



# 5th annual report of the CERN Ombud

1<sup>st</sup> January 2015 – 31<sup>st</sup> December 2015

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## Executive Summary

### Introduction

The Ombud function at CERN was established to provide a confidential, independent, neutral and informal dispute resolution resource for members of personnel and any other person working at or on behalf of the Organization. It 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. Visitors to the Ombud Office find a 'safe place to tell their story', get another perspective and obtain support in identifying options and working out strategies by which to manage the interpersonal issues with which they are confronted. There have been on average ~ 90 visitors/year since the Office was established.

Additional Ombud activities include the publication of awareness raising articles in the CERN Bulletin, participation in an initiative to mark CERN's membership of the Geneva Association '*Respect – ça change la vie*', and presentations to various forums as appropriate.

### Statistics

In 2015, there were 106 visitors to the Ombud Office, [63 staff members, 18 Fellows & Students, 23 Users and 2 others]. Staff members still represented the largest proportion (59%), with the number of Fellows and Students remaining stable (17%) whilst there was a slight increase in the number of Users, from 9% to 22%. Women represented 42% of the visitors; corresponding to 5%, of the relevant staff member population, as compared to 2% of men, indicating that proportionally, there are still ~3 times more female than male visitors to the Ombud. The question as to whether or not the CERN culture is fully supportive to women therefore still remains open, and all efforts to educate colleagues as to the evolving expectations of behaviour are highly recommended.

### Observations

75% of the outcomes were reached through discussion and advice or coaching, with the remaining issues being handled through mediation, referral or recourse to formal action, as appropriate. It should be noted that the majority of colleagues chose discussion or coaching over intervention, continuing to cite a fear of disclosure or retaliation as a basis for this preference. As in previous years, a significantly high proportion of the issues raised by all visitors falls into the evaluative relationship category, with 43% being related to the supervisor-supervisee relationship. Conflicts between peers represented 18%, followed by concerns related to safety, health and the physical environment at 11%, administrative or values-related cases at 9% each and career at 7%. Indeed, the repeatedly higher proportions of issues within the evaluative relationship, ranging from poor communication and disrespect to a perception of unfair treatment, victimisation and exclusion, would appear to indicate a breakdown of trust and the need for the hierarchy *to be seen to be held accountable* for their behaviour and required to invest further in developing and continually refreshing their people management skills.

### Conclusions

As the overall distribution of issues across the years remains fairly constant, it can be said to provide an accurate reflection of the concerns that appear to be endemic to the CERN culture and environment. CERN Management is therefore urged to explore ways to obtain systematic upward feedback, facilitate succession planning and promote the Code of Conduct. Possible options include regular surveys, a values- based quiz and Organization-wide workshops aimed at encouraging dialogue. A practical first step towards this end would be for the Management Team to engage in a retreat, facilitated by an external specialist, with the aim of identifying concrete and visible steps by which to further a culture of trust and mutual respect throughout the Organization.

## 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 fifth report issued from the office of the CERN Ombud. It covers the period from 1 January 2015 to 31 December 2015. The Ombud function was created in 2010, at the same time as the publication of the CERN Code of Conduct. The basic function of the Ombud is to provide a zero-barrier, informal, impartial and confidential channel for all Members of the Personnel, as well as everyone working on behalf of CERN, to express their concerns. Through various means such as listening, providing information, coaching and mediation, the Ombud works with visitors to identify options by which they may address their own issues and / or resolve any conflict whether due to misunderstanding, ineffective communication or rooted in a difference of opinion or values.

Since 2011, the Ombud has also been in charge of dealing with the informal resolution of the various types of harassment, as defined in the Operational Circular N0 9, *Principles and Procedures Governing Complaints of Harassment*. At any moment that a formal complaint is lodged, the Ombud is no longer involved.

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

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

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

## 2] Roles and Principles

The CERN Director-General [DG] established a full-time position of Ombud, in July 2010. The creation of the Ombud function represents a commitment by CERN, and its Management, to the well being of all its collaborators and to the promotion of a respectful workplace environment.

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

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

The following four principles represent the basis of the Ombud function:

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

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

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

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

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

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

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

“Micro-inequities – apparently small events which are often ephemeral and hard-to-prove, events which are covert, often unintentional, and frequently unrecognized by the perpetrator. Micro-affirmations – apparently small acts, which are often ephemeral and hard-to-see, events that are public and private, often unconscious but very effective, which occur wherever people wish to help others to succeed.”

Mary P Rowe, Ombudsperson, MIT, USA; IOA Conference 2015

“Whereas many ‘micro-inequities’ are unconscious and therefore hard to avoid, a conscious practice of ‘micro-affirmations’ can lead to three positive outcomes: it will be motivating for the other person, it will help us to block these behaviours and prevent even unconscious slights because our focus will be on positive aspects, and, in the longer term, this consistent affirmation of others may prove to be contagious and widespread.”

Sudeshna Datta-Cockerill, Ombuds Corner, CERN Bulletin, 22-23 May 2015

### **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] Possible Outcomes

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

- **Discussion:** A simple discussion with the Ombud where the visitors have the opportunity to tell their story without fear of being judged. This in itself is very helpful in that people know that someone in the Organization listens to them, they are able to externalise their concerns and in many cases, the simple fact they have been heard helps to release tension and allows them to be more open to search for solutions.  
In some cases, visitors have already considered possible solutions and the Ombud serves as a 'sounding board' for them to test out their ideas for action.
- **Advice / Coaching:** Advice is limited to providing factual information as needed. Coaching refers to a more focussed discussion where the Ombud helps the visitors to clarify their objectives and identify options by which to achieve them. The role of the Ombud here is essentially to help the visitors to help themselves by encouraging them to consider alternatives and to think 'out of the box' in order to tackle the situation and resolve the issues they face.
- **Action**
  - **Mediation:** A more formal and structured process where the Ombud facilitates a discussion between the parties concerned who agree to take part in the process with the aim of reaching a mutually acceptable solution.  
This involves a 'win-win' approach that is future oriented and aimed at improving the working relationship. It may either take the form of a 'face to face' discussion in the presence of the Ombud or a shuttle mediation where the Ombud talks to both parties separately in order to help them reach a solution.  
Multi- party or team mediations may also be necessary in some situations.  
In all mediation exercises, the role of the Ombud is to be a confidential, impartial resource, responsible for ensuring fair and equal process without entering into the actual content of the dispute.
  - **Intervention:** An action taken by the Ombud with the clear authorisation of the visitors – this may involve contacting other people to obtain more information, accompanying or representing the visitor in a given situation or requesting a follow up action as appropriate.
  - **Referral:** A recommendation for the visitor to take up the issue with another service, e.g. HR or the Medical Service, etc., as appropriate.

