



CERN ombud

12th Annual Report

Reference: DG-OO/23-01
Period covered: 1 January 2022 to 31 December 2022
Author: Laure Esteveny
Date: 23 February 2023

A blue ink signature of Laure Esteveny, written in a cursive style.

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Executive summary

This annual report of the CERN's Ombud for 2022 exists in two versions. The present version provides a comprehensive report of all Ombud's activities, shares insights gained from this practice and proposes remedial actions to concerns. A concise version¹ is also available, in PowerPoint format which outlines the essential points for the reader.

The CERN Ombud offers a safe space where CERN Community members share concerns on the basis of a person to person confidentiality agreement and without fear of being judged or of triggering any process. It is a unique informal response channel to members in need of support.

Ombuds are change agents when they help promulgate good practices and help mitigate bad practices. This includes advocating for fair processes, getting the information where it needs to be, inform policy developments ex officio, identify and report trends and patterns. This his annual report is written in this spirit.

In 2022 the Ombud's Office received 151 visitors which is a 51% increase compared to 2021. In my view, the main reason for this increase is active communication on the role of the Ombud, and the support of management in CERN's departments and the scientific collaborations to raise awareness on the role.

For the first time since the creation of the Ombud role, I conducted a survey to measure how the expectations of visitors are met. 78% of the respondents consider that the discussion with the Ombud positively impacted the issue of concern that they had raised. 95% of the respondents would recommend to a colleague to contact the Ombud to discuss a challenging situation. The testimonies received show that this response channel provided by CERN as employer and as Host laboratory is much appreciated.

The visitors demographics remain stable, a part from the age distribution. The number of young visitors in the age between 25 and 30 has doubled.

Only 11% of visitors have authorized the Ombud to take action (contact the supervisor, or another person, or a service, or organize mediation). This is slightly less than in 2021, which shows that fear of negative consequences and a feeling of pointlessness are still prevailing, preventing recourse to informal dispute resolution. Still, 4 mediations were conducted in 2022, while none had taken place in 2020 and 2021. Managers could help to promote this very effective tool for dispute resolution.

As in previous years, issues with the hierarchy or in the relationships with peers and colleagues remain the main category of issues raised, with 59% of a total of 205 issues. Career progression and development issues come next this year, with 12%. Looking at data from the angle of registered genders, the top issues reported by female colleagues are different from those reported by male colleagues and relate more to lack of respect and diversity.

Most concerns expressed in the annual report 2021 were reflected again in 2022 by the visitors and 6 concerns have surfaced this year in the area of the key roles of managers and the hierarchy, managing careers, preserving and enhancing CERN's reputation and trust in the overall management and

¹ <https://cds.cern.ch/collection/CERN%20Ombud?ln=en>

governance. Altogether these 20 concerns have been raised by 251 members² of the CERN community during 2021-2022.

This report proposes some remedial actions to these concerns. Although they don't have the prescriptive character of audit recommendations, they deserve attention and a discussion. The Ombud is fully available at any time to provide information on the systemic trends observed, while preserving the full anonymity of the individual cases.

The support of very active professional networks has proven, this year again, its value for the Ombud, and, through the Ombud, to the community served. In particular, following the International conference of UNARIO³ Ombud hosted by WIPO in April 2022, working groups were set up on 5 topical issues, which are delivering real value.

The publication of an article on the societal phenomenon of "Quiet quitting" raised significant feedback, both positive and negative. This gave place to very useful discussions with the visitors, which shows that a space for holding such debates at CERN would be beneficial.

"Excellence first!" is one of CERN's mottos and one that my visitors are proud about. To develop its full power and benefits, excellence needs respect and the full embrace of the CERN values. Indeed, the actual compliance to CERN's values and the CERN Code of Conduct, by all contributors, by management at all levels, in the Organization's processes, and an increased recourse to informal dispute resolution might go a long way to improve the work environment and allow all contributors to give their best for the achievement of CERN's goals.

² 100 in 2021 and 151 in 2022

³ UNARIO is the network of Ombuds in UN Agencies and Related Organizations

Introduction

This is the 12th annual report from the Ombud's Office, provided for in the Ombud's mandate⁴, and covering the period 1 January 2022 to 31 December 2022. It is intended to give comprehensive information to the attentive reader. A second version of this report is available in a PowerPoint format for the reader who is in a hurry to get the main points across first. Both versions are available to all CERN Members of Personnel, from the Ombud's web site, and from the CERN Document Server⁵.

It is important to stress that the Ombud has been granted full independence by the Director-General to fulfil her mandate in 2022, as in all prior years since the role was created⁶.

The main function of the Ombud is to provide a zero-barrier, informal, independent, neutral and confidential channel for all members of the Personnel as well as everyone working on behalf of CERN, to express the concerns which impact them at the workplace. It is one of the 7 response channels⁷ offered by CERN to discuss misconduct and other interpersonal issues. Annex A recalls the mandate and working principles of the CERN Ombud.

This report first presents the **demographics of the population** who visited the Ombud's Office in 2022, **151 persons**, totaling **207 visits**.

A common point between all visitors is that a) they have been suffering from the issue they are facing for some time and don't feel truly listened to b) they have sought support elsewhere but their situation has not evolved and c) they fear negative consequences if they ask the Ombud to intervene. This gives special density and depth to the issues shared with the Ombud.

For the first time the Ombud used a feedback form to measure the extent to which the expectations of visitors are met. The section **Feedback** presents the results of this exercise.

The third section of this report presents an **analysis of the 205 issues** which were raised. The CERN Ombud uses the classification of reported issues proposed by the International Ombuds Association⁸ (IOA), in order to follow trends and systemic issues across the years and to allow the comparison of data with peer organizations, when such data is available.

In addition to the support to visitors, the Ombud invests significant time in other baseline activities: a) **training, development and networking** with peer professionals b) nurturing the relationships with **internal stakeholders** and c), as specified in the Ombud's mandate, **internal communication** on the role of the Ombud and guidance for applying the Code of Conduct. In addition to these baseline activities, the Ombud worked on **several special projects**. The fourth section of this report presents these other endeavors.

The combination of all activities of the Ombud allows him/her to make observations and provide insights to the reader and, in particular, to those who are in a position to make or influence change

⁴ Extract from the Ombud's mandate, CCP-2010/15/Rev.1, 16 December 2010

⁵ <https://cds.cern.ch/collection/CERN%20Ombud?ln=en>

⁶ See former annual reports of CERN Ombuds at <https://cds.cern.ch/collection/CERN%20Ombud?ln=en>

⁷ [https://cds.cern.ch/record/2725731/files/Inappropriate%20Behaviour%20and%20harassment-%201-pager%20\(Ver%2025%20Feb%2020%20HR%20page\).jpg](https://cds.cern.ch/record/2725731/files/Inappropriate%20Behaviour%20and%20harassment-%201-pager%20(Ver%2025%20Feb%2020%20HR%20page).jpg)

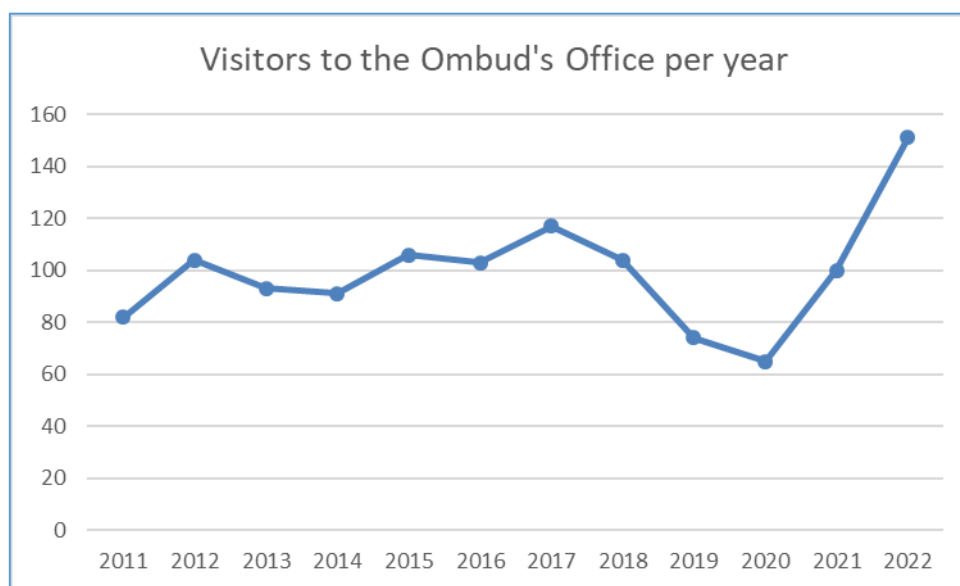
⁸ <https://www.ombudsassociation.org/>

i.e. the management at all levels. **These observations and insights** are laid out in the fifth section of this report.

Beyond raising concerns, the Ombud is in a position to propose practical actions which could improve the overall working environment and allow all members of the community to contribute optimally to the objectives of the Organisation. These **proposed remedial actions** may be found in the sixth section of this report.

Finally the report gives a few **conclusions and an outlook** of the Ombud's activities in the year 2023.

Visitors demographics



In 2022, **151 members of the CERN Community** have visited the Ombud's Office, totaling **207 visits**. This represents a 51% increase in the number of visitors, compared to 2021.

These visitors raised **205 different issues**, 31% of the visitors raised more than one issue. See Annex B for an explanation of the various terms used in this report.

The total number of visitors represents **2.7% of the reference population**⁹. In comparison, a survey published in January 2021¹⁰, to which the Ombuds of 14 different organizations from the public and private sectors in Europe contributed, states an average of 2.3% of the served population.

While considering the number of visitors, one must take into account two realities: a) no one comes to see the Ombud on an impulse. There is a great deal of thinking and hesitation before. Often my visitors say: "it is the last place I try", b) the issues they raise are of significant concern and I witness a great deal of suffering during the discussions.

Therefore one should keep in mind that the Ombud receives those issues that have not surfaced by any other channels, or have not found resolution, and which impact the visitors in a significantly negative way.

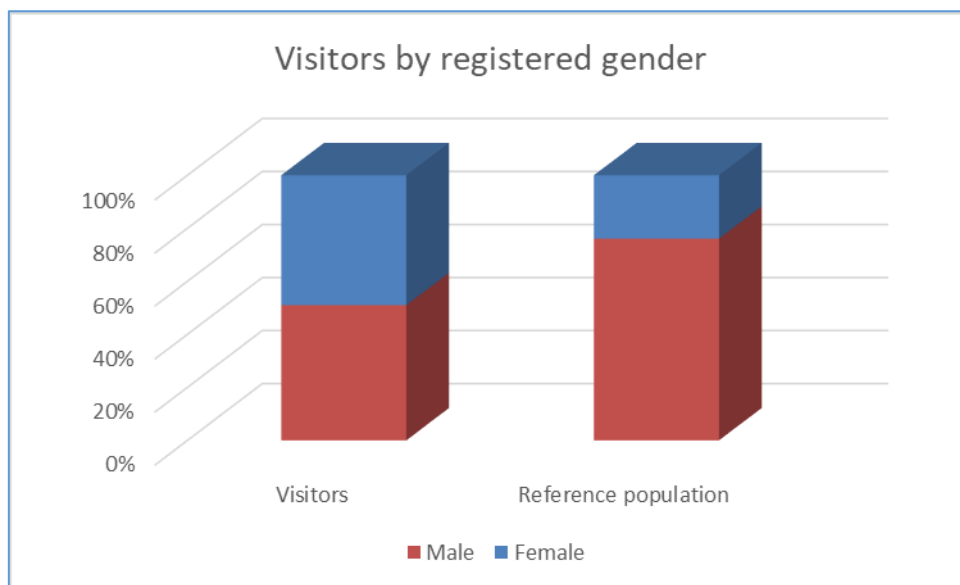
Although some Ombuds' reports of international organizations are public, benchmarking data is not straightforwardly available. There is an ongoing initiative within the UNARIO Ombuds network¹¹ to improve the benchmarking of relevant data.

