



# 7th annual report of the CERN Ombud

1<sup>st</sup> January 2017 – 31<sup>st</sup> December 2017

Pierre Gildemyn

---

## Contents:

<b>0. Executive Summary</b>	<b>2</b>
<b>1. Introduction</b>	<b>4</b>
<b>2. Roles and principles</b>	<b>5</b>
<b>3. Terms and Terminology</b>	<b>7</b>
<b>4. Possible Outcomes</b>	<b>8</b>
<b>5. Profiles of visitors to the Ombud in 2017</b>	<b>9</b>
<b>5.1. Categories of Personnel: types of contract</b>	
<b>5.2. Gender</b>	
<b>5.3. Profile of visitors: conclusion</b>	
<b>6. Issues raised with the Ombud in 2017</b>	<b>13</b>
6.1. Categories of issues: Statistics	
6.1.1. Evaluative relationships	
6.1.2. Peer relationships	
6.1.3. Safety, health and physical environment	
6.1.4. Values, ethics and standards	
6.1.5. Services and administrative issues	
6.1.6. Career progression and development	
6.1.7. Organization Strategy related issues	
<b>7. Outcomes to Issues raised in 2017</b>	<b>18</b>
<b>8. Additional Ombud activities in 2017</b>	<b>19</b>
8.1. The Ombud Blog	
8.2. Promoting a respectful workplace at CERN	
8.3. International contacts	
8.4. Training, conferences and networking	
<b>9. Observations</b>	<b>20</b>
<b>10. Recommendations</b>	<b>22</b>
<b>11. Conclusion</b>	<b>24</b>
<b>12. Appendix</b>	<b>25</b>

## Executive Summary

### Introduction

The Ombud function at CERN was established to provide a confidential, independent, neutral and informal dispute resolution resource for members of personnel and any other person working at or on behalf of the Organization. It represents a commitment by CERN, and its Management, to the well being of all its collaborators and to the promotion of a respectful workplace environment. Visitors to the Ombud Office find a ‘safe place to tell their story’, get another perspective and obtain support in identifying options and working out strategies by which to manage the interpersonal issues with which they are confronted. There have been on average 99 visitors/year since the Office was established.

2017 saw a handover in November, from Sudeshna Datta-Cockerill, retiring, to Pierre Gildemyn. This report integrates the experience of both Sudeshna Datta-Cockerill during the first ten months of the year and Pierre Gildemyn for the months November and December.

### Statistics

In 2017, there were 117 visitors to the Ombud Office, all categories included, representing a 21% increase compared to the average number of visitors (96.5) in the period 2011-2016. Staff members still represented the largest proportion (57%), with the number of Fellows and Students however increasing (23%, compared to an average of 12% over the period 2011-2016). There was a stable number of Users (16%), compared to the preceding periods. Women represented 49% of the visitors, corresponding to 5.5% of the relevant staff member population, as compared to 1.8% of men, indicating that proportionally, there are still three times more female than male visitors to the Ombud.

### Observations

82% of the outcomes were reached through discussion and advice or coaching, with the remaining issues being handled through mediation, referral or recourse to formal action, as appropriate.

It should be noted that the majority of colleagues chose discussion or coaching over intervention, continuing to cite a fear of disclosure or retaliation as a basis for this preference.

As in previous years, a significantly high proportion of the issues raised by all visitors falls into the evaluative relationship category, with 47%, followed by values-related cases at 21%. Conflicts between peers represented 17%, followed by issues related to career progression and development at 9%.

Indeed, the repeatedly higher proportions of issues within the evaluative relationship, ranging from poor communication and disrespect to a perception of unfair treatment, victimisation and exclusion, would appear to indicate a breakdown of trust and the need for the hierarchy to be seen to be held accountable for their behaviour and required to invest further in developing and continually refreshing their people management skills.

At the end of the reports a number of recommendations are formulated concerning among others supervisory effectiveness, the fellow population and sexist behaviours.

## Conclusions

As the overall distribution of issues across the years remains fairly constant, it can be said to provide an accurate reflection of the concerns that appear to be endemic to the CERN culture and environment. CERN Management is therefore advised to explore ways to obtain systematic upward feedback, facilitate succession planning and promote the Code of Conduct. Possible options include regular surveys, a values-based quiz and Organization-wide workshops aimed at encouraging dialogue.

## 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 seventh report issued from the office of the CERN Ombud. It covers the period from 1 January 2017 to 31 December 2017. 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 Ombudman Association [IOA], which includes Ombuds coming from Universities, Governments, Companies, and other International Organizations around the world. The IOA is dedicated to excellence in the practice of Ombud work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudman practice.

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

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

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

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

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

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

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

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

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

Mary P Rowe, Ombudsperson, MIT, USA; IOA Conference 2017

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

### 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 2017

In 2017, the Ombud handled 117 cases, (as compared to an average of 96.5 cases in the period 2011-2016)

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 2018. For each visitor there was an average 2.1 meetings, ranging between 1 and 7 meetings per visitor.

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 the HR Department for action.

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

Visitors to the Ombud's Office in 2017 represented the full range of CERN categories of personnel.

