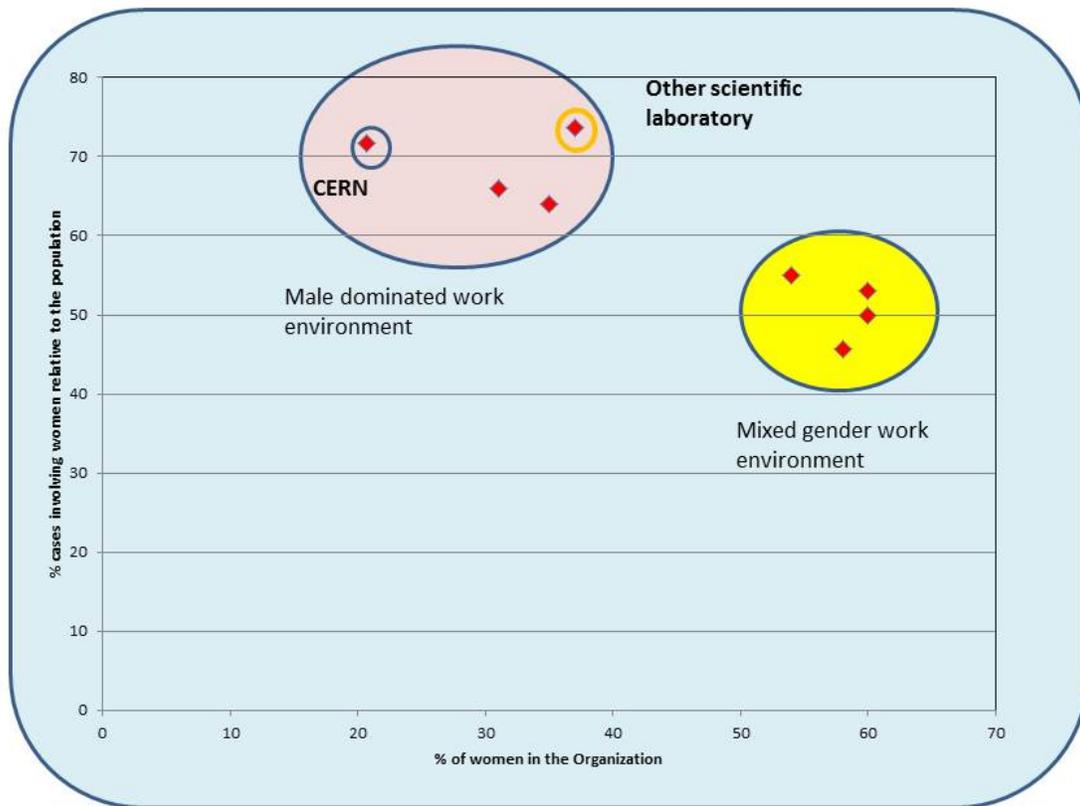


Fig. 16: Percentage of cases relative to the population involving women in function of the percentage of women present in the Organization. Note that the other scientific Laboratory shows the same pattern as CERN.

Main professional categories of women and men

We observe a big difference in between the Professional Categories of women and men. Effectively 55% of the women staff is in the Cat 5 when 56% of the men are in Cat 2.

By analyzing the relative number of cases related to women and men in the Professional Categories 1-4, no significant difference if found. Effectively the relative number of cases involving women in the Cat 1-4 amounts to 2.5%, with an error estimate of 0.3%. For men such a number is 1.9%, with an error estimate of 0.2%. The difference is then not really significant. One can deduce the following:

- In the Cat 1-4, there is no difference in between the number of cases related to women and to men
- The difference in such number between women and men is related to the Cat 5.

