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Annual report of the Office of the Ombudsman and Mediation Services for 2018

Draft decision*

The Board takes note of the document entitled "Annual report of the Office of the Ombudsman and Mediation Services for 2018" (WFP/EB.A/2019/4-C).

Overview

1. The Office of the Ombudsman and Mediation Services was created in September 2005 to ensure that every WFP employee had access to an informal and confidential process for addressing conflicts, disputes, or complaints, regardless of title or status. For many, the Office will be a safe first step to addressing a problem. For others, contacting the Office may occur later in the progression of a concern. The Office will assist in uncovering serious concerns, addressing disputes, managing conflict and educating individuals in more productive ways of communicating. The Office advocates for a fair conflict management system and supports systemic changes to accomplish this goal.
2. The Ombudsman presented the annual report to the Executive Board for the first time in the thirteen-year history of the WFP Office of the Ombudsman in June 2018. The Executive Bureau endorsed this presentation in January 2018. Herewith an important recommendation of the 2015 Joint Inspection Unit (JIU) "Review of the organizational ombudsman services across the United Nations system" has been implemented. The Office is working toward presenting its annual report every year at the June Board.

* This is a draft decision. For the final decision adopted by the Board, please refer to the decisions and recommendations document issued at the end of the session.

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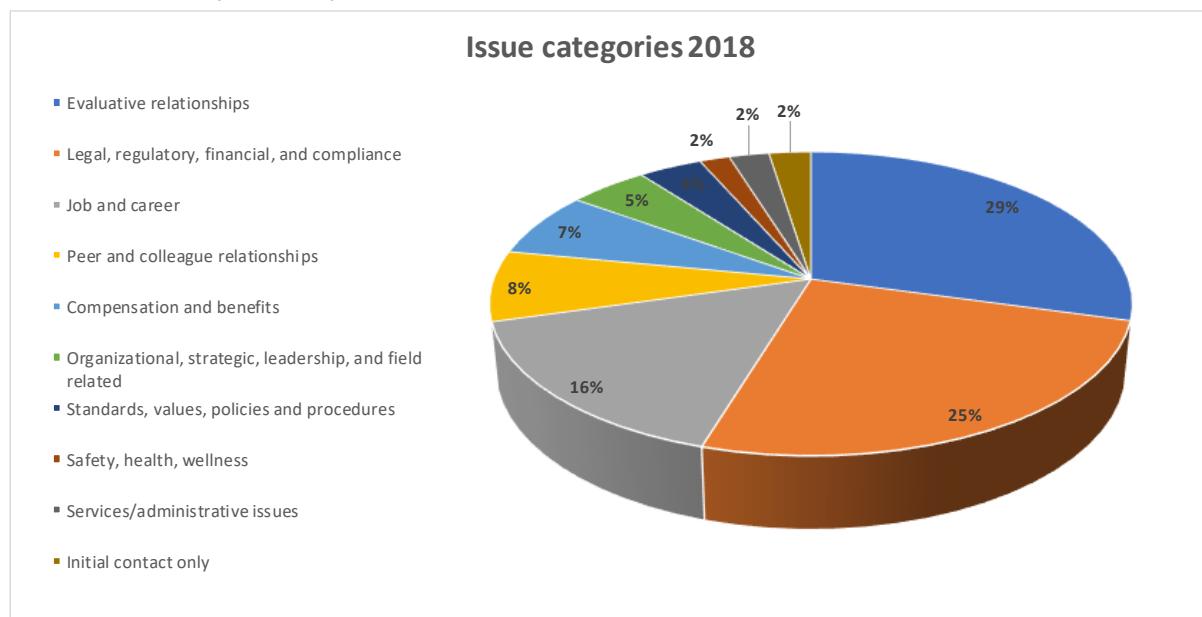
3. The purpose of the Office as defined in the terms of reference, (**annex I**) has remained consistent with its original mission; to improve the workplace environment through informal resolution of employment-related concerns and conflicts. The Office continues to serve as a deterrent for formal grievances, while employing specific strategies that increase productivity through de-escalating conflict and building conflict-management skills. The mission of the Office is to provide judgment free environment where employees may share their concerns and feel heard. Additionally, the office remains steadfast in escalating systemic issues; and issues that may negatively impact WFP. Finally, the Office makes recommendations where needed, to improve policy, procedure and systems.
4. A clear understanding of how the Office is an integral part of WFP's organizational readiness towards the [2030 Agenda for Sustainable Development](#) is seen most conclusively through the informal conflict resolution services it provides. As the Office assists employees through the resolution of work-related conflicts, employees are better equipped to successfully operate in their roles toward achieving their part in this Agenda. When conflicts and issues in the work environment diminish, employees then have the necessary bandwidth that is required to respond to outside conflicts; to 'building resilience before, during and after crises; as well as to ultimately move from managing disasters to managing risk and building resilience in people.'
5. The Office implemented a survey for visitors in 2018. Of those that completed the survey 80 percent would recommend the Office to others; 75 percent felt the Office created options for conflict resolution; 60 percent felt that they obtained insight that would assist them in addressing future conflicts; 50 percent felt that by working with the Office they avoided a formal process and 80 percent of all respondents stated they are satisfied or even very satisfied with the services they received.

