



4th annual report of the CERN Ombud

1st January 2014 – 31st December 2014

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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 fourth report issued from the office of the CERN Ombud. It covers the period from 1 January 2014 to 31 December 2014. 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 comments 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 Ombudman 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 Ombudman 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 in 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 alternate dispute resolution and mediation capability so as to reinforce the important role of informal resolution, and to promote a respectful workplace environment.

“Ombudsman offices exist for many reasons.

Sometimes managers and employees do not know exactly why they feel concerned but they need a safe place to go, to talk. Sometimes a person is concerned on someone else's behalf, and needs to have options in a delicate situation.

Sometimes one sees a really good thing happening at work and would like to know how to commend it”

Mary P Rowe, Ombudsperson, MIT, USA, pioneer in the field.

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 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] Profiles of the visitors to the Ombud Office in 2014

In 2014, the Ombud handled 91 cases, [as compared to 82 in 2010-2011, 104 in 2011-2012, 93 in 2012-2013].

The following graphs identify 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 2015. Each visitor was seen on average 1.9 times, ranging between 1 and 5 meetings per visitor in general. In the majority of cases, the Ombud worked only with the visitors themselves, 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, and in these instances was always met with openness and a spirit of collaboration.

Contract classification

Visitors to the CERN Ombud's Office have ranged across a wide variety of categories of personnel. CERN staff members represent the largest category of visitors (61%), followed by Fellows (13%), Users (9%), Contract staff (6%) and Students (3%). In previous years, a striking difference between staff members on indefinite [IC] or limited duration [LD] contracts had been noted, and although there has been an increase in numbers of visitors on LD contracts, they are still significantly fewer than those holding IC contracts.

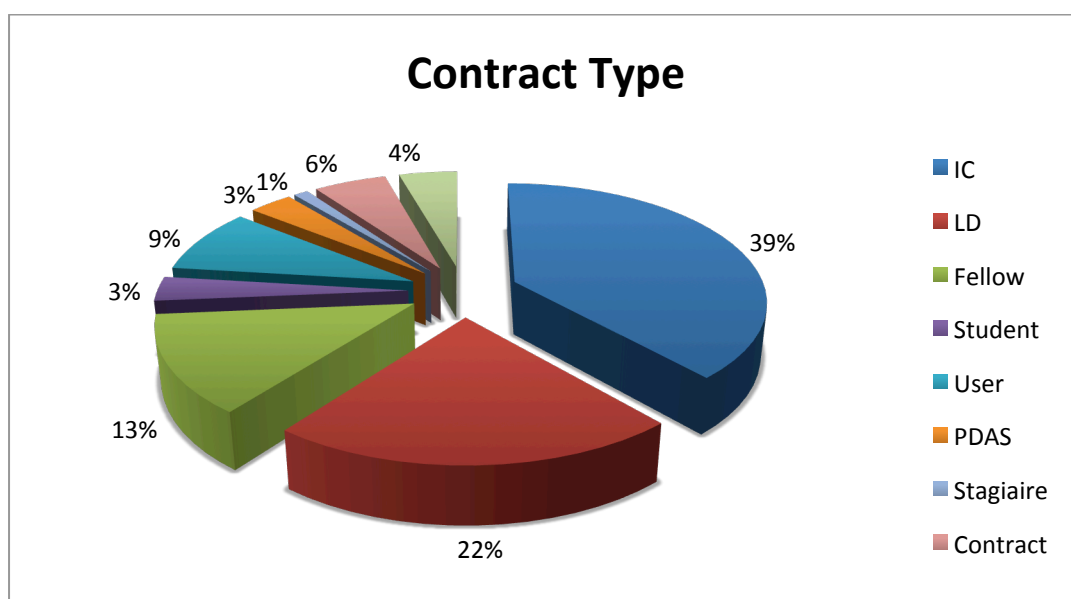


Fig.1: Sharing of the visitors along their contract type.

However, proportionally speaking, the number of LD contract holders who visited the Ombud’s Office in 2014 was higher than in previous years, which would suggest a gradually growing trust in the Ombud function, in particular with regard to the principles of confidentiality and protection against retaliation.

