

OFFICE OF THE UNDP/UNFPA/UNOPS
OMBUDSPERSON

Report on the work of the office for the period
1 August 2003 – 31 July 2004

Working together to find solutions

16 September 2004

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INTRODUCTION

In the second year of the operation of the Office of the UNDP/UNFPA/UNOPS Ombudsperson, over 498 staff members at all levels sought the services offered by the Office. This is an increase of 29 per cent over the preceding 12 months. While the increased figures represent only a small fraction of the total UNDP/UNFPA/UNOPS workforce (including UNCDF, UNIFEM and UNV), it indicates that staff members feel more empowered to explore their options and to seek informal resolutions to grievances than in the past. This in turn indicates that staff members recognize the need to be fully aware of their rights and responsibilities, which the Ombudsperson strongly advocates, indeed encouraging all staff members to make full use of the available mechanisms of the internal justice system. Requests for appropriate dispute resolution services provided by the Office of the Ombudsperson indeed come from all levels of the organization, including the Executive Heads, and also do not concern only staff-management relations but cover all the issues indicated in section I.A. There is no evidence that staff members have brought trivial matters to the attention of the Office.

In keeping with the principle of confidentiality, the Ombudsperson does not disclose in the present report the names of any staff member who has sought justice by contacting the Office. Nor does the report contain any reference that can be traced to a particular situation or set of events. In this context, the Ombudsperson reiterates that all working notes pertaining to individual cases are shredded once a case is closed, thus ensuring that no records are kept in the Office. A total of 498 individual staff members contacted the Office during the reporting period; some cases have been *sui generis* while many have denoted a trend or shared characteristics that have enabled the Ombudsperson to make a number of recommendations that the Executive Heads may wish to translate into action, as they did for those recommendations contained in the previous report.

In continuing efforts to publicize the work of the Office, the website (<http://intra.undp.org/ombudsperson> - www.undp.org/ombudsperson) contains news of activities and maintains links with other relevant organizations. Two interviews with the Ombudsperson have appeared in the UNDP Bulletin and the Ombudsperson has made a presentation on the work of the Office to the Regional Meeting of the Resident Representatives of Europe and the Commonwealth of Independent States. The presentation was very well received and the Office recommends that other regional bureaux make similar arrangements.

In presenting the second annual report on the work of the office from 1 August 2003 to 30 July 2004, the Ombudsperson wishes to acknowledge the Administrator and the Executive Directors of UNFPA and UNOPS for their openness and willingness to meet, often at short notice, to discuss issues brought to the attention of the Office. In similar vein, the Ombudsperson wishes to thank the Staff Council for their willingness to discuss issues when the need has arisen. The Ombudsperson notes with particular pleasure that as an expression of the importance that it attaches to the work of the Office, the thirty-second UNDP/UNFPA/UNOPS Staff Council has decided to designate a focal point for relations with the Office of the UNDP/UNFPA/UNOPS Ombudsperson.

The Ombudsperson also wishes to extend appreciation and thanks to all those staff members, at all levels, who have demonstrated their belief in the potential of the Office of the Ombudsperson through their cooperation and forthright spirit, including resident

representatives, senior managers and representatives of the Office of Human Resources, the Office of Legal and Procurement Services, and the Investigations Office. Particular thanks are due to managers who encourage their staff to make use of the services of the Office, who publicize the work of the Office and who make it clear that the Office has a positive contribution to make to the overall effectiveness of the work of UNDP, UNFPA and UNOPS.

Confidentiality

Confidentiality is a critical element in all of the work carried out by the Office of the Ombudsperson. This is commonly understood by staff members to mean that the details of particular cases will not be discussed with any other person without the express permission of the staff member concerned.

It is less well understood that staff members with ongoing cases are also expected to maintain confidentiality on their part. Efforts to resolve disputes can be seriously compromised by failure to maintain confidentiality. In addition, the sharing of confidential information with any other party will undermine the work of the Office.

Cost-effectiveness

Although it is difficult to quantify precisely the cost-effectiveness of the Office of the Ombudsperson, it is important to stress the benefits of the office. It is clear that, by empowering staff members to find an informal solution to problems, or by mediating in the situations brought to its attention, there are many cases in which litigation is avoided. The avoidance of litigation – through the Joint Appeals Board and the Administrative Tribunal – is important for the organizations in various ways, not least of which is the very considerable saving of time and money. One significant further benefit is the avoidance of damaging, negative publicity. The Ombudsperson mechanism is also an important means by which the three organizations can learn from their own internal problems, and improve their effectiveness and the morale of their staff.

In accordance with the terms of reference established on 1 June 2002, the Ombudsperson is appointed jointly by the Administrator, the Executive Director, UNFPA, and the Executive Director, UNOPS, in consultation with the Staff Council. The present staff consists of Mr. James Lee, Ombudsperson; Ms. Selome Yifru, Information Officer; Ms. Nancy Araya, Administrative Assistant; and two consultant ombudspersons: Mrs. Linda Schieber, former Coordinator of the Ombudsman Panel, and Ms. Sheila Smith, former member of the Ombudsman Panel.

I. OVERVIEW OF THE WORK OF THE OFFICE FROM AUGUST 2003 TO JULY 2004

A. Cases

The Office handled a total of 498 cases in the period under review. A detailed breakdown by type of issue, party involved in the dispute and location/professional/gender profile is provided in annex I.

The issues brought to the attention of the Office of the Ombudsperson fell into eight main categories:

- Interpersonal problems, including personality differences and conflicts (manager/supervisee or peer to peer);
- Abuse of authority, including discrimination, favouritism, harassment, poor or abusive management practices and violations of the ICSC standards of conduct;
- Promotion /classification/conversion issues;
- Separation issues, including grievances with regard to reprofiling, termination, non-placement or reassignment;
- Performance-related issues;
- Contractual issues, including terms of contract, change of contract, salary at entry;
- Entitlement questions, including pension issues; grants and allowances;
- Working conditions, including work/life issues, leave and physical conditions.

A ninth category containing issues other than the above is also included.

B. Field visits

The Ombudsperson visited 15 country offices during the period under review, covering all regions. The decision by the Ombudsperson to make a visit to a country office is influenced by a variety of factors, including the following:

(a) The level of cooperation from senior management in the country office. If the Ombudsperson believes there is a serious grievance in a country office, and if senior country office management is willing to recognize the grievance and take the necessary steps to address it, a visit from the Ombudsperson may not be needed. However, if senior management proves to be uncooperative or unwilling to recognize a legitimate grievance, this might be a signal that a visit from the Ombudsperson is appropriate;

(b) If there is evidence from country office staff that they are being discouraged from contacting the Ombudsperson, this would indicate that a visit from the Ombudsperson is urgently needed;

(c) If contracts are being terminated and the Ombudsperson's initial review indicates failure to follow due process, a visit would be regarded as essential;

(d) If several staff members from the same country office contact the Ombudsperson individually with grievances that have similarities in origin, such as autocratic or abusive behaviour by senior management or lack of transparency in decision-making, then the Ombudsperson would consider a visit to be necessary;

(e) If there is evidence of a serious breakdown of interpersonal relationships that is threatening the viability of the country office, and if there is scope for informal resolution, then the Ombudsperson will make a visit;

(f) The Ombudsperson might also make a visit to a country office at the request of the Administration, the Staff Council, the Resident Representative of UNDP or the Representative of UNFPA.

C. Inter-agency relations

The Office of the UNDP/UNFPA/UNOPS Ombudsperson maintains contact with the ombudspersons and mediators of the United Nations system and Bretton Woods institutions. In particular, the Office makes a significant contribution to the success of the annual inter-agency meeting and strongly supports the action plan emanating from that meeting (see annex II).

At the request of the President of the UNICEF Staff Association, the Ombudsperson participated at a UNICEF workshop for global UNICEF staff representatives, making a presentation on the work of the UNDP/UNFPA/UNOPS Office. He also responded to questions from UNICEF staff and management regarding the policy of the Office.

The Ombudsperson and staff have also held meetings on a collaborative basis with other ombudspersons and mediators of the United Nations system and Bretton Woods institutions.

D. The Ombudsman Association

The Ombudsperson, the Information Officer and the consultant ombudspersons have all attained professional qualifications from The Ombudsperson Association (TOA), a non-profit professional organization with an international membership. In addition, the Ombudsperson has been elected to serve on the TOA Board of Directors. The Office of the UNDP/UNFPA/UNOPS Ombudsperson has played a lead role in forging stronger links between the United Nations system and the Bretton Woods institutions and TOA. A mutually beneficial outcome is seen for the promotion of the principles of appropriate dispute resolution through professional cooperation.

II. OBSERVATIONS AND RECOMMENDATIONS CONCERNING THE MAJOR CAUSES OF CONFLICT IN THE WORKPLACE REPORTED TO THE OMBUDSPERSON

A. Autocratic management style

A wide variety of cases both at headquarters and in country offices had an underlying theme that can best be described as an autocratic management style. A significant number of senior managers display characteristics that undermine normal interpersonal relationships in the office and often create an atmosphere of fear. Such an atmosphere is certainly not conducive to effective, productive work. This autocratic management occurs in the course of daily work, performance evaluations, missions and meetings. Staff members complain that they are not given a fair hearing, their views are not heeded, they are afraid to express opinions, they are treated disrespectfully, and they feel

generally harassed. In some cases, the behaviour includes staff being shouted at, humiliated in front of others, sworn at in public, and repeatedly threatened with loss of employment. This behaviour has also included reprisals against staff who have contacted the Ombudsperson or who have alerted headquarters to serious problems prevailing in the office.

RECOMMENDATION: Staff members who are selected for posts involving management of others should be recruited on the basis of their management skills and their ability to treat others in a fair and respectful manner. Good interpersonal and people skills are critical to successful management in all areas of the organizations. When there is any doubt as to a potential manager's skills in terms of people-management, the person should not be selected. All staff newly appointed to management positions should be provided with appropriate training, including the enhancement of diplomatic skills for those appointed to representational duties. It should be reiterated to all managers that the Executive Heads do not tolerate abusive or autocratic management behaviour. It is also recommended that, where there is clear evidence of autocratic or abusive management behaviour, the managers concerned should not be promoted and should not be reassigned to another managerial position.

B. Foreshortening of contracts

The reporting period has brought several cases where UNDP contract holders were told that the contract would be terminated in advance of the expected date, in some cases only two or three months before the normal expiry of the contract. In all cases, an inordinate amount of time and effort in resolving the situation caused by this action had to be spent by the Office of the Ombudsperson, the Office of Human Resources, the office in question and in some cases, the Office of Legal and Procurement Support. Usually this all took so long that nothing concrete was solved by the time the contract would have normally expired. Time and resources were wasted by all involved.

RECOMMENDATION: Unusual foreshortening of contracts should be avoided at all costs. Only in the case of fraud or actions requiring summary dismissal or other severe disciplinary action should this be considered. Staff members should be aware of whether or not contracts will be renewed well in advance of the normal expiry date. Both positive and negative evaluations and reviews should be well documented so that no issues will arise at the last moment. This recommendation applies to all contract holders, including those with ALDs (see also section D below).

C. Resident Coordinator/Resident Representative appointments

The position of Resident Coordinator/UNDP Resident Representative is an acknowledged pinnacle of achievement. Some staff members who have currently or in the past reached that attainment, however, note the need for more appropriate training to equip them to carry out their representational and managerial duties and responsibilities with maximum effectiveness. As the pool of candidates for the position of Resident Coordinators widens, including candidates from other United Nations agencies and from

outside the United Nations system, the need for adequate, integrative training is all the more urgent. There are indications that those selected from outside UNDP to assume such high responsibility feel in some ways outside the group (they are sometimes referred to as “inters”, understood as “interlopers” from “inter-agency appointees”). Having successfully competed for an RC/RR position, they have a professional horizon of more than one appointment at that level. Concern has been expressed that, despite seemingly satisfactory performance reviews, they do not secure a second appointment as RR/RC and must return to their original agency (or other place of employment) under a cloud of apparent failure.

RECOMMENDATION: Appropriate training should be provided for all resident coordinators/resident representatives with particular emphasis on representational and managerial duties and responsibilities.

D. Managerial arbitrariness concerning ALDs

ALD contracts are increasingly being used for posts that might previously have involved a fixed-term contract, such as project manager posts. The Ombudsperson has found much evidence of managerial arbitrariness and injustice in the treatment of ALD contract holders regarding feedback, performance appraisal, termination prior to the expiration of contracts, and non-renewal of contracts on questionable grounds. Since ALD contracts have no expectation of renewal, it is legally permissible to allow an ALD contract to arrive at its current term, which may vary from three months to one year, and for the contract not to be renewed, without any notice, without explanation, even under conditions where performance has been fully satisfactory, financing for the project continues and where the three or four year limit has not been reached.

There is also evidence of ALD contract holders being excluded from the normal RCA process, and for their performance not to be appraised formally, or for their performance to be appraised by means of non-standard processes that provide no opportunity for the contract holder to provide any input to the process. Finally, there are concerns about the ability of ALD contract holders to have realistic access to such benefits as maternity leave in conditions where the contract holder has had a series of very short-term contracts, e.g., three or six months.

Given that ALD contracts are being offered for managerial project posts involving considerable responsibility and commitment, it is essential that there are improvements in the protection of such contract holders from mismanagement. Furthermore, senior managers who mismanage ALD contracts involve the organization in huge unnecessary costs in terms of the time of the Ombudsperson, Office of Human Resources, Office of Legal and Procurement Services, Office of the Administrator, and the regional bureaux. The appraisal of senior managers who engage in this form of mismanagement should fully reflect these negative consequences.