Issues and trends

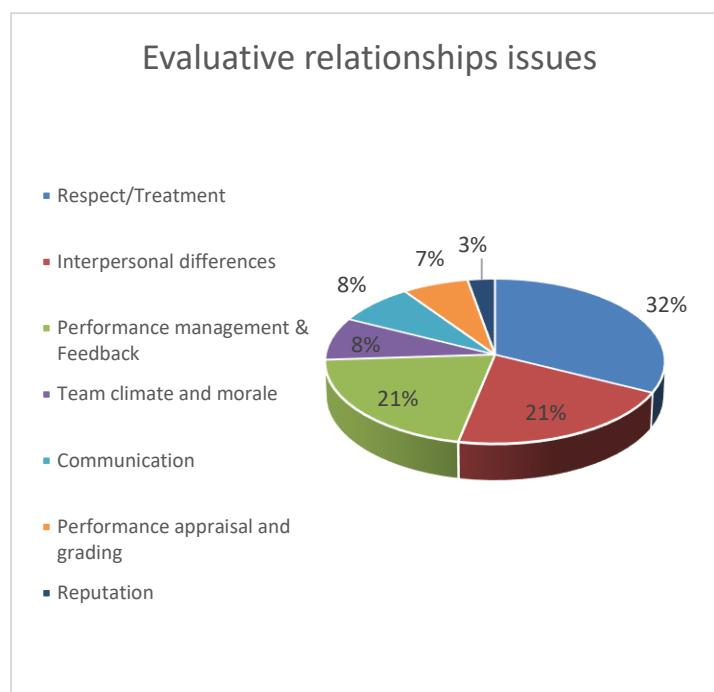
6. The Office completed fifteen office- field visits to seven country offices and eight field offices. The purpose of the visits is to increase visibility and impact of the Office as well as provide opportunity for in-person appointments with the Ombudsman. Office visits consist of management briefings; all staff presentations detailing services provided by the Office; round-table discussions regarding locally relevant conflict issues; and meetings with the national staff association, staff counsellor, and RWAs as necessary. Countries that request visits and those that have not previously received an Ombudsman visit are prioritized.
7. Best practice designates *annual* visits to detached organizational offices. Current Ombudsman leadership would elect to visit each country office every *three* years. However, WFP is operational in 85 countries and given current staff size of the Office, the present country office visitation capacity is anticipated to be one visit approximately every 10 years. Though this is not ideal, it is realistic.
8. Issues raised to the Office are categorized and statistical information is maintained and analysed. This practice assists with the early detection of systemic issues that may pose significant concerns for the WFP. These issues are shared with senior leadership in addition to Ombudsman recommendations on corrective or preventive action. Categories are classified and aligned with the [International Ombudsman Association Uniform Reporting Categories . \(annex II\)](#)
9. Three hundred and sixty-eight individuals contacted the Office for assistance in resolving workplace conflicts. Within these 368 cases there were 852 issues. In 2016 there were 215 cases and in 2017 there were 368 cases in total; issue counts were respectively 394 and 776. Annual totals do not necessarily reflect the amount of employee conflict as much as they reflect knowledge of and access to the Office. Fewer field visits were conducted in 2018