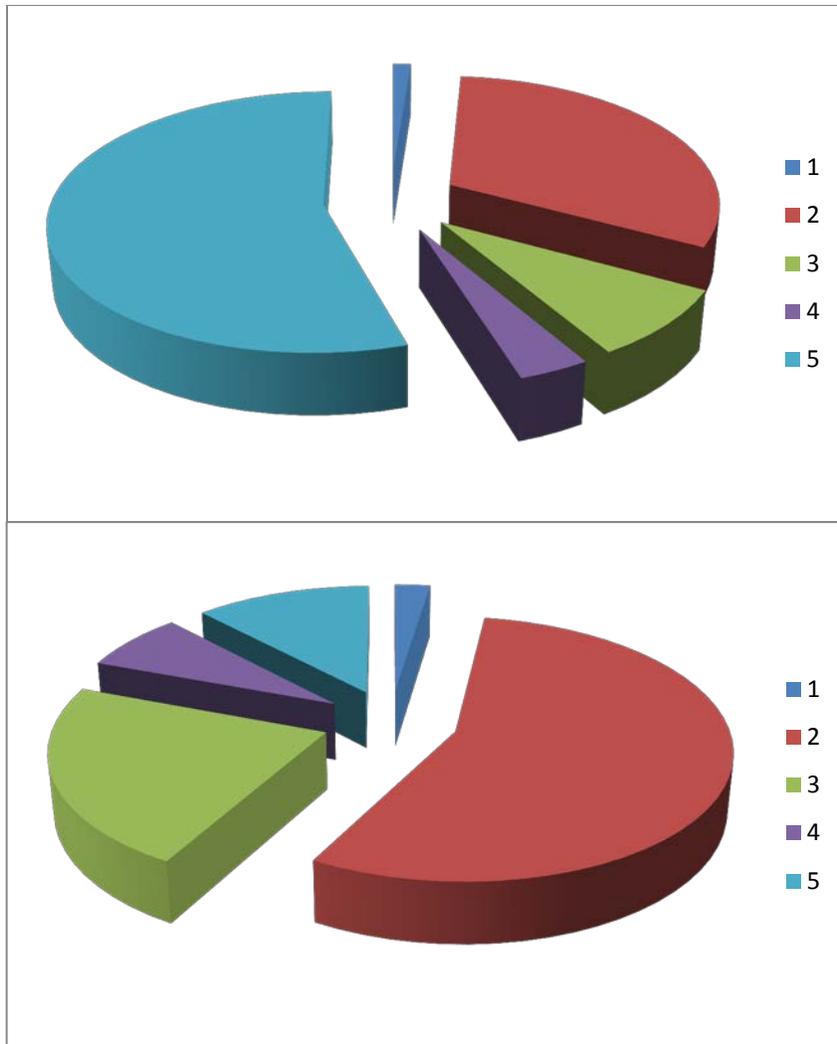
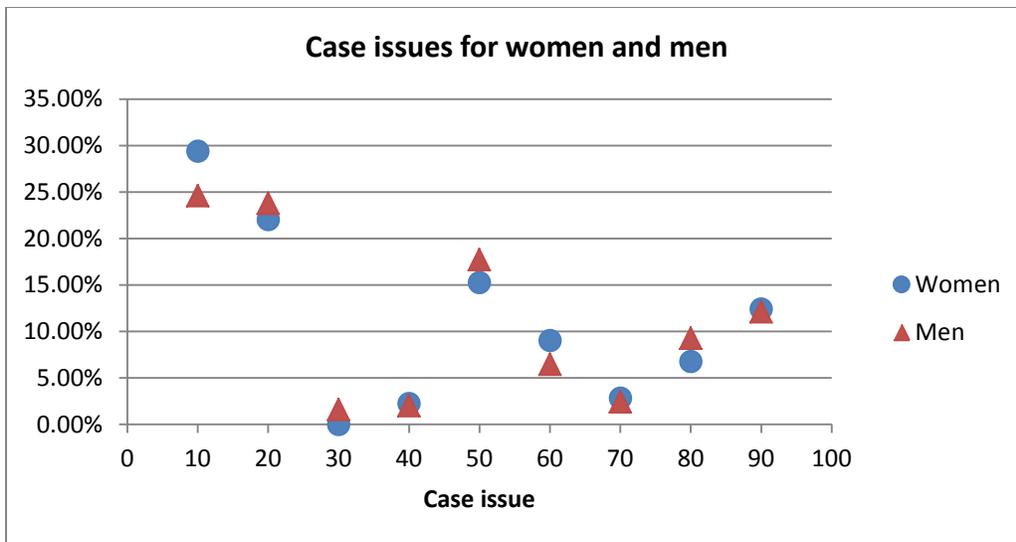


