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Item 148 of the preliminary list\*

### Administration of justice at the United Nations

## Activities of the Office of the United Nations Ombudsman and Mediation Services

### Report of the Secretary-General

#### *Summary*

The present report covers the activities of the Office of the United Nations Ombudsman and Mediation Services for the period from 1 January to 31 December 2018.

In addition to the Office of the United Nations Ombudsman and Mediation Services, which serves the Secretariat, there are separate, dedicated ombudsmen for the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Office for Project Services, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Office of the United Nations High Commissioner for Refugees (UNHCR). The ombudsmen for the separately administered United Nations funds, programmes and entities are based in New York and the ombudsmen for UNHCR are based in Budapest and Geneva.

The report contains statistical data and information on the activities of the Office carried out during the reporting period. It focuses on Secretariat-specific activities, including dispute-resolution services and outreach activities to promote greater conflict competence among staff and managers, and contains observations on systemic issues.

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\* A/74/50.



## **I. Introduction**

1. A critical aspect of the success of the institutional reforms initiated by the Secretary-General lies in navigating the human element and leveraging diverse viewpoints. When staff members embrace and adopt attitudes that promote a collaborative approach to addressing disagreements and conflict, the workplace becomes a vibrant, healthy and rewarding place where robust decision-making thrives. Fostering dialogue that challenges ideas and not people is the foundation upon which a productive and harmonious workplace rests. In 2018, the Office of the United Nations Ombudsman and Mediation Services continued to enable staff to have productive workplace interactions and create better team dynamics through its case work, outreach activities focusing on conflict competence and capacity-building, and systemic feedback.

2. As the Organization adapts to a changing work environment with evolving priorities, the work of the Office is more relevant than ever. The Office strives to provide staff at all levels with the tools to work together and maximize their effectiveness.

## **II. Overview of the Office of the United Nations Ombudsman and Mediation Services**

### **A. Mandate of the Office of the United Nations Ombudsman and Mediation Services**

3. In its resolution [73/276](#), the General Assembly recognized that the informal system of administration of justice was an efficient and effective option both for staff who sought redress of grievances and for the participation of managers.

4. The Office is guided by the core principles of independence, neutrality, confidentiality and informality (see the annex to the present document), which are aligned with internationally established standards of practice for both the organizational ombudsman profession and professional mediators (see [ST/SGB/2016/7](#)). The Office provides confidential and impartial assistance to resolve workplace disputes wherever United Nations staff are located. Staff at all levels seek the assistance of the Office on a broad range of workplace-related issues. The Office assists staff through a variety of dispute-resolution approaches, including exploring options, referral, conflict coaching, shuttle diplomacy, facilitated conversation, mediation and group processes.

5. The Office identifies trends and systemic issues underlying workplace conflicts on the basis of cases addressed or issues that otherwise come to its attention. These are raised with the Organization's management on an ongoing basis. The Office endeavours to assist employees in developing the knowledge, attitude and skills to handle conflicts constructively ("conflict competence") by offering thematic information sessions and workshops, skill-building initiatives, group processes and individual conflict coaching.

6. These broad areas of work are intertwined and interdependent. Issues uncovered during contact with visitors often provide the means to identify systemic gaps and inform the design of broader conflict competence initiatives.

## **B. Services**

7. The Office of the United Nations Ombudsman and Mediation Services provides informal conflict-resolution services that support all staff, including all levels of management, which is critical during this period of organizational change.

8. The conflict-resolution officers of the Office apply their diverse skills to meeting the needs of staff members wanting to resolve conflicts or limit their negative effects. These skills include active listening with empathy, reframing diverse perspectives, effective questioning and coaching on the difference between interests and needs, as well as facilitating visitors, individually or in groups, to take collaborative and inclusive approaches.

## **C. Multilingualism**

9. In line with the cross-cutting organizational priorities and initiatives on multilingualism and in order to improve service delivery, the Office's ombudsmen and mediators are multilingual and, together, can provide conflict-resolution services to its global constituency in all six official languages of the United Nations. A number of the Office's practitioners speak additional languages and can communicate with visitors in their preferred language. Visitors often prefer to communicate in their mother tongue to share their grievances, clarify perspectives and feel heard; the benefits of offering services in different languages range from creating a more comfortable environment to, in particular in the field, enabling access to services comprising the informal part of the administration of justice that may otherwise not be accessible as a result of linguistic barriers.

## **III. Global presence**

10. The Office has a global presence and has offices in Bangkok, Entebbe (Uganda), Geneva, Goma (Democratic Republic of the Congo), Nairobi, New York, Santiago and Vienna. In order to provide more targeted in-person services to staff based in Beirut and other locations, the Office temporarily redeployed existing resources to meet those operational needs. On the basis of that experience, the Office will look into further opportunities for the short- and long-term redeployment of resources to respond to changing needs.