which seems to underscore the effectiveness of the Office's outreach. This may also suggest that more employees would have contacted the Office had more field visits been possible.

10. The number of female visitors (57 percent) was higher than that of male visitors (40 percent) as compared to 2017 when the numbers of female and male visitors were nearly equal (51 percent and 49 percent). Group cases, cases where two or more employees contact the Office together, constituted 3 percent of the total caseload. Of all cases, 75 percent were initiated from the field and 25 percent from headquarters; as compared to respectively 84% and 16% in 2017. This difference can be explained by the decrease in field visits in 2018.
11. In 2018 the three categories reflecting the highest numbers were in the areas of evaluative relationships, legal and regulatory, and job and career. These areas accounted for 70 percent of employee issues. Within each primary category are several subcategories. By separating the larger category issue into subcategories, issues can be defined with precision. Applying subcategories supports the analysis of issues as well as the tracking of trends to quantify systemic issues and provide an early warning to the organization. These systemic issues are formulated principally through confidential conversations held with visitors and stakeholders as well as direct observations by the Ombudsman. The Office subsequently raises feedback on these issues to leadership, and appropriate stakeholders, as it is there that it can prolifically be addressed.

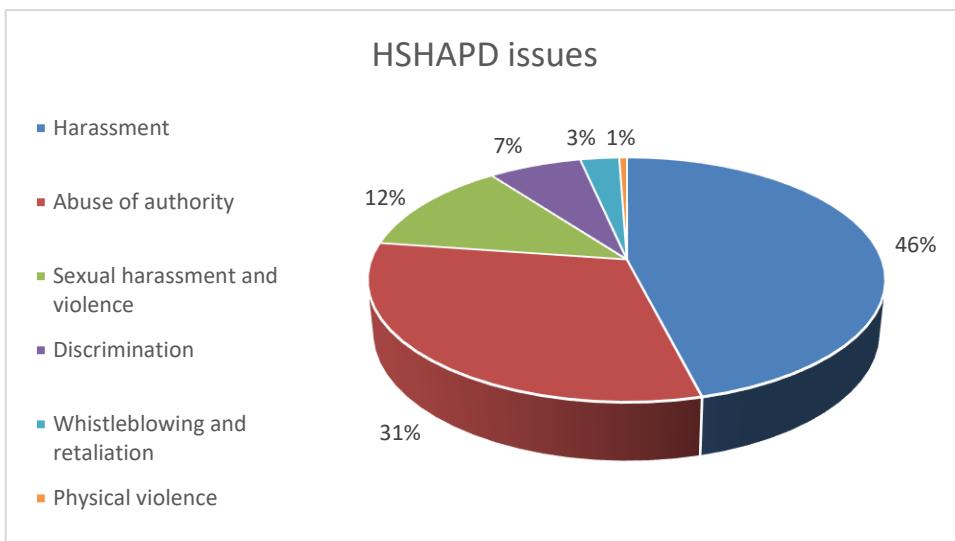


12. For the last five years **evaluative relationships** have been the number one issue raised to the Office. This is also consistent with other ombudsman offices worldwide. This category encompasses, among others, issues between supervisors and employees; team climate and morale, and concerns regarding reputation. For additional subcategories noted within evaluative issues, please refer to the 'evaluative relationship' graph. Since 2017 the legal and regulatory category reflects the newly issued Harassment, Sexual Harassment, Abuse of Authority and Discrimination (HSHAPD) policy and thus includes issues pertaining to *harassment, sexual harassment, abuse of power, discrimination, physical violence, whistleblowing and protection against retaliation*, as described in the policy.
13. Within evaluative relationships 74 percent of employee issues were classified further into three subcategories: respect and treatment, interpersonal differences, and performance management and feedback.



such an environment. The consequences of the initiative will have a direct impact on addressing several of the systemic issues raised in 2018.