⁹ Defined in Annex B

¹⁰ Reference to COOR survey

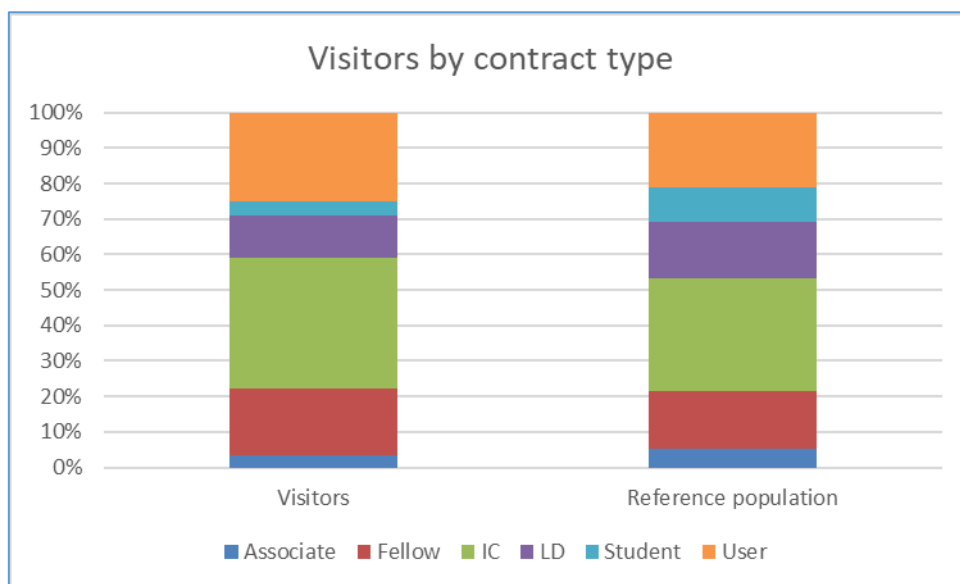
¹¹ Network of Ombuds in the UN agencies and related organizations

VISITORS DEMOGRAPHICS



49% of visitors are female. Considering the gender distribution of the reference population, at the end of the year 2022, female visitors were over represented by a factor of 2.

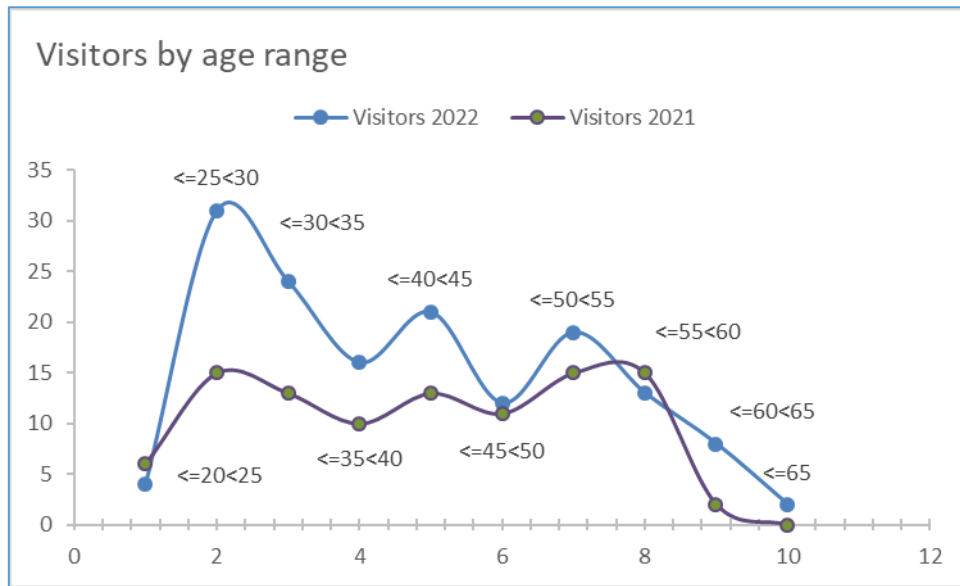
It is important to note that these figures are based on the gender which is registered at CERN upon presentation of an ID document and not on self reported gender. CERN, so far, does not register self reported gender. I would like to underline that the Ombud serves the whole CERN community and all genders – including non binary genders - are welcome in the Ombud’s Office.



64% of all visitors are employed members of personnel (staff and fellows). Within this population, the majority (35%) are staff holding an indefinite contract (IC) . Notably, 24% of visitors are holders of a USER contract – later referred to as Users - which represents a 6% increase compared to 2021.

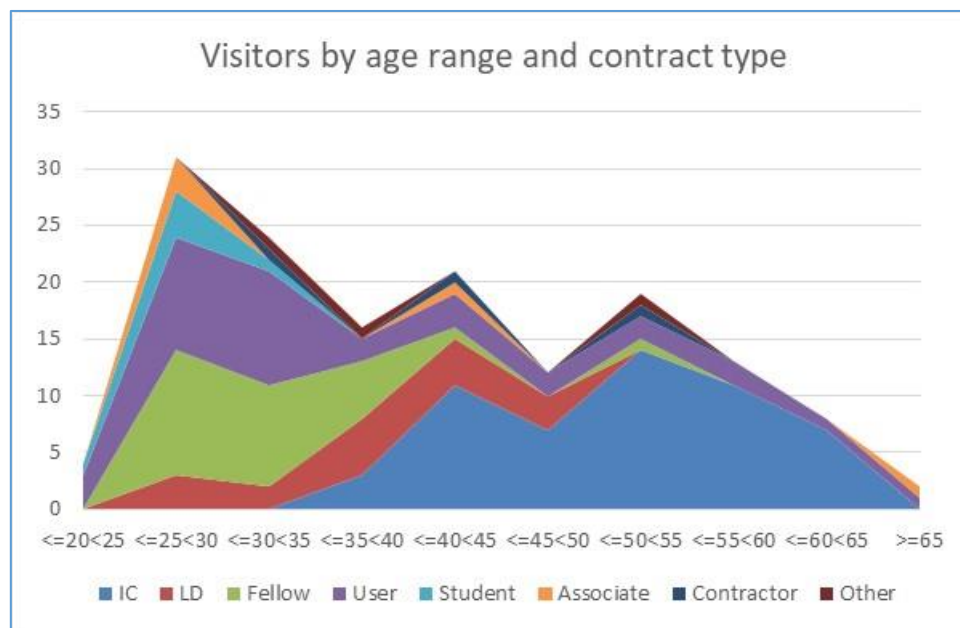
Compared to the distribution by contract type in the reference population, these latter two categories, IC and Users are slightly over represented .

VISITORS DEMOGRAPHICS

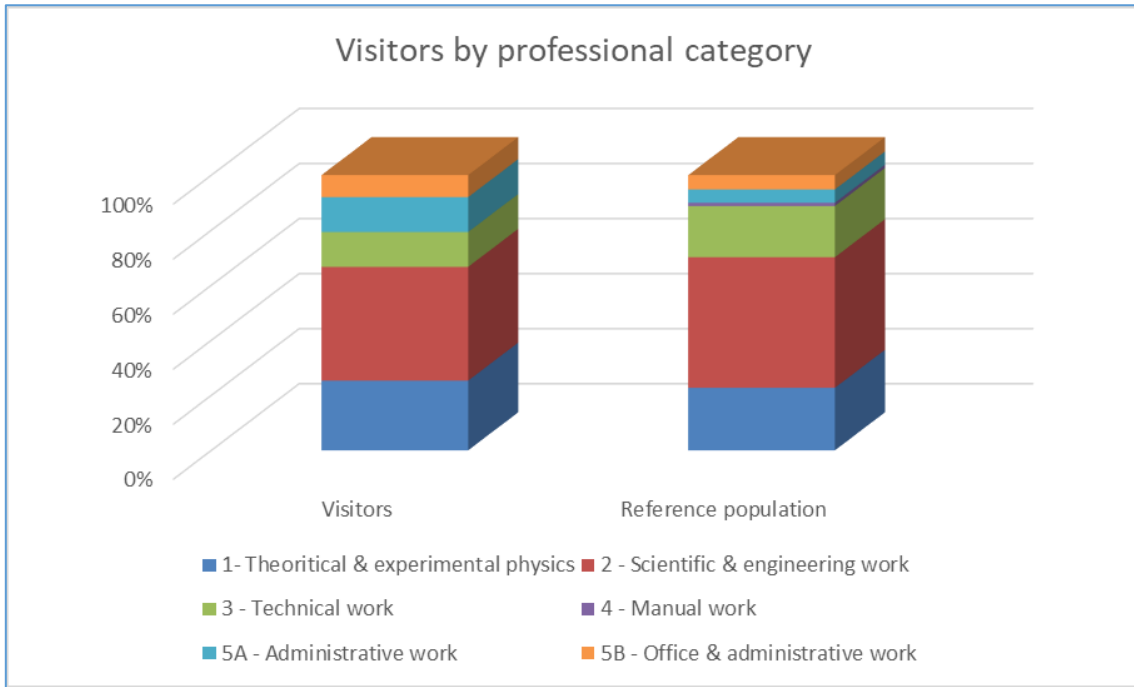


The age distribution of visitors has changed markedly from 2021 to 2022. This year, there was a significant peak of visitors between 25 and 30 years of age, with a 100% increase.

The graph below shows the type of contract by age range, as a reminder that the problems shared by visitors are very much impacted by the nature of their contract with CERN.

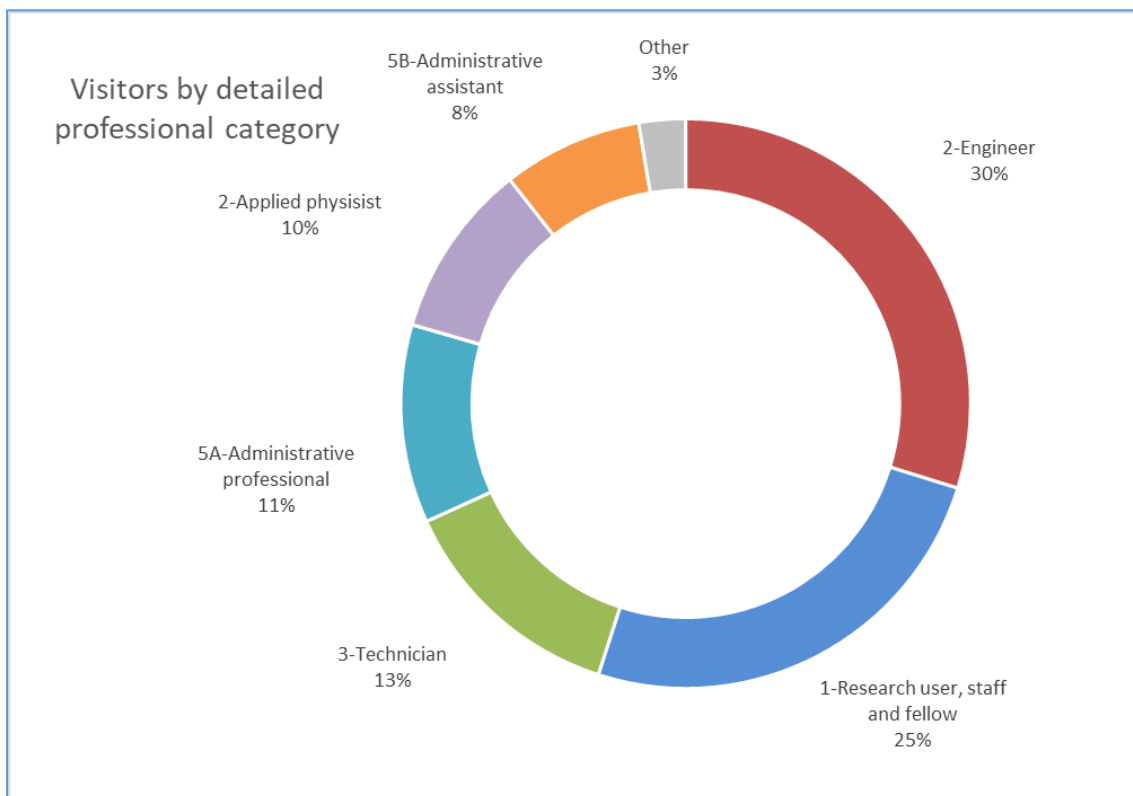


VISITORS DEMOGRAPHICS



54% of all visitors are engineers or technicians, while 25% are researchers. In relation to the distribution by professional category of the reference population, engineers and technicians visit the Ombud's Office less, while colleagues in professional category 5A are slightly over represented.