RECOMMENDATIONS:

- **Project manager posts, by their nature, should wherever possible be fixed-term contracts in order to provide contract holders with greater protection in the interest of the organization and the staff member;**
- **All ALD contract holders should be included in the RCA process;**

- **Changes should be made to the wording of ALD contracts so that a minimum notice period – for example 30 days – be given if the contract is not to be renewed;**
- **Changes should be made to the wording of ALD contracts so that, if performance has been fully satisfactory and if financing for the post continues, an explanation has to be provided for non-renewal of contracts up to the maximum allowable number of years;**
- **ALD contracts should clarify the precise means by which contract holders may have access to maternity leave;**
- **ALD contracts should not be terminated before the end of the contract period unless truly exceptional circumstances have arisen, involving clearly verifiable non-performance or misconduct;**
- **Senior managers who mismanage ALD contracts, and by their actions lead the organization to incur significant costs, should have these negative effects fully reflected in their performance appraisal.**

The Ombudsperson also notes that written offers of employment under the ALD modality may contain a reference to the duration of the employment, e.g., three years. An applicant may well accept the offer, which presents all the appearances of a legally binding document, after calculating that for family, financial or other reasons, a three-year period is acceptable whereas a lesser period is not. However, when the contract is presented for signature, any reference to a time frame beyond one year disappears. By this time, the applicant may well be already employed by the organization and there is little else to do but sign and hope. The Ombudsperson has been informed by management that a longer time frame is sometimes included in the offer of employment (or in a conversation relating to prospective employment) in order to attract qualified applicants who might not be interested in a contract for a shorter period and when management is reasonably sure that funding and need will continue beyond one year. The practice of issuing offers of employment (or encouraging an arrangement to be implicitly understood) that differs from the contract eventually issued brings disrepute on the organization even though the contract, coming after the offer of employment, is the legally binding document.

RECOMMENDATION: Offers of employment should be fully consistent with the normal contractual terms, particularly with regard to the duration of employment.

E. Clerical test

A few cases during the year have led the Office to question the relevance of the clerical test, and perhaps other tests, that are normally administered by the United Nations. UNDP, UNFPA and UNOPS seem to have little input into the content and/or methodology of these tests and it seems that they have changed little over the years.

RECOMMENDATION: UNDP, UNFPA and UNOPS may wish to carry out a review of the types of tests administered to applicants seeking positions up to the ICS 7 level to ensure that the skills tested are actually relevant to the work carried out by the organizations.

F. Appraisal

Appraisal of staff performance continues, unfortunately, to be a major issue in the types of cases brought to the notice of the Office of the Ombudsperson. Even before the Office was established, the Ombudsman Panel dealt repeatedly with this issue. A great many cases brought to the Office relate to the inability or unwillingness of managers to give a realistic, timely and truthful performance evaluation. In addition, where negative appraisals are given, staff members continue to be surprised because mid-year reviews have not taken place or because the manager has not communicated dissatisfaction with the performance of the staff member at the appropriate time. Autocratic management style may also play a role here (see section II.A). A component of the appraisal problem is that some managers simply do not have the skills to provide feedback to their staff in a way that fosters improvement or lays the groundwork for termination. Staff members remain unhappy and productivity suffers. The Ombudsperson cannot stress enough that this remains a very serious issue.

RECOMMENDATION: More training should be provided to enable managers to carry out appraisals accurately and confidently and ensure that appraisal is seen as a continuous process. Managers should be accountable for successfully carrying out the appraisal process. Failings in this area should be reflected in the manager's own RCA.

G. Work/life policy

The Ombudsperson has found evidence of an unwillingness on the part of some senior managers, particularly resident representatives, to consider the implementation of the work/life policy. In some cases, there is even an unwillingness to discuss the work/life policy with staff. It is clear that staff in many offices are working extremely long hours, sometimes unnecessarily (for example, because of a multiplicity of meetings, many of which are not productive), and it is proving difficult in many cases to balance work and life. Some regional directors have indicated that implementation of the work/life policy is highly desirable and is to be encouraged, yet there is not enough follow-up, nor do there appear to be any sanctions applied to managers who refuse to seek ways of implementing the policy.

RECOMMENDATION: Regional directors should indicate that the implementation of the work/life policy is to be regarded as a priority in all offices.

H. Other causes of conflict

Other causes of conflict include:

(a) Loss of accumulated leave due to assignment in crisis duty stations. In a small number of cases, staff are losing accumulated annual leave as a result of the exigencies of the situation in their duty station.

RECOMMENDATION: Consideration should be given to the development of a system of partial compensation in these circumstances.

(b) Verification of qualifications and of previous experience during recruitment.

Some serious questions regarding verification of qualifications have been brought to the attention of the Ombudsperson. This has been raised in the particular context of prospective staff members who have worked for other United Nations organizations, where perhaps the scrutiny of qualifications and experience may have been less rigorous than in the case of UNDP/UNFPA/UNOPS.

RECOMMENDATION: The assessment of professional competencies of applicants should require at least one reference from outside the United Nations system, which would normally be from a formal institution or organization related to the specialization of the applicant.

(c) Permanent appointments. The Ombudsperson also wishes to draw attention to the need for the organization to respect fully the rights of staff members who hold permanent appointments. In particular, the provisions of Staff Rule 109.1 (c) should be carefully noted. Some holders of 100-series contract have encountered difficulties in having contractual obligations upheld, especially during periods of reorganizing the work force.

RECOMMENDATION: The organizations should ensure that holders of 100-series contracts are treated in strict accordance with the provisions of the Staff Regulations and Rules.

(d) Duration of special post adjustments. Cases were reported of staff members who had been recipients of SPAs for long periods of time. In some cases, an SPA had been in effect for up to two years. This creates ambiguous situations that cause uncertainty and lead staff members to have unrealistic expectations concerning promotion and long-term career prospects.

RECOMMENDATION: The existing rules governing SPAs should be re-examined and clarified. A strict time limit should be established and firmly adhered to.

(e) Reassignment. Some staff who are within two years of retirement are on the reassignment roster and consequently have difficulties being placed.

RECOMMENDATION: OHR should clearly inform staff of their rights concerning a personal waiver in such circumstances.

(f) Offers of employment. It has been brought to the attention of the Ombudsperson that seemingly definite offers of employment are sometimes made verbally before the requisite administrative clearances are obtained. In the course of conversations, the Ombudsperson discovered that this is considered normal practice by some managers. Clearly, if an offer of employment is made that must subsequently be rescinded, the applicant may well query with just cause why the offer is no longer valid. The organizations should not endanger their reputation for maintaining transparent hiring processes by making verbal offers.

RECOMMENDATION: Offers of employment should be made exclusively in writing.

III. OTHER OBSERVATIONS

A. Disciplinary procedures

In the report for June 2002–July 2003, the Ombudsperson recommended that measures to strengthen the disciplinary process be implemented. The Ombudsperson strongly reiterates that recommendation while commending the members of the Disciplinary Committee and of the Grievance Panel on Sexual Harassment for their dedication to seeing justice done, their integrity and their unwavering adherence to the standards of conduct for the international civil service. Ways must be found, however, to tackle the backlog of cases facing the Disciplinary Committee and enable it to move to closure on pending cases. The Ombudsperson is well aware and draws the attention of all staff to the fact that the Disciplinary Committee and the Grievance Panel on Sexual Harassment are staffed on a voluntary basis and operate entirely independently from the Office of Legal and Procurement Services. The recommendations of the Disciplinary Committee and the subsequent actions taken by the Executive Heads, based on those recommendations, have a profound effect on the careers and lives of staff members, who have every right to expect expediency and justice from the internal system. Justice delayed is justice denied. It is indeed welcome news that a full-time Chair of the Disciplinary Committee will be appointed. In order to preserve the principle of peer review, which lies at the heart of the internal justice system, and to assist both the Disciplinary Committee and the Grievance Panel on Sexual Harassment, it may also be possible to engage the services of recently retired staff members on an appropriate contractual basis.

The Ombudsperson notes with concern the delays in implementing the recommendations of the Grievance Panel on Sexual Harassment. This may call into question the commitment to zero tolerance of sexual harassment, undermine the efficacy of the Grievance Panel and cast doubt on the credibility of the ombuds process, to which many staff members first turn with complaints of sexual harassment.

RECOMMENDATION: The Ombudsperson reiterates the need to strengthen the Disciplinary Committee with the objective of achieving greater speed in arriving at a resolution without impairing justice; the Administrator and Executive Directors may wish to explore the possibilities of hiring retirees to assist in achieving this objective.

RECOMMENDATION: The findings and recommendations of the Grievance Panel on Sexual Harassment should be implemented fully and swiftly in accordance with the guidelines on sexual harassment.

RECOMMENDATION: The guidelines on sexual harassment should be updated and transmitted to the staff.

B. The appointment of ombudspersons in country offices

When the Office of the UNDP/UNFPA/UNOPS Ombudsperson was established in June 2002, it replaced the Ombudsman Panel, which had been in existence since 1983. The

Panel consisted of 12 members, including a Coordinator, all of whom served on a voluntary basis. The review of the internal justice system of UNDP, UNFPA and UNOPS, carried out in 2000, pointed clearly to the need to establish a full-time professional ombudsperson or ombudspersons. It is not possible, on a voluntary basis, to adhere adequately to the principles of objectivity, independence, accessibility and confidentiality required of an organizational ombudsperson. Nor can it be expected that an organization would grant unrestricted access to sensitive information to a volunteer ombudsperson serving a one- or two-year term. It was precisely to strengthen the ombuds institution in the organization and to increase its efficiency and effectiveness that the Office was established. The mandate of the Office, clearly set out in the terms of reference of the Ombudsperson (see <http://intra.undp.org/ombudsperson/tor>), is to respond to grievances from all staff members, especially those in the country offices.

Nevertheless, ombudsman panels have been set up in some country offices, on the initiative or with the agreement of the Resident Representative. In discussions between the Ombudsperson, representatives of senior management of the three organizations and representatives of the Staff Council, it has been agreed that the three organizations should inform the staff that the Office of the UNDP/UNFPA/UNOPS Ombudsperson has replaced voluntary ombudspersons and that grievances should be addressed directly to the Office.

At the same time, it should be recognized that in many country offices there are colleagues to whom staff members may turn for advice and to examine their options. Such peer counseling is very valuable and often extremely effective and should in no way be discouraged. However, the principles to which organizational ombudspersons must remain true and the access to information granted to them cannot be extended to peer counselors nor to volunteer ombudspersons.

RECOMMENDATION: The Administrator, the Executive Directors, and the Staff Council should reiterate that the Office of the UNDP/UNFPA/UNOPS Ombudsperson has been established to respond to all staff members wishing to seek an informal resolution to a grievance and supersedes any and all ombuds panels and commend those staff members who act as peer counselors and encourage them to contribute to appropriate dispute resolution.

C. High-level visits to country offices from headquarters

It has been brought to the attention of the Ombudsperson that an inordinate amount of time is sometimes spent by staff in country offices to prepare for the visit of a high-ranking manager from headquarters. Staff members are sometimes requested to perform non-professional tasks in preparation for and during visits and are sometimes briefed on what to say and what not to say during the visits. Far from establishing an environment in which the visiting senior managers can interact naturally and effectively with the national staff, this alienates staff from the senior managers, who themselves would not condone such extraordinary measures.

RECOMMENDATION: Headquarters senior staff should impress on the country office management that their visits should not disrupt the work of the country office; the management of the country offices should heed these requests.

D. United Nations Volunteers in the country offices

Several cases, in more than one geographical area, have been reported of the exclusion of United Nations volunteers from full participation in the operations of the country office. At the same time, volunteers are allowed – indeed, expected - to participate in such bodies as the Policy Advisory Team, the Project Appraisal Committee and some UNCT meetings. When decisions are made, however, the volunteers are not always consulted. This has a de-motivating effect on the volunteers, who may very well feel that they are relegated to minor importance. In addition, volunteers do not enjoy the same privileges as other international staff (even though they are termed “international”). This is particularly apparent in hardship duty stations and includes the frequency of procurement trips and housing allowances. What gives most cause for concern, however, is that the ways in which volunteers are treated seems to depend very much on the support that the individual Resident Representative provides; such support can range from disregard (disdain in the opinion of some volunteers) for the value-added that the volunteers can provide to full recognition of the potential of the United Nations Volunteers Programme and its volunteers at the country-office level. Clearly, managers should treat all volunteers equally and ensure that they have the same rights.

RECOMMENDATION: The Administrator and the Executive Director of the United Nations Volunteers should require that resident representatives extend uniform, appropriate professional consideration to United Nations volunteers.

E. Response from management

In keeping with the terms of reference of the Ombudsperson, particularly regarding objectivity and confidentiality, information may be transmitted to the Ombudsperson to enable him or her to bring the information to management without disclosing its source. Staff members who use this means of making information available express fear of retaliation should the source of information become known. Staff members may also send signed petitions to the Ombudsperson on the understanding that the identities of the signatories will remain confidential yet the information contained in the petition will enable the Ombudsperson to take any action he or she deems necessary. The role of the Ombudsperson in such situations is to ensure that the signatories have signed of their own free will and have not been subjected to coercion from any source.

The Ombudsperson does not proceed on the basis of anonymous information but does make every effort to persuade anonymous callers or correspondents to make themselves known to the Ombudsperson, reassuring them that any information and its source will remain confidential until the caller or correspondent instructs otherwise.

In the opinion of the Ombudsperson, it is essential for management to act without delay to address a situation brought confidentially to its attention by the Ombudsperson. Delay in such matters aggravates the situation, with the result that staff members may lose confidence in the efficacy of the Office and of the ombuds process and suffer even more adverse consequences.

RECOMMENDATION: The Executive Heads should emphasize once again that managers should act speedily and effectively on issues that the Ombudspersons bring to their attention.

F. Retaliation

It is with great regret that the Ombudsperson reports that some managers continue to question the rights of staff members to access the services provided by the Office of the UNDP/UNFPA/UNOPS Ombudsperson. In some cases, staff members are warned in advance that there will be dire consequences – affecting renewal of contracts and evaluations, and calling into question loyalties – should a staff member ask for the intervention of the Ombudsperson. In other cases, attempts are made to discover who has approached the Ombudsperson, how many staff members are involved and exactly what has been said so that complainants can be identified. In still other cases, staff members may be ridiculed for approaching the Ombudsman in an attempt to dissuade them from exercising their rights. Staff members should never be threatened before, during or after a visit from the Ombudsperson.