14. Based on these systemic issues raised the Office provided extensive input to create and implement the global *Respect Campaign*. Furthermore, as a member of its senior taskforce, the Office partnered with the Communications Advocacy and Marketing Division, the Human Resources Division, the Ethics Office, and the Staff Wellness Division and contributed pointedly to the focus and strategy of the campaign. The purpose of the campaign is to raise awareness on the need for a work environment that cultivates respect. The campaign seeks to equip WFP employees with the knowledge, skills, and resources required to create
15. The Office provided the necessary training to equip its Respectful Workplace Advisors (RWAs) in their efforts to grow and maintain the Respect Campaign. RWAs continue to facilitate and support *Respect* activities and education that will ultimately achieve a respectful workplace for all WFP staff. Each of the individuals currently acting in the role of an RWA have been or will be included in the *Respect Campaign* for their local duty stations.
16. **Legal and Regulatory** issues reflected the second most significant issue raised in the Office in 2018. Within this category 81 percent of employee issues were further classified into HSHAPD. Of the remaining 19 percent, 8 percent was related to the investigative/disciplinary process and another 8 percent to ethics and integrity issues.
17. In 2018 HSHAPD cases count for 33 percent of the Office's total caseload, as compared to 27 percent in 2017. There is this year a significant increase in sexual harassment cases as they have tripled in number compared to the year before. This is due to the issuance of the new HSHAPD policy in March, and the related Executive Director messaging. The Office had a surge in management calls as well after the policy was revised, requesting coaching regarding policy implementation when HSHAPD complaints are raised.