In addition to professional category, the Ombud uses a more detailed classification based on a combination of professional category and benchmark job. The graph below shows the corresponding distribution of visitors.



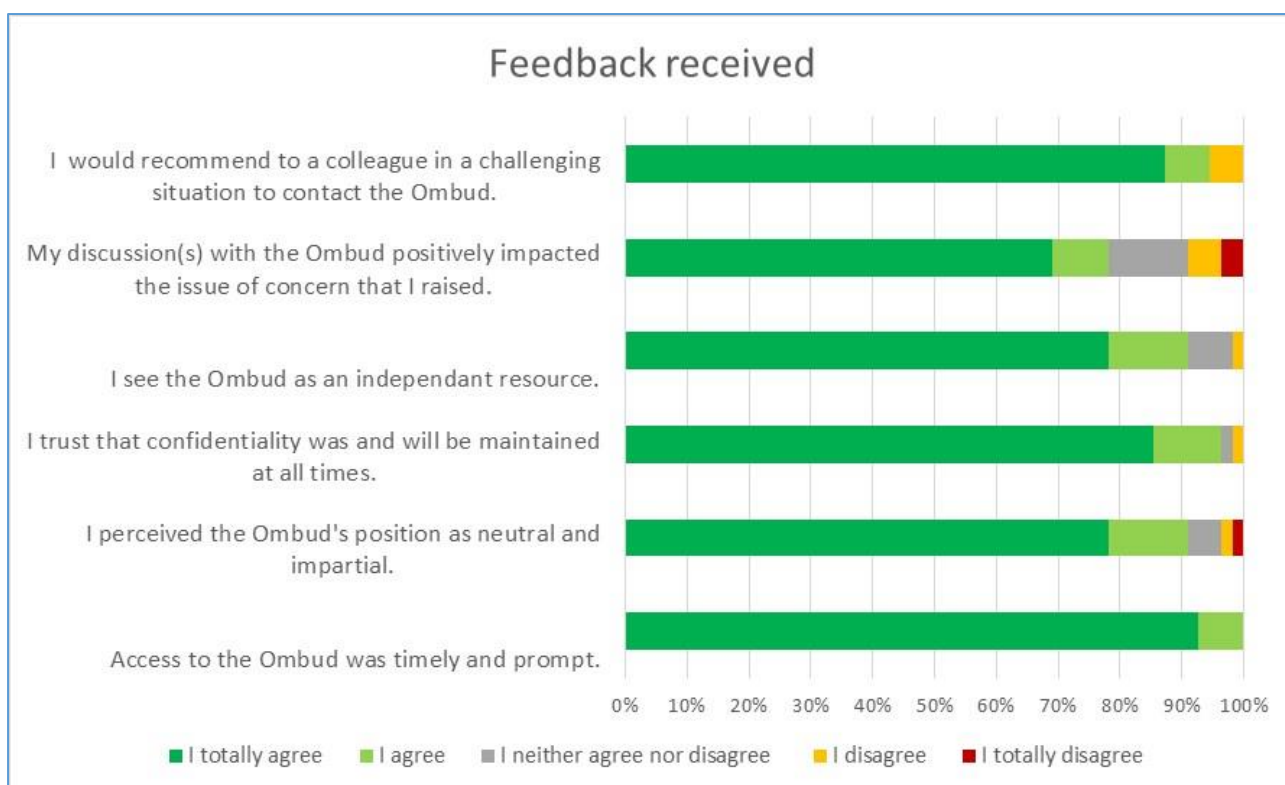
Visitors' feedback

For the first time since the creation of the role at CERN in 2011, the Ombud collected feedback. An online form was sent to 111 visitors in 2022 by email. I used the CERN recommended tool for surveys, LimeSurvey¹², and the feedback was provided fully anonymously. The bulk of invitations to fill in the survey was sent on 16 November 2022. After that, feedback forms were sent around two to three weeks after the visit to the Ombud. See Annex C for a snapshot of the survey and a list of the questions asked.

The response rate (percentage of full responses received) is 50% and the key findings are:

- 95% would recommend a colleague to contact the Ombud to discuss a challenging situation.
- 91% trust that the key working principles of the Ombud, .i.e. confidentiality, independence and impartiality, are respected.
- 78% consider that the discussion with the Ombud positively impacted the issue of concern that they had raised. It is important to recall here that the Ombud will not take any action without clear authorization from the visitor.

In addition to responding to 6 questions, the visitors were invited to leave a message or a testimony, in free format. The messages left by respondents show that the visitors appreciate the Ombud as a resource made available to the CERN community by CERN as employer and Host Laboratory.

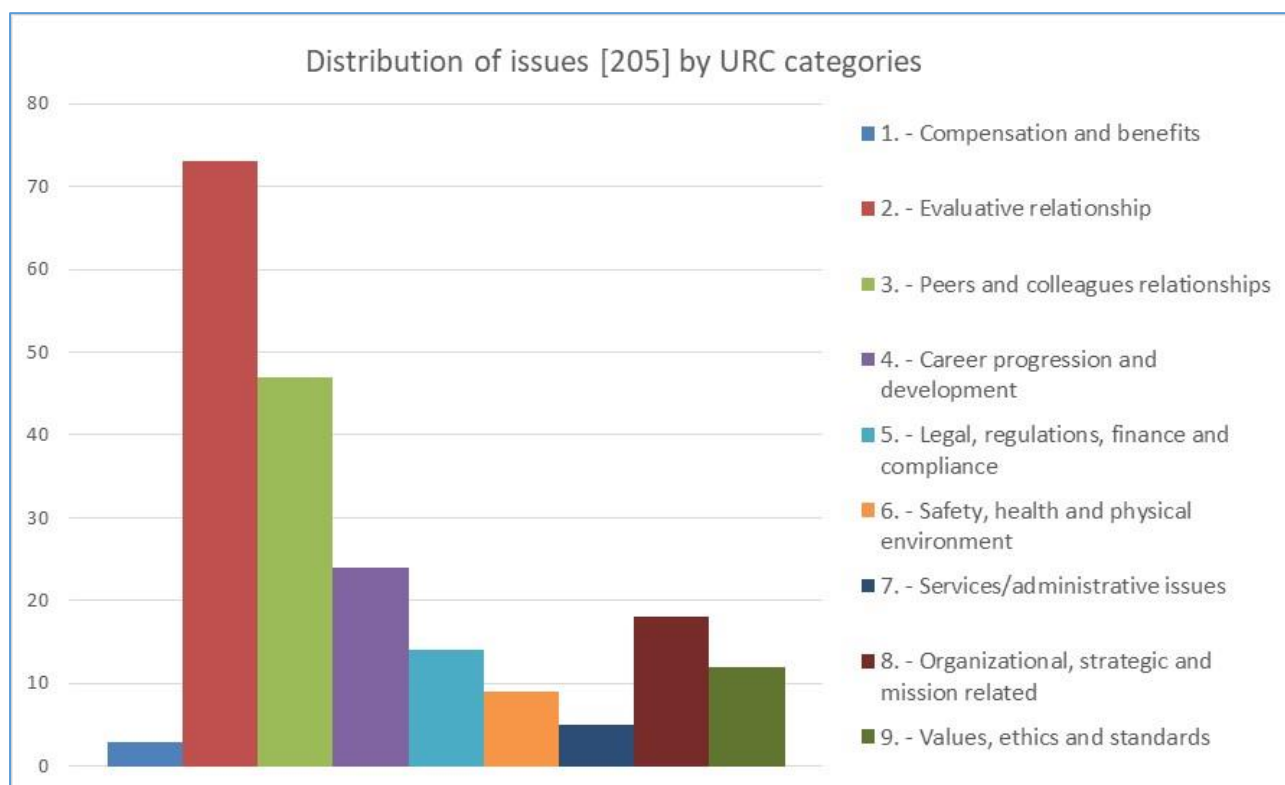


¹² See <https://limesurvey.web.cern.ch/>

Analysis of issues raised

General overview and trends

205 issues were raised by visitors. They are classified according to the Uniform Reporting Categories (URC) classification proposed by the International Ombuds Associations (IOA) and used by most international organizations.



205 issues raised by 151 visitors

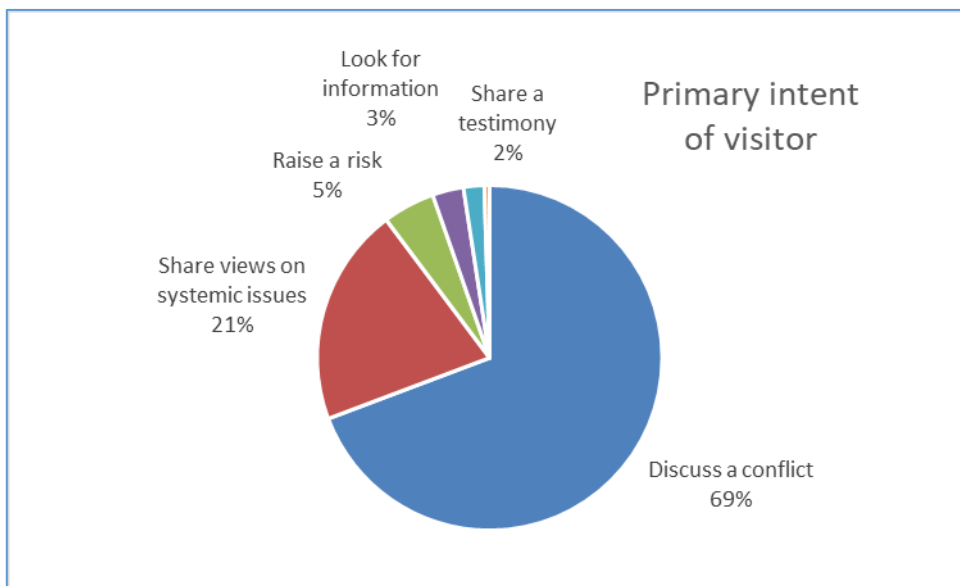
In 2022, 36% of the issues reported are difficulties in relationships with the hierarchy. The term *hierarchy* includes here organizational hierarchy and project hierarchy. It also includes hierarchy within a Scientific Collaboration, which might be rather complex (working groups, systems etc.). 23% of issues concern difficulties in relationships with peers and colleagues.

Annex E shows the evolution of the relative importance of each category over the past 10 years (2012-2022). It demonstrates that evaluative relationships¹³, as well as relationships with peers and colleagues, are the main concerns shared with the Ombud consistently over the period. This is to be expected as the resolution of interpersonal conflicts is the core of the Ombud's mandate. Similar trends are observed in peer organizations.

The **primary intent** of 69% of visitors to the Ombud's office is to discuss a conflictual situation. However, visitors also come to share their views on systemic issues which they believe impact the

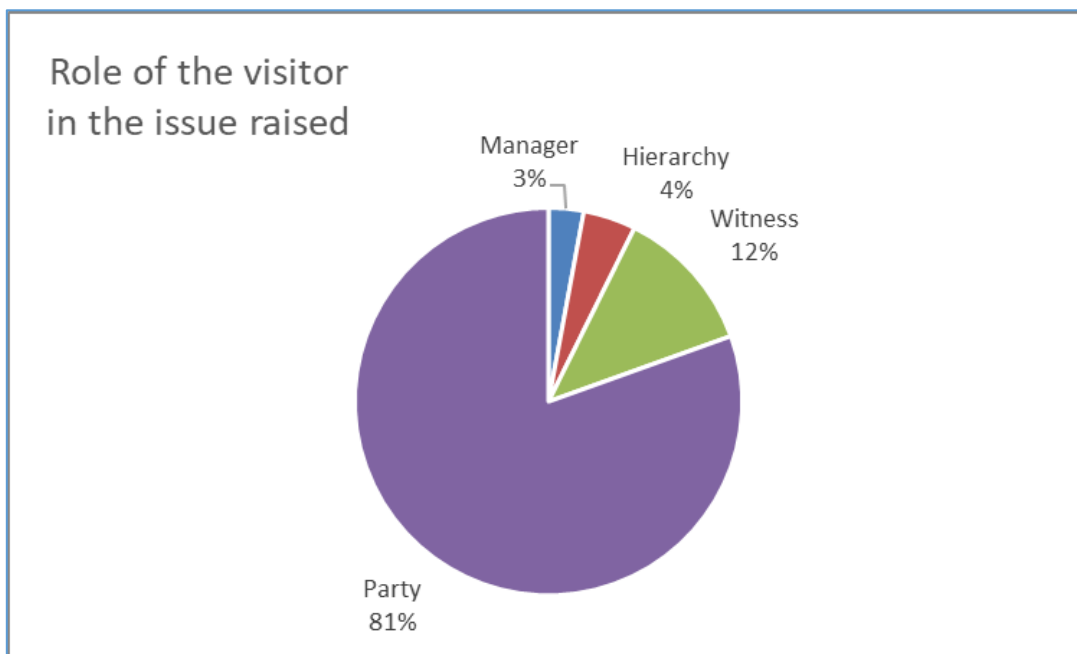
¹³ Evaluative relationships are relationships between persons in a hierarchy (e.g. supervisor-employee, project leader-team member, supervisor-student)

Laboratory (21%), or wish to raise a risk they perceive (5%), or simply come for information or, finally wish to leave a testimony that do not fall in the other categories.