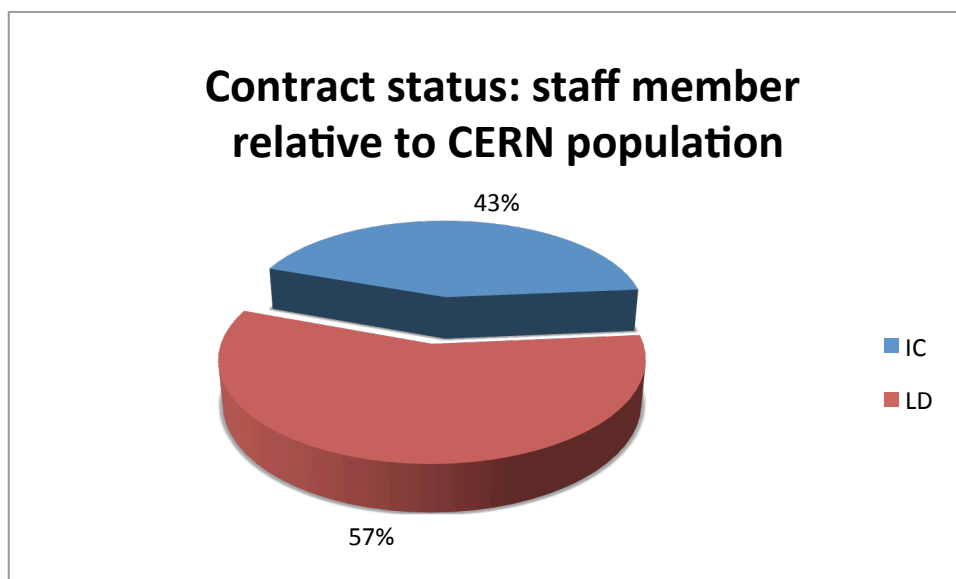


Fig.2: % of staff visitors with IC or LD contracts in 2014

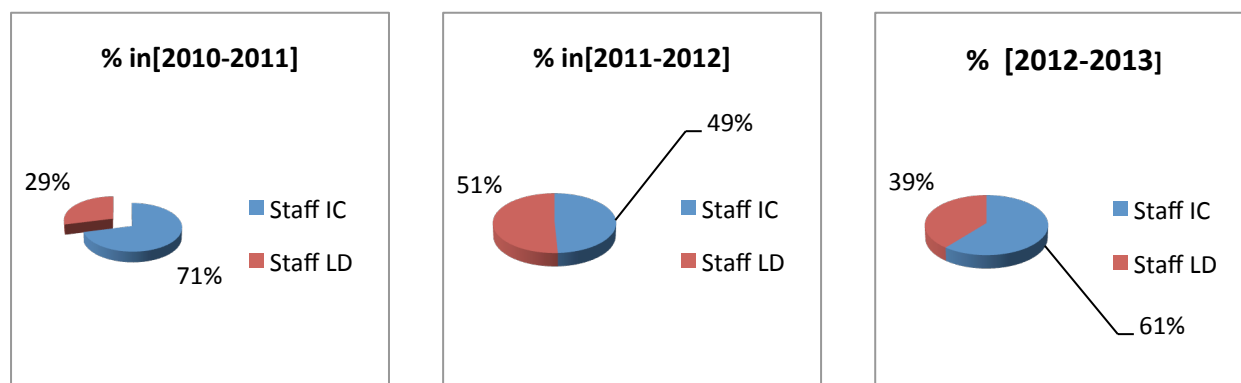


Fig.2b: % of Staff Member visitors with IC or LD contracts in previous years.

This increase in the number of cases related to people holding a LD contract, relative to their own population, indicates a growing willingness to resort to informal dispute resolution practices and a gradual culture change in the Organization. Contrary to the results from the first year, contacting the Ombud now seems to represent a more natural option for LD staff although the continued insistence on confidentiality and reluctance to allow the Ombud to alert others would suggest that a certain degree of fear of retaliation still remains to be overcome.

Gender

In terms of absolute numbers, there was a larger number of cases brought by women in 2014, with a total of 51 women and 40 men visiting the Ombud's Office in 2014

When looking at the CERN Staff Member population only however, the actual numbers of men and women was more or less equal, with 28 female and 27 male visitors to the Office over the year.

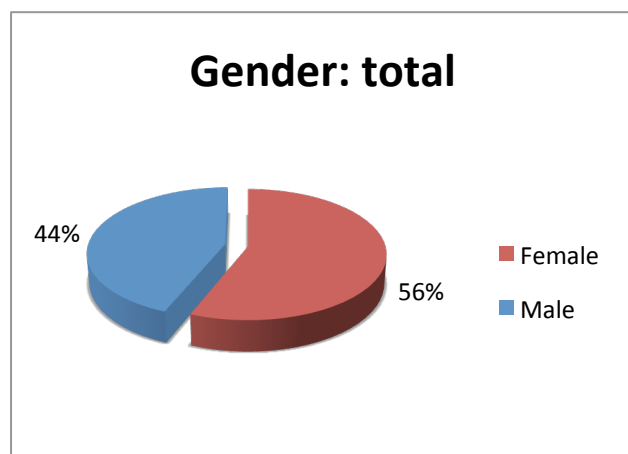


Fig.3: Overall gender distribution distribution

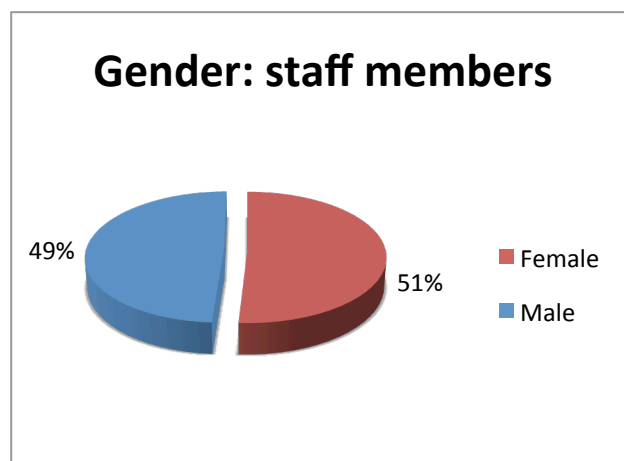


Fig.4: CERN staff member gender

Proportionally speaking, therefore, it must be noted that these numbers represented 5.5% of a total of 514 female staff members¹ as compared to only 1.4% of a total of 1999 male staff members who visited the Ombud's Office in 2014.

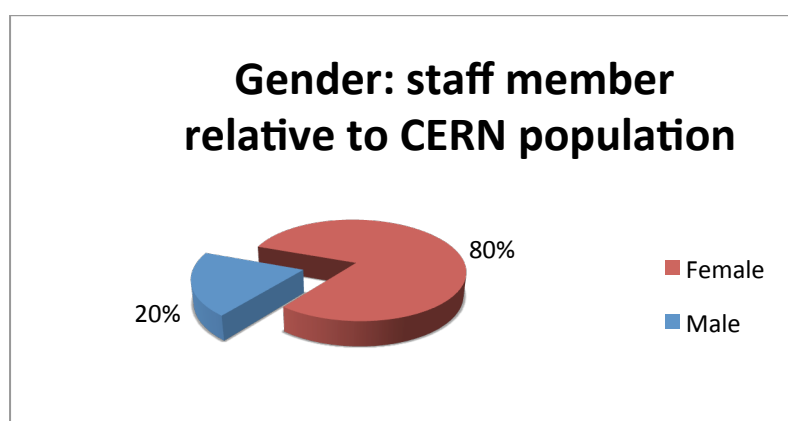


Fig. 5: Gender distribution relative to Staff Member population

Figure 5, above, shows that there continues to be a significantly higher representation of women visitors to the Ombud's Office relative to the Staff Member population concerned, and that this difference has risen to 4 times more women in 2014.