Whereas CERN staff members still represented the largest proportion of visitors (57%), this year saw a stable proportion of Users at 16%, whilst the numbers of Fellows and Students increased significantly by a factor of respectively 2.5 and 1.75 compared to the previous six years' average.

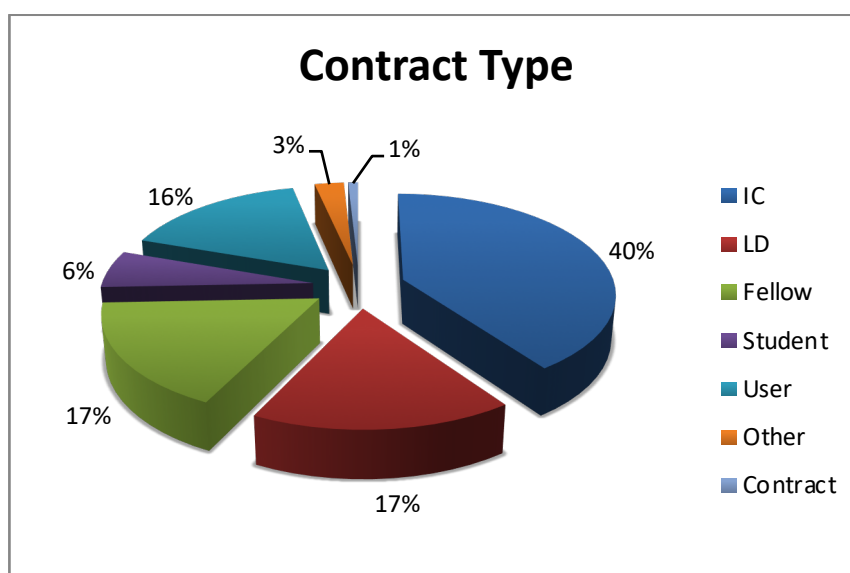


Fig.1: Distribution of Visitors according to contract type - 2017.

A total of 67 Staff Members visited the Ombud Office in 2017, representing 2.5% of the total CERN population concerned.

20 of these visitors were LD contract holders, representing 2.3% of the overall population concerned, whilst the remaining 47 of Staff Member visitors were IC contract holders and represented 2.7% of the corresponding CERN populations.