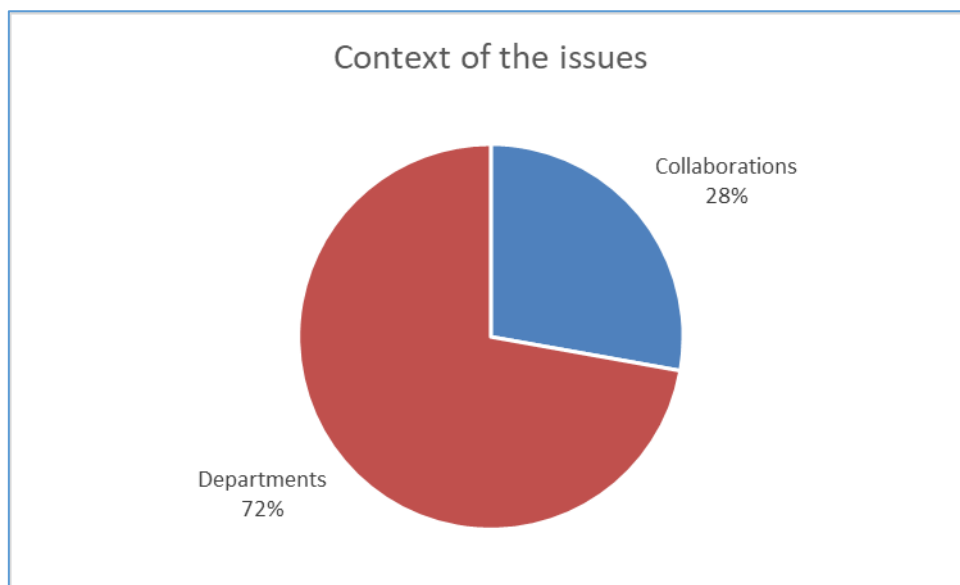
Visitors come to the Ombud’s Office to share: a) issues in which they are directly involved, i.e. where they are a PARTY to the issue; b) issues between two or more persons their direct scope of supervision, in which case they come as MANAGER, c) issues falling into the scope of their HIERARCHY, or d) issues that impact other colleagues, i.e. where they are WITNESS.

The graph below shows the distribution of **visitors’ roles** for all issues shared:



A noticeable 12% of issues are shared by colleagues who are not party to a conflict but witness it and want to help. Only 7% of issues are brought by managers (direct supervisor or above in the hierarchy).

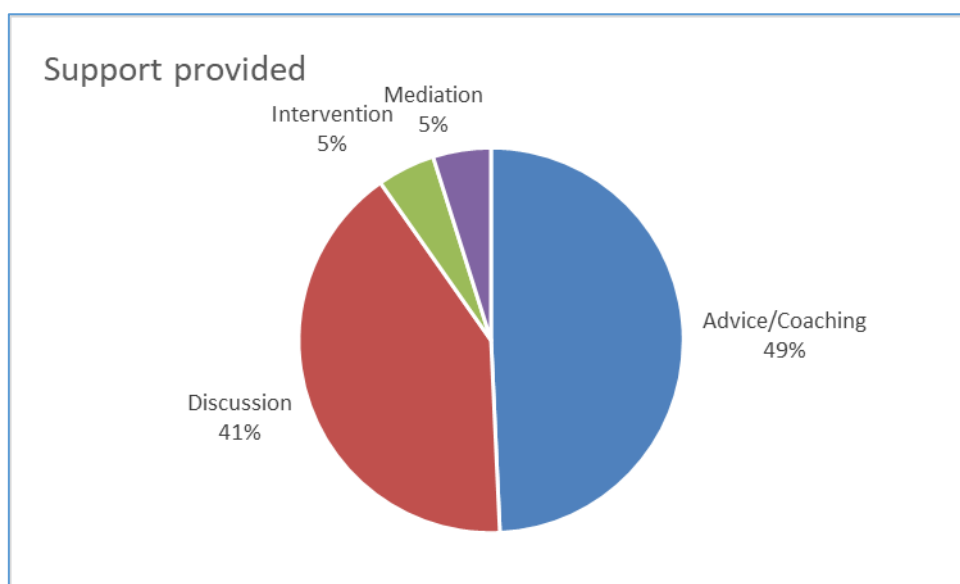
For 28% of the issues, the visitor spontaneously announces the Collaboration as **the context** in which the issue has emerged.



Annex C describes the different **types of support** which the Ombud may provide. In all cases, an in-depth discussion takes place. For 41% of issues raised, a discussion is sufficient to help the visitors explore their options. For 49% of the issues raised, beyond the discussion, the Ombud provides advice, guidance and possibly coaching.

Although this option is always proposed, only 11% of visitors authorized the Ombud to take action and contact an external party about the issue (i.e. a manager, a colleague, another service etc.). Without this clear authorization, the Ombud will not intervene in any way, except when he/she is firmly convinced that there is imminent danger to a person or to assets.

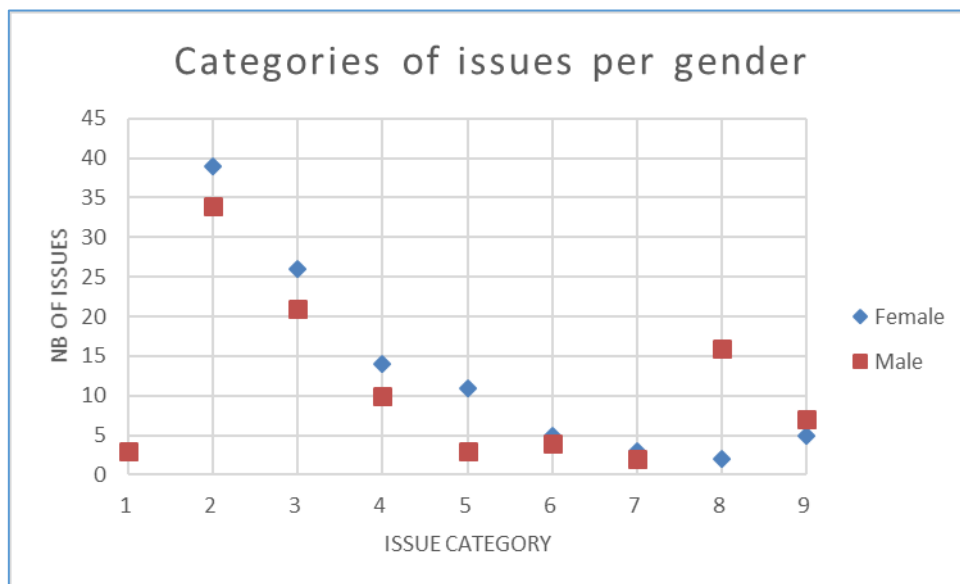
In 2022 four formal mediation processes¹⁴ took place. All were initiated by the parties in conflict themselves. None were suggested by the managers.



The graph below does not show much difference in the categories of issues raised by male or female visitors except for two categories:

¹⁴ See process description at <https://ombuds.web.cern.ch/mediation>

- In category 5, which includes harassment cases, issues are raised significantly more by women.
- In category 8, which are concerns related the whole or part of the organization, .i.e. comments/complaints on how the overall system is working, are significantly raised by male colleagues. Some research indicate that women may have less trust in their capacity to provide input on global, strategic issues¹⁵.



Digging further into the gender/issue category question using detailed categories, I can add that the top 4 detailed categories, totalling 30% of issues raised by **female colleagues** are

- Harassment (all forms) (5.c)
- Diversity related issues / Discrimination with peers and colleagues (3.g)
- Communication with the hierarchy (2.e)
- Respect, treatment in relationships with peers and colleagues (3.b)

On the other hand, the top 5 detailed categories, totalling 30% of issues raised by **male colleagues** are:

- Departmental/Group climate created by the hierarchy (2.n)
- Trust/integrity in relationships with peers and colleagues (3.c)
- Leadership and management in general (8.b)
- Communication with peers and colleagues (3.e)
- Supervisory effectiveness (2.o)

Follow-up of issues

At the end of each visit, I systematically invite the visitor to keep me posted, if he/she agrees to, on the evolution of the issue and I reiterate my availability for further visits should they be needed.

¹⁵https://www.researchgate.net/publication/358215557_Gender_perspectives_on_self-censorship_in_organizations_The_role_of_management_position_procedural_justice_and_organizational_climate

When I am particularly worried about how an issue has evolved, I take the initiative to get back to the visitor by email and ask the status of things. 46% of visitors have provided me with an update of their situation after their visit.

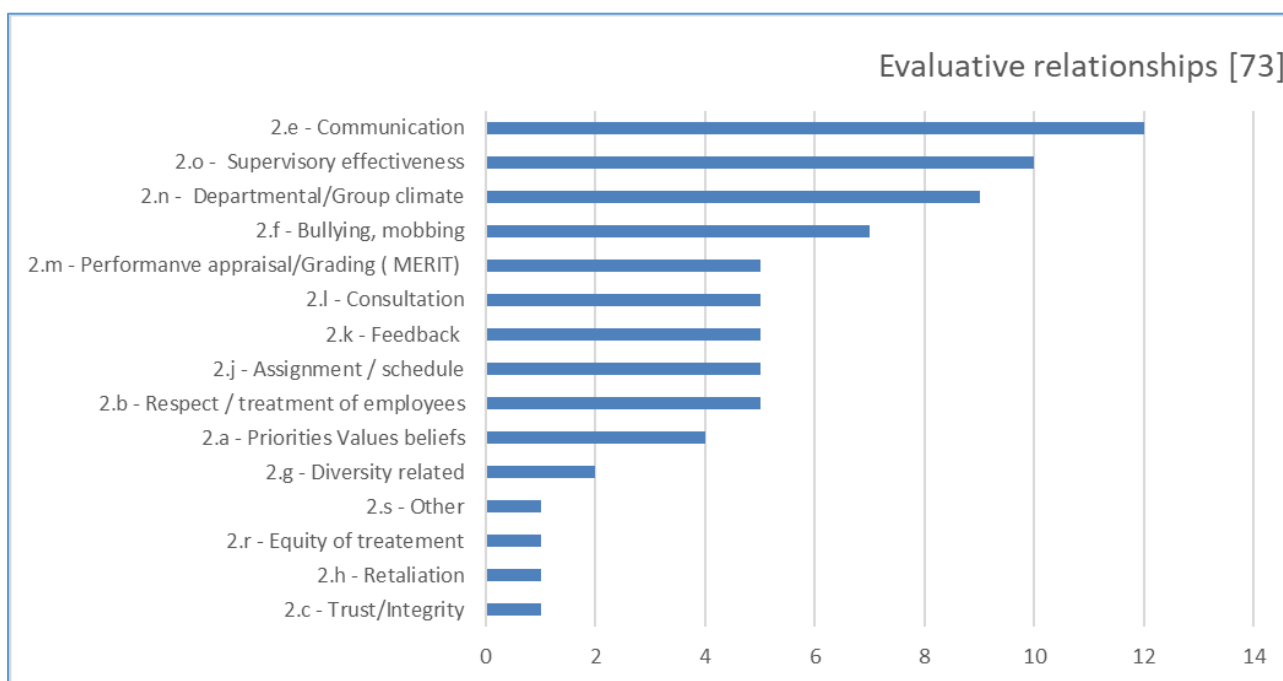
Analysis of issues by category

This section gives more details on each category of issues, starting with the most frequently met category. I recall the definition of each category as well as the relative percentage. Each graph's title recalls the number of issues in the category.

