



10th annual report of the CERN Ombud



1st January 2020 – 31st December 2020

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Executive Summary

2020 has been marked like for everyone else by the pandemic. The lockdowns in spring and in autumn have left a majority of staff to telework from home. There has been little impact on the nature of the issues taken to the Ombud, but the number of cases were lower compared to previous years, for probably two reasons. First, the limited physical presence on site may have limited the sources of interpersonal conflicts. There may have been more personal or private issues like tensions at home or anxiety, but these have probably more been handled by other support services like the Medical Service. Second, conversations with the Ombud are always delicate. The vast majority of people feel more comfortable in a face-to-face conversation in the Ombud office which provides a secure and protected place. While the Ombud has remained available in the office every time a visitor expressed the need to meet personally, most of the meetings have nevertheless been held by teleconferencing. Not everyone feels at ease exposing complex and emotional issues by teleconferencing. It is not excluded that a number of people have given up on consulting the Ombud due to the obstacles of meeting in person.

In 2020, there were 65 issues brought to the attention of the Ombud Office, all categories included. Staff members still represented the largest proportion. There was a comparable number of users compared to the preceding periods. Women represented 2.5% of the relevant staff member population, as compared to 1.0% of men, indicating that proportionally, there are still 2.5 times more female than male visitors to the Ombud office.

The majority of the outcomes were reached through advice or coaching, with the remaining issues being handled through 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. For the first time, a significantly high proportion of the issues fell into the Peers relationship category, followed by Evaluative relationships and Safety, health & physical environment. The other issues concerned Values, ethics & standards, Service & administrative issues, and Career progression and development,

At the end of the report a number of observations are formulated concerning among others disciplinary procedures, role of the manager or gender equality.

1] Introduction

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

Ombuds mandate.

This is the eighth report issued from the office of the CERN Ombud. It covers the period from 1 January 2020 to 31 December 2020. The Ombud function was created in 2010, at the same time as the publication of the CERN Code of Conduct. The basic function of the Ombud is to provide a zero-barrier, informal, impartial and confidential channel for all Members of the Personnel, as well as everyone working on behalf of CERN, to express their concerns. Through various means such as listening, providing information, coaching and mediation, the Ombud works with visitors to identify options by which they may address their own issues and / or resolve any conflict whether due to misunderstanding, ineffective communication or rooted in a difference of opinion or values.

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

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

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

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

2] Roles and Principles

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

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

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

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

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

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

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

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

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

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

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

3] Terms and Terminology

In order to ensure a full and correct understanding of the statistics and observations contained in this report, some key terms are defined below:

Visitor

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

Case

A case refers to the single instance of a visitor to the Ombud's Office. Often a case involves several issues. For example, visitors having difficulties in the evaluative relationship with their supervisors may at the same time bring up issues having to do with their career situation or their health. A single case may involve contacting several persons in order to have a complete picture of the situation. Within a single case also, the same visitors might have to be seen several times in order to reach a resolution of their issues.

Cases can involve simple discussion, advice and coaching, action, or mediation between parties. Not all cases are related to real disputes, some of them may consist only of providing information or coaching visitors in the actions they intend to pursue.

Issue

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

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

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

Contacts

Contacts are communications, interactions with the Ombud, by telephone, e-mail, or some other means of written communication. Short discussions at the cafeteria or in corridors not involving confidential information are also classified under the heading of contacts. Although such contacts are very frequent, they are not covered in this report, as considered to be part of common interactions between colleagues.

4] Possible Outcomes

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

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

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

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

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

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

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

5] Profiles of the visitors to the Ombud Office in 2020

In 2020, the Ombud handled 65 cases, despite the limited face-to-face availabilities due to the lockdown periods.

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 2021. There have been 80 meetings for a total of 65 issues, leading to an average of 1.2 meetings per issue. The number of meetings per issue ranged between 1 and 6.

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

5.1] Categories of Personnel – by types of contract

Visitors to the Ombud Office in 2020 represented the full range of CERN categories of personnel.

Whereas CERN staff members still represented the largest proportion of visitors (49%), this year saw a stable proportion of Users at 20%. The numbers of Fellows and Students remained stable, at 22%.