## 5] Profiles of the visitors to the Ombud Office in 2015

In 2015, the Ombud handled 106 cases, [as compared to 91 in 2014, 82 in 2010-2011, 104 in 2011-2012, 93 in 2012-2013].

The following figures provide an overview of the profile of visitors to the Ombud Office by contract classification and gender. As to be expected, a few cases remain pending and will have to be followed up in 2016. Each visitor was seen on average 2.1 times, ranging between 1 and 7 meetings per visitor in general.

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

### 5.1] Categories of Personnel – by types of contract

Visitors to the Ombud's Office in 2015 represented the full range of CERN categories of personnel.

Whereas CERN staff members still represented the largest proportion of visitors (59%), this year saw an increase in the number of Users, which increased from 9% to 22%, whilst the numbers of Fellows and Students remained fairly stable at 17%.

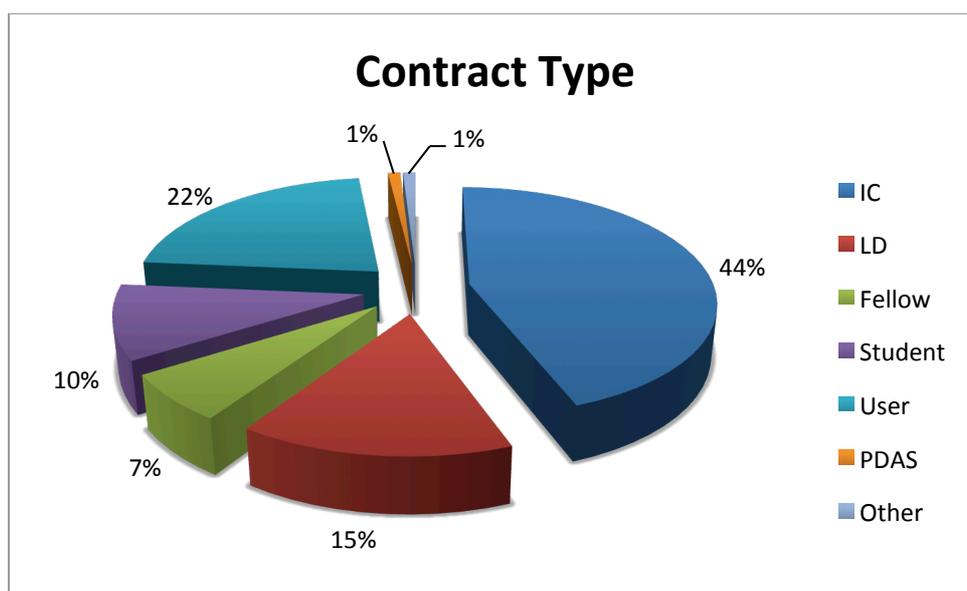


Fig.1: Distribution of Visitors according to contract type.

A total of 63 Staff Members visited the Ombud Office in 2015, representing 2% of the total CERN population concerned.

44% of these visitors were LD contract holders, representing 2% of the overall population concerned, whilst the remaining 56% of Staff Member visitors were IC contract holders and represented 3% of the corresponding CERN populations. The increase of LD contract holders seen in the previous year was maintained as shown in Figure 2b.