¹ CERN Personnel Statistics – 31.12.2013

This steadily increasing difference in the proportion of women visitors relative to the population, as shown in Figure 6, below, was already signalled in a previous Ombud report as a matter of concern and the continuing trend suggests that further effort is needed with regard to creating a supportive work environment and culture, for women in particular, as recommended by the Organization’s Diversity Policy.

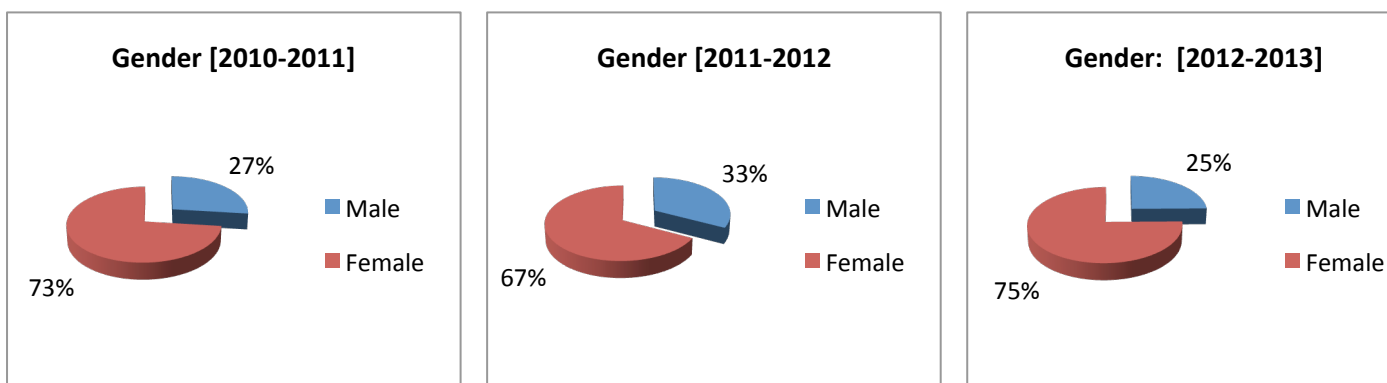


Fig.6: Gender distribution relative to CERN staff member population since establishment of Ombud’s Office

Profile of Visitors - Conclusion

The overall number of 91 visitors to the Ombud’s Office in 2014 remained consistent with the previous years’ average and since the establishment of the function at CERN.

Visitors represented 2% of Staff Members, a figure that has remained more or less constant since the creation of this Office. This figure is on the low side, compared to other International Organizations in the area (where the lowest average is at 4% of staff) and may be a reflection of the relative newness of the Ombud function at CERN.

The numbers of Fellows and Users contacting the Ombud has however risen steadily over the years. Issues raised by both these categories of personnel suggest that they could benefit from a more comprehensive and systematic support and information structure with regard to the Organization’s values and the CERN Code of Conduct.

The relative number of female visitors continues to increase, and represents colleagues from all categories of personnel – Staff Members, Fellows, Students and Users. Although, for the most part, diversity issues were not cited as their reasons for contacting the Ombud, the question raised in previous years as to whether or not the CERN culture is fully supportive to women remains open, and requires further monitoring.

5] Issues raised with the Ombud in 2014

Categories of Issues: Statistics

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.

80% of the issues raised in 2014 fall into 4 main categories, with an additional 15% falling equally into another 3 categories as follows:

• Evaluative relationships	31 issues	~34%
• Peers relationship	25 issues	~27%
• Career progression & development	9 issues	~10%
• Values, ethics and standards	9 issues	~10%
• Safety, health and physical environment	5 issues	~5%
• Organizational Strategy related	5 issues	~5%
• Services and administrative issues	5 issues	~5%
• Other 2 categories	2 issues	~2%