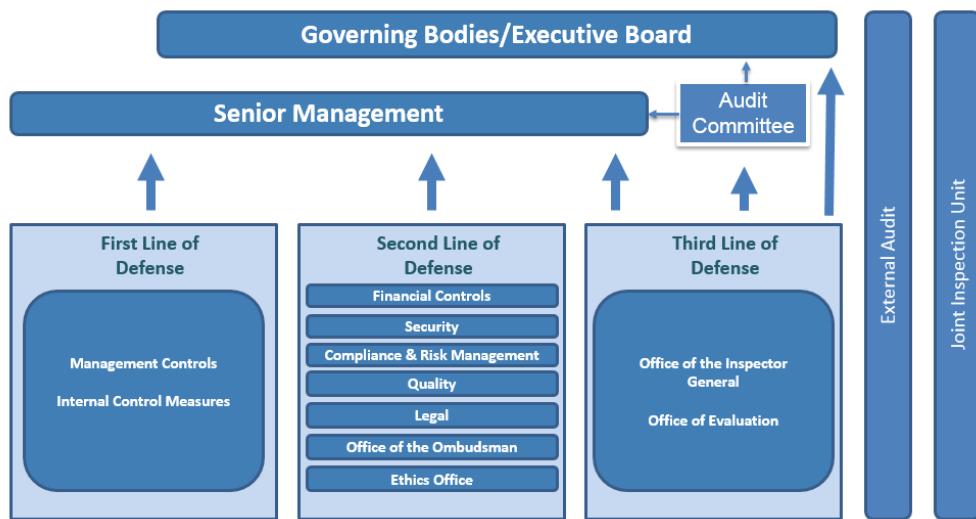


18. Subsequent to the launch in 2016 by the incumbent Executive Director of the **Zero-Tolerance Campaign** bringing attention to sexual harassment, sexual violence and sexual exploitation and abuse, the Office saw a sudden rise in cases related to these issues. Employees empowered by the campaign finally felt able to report their experiences of sexual harassment and sexual violence. Of special note, contrary to the intention of a Zero-Tolerance Campaign, the HSHAPD policy enforced a 6-month time limit to report, which prevented many victims from reporting at all.
19. The Office conducted extensive research to successfully demonstrate the benefit of an effective *victim-centred policy*. To ensure a comprehensive, interdisciplinary approach to making the necessary revisions to the previous HSHAP policy the Ombudsman presented research to the offices of Human Resources, Legal, Gender, Security, Audit, Investigations, Ethics, Wellness. Through this collaborative approach the policy was amended and the 6-month limit to report was removed. The amended policy allows for anonymous reporting, witness reporting and reporting from employees who have departed from WFP and allows the Office of the Inspector General to autonomously initiate an investigation. The policy details the responsibilities of supervisors and managers and requires that promotion to these roles include confirmed skills in fostering a safe and harmonious work environment. Provisions for support to both affected persons and alleged perpetrators have been broadened and clarified.
20. The Ombudsman acknowledges that the amended policy is a significant step forward in the internal system of justice available to employees. And although a policy alone does not change the corporate culture; continuous dialogue and awareness can create a significant and culture-changing result. The Respect Campaign presents in this regard a worthy initiative. The Ombudsman also acknowledges the HR initiative to illuminate the revised HSHAPD policy in each country office. The Ombudsman observed that in locations where HR has completed these sessions, understanding of these issues and revised policy have notably improved.
21. The revised policy established the **Inter-divisional Standing Committee** that is tasked with addressing abusive issues through a centralized, coordinated and multi-dimensional method. Their decree is to advise the Executive Director on addressing and providing a prompt response to abusive conduct as well as promoting the prevention of such conduct. The committee is chaired by the Director of HR and includes the internal justice offices: Inspector-General and Oversight, Legal, Ethics, and the Ombudsman.

The Office of the Ombudsman and risk management

22. WFP's 2018 oversight framework defined its governance and oversight architecture by adopting "The Three Lines of Defense" model. The framework explicitly noted that while formal governing bodies hold senior management to account for risk management, on a day-to-day basis risk management is everyone's responsibility. Managers and employees who fail to consider risk in the planning, implementation and refining of their activities will face obstacles in achieving their objectives.

The Three Lines of Defense at WFP



23. Effective risk management engages employees at all levels and allows risks to be escalated to the appropriate level of decision making. Under the model, risk roles and responsibilities are distributed by activity between 'first line' risk decision makers who own and manage risk as part of day-to-day work, 'second line' managers and functional risk leads who monitor risk and controls, set standards and define overall risk appetite, and 'third line' independent assurance.
24. The Office of the Ombudsman played a critical role in this framework as part of the **Second Line of Defense**, signalling trends and systemic issues that increase risk for WFP. The Office also has a critical role preventing risks for the organization: the risk of conflict escalation that leads to resignation, termination or high turnover; the risk of not being able to attract or retain talent; the risk of damage to the reputation of WFP; and risks of the negative impact of poor morale and productivity to ultimately the well-being and survival of our beneficiaries. Because ombudsman offices have no vested interest in an outcome, they are the safest resource in an organization to assess difficult or uncomfortable issues, and to create options for resolution. Their tenets and code of ethics, particularly confidentiality and informality, make it the ideal place to have difficult conversations.