11. The regional ombudsman offices, which have been decentralized for 10 years now, provide the full range of conflict-management services at the duty station they serve. In addition, they conduct mission visits to field operations and duty stations without resident ombudsmen to provide the opportunity for all staff to benefit from in-person services. In-person contact with staff members serving in challenging environments allows first hand-assessment of causes of disputes and conflicts in the workplace. The visits are always accompanied by conflict-competency training that is otherwise unavailable in those locations.

## **A. Ombudsman missions**

12. The limited presence of ombudsman services in the field presents a challenge to ensuring proper and timely outreach to all staff members worldwide, in particular in field operations. The Office frequently uses email, telephone and videoconferencing to provide services, including for case management. However, difficult conditions in the field, including weak information technology systems, unstable Internet services,

power disruptions and other logistical constraints continue to present considerable challenges, making in-person intervention by far the most desirable means of early conflict resolution.

13. During 2018, the regional ombudsman offices worked to increase access to conflict-resolution services for staff away from headquarters, including in the field and in the deep field, and to raise awareness and build capacity. Regional ombudsman offices conducted some 50 missions, often covering more than one duty station or mission in a single visit to maximize access. The duty stations covered included mission areas and their deep field and hardship locations, political offices, departments of the Secretariat with extensive field presence and regional commissions.

14. A number of the missions were timed to coincide with visits from other offices, including the Department of Field Support and the Office of Staff Legal Assistance, to provide assistance to staff in missions that were being downsized. This allowed for the provision of a comprehensive service to staff members, while meaning that the missions needed to prepare only once for such visits.

15. During the reporting period, the regional ombudsman offices reached staff members serving in, among other countries, Afghanistan, Colombia, Haiti, the Central African Republic, Gabon, Guinea-Bissau, Iraq, Kuwait, Kyrgyzstan, Mali, Senegal, Somalia, South Sudan, the Sudan (Darfur region), Rwanda, Ukraine and Uzbekistan.

16. While the Office is proud of its work and what it has done with the resources allocated for this purpose, some staff in the field remain underserved, yet could be reached with few additional resources.

## **B. Pre-mission surveys**

17. Where deemed appropriate and useful, pre-mission surveys were sent. That tool allowed the visiting ombudsman to gain a better understanding of workplace issues and of the working climate in an environment in which he or she did not reside. The main findings of the surveys were presented to and discussed with all the staff upon arrival at the offices being visited. Such discussions triggered useful insights and responses from managers and staff.

## **C. Awareness-raising and conflict competence skill-building**

18. In addition to providing the usual range of confidential conflict-resolution services to individuals, the following awareness-raising and skill-building services were provided:

(a) General presentations on the role and mandate of ombudsmen as part of outreach in the form of townhalls, briefings and orientation sessions;

(b) Contributions to induction courses to equip incoming peacekeeping staff with tools and knowledge on conflict resolution in the United Nations workplace;

(c) General and more targeted conflict-competence workshops covering issues such as managing conflict effectively, collaborative decision-making, working harmoniously, promoting happy and effective teams, promoting a healthy work environment, strategies for effective communication, email etiquette and giving and receiving performance feedback;

(d) Tailored team-building workshops to strengthen team cohesion as a means of managing conflict.

#### **D. Responding to requests**

19. An increasing number of requests for the Office's services come from departments with which it has engaged and which appreciate the added value brought by the Office in support of their staff and management. For example, stakeholder engagement with the Department of Safety and Security led to a request to participate in the Department's annual regional meetings by giving a workshop on the spectrum of poor behaviour in the workplace. This included discussions on harassment, sexual harassment, discrimination and abuse of authority, as well as the potential and limits of informal conflict resolution in the context of behavioural issues ranging from lack of communication and misunderstandings to serious behavioural transgressions. In this context, regional ombudsmen and senior conflict-resolution officers from New York held interactive sessions at the annual regional meetings of the chief security advisers and field service coordinators in Amman, Bangkok, Brindisi (Italy), Entebbe, New York and Santiago.

20. The regional ombudsman offices contributed to the Secretary-General's work on an enabling environment in the field, which is aimed at allowing both men and women to serve in the field under often difficult conditions. While some challenges are inherent to post-conflict environments, other challenges for female staff are under the control and authority of the Secretary-General and his representatives in the field and can be changed with awareness and decision-making processes. The regional ombudsmen conversant with such challenges compiled a list of concerns and suggestions voiced by women affected by them so that simple but effective measures could be taken in field operations in difficult duty stations to enable both men and women to serve equally in those places. The focus of the Office's work is to convey the voices of staff not otherwise heard, and to invite mindset changes.