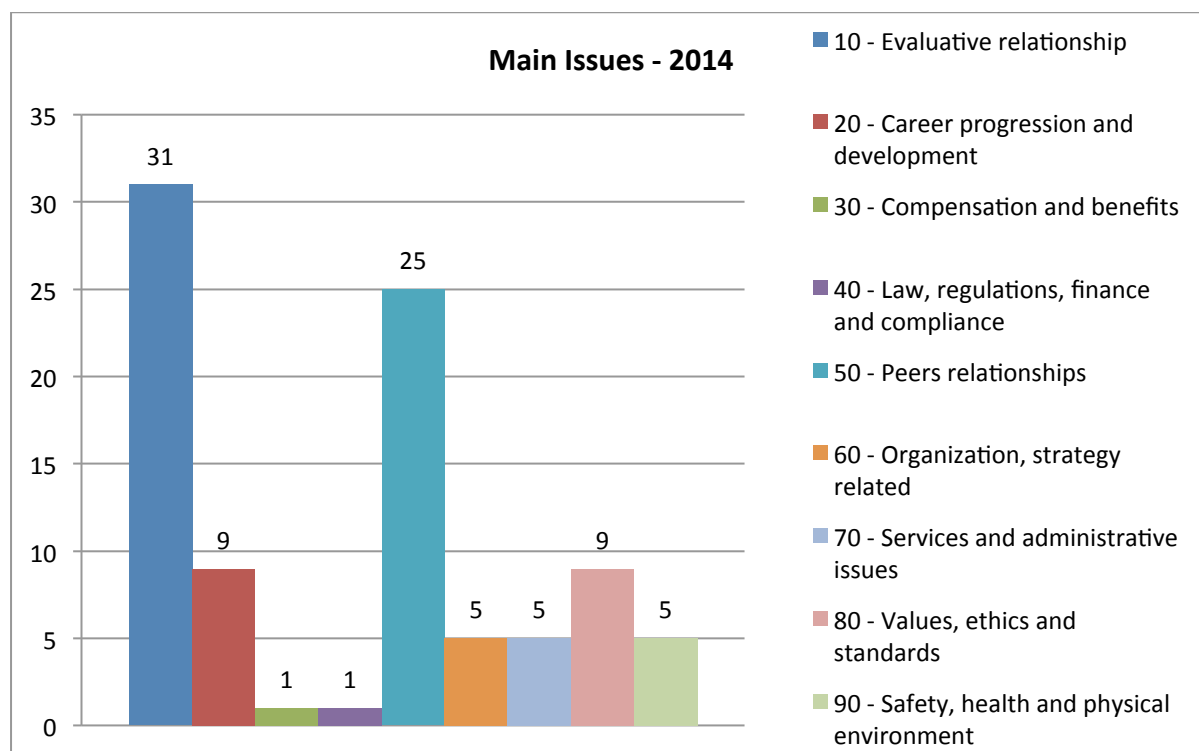


Fig. 7: Number of main issues by category

As shown in Figure 7, above, the highest number of issues falls into the category of ‘evaluative relationships’, i.e. the relationship between supervisees and supervisors.

This is consistent with previous years, as is the overall distribution of issues, suggesting that these concerns are endemic to the CERN culture and environment.

Contrary to previous years, however, the number of career progression and development concerns was overtaken in 2014 by issues between peers.

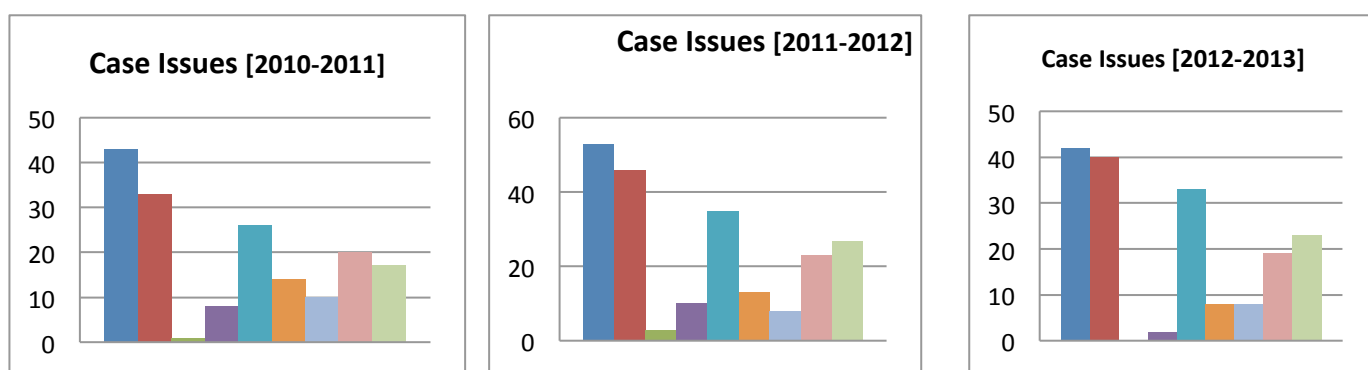


Fig. 8: Number of cases issues by category over previous years

Caveat

It should be noted that the classification of issues into the various categories is not to be considered as fully watertight, as some of them may overlap. For example issues related to the standards of the Code of Conduct [CoC] underline many problematic situations, even if the visitors have not expressed their concerns in specifically with reference to the CoC.

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

Evaluative relationships

Around 34% of the main issues reported fell under the category of evaluative relationships; these are concerns arising in the hierarchical relationship, between supervisors and supervisees.

In this context, it is worth noting that visitors often acknowledged that actions were carried out according to prescribed processes but deplored the *way* in which they were implemented.

Figure 9 shows that the main issue within this category was related to a perception of supervisory effectiveness, followed by equality of treatment/diversity, and then equally by respect/treatment of employees and the taking/communicating of decisions.