The Administrator and the Executive Directors have asserted publicly on more than one occasion the right of all staff members, including the Executive Heads themselves, to approach the Ombudsperson in an attempt to resolve a dispute informally. The Ombudsperson will not hesitate to bring to the notice of senior management any violations of this right.

Retaliation is sometimes carried out in a subtle manner that is very difficult to detect. It is a problem that faces the ombuds institutions throughout the United Nations system and one to which a great deal of attention has been paid since it can very easily undermine the opportunities and effectiveness offered by appropriate dispute resolution embodied in the terms of reference of the Ombudsperson.

RECOMMENDATION: The Administrator and the Executive Directors should continue to assert the right of all staff members to request the services of the UNDP/UNFPA/UNOPS Ombudsperson and reiterate that they will take appropriate measures against any supervisor who retaliates against a staff member for doing so.

Annex I.

Statistics for 1 August 2003–31 July 2004 of UNDP/UNFPA/UNOPS staff members who contacted the Ombudsperson

1. Overview

Overall

During the period 1 August 2003 to 31 July 2004, a total of 498 staff members visited the Office of the Ombudsperson, either in person, by phone or by email. Of the total, 404 were from UNDP, 69 were from UNFPA and 25 from UNOPS. Overall, of the total staff who visited the Office, 206 (41 per cent) were men and 292 (59 per cent) were women; 376 (75 per cent) were from country offices and 122 (25 per cent) from headquarters; 259 (52 per cent) were professional staff and 239 (48 per cent) were support staff. It is important to emphasize that the numbers of staff members who visited the Office do not fully reflect the time or costs involved in attempting to resolve the issues brought to the attention of the Ombudspersons.

UNDP

In the case of the 404 UNDP staff members who visited the Office, 58 per cent were women and 42 per cent were men; 77 per cent were staff from country offices and 23 per cent from Headquarters; and 53 per cent were professional staff and 47 per cent were support staff. In terms of the issues raised by staff from country offices, 114 cases involved interpersonal issues, 90 involved abuse of authority, 61 were concerned with issues of separation, termination, reprofiling, non-placement or reassignment, 38 were concerned with working conditions, 35 with entitlements, 31 with performance issues, 24 with contractual issues, and 7 with promotion/classification or conversion. The issues raised by staff from headquarters were as follows: 25 were concerned with interpersonal issues; 23 with separation/termination/reassignment, 22 with contractual issues, 14 with performance issues, 9 with entitlements, 7 with promotion/classification or conversion, 4 with working conditions and 3 with abuse of authority.

Of the 313 UNDP country office staff members bringing grievances to the Office, 149 were having problems with a senior manager, 60 with a policy issue, 45 with a direct supervisor, 25 with a co-worker, and 21 with OHR. Of the 91 UNDP headquarters staff who consulted the Office, 28 were having problems with OHR, 24 with a senior manager, 14 with a policy issue, 10 with a direct supervisor and 5 with a co-worker.

The results of the 434 cases brought to the Office by staff of UNDP were as follows: 83 per cent were closed, 12 per cent are ongoing, and 4 per cent have indicated their intention to proceed to formal channels.

UNFPA

Of the 69 staff members of UNFPA who visited the Office, 65 per cent were women and 35 per cent were men; 75 per cent were in country offices while 25 per cent were in headquarters; and 40 per cent were professional staff while 60 per cent were support staff. The issues brought to the Office by UNFPA staff members in country offices were as follows: 24 were concerned with separation/termination/reprofiling/non-placement/reassignment, 10 with interpersonal issues, 6 with working conditions, 5 with abuse of authority, 5 with promotion/classification/conversion, 4 with contractual issues, 3 with performance issues and 1 with entitlements. Of the 17 headquarters staff who visited the Office, 5 were concerned with interpersonal issues, 5 with separation/termination/non-placement, 5 with performance issues, 4 with promotion/classification/conversion, 4 with entitlements, 3 with contractual issues, 3 with working conditions and 1 with abuse of authority.

Of the 52 UNFPA country office staff who visited the Office, 18 were having problems with a senior manager, 13 with OHR, 6 with a direct supervisor, 6 with a policy issue and 3 with a co-worker. For UNFPA staff in Headquarters, 11 were having problems with OHR, 4 with a direct supervisor, 1 with a senior manager and 1 with a co-worker.

The results of the 69 cases brought by staff of UNFPA were as follows: 82 per cent were closed, 13 per cent are ongoing, and 4 per cent have indicated their intention to proceed to formal channels.

UNOPS

Of the 25 UNOPS staff who visited the Office, approximately half were men and half women; 14 were from headquarters and 11 from country offices; 15 were professional staff and 10 were support staff.

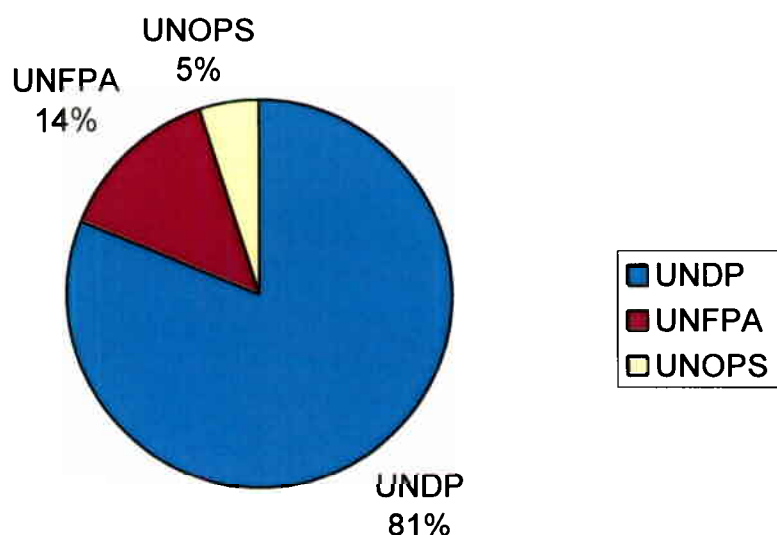
In terms of the issues raised by UNOPS staff visiting the Office, 10 were concerned with interpersonal issues, 9 with separation/termination/reprofiling/reassignment/non-placement, 3 with performance issues, 3 with contractual issues, 2 with promotion/classification/conversion, 1 with abuse of authority, 1 with entitlements and 1 with working conditions.

Of the UNOPS country office staff who consulted the Office, 8 were having problems with a senior manager; of headquarters staff, 8 were having problems with a senior manager, 2 with a co-worker, 2 with OHR and 2 with a policy issue. The outcomes in the cases brought by UNOPS staff were as follows: 80 per cent were closed, 12 per cent are ongoing and 8 per cent have indicated their intention to proceed to formal channels.

2. Distribution of cases

Agency	Total number of cases	M	W	CO	HQ	Professional staff	Support staff
UNDP	404	169	235	313	91	216	188
UNFPA	69	24	45	52	17	28	41
UNOPS	25	13	12	11	14	15	10
TOTAL	498	206	322	376	122	259	239

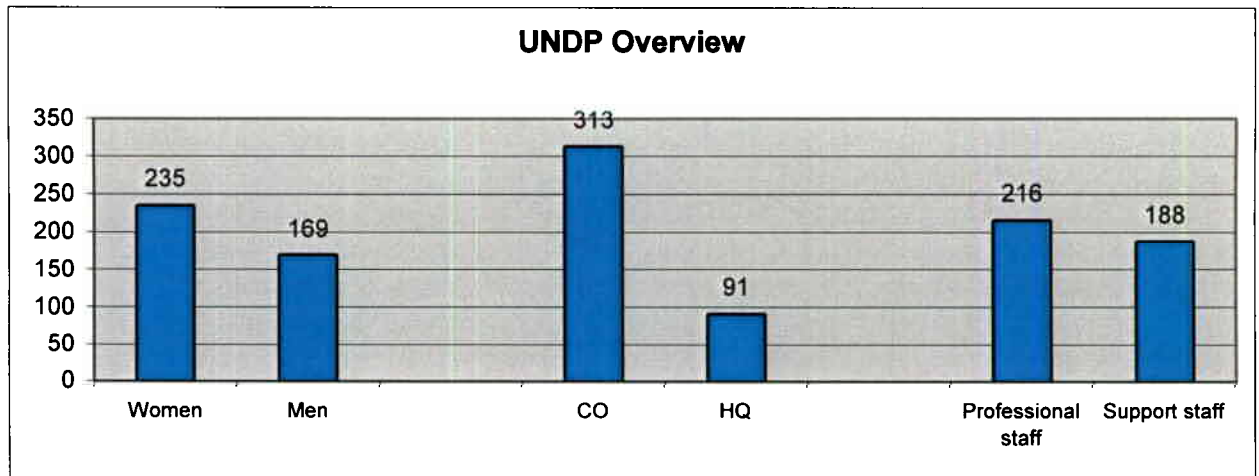
Cases received from 1 August 2003 to 31 July 2004



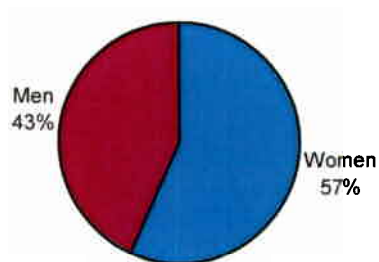
NB: It is important to note that the above data does not give any indication of the allocation of time and costs.

I- UNDP Cases

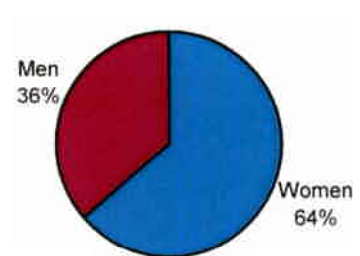
A- Overview



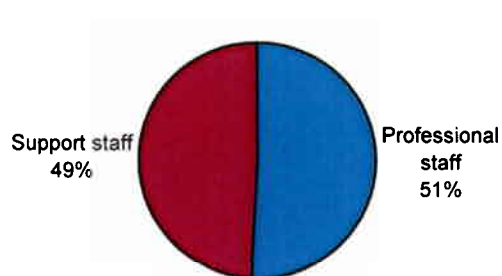
UNDP CO cases



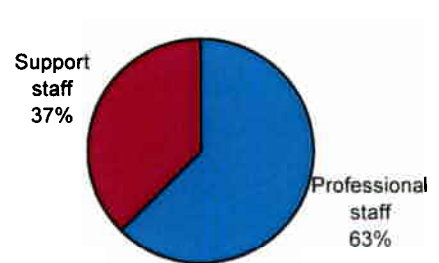
UNDP HQ cases



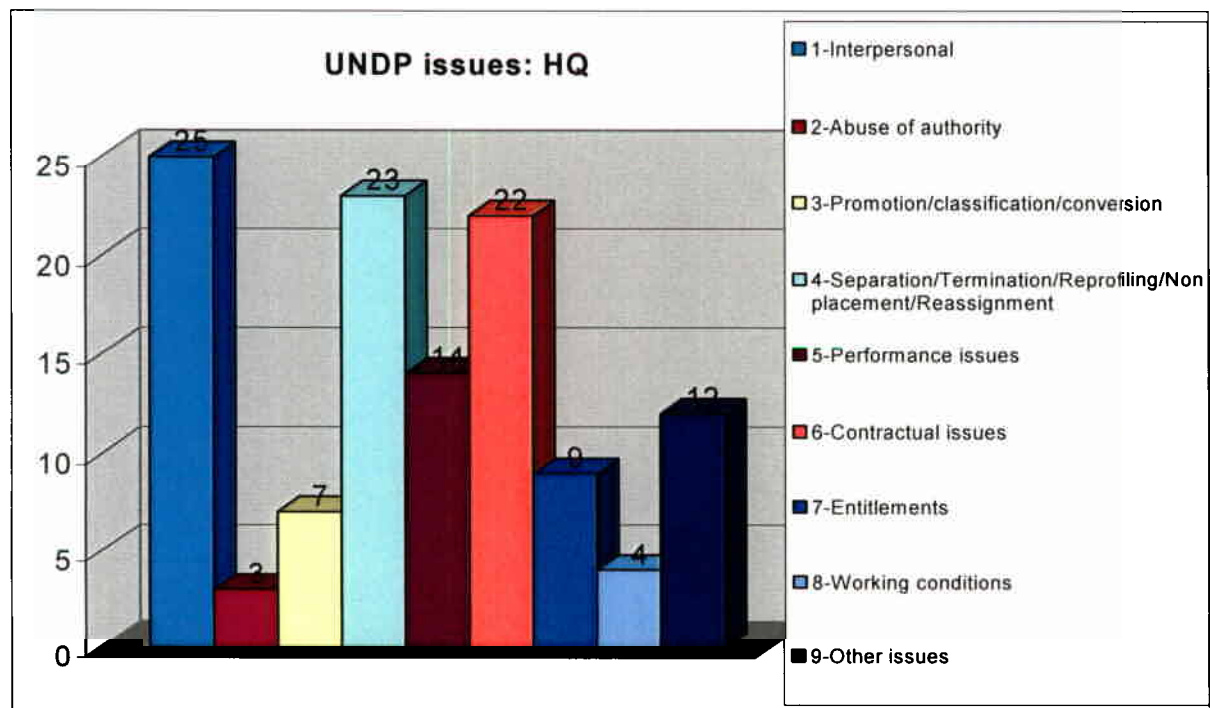
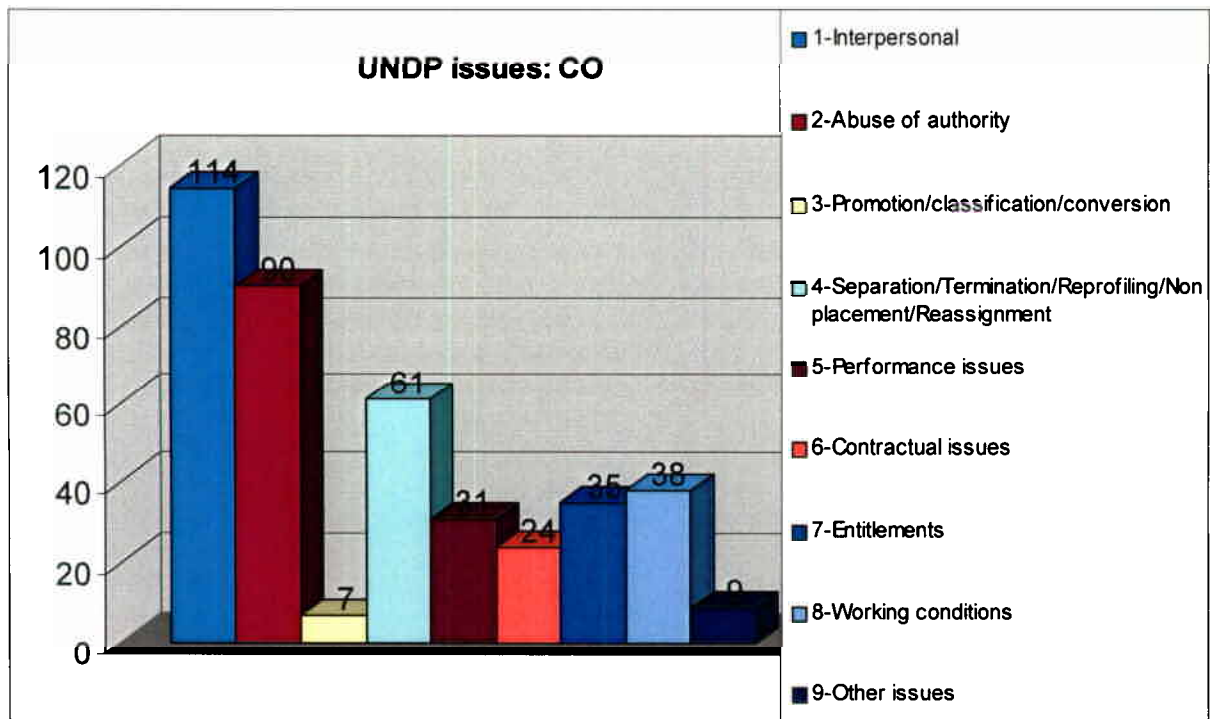
UNDP CO cases