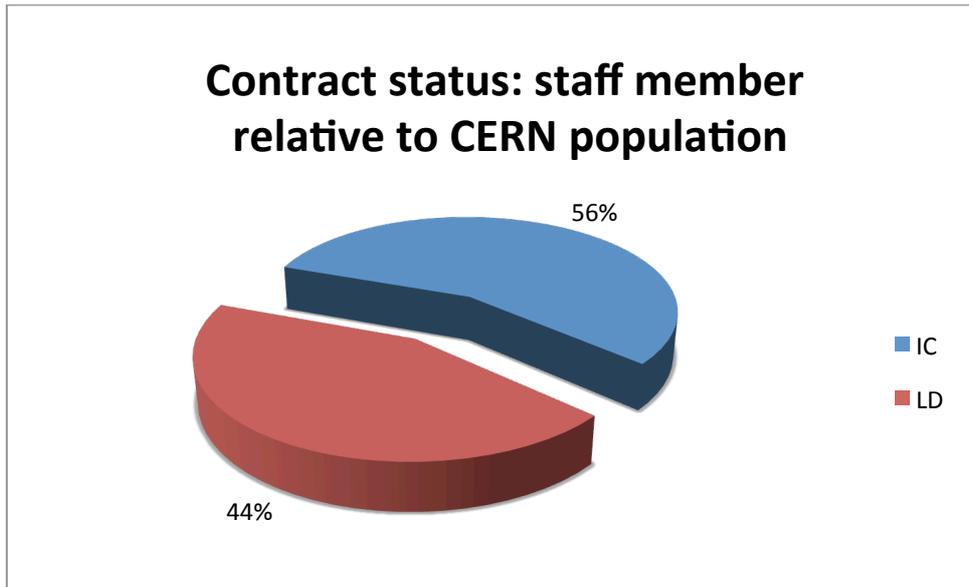


Fig.2: % of staff visitors with IC or LD contracts in 2015

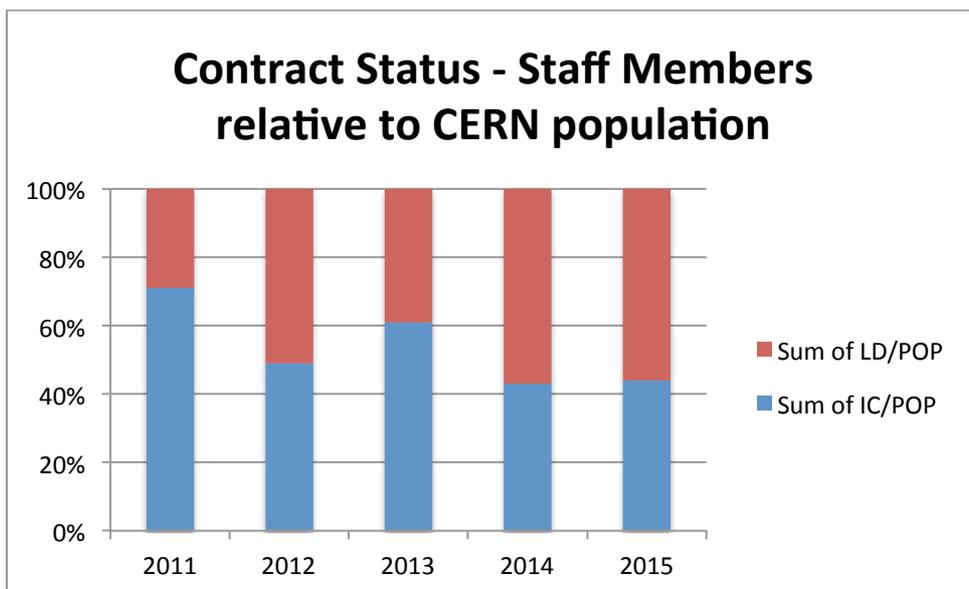


Fig.2b: % of Staff Member visitors with IC or LD contracts in previous years.

## 5.2] Categories of Personnel – by Gender

The proportion of women visitors in 2015 was lower than in previous years with 44 women and 62 men, representing 42% and 58% respectively of those contacting the Ombud over the year.

However, these proportions remain approximately the same as in previous years when looking at the Staff Member population alone, where 25 women and 38 men represented a 40% - 60% gender split in the visitors to the Ombud Office over the year.

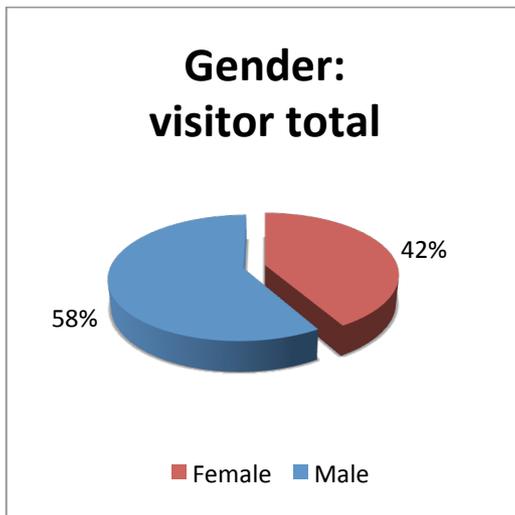


Fig.3: Overall gender distribution



Fig.4: CERN staff member gender distribution

As in the past, when viewed proportionally to the relevant population, however, women visitors represented 5%, whilst men represented 2% of the corresponding total staff member populations, and, whereas this difference is smaller than in previous years, these numbers still represent 3 times more female than male visitors to the Ombud as shown in Figure 5 below.

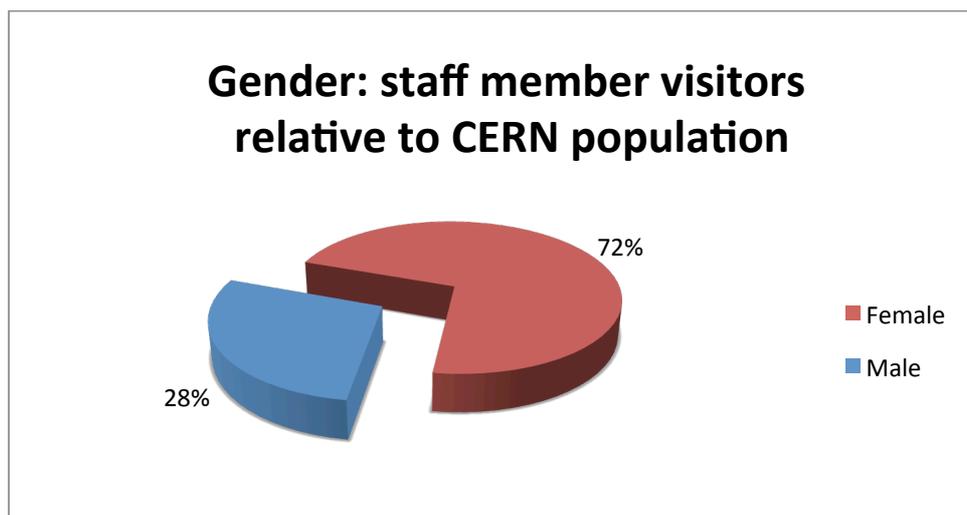


Fig. 5: Gender distribution relative to Staff Member population

This continuing 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 suggests that a sustained effort is needed to create a supportive work environment and culture, for women in particular, as recommended by the Organization’s Diversity Policy.

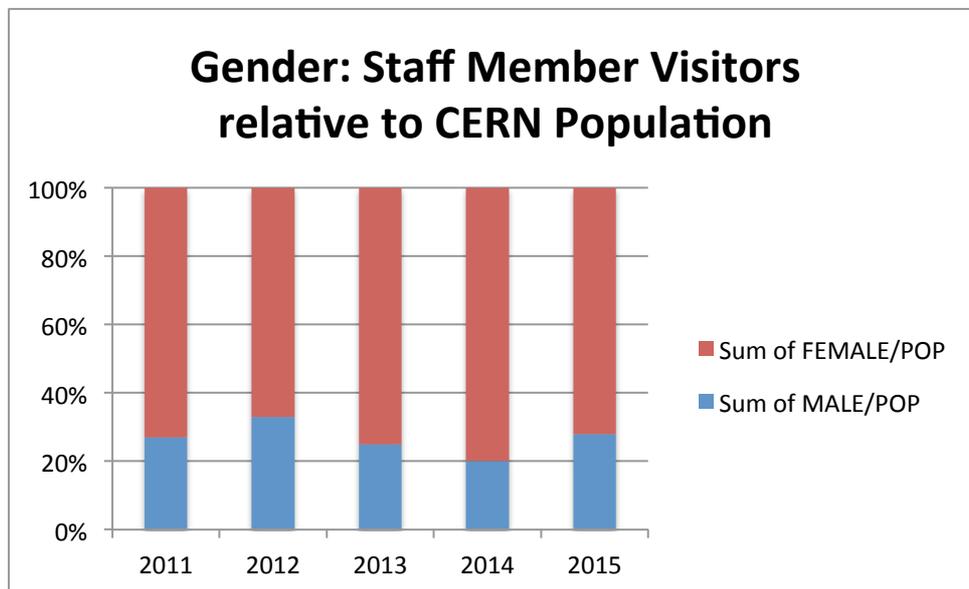


Fig.6: Gender distribution relative to CERN staff member population since establishment of Ombud’s Office

### 5.3] Profile of Visitors - Conclusion

The overall number of 106 visitors to the Ombud’s Office in 2015 remained fairly consistent with the previous years’ average as well as since the establishment of the function at CERN.