Respectful Workplace Advisor programme

25. Since the inception of the RWA programme in 2007, its mission remains consistent; to assist the Office of the Ombudsman by expanding its outreach to regional offices, country and sub-offices through first level dispute resolution services. The RWA programme continues to work in direct coordination with the Office by maintaining a focus on preventing and reducing workplace conflicts and reinforcing the informal dispute resolution system, in pursuit of conflict prevention and early resolution. As the extended arm of the Office, RWAs provide confidential and neutral support to colleagues facing workplace issues as they offer empathic listening and act as a sounding board. Together with the visitor, RWAs explore available options for addressing a situation in a non-adversarial, constructive manner that focuses on self-help approaches and empowerment; they do not mediate or intervene as a third party.
26. RWAs are trained in basic coaching skills and a precise understanding of the applicable HR policies and the organizational mechanisms for informal and formal conflict resolution. RWAs attend monthly teleconferences which provide an opportunity to disseminate trainings on selected themes as well as to share best practices. RWAs have access to online support in case of queries regarding their role or approach. Since 2012, RWAs also serve as Ethics Ambassadors for the Ethics Office. In this latter mandate, they provide outreach on WFP's principles and values, including the Standards of Conduct for the International Civil Service, the WFP Code of Conduct and WFP's Ethics policy framework. See annex III for their summarised terms of reference (TORs).
27. Following a global needs analysis that considered the size of WFP at country levels, as well as gaps left by RWAs who left the role or organization, a nomination process was launched in 38 countries which led to the selection of 42 new RWAs. Those new to the role will participate in a one-week RWA basic training programme provided by the Office of the Ombudsman.
28. During 2018, 118 RWAs assisted in 264 cases involving 360 issues. This represents a significant increase over previous years; 2017, 104 RWAs assisted in 214 cases; in 2016, 103 RWAs assisted in 240 cases. Like previous years, 30 percent of all reported issues fell into the category of peer and colleague relationships. This was followed by 16 percent that concerned career progression and development and 15 percent that concerned evaluative relationships.
29. The main issues raised by RWAs were harassment and abuse of power accounting for 34 percent of all cases. This represents a 10 percent increase over 2017, when this single category had come second at 24 percent. The sharp increase, which mirrors overall Global Staff Survey results, could be attributed to heightened awareness among staff, following the release and promotion of the new HSHAPD policy in early 2018. Career progression and issues surrounding performance appraisal continue to feature prominently with 24 percent and 15 percent respectively.

Ombudsman recommendations

Enhanced listening, skill building and support services

30. Forty percent of the total number of issues raised with the Office of the Ombudsman are related to communication and respectful treatment and fall in the subcategories: respect/treatment 12 percent; performance management and feedback 6 percent; communication 3 percent; team climate and morale 3 percent, harassment 10 percent; and abuse of authority 6 percent. The need for improved communication, feedback and dialogue within teams as well as the organization has also been confirmed by the 2018 WFP General Staff Survey. Only 44 percent of respondents believe there is open and honest two-way

communication; 54 percent trust their opinions count, and 49 percent feel safe to speak up and challenge office processes. The Executive Director called upon employees in an all-staff message to review the results of the survey and begin to treat each other with dignity and respect as well as to listen more.

31. Many visitors expressed frustration with the often hierarchical, one-way communication of their managers and supervisors. This included lack of transparent communication; the absence of constructive and regular feedback; and the inability to express their views. Employees want to be heard and want to be respected; feeling valued and appreciated are universal human needs. Lack of authentic dialogue reduces engagement, and often breeds poor workplace morale. Through conversations with visitors and stakeholders, the Ombudsman noted a listening deficit within the organization and identified listening as a key area for improvement. Meaningful two-way communication requires active and empathetic listening. When employees are comfortable and able to express themselves freely, motivation and collaboration improve, and engagement, trust and loyalty are built. Therefore, teams as well as the organization have a lot to gain by practicing active and empathetic listening. A listening culture may also be the most effective way to prevent abusive behaviour.
32. The Ombudsman recommends that staff complete, at minimum, one time per year, the e-learning course entitled “enhance your listening skills” available to all staff. Keeping this skill fresh in the minds of all WFP employees will help maintain momentum for shifting the culture’s propensity to actively listen. Additionally, management should be provided *ongoing training* related to interpersonal skills, effective communication, conflict management and cultural competencies.
33. WFP should consider implementing tools that allow managers to receive anonymous feedback from their direct reports, colleagues and supervisors on their managerial and communication style. These types of tools give managers the opportunity to receive candid feedback that ultimately promotes growth and accountability. This same feedback provides a supervisor with concrete data that can be applied to their manager’s professional development plan.
34. In the realm of listening to victims of sexual harassment, the Ombudsman recommends a *confidential repository* that can be utilized by employees. A repository would allow an employee to input or deposit details about an incident and not make a formal allegation. Use of an operative repository would allow the Investigator General to monitor and gather additional incidents that have been deposited by other victims and if/when an incident is repeated a formal investigation can then be initiated. In the wake of the #MeToo movement several organizations have established confidential repositories.
35. In the realm of listening to complainants who submit a formal sexual harassment or sexual violence report to HR, the Ombudsman recommends that the organization invest in a *confidential support person* who is able to explain the investigation process and answer queries throughout the lengthy investigation. Currently complainants and subjects of investigation have access to the Ombudsman, the staff counsellor and their legal counsel; a designated person would be the more desirable option. One such option for this confidential support is an employee who is situated within the Office of the Ombudsman. Providing this support is consistent with the victim -centred approach the amended HSHAPD policy describes.