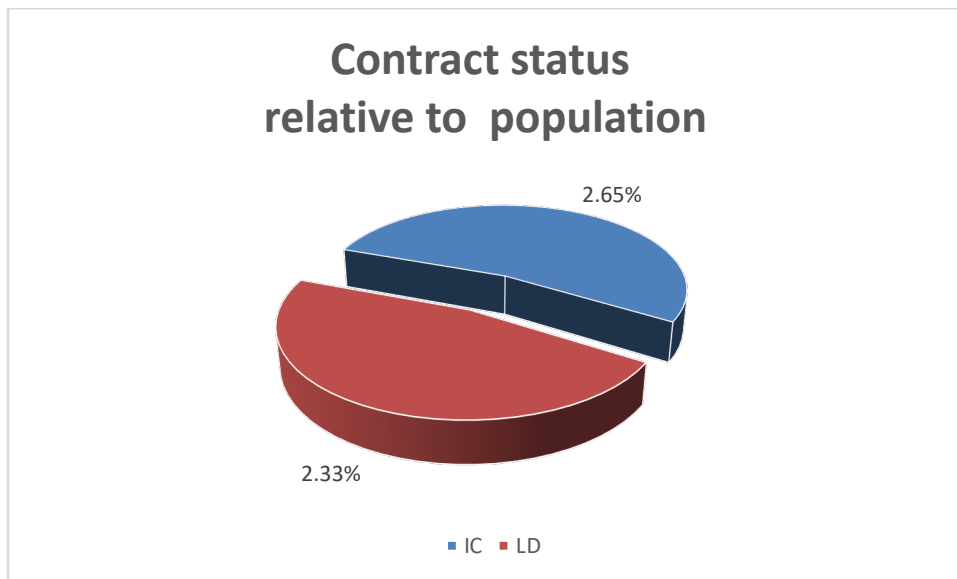


Fig.2: Normalized proportion of IC or LD staff visitors on total population 2017

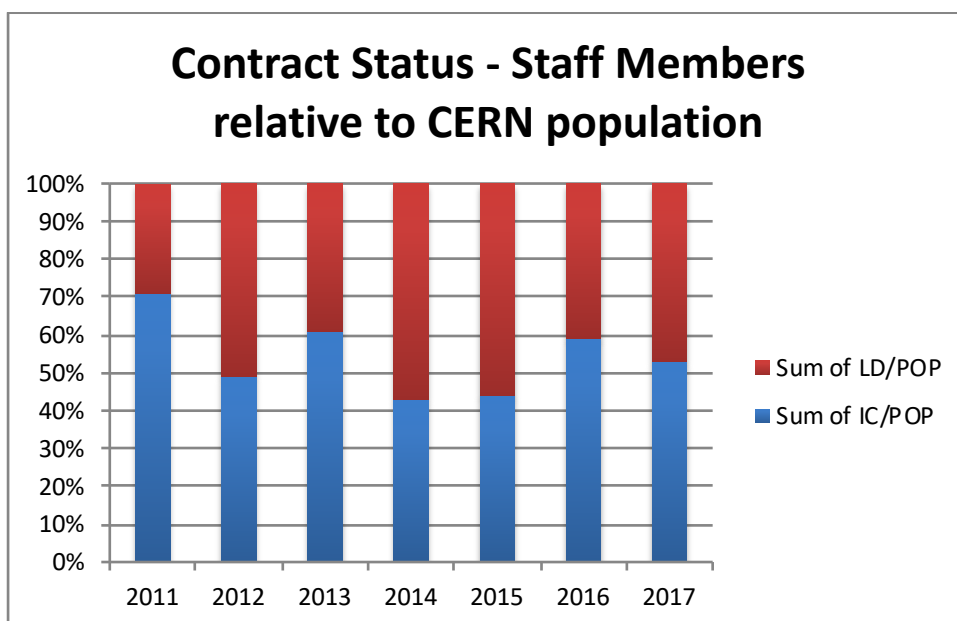


Fig.2b: Normalized proportion of Staff Member visitors with IC or LD contracts period 2011-2017.

## 5.2] Categories of Personnel – by Gender

The proportion of women visitors in 2017 was comparable to the previous years with 57 women and 60 men, representing 49% and 51% respectively of those contacting the Ombud over the year.

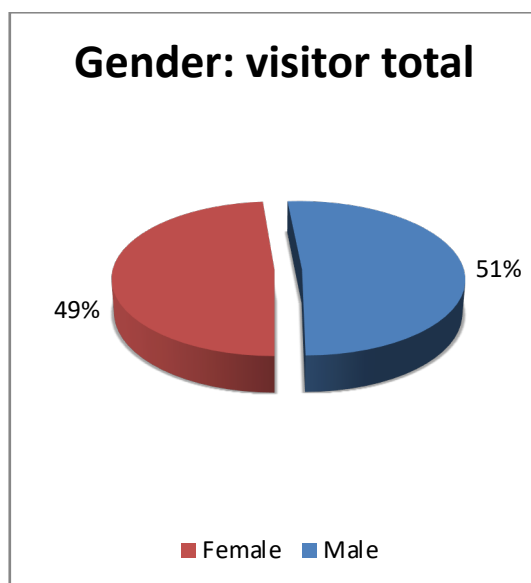


Fig.3: Overall gender distribution 2017

As in the past, when viewed proportionally to the relevant population, however, women visitors represented 5.5%, whilst men represented 1.8% of the corresponding total staff member populations, and, whereas this difference remains comparable to the figures in previous years, these numbers still represent three times more female than male visitors to the Ombud as shown in Figure 5 below.