Fig. 17: Relative percentages of the various cases presented to the Ombuds in terms of Professional Categories [top figure: women, bottom figure: men].

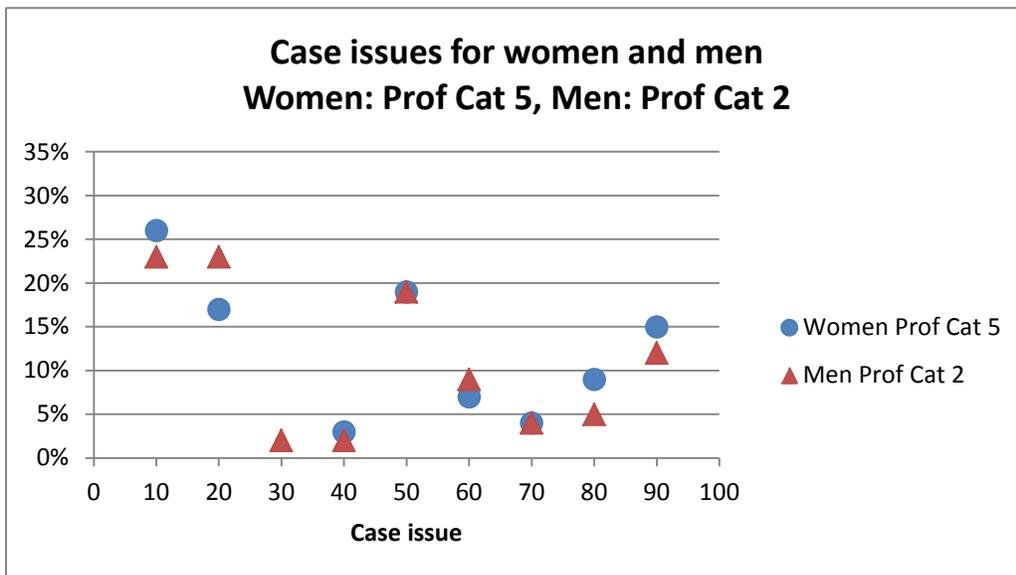
Are there differences in issues reported by women and men?

The following graphs show no evidence of any difference between the reported issues by women and men. Moreover by comparing the issues reported by Cat 5 women and the issues reported by the Cat 2 men no difference either is observed. The frequency of issues is then not a good indicator to explain the gender question.



- 10 Evaluative relationship
- 20 Career progression and development
- 30 Compensation and benefits
- 40 Law, regulations
- 50 Peers relationships
- 60 Organization, strategy related
- 70 Services, administrative issues
- 80 Values, ethics and standards
- 90 Safety, health and physical environment

(a)



(b)

Fig. 18, a: Relative percentage of cases issues concerning women and men CERN staff.

Fig. 18, b: Relative percentage of cases issues concerning women and men CERN staff, taking only the Cat 5 into account for women, and only the Cat 2 into account for men.

In both cases no striking differences are observed.

Are there differences in issues depending of the ages of women and men?

The age plots of women and men who met the Ombuds for a case does not show any difference.

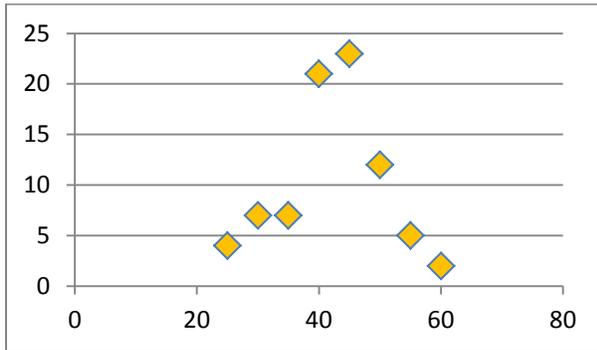


Fig 19: Age plot of women having met the Ombuds.