UNDP HQ cases

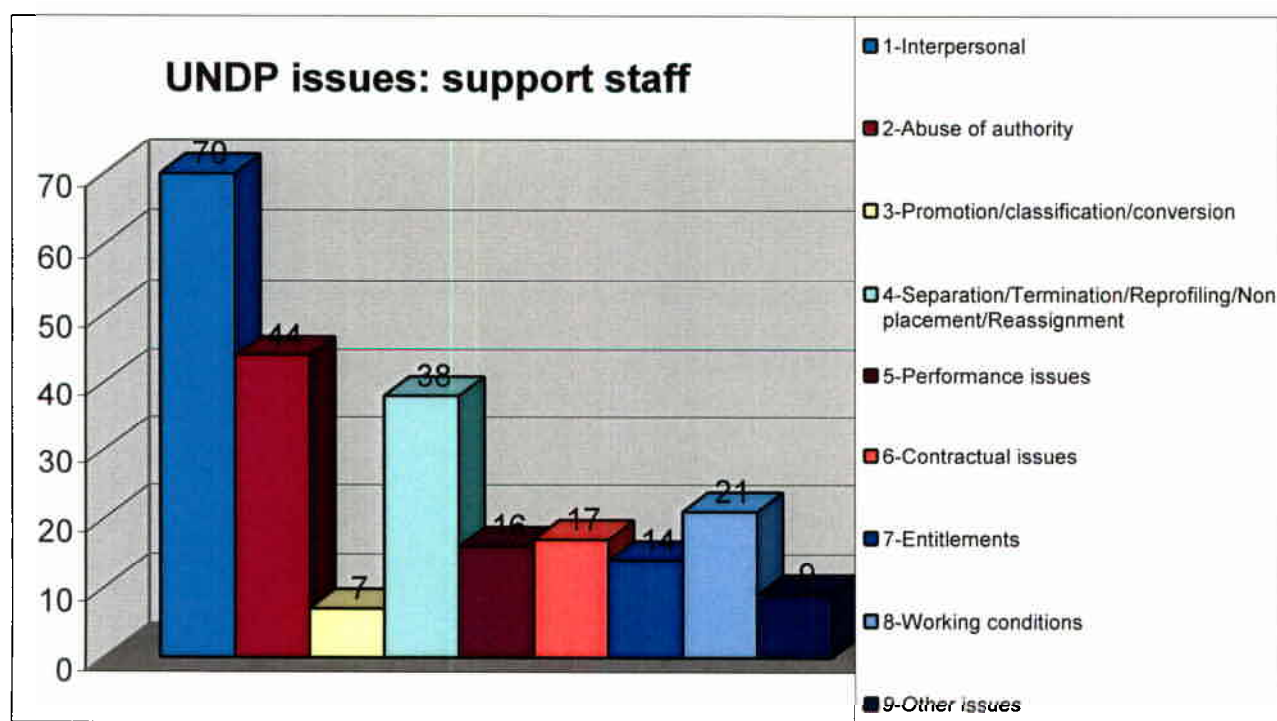
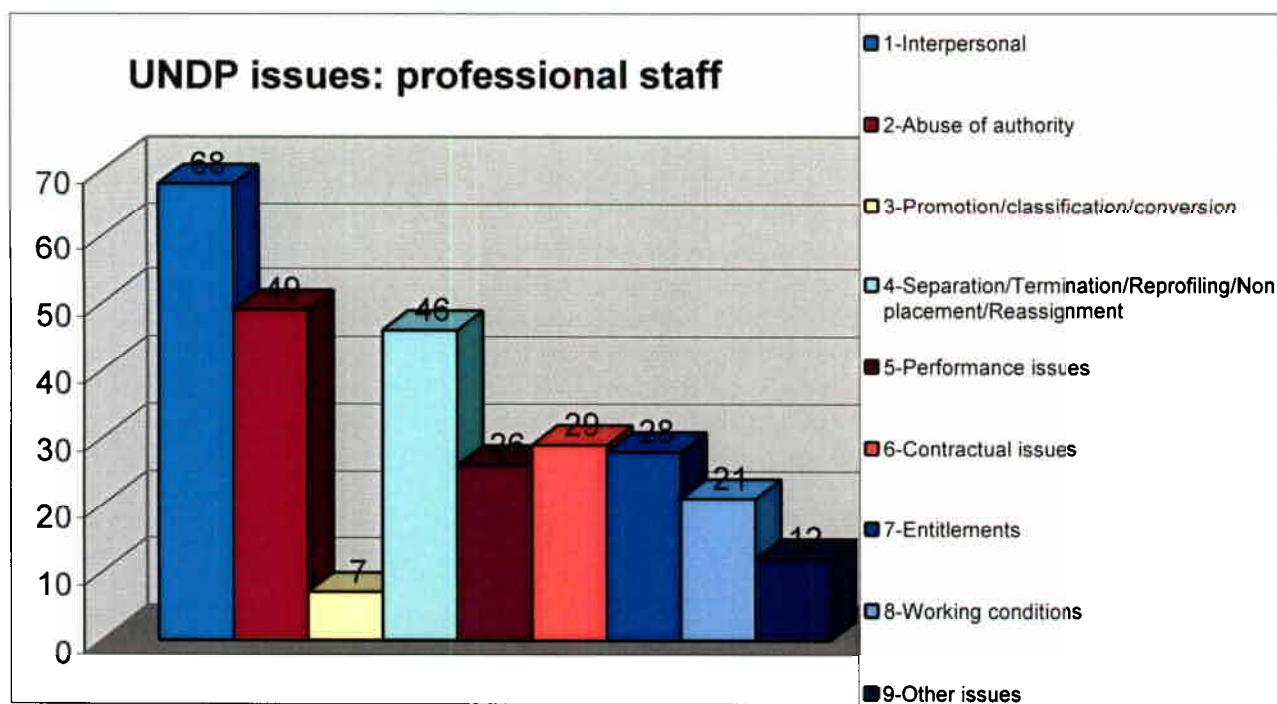


B- UNDP issues: CO/HQ*



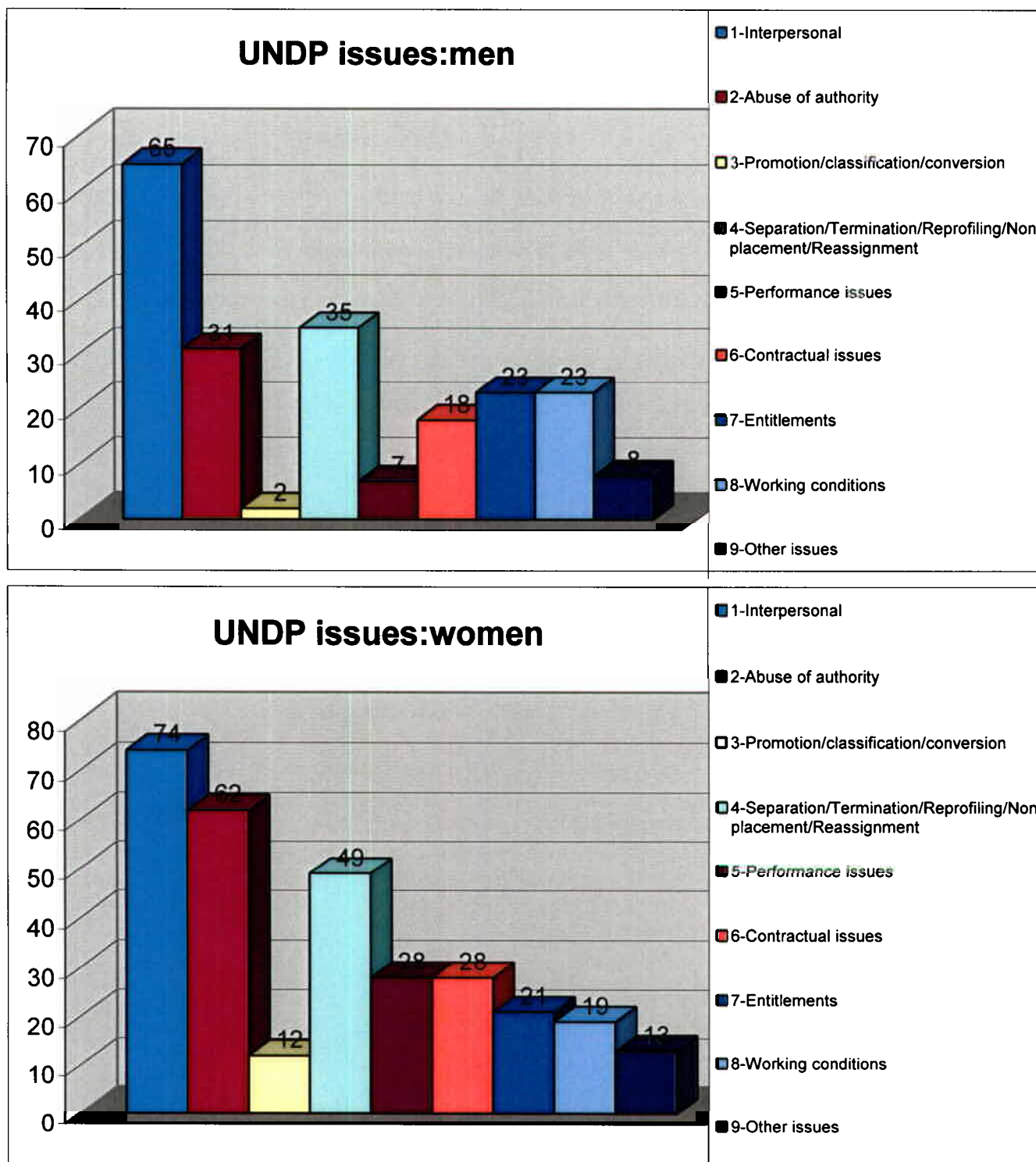
* Some cases fall into more than one category