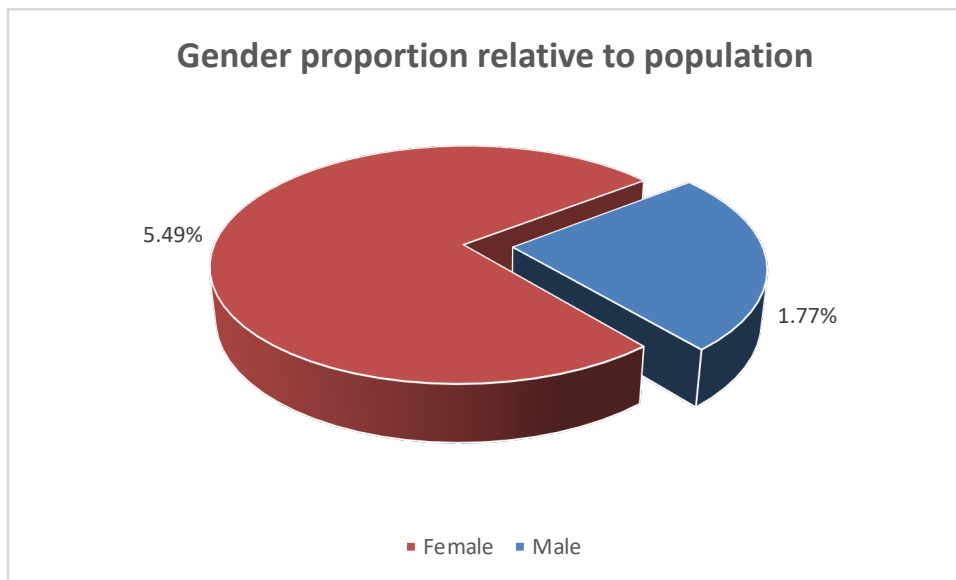


Fig. 5: Normalized gender distribution relative to Staff Member population 2017

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

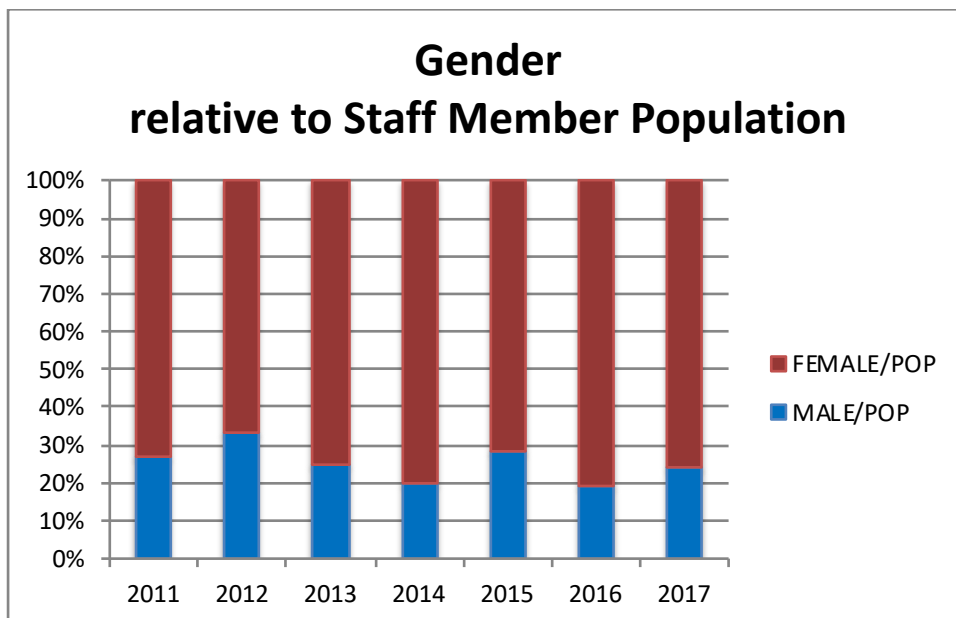


Fig.6: Gender distribution relative to CERN Staff Member population period 2011-2016

### **5.3] Profile of Visitors - Conclusion**

The overall number of 117 visitors to the Ombud's Office in 2017 means an increase by 21% compared to the previous years' average, since the establishment of the function at CERN.

Staff Members visitors represented 2.5% of the total number of Staff Members, a figure that has also remained more or less constant since the creation of this Office. This figure is on the low side, compared to other International Organizations in the area where the lowest average is at 4% of staff.

The numbers of Fellows contacting the Ombud has however risen steadily over the years. The 20 Fellow visitors in 2017 represent an important increase compared to the average over the previous six years (8). This has to be put in perspective with the general increase of the total number of Fellows over the years, but nevertheless means that the population of Fellow visitors grows faster than the total population of Fellows. Issues raised by this category of personnel suggest that they could benefit from a closer supervision and/or mentoring.

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

## **6] Issues raised with the Ombud in 2017**

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 2017 can be categorised as shown in Figure 7 below.

As in previous years, a significantly high proportion of the topics fall into the evaluative relationship category, with 47% of visitors raising issues related to the supervisor-supervisee relationship followed by concerns related to Values, ethics and standards at 21%. Conflicts between peers represented 17%, followed by and Career progression and development 9%. The other three categories represent 3% or less. There were no issues related to Organization & Strategy neither to Compensation & Benefits. In this context, it is worth noting that on a few occasions, issues over advancement and promotion were put into the category of 'evaluative relationships' as these were experienced more as conflicts with hierarchy rather than issues of career progression per se.