Evaluative relationships, 36%

URC category 2: Questions, concerns, issues or enquiries arising between people in evaluative relationships (i.e. supervisor-employee, supervisor-student).

16% of issues in this category directly relate to lack of communication and may evolve to bullying, limited supervisory effectiveness and the establishment of an unsatisfactory working climate in the unit/team.

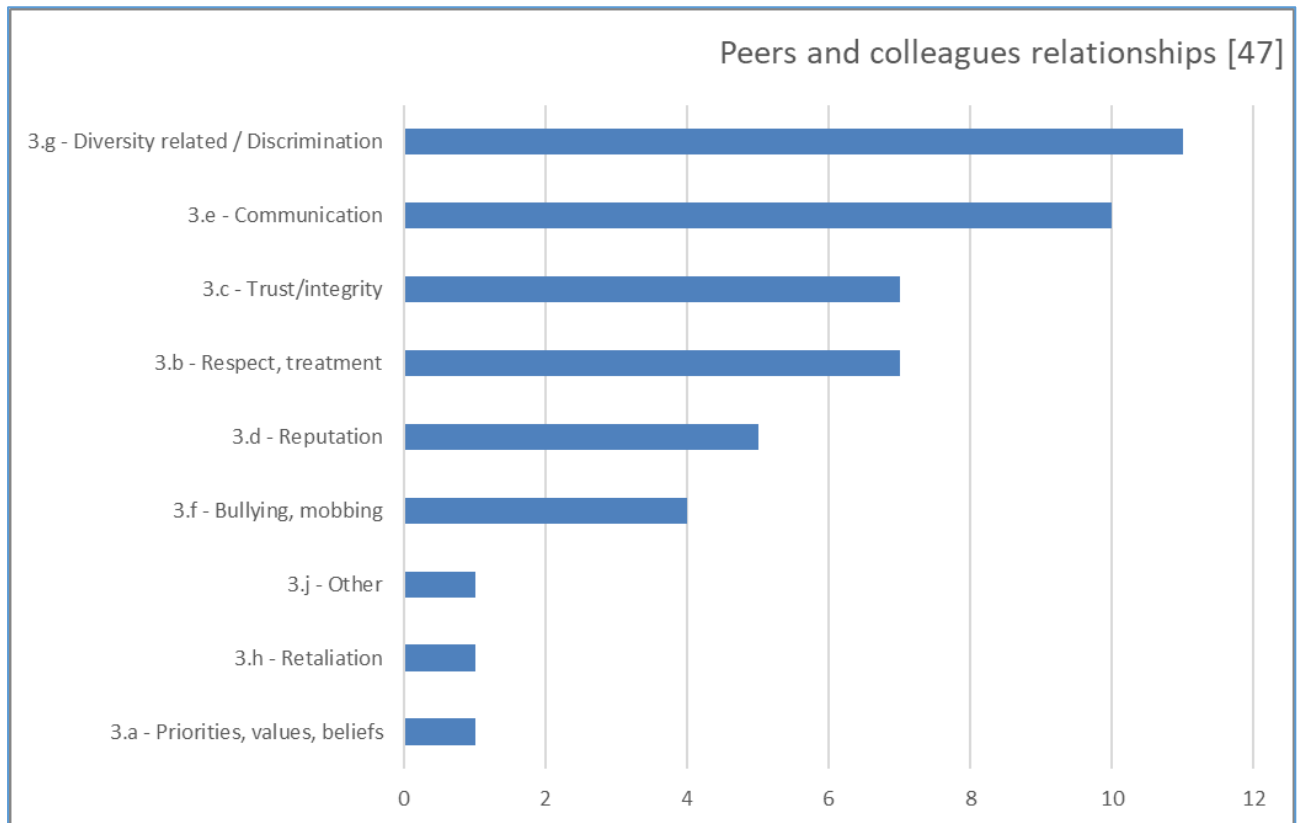


Peers and colleagues relationships, 23%

URC category 3: Questions, concerns, issues or enquiries involving peers who do not have a supervisory-employee or supervisory-student relationship.

23% of issues raised in relation with peers and colleagues were diversity related issues, mostly raised by female colleagues. In line with prior years, communication remains a main cause (21%) of issues between colleagues. Bullying, mobbing and lack of respect in treatment were present in 9% of cases.

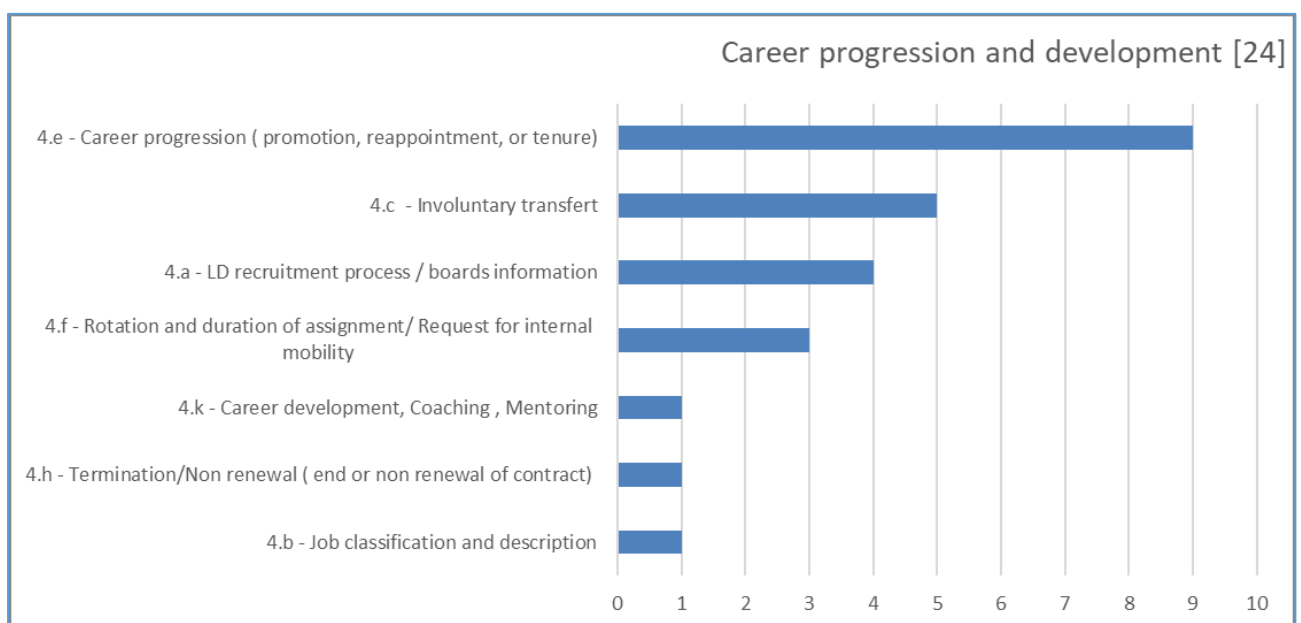
ANALYSIS OF ISSUES RAISED



Career progression and development, 12%

URC category 4: Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails (recruitment, assignment, job security and separation)

Quite understandably, the majority issues in this category were raised by MPEs (staff and fellows). In 28% of those cases, the issue was related to the evaluation of performance during the MERIT exercise.



Organizational, strategic and mission related, 9%

URC category 8: Questions, concerns, issues or inquiries that relate to the whole of some part of the Organization

In 50% of the issues raised in this category, the visitors shared views of ineffective leadership and describe an unsatisfactory organizational climate.

The publication of the Ombud’s article on Quiet quitting¹⁶ on 30 August triggered a very high number of reactions, both positive and negative. Many of the readers asked to meet me to exchange on this topic. It was an opportunity for them to share their views on how the relationship to work and their priorities have evolved.



Legal, regulatory and compliance, 7%

URC category 5: Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to all forms of harassment, waste, fraud or abuse.

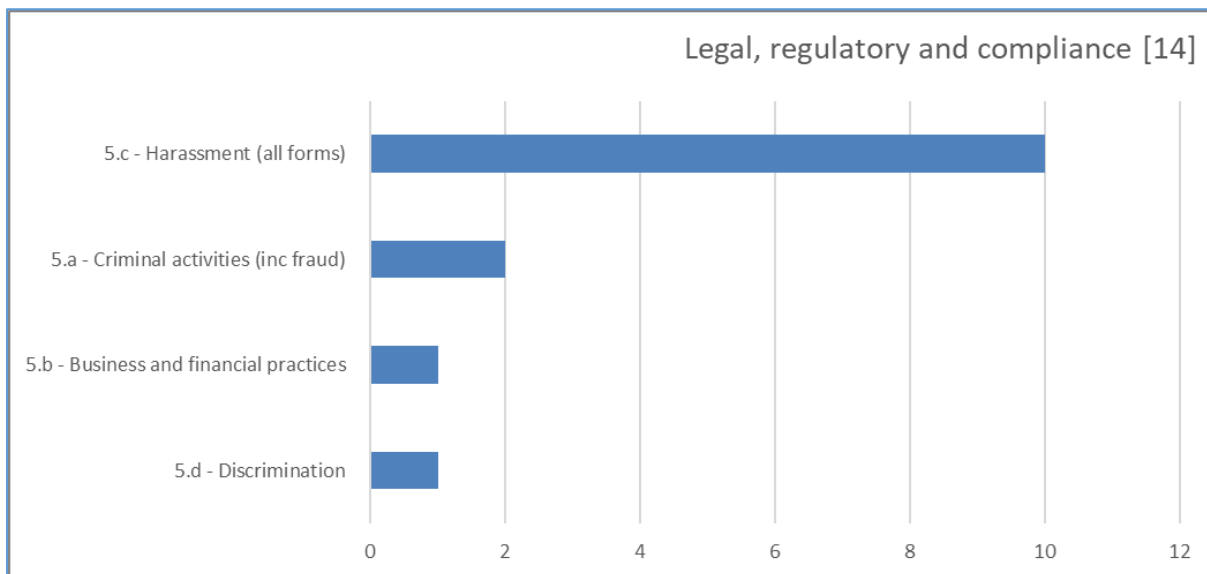
10 issues of alleged harassment are in this category. In such cases, I have provided to the visitors information on how the Operational Circular no 9 “Principles and procedures governing complaints of harassment” works¹⁷ and reminded them of the benefits of informal dispute resolution. I also published an article¹⁸ on how to deal with harassment and the role of the Harassment Investigation Panel HIP.

¹⁶ <https://ombuds.web.cern.ch/blog/2022/08/quiet-quitting>

¹⁷ https://cds.cern.ch/record/1382461/files/CERN_Circ_Op_En_No9.pdf

¹⁸ <https://ombuds.web.cern.ch/blog/2022/09/im-feeling-harassed>

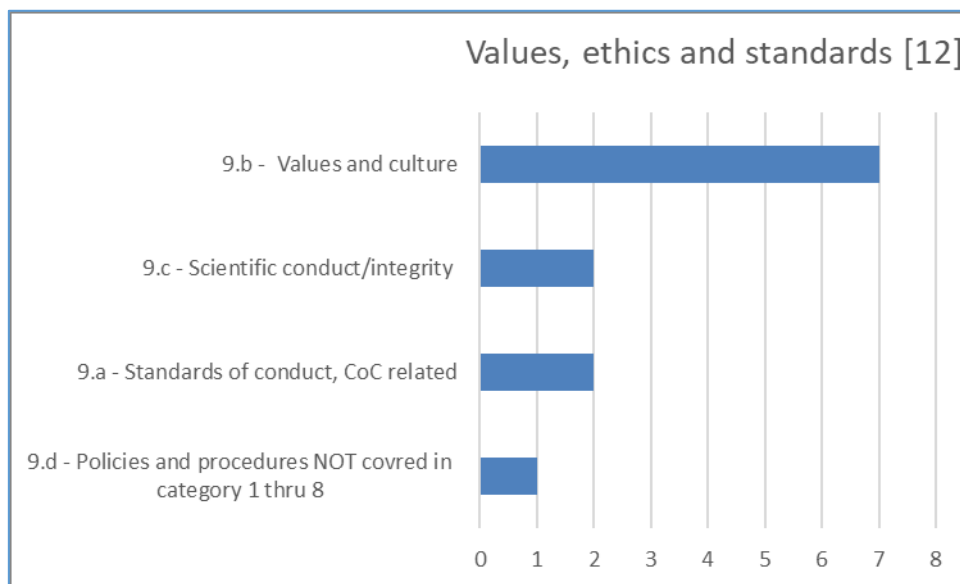
ANALYSIS OF ISSUES RAISED



Values, ethics and standards, 6%

URC category 9: Questions, concerns, issues or inquiries about the fairness of organizational values, ethics and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

10 issues in this category related to the application of specific policies and procedures e.g. the diversity & inclusion policy.