C- UNDP issues: professional staff/support staff*



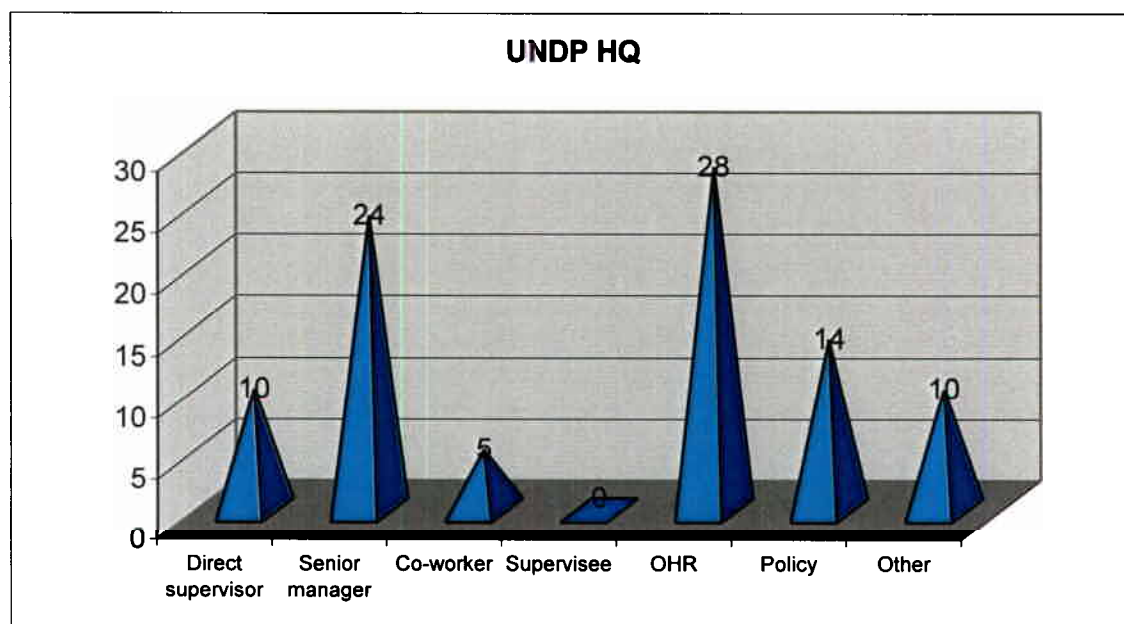
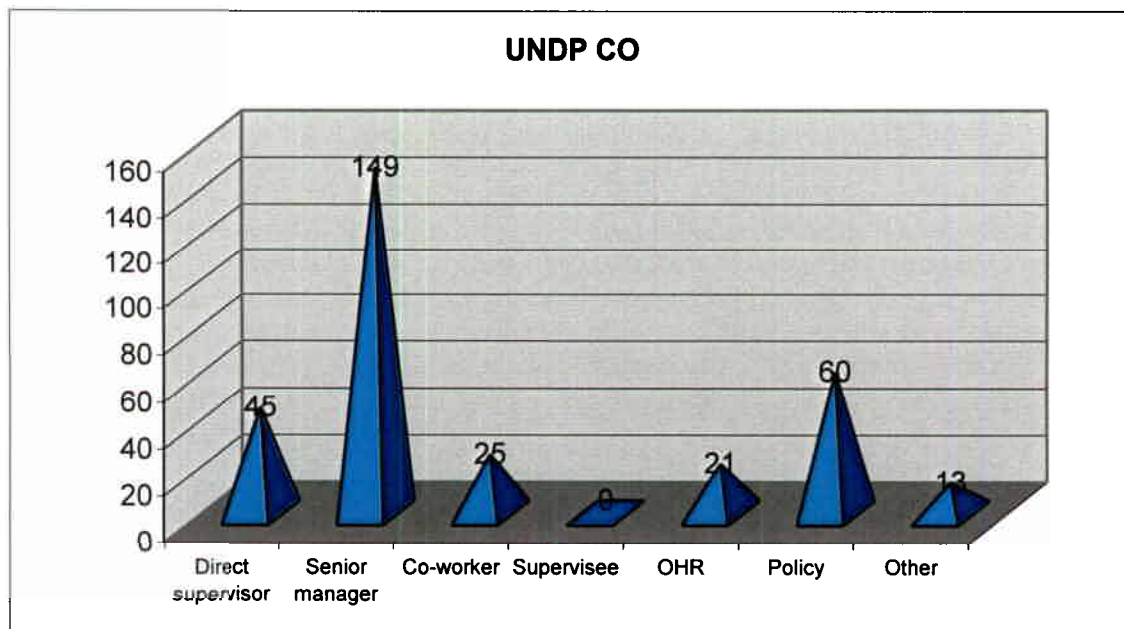
* Some cases fall into more than one issue category

D- UNDP issues: men/women*

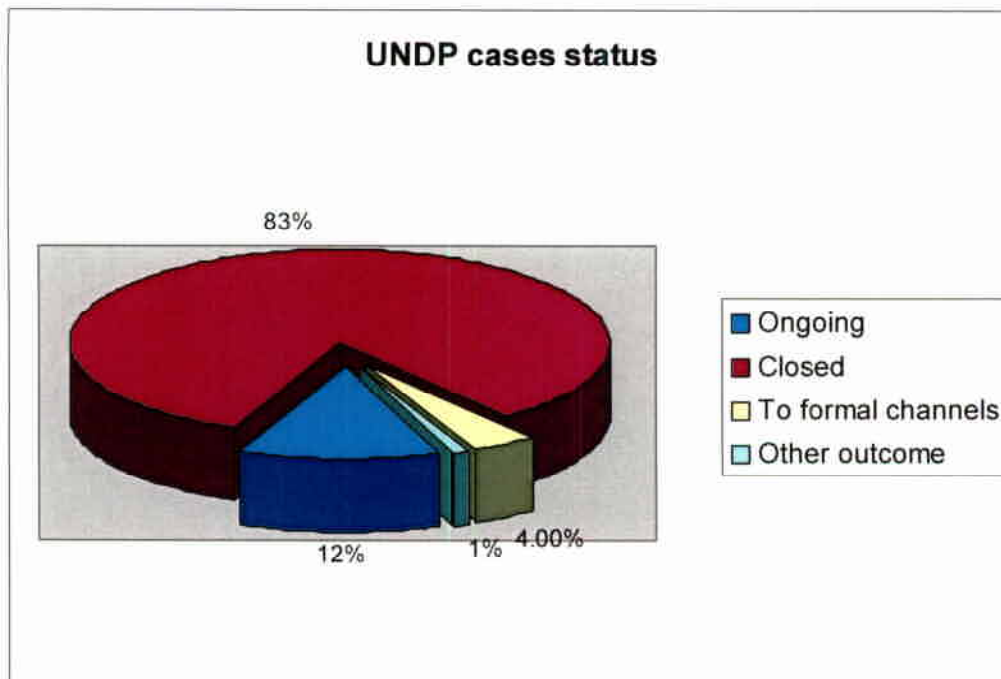


* Some cases fall into more than one issue category

E- Other party in the dispute

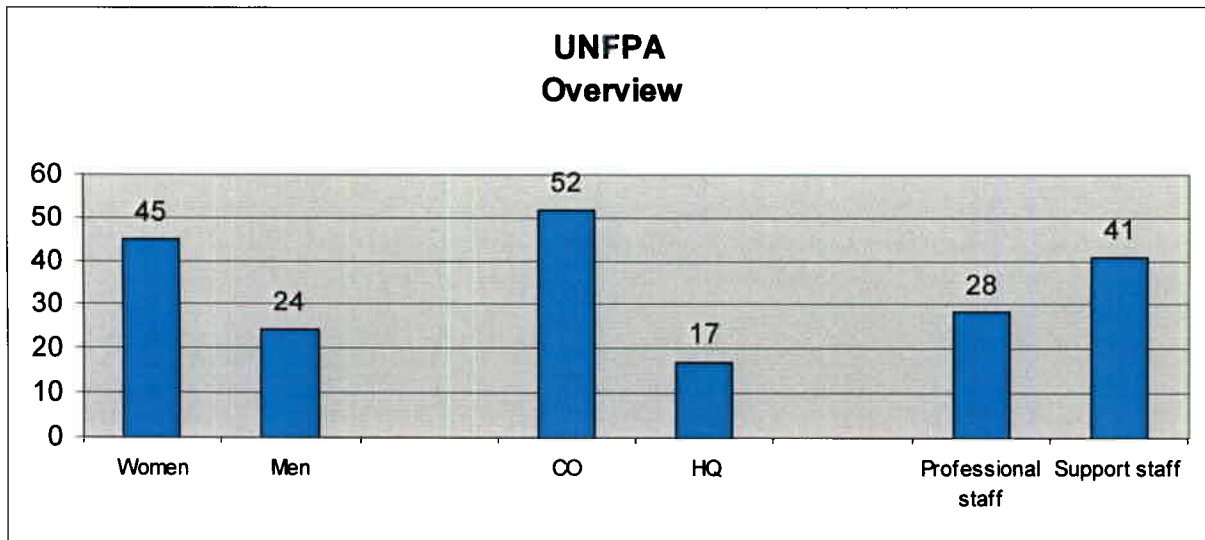


F- UNDP status of cases/outcome

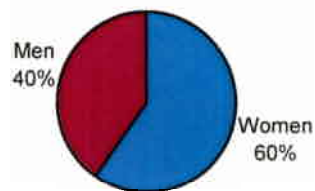


II- UNFPA cases

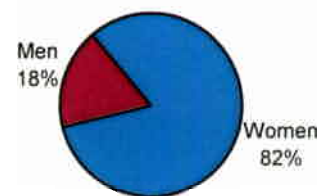
A- Overview



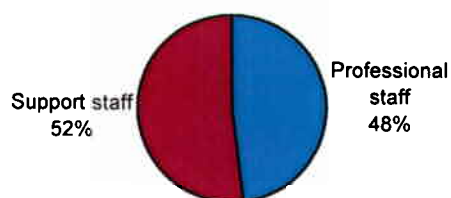
UNFPA CO cases



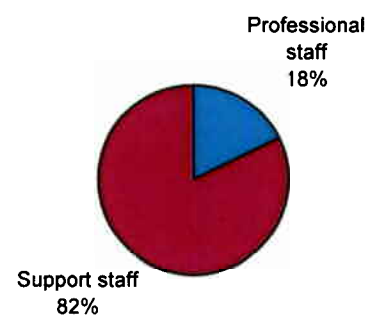
UNFPA HQ cases



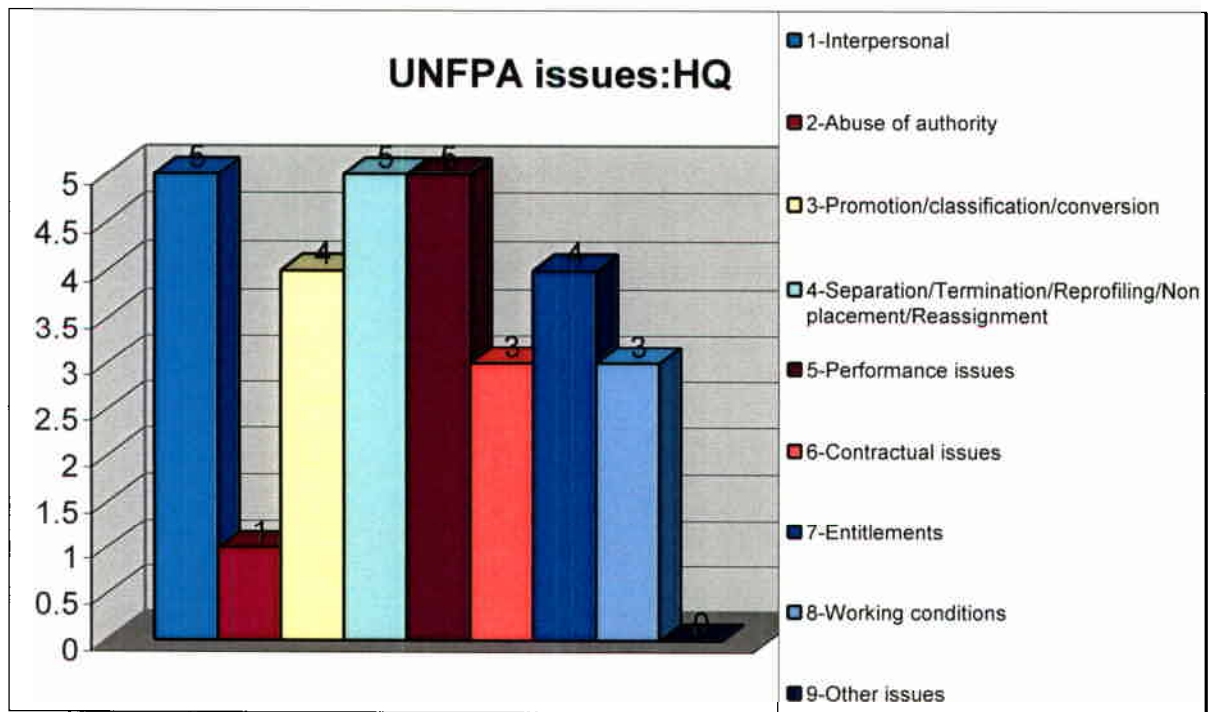
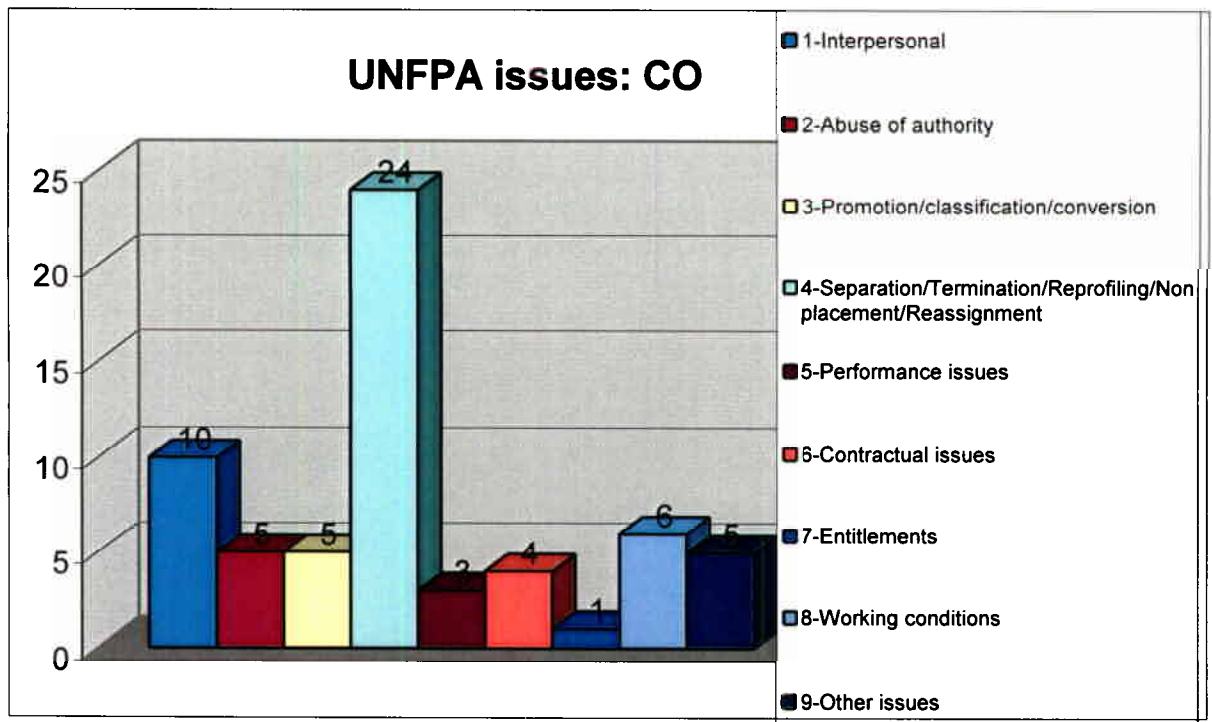
UNFPA CO cases