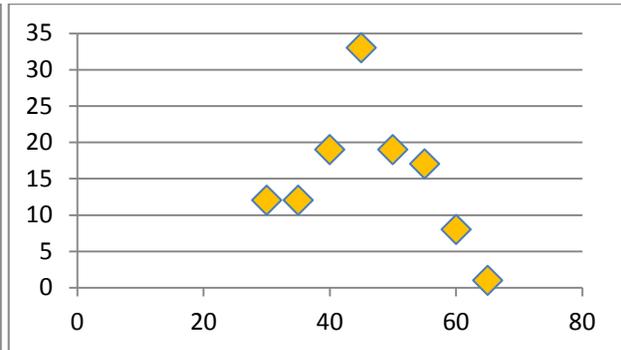


Fig 20: Age plot of men having met the Ombuds

Such distributions can be compared with the CERN overall age plot.

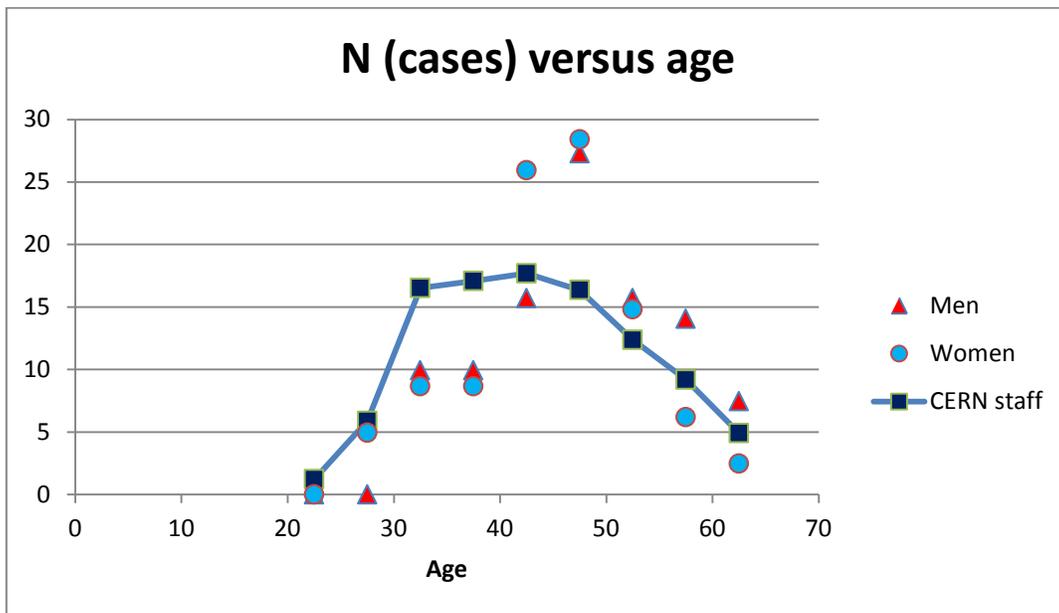


Fig.21: Number of cases reported to the Ombuds for men and women. The CERN staff points are extracted from the HR official statistics.

One notices a normal fact: the women and men who addressed the Ombuds are concentrated in their middle career. Of course for all of them the age to which they were hired

varies, so one should not expect any large contribution to cases in the range below 40 years or so. On the other one would not expect any large contribution either at a time where the career of the people is somehow reaching a plateau.

It is then interesting also to see if any difference of issues would appear in function of the age range.