Other baseline activities

This section of the report deals with the baseline activities of the Ombud, in addition to providing direct support to visitors. These activities are very important as they maximize the quality of the services provided and raise awareness on the Ombud response channel, as the mandate requires.

These activities are also essential to mitigate the top two professional risks for the Ombud: *“compassion fatigue and isolation”*¹⁹.

Training, development and networking

Training in 2021 had consisted of the initial training required to start on the job of Ombud. In 2022, I continued to expand the skills set needed for all aspects of the Ombud’s work. I also followed the new communication courses provided internally at CERN, in order to ensure that the messages and recommendations passed by the Learning & Development, and the Ombud’s messages are consistent and well-articulated.

To this effect I took the following training:

- Active bystander (January, CERN)
- Coaching, an effective tool for people managers (March, CERN)
- Taking the lead, create a culture of respect (March, CERN)
- Team facilitation skills (September, the TCM group)
- I find a solution to my conflict (November, CERN)
- Mental Health conversation for managers (November, CERN)

Most importantly, the CERN Ombud is a member of several professional ombuds networks. These networks offer prime opportunities to share experience and tools, compare practices and discuss challenging issues, always in respect of the confidentiality granted to the visitors.

The CERN Ombud belongs to the following professional networks:

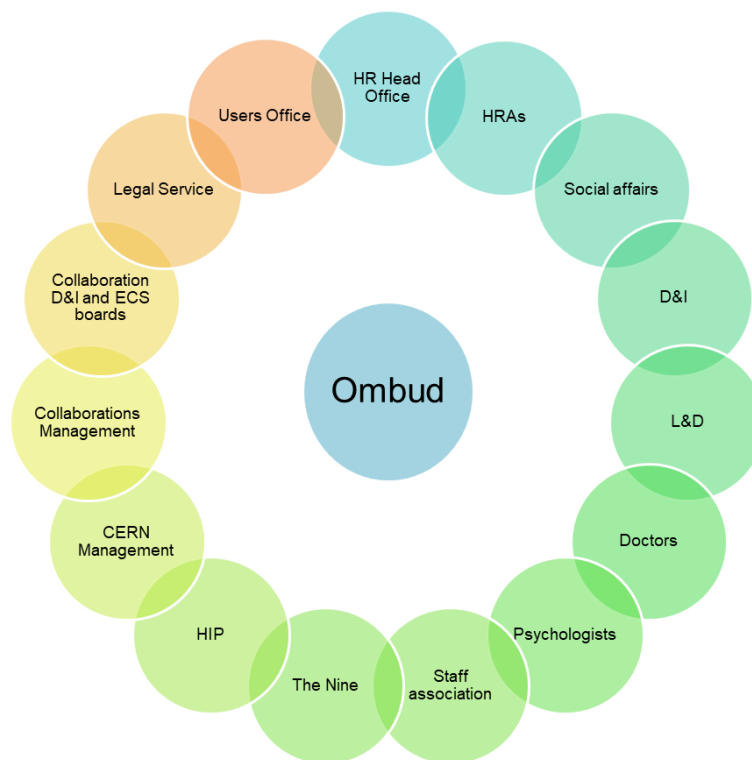
- Ombuds of International Organizations in the Geneva area - Monthly informal meetings
- Ombuds in UNARIO organizations – International conference in April 2022 hosted by WIPO
- The ad-hoc working group of Ombuds in EIROforum organizations (Chair) – 3 online meetings
- COOR, Organization of Corporate Ombuds in Europe – 1 online meeting

Finally, CERN is a member of the International Ombud Association. This membership, renewed every year since 2011, gives access to precious online resources.

¹⁹ “Virtual Ombud Foundation Course”, Summer 2021, the International Ombuds Association

Nurturing internal stakeholders relations and raising awareness

Although the Ombud function is an independent and therefore a rather isolated function, it has many stakeholders:



As a common practice since 2011, the Ombud presents its annual report to all departments managing board. Again in 2022, these presentations were very good opportunities to raise awareness and to invite managers to contact the Ombud for informal dispute resolution.

I also presented to the LHC Collaborations, as well as to some Collaborations in the Small and Medium Experiments area, to the AD and ELENA user communities, and to the ISOLDE user community.

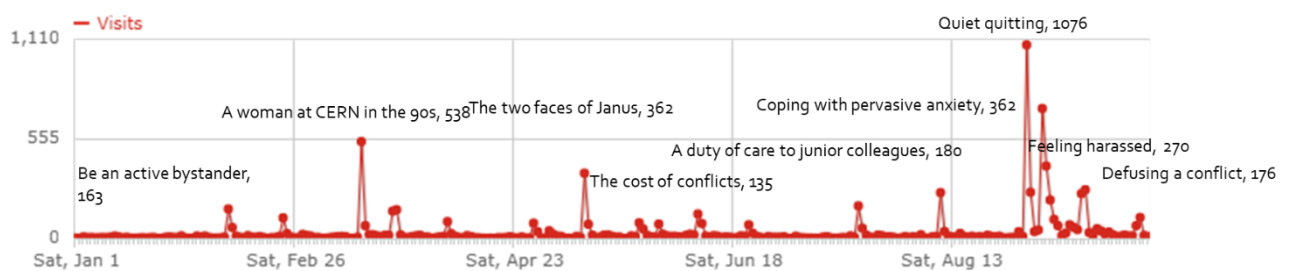
Internal communication

Since 2011, the Ombud publishes an article in the CERN weekly bulletin²⁰. These articles relate either to the CERN values, the CERN Code of Conduct, the role of the Ombud and other response channels, topical issues in the workplace (e.g. teleworking, conflicts in teams etc.). They are a great opportunity to raise awareness of and promote informal dispute resolution. In 2023, I published 23 articles, listed in Annex G.

The quiet quitting article

On 30 August, I published an article on the societal phenomenon called “Quiet quitting”, where I shared my own questioning on the evolution of the relation to work. Whereas the average number of views of the Ombud’s article is 200 views, “Quiet quitting” received 40 times the attention i.e. around 8000 views.

²⁰ <https://ombuds.web.cern.ch/bulletin-articles>



I received positive and negative reactions – the latter significantly amplified by social media. Several readers contacted me directly and requested to exchange with me their views on why this societal phenomenon had appeared in the workplace in general and at CERN in particular. These colleagues shared their very balanced and in-depth analysis of why the relation to work may evolve to “quiet quitting”.

This episode shows that very productive and useful discussions can take place on such phenomena which impact recruitment, the preservation of talent, motivation of the workforce etc. The question raised here is: where is the space offered at CERN to all generations, where these discussions can take place in complete serenity and how to use their conclusions as input to the CERN strategy for meeting future challenges?

Special projects

- The Ombud organized on 9/6, in collaboration with the Staff Association a conference on Psychological safety, given by the Ombud at the European Southern Observatory (ESO)²¹.
- I presented the role of the Ombud at CERN at the 11th International Conference on New Frontiers in Physics on 7/9.
- Collaboration between response channels is essential to share experience, refer visitors to another service when appropriate and to improve the reliability and usefulness of data reported to management. The Informal Network of CERN Response Channels (INCRIC), created by the first Ombud in charge, was revived, met twice in 2022 and hopefully will continue to deliver in 2023 with the effective collaboration of all.
- The UNARIO meeting in April 2022 took place as an open space meeting. This innovative organization of the meeting resulted in the creation of working groups to continue the exploration of the key themes which had been proposed by the conference participants. The CERN Ombud volunteered to continue work on:
 - o Neuro -Science and Conflict Resolution: “Mind Games”
 - o The Place of Restorative Justice in the Ombuds/Mediation Practice
 - o Data, benchmarking and return on investment
 - o “Be Well to Do Well” – How to Develop a Reflective Practice.
 - o Programmes of Respectful Workplace Volunteers as relays of the Ombud’s Office
- In collaboration with the CERN Academic training lectures programme and CERN Learning & Development, I explored with two researchers in social science (consulting for WHO), the possibility that they give a conference on conflict in the work place, based on the results of their research. This conference will take place in spring 2023.

²¹ See recording on <https://indico.cern.ch/event/1164651/>

Observations and insights

In addition to the support to visitors, the heart of the Ombud's mandate is to report on systemic issues and trends to the colleagues in a position to initiate positive change, i.e. the management at all levels.

I would like to stress here that the Ombud always keeps in mind, when an issue is shared, that the visitor is exposing his/her views on a situation from his/her perspective and that there is always another side of the story. It is also a fact that no one ever comes to the Ombud to share his/her satisfaction with their working environment and to convey that everything is going well.

Still, the Ombud is here to expose the issues that may have not surfaced by other channels, keeping in mind that, for 1 person who shares a challenging issue with the Ombud, it is probable that 10 persons have contemplated visiting the Ombud and have not done it so far²².

Most of the concerns expressed in the 2021 report have been reflected again this year in my exchanges with the visitors. One must also keep in mind that many of them had been raised consistently by former Ombuds. Annex H keeps track of these concerns across reports.

Some new concerns have surfaced in 2022, outlined in the following with a paragraph border.

All 18 concerns are listed below, classified under specific headings:

Key roles of managers and the hierarchy

C2 Conflicts with the hierarchy represent most of the issues (36% in 2022). Caring and attentive management - not solely focused on achieving operational objectives - is a pre-requisite to bring out the best of CERN's staff. In some cases, visitors did not dare to talk about health issues, difficulties to meet workload demands, or conflicts with colleagues as they did not trust their managers to listen to them and help them handle the issue effectively. In particular junior colleagues hesitate to talk. When management is too slow or ineffective in providing support, collaborators are less productive and may quit the Organization.

C3&4 Conflict, misconduct, and harassment have an impact beyond the direct parties in conflict, to their colleagues, the team, and the manager. Consequences include loss of productivity, draining of emotional energy, lower morale, stress, strained or terminated relationships, and damaged reputations. These consequences also have a significant direct cost in terms of time and money. One long term objective of setting up an Ombud function²³ was to cultivate conflict management skills so that it becomes common practice. Another objective was to promote informal dispute resolution mechanisms such as mediation. These objectives are not yet met.

C6 Only 11% of the visitors have authorized the Ombud to take action (10% of the issues). The main reason given is **fear of negative consequences**, when visitors are on limited duration contract, or are seeking mobility and when they fear that speaking up about their issue might endanger their chance to stay or move. More generally, visitors are afraid of being labelled as "problem persons" if they speak up about issues in their work environment. This may point out a failure of the policy

²² This ratio is generally admitted in the area of customer complaint and used by Ombuds in professional network.

²³ 1st Annual report of the CERN Ombuds, 1 July 2010 to 30 June 2011, Vincent Vuillemin

of zero tolerance against retaliation when reporting misconduct. In addition to fear of retaliation, there is a feeling of **pointlessness** .i.e. that speaking up will give no results and the situation will remain the same.

- C9 **Students**, whether technical, administrative, or doctoral **and junior fellows/graduates** at the beginning of their career need attention, guidance and careful supervision compared to the more experienced colleagues. For these young people, the pandemics in 2020 and 2021 had accentuated the feeling of isolation and the need for very attentive management. A lot is at stake for them, especially for doctoral students, and they can have a large impact on CERN's reputation, when they leave CERN and return home in the Member States.