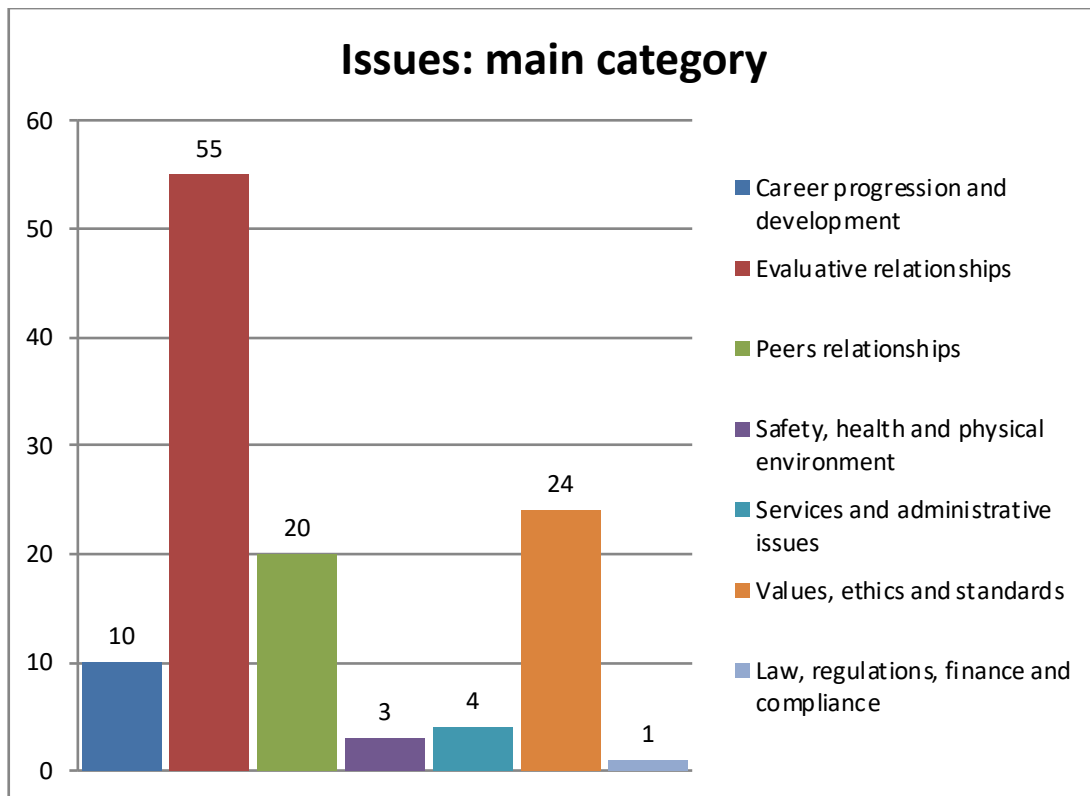


Fig. 7: Number of main issues by category 2017

Considered over the past years, the proportion of issues related to “Evaluative relationship” seems in a growing trend. For the first time in the history of CERN’s Ombuds Office, the number of issues related to Value, ethics and standards were more important than the ones related to Peers relationships. The issues within the categories “Career progression and development” and “Safety, health and physical environment“ seem rather in a descending rate.

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

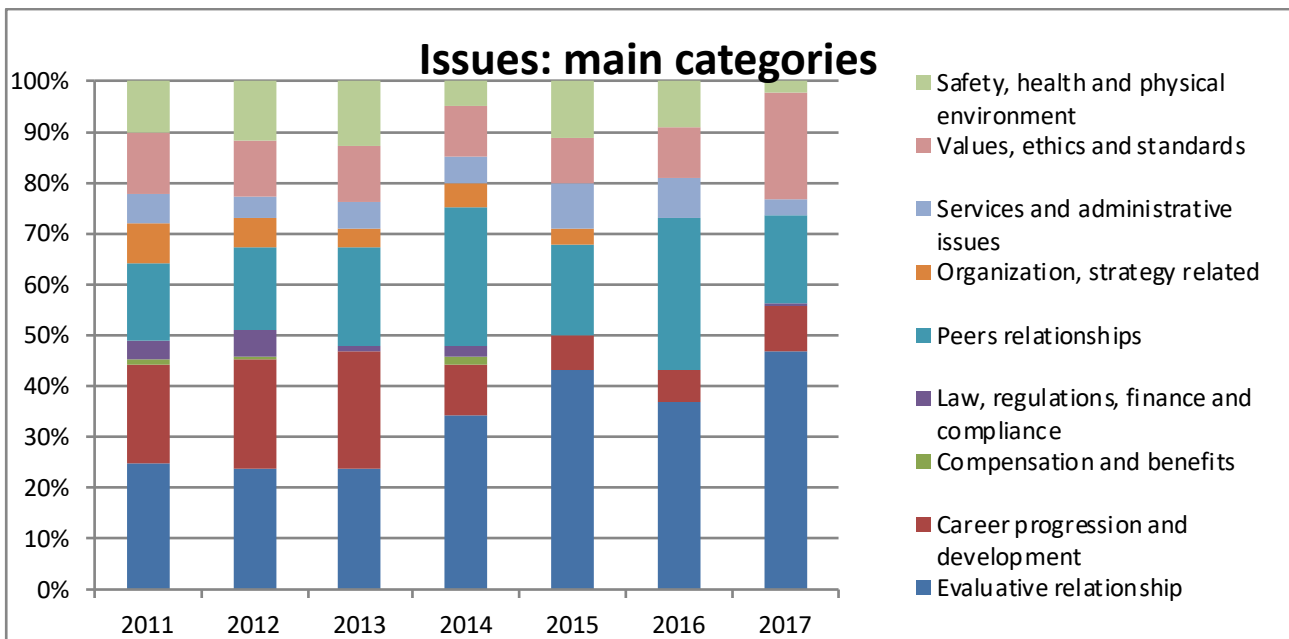


Fig. 8: Number of cases issues by category over previous years

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

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

### 6.1] Evaluative relationships: 55 issues

The number of cases in this category represent a significant increase when compared to the average of the previous years (+76%).

Figure 9 shows that the main issue within this category was related to alleged, mainly psychological, harassment, but also a few cases of sexual harassment. Issues categorised as ‘bullying, mobbing’ included behaviours that were perceived as unfair treatment or ‘victimisation’ due to bias or pre-conceived labelling on the part of supervisors.

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

The second issue in importance was a badly perceived climate in the section, group or department. In some of these cases the Ombud could act as mediator between the persons involved in the conflict. Immediately after that follows a perceived lack of supervisory effectiveness, in particular with regard to the communication of decisions, a lack of clarity as to expectations and an apparent unwillingness to listen or see things from another perspective. There were also a few examples where people felt stuck in an impasse with their supervisors due to the latter's perceived pre-conceived opinions or entrenched positions vis a vis them.