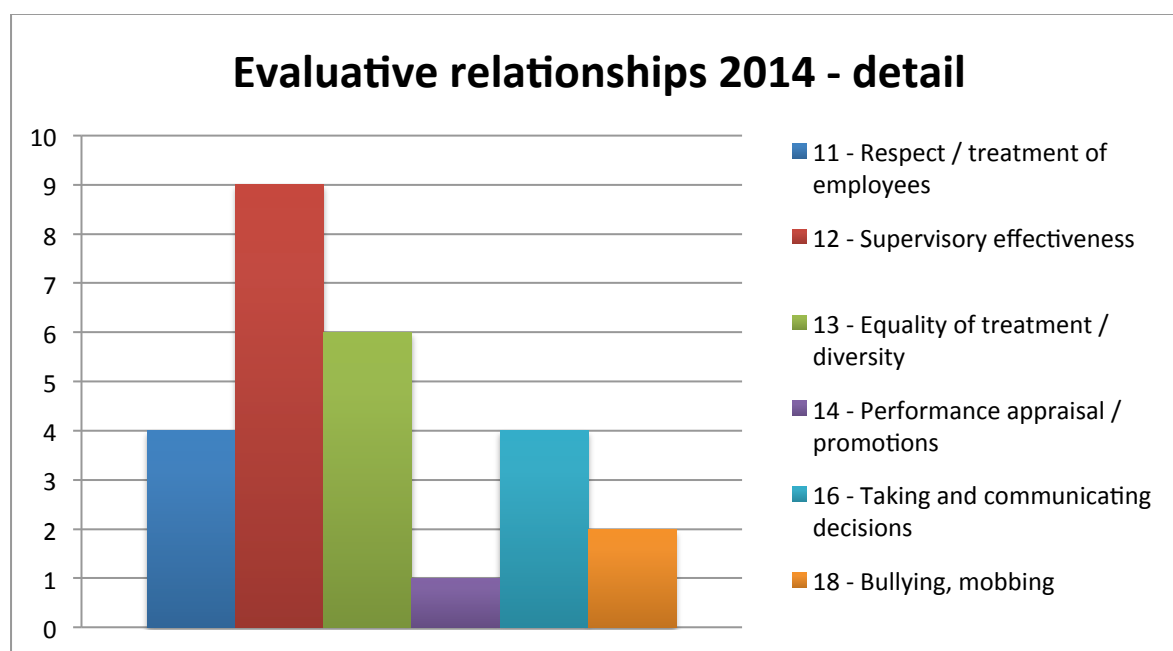


Fig.9: Statistics on sub-issues of Evaluative Relationships 2014

These figures suggest that the supervisors concerned are perceived to be inept, unfair or, at best, clumsy in the execution of their role. Current efforts in training them towards better ways of discussing, communicating, and explaining processes and decisions should continue to be reinforced and more regular refresher modules provided.

Issues related to equality of treatment / diversity concerned mainly the professional dimension and were closely related to the taking and communicating of decisions, where staff perceived a degree of discrimination. Issues related to the gender dimension were occasionally also evoked, often as secondary issues underlying the main reason for contacting the Ombud.

Examples of bullying behaviour were in the form of threats to staff with LD or sub-contract status and /or abuse of authority in the form of unwelcome declarations of love or attention. In these cases, with the help of the Ombud, the visitors chose to manage the situations for themselves but insisted on putting this behaviour on record at the Ombud Office in case it should persist.

Peer relationships

Conflicts between peers represented 27% of the issues raised in the Ombud’s office in 2014, a figure that is slightly higher than in previous years.

Figure 10 shows the breakdown of themes in this category, with communication issues representing the major part of the problems. It should however be noted that, although the number of issues related to the three other themes are small, they signal a perceived lack of respect between colleagues that cannot be ignored.

Communication issues in this category were mainly centred on the withholding of information, the spreading of rumours, difficulties in overcoming pre-conceived opinions and being caught up in the ‘cross-fire’ of long lasting conflicts between senior colleagues.

Issues related to a lack of respect tended to take the form of impolite or dismissive behaviour towards service or administrative categories of staff. Examples of bullying behaviour between peers were related to isolating or withholding information, abrasive behaviour or unwelcome declarations of love.

A small number of cases were related to structural issues where the separation between roles needed to be clarified.

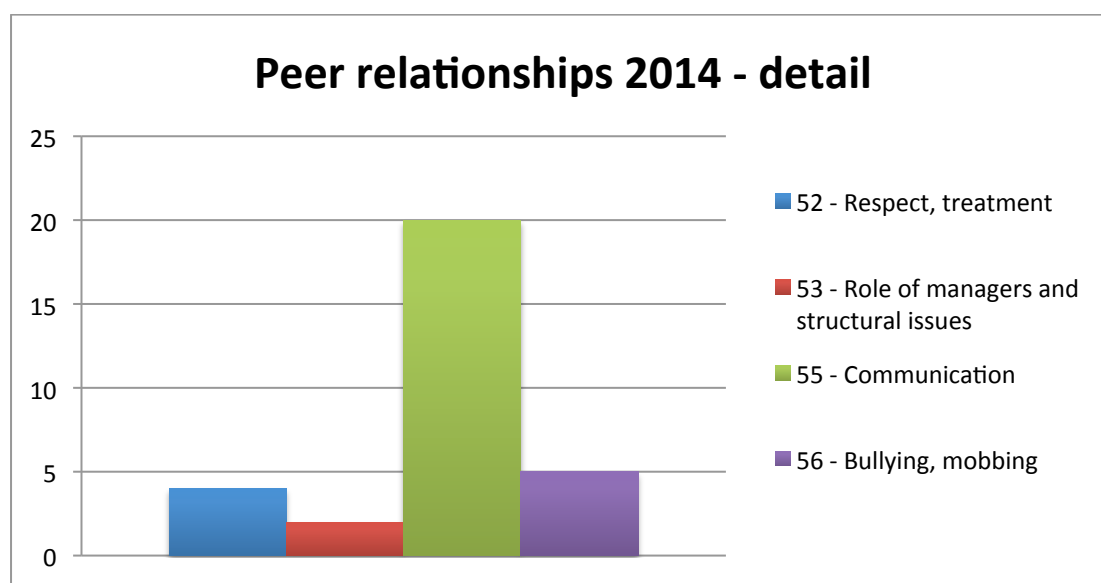


Fig. 10: Statistics on sub-issues of Peers relationships 2014

Career progression and development

Of the 9 issues reported in this category, the main concern was over career development and assignments, suggesting that there is a need for more systematic discussions with staff as to possibilities for growth and diversification. It was sometimes also felt that promotions that had been promised by supervisors did not take place. Issues related to the matrix organisation of line and project assignments were also raised.

Some issues around the CCRB process and the attribution of indefinite contracts were also raised, these focused not so much on the actual process but rather on the way it had been applied in the cases concerned.

One other issue that came up was the wish for a change of activity, after many years in the same function, and the difficulty of internal mobility.