21. A regional ombudsman was requested by a large office to act as a neutral facilitator for their discussions on the staff engagement survey results to identify priority areas for action. This created a safe place for staff to express their viewpoints freely in a confidential environment. The ombudsman provided a summary of the discussions in the three focus groups and an extensive list of action points was developed for consideration by the project team.

#### **E. Regional offices and the civility campaign of the Secretary-General**

22. During the reporting period, the Office developed and began piloting a series of activities on civility, including a workshop on "the three Cs" (civility, communication and community). Feedback survey results revealed a high level of satisfaction with the workshops: over 95 per cent of respondents stated that they would recommend the session to others.

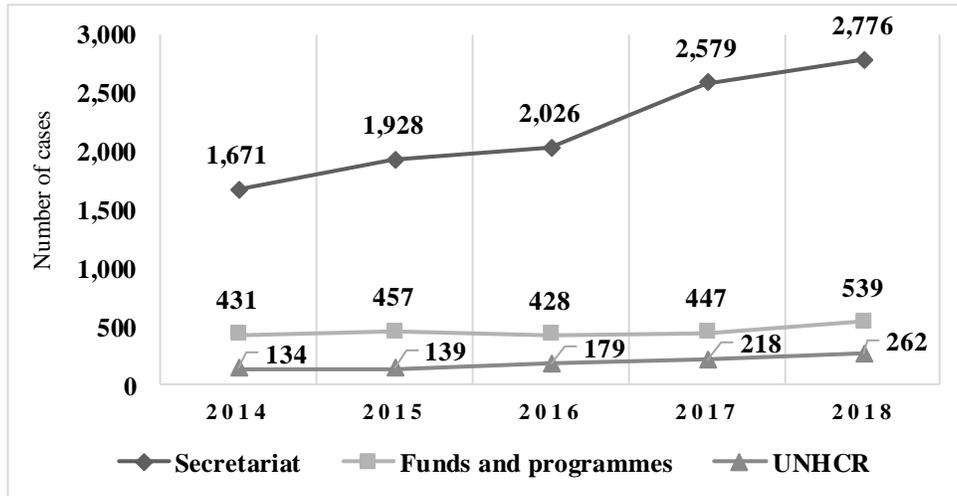
### **IV. Statistical overview of cases and trends**

#### **A. Case volume and trends**

23. In 2018, the Office opened a total of 3,577 cases, including mediation cases, which was an increase of 10 per cent over the previous year. Of those cases, 2,776

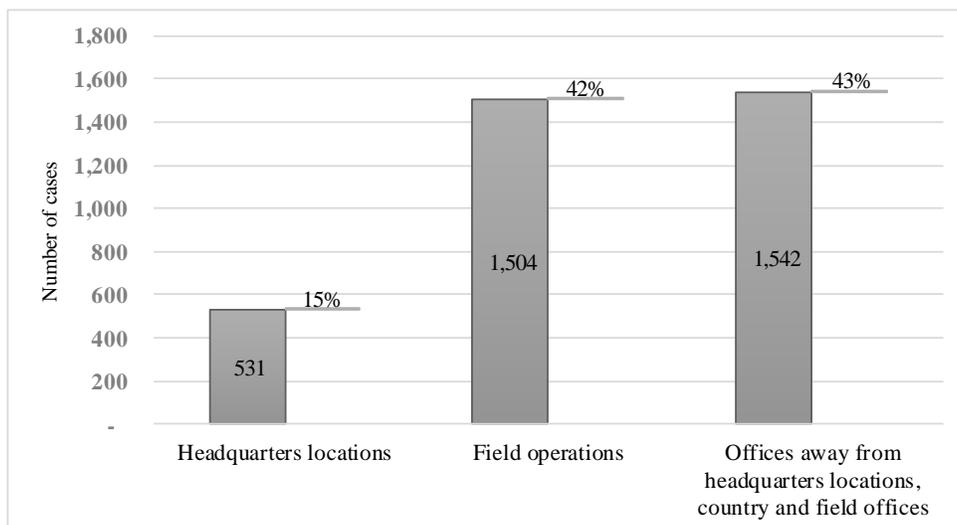
(78 per cent) originated in the Secretariat, 539 (15 per cent) in the funds and programmes and 262 (7 per cent) in UNHCR (see figure I). An overall upward trend in case volume has been observed over the past five years in each of those pillars.

Figure I  
**Number of cases opened, Office of the United Nations Ombudsman and Mediation Services, 2014–2018**



24. In 2018, 43 per cent (1,542) of cases across the Office emanated from offices away from headquarters (namely, various field offices for the Secretariat, the funds and programmes, and UNHCR), 42 per cent (1,504) from field operations (peacekeeping and special political missions of the Secretariat) and 15 per cent (531) from headquarters locations (New York (Secretariat); New York and Copenhagen (funds and programmes); and Geneva and Budapest (UNHCR)) (see figure II).