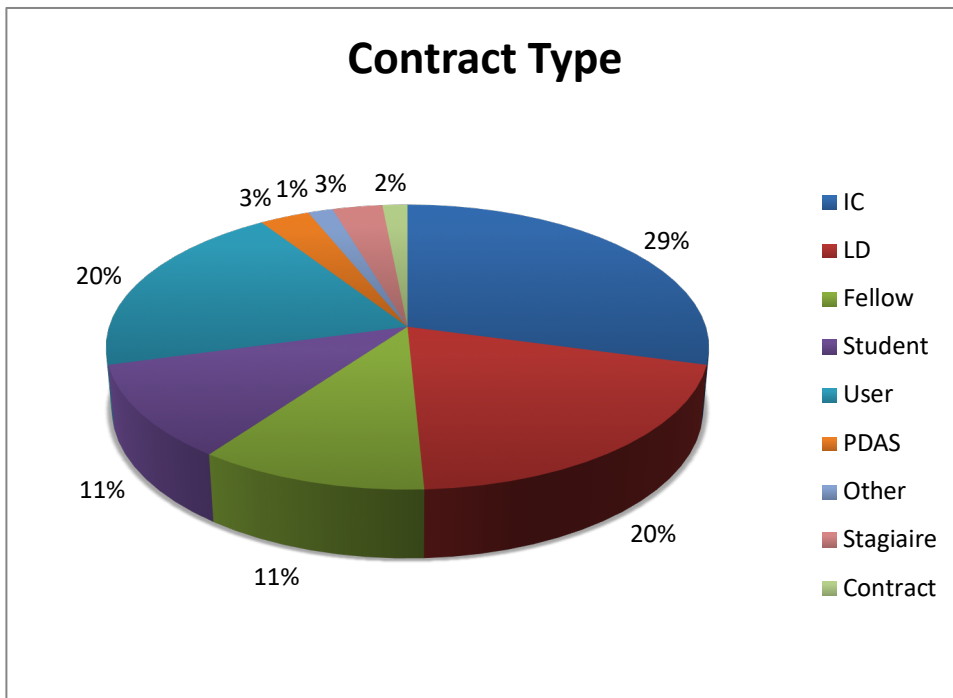


Fig.1

A total of 32 Staff Members visited the Ombud Office in 2020, representing 1.21% of the total CERN population concerned.

Thirteen of these visitors were LD contract holders, whilst the remaining 19 Staff Member visitors were IC contract holders.

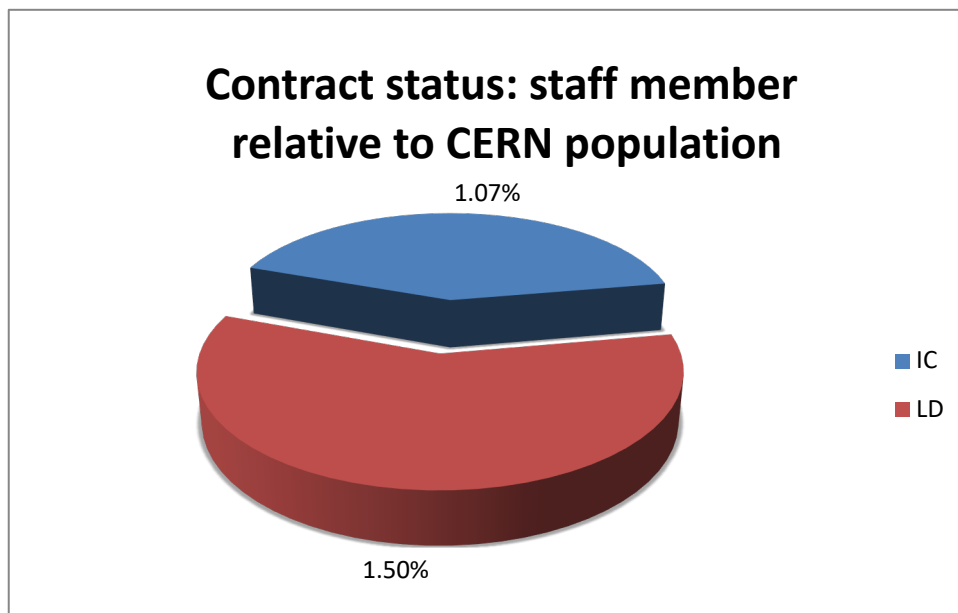


Fig.2

5.2] Categories of Personnel – by Gender

The proportion of women visitors in 2020 was comparable to the previous years with 31 women and 34 men, representing a balanced gender distribution, at least in absolute figures.

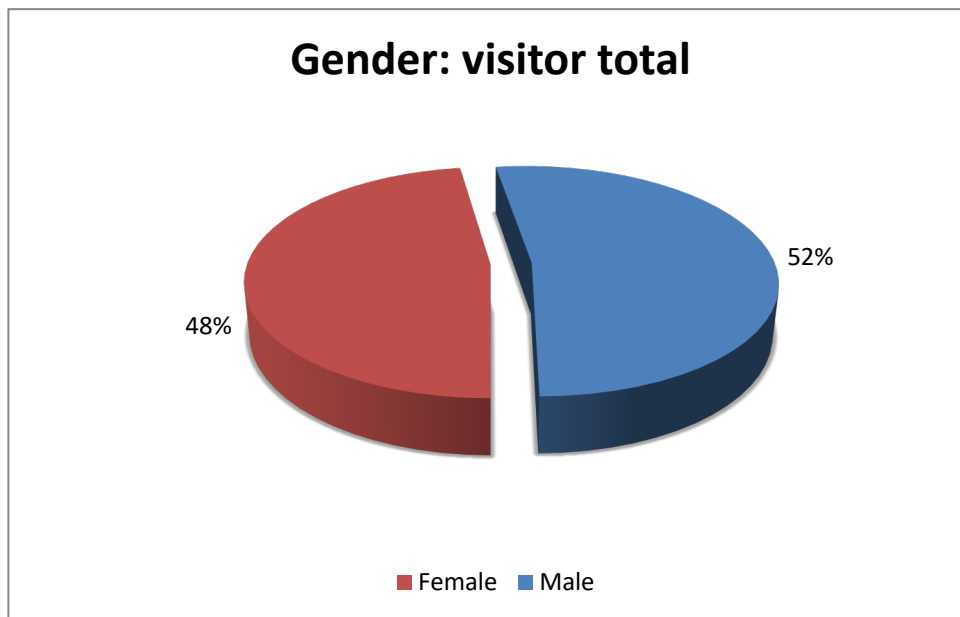


Fig.3

As in the past, when viewed proportionally to the relevant population of staff members, women visitors represented 2.38%, whilst men represented 0.91% of the corresponding total staff member populations. Whereas this difference remains comparable to the figures in previous years, these numbers still represent 2.6 times more female than male visitors to the Ombud office as shown in Figure 5 below, a proportion which is significantly higher compared to other organizations or companies.