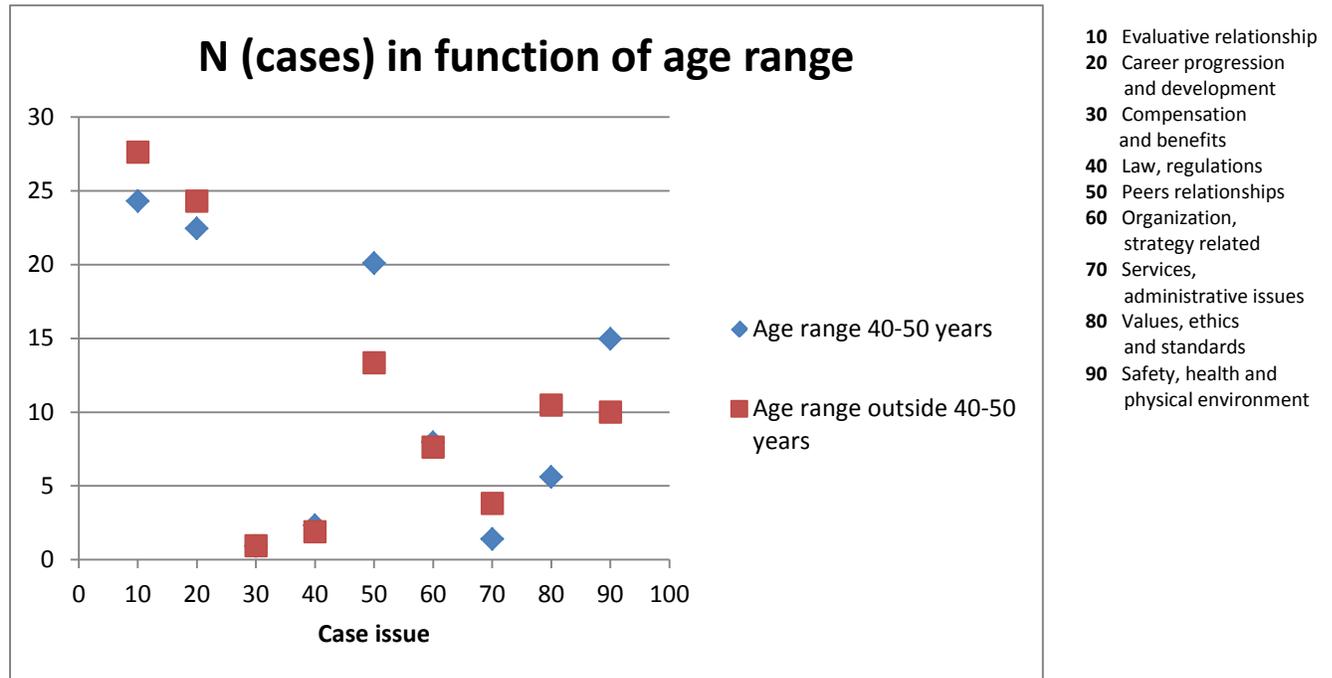


Fig.22: Number of cases reported to the Ombuds in function of two age ranges: between 40-50 years and outside the 40-50 years range.

Again no striking difference can be observed in function of the age range.

Conclusion on the gender and age question

We are laid to the following conclusions:

- There are no differences in issues between women and men
- There are no differences in age or issues related to age

The only remark which can be made is that there is a culture difference between the Cat 5 women and the rest of CERN. Cat 5 people in general are more oriented towards administrative tasks and environment; we find 55% of the women in such category. Cat 1-4 are more physics, engineering and technics oriented. The language and the way of communicating may be different. The gender question can then be explained by a cultural difference for the Cat 5 women embedded in an environment which is in majority made of a technical and masculine culture.

8] Additional Ombuds activities

The year 2012-2013 was the third 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, getting in contacts with the other CERN instances concerned with the CERN personnel and User's, following one training session on Ombuds and mediation and fostering close contacts with the various Ombudspersons of the International Organizations and Associations.