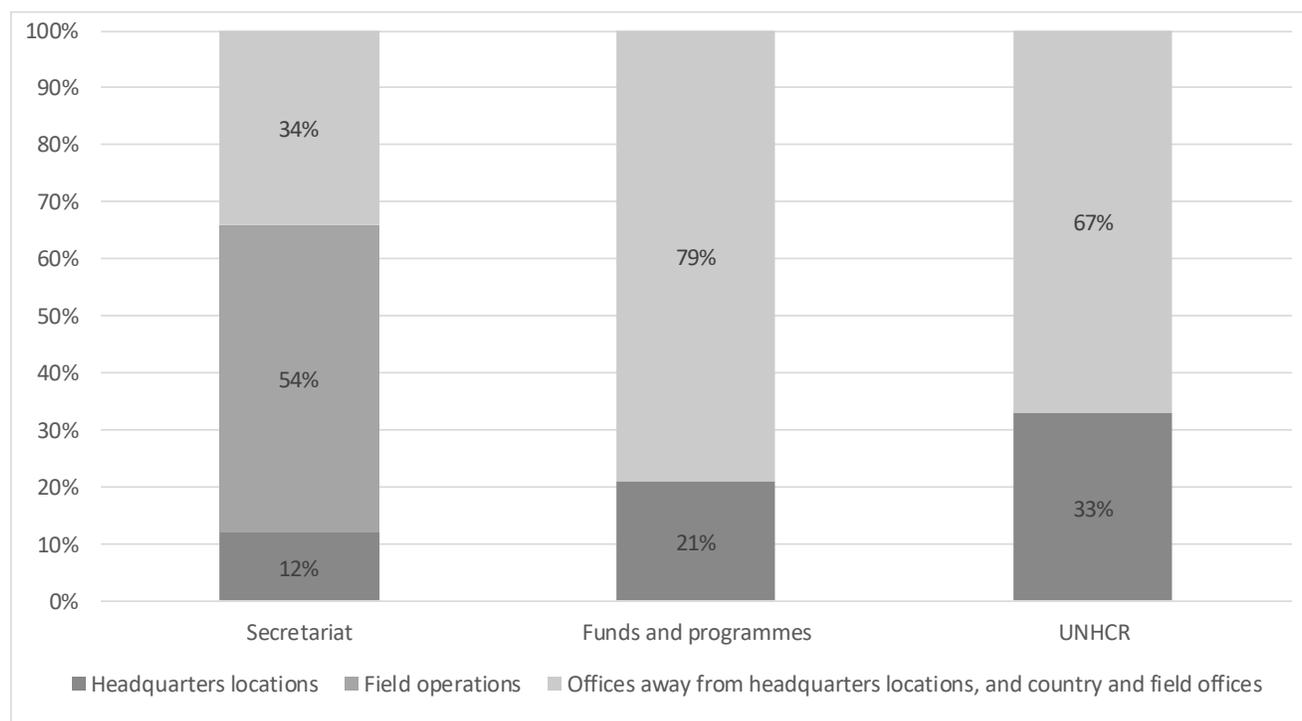
Figure II  
**Distribution of cases by location across Secretariat, funds and programmes and Office of the United Nations High Commissioner for Refugees, 2018**



25. In 2018, for the Secretariat, 12 per cent (332) of cases were reported by staff at Headquarters, 34 per cent (940) from offices away from Headquarters and 54 per cent

(1,504) from field operations. For the funds and programmes, 21 per cent (113) of cases were from headquarters locations, while 79 per cent (426) emanated from country offices. For UNHCR, 33 per cent (86) of cases were from headquarters locations, while 67 per cent (176) were from field offices (see figure III).