Visitors represented 2% of Staff Members, a figure that has also 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.

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 be significant, and represents colleagues from all categories of personnel – Staff Members, Fellows, Students and Users. Apart from some examples of sexist behaviour, which continue to be raised, there were no specifically diversity related issues cited as reasons for contacting the Ombud. However, the question raised in previous years as to whether or not the CERN culture is fully supportive to women remains open, and some effort to educate colleagues as to evolving expectations of behaviour across genders in support of the Code of Conduct is highly recommended.

## 6] Issues raised with the Ombud in 2015

### 6.1] 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.

The main issues raised in 2015 can be categorised as shown in Figure 7 below.

As in previous years, a significantly high proportion of the topics fall into the evaluative relationship category, with 43% of visitors raising issues related to the supervisor-supervisee relationship. Conflicts between peers represented 18%, followed by concerns related to Safety, health and the physical environment at 11% and the two other categories at 9% respectively.

• Career progression & development	7 issues	7%
• Evaluative relationships	46 issues	43%
• Organizational Strategy related	3 issues	3%
• Peers relationship	19 issues	18%
• Safety, health and physical environment	12 issues	11%
• Services and administrative issues	9 issues	9%
• Values, ethics and standards	10 issues	9%
• Compensation and benefits	0 issues	
• Law, regulations, finance and compliance	0 issues	

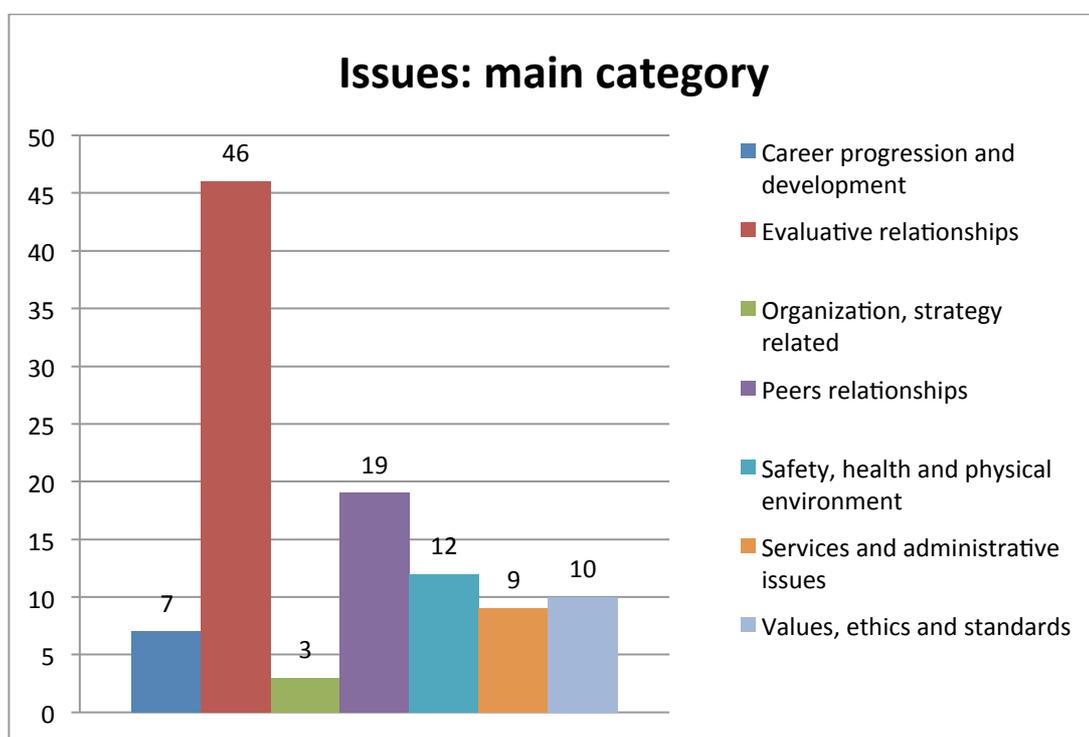


Fig. 7: Number of main issues by category

Once again, the highest number of issues falls into the category of ‘evaluative relationships’, i.e. the relationship between supervisees and supervisors. This is followed by concerns reported in the category of ‘peer relationship’ whilst the decrease of issues within the category of ‘career progression and development’ that was noted last year was maintained. In this context, it is worth noting that on a few occasions, issues over advancement and promotion were put into the category of ‘evaluative relationships’ as these were experienced more as conflicts with hierarchy rather than issues of career progression per se.

The overall distribution of issues raised across the years remains fairly constant and an accurate reflection of the concerns that appear to be endemic to the CERN culture and environment.