C15 The few managers who come to discuss challenging managerial situations with the Ombud complain of **lack of support**. They feel that they are left alone to deal with conflicts, complaints, or mental health issues such as depression. This tends to show that despite the plethora of training available for managers from the CERN Learning & Development catalogue, they may feel unequipped to deal with challenging situations despite their best willingness to support their supervisees.

C16 The careers of colleagues may depend entirely on the ethics and goodwill of one person in a **position of absolute authority**. This can be the case, for example, of doctoral students and their thesis supervisor, or for Users when decisions on their contract depend on one person in their home institute. These positions of dependence create an environment conducive to abrasive leadership, bullying and harassment.

Managing careers at CERN

- C5 **Internal mobility** is an issue, especially for colleagues holding an indefinite contract, in their mid to late careers. The impossibility to transfer a colleague when no post is available, even if they are needed at the other end, is at the origin of the issue. The costs of keeping people in the same unit, on the same job, despite their aspiration and need to move to face new challenges may be underestimated (i.e. demotivation, feeling of depreciation, loss of effectiveness, health issues, impact on the team etc.). The criteria for granting an indefinite contract include the capacity of the person to develop new skills and competences and adapt to evolving contexts. This should be taken into consideration later in the career when people wish to move within the Organization. Internal mobility seems equally difficult even in cases where an urgent measure is needed, for example in case of alleged harassment.

C17 The **MERIT exercise** is perceived by some visitors as unfair, opaque and ineffective. They complain that the qualification of their performance is not linked to their actual performance but, as they were told, results from quotas and budgets being applied. In these cases, a FAIR performance qualification is considered a punishment and leads to conflicts between supervisees and supervisors.

C18 Visitors have complained that authorization to **telework** is entirely left to the appreciation of the managers. This may result in different application of the rules, for the same job, in different groups or departments. This is felt as inequitable treatment. In addition, as teleworking has become part of the benefits offered to employees, it is very often expected by new recruits, hugely disappointed when their request is rejected.

Attraction and retention of talents

C8 The context in which **recruitment** happens has changed. The younger generations set a higher price to the quality of the work environment, work life balance and the social responsibilities of recruiting companies. There were cases of visitors who chose to leave because of the hostile environment they were facing and the management's apparent powerlessness or indifference to address their situation.

Preserving and enhancing CERN's reputation

C10 **Ends of contract** are always challenging times, whether imposed or chosen. This is where respect takes special importance. Are decisions on termination of contracts explained honestly and carefully? Is the Organization saying properly thank you and goodbye to former colleagues who worked 5, 8 or more years? Such situations carry the risk that people may leave with resentment for CERN, which may pose a reputational issue for CERN.

C19 Some issues discussed with the Ombud, including alleged severe misconduct and harassment, have occurred in **the private place** and may seem outside the scope of CERN's dispute resolution system. However, when such misconduct of members of personnel take place outside the context of CERN activities, it may still have an impact on CERN's reputation and cast doubt about how CERN values are embraced in reality.

Trust in management and governance

C7 Visitors tend to **lose trust** in the processes and in management when the reality they experience in their workplace is too distant from the official messages received (i.e. a respectful place, the values of CERN, diversity is an asset, discrimination is not acceptable, fairness of treatment for all, equal opportunities in boards, trusted leadership, zero tolerance against retaliation etc.). It is even more a problem when they see some breaches of the code of conduct such as abrasive leadership, or power alliances, seemingly encouraged by appointment, promotion or additional responsibilities.

C12 Some visitors come to share issues which not always impact them but which, from their point of view, are systemic issues which bear **significant risks for the Organization**. In these cases, they come to the Ombud after they raised the issue with their management but have a feeling that they were not listened to or that nothing had been done. Examples of such issues are the risk of losing critical knowledge, or the discrimination of certain categories of personnel, or inadequate tasks distribution with the risk of significant loss or fraud, or depletion of resources in specific

high-risk areas, or a growing gap with modern and proven industrial practices. Can the Organization afford that significant risks may not find their way from bottom up?

C20 Several issues were shared that relate to **intellectual property, scientific conduct and integrity**, most of them in the context of the Collaboration activities but not only. It is not clear to me which governance is in place to deal with such issues and what mechanisms are in place to ensure that it is properly functioning.

Guidance for addressing problems at CERN

- C1 Significant support is available for members of the CERN community facing problems but it is not fully clear who does what, the nature of the support provided and the working procedures. Indeed, colleagues need to understand, when they contact any of these channels, what the level of confidentiality granted is, and what will happen next. The **communication material on these response channels**²⁴ is outdated.
- C13 **CERN's legal framework** (Staff Rules & regulations, administrative and operational circulars, policies) is quite complex to navigate through when the reader is trying to solve interpersonal issues. In addition to this legal framework, several bodies and roles exist with specific functions, formal or informal. Most of the visitors to the Ombud's Office, including managers, are not fully aware of all rules and involved bodies and how they articulate with each other.

²⁴ [https://cds.cern.ch/record/2725731/files/Inappropriate%20Behaviour%20and%20harassment-%201-pager%20\(Ver%2025%20Feb%2020%20HR%20page\).jpg](https://cds.cern.ch/record/2725731/files/Inappropriate%20Behaviour%20and%20harassment-%201-pager%20(Ver%2025%20Feb%2020%20HR%20page).jpg)

Proposed remedial actions

Because the Ombud has no mandate to investigate facts and because, naturally, visitors share their own one-sided perceptions and experience of a situation, the Ombud may not be in a position to identify unfailingly the origin of a problem and therefore, make recommendations that definitely will address the root cause of an issue.

However, the Ombud is very much in a position to propose simple, practical and low-cost actions which could significantly contribute to remedy to the concerns listed in the previous section and improve the overall working environment:

- A1. Revise rapidly the communication material on **available response channels**, in collaboration with all services/roles involved. Raise awareness of these and keep this information up to date.
- A2. Initiate a **discussion with managers** at all levels on the difficulties they may have to apply the soft managerial skills required by the job. This could help understand why, despite the extensive managerial training available, problems with the hierarchy remain preponderant, and help increase support for the managers.
- A3. In the **evaluation of managers**, including project leaders, introduce, in addition to the evaluation of operational objectives, an evaluation of their capacity to care for their team, listen, communicate, and resolve issues in the bud. This could be achieved with, amongst other possibilities, an anonymous and well-designed questionnaire to the supervisees.
- A4. Make individual **internal mobility** requests an integral part of the workforce plan so that requests to move internally are known to all when the plan is prepared annually. Strengthen the framework for internal mobility, i.e., introduce management performance indicators, perform skill gaps analysis, and produce corresponding training plans. In case of urgent needs for mobility (health or harassment issues), alleviate the workforce plan and find a solution.
- A5. The last campaign for respect@CERN took place in 2014. It would make a lot of sense to organize a second one, as lack of respect is systematically underlying all issues raised. The accent in such a campaign should be placed on **360 degrees respect** i.e. bottom up, top down in the hierarchy (walk the talk and be a role model), respect between peers and respect in the application of rules and procedures.
- A6. Improve the proactive **follow up of fellows/graduates and students**, and especially doctoral students by the program coordinators, in liaison with their supervisors, including in their home institutions.
- A7. Consider implementing a campaign to improve **psychological safety** i.e., *“the belief that one will not be punished or humiliated for speaking up with ideas, questions, concerns or mistakes”*²⁵. The campaign could start with a conference on the subject and be followed with workshops on psychological safety. It could send a clear message to managers to systematically follow up on any potential case of retaliation. Such messages would go a long way into increasing trust in the system and making zero tolerance of retaliation a reality.

²⁵ Amy C. Edmondson , The Fearless Organization, December 2018

- A8. Improve the support of colleagues at **the end of their contract**: give them honest and constructive feedback, say properly thank you and goodbye, take the time for exit interviews and use the feedback provided, to evaluate the working environment in their former unit.
- A9. Design and publish an easy to read and easy to revise, simple brochure²⁶ and online equivalent, to introduce **the legal framework and the channels available** when members of personnel are facing issues such as interpersonal conflicts or misconduct. Such a document would also be a great opportunity to advertise the informal resolution of disputes.
- A10. CERN and the Collaborations should review the mechanisms in place for arbitrating **intellectual property and scientific conduct and integrity** issues and should transparently publish what these mechanisms are and what assurance is provided that they function as intended.
- A11. Managers, and the HRAs, should propose more to parties in conflict a **mediation with the Ombud**²⁷, as an attempt to promote mediation as an effective informal dispute resolution process.
- A12. The HR Department could review the communication on the policy for **teleworking** and ensure that the rules are applied as consistently and equitably as possible.

²⁶ The Ombud for the European Molecular Biology Laboratory (EMBL) has published such a brochure.

²⁷ <https://ombuds.web.cern.ch/mediation>

Conclusions and outlook on 2023

CERN, as a Host laboratory, demonstrates a real commitment to support all members of the CERN community who face challenging interpersonal issues in the work environment. Members of personnel should be encouraged to use the various response channels available, as needed. In particular they should be encouraged to use the services of the Ombud, including mediation, as early as possible when a conflictual situation arises. This would help to promote informal dispute resolution.

The Ombud has important input to provide to CERN's management and to the Collaborations' management. As a zero-barrier office, it allows issues to surface, which may not have surfaced by other channels. **I am fully available to discuss any aspect of this report and provide further input at any time in the year.**

Lack of respect and breach of the Code of Conduct are embedded in the vast majority of the issues discussed with the Ombud, whatever their category. The 7 response channels available are doing their best to help address these issues, some with the power to act concretely, some limited to empowering their visitors to move forward. From the Ombud's point of view, inducing a cultural change would be more effective - although more complex to achieve - than adding a layer of internal control.

This report proposes some remedial actions to the concerns raised. On top of her baseline activities, the Ombud plans to undertake the following actions as her contribution to improving good practices in 2023:

- Raise awareness on the mediation services provided by the Ombud by proposing a training seminar as part of the Learning & Development catalogue.
- Organize a conference on *Conflicts in the work place*, as part of the CERN Learning & Development programme.
- Revive the Response Channels Liaison Group which had been initiated by Vincent VUILLEMIN, the first CERN Ombud in 2012, with the aim to promote experience sharing and the effectiveness of the overall support provided. Within this group, contribute to revise the communication material on all available support structures.
- In collaboration with the Ombud's stakeholders, design new communication material on dealing with problems such as conflicts or misconduct at CERN, considering informal dispute resolution as well as the applicable legal framework.

ANNEX A - Overview of role and principles

The CERN Director-General established a full-time position of Ombud, in July 2010. The creation of the Ombud function represents a commitment by CERN's 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 Ombud²⁸ 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 Ombuds 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 Ombud practice.

The following four ethical principles are the pillars of the Ombud function and what makes it unique in an organization:

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 is 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, unless explicitly authorized by the Ombud to share it.

Neutrality/Impartiality:

The interests of both parties and of 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 shall leave the Organization after completion of his/her mandate, and consequently avoids

²⁸ <https://ombuds.web.cern.ch/sites/default/files/reports/CERN%20Ombudsman's%20mandate.pdf>

risks of a conflict of interest. Should the Ombud still see a possible conflict of interest in a given situation, he/she has a duty to withdraw from providing guidance on the issue concerned.

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 Advisors and programme coordinators, the Medical Service or the Social Affairs Service, the Staff Association 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, ethical and effective 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.

ANNEX B - Terms and Terminology

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

Reference population

This is the total number of employed members of personnel (staff and fellows) plus the number of associated members of personnel with a registered percentage of presence of 100%.

On 31/12/2022, the reference population amounted to 5559 members²⁹: 2659 staff members, 900 fellows, and 2000 associated members of personnel whose percentage of presence at CERN is 100%.

Visitor

A visitor is anyone who comes to see the Ombud to share an issue of concern. Whereas most visitors come to address issues that are of concern to themselves, some wish to address issues that close colleagues are facing, with a desire to help and questions on how they may best do so.

Issue

Issues are concerns, which are brought to the attention of the Ombud.

Addressing issues can involve simple discussion, advice and coaching, action, or mediation between parties. Not all issues are related to interpersonal conflicts, some of them may consist only of providing information on procedures or available support, or coaching visitors in the actions they intend to pursue.