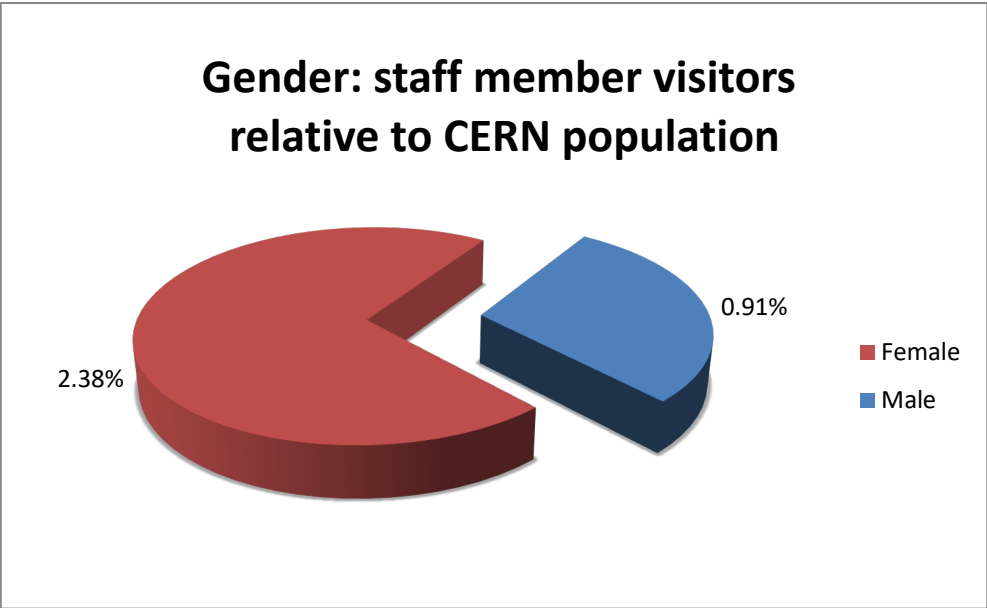


Fig. 5

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

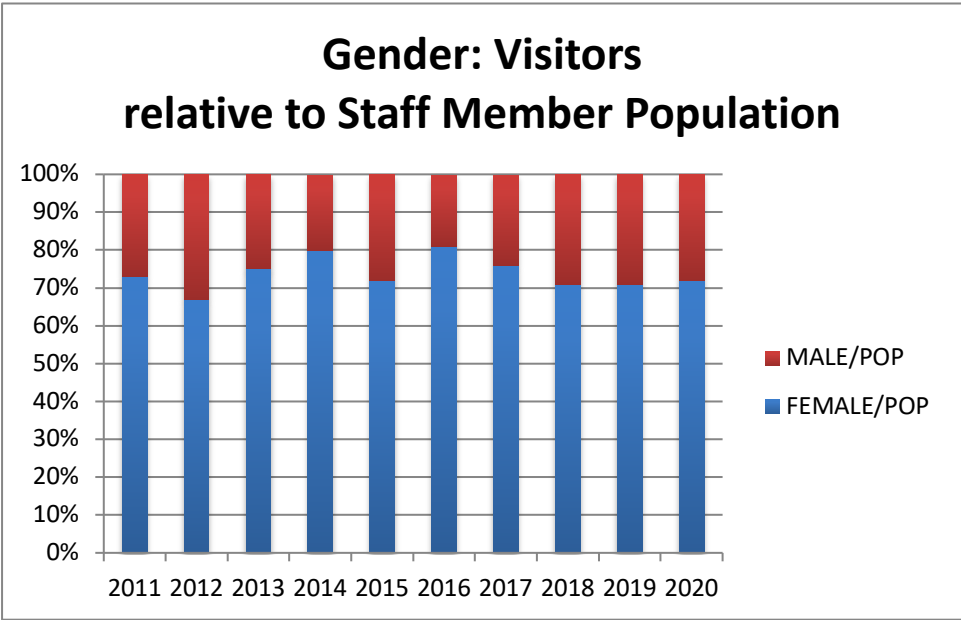


Fig.6: Gender distribution relative to CERN Staff Member population - period 2011-2020

5.3] Profile of Visitors - Conclusion

In normal times most visitors prefer to meet personally in the Ombud Office. This year the pandemic has left staff at home for several months, leading to less interpersonal conflicts. Having to meet the Ombud by teleconference rather than in person in the office could also have raised the threshold to contact him.

Staff Members visitors represented 1.21% of the total number of Staff Members, a figure that is rather on the lower side since the creation of this Office. A comparative study conducted in 2020 among 14 organisations worldwide from the private and public sector shows that the contact rate varies between 0.9% and 18%. The CERN figure is also on the low side compared to other International Organizations in the area, where the lowest average is at 4% of staff.

The numbers of Fellows & Students contacting the Ombud have clearly dropped since 2017. This may be put in perspective with the many internal initiatives and special actions aimed at this specific population.

The relative number of female visitors continues to be significant and represents colleagues from all categories of personnel – Staff Members, Fellows, Students and Users. Again, the question raised in previous years as to whether or not the CERN culture is fully supportive to women remains open, and some effort to educate colleagues as to evolving expectations of behaviour across genders in support of the Code of Conduct is highly recommended.

6] Issues raised with the Ombud in 2020

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 2020 can be categorised as shown in Figure 7 below.