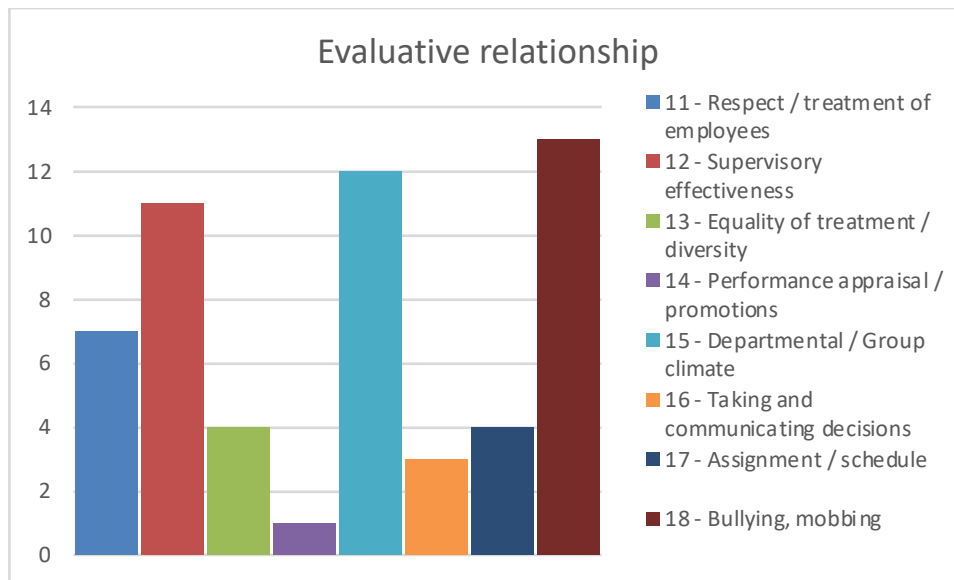


Fig.9: Statistics on sub-issues of Evaluative Relationships 2017

## 6.2] Values, ethics and standards: 24 issues

The majority of cases in this category concerned questions related to the application of the CERN Code of Conduct and the respect of values and culture. For the first time this category is the second in importance, before the category “Peer relationships”.

## 6.3] Peer relationships: 20 issues

Conflicts between peers represented 17% of the issues raised in the Ombud’s office in 2017, a figure that is stable compared to the previous years.



Figure 10 below shows the breakdown of themes in this category, with twelve communication issues, once again representing the major part of the problems. The second important category concerns bullying and mobbing (five issues).

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

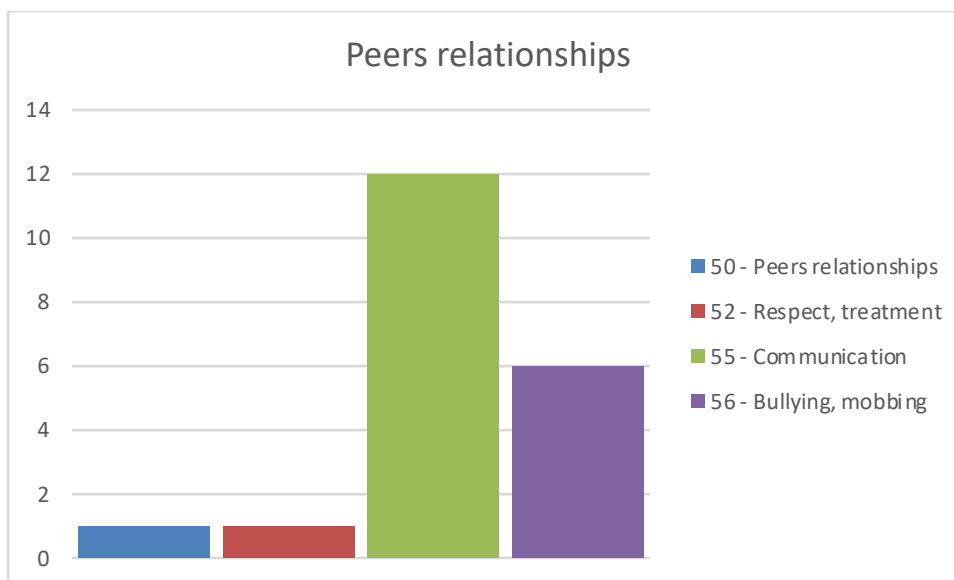


Fig. 10: Statistics on sub-issues of Peers relationships 2017

#### **6.4] Career progression and development: 10 issues**

The main concern in this category was related to career progression and development, underlining the need for more systematic discussions with staff as to possibilities for growth and diversification.

A few cases related to limited career advancement due to the new MERIT salary structure were signalled as on-going conflicts with the Organization, having led to formal appeals.

#### **6.5] Services and administrative issues: 4 issues**

All four cases involved administrative decisions.

#### **6.6] Safety, health and physical environment: 3 issues**

All three issues reported in this category related directly to safety and physical conditions.

### 6.7] Law, regulations, finance and compliance: 1 issue

This one issue related to private business between members of personnel, but having repercussions on the working relationships.