36. In the realm of listening to separated employees, the Ombudsman recommends implementing a protocol for all separated staff to receive a confidential *exit interview*. The objective of an exit interview is two-fold. This process validates the employee by providing an opportunity for full self-expression regarding their separation or resignation. This process also provides WFP with information that may be utilized to improve retention as well as provide insight into earlier identification of unaddressed issues.

ANNEX I**Terms of reference**

The terms of reference (TORs) for the *Office of the Ombudsman and Mediation Services* were originally issued by the Executive Director in 2005. A revised TORs was issued in 2012 and supersedes the previous document. Three sections of the most recent document are provided here.

Purpose

- 1) The Office of the Ombudsman and Mediation Services ("Office") has been established for the purpose of making available the services of an impartial and independent person to confidentially and informally address the employment-related concerns and conflicts of all employees.
- 2) The terms "concerns" and "conflicts" are to be construed in their broadest sense and include, *inter alia*, matters pertaining to conditions of employment, workplace behaviours, administration of benefits and communications between individuals or groups.
- 3) This circular provides the terms of reference and other arrangements of the Office.

Objective

The objective of the Office is to: 1) Improve the workplace environment through informal resolution of employment-related concerns and conflicts which may also reduce the risks of matters being escalated to formal grievance processes. 2) Identify, analyse and report on broad systemic issues or trends, making recommendations to improve policies, procedures, systems and structures of the Programme, without breaching confidentiality or anonymity.

Access all staff members and non-staff personnel contracted by WFP ("employees") may use the services of the Office. 1) Employees shall be informed of the way they can bring matters of concern to the attention of the Office. 2) The Office shall serve employees both at headquarters and in the field.

Operating principles

- 1) The Ombudsman shall be guided by the WFP mission statement, the staff regulations and rules, applicable policies, and by the principles of justice and fairness.
- 2) The Office is an alternative channel of communication and does not replace or circumvent any other dispute resolution mechanisms – including formal mechanisms – but collaborates, with the employee's permission, with other offices and services. When needed, the Ombudsman can recommend the employee to consult other offices such as the Human Resources Division (including counselling services), the Ethics Office, the Inspector General and Oversight Office , the Legal Office, and the staff representative bodies.
- 3) The Office of the Ombudsman and Mediation Services will provide, among others, the following services:
 - a) Listening: where employees will be heard in an active and supportive fashion without being subject to judgments or criticisms.
 - b) Information-sharing: where employees will be guided to adequate sources of information offering informal interpretation when needed.
 - c) Issue reframing: where issues presented can be clarified and seen from a different perspective, developing new options to satisfy the needs of the employee.
 - d) Coaching: where employee's skills to address the issue can be identified and strengthened.