The principal activities include:

Conferences, training and other activities:

- Meeting of the European chapter of the IOA, Aberdeen, Scotland, March 7-8, 2013
- Discussion with the EMBL-Heidelberg Staff Association
- Monthly meeting with the Ombuds of Geneva
- Training on Workplace Mediation with Teams, PMR, London, September 17-19, 2012
- IMIG, International Mediation Interest Group meeting, Geneva, September 3, 2012
- Participation in the Wilton Park Conference, WP1180, Nyon, October 15-17, 2012

Information given

- Web site <http://cern.ch/ombuds>
- Several (42 in total within three years) novels in the CERN Bulletin under the column "Ombuds Corner". Blog: <http://ombuds.web.cern.ch/blog>
- TREF report, 2013
- Presentation of the Ombuds role in the Induction Program for CERN newcomers
- Presentation at the CERN Core Package for Managers

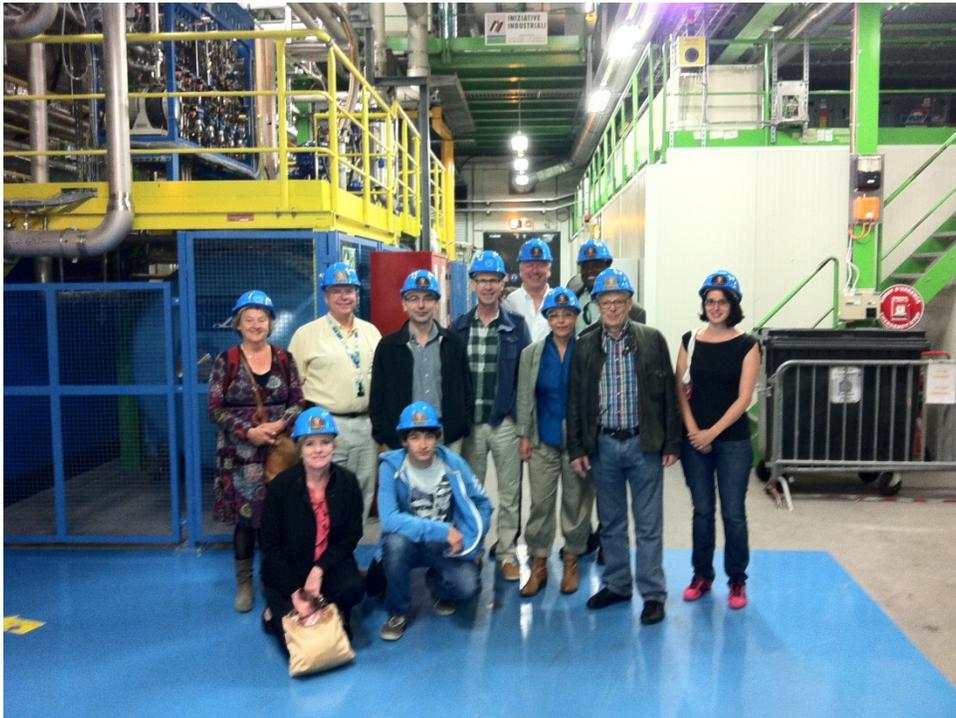
International contacts

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 ones. 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 to ATLAS was organized for this group on June 2013.



Some members of the UNARIO “Geneva Group” at the occasion of their visit to ATLAS.

The Ombuds took contacts with the Medical Service and the psychologist, the Legal 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.

These three years have 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. CERN is well integrated in this network, quite a different field.

9] General observations

This third 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:

- Discuss the three years operations of the Office
- Offer few recommendations

Over three years!

In average 3% of the staff used the services of the Ombuds. This is a reasonable number as no Institution can live without conflict. A too high number would be preoccupying, as a too low number would be either: it would mean that conflicts are hidden under the rag. The question is not really how many conflicts arise, but how many can be and are resolved. Any conflict has a positive side: it presents the occasion to be overcome. Once a conflict or a misunderstanding is resolved, generally the relationship ends up fortified, as the blockages have been removed.