## 7] Outcomes to issues raised in 2017

Figure 11 below shows the distribution of outcomes for the cases brought to the Ombud's office in 2017:

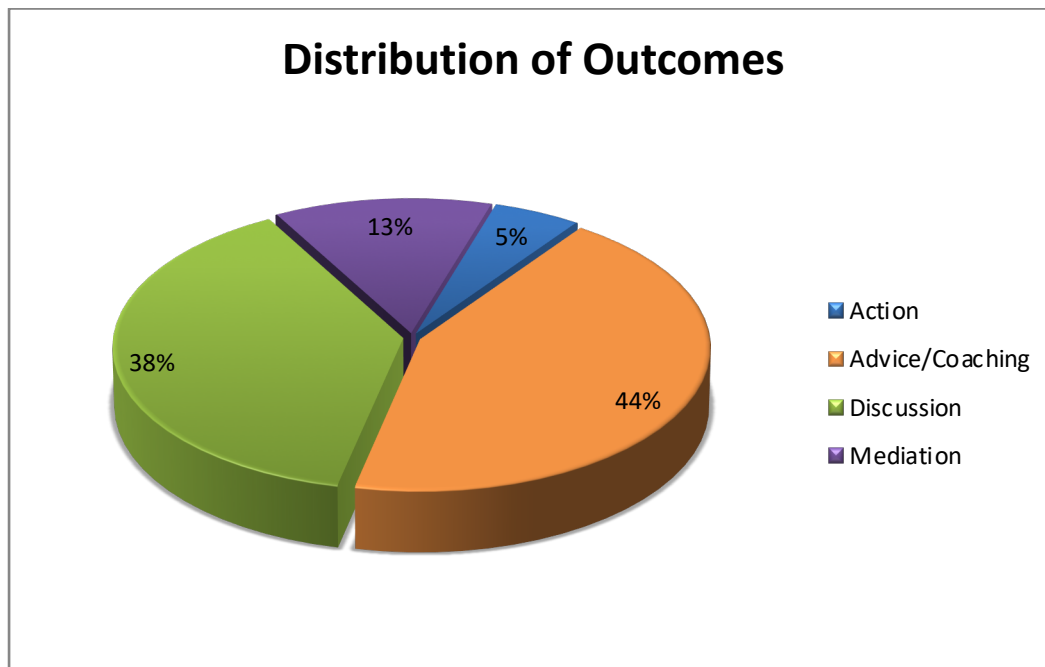


Fig. 11: Distribution of Outcomes - 2017

It can be seen from this figure that in 2017, similar to previous years, 82% of the outcomes were reached through discussion and advice or coaching. Most of the time this entailed listening to the visitors' concerns, and helping them to identify the outcome they sought. Once that had been clarified, it involved guiding them through a series of questions to identify the various options of action that could help them to reach their objectives. In several cases, in addition, it involved some situational coaching, in particular with regard to how to communicate with their interlocutor.

It should be recalled here that the Ombud never advises on a particular course of action – this remains a decision for the visitor; the Ombud’s role is to guide the visitors to a decision by tapping on their own inner resources. It is then the responsibility of the visitors to implement this decision, whilst always counting on the support of the Ombud, as needed.

Advice is limited to providing information, e.g. on rules, processes or services that may be of use to them.

Of the remaining 18% of cases that were addressed through an action on the part of the Ombud, 15 situations were handled through mediation, which is three times as much as the previous years’ average. Others involved referral or recourse to formal action, as appropriate.

Most of the cases brought to the Ombud’s Office in 2017 have been resolved or closed, with a few carried over into 2018.

## **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 18 articles were published in the ‘Ombud’s Corner’ section of the CERN Bulletin in 2017, covering a range of themes representing the various types of issues brought to the Ombud’s Office and presented through fictitious scenarios and compilations. The articles were written in a constructive spirit and aimed to raise awareness and promote respectful behaviour and interactions between peers and within the hierarchical relationship of management and staff.

Topics covered over the year ranged across issues related to communication, 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 ‘Ombud’s 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 Induction programme for new members of personnel, which, since mid 2017, has also been extended to the Associated Members of Personnel. On top of these regular Induction programme, the Ombud was invited on “ad hoc” meetings for

**CERN Ombud Annual Report 2017**

**Pierre Gildemyn**

---

newcomers in the collaborations, such as in ATLAS and in ALICE. Whenever invited, the Ombud presented the Annual Report in the departmental Group leaders' meetings. 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.

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

The principal training and professional activities undertaken in 2017 include:

- Foundation course in the IOA for the newly appointed Ombud;
- Participation in the IOA Annual conference, Atlanta, USA;
- Monthly meetings with the Ombud network of Geneva based international organizations. These meetings provide a critical resource to this community and a regular opportunity for its members to share experience and benefit from each other' perspective on the challenges they face.

Contacts with one's counterparts in the International Organizations and Associations allow for a rich exchange of information with access to reports, and advice on problematic situations, in addition to a rewarding personal link with professionals in the Ombud world. These contacts also provide an excellent occasion to promote the image of CERN, as an employer concerned for the health and well being of its staff.

## **9] Observations**

This seventh annual report is part of the Ombud function: it provides an opportunity to describe the activity of the Ombud, to report on the numbers and profiles of staff having recourse to the Ombud's Office, and to share some of the major themes and concerns that have been raised by these visitors.

The report is also a means by which to encourage change over time by raising awareness of management and staff to the difficulties and challenges inherent in the Organization's practice and culture, and offering insights into ways of addressing them.

The following observations are based on the main issues reported to the Ombud Office in 2017:

- Whilst all visitors expressed their appreciation of a 'safe' place where they felt encouraged to share their concerns freely without fear of reprisal, many of them preferred that their initiative to contact the Ombud should remain confidential as they felt it would be badly perceived by their hierarchy and/or environment and feared negative consequences for their career.