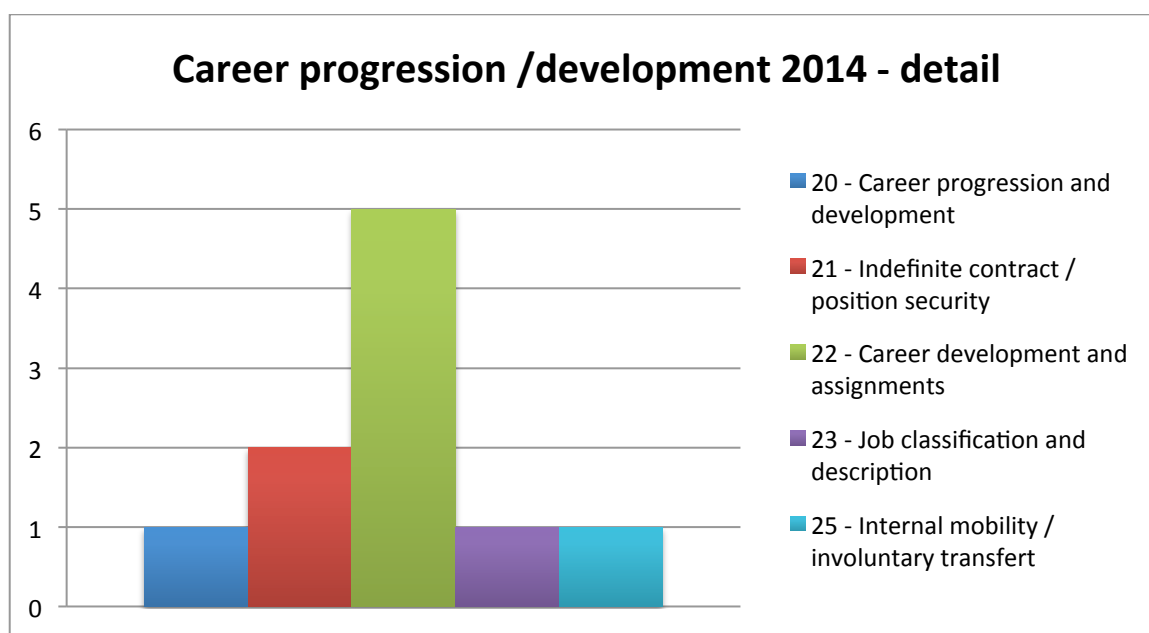


Fig. 11: Statistics on sub-issues of Career and development 2014

Values, ethics and standards

Issues in this category were mainly related to due attribution of credit for work done, group and cultural habits, and some forms of email exchange.

Other issues

The very low numbers of other categories of issues make it impossible to provide any detail without compromising the principle of confidentiality. A few general remarks follow:

- Issues that related to safety, health and physical environment centred mainly on workload stress, shared office space and perceived harassment. In this context, it should be noted that people who attempted to address concerns, including concerns related to people safety, were not always well-received by their peers, and some cases required intervention by the immediate hierarchy.
- Concerns related to services and administrative issues were referred and dealt with by the responsible groups accordingly.
- Organisational strategy / process related issues that were raised concerned more the application than the process itself.
- Email etiquette, or a lack of respect in email communications was raised several times. On a few occasions, the misuse of CERN email had to be pointed out and actions were taken accordingly.
- Posters put up by the LGBT network were repeatedly reported to be desecrated or pulled down, showing a continued lack of respect for this minority group despite it being a recognised informal network within the framework of CERN's Diversity Policy.
- Another recurrent theme that was brought to the Ombud, in particular even by colleagues, who were leaving the Organization, was the wish to “put on record” their own experience of perceived injustice or the unacceptable behaviour of certain supervisors, “ though it would no longer be of benefit to them”. Authorisation to disclose the source of this information was however nearly always denied, making it very difficult for the Ombud to take any action other than to take note.
- A notable specificity of the CERN environment is also the presence of retired senior colleagues leading on two separate occasions to issues related to the challenge of maintaining good relations whilst tactfully asking them to refrain from “interfering” in on-going work.

6] 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.

Figure 12 below shows the distribution of outcomes for the cases brought to the Ombud's office in 2014:

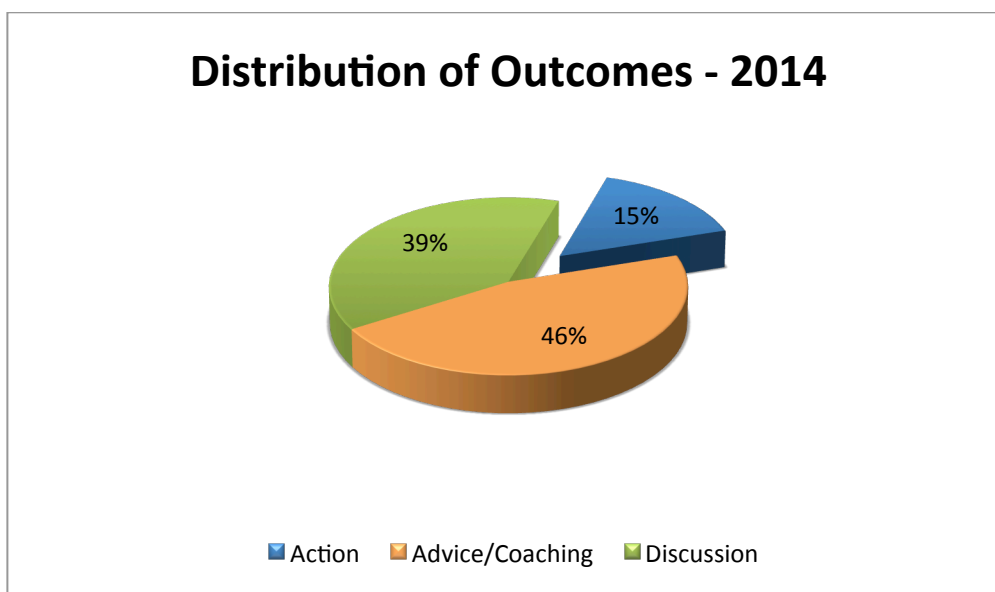


Fig. 12: Distribution of Outcomes - 2014

It can be seen from this figure that in 2014, 75% of the outcomes were reached through discussion and advice or coaching. Most of the time 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.