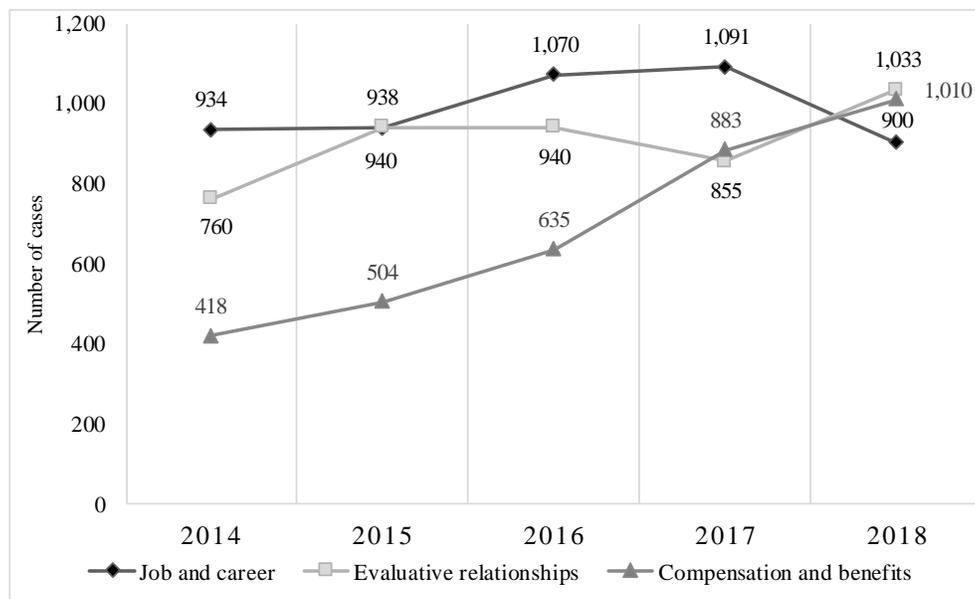
Figure III  
Distribution of cases by location and by pillar, 2018



## B. Issues and trends

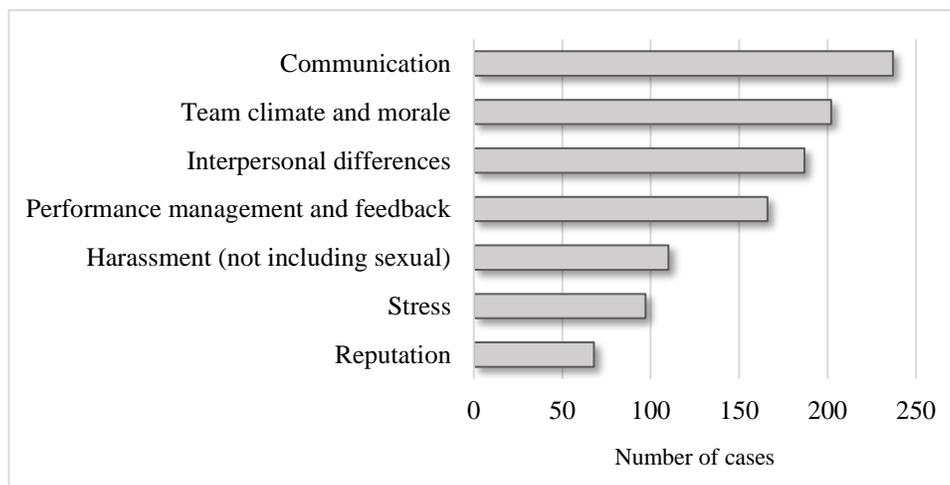
26. As in previous years, the three issues most commonly reported to the Office in 2018 were: (a) job and career; (b) compensation and benefits; and (c) evaluative relationships. There was an increase in the number of cases related to evaluative relationships and to compensation and benefits and a decline in those regarding job and career (see figure IV). It should be noted that a case can have multiple issues or sub-issues, so the number of issues is greater than the number of cases.

Figure IV  
**Breakdown of the three issues most commonly reported to the Office of the United Nations Ombudsman and Mediation Services, 2014–2018**



27. In 39 per cent of the cases opened in 2018, incivility appeared to contribute to workplace conflict. See figure V for a breakdown of the main issues related to incivility in cases reported to the Office.

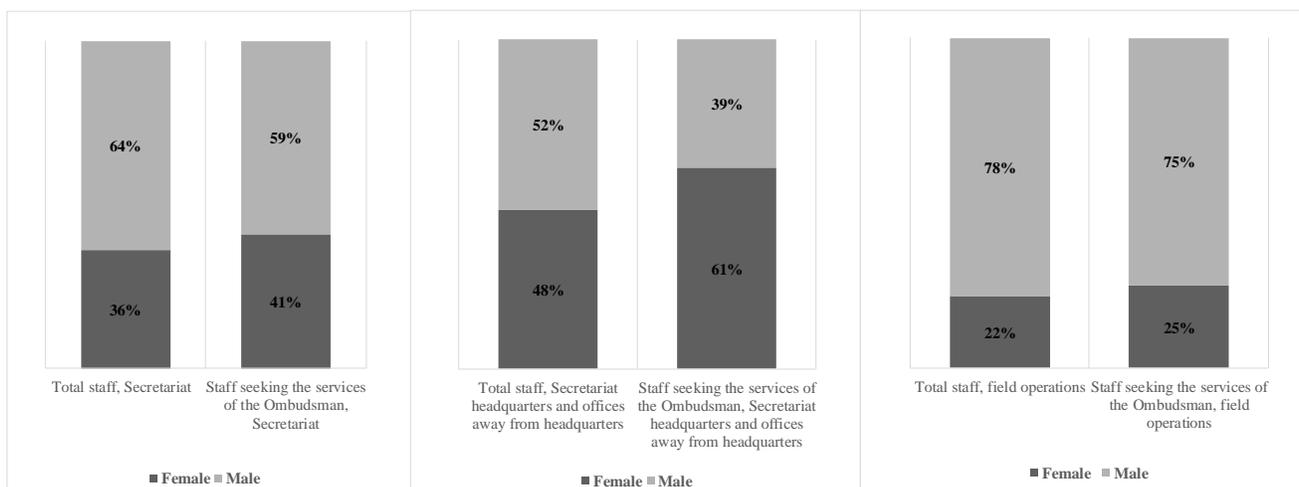
Figure V  
**Breakdown of the main issues related to incivility reported to the Office of the United Nations Ombudsman and Mediation Services, 2018**