- Sexist remarks and other types of unwelcome behaviour of this nature continue to be reported, mostly *but not only* by women colleagues. In nearly all cases this behaviour was attributed to more senior colleagues, suggesting a cultural difference, particularly between generations, as to what is perceived to be acceptable or not. In most cases, colleagues preferred to deal with the situations themselves, often by simple avoidance, but all reported a feeling of discomfort and disrespect. It is to be noted that there was no significant increase in the reporting of issues of sexual harassment, despite the opening created by the widespread public reporting on many cases, particularly in the entertainment industry in the United States, but also in Europe.
- Fellows reported a lack of guidance or proper integration into groups on a couple of occasions. Over the last ten years the population of Fellows, Students and Trainees has more than doubled, while the population of Staff Members has remained stable, at about 2'500. This means that the supervisory burden has increased significantly. In some sections the number of Fellows, Students and Trainees has become almost as important as the number of Staff Members. While supervisors are committed to supervise all personnel, there seems to be a natural tendency to give priority to the Staff Members. This can explain why Fellows, Students and Trainees sometimes feel they get less attention.
- Evaluative relationships

As in the previous three years, the largest number of issues brought to the Ombuds office fell into the 'evaluative relationships' category, i.e. conflicts within the supervisor/supervisee relationship.

In 2017, these issues were related, for the most part, to a perceived lack of supervisory effectiveness, and ranged from poor communication and disrespect to unfair treatment, victimisation and, in a few instances, they were experienced as an abuse of power.

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

- Peer relationships:

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

- Career progression and development:

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

- Issues raised by Users

Communication was also often at the source of issues raised by Users and included examples of perceived discrimination linked to language and culture as well as sexist behaviour and bullying. Some student visitors complained of a lack of guidance.

In some cases, Users expressed concerns over a perceived subjectivity in the selection process for appointments to project or sub-project leadership, or selection for talks at conferences, where they reported a bias in favour of colleagues who invested more time in building relationships than in actually doing analysis or service activities. In these instances, they were encouraged to request clarification from the collaboration hierarchy. In a few cases, this also led to a mediation/intervention on the part of the Ombud.

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

The MPAs, especially the Users’ community, require a particular attention because the supervisory structure is not as well established as for the MPEs, the contractual status is more fragile, and the scientific competition between them can sometimes be extremely high.

The existence of the CERN Code of Conduct, and the availability of services such as the CERN Diversity programme and Ombud are not as well known among the MPA as among the MPE.

## 10] Recommendations

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

- 1) Seen the vast majority of evaluative and peers relationship issues, it is important to continue to weight behavioural competencies (esp. supervisory competencies, where applicable) in the selection process at the same level as the technical competencies. The same balance should be pursued during the performance evaluation interviews.

- 2) Provide on-going training and coaching for all supervisors, whatever level. This could be done by complementing the existing offer of leadership coaching for newly appointed managers with regular refresher training modules for existing supervisors at all levels. Generally speaking it is critical that the hierarchy be aware of their role model as leaders, and systematically invest in developing their own people management skills.
- 3) Systematic process for feedback on supervisory effectiveness.  
The supervisory effectiveness should be weighted at its appropriate level in the MERIT appraisal. The top-down approach could be complemented by exploring alternatives to bottom-up feedback, taking inspiration from existing models, [e.g. IT (survey) and BE (dialogue workshops)] to define a systematic upward feedback process compatible with CERN culture; CERN-wide workshops bringing Management and staff together to share experience and expectations would also be beneficial in this respect.
- 4) Associated members of personnel.  
This population can be better informed about the support available at CERN. The Ombud is available to present the services and every opportunity (e.g. Collaboration meetings) to invite him should be seized.
- 5) Contract policy.  
While the contract policy is a constraint which the Organisation has consciously decided to integrate in its management, and while the implementation is thoroughly conducted and very resource-consuming, there have been rare cases of staff not being awarded an IC despite having worked eight years under an LD contract. The management should avoid creating false expectations, esp. when extending contracts beyond the five years period, for the comfort of keeping someone doing the job, well knowing though that this person probably does not meet the criteria for an IC award.
- 6) Fellows  
Since the supervisory burden for some supervisors have become very heavy, some alternatives for the integration and mentoring of Fellows should be considered.
- 7) Sexist behaviour.  
Over the past several months, a worldwide surge in public revelations about sexual misconduct has emphasised the urgency of awareness raising and prevention, illustrating that the question cannot be eluded at CERN neither. In 2017 there were a limited number of cases of sexism (going from discrimination up to sexual harassment) treated by the Ombud. International studies show that, depending on country and methodology used, between 20 and 90% of women are or have been sexually harassed at least once in their professional life. This would indicate that a lot of cases remain under the radar at CERN. CERN's management therefore is encouraged to remain alert and to consider investigating this matter more in depth by appropriate actions.

## 11] Conclusion

The Ombud function continues to grow with the number of visitors reaching 117 in 2017, whilst the number of meetings with each visitor varied between one and seven times. The majority of issues were closed, with only a few cases carried over for completion in 2018.

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

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

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



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

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