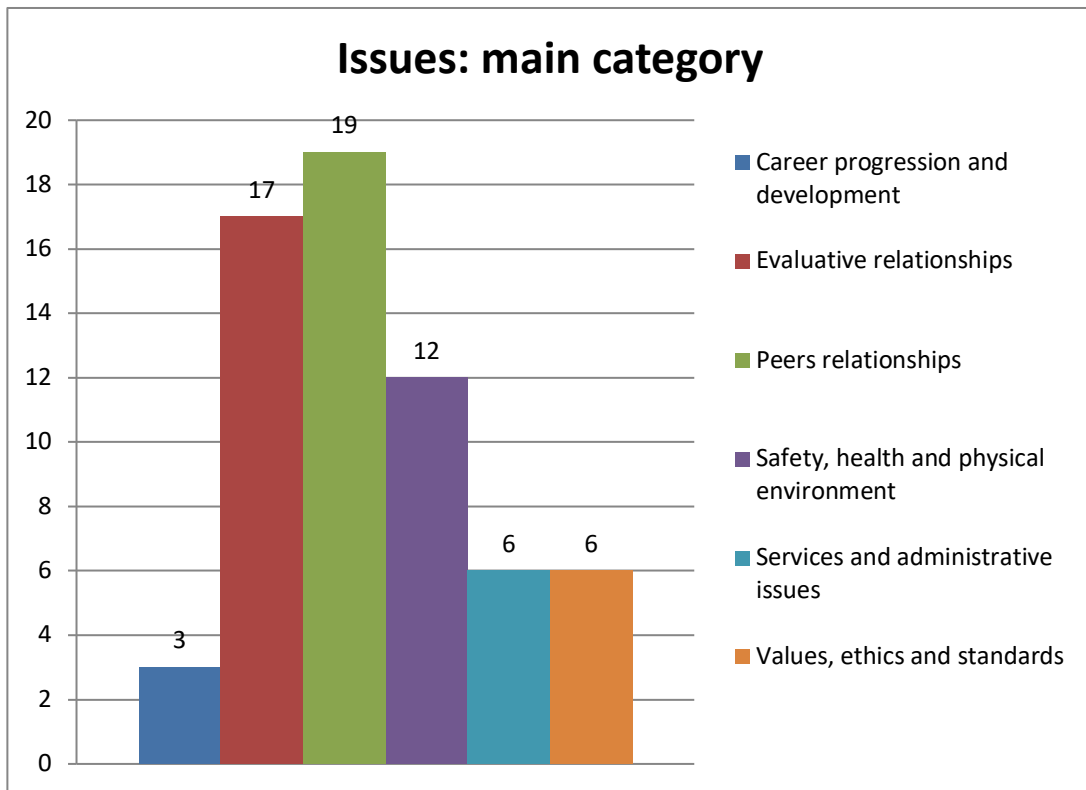


Fig. 7

There has been a significant drop in the number of Evaluative relationships issues (17 cases compared to 31 in the previous year), while the number of Peers relationship issues raised from 13 to 19. The third category Safety, health and physical environment is comparable to previous year. Value, ethics and standards also is comparable to the level of 2019. Organization & Strategy, Compensation & Benefits and Law, regulations, finance and compliance remain out of the picture since 2015-2016.

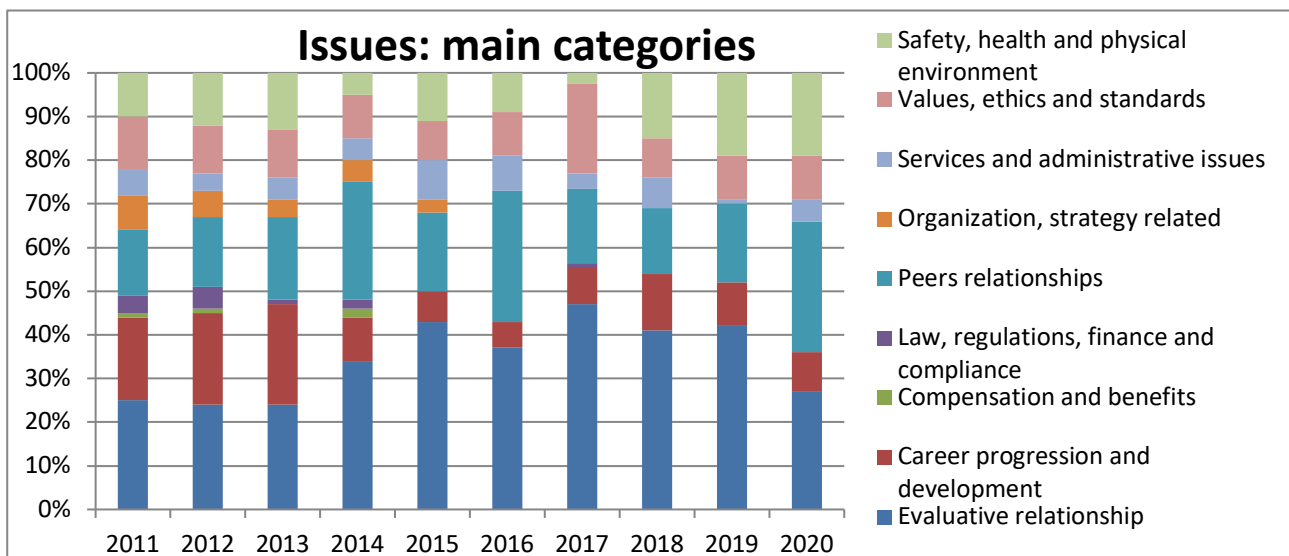


Fig. 8: Proportion of issues by category - period 2011-2020

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] Peer relationships: 19 issues

Figure 10 shows that the two main issue within this category were related to Respect and treatment, and Communication. There were among other topics a few altercations between colleagues following non-respect of the Covid safety rules.

