

MANDATE OF THE CERN OMBUDS

Purpose of the Ombuds

Ideally, interpersonal issues between persons 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 Ombuds may help to resolve disputes in a consensual and impartial manner, thus promoting the good functioning of the Organization.

Appointment and Term of Ombuds

The Ombuds shall be appointed by the Director-General as a staff member with the resulting rights and obligations. The post may be filled by internal selection or external recruitment. The Ombuds shall report directly to the Director-General.

The Ombuds shall serve for an initial term of three years, which may be renewed by the Director-General for one additional two-year period. Appointment and renewal shall be made only after consultation with the Human Resources Department and the Staff Association.

Upon completion of his/her service as Ombuds, the Ombuds shall separate from the Organization and may not serve in any other capacity as a member of personnel.

Services of the Ombuds

The Ombuds shall provide guidance in the application and interpretation of the CERN Code of Conduct.

The Ombuds shall provide confidential assistance for the informal resolution of interpersonal issues, in the interests of the good functioning of CERN. The Ombuds shall perform these services through counseling, mediation, consensus building and/or other conflict resolution methods.

In performing these services, the Ombuds shall be independent and impartial. In conflict resolution, he/she shall contact all parties involved and treat all parties equally.

The Ombuds shall not address disputes arising between a person and the Organization, in particular relating to administrative decisions. These disputes are subject to the appeal and review procedures set out in Chapter VI of the Staff Rules and Regulations and in Administrative Circular No. 6 ("Review Procedure"), including the relevant mediation provisions.

The Ombuds shall not intervene in matters where his/her intervention would interfere with the execution of a contract.

The Ombuds may decline at his/her discretion to intervene in matters brought to his/her attention, if he/she considers it inappropriate or unhelpful to do so.

Access to the Ombuds

All members of personnel have access to the services of the Ombuds.

In addition, any other person working at or on behalf of CERN has access to the Ombuds. However, the services the Ombuds 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.

Procedures of the Ombuds

Use of the Ombuds' services is voluntary. Conflict resolution may only take place with the agreement of the parties.

Where conflict resolution is not successful, the Ombuds may nonetheless present recommendations to the parties.

Subject to the consent of the parties, the Ombuds may present the successful outcome of conflict resolution or his/her recommendations to their supervisor(s) and/or the Director-General.

The Ombuds shall not have any powers of decision making or formal investigation. He/she may, however, recommend that the Director-General launch an investigation into general or systemic matters which have come to his/her attention.

In carrying out his/her functions, the Ombuds shall have access to relevant records and files kept by the Organization, subject to the consent of the person(s) concerned.

Reports

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.

At the request of the Director-General or at his/her own initiative, the Ombuds may furnish additional written reports in order to promote organizational and operational efficiency.

Awareness of Ombuds' Services

The Ombuds shall create awareness regarding his/her functions, in particular regarding access to his/her services.

Confidentiality

The Ombuds 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 Ombuds shall protect the confidentiality of all persons involved.

Persons involved in a matter brought to the Ombuds shall maintain strict confidentiality regarding their interaction with the Ombuds.

The Organization shall treat as strictly confidential all identifying information given to it by the Ombuds.

These obligations of confidentiality may be waived solely with the consent of the person(s) concerned. The only exception to this rule is when the Ombuds deems there to be an imminent threat of serious harm to person or property.

Cooperation with the Ombuds

The Organization and persons working at or on behalf of CERN shall assist and cooperate with the Ombuds in the performance of his/her functions.

Attempted or actual retaliation against a person who contacted or cooperated with the Ombuds shall not be tolerated and may result in disciplinary action.