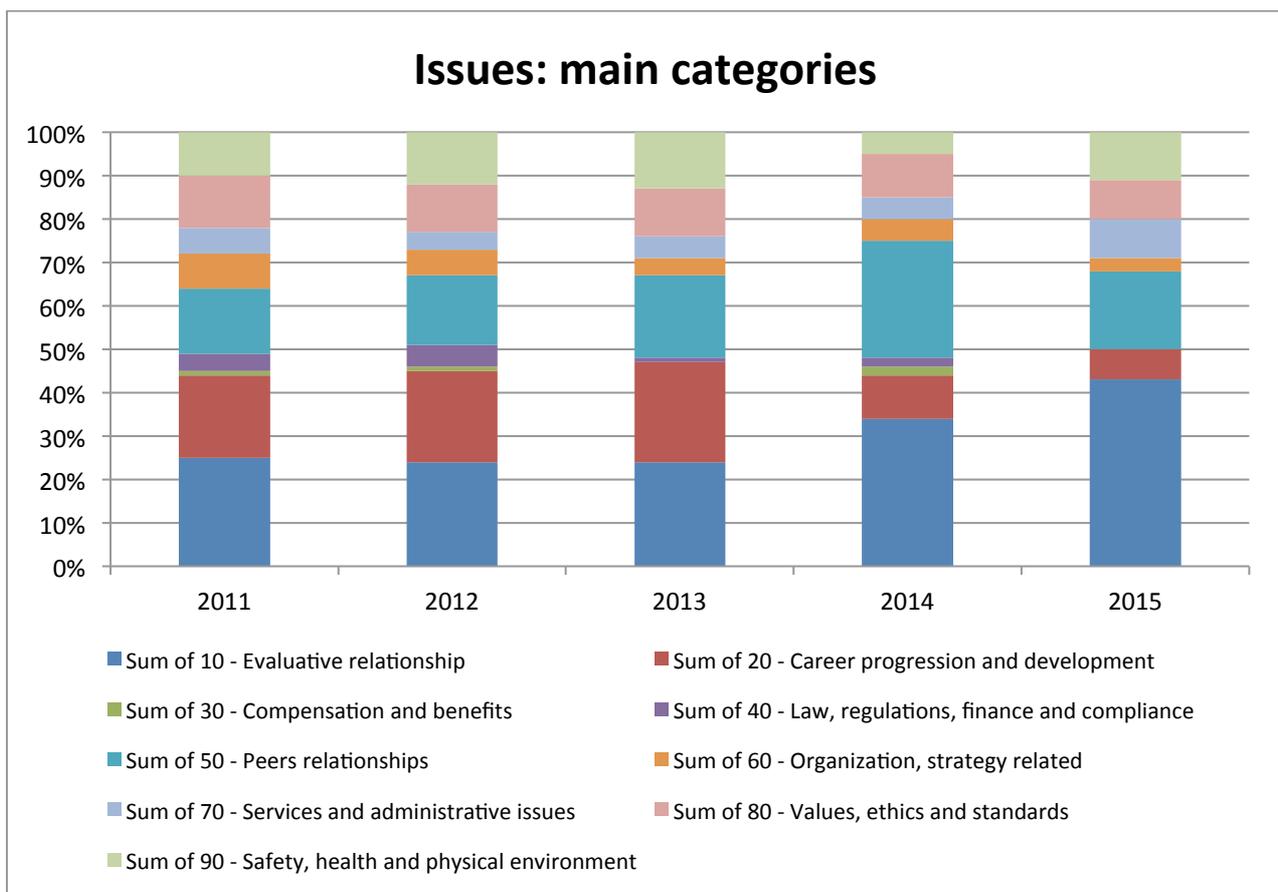


Fig. 8: Number of cases issues by category over previous years

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

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

### 6.1.1] Evaluative relationships

43% of the main issues reported fell under the category of evaluative relationships; these are concerns arising in the hierarchical relationship, between supervisors and supervisees.

Figure 9 shows that the main issue within this category was related to a perceived lack of supervisory effectiveness, in particular with regard to the communication of decisions, a lack of clarity as to expectations and an apparent unwillingness to listen or see things from another perspective. There were also a few examples where people felt stuck in an impasse with their supervisors due to the latter's pre-conceived opinions or entrenched positions vis a vis them.

This category of issues was followed by those related to job assignments and performance appraisal. Issues categorised as 'bullying, mobbing' included behaviours that were perceived as unfair treatment or 'victimisation' due to bias or pre-conceived labelling on the part of supervisors.

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

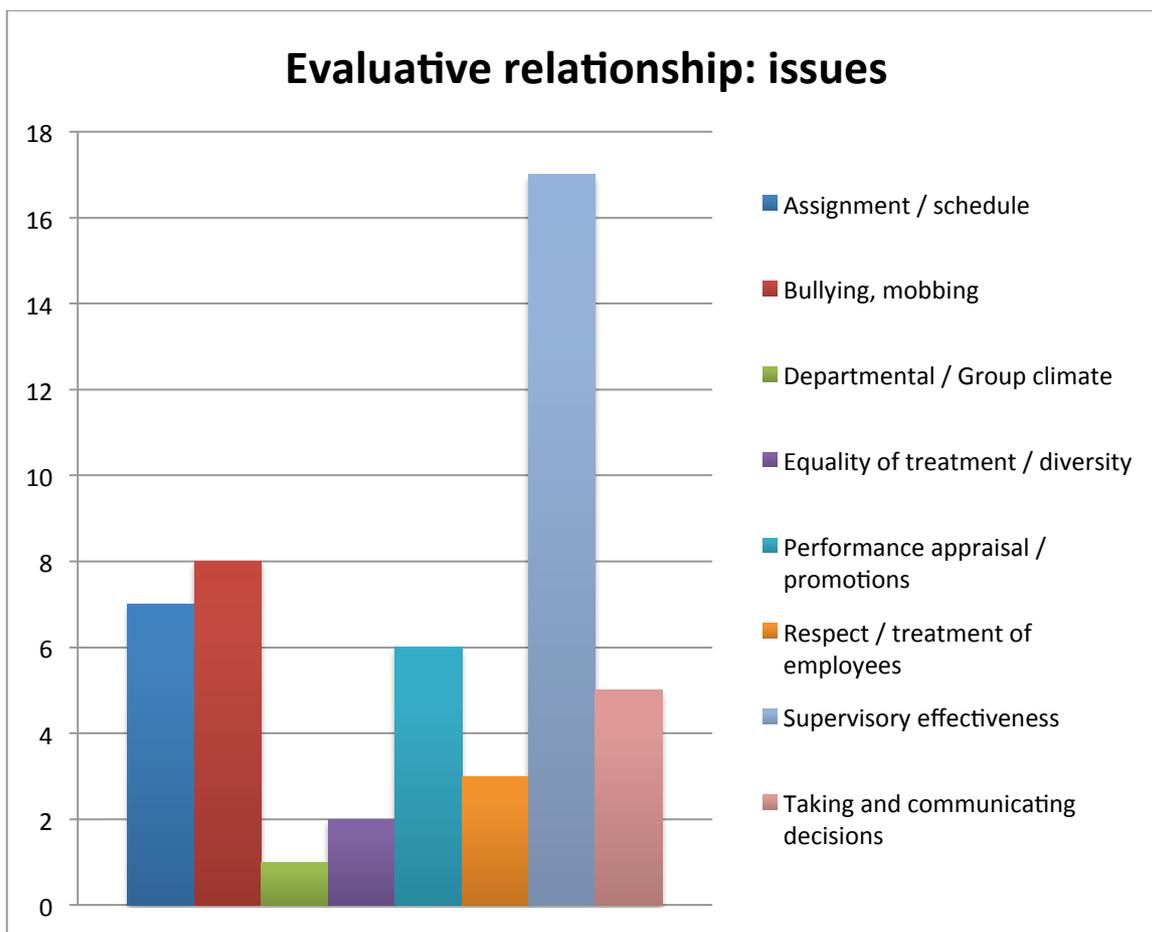


Fig.9: Statistics on sub-issues of Evaluative Relationships 2015

## 6.1.2] Peer relationships

Conflicts between peers represented 18% of the issues raised in the Ombud's office in 2015, a figure that is slightly lower than in the previous year.