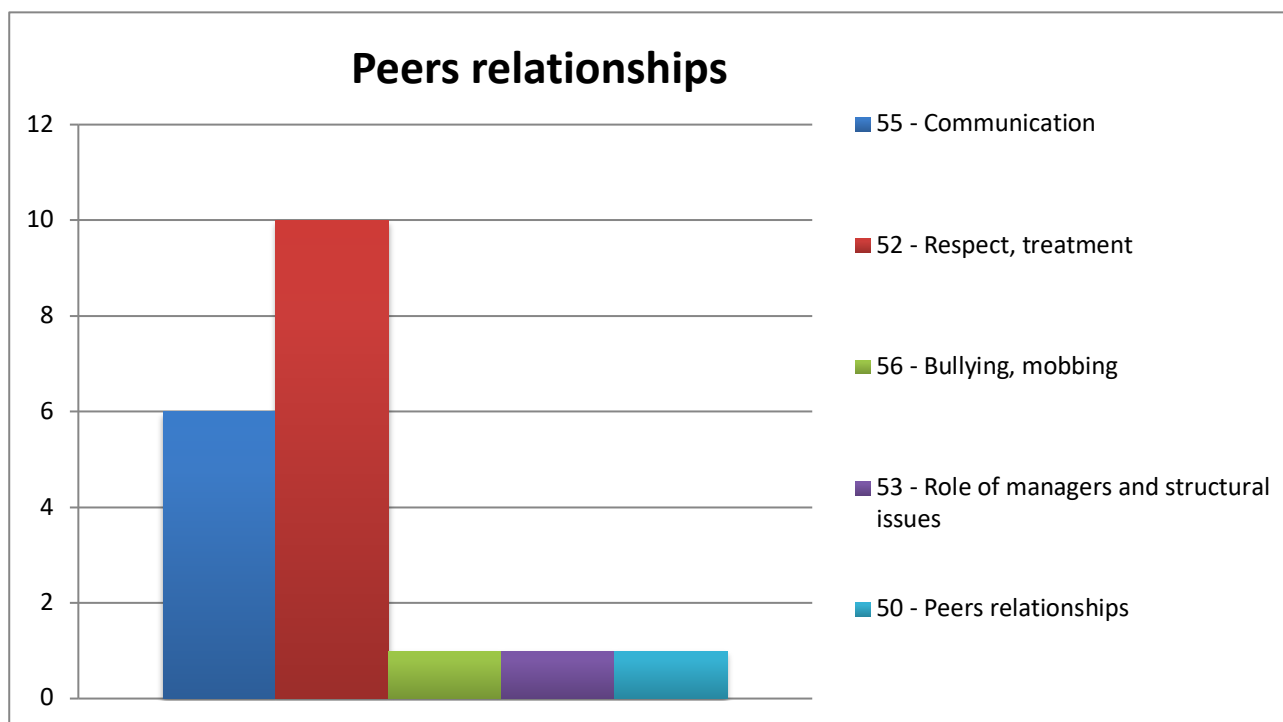


Fig. 10

6.2] Evaluative relationships: 17 issues

Figure 9 shows that the two main issues within this category were related to Respect and treatment, due to lack of consideration or lack of trust, and Assignments & schedule.

There were also a few cases of perceived lack of Supervisory effectiveness.

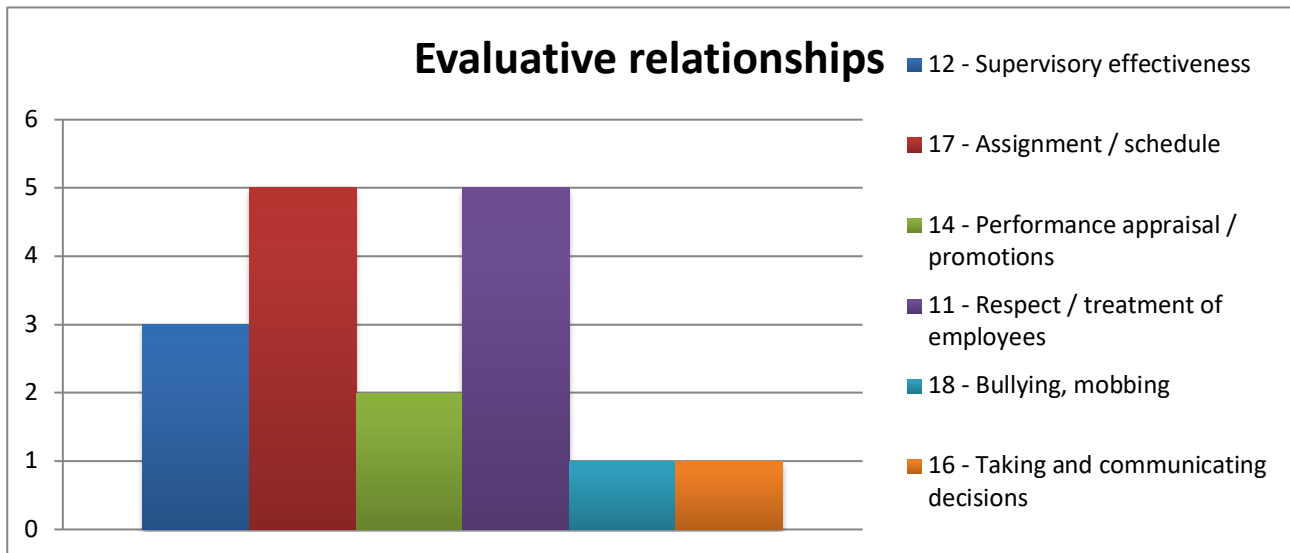
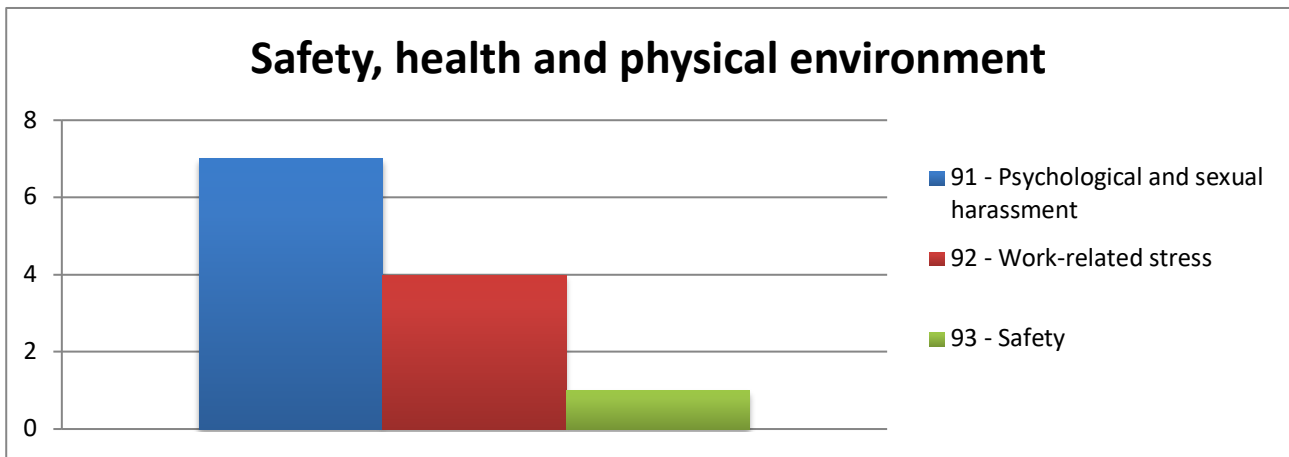