In reality, many visitors share 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 visitors and the number of visits represent 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 Ombuds Association) classification of issues and outlines nine major categories of issues. Each major category of issue is sub-divided in several sub-categories, which permits a better identification of the problems encountered.

²⁹ Source HRT 4 January 2023

Visit

The same visitor may visit the Ombud’s Office several times throughout the year in order to reach a resolution of a particular issues, or to raise different issues.

Identified case

A single case for which sufficient information is available to distinguish it from others. When a case is identified, it allows the ombud to link visitors who express concerns to this specific case. Generally used for cases of alleged harassment.

ANNEX C – Feedback form

CERN Ombud - Feedback from visitors

Vous pouvez choisir le français (coin haut droit de cette fenêtre)

For a reminder of the principles by which the Ombud operates please consult the [CERN Ombud mandate](#) and the [Guiding Principles](#).

This survey is anonymous.

The record of your survey responses does not contain any identifying information about you, unless a specific survey question explicitly asked for it.

If you used an identifying token to access this survey, please rest assured that this token will not be stored together with your responses. It is managed in a separate database and will only be updated to indicate whether you did (or did not) complete this survey. There is no way of matching identification tokens with survey responses.

Five stars means you totally agree with the statement, one star that you totally disagree with the statement.

★ Access to the Ombud was timely and prompt.



★ I perceived the Ombud's position as neutral and impartial.



★ I trust that confidentiality was and will be maintained at all times.



★ I see the Ombud as an independent resource.



★ My discussion(s) with the Ombud positively impacted the issue of concern that I raised.



★ I would recommend to a colleague in a challenging situation to contact the Ombud.



Statements submitted to rating by the respondents:

- Access to the Ombud was timely and prompt.
- I perceived the Ombud's position as neutral and impartial.
- I trust that confidentiality was and will be maintained at all times.
- I see the Ombud as an independent resource.
- My discussion(s) with the Ombud positively impacted the issue of concern that I raised.
- I would recommend to a colleague in a challenging situation to contact the Ombud.

ANNEX D - Uniform Reporting Categories from the IOA



INTERNATIONAL OMBUDSMAN ASSOCIATION

Uniform Reporting Categories

VERSION 2
October 2007

1. Compensation & Benefits

Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

- 1.a **Compensation** (rate of pay, salary amount, job salary classification/level)
- 1.b **Payroll** (administration of pay, check wrong or delayed)
- 1.c **Benefits** (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
- 1.d **Retirement, Pension** (eligibility, calculation of amount, retirement pension benefits)
- 1.e **Other** (any other employee compensation or benefit not described by the above sub-categories)

2. Evaluative Relationships

Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

- 2.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 2.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 2.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 2.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 2.e **Communication** (quality and/or quantity of communication)
- 2.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 2.g **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 2.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 2.i **Physical Violence** (actual or threats of bodily harm to another)
- 2.j **Assignments/Schedules** (appropriateness or fairness of tasks, expected volume of work)
- 2.k **Feedback** (feedback or recognition given, or responses to feedback received)
- 2.l **Consultation** (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

2.m Performance Appraisal/Grading

(job/academic performance in formal or informal evaluation)

- 2.n **Departmental Climate** (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.)
- 2.o **Supervisory Effectiveness** (management of department or classroom, failure to address issues)
- 2.p **Insubordination** (refusal to do what is asked)
- 2.q **Discipline** (appropriateness, timeliness, requirements, alternatives, or options for responding)
- 2.r **Equity of Treatment** (favoritism, one or more individuals receive preferential treatment)
- 2.s **Other** (any other evaluative relationship not described by the above sub-categories)

3. Peer and Colleague Relationships

Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization.)

- 3.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 3.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 3.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 3.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 3.e **Communication** (quality and/or quantity of communication)
- 3.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 3.g **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 3.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 3.i **Physical Violence** (actual or threats of bodily harm to another)
- 3.j **Other** (any peer or colleague relationship not described by the above sub-categories)

4. Career Progression and Development

Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

- 4.a **Job Application/Selection and Recruitment Processes** (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
- 4.b **Job Classification and Description** (changes or disagreements over requirements of assignment, appropriate tasks)
- 4.c **Involuntary Transfer/Change of Assignment** (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
- 4.d **Tenure/Position Security/Ambiguity** (security of position or contract, provision of secure contractual categories)
- 4.e **Career Progression** (promotion, reappointment, or tenure)
- 4.f **Rotation and Duration of Assignment** (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
- 4.g **Resignation** (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
- 4.h **Termination/Non-Renewal** (end of contract, non-renewal of contract, disputed permanent separation from organization)
- 4.i **Re-employment of Former or Retired Staff** (loss of competitive advantages associated with re-hiring retired staff, favoritism)
- 4.j **Position Elimination** (elimination or abolition of an individual's position)
- 4.k **Career Development, Coaching, Mentoring** (classroom, on-the-job, and varied assignments as training and developmental opportunities)
- 4.l **Other** (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)

5. Legal, Regulatory, Financial and Compliance

Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

- 5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)
- 5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)
- 5.c **Harassment** (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)
- 5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc. [being part of an Equal Employment Opportunity protected category – applies in the U.S.])
- 5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)
- 5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)
- 5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)
- 5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)
- 5.i **Property Damage** (personal property damage, liabilities)
- 5.j **Other** (any other legal, financial and compliance issue not described by the above sub-categories)

6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

- 6.a **Safety** (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)
- 6.b **Physical Working/Living Conditions** (temperature, odors, noise, available space, lighting, etc)
- 6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)
- 6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)
- 6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)

- 6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)
- 6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)
- 6.h **Environmental Policies** (policies not being followed, being unfair ineffective, cumbersome)
- 6.i **Work Related Stress and Work–Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)
- 6.j **Other** (any safety, health, or physical environment issue not described by the above sub-categories)

7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

- 7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)
- 7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)
- 7.c **Administrative Decisions and Interpretation/Application of Rules** (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)
- 7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)
- 7.e **Other** (any services or administrative issue not described by the above sub-categories)

8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

- 8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)
- 8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

- 8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)
- 8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)
- 8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing, off shoring, outsourcing)
- 8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)
- 8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)
- 8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)
- 8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)
- 8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)
- 8.k **Other** (any organizational issue not described by the above sub-categories)

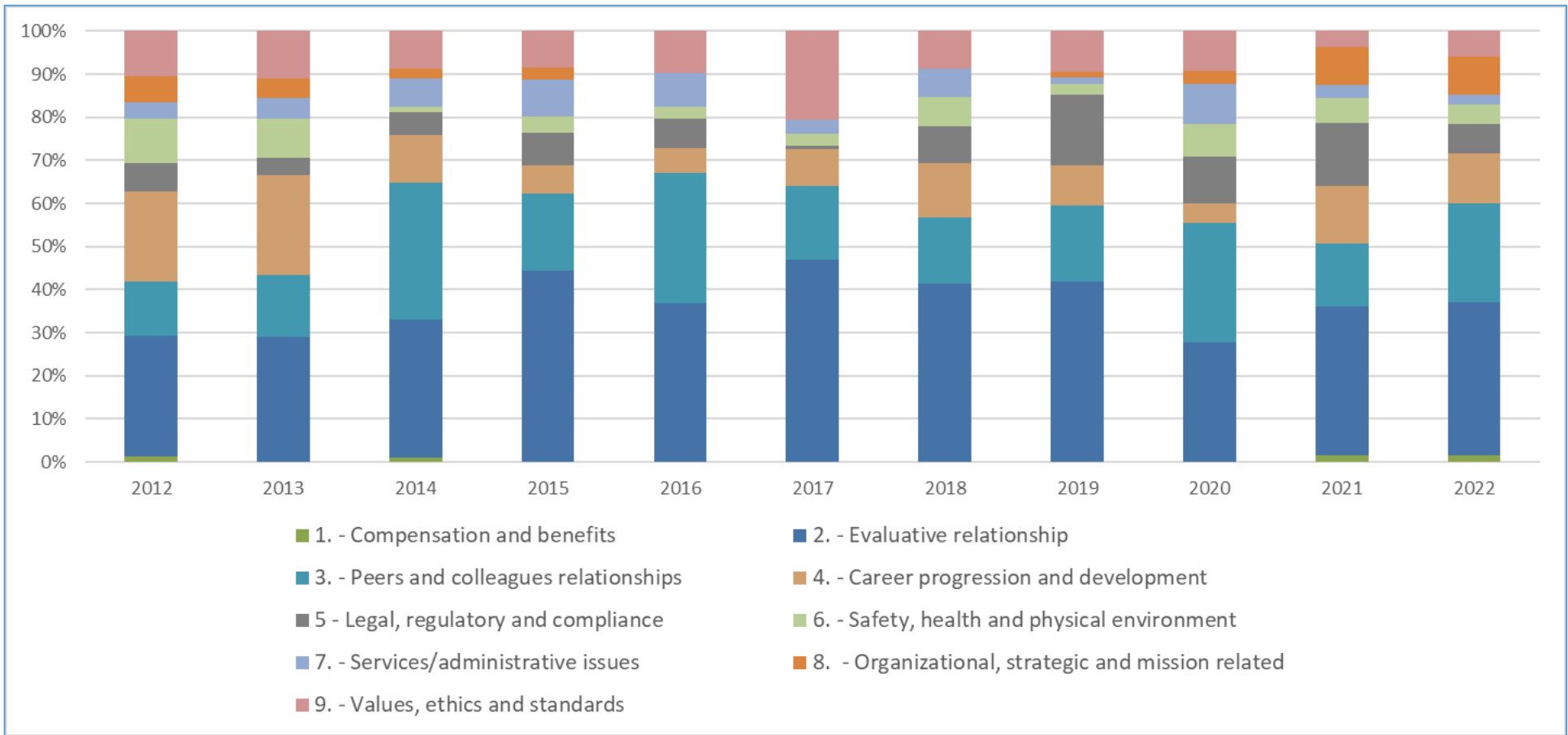
9. Values, Ethics, and Standards

Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

- 9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)
- 9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)
- 9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)
- 9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)
- 9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above sub-categories)

ANNEX E – Evolution over 2012-2022

Nature of issues



Contract type of visitors



ANNEX F - Possible outcomes

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

Discussion:

A simple discussion with the Ombud where the visitors have the opportunity to tell their story and be listened to 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/Guidance/Coaching:

Advice is limited to providing factual information as needed. Coaching/guidance refer 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 empower 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.

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. Mediation may involve more than two parties.

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.

ANNEX G - Articles in the Ombud’s corner in 2022

The following 23 articles were published in 2022 in the CERN Weekly Bulletin, starting with the most recent one:

- Let’s make the most of the end-of-year break
- Books and plenty more besides...
- I hope I won’t need to come and see you
- The harm that misunderstandings can cause
- Open Space meeting of UNARIO ombuds – a unique opportunity for experience sharing and professional network support
- Need to step in to defuse a conflict?
- I’m feeling harassed ...
- Quiet quitting
- Coping with pervasive anxiety
- A duty of care to junior colleagues
- The 4W repair kit for work relationships
- Videoconferencing and creativity: a wobbly coupling
- The cost of conflicts
- Leadership – easier said than done
- The two faces of Janus
- 2021 Annual Report by the Ombud – let’s talk!
- Values and principles of the Ombud’s profession: what are they for?
- When respect is missing
- Being a woman at CERN back in 1990
- Asking questions to clarify expectations
- Be an active bystander – the four Ds
- Why didn’t you tell me before?
- Three powerful tools to meet the challenges of 2022!

ANNEX H – Concerns raised and remedial actions proposed

Theme	Concerns	Remedial actions
Key roles of managers and the hierarchy	C2,C3,C4,C6,C9 [2022,2021] C15 [2022]	A2,A3,A6,A7 [2022,2021] A11, A12 [2022]
Managing careers at CERN	C5 [2022,2021] C17,C18 [2022]	A4 [2022]
Attraction and retention of talents	C8 [2022,2021]	
Preserving and enhancing CERN's reputation	C10 [2022, 2021] C11 [2021] C19 [2022]	A8 [2022,2021]
Trust in management and in governance	C7, C12 [2022, 2021] C14 [2021] C20 [2022]	A5, A10 [2022,2021]
Guidance for addressing problems at CERN	C1, C13 [2022,2021]	A1,A9 [2022,2021]