### C. Utilization rate by gender and location in the Secretariat

28. Using the latest demographic figures available (see [A/73/79](#)), figure VI shows that male staff members are less likely than their female counterparts to use the services of the Office, as compared with their population overall across the Secretariat, both in non-field duty stations and in the field.

Figure VI  
**Utilization rate of the services of the Office of the United Nations Ombudsman and Mediation Services, Secretariat, 2018, by gender and location**



## V. Mediation

### A. Function

29. The United Nations was founded on the principle of promoting peace and using dialogue as a means of achieving it. The same principle is essential in the workplace when harmony is threatened; for many disputes that arise within the United Nations system, talking to someone is the logical first step to resolution. The earlier the talks can start, the greater the opportunity to limit escalation and ongoing discomfort or dysfunction. When colleagues are not comfortable about speaking to one another directly, or do not feel able to do so, the presence of a neutral, third-party mediator can facilitate resolution of the immediate issue and can bolster the working relationship to avoid future problems.

30. The Office's Mediation Service conducts mediations globally, supports the regional offices as a centre of expertise in mediation and is the responsible administrator of cases referred from the formal system. Working with stakeholders within the internal justice system, management and staff, the Mediation Service aims to ensure that timely and consistently high-quality mediation processes are available that suit the diverse needs of the Organization.

31. It should be recalled that the General Assembly, in its resolution [73/276](#), on the administration of justice, emphasized that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff members to access the formal system, and encouraged recourse to the informal resolution of disputes. Also in that resolution, the General Assembly welcomed with appreciation the high resolution rate of cases mediated and encouraged the Office of the United Nations Ombudsman and Mediation Services to continue its efforts in informal dispute resolution. The Office's statistics demonstrate a resolution rate of 83 per cent of the cases mediated.

32. The Office continues to receive referrals from the United Nations Dispute Tribunal, the Office of Staff Legal Assistance, the Management Evaluation Unit and other services within the Organization. However, most of the cases that come to mediation are self-referred, meaning that one of the parties to the dispute approaches

the Office for help. Despite the referrals received from the sources mentioned above, mediation remains underutilized within the Organization. Given the great benefits of early resolution, the Office continues to collaborate with partners within the Organization to guide cases from the formal to the informal system and to promote the early use of mediation.

33. A specific example is the Office's cooperation with the Management Evaluation Unit towards increasing the number of referrals to mediation and encouraging the use of informal approaches during the earliest stages of a formal process. The management evaluation application has been revised to remind applicants about the services provided by the Office of the United Nations Ombudsman and Mediation Services before they complete their request. In addition, by ticking a box on the application, contact with the Office is initiated. The Office promptly follows up on that contact to explore possible means of informal resolution, including mediation.

34. Every week, discussions facilitated by the Office's conflict-resolution officers, at headquarters and in the field, in person, by telephone and online, resolve significant issues to help staff members resume their daily work. These cases may involve only two people, be complex negotiations between management and groups of staff, or be collaborative processes with teams in conflict. The results can help co-workers achieve productive working relationships, resolve longstanding tribunal cases and even quell the risk of violence. The examples below are illustrative of the types of cases that regularly benefit from mediation.

## **B. Mediation examples**

35. In a case referred from the Management Evaluation Unit, parties had grown frustrated with unresolved ePAS issues that had persisted for years. Each party had its justifications for its actions to date but, as the new performance cycle was starting and the pressures to complete documents increased, an application for management evaluation was initiated. It was reviewed by a legal officer who saw an opportunity for mediation. After confirming with the parties, the case was referred to mediation and the management evaluation was placed on hold. The initial meetings with the mediator and the parties took place within a matter of days and it quickly became clear that a resolution was possible. Following a series of discussions, the parties were able to resolve the issues completely. The whole process was completed in less than a month and the management evaluation request was withdrawn, resulting in a transition from antagonism and distrust to collaboration and cooperation.