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

Communication issues in this category were mainly centred on work related issues, in particular over credit not being given to work done, a lack of clear boundaries between roles and the separation of roles within projects. Email etiquette, or a lack of respect in email communications was again raised several times.

Issues of bullying behaviour between peers were related to isolating or withholding information, and a few examples of abrasive behaviour and threats.

A small number of cases related to value and cultural differences between colleagues were also addressed; some of these situations were also referred to the CERN Diversity Office as appropriate.

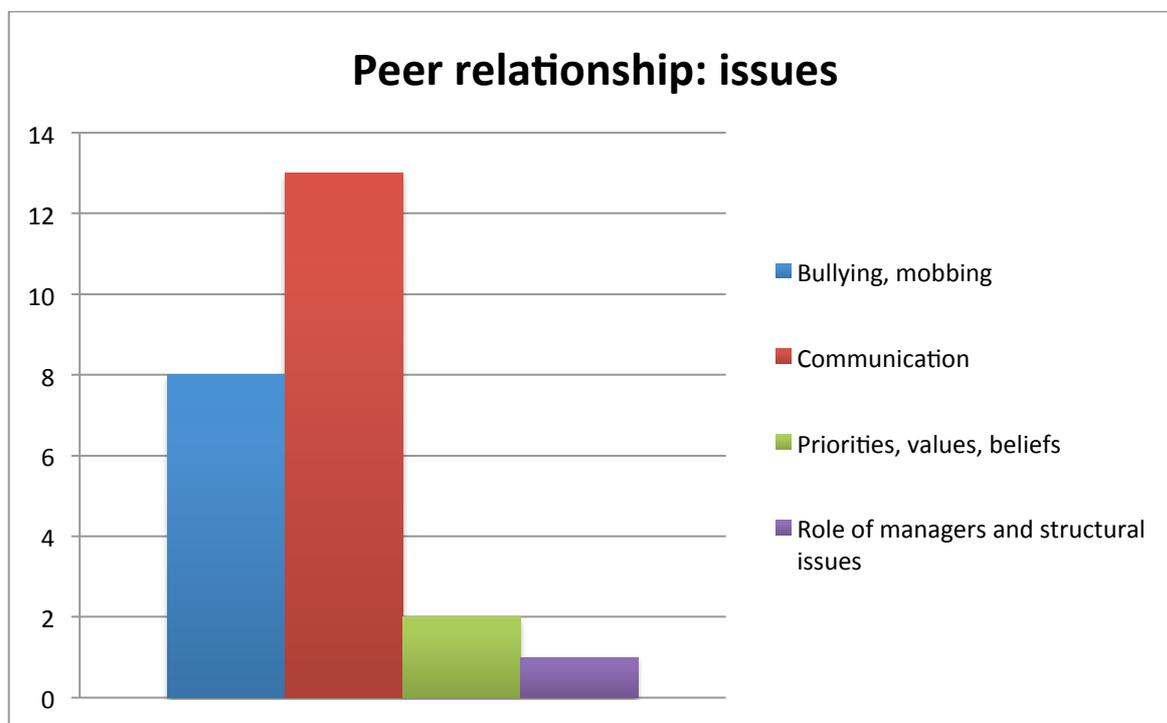


Fig. 10: Statistics on sub-issues of Peers relationships 2015

### **6.1.3] Safety, health and physical environment: 12 issues**

A small fraction of the issues reported in this category related to workload stress or concerns over colleagues suffering from apparent depression that was impacting their productivity. In these cases visitors were systematically recommended to contact the CERN psychologist or seek similar external support. Two issues were related to inappropriate physical work environments and the sharing of office space.

As reported in the previous year, the remaining examples were once again related to unwelcome language or behaviour of a sexual or sexist nature, either experienced or witnessed by visitors who wished to bring these examples to the attention of the Ombud, whilst preferring to address them directly without recourse to formal action. In one of these cases, it was agreed that the case be referred to HR and this led to disciplinary action and a reprimand being issued.

### **6.1.4] Values, ethics and standards: 10 issues**

The majority of cases in this category concerned questions related to the application of the CERN Code of Conduct, and related to the values of integrity, professionalism and diversity.

### **6.1.5] Services and administrative issues: 9 issues**

These cases involved responsiveness of services, queries related to Organizational processes, and some contractual issues that were addressed in collaboration with HR or directly with the services concerned. Repeated concerns about the non-adaptability of the CERN crèche to the needs of women colleagues were also brought to the Ombud Office again this year.

### **6.1.6] Career progression and development: 7 issues**

As reported in the previous year, the main concern in this category was related to career development and assignments, once again underlining the need for more systematic discussions with staff as to possibilities for growth and diversification. The wish for a change after many years in the same function and the difficulty of internal mobility was also raised on a couple of occasions.

Issues related to career advancement were signalled as on-going conflicts with hierarchy, and in two instances led to formal requests for career review.

### **6.1.7] Organization Strategy related: 3 issues**

These issues focused around CERN's Limited Duration Contract Policy, the introduction of LD contract extensions and the possibility of Fellowship extensions to cover maternity leave.