Fig.9

6.3] Safety, health and physical environment: 12 issues

Out of the 12 issues only one was related to physical safety, i.e. the pandemic situation. Four cases were related to work related stress. All the seven cases of Psychological and sexual harassment (one man and six women) were all associated with sexism and sexual harassment.



6.4] Services and administrative issues: 6 issues

These cases mainly were related to the contractual policy or entitlement to benefits.

6.5] Values, ethics and standards: 6 issues

The cases were mainly related to aspects of diversity or conflicts of interest.

6.6] Career progression and development: 3 issues

There were two cases of contractual policy and one case of forced internal mobility.

7] Outcomes to issues raised in 2020

Figure 11 below shows the distribution of outcomes for the cases brought to the Ombud's office in 2020:

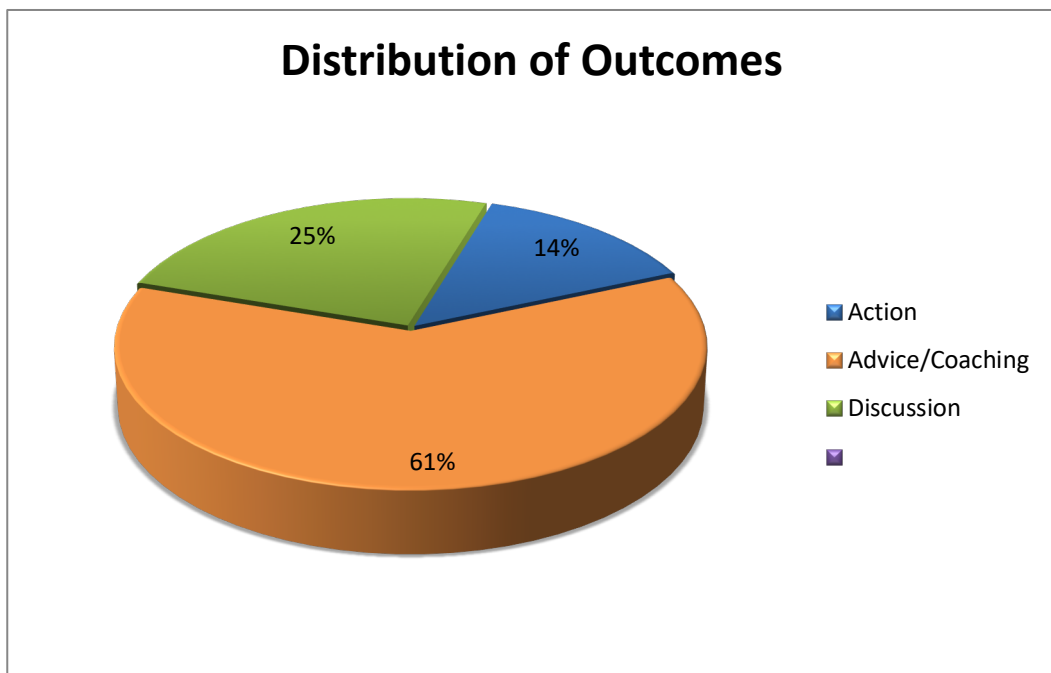


Fig. 11

61% of the outcomes were reached through advice or coaching. This entailed listening to the visitors’ concerns, and helping them to identify the outcome they sought. Once that had been clarified, it involved guiding them through a series of questions to identify the various options of action that could help them to reach their objectives. In several cases, in addition, it involved some situational coaching, in particular with regard to how to communicate with their interlocutor. 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

In a quarter of the cases the visitor just needed to be listened to, without any particular expectation for advice or actions. In these cases, visitors either just needed to get something off their chest, or wanted the Organization to be aware of a particular situation, often to prevent it happening to other people.