36. Work-related pressure can take its toll and people sometimes lose their temper, acting in ways they might regret, which can lead to disciplinary action. One staff member approached the Office after being shouted at by a colleague. The staff member felt that doing nothing was not an option, yet pursuing disciplinary action for a single event would not be productive. Both parties agreed to meet with a mediator to explore what had happened, some of the circumstances that had led to it, and what they expected in the future. Rather than following a disciplinary path or escalating the conflict, they agreed to meet more regularly, communicate more effectively and share the positive resolution with colleagues who had witnessed the initial incident.

37. In a volatile situation in a peacekeeping mission, mediation was conducted to quell the rapidly deteriorating work relationship between the management of the mission and a group of individual ex-contractors. The mediation resulted in an agreement which ended a crisis involving the Organization and hundreds of ex-contractors and their families, which went on for over six months. The ex-contractors had initiated a sit-in in front of the mission's office and had set up a camp, including a temporary classroom for their children. The demonstration had

involved violent episodes when the ex-contractors forced their way onto the base and were expelled by security forces using tear gas. There were also threats of escalated violence, including use of an offensive grenade and death threats. The parties had attempted to negotiate a resolution directly, but without success. The situation had persisted for over four months when the Office was contacted, and a mediation process facilitated by the regional ombudsman was held. The process allowed the parties to settle the dispute amicably and move to a more positive future. Challenges persist for the mission and the region, but the parties are communicating, violence has been quelled and agreed steps are being implemented.

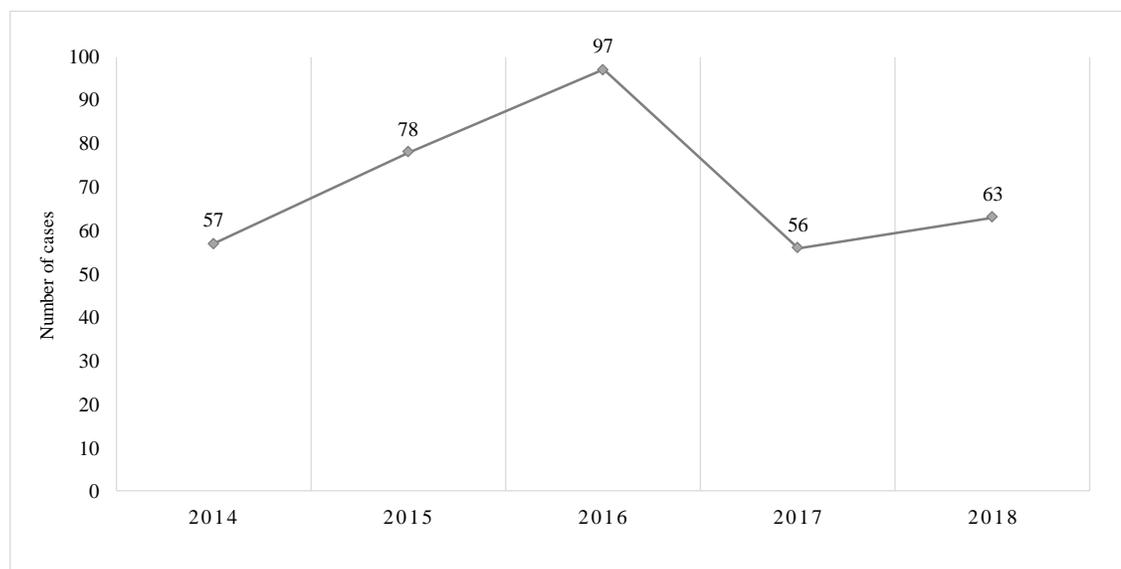
### C. Statistical overview of mediation cases

38. In its resolution, [73/276](#), the General Assembly, inter alia, requested the Secretary-General to continue to provide detailed information on the activities of the Office, including statistical overviews of mediated cases.

39. During the reporting period, 84 mediation cases were opened. Of those, 63 emanated from the Secretariat (see figure VII), 15 from the funds and programmes and 6 from UNHCR.