UNFPA HQ cases

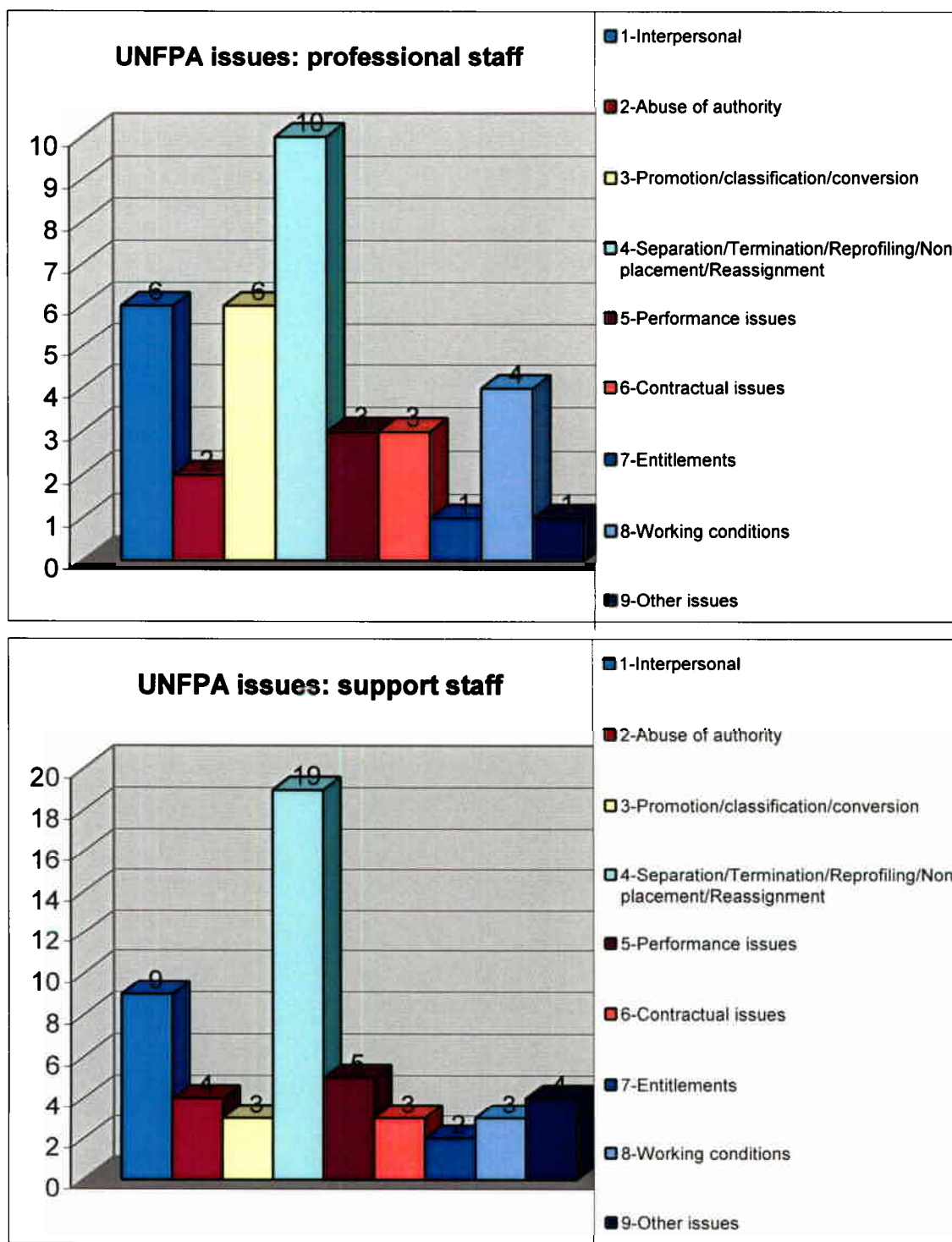


B- UNFPA issues: CO/HQ*



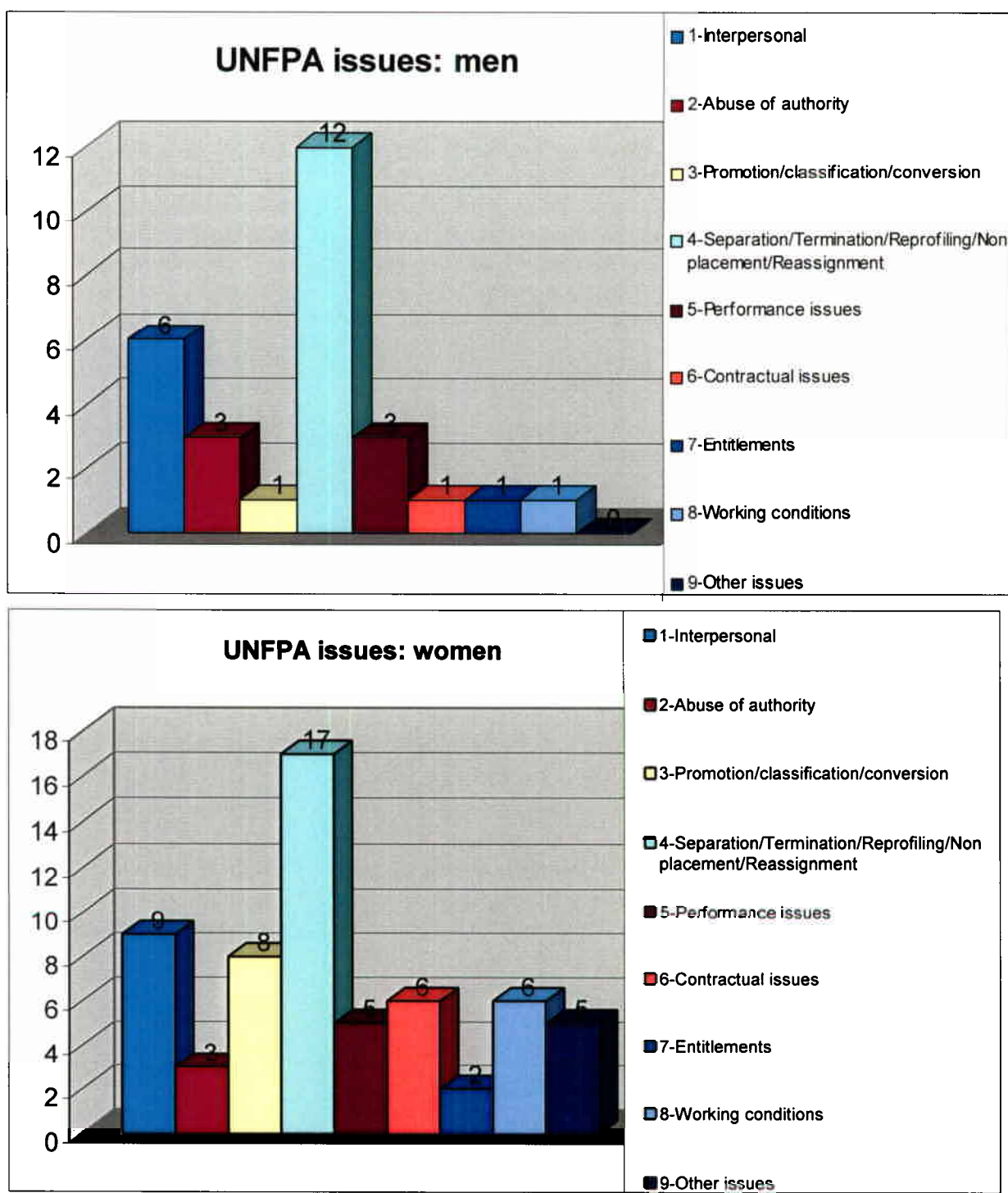
* Some cases fall into more than one category

C- UNFPA issues: professional staff/support staff*



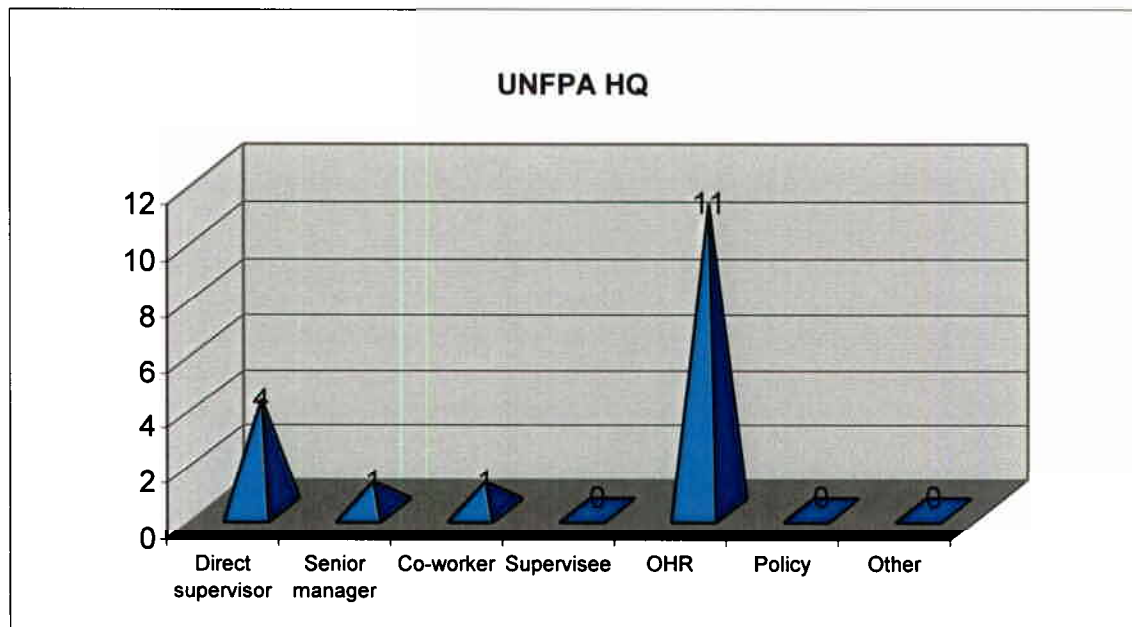
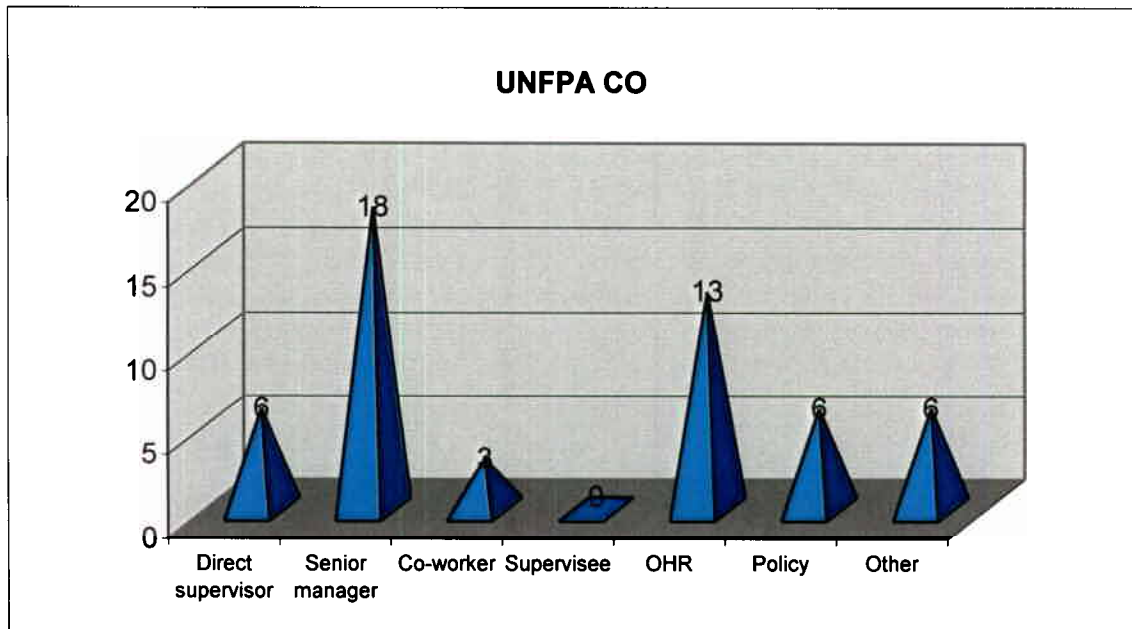
* Some cases fall into more than one category