- e) Informal third-party intervention or shuttle diplomacy: where the Ombudsman will bring parties together informally or go back and forth between parties until an agreeable solution is identified.
 - f) Mediation: where the Office of the Ombudsman and Mediation Services will arrange a systematic negotiation process where a certified mediator will facilitate parties to reach to an agreement.
- 4) The staff of the Office of the Ombudsman and Mediation Services shall be exempt from reporting on activities which constitute a violation of national law, fraud, and gross waste of funds or malfeasance brought to their attention by employees consulting the Office of the Ombudsman and Mediation Services but will advise them of their duty to report these activities through established internal channels.
- 5) The operating principles of independence, neutrality, confidentiality and informality, referred to below, apply to the Ombudsman and persons authorized by the Ombudsman to handle or mediate employees' cases.
- 6) Use of the services of the Office is always voluntary.

ANNEX II

Definitions

The term **case** refers to a scheduled appointment requested by an employee to meet with the Ombudsman to discuss a work-related conflict or concern.

The term **issue** refers to the type of conflict within a category. Multiple issues may be represented within one case.

There are currently ten primary categories utilized to define an issue. These categories are aligned with the uniform data reporting categories of the **International Ombudsman Association**. The ten categories are:

1. Evaluative relationships
2. Legal, regulatory, financial and compliance
3. Job and career
4. Organizational, strategic, leadership and field-related
5. Compensation and benefits
6. Safety, health and wellness
7. Peer and colleague relationships
8. Standards, values, policies and procedures
9. Services and administration
10. Other

Each of these primary categories are divided into **subcategories** to allow the issue to be precisely identified.

ANNEX III

Terms of reference: Respectful Workplace Advisors

This ToR is issued by the Office of the Ombudsman, and here are the most relevant sections.

WFP and sister United Nations agencies recognize the right of every staff member to be treated with dignity and respect. This entails working in an environment that is free of harassment and intimidation, where any complaints of being treated disrespectfully are taken seriously and dealt with promptly. To support this principle, the agencies have set up several avenues through which individuals who encounter workplace problems can seek advice and assistance or register a complaint. In WFP, these channels include management, human resources -including the staff counsellor and staff relations, legal services, Inspector General and Oversight services, the Office of the Ombudsman, the Ethics Office, and the staff associations.

To reinforce the informal dispute resolution system in WFP, and following an inter-agency pilot project of UNHCR, WFP and UNICEF in late 2007, a field-level network of volunteer Respectful Workplace Advisors (RWAs) was established.

The objective of the RWAs is to work in direct coordination with the Office of the Ombudsman and Mediation Services (OBD), with particular focus on preventing or reducing workplace conflicts by addressing them promptly and at their source. The RWAs refer to the Ethics Office as well, in their role as "Ethics Ambassadors". In this latter function, RWAs support the mandate of the Ethics Office by providing education and outreach on the values and principles of the United Nations and WFP, including the Standards of Conduct for the International Civil Service, the WFP Code of Conduct and the other administrative issuances therein.

Eligibility

Any employee is eligible, with the exception of staff holding senior managerial and administrative responsibilities, and staff working in human resources (any role). staff association or staff welfare representatives and the protection from sexual exploitation and abuse (PSEA) focal points should not be nominated as dual roles could cause a conflict of interest or be perceived as such. Peer Support Volunteers (PSVs) are eligible and can serve in both functions.

Nomination

RWAs are nominated through a confidential nomination system by staff members in their respective offices and appointed by the Ombudsman in consultation with their respective country director/regional director. Nominees should have been with the organization for at least one (1) year.

RWAs are expected at all times to:

- Respect the dignity and rights of all staff.
- Maintain the highest standards of personal integrity.
- Maintain strict confidentiality concerning all discussions with a staff member.
- Disclose to the Ombudsman any actual, perceived or potential conflicts of interest that may arise while fulfilling the role of RWA.
- Disclose to the Ombudsman any request of or intent to become a member of a committee or working group.
- Maintain the principles of neutrality and independence of the role of RWA, including when taking on other work-related roles.

Acronyms used in the document

HR	human resources
HSHAPD	Harassment, Sexual Harassment, Abuse Of Authority And Discrimination
RWA	Respectful Workplace Advisors
TORs	terms of reference