## 7] Outcomes to issues raised in 2015

Figure 11 below shows the distribution of outcomes for the cases brought to the Ombud's office in 2015:

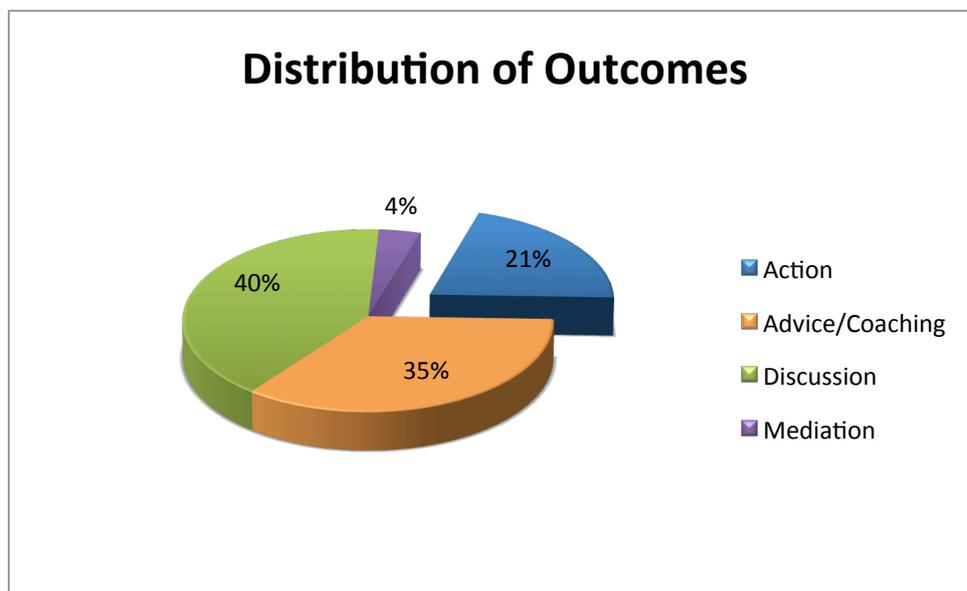


Fig. 11: Distribution of Outcomes - 2015

It can be seen from this figure that in 2015, as in the previous year, 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, four situations were handled through mediation; others involved referral or recourse to formal action, as appropriate.

Most of the cases brought to the Ombud's Office in 2015 have been resolved or closed, with a few carried over into 2016.

## 8] Additional Ombud Activities

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

### 8.1] The Ombud's Corner and Blog

A total of 14 articles were published in the 'Ombud's Corner' section of the CERN Bulletin in 2015, covering a range of themes representing the various types of issues brought to the Ombud's Office and presented through fictitious scenarios and compilations. The articles were written in a constructive spirit and aimed to raise awareness and promote respectful behaviour and interactions between peers and within the hierarchical relationship of management and staff.

Topics covered over the year ranged across issues related to:

- Communication
  - o At cross purposes
  - o Do you speak CERNese
  - o Toxic tales
  
- Respect and Organizational culture
  - o Respect @ CERN
  - o Second letter from Ombudland
  - o Summertime – and the living is easy...
  - o Bystanders, you can have a role too
  - o Boss, where are you?
  
- Self management
  - o About letting go...
  - o Space invaders
  - o Stuck in conflict – why me first?
  - o Mindfulness in the workplace
  
- Harassment
  - o Sexual harassment – who is concerned?
  - o Moral harassment – are you concerned?

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

These articles were also once again signalled as an example of best practice within the international Ombud network, contributing positively to CERN's reputation as a concerned employer.

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

## **8.2] Promoting a respectful workplace at CERN**

The Ombud continues to contribute to the CERN Induction programme for new Staff Members and Fellows, and is available, on invitation, to present the role and facilitate discussions around the typical workplace conflict situations that arise during management, staff and collaboration meetings, as appropriate.

Working in collaboration with a group of colleagues from various parts of the Organization, and with the support of the Director General, a successful initiative was launched under the aegis of the Ombud to mark CERN's membership of the Geneva Association '*Respect - ça change la vie.*' This included the design of a joint logo, and the publication of a first series of posters based on input from staff, and a conference on "Accelerating Respect in the Workplace" in May in the CERN Council Chamber. The group also started work on developing a quiz based on scenarios to promote CERN Values.

It was subsequently agreed that this 'Respect campaign' would be absorbed into a CERN-wide Management led action and the working group chaired accordingly by HR as from 2016.

## **8.3] International Contacts: Collaboration with EMBL**

CERN's Ombud was contacted by the recently appointed Ombudsperson at EMBL to share experiences and practice. This led to collaboration on the design and delivery of a workshop at EMBL to present this new function and to develop a common philosophy and practice with other services within the Organization. This workshop also provided a welcome opportunity for the two Ombudspersons to work together in facilitating a dialogue that was judged to be very useful by all EMBL participants.

In addition to an effective and beneficial exchange of experience, this collaboration between the Ombuds also proved to be an excellent opportunity for further strengthening the Ombud services to their respective Organizations, as well as a small contribution to bringing CERN and EMBL, both founding members of EIROFORUM, even closer.

## **8.4] Training, conferences and networking**

The principal training and professional activities undertaken in 2015 include:

- Participation in the IOA Annual conference, Atlanta, USA;
- 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 allow for a rich exchange of information with access to reports, and advice on problematic situations, in addition to a rewarding personal link with professionals in the Ombud world. These contacts also provide an excellent occasion to promote the image of CERN, as an employer concerned for the health and well being of its staff.

## 9| Observations

This fifth 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 offering insights into ways of addressing them.

The following observations are based on the main issues reported to the Ombud in 2015:

- The number of visitors to the Ombud's Office in 2015 was consistent with previous years, at around 2% - 3% of Staff Members, as well as a gradually growing number of Fellows and Users. They represented a cross-section of colleagues from all parts of the Organization.
- Whilst all visitors expressed their appreciation of a 'safe' place where they felt encouraged to share their concerns freely without fear of reprisal, nearly all were insistent that their initiative to contact the Ombud should remain confidential as they felt it would be badly perceived by their hierarchy and/or environment and feared retaliation. This repeated stance was also often accompanied by a conviction that *'in any case, nothing would be done'* and signalled a lack of belief as to a genuine intention on the part of management to listen to their concerns and a general lack of trust in the overall system.
- Sexist remarks and other types of unwelcome behaviour of this nature continue to be reported, mostly *but not only* by women colleagues. In nearly all cases this behaviour was attributed to older colleagues, often in senior or even hierarchical positions, suggesting a cultural difference, particularly between generations, as to what is perceived to be acceptable or not. Instances of this sort were reported to have taken place on more than one occasion during off-site meetings or residential conferences. In most cases, colleagues preferred to deal with the situations themselves, often by simple avoidance, but all reported a feeling of discomfort and disrespect. Some visitors also expressed their surprise at the apparent acceptance of this type of behaviour on the part of bystander-mostly male-colleagues, and their corresponding lack of support or understanding. One case led to a formal complaint, which was referred to the Head of HR, and a corresponding action taken.
- Fellows reported a lack guidance or proper integration into groups on a couple of occasions. This was reported to the HR service concerned, with a recommendation for more systematic follow-up with both the Fellows and their supervisors. The possibility of launching a mentoring programme to address this need was discussed and would indeed be very much in the interest of the Fellows, as well as the Organization, in terms of efficiency and image.