D- UNFPA issues: men/women*

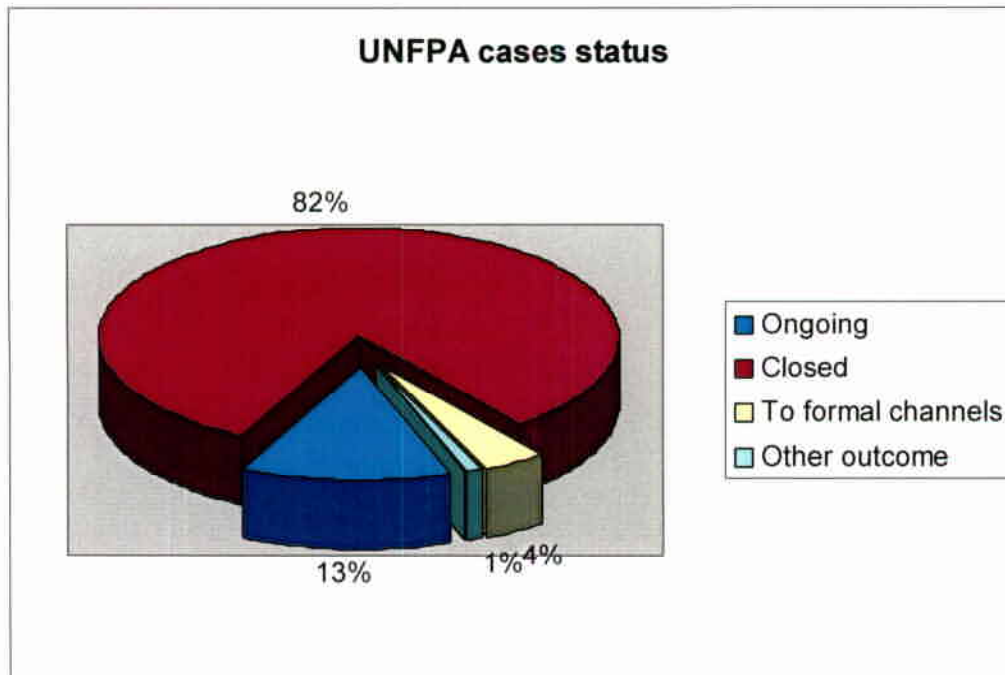


* Some cases fall into more than one issue category

E- Other party in the dispute

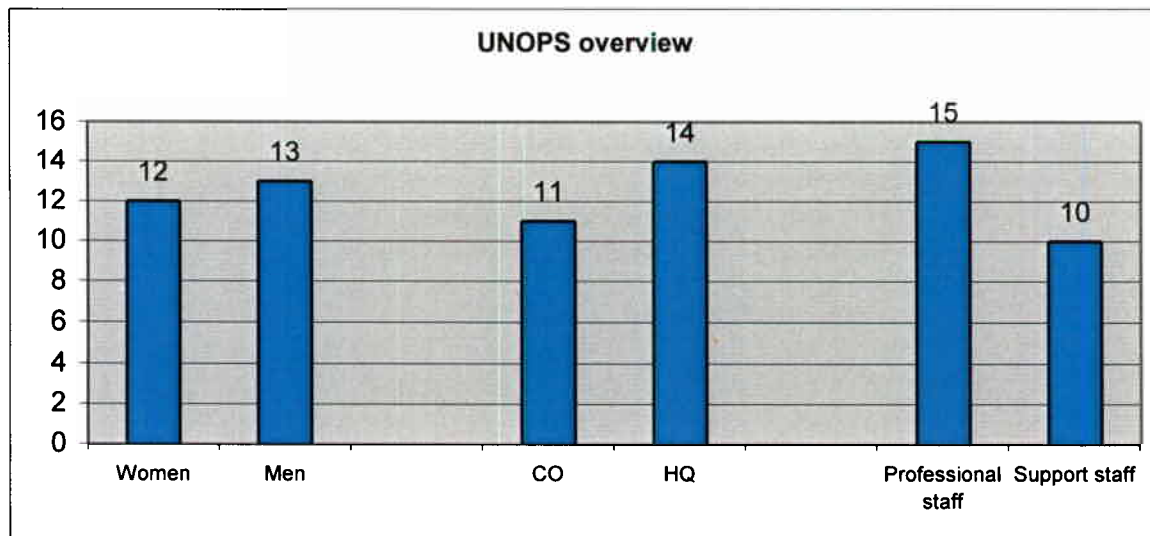


F- UNFPA status of cases/outcome

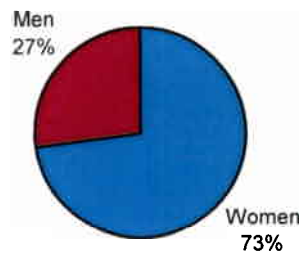


III. UNOPS cases

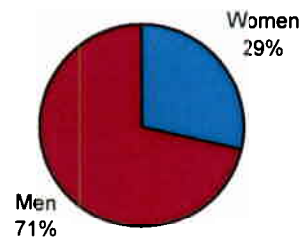
A- Overview



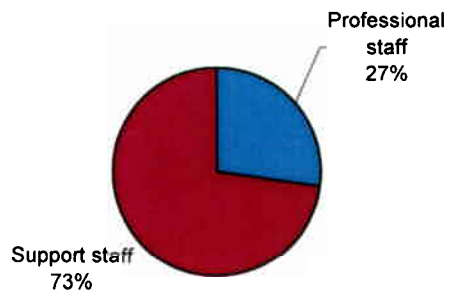
UNOPS CO cases



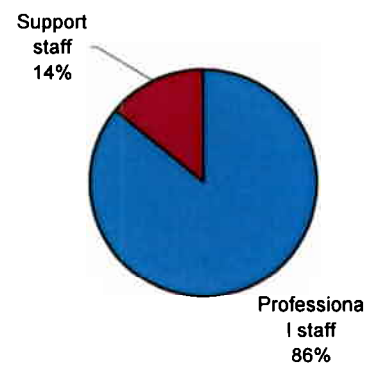
UNOPS HQ cases



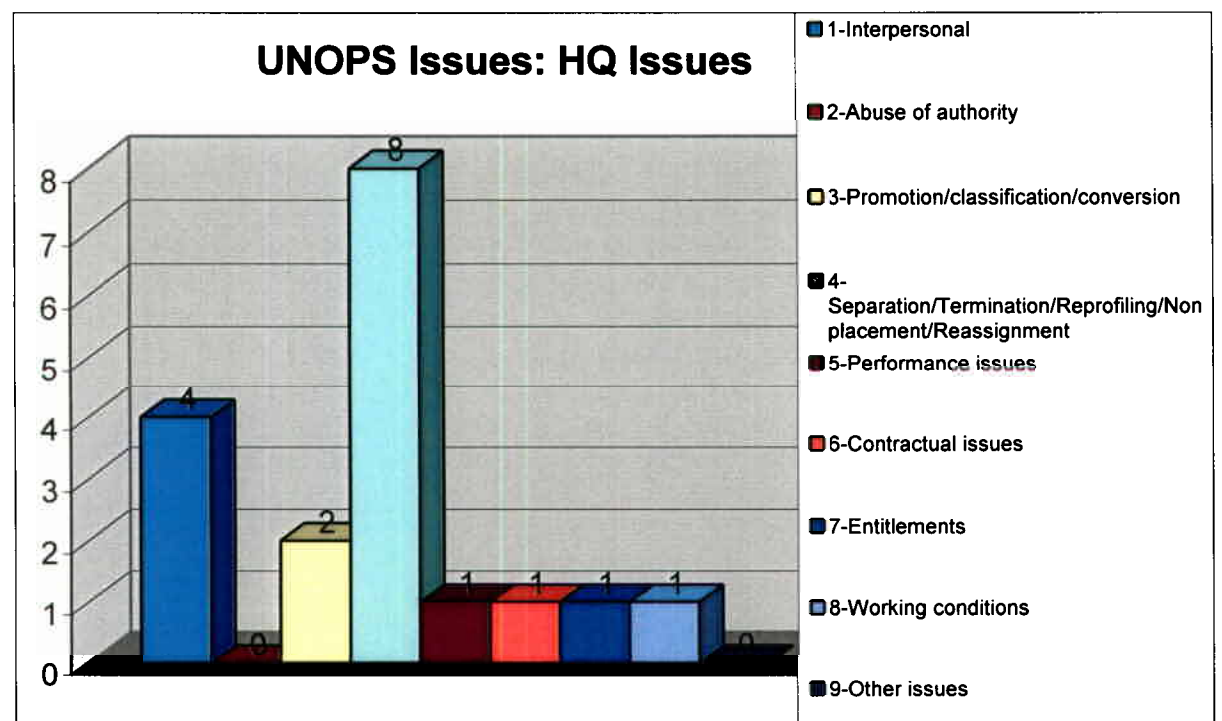
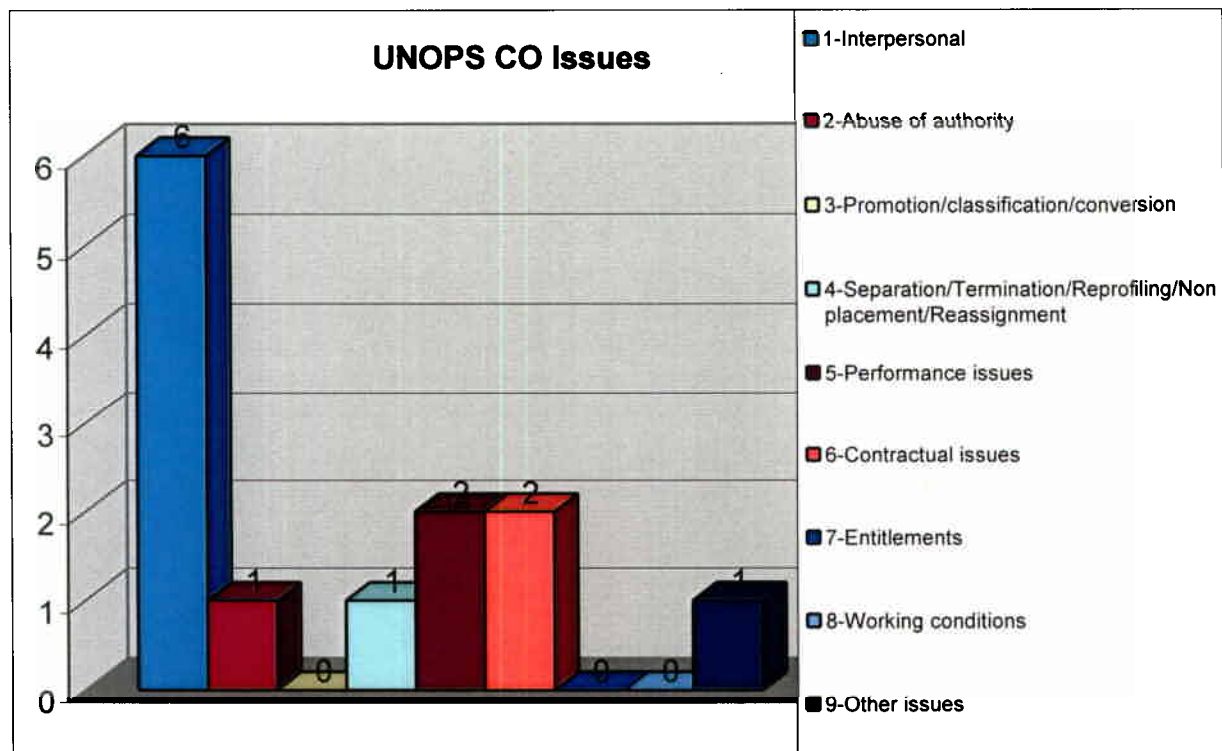
UNOPS CO cases