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.

Of the remaining 15% of cases that were addressed through an action on the part of the Ombud, there were three situations that involved mediation.

Most of the cases brought to the Ombud's Office in 2014 have been resolved or closed, with a few carried over into 2015.

7] 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.

The Ombud's Corner and Blog

A total of 18 articles were published in the 'Ombud's Corner' section of the CERN Bulletin in 2014, covering a range of themes representing the various types of issues brought to the Ombud's Office and presented through fictitious scenarios and compilations.

A significant number of the themes centred on issues of communication, in particular within the hierarchical relationship, incivility and a lack of respect in the behaviour between peers, unwelcome declarations of love that could have escalated into harassment, and workload stress. The articles are 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.

These articles have been noticed within the international Ombud network and cited as an example of best practice in the 'Ombuds Blog', contributing positively to CERN's reputation as a concerned employer.

The 'Ombud's Corner' articles are available at <http://Ombud.web.cern.ch/blog>.

Promoting a respectful workplace

The Ombud continues to contribute to the CERN Induction programme for new Staff Members and Fellows, and is available, on invitation, to present the function at various training modules, management, staff and collaboration meetings, as appropriate. Input has also been provided to the design of the new e-learning modules foreseen for the Core Development Packages for Group Leaders

An initiative was launched, via an Ombud's Corner article in the Bulletin, to support CERN's membership of the Geneva Association 'Respect – ca change la vie'. Colleagues were invited to respond to the question: 'What does a respectful workplace mean for you' and their contributions were summarised and published in a subsequent bulletin article.

The Ombud also worked with representatives from Host State relations, the Communications group, the Diversity Programme and the Health and Safety services, to propose various actions to raise awareness and further this initiative within the CERN environment during the next year. A joint CERN – Respect logo was designed and posters, designed on the basis of the contributions received from colleagues, will shortly be made available to CERN colleagues, as appropriate.

Training and International conferences and contacts

2014 was the fourth year of operation since the establishment of the CERN Ombud function; it was also a year of transition with the appointment of a new Ombudsperson, who has further developed the role by continuing to raise awareness and provide the service internally within the Organization, whilst fostering professional development through specialised training events and conferences, and interactions within the international Ombud network.

The principal training and professional activities undertaken in 2014 include:

- Training in Workplace Mediation, PMR, London, UK;
- Training in Foundations of Organizational Ombudsman Practice, IOA, Denver, USA;
- Participation in the IOA Annual conference, Denver, USA;
- Participation in the UNARIO Annual conference, Montreal, Canada;
- Participation in the European Ombudsman/Mediator meetings hosted by UBS, Zurich & ICRC, Geneva;
- 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's perspective on the challenges they face.

Contacts with one's counterparts in the International Organizations and Associations continue to be an essential part of the Ombud activity. They 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.

The CERN Ombud is a member of the following professional bodies:

- IOA: the International Ombudsman Association which implies an agreement 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 is made up of Ombuds 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 Ombuds of International Organizations based in Geneva.
- European Ombudsman/Mediator group: this is a group of Ombuds from both the public and private sectors.
- IAF: the International Association of Facilitators – Geneva chapter.

8] Observations and Recommendations

This fourth 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 staff 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 offer insights into ways of addressing them.

The following observations are based on the main issues reported to the Ombud in 2014:

Observations

- The number of visitors to the Ombud's Office in 2014 was consistent with previous years, at around 2% - 3% of Staff Members, and a gradually growing number of Fellows and Users. This shows that in many areas conflicts are indeed allowed to surface and that individual colleagues are willing to address them on an informal basis. As compared to other international organisations, however, this percentage is still on the low side and suggests that more time and information, as well as regular senior management endorsement, is needed to achieve a well-integrated conflict resolution culture throughout the Organization.
- The relative number of women visitors to the Ombud's office has risen steadily over the past four years. With the exception of issues related to 'unwelcome declarations of love', there is no evidence of any difference with regard to the types of issues raised by them as compared to their male colleagues. However, it is a matter of concern that relative to the Staff Member population, four times more women than men had occasion to contact the Ombud in 2014. This aspect needs to be carefully monitored in the next few years in order to see if it is due to individual preferences or caused by a systemic element in the CERN culture.
- Not all visitors, particularly those from the User community, were familiar with the CERN Code of Conduct.
- A few visitors, who came to the Ombud on the recommendation of their hierarchy, expressed their appreciation of being offered a place where they felt encouraged to speak freely without fear of reprisal. A larger fraction of visitors, however, were insistent that they did not want their initiative to contact the Ombud to be known as they felt it would be badly perceived by their hierarchy and/or environment and feared retaliation.