- Evaluative relationships

As in the previous four years, the largest number of issues brought to the Ombud office fell into the ‘evaluative relationships’ category, i.e. conflicts within the supervisor/supervisee relationship.

In 2015, these issues were related, for the most part, to a perceived lack of supervisory effectiveness, and ranged from poor communication and disrespect to unfair treatment, victimisation and, in a few instances, they were experienced as an abuse of power.

Several visitors complained of on-going difficulties with a hierarchy that they perceived as a long-standing network of cohorts, an impenetrable ‘in-group’, with deeply entrenched opinions about others who were sometimes negatively ‘labelled’ on an apparently unidentified or obscure basis. Integration or acceptance into these close-knit groups was considered very difficult, if not impossible, and colleagues repeatedly expressed their frustration at being rejected or marginalised in this way.

Moreover, these situations were perceived as an exclusion from career development opportunities for ‘the outsiders’ and, in some cases, also reported as examples of discrimination or even ‘mobbing’ behaviour, which gave rise to feelings of demotivation and a breakdown of trust.

In the small minority of these cases, where the Ombud was authorised to take action, the higher-level management was alerted to these situations and actions recommended as deemed appropriate.

Other examples of a perceived lack of supervisory effectiveness centred on a lack of clarity and a corresponding inconsistency of messages, exclusion from decision-making processes as well as inappropriate aggressiveness on the part of supervisors, all of which made it difficult for colleagues to accomplish their tasks or fulfil their roles effectively.

A slight peak in the numbers of these issues was noted towards the end of the year where the imminent change of Management and anticipated changes in structure led to uncertainty and increased levels of tension in certain parts of the Organization. In some cases, this situation led to an amplification of communication issues between staff and their hierarchy, and an over-active rumour mill that tended to sap morale and team identity.

The proportionally high number of issues within the hierarchical relationship persists. For the most part, these issues relate to how people feel their supervisors treat them, - *“it is not so much the actual outcome but rather the way in which the decision was reached or communicated that is the core complaint”*. It is critical therefore that the hierarchy be held accountable for their behaviour and systematically encouraged to invest in developing their people management skills. This could be done by extending the current offer of leadership coaching for newly appointed managers to existing supervisors at all levels, as well as proposing refresher training modules in communication and diversity management at regular intervals for all.

- Peer relationships:

Communication issues were also at the heart of conflicts reported in the peer relationship category, where the majority of complaints centred on abrasive exchanges both in person and via email, the withholding of information, and some bullying behaviour in the form of threats or isolation.

On two occasions, visitors sought guidance on how to support colleagues who appeared to be experiencing stress at work. They were able to find support for themselves and strongly encouraged to refer their colleagues to the CERN psychologist, as appropriate.

- Career progression and development:

Colleagues, who wished for a change of activity after many years in the same function, often felt 'blocked' by the difficulties of internal mobility, whereas some others felt they were being 'side-lined' and undervalued although they still had much to contribute. In both cases, they looked forward to the implementation of the 'development conversations', as foreseen in the recent Five-Yearly-Review, which they felt would help to alleviate their situations.

- Issues raised by Users

Communication was also often at the source of issues raised by Users, and included examples of perceived discrimination linked to language and culture as well as sexist behaviour and bullying. Student visitors complained of a lack of guidance and of occasionally being caught up in the crossfire of conflicts between senior colleagues. Work-life balance issues were occasionally also reported, with particular reference to the scheduling of meetings that clashed with parental responsibilities.

The lack of family support structures, and particularly the inflexibility of the CERN crèche and kindergarten rules was also signalled, and the failure of this establishment to meet the needs of our women colleagues was reiterated several times.

In some cases, Users expressed concerns over a perceived lack of transparency in the selection process for appointments to project or sub-project leadership, where they reported a bias in favour of majority nationality groups or favoured personalities. In these instances, they were encouraged to request clarification from the collaboration hierarchy. In a few cases, this also led to a mediation/intervention on the part of the Ombud.

These issues were amplified by the flat structure within the community, which left them without any clear framework of accountability within which to address their concerns.

Many of the visitors, particularly those from the User community, had only recently learned of the CERN Code of Conduct, and of the availability of services such as the CERN Diversity programme and Ombud, which they said should be more widely announced within the collaborations.

## 10] Recommendations

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

- 1) Systematic process for upward feedback  
Explore alternatives to 360/180-degree feedback, taking inspiration from existing models, [e.g. IT (survey) and BE (dialogue workshops)] to define a systematic upward feedback process compatible with CERN culture; CERN-wide workshops bringing Management and staff together to share experience and expectations would also be beneficial in this respect.
- 2) Succession planning and assignment change  
Consider time limited appointments to all levels of hierarchical positions so as to facilitate succession planning and change; identify priority areas for development conversations to guide colleagues in taking on the new and leaving behind the old responsibilities.
- 3) Values – e-learning  
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.
- 4) Mentoring for Fellows  
Launch a mentoring process for Fellows to support their integration into the Organization.
- 5) Management Team challenge: visible steps to build trust  
Dedicate time in management meetings and / or retreats to reflect on ways to build trust and generally promote CERN values both as individual leaders and as a Management Team.

## 11] Conclusion

The Ombud function continues to grow with the number of visitors reaching 106 in 2015, whilst the number of meetings with each visitor varied between 2 and 7 times. The majority of issues were closed, with only a few cases carried over for completion in 2016.

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 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.

The majority of interventions remained limited to discussions or individual coaching, with very few cases of mediation or action that required going beyond the confidentiality of the Ombud Office. This reluctance would suggest that, whilst the Ombud function is gradually being used more widely, the fear of retaliation still persists, and the onus of responsibility for change tends to remain with the individual, indicating that further time and effort are needed for the promotion of staff well-being at a more systemic Organizational level.

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

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