UNOPS HQ cases

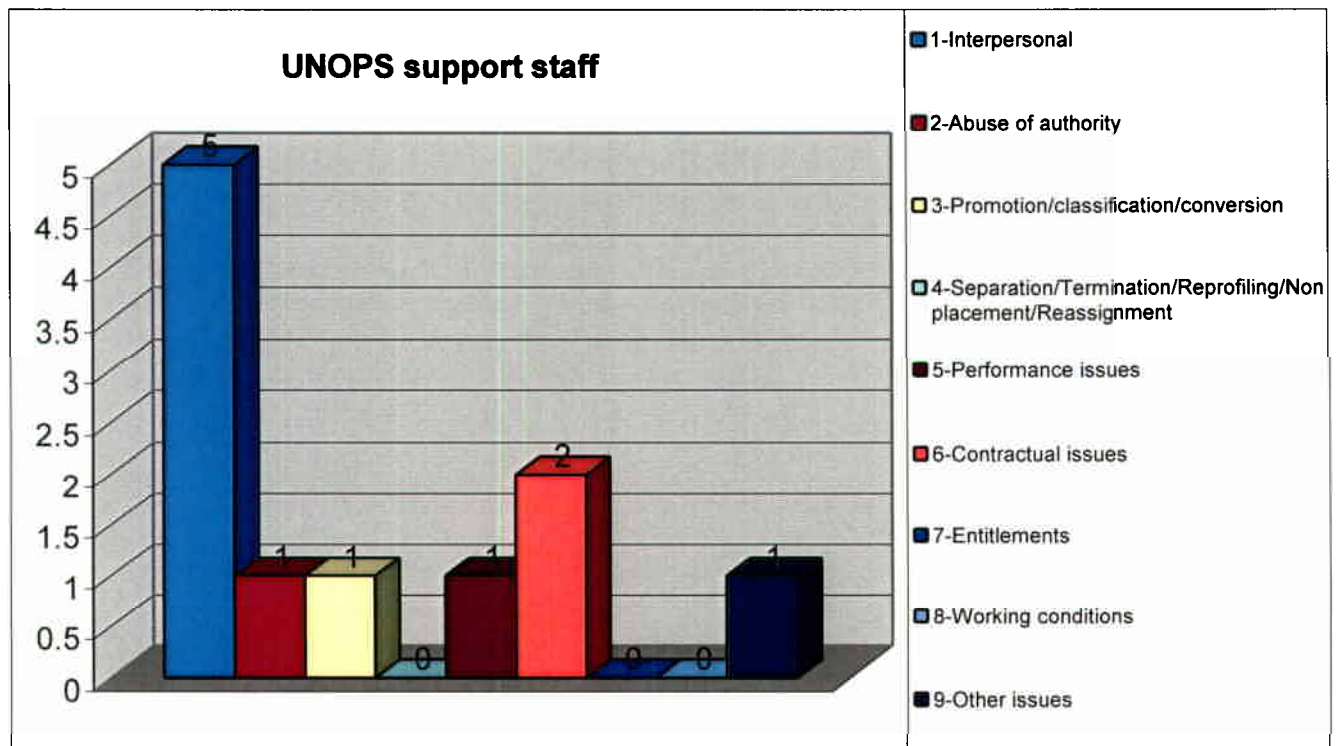


B- UNOPS issues: CO/HQ*



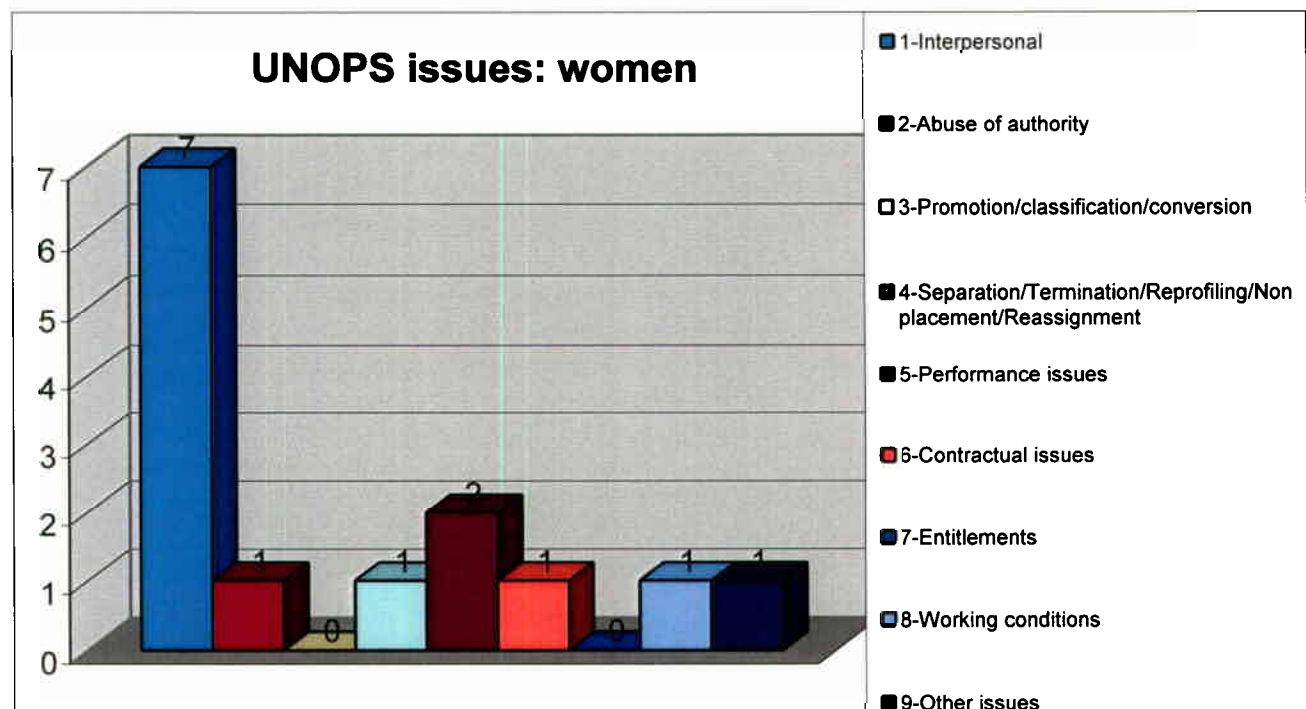
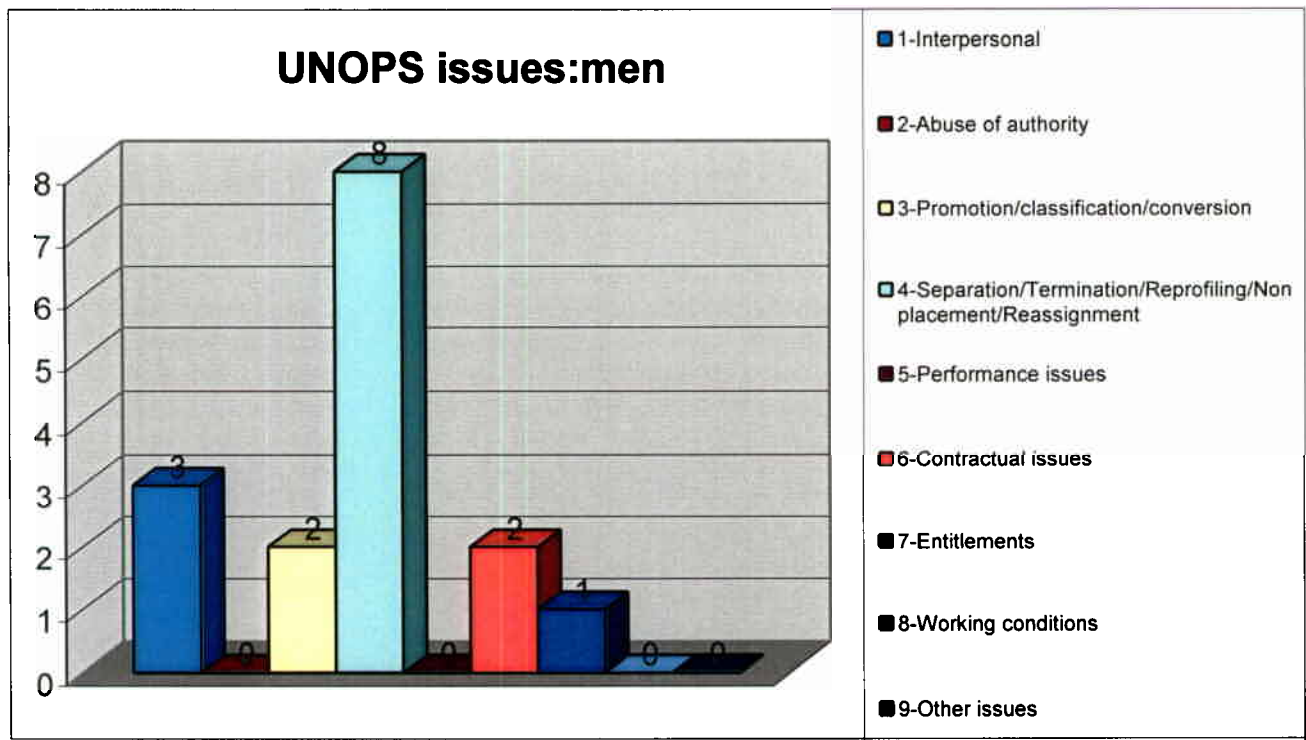
* Some cases fall into more than one category

C- UNOPS issues: professional staff/support staff*



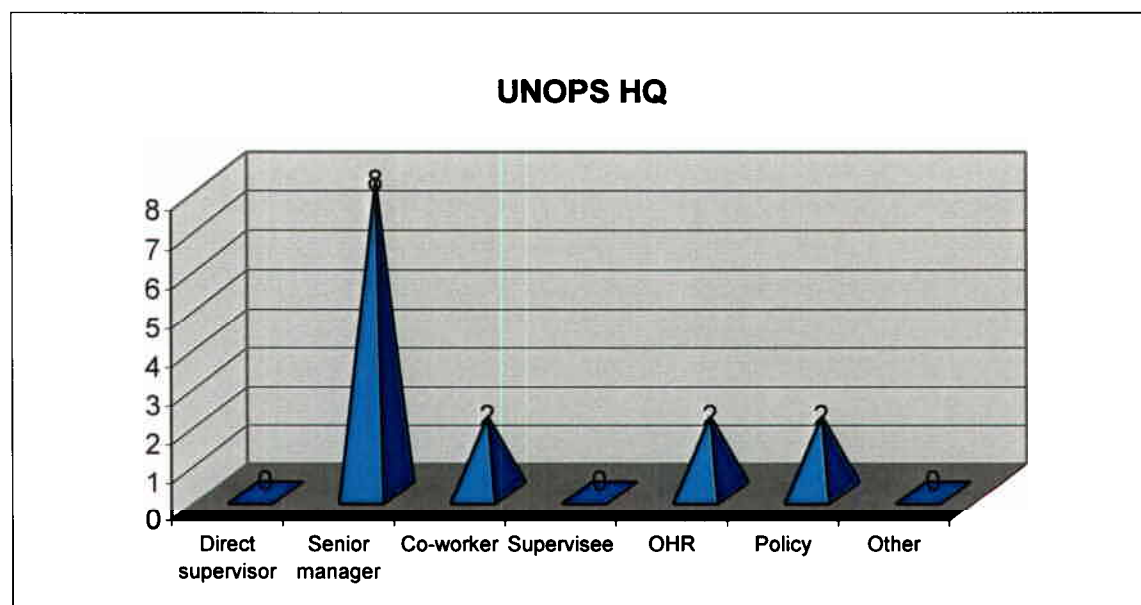
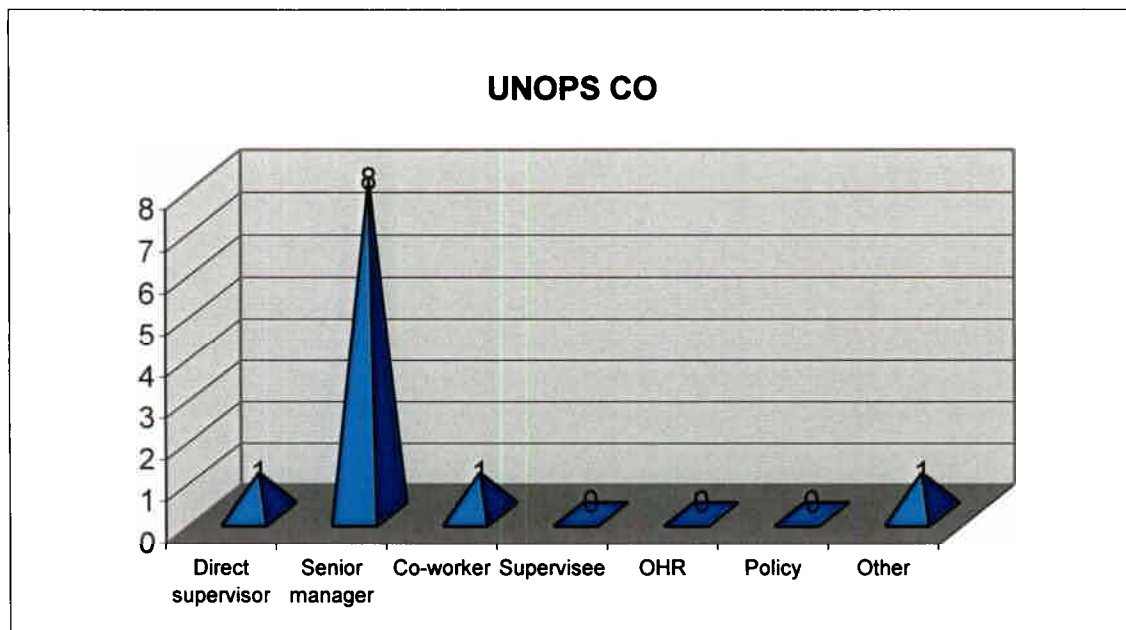
* Some cases fall into more than one category

D- UNOPS issues: men/women*

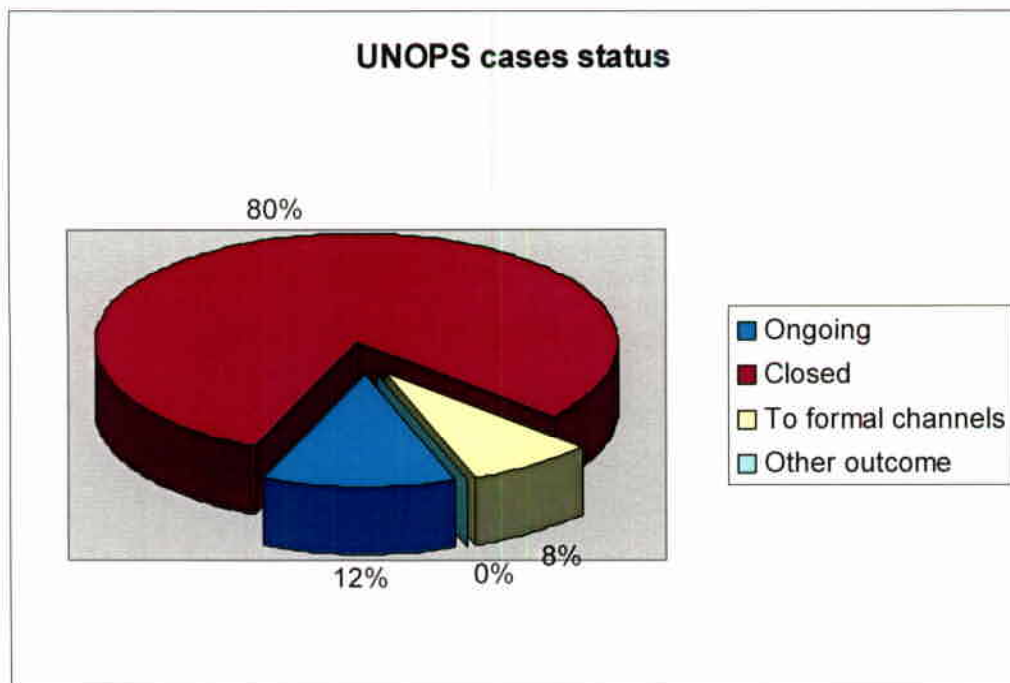


* Some cases fall into more than one category

E- Other party in the dispute



F- UNOPS status of cases/outcome



Annex II.

Action plan drafted at the third annual meeting of the ombudsmen and mediators for the United Nations system and Bretton Woods institutions, held at the International Labour Organization Headquarters, Geneva, 28, 29 and 30 April 2004.

1. Finalize rules for listserv and identify a postmaster (see ILO handout) (ILO; WB);
2. Develop website linkage (UNDP in consultation with TOA);
3. Continue to collaborate with TOA to develop criteria for collecting data (UN);
4. Continue to organize thematic workshops at annual sessions (all agencies);
5. Identify training needs for ombudsmen, develop an annotated compendium of training opportunities; develop, if necessary, training modules (ILO);
6. Maintain current arrangements for annual meetings and networking of the ombudsmen and mediators of the United Nations and Bretton Woods institutions and related organizations. Consider pre-session training. Identify appropriate time and venue for hosting the meetings;
7. Establish a small working group to explore and propose ways of developing inter-agency cooperation (UNHCR);
8. Maintain and update the roster of current and previous ombudsmen, including possible mentors for new ombudsmen (all agencies to submit to WHO/WPR);
9. Establish a working group to draft model terms of reference with commentary for ombudsmen and mediators of the United Nations system and Bretton Woods institutions (ILO, AFDB, WHO/Euro);
10. Share promotional material.