Actions involved asking information on behalf of the visitor in order to keep the anonymity, or contacting other persons involved in the issue, in agreement with the visitor.

Most of the cases brought to the Ombud’s Office in 2020 have been resolved or closed, with a few carried over into 2021.

8] Additional Ombud Activities

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

8.1] The Ombud's Corner.

A total of 21 articles were published in the 'Ombud's Corner' section of the CERN Bulletin in 2020, covering a range of themes representing the various types of issues brought to the Ombuds Office and presented through anonymised 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 ranged across issues related to communication, diversity, harassment, equal treatment, respect or supervisory effectiveness.

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

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

8.2] Promoting the Ombuds Office at CERN

The Ombud continues to contribute to the CERN On-boarding programme for new members of personnel. On top of these regular presentations, the Ombud was invited on "ad hoc" meetings in the collaborations, e.g. in ATLAS. After a presentation to the Enlarged Directorate and to TREF, The Ombud presented the Annual Report in the Group leaders' meetings of every department. The Ombud is also available, on invitation, to present the role and facilitate discussions around the typical workplace conflict situations that arise during management, staff and collaboration meetings, as appropriate.

8.3] Training, conferences and networking

Due to the pandemic, no training was followed, but the networking continued intensively via teleconferencing.

- Regular meetings of the UNARIO Network, a worldwide group including ombudspersons from intergovernmental organisations.

- Monthly meetings with the Ombud network of Geneva based international organizations. These meetings provide a critical resource to this community and a regular opportunity for its members to share experience and benefit from each other' perspective on the challenges they face.
- A new network was set up among the Ombuds of the Eiroforum, with meetings every three months.

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

The following observations are based on the main issues reported to the Ombud Office in 2020:

Preliminary remarks:

The number of visitors to the Ombud represent between 0.9% and 1.8% of the corresponding population, depending on the category. This figure is, on itself, statistically not high enough to extrapolate and draw general conclusions. The experience of the Ombud may in some aspects look different to the practice reported by other support services. Therefore, it is important to cross-compare with findings of other support services, and over a longer period, to identify some trends.

I will be stepping down as CERN Ombud at the end of June 2021, after four years in the role. My observations set out below reflect not only the past year but also my general view of what I have experienced during my term of office.

2020 was of course marred by the two waves of the pandemic. As a result, the problems people experienced shifted away from the interpersonal towards the personal - stress at having to combine work and family life at home, solitude, lack of contact with colleagues, limited leisure options, anxiety in the face of the global crisis and general doubts about our way of life.

Formal complaints procedures

One of the aims of the Ombud's work is to defuse conflicts and prevent them becoming formal complaints. But it is impossible to over-state the importance of these formal procedures when all other resolution mechanisms by informal means have been exhausted, because they are an essential means of protecting personnel from situations of abuse. CERN has mechanisms that work, thanks to the professionalism of the members of the various bodies, including the HIP (Harassment Investigation Panel). Awareness of the existence of the HIP improved in 2020, thanks among other things to its enhanced visibility on the HR department's website. Cases must continue to be handled with optimal speed and transparency.

It is also important that any disciplinary procedures that arise afterwards are conducted with diligence. If this does not happen, victims get the impression that the Organization is no longer interested in their case. That is a great shame, given the considerable efforts invested in the investigation process and the formulation of an opinion, not to mention the involvement of the support services upstream.

CERN's policy is to decouple the HIP investigation phase from any disciplinary procedure that might follow. The person who filed the harassment complaint is informed of the decision taken by the Director-General based on the opinion formulated by the HIP. The disciplinary procedure, if any, on the other hand, is deemed to be a matter between the Organization and the perpetrator of the harassment. The victim is only informed about the decision to proceed with a disciplinary process, but is then no longer considered to be a party, and is not informed of the outcome of the procedure. This policy has the merit of depersonalising the proceedings, but it does maintain a form of frustration for the victim. In all democratic societies, decisions of justice are made public. This contributes to the feeling that justice has been done, and victims obtain closure with respect to their ordeal and can get on with their lives.

How could CERN reconsider the policy so that the victim can also be personally and directly informed of the disciplinary measures taken against the perpetrator?

Role of the line manager.

One constant in all Ombud's office reports, whether at CERN or elsewhere, is the role played by the team leader and the expectations of the team members. Wherever this question arises, relations with the line management are always the number-one source of conflict. Does that mean our managers are not up to scratch? Certainly not. The vast majority of supervisors fulfil their supervisory tasks with application and dedication. But there can be no denying that it is probably one of the hardest jobs going, especially as few schools and universities, if any, prepare their students for these responsibilities. In most cases, people learn it on the job, with varying degrees of assistance from senior colleagues, and more through trial and error than through training. The younger generations don't expect their bosses to explain how things have always and must therefore continue to be done. Rather, managers are expected to play the role of mentor and bring their supervisees' full potential to the surface by getting them to solve problems for themselves without necessarily having any prior knowledge. To start with, a good

manager must be someone who likes managing teams, rather than someone who accepts the role against their better judgement so as to further their career, as sometimes happens. The manager defines general objectives in line with the Organization's priorities and trusts colleagues to do the work in the field. Because they, and not the boss, are the ones with the expertise. The team leader needs to have good overall knowledge and be capable of asking the right questions. People expect their boss to lead by example - for instance, someone who insists that everyone arrives at work on time and then arrives late loses all credibility.