As far as the issues are concerned, a very similar picture has emerged from all years. The relations between supervisees and supervisors dominate the statistics. This may come from the fact that people who are technically competent are promoted, due to their skills, to supervisory positions without having a deep training in human relations, or missing a naturally given aptitude in leading people. Efforts in promoting leadership beyond strict management would correct in the years this tendency. This phenomenon is increased structurally at CERN: within the criteria for promotions to senior staff it is required to supervise people. So in order to promote some people due to their technical merits, one would politically push them in a position where they would supervise some personnel, without giving them the improved tools in terms of leadership or coaching. Consider two lines of promotions would correct this question: technical expertise and managerial expertise. So the technical experts could be promoted to seniority without requiring special skills in supervising people, and managerial experts would become the human leaders that CERN absolutely needs.

In terms of the population meeting the Ombuds, the number of women, when analyzed in terms of percentages of the population, remains constantly higher than the number of men by a factor 2 to 2.5. This is mainly related to the women in Professional Category 5; the men are mainly in Professional Category 2. No specific indicator could be isolated to explain this phenomenon. One can however suggest that the CERN culture is mainly masculine and technically oriented. It may be harder for the women involved in administrative responsibilities to cope with such environment. Progress in interaction, language and respect of the differences

of gender should be actively supported and encouraged if CERN wants to stay attractive for the women of such a profession.

Along the years the number of staff under a Limited Duration contract visiting the Ombuds has been fluctuating. Probably convincing efforts would still have to be pursued in informing the LD people about the confidentiality and the independence of the Ombuds. One cannot at this point disregard that some members of that population would fear retaliation from their hierarchy if they would bring problems in the open.

A low number of cases have been expressed in terms of presumed harassment. No case of sexual harassment came up during the three years period. Some abuse of authority or arbitrary decisions in the workplace have been observed even reaching a level of moral harassment. It appears that people may still have some difficulties to recognize and uncover harassment, probably being scared again of some sort of retaliation in the future of their career. Effectively it is impossible to promise to anyone that no retaliation will take place, as retaliation can take so many hidden forms.

Only two cases that the Ombuds could not mediate due to the refusal of the parties escalated in a formal complaint. This low number proves the utility of the function. Some cases have been referred to HR, Medical Service and psychologist, to their own hierarchy, or Directorate when the CERN Organization was concerned.

Relationship with all personnel was quite correct and nobody refused at the end to help the Ombuds. Many people mentioned in corridors or in passing by that they were quite happy that such function exists at CERN, even if they would not feel right now to make use of it. Some of them 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 am the one who should thank you. I really think that your help was of critical importance.”

“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.”

“Thanks so much for your generosity to give help, advice and encouragement. I'm very grateful to your concern for me as a visitor, first time staying at CERN. It's a great lesson for me and blessed by you to put me on the road to getting all sorted out.”

Few recommendations

Given the issues outlined above, some recommendations can be offered to the management from the Ombuds experience during his three years of operations:

- 1] Specific training in leadership is most important for managers. Human leadership is different than technical management. That is essential in order to reach the highest level of commitment to CERN as well as the best efficiency of the work.
- 2] Such professional courses could be continued by the coaching of some managers who face more difficulties in human leadership. Coaching program could be extended by having external and internal coaches.
- 3] Revise our managerial culture and criteria for obtaining a senior staff position for example by identifying career lines driven to management or technical expertise. That would avoid using technical experts as bad human leaders. Managerial positions could be considered on a rotational basis and not as a lifetime commitment.
- 4] The overall communication and managerial interaction with the women staff on Professional Category 5 should be improved. Without compromising any efficiency, managers of such groups involving many women of that category should be softer and open to the differences in gender and in professional culture. Team building activities may also help such a specific communication.
- 5] Managers should be recalled about the various missions of CERN, among which education is a very important one. Students and Fellows participate to the CERN activities and projects. However they should not be considered or evaluated as if they were part of some missing staff. Tripartite meetings should be more regular in between the Students, his/her CERN supervisor and his/her adviser in the Institute in order to clarify the sharing of the CERN oriented work and – in case of doctoral students – the thesis oriented work.
- 6] Concerning the Students and some Post-Docs from the Institutes collaborating with CERN, the Institutes should be reminded that they have an obligation of taking care of their people. The Ombuds has seen several cases of User's and Students be left on their own at CERN without any real contact and no supervision from their home Institutes.
- 7] As much as possible, and of course taking expertise into account, women should be promoted in managerial positions at CERN. This would be one of the best ways of changing our working culture towards an approach respecting the feminine collaborators, compared with our actual culture which is almost totally male oriented.