- The need for more guidance and supervision was apparent in the case of many of the Fellows and students who visited the Ombud; in some cases, Fellows found their work suffered because they were caught up in existing conflicts or factions within their work environment; there were examples amongst both Fellows and students of situations where they felt alone and left to get on with their work, and did not feel their questions would be welcomed by their supervisors.
- Visitors to the Ombud's Office also included a small number of supervisors who contacted the Ombud for support in sounding out ways to handle situations they anticipated would be challenging.
- Evaluative relationships, ie the supervisor/supervisee relationship continues to be the most reported conflict category, with a lack of supervisory effectiveness being perceived as the main problem source.
Issues of supervisory effectiveness ranged over a perceived lack of clarity in terms of expectations, a lack of consistency in terms of information and decision-making and an apparent reluctance to intervene in managing difficult situations.
All the examples brought to the Ombud reflected a perceived lack of behavioural competency on the part of the supervisors concerned, and not their technical ability. Other issues reported within the evaluative relationship were related to a perceived lack of equal treatment, a lack of respect, abuse of power and communication. Two formal complaints of moral harassment against supervisors were brought to the Harassment Investigation Panel in 2014; in both cases there was no prior attempt at informal resolution via the Ombud.
- Communication issues were at the heart of the majority of conflicts reported in the peer relationship category, with some examples of perceived bullying behaviour in the form of preventing colleagues from doing their work by withholding information, public criticism, threats or isolation. Management reacted positively on the few occasions where the Ombud was authorised to alert them to these situations.
- Four cases of 'unwelcome declarations of love', and one case of persistent sexist jokes were raised with the Ombud; all of these cases were either managed informally or 'put on record' in case of reoccurrence. It should be noted that all these complaints concerned senior colleagues, and took place either on the CERN site or during conferences away. There were no formal complaints of sexual harassment in 2014.
- Incivility, or a lack of listening or acknowledgment of work done was often signalled as a source of demotivation, in particular from colleagues in lower career paths or service functions.

Recommendations

Given the above observations, and taking into account the four main categories of issues raised, the following recommendations are made to the CERN Management for consideration:

Evaluative relationships:

- Include both technical and behavioural (leadership) criteria in the selection of supervisors at all levels;
- Clarify what is expected of supervisors in terms of both their technical and people management roles and establish a regular mechanism for top-down and bottom-up feedback on both these aspects (180 degree feedback);
- Continue current leadership and supervisor training and provide targeted coaching actions as appropriate;
- Introduce regular half-day refresher training modules for supervisors with emphasis on practical exercises aimed at handling difficult situations.

Peer relationships:

- Reinforce communications skills training for all levels and categories of staff members;
- Encourage staff participation in awareness training and similar initiatives organised by the CERN Diversity Programme.

Career progression and development:

- Explore ways in which to implement regular and systematic career development and diversification discussions for staff, as appropriate.

Values, ethics and standards:

- Introduce E-learning / quiz modules based on CERN values and have them periodically signed off by all members of employed and associated members of personnel;
- Define policies to further reinforce CERN Code of Conduct, e.g. in relation to email etiquette or a poster policy.

9] Conclusion

The handover of Ombudsperson at the beginning of 2014 was achieved smoothly, and the continuity of this function as an informal conflict resolution resource, providing a safe and confidential space for staff to address issues and concerns, was further anchored in the Organization.

As in previous years, the number of cases raised with the Ombud in 2014 remained at around 90/year, the number of meetings with each visitor varying between 2 and 6 times.

The majority of issues were closed, with only a few cases carried over for completion in 2015.

Visitors to the Ombud's Office represented all sectors of the Organization and all categories of both employed and associated members of personnel. Whereas Staff Members and Fellows seemed to be generally well aware of this service, some of the Users had only just learned about it and recommended that this resource be more widely made known within the collaborations.

In all the situations that required management intervention, the Ombud was always well received and all issues that were referred to various services were addressed accordingly.

Not all outcomes could be to the full satisfaction of the persons concerned, but all the situations were addressed optimally, and insights into CERN culture noted, as appropriate.

Visitors to the Ombud's Office expressed their appreciation of having a safe place in which to talk openly, and, where relevant, reported that they had found the individual coaching very helpful in dealing with the situations they faced.

Some examples of email feedback are shared below:

- *“C'est vraiment super qu'il existe un rôle comme le vôtre au CERN et je suis vraiment reconnaissante pour votre sens de l'écoute et votre compréhension...”*
- *“Depuis votre intervention l'ambiance s'est grandement améliorée, je dirais qu'elle est revenue à la normale ...”*
- *“Votre connaissance de l'organisation est un point qui permet très certainement de « mettre les choses en perspective » pour les personnes qui s'adressent à l'Ombudsperson...”*
- *“I would like to thank you for taking the time and the energy to go around the experiments and raise awareness for the issues related with respecting each other and diversity...”*

Colleagues also expressed their appreciation of the Ombud's Corner articles in the Bulletin, underlining the relevance of the topics raised and the need to surface common concerns, as demonstrated by the examples of email feedback below:

- 'I really appreciated reading the last 2 'Ombud's Corner' articles in the bulletin 'Fellows and students – a win-win equation' and 'Tried and trusted'. I believe you're touching on crucial subjects from within CERN's organisational culture...'
- "Je trouve tes articles très bien, très appropriés et j'espère que tous les lisent. J'ai particulièrement aimé celui sur la diversité et le LGBT sous-entendu. J'ai trouvé que tu avais beaucoup de courage de l'écrire, et par ce bulletin je suis persuadé que tu feras avancer cette reconnaissance..."
- "J'ai bien apprécié ton article et suite à notre récente conversation il a une résonance particulière....Cela est tellement simple, et tellement vrai...Je vais garder le lien, pour y faire référence le cas échéant..."
- "Another nice article from our new ombuds! I appreciate the elucidation about people management, leadership and change done by our Ombud and would like to encourage to continue this..."

These few examples of feedback from colleagues suggest that the Ombud function is gradually getting integrated into the CERN culture, and that the need for an informal conflict resolution resource is acknowledged.

However, it must be noted that there are still relatively few situations where colleagues decide to opt for mediation, preferring instead the confidentiality of one-to-one support from the Ombud, which they perceive as a means to deal with their concerns without fear of disclosure and possible retaliation.

This would suggest that, whilst there is a willingness to address issues on the part of individuals, there is still some further work and time needed in order to create a truly widespread conflict-resolution culture throughout CERN.

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		
61	Lack of resources	CERN
62	Leadership, use of positional power	
63	Organizational climate	
70	Services and administrative issues	Policy, administrative
71	Administrative decisions	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	