Managers will be esteemed if they can take decisions - even the least palatable ones - in an even-handed way, based on equitable, transparent considerations. They should be capable of adjusting where needed, of acknowledging successes and of motivating their team. It's not the best engineer who becomes the leader, but the person who combines technical prowess with a human touch and natural authority.

It goes without saying that such people are not found on every street corner. In fact, they are something of a rarity.

Those who are promoted to the position of supervisor also need the support and guidance of their own supervisor. They look for a role model, and who better for that than their own manager?

How can CERN ensure to systematically give an even weight to the human qualities in the selection of team supervisors, whether it is through external recruitment or internal promotion?

And how can experienced managers keep at all times in their mind their role as model for supervisees leading their own teams?

Sexism, sexual harassment and discrimination towards women

Generally speaking, sexism, sexual harassment and discrimination towards women are especially prevalent in scientific and academic organisations like CERN. The fact that several key posts, including ones in upper management and governance echelons, are occupied by women is a step in the right direction but, on its own, this is not enough to eradicate the problem. Although the staff surveys conducted in 2019 gave no grounds to state that CERN has a systemic problem, it is unlikely to be an exception to the rule. The problem very probably lies beneath the surface. That wouldn't be a surprise, given the reluctance of victims to express themselves on the subject, even with anonymity. The first priority is to protect and assist the victims. Beyond that, it would be desirable to evaluate the risk posed to the Organization by sexism, sexual harassment and discrimination towards women. A forward-looking evaluation like this would be a healthy way for CERN to put into practice the principle of inclusiveness that was again placed among the five priorities by the Director-General in her presentation on 18 January 2021. CERN aspires to be exemplary in several areas, some beyond the confines of science.

How can CERN face up to this problem and take appropriate actions to position the Organization as an example to others, strengthening its prestige and enhancing its attractiveness further still?

Users.

As the Director-General once again underlined in her presentation on 18 January 2021, the users community plays a key role in our Organization and research activities. And users have CERN's support services at their full disposal. Nevertheless, they do sometimes feel excluded, as was the case in 2019 when they were left out of the staff survey. Some, especially the younger ones, find themselves in a precarious financial position, far from home, and struggling to overcome cultural differences. It's not uncommon for them to be confronted with intense competition in-house, and their CERN project often represents a once-in-a-lifetime opportunity in which they must succeed at all costs. Some put themselves under pressure at the limit of the acceptable - and sometimes even beyond. As a result, they are especially vulnerable to situations of stress, harassment and abuse of authority.

How can CERN, as a host organisation to Users, continue to ensure the support they need to take full advantage of their time at CERN and make their projects a success?

Nationality diversity.

CERN has 23 Member States and six Associate Member States. Despite this, some units inside the Organization have an over-representation of a particular nationality. This is often the result of recruitment and internal transfer practices over many years, where the unit head's nationality has played a preponderant role. The system has simply replicated itself over the time without ever really being called into question. Some conflicts that were brought to the Ombud's office were exacerbated by this kind of national monopoly, which detracts from the integration and professional fulfilment of people of other nationalities.

How to do away with such national preserves, wherever they exist, so as to instil a healthy degree of diversity across the whole Organization?

Consensual relationships in the workplace.

The workplace is well known for being an environment conducive to the formation of romantic connections, at least outside periods of lockdown! We cannot control who we fall in love with, and sometimes Cupid strikes two people inside the same team. This might be wonderful for the love-birds in question but it can be very uncomfortable for the other team members, especially if the relationship is not openly declared from the start. The situation gets even more difficult when a hierarchical relationship exists between the lovers. A few tricky situations involving consensual relationships between two members of the same team were brought to the Ombud's attention in 2020. Unlike some other organisations, CERN does not have a policy on this matter.

To which extend could the Organization envisage introducing such a policy, so as to pre-empt embarrassing situations that end up hurting the couples concerned?

Experience-sharing among support services.

CERN has numerous support services, including the HR department, the Staff Association, the Medical Service, the psychologist, the Social Affairs service, the HIP, the line management and the Ombud. For reasons of confidentiality, these services are unable to share information on individual cases. Ever since it was created, the Ombud's office has kept statistics on the cases submitted and produced an anonymised annual report. The Staff Association also keeps statistics, notably from the Individual Cases Commission. The Ombud has meetings from time to time, always on an anonymous basis, with the psychologists, the Medical Service, the Staff Association and the HR advisers. It would be useful if the other support services could establish systematic statistics too, so that allow emerging trends can be identified more reliably.

How can the support services strengthen their collaboration so as to better identify systemic issues, enabling the Organization to work on the relevant priorities?

10] Conclusion

All of the support services at CERN help to make working relationships more harmonious. Each service has its specificities, the one of the Ombud lies in the unique combination of confidentiality, independence, neutrality and informality. The Ombud appears to be the go-to place for staff members seeking help with interpersonal conflicts or with perceived unfair treatment. Since ten years it has more than once prevented a formal internal complaint, or even recourse to external means, including the social networks despite their very low threshold. The Ombuds Office is therefore beneficial for both the individuals and the Organization. This is why maintaining high standards for the function and the uncompromising quality of its incumbent remain essential for the smooth running of the Organization.

On the occasion of this latest report, I would like to reiterate my thanks to the Organization for the confidence it has placed in me, and wish my successor every success!

APPENDIX I: Classification of issues along the International Ombudman Association

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