8] Direct contacts in between the Ombuds and the Directorate have stayed at a too low level. This situation should improve in order for the Management to profit from the sounding board and feedback from the Ombuds. Due to the specificity of the mandate, the CERN Ombuds is chosen among the people at the end of their career, namely people having a long experience of the house which is generally not the case of the Directorate.

9] Several incivilities stay under the radar of the Institution. Violations of the Code of Conduct may even stay without any consequences for the person, neither in function, nor in the promotion exercise. There is a big gap in between the Code of Conduct – which is an incentive for all of us to comply with its recommendations and is not a code of justice allowing to hanging anyone – and a complaint for harassment. This gap should be taken care by the management, Group leaders and Department leaders. If the hierarchy does not act in an appropriate and decisive way, our overall internal system of conflict management cannot work. Management should take its responsibility as the Ombuds sees too many cases which are in fact related to actions that the management should have taken and actually has not.

10] Situations of stress still are coming to the Ombuds. In these cases people come generally when the process is already internally destructive. Managers should pay attention to the preliminary signs of overstress in order to avoid possible long absences, detrimental to the person and to our Institution.

This chapter should not be closed without recalling few aspects where CERN has improved a lot:

- Confidentiality on boards has much improved and no recent complaint of breach of confidentiality has been received lately by the Ombuds
- Positive effects of coaching have been observed
- The Ombuds has been able to conduct more mediations, which is encouraging

10] 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 over the years. Very few cases of bullying/mobbing, no case of sexual harassment, have come up to the knowledge of the Ombuds. The great majority of cases could be resolved and closed. This is an encouraging point concerning the usefulness of the Ombuds function in our Organization.

The Ombuds has profited from a full independence in his work. That is an essential element of the Ombuds practice, guarantying that the people feel that their interaction will stay purely informal and confidential. Any collusion with a particular Department, or managerial instance, may put his role in danger, having as a consequence that no one will come anymore.

During the past years the awareness concerning the services of the Ombuds has increased in the CERN population. However some people still stay unaware of this possibility. The Ombuds should continue to promote his mission of supporting the values of CERN and serving everyone working for or in behalf of CERN.

By experience, it should be realized that the actual mandate of the Ombuds, although following the common charter of the IOA, is very restrictive in terms of possible actions. Very often the Ombuds is caught between Charybdis and Scylla: stay strictly within his mandate and be useless, or act in the interest of CERN and the people in circumventing his strict mandate. Such a koan ^{*)} should be discussed and solutions could be evaluated to offer maybe more possibilities of interactions from the Ombuds. This tendency is actually in discussion inside the Ombudsmen of the UN.

In conclusion the cost of a conflict attended soon enough by the Ombuds and resolved is negligible compared with the cost of a hard dispute which will leave wounds and judge cost in personnel. So the perennality of the Ombuds office should be guaranteed on the long-term by the CERN management in interest of the well-fare of its personnel, and for the best efficiency of everyone working for or in behalf of this most famous scientific Institution.

^{*)} Koan: A kōan is a story, dialogue, question, or statement, which is used in Zen-practice to provoke the "great doubt", and test a student's progress in Zen practice.

APPENDIX I: Classification of issues along the International Ombudsman 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	Related to physical safety
91	Psychological and sexual harassment	
92	Work-related stress	
93	Safety	