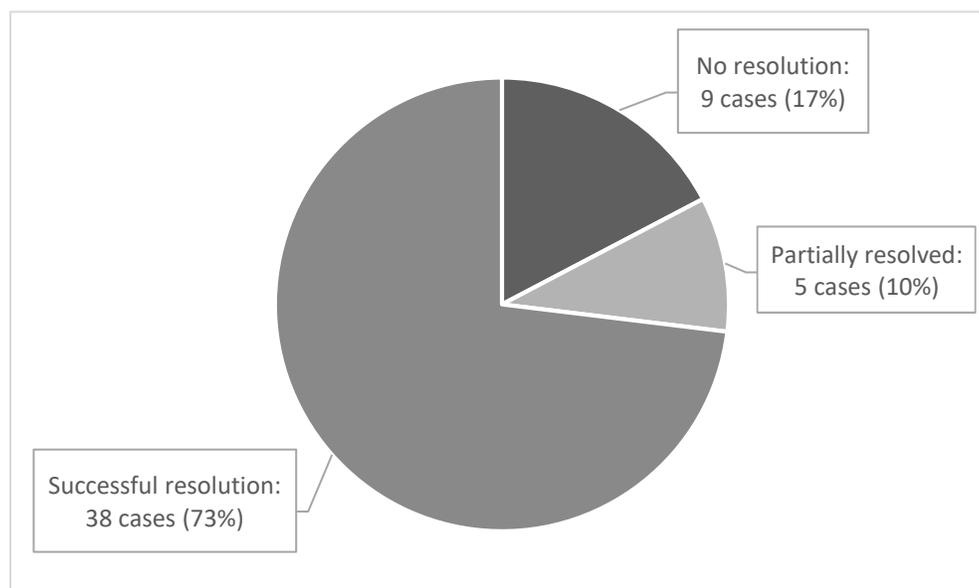
Figure VII

#### Number of mediation cases opened, Secretariat, 2014–2018



40. The resolution rate of cases mediated by the Office has remained high. Of the 65 mediation cases closed in 2018, 52 (80 per cent) were mediated, and 5 represented completed group processes. Among the cases mediated and closed, a full resolution was achieved in 38 cases and a partial resolution was achieved in 5; 9 cases were not resolved, giving a resolution rate of 83 per cent. The remaining eight cases could not proceed to mediation because one of the parties declined mediation or the case was not appropriate for mediation.

Figure VIII  
**Outcome of mediated cases, Secretariat, 2018**



## VI. Non-staff personnel

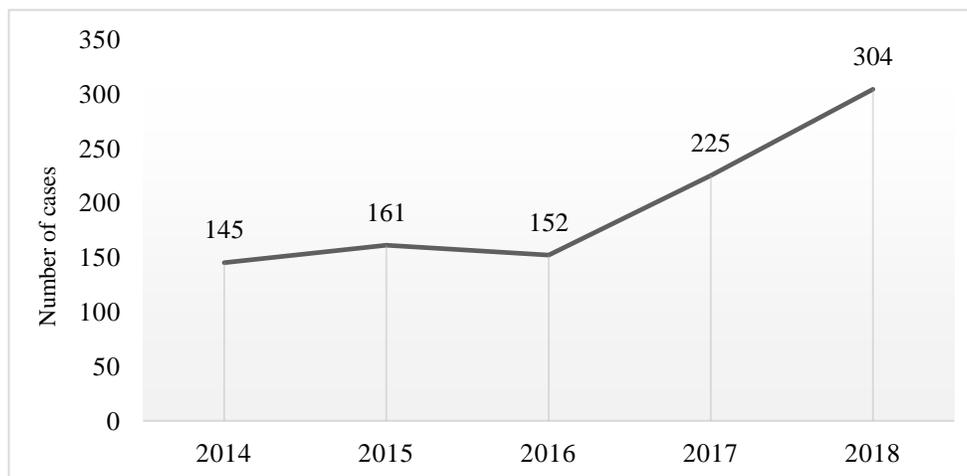
### A. Access to the Office of the United Nations Ombudsman and Mediation Services for non-staff personnel in the Secretariat

41. In its resolution [73/276](#), the General Assembly requested the Secretary-General to establish, within existing resources, the pilot project to offer access to informal dispute-resolution services to non-staff personnel and decided that the pilot project would not affect the mandate of the Office of the United Nations Ombudsman and Mediation Services.

42. As reported to the General Assembly in previous reports, since its inception in 2002, the Office has adopted a “zero-barrier” approach, providing a safe and accessible environment for all staff to discuss any kind of workplace-related concern, regardless of level or location. It is in this spirit that assistance has been provided by the Office to non-staff personnel seeking help, albeit not the full range of services, owing to capacity constraints and limited resources.

43. The total number of cases from non-staff personnel in the Secretariat increased from 225 in 2017 to 304 in 2018. This 35 per cent increase occurred prior to the adoption of the pilot by the General Assembly and without any targeted outreach or specific measures by the Office to raise awareness about the availability of its services to non-staff personnel. Despite not undertaking any targeted outreach, in 2019, the Office had provided services to 173 non-staff personnel by the end of June. If the increase in cases from non-staff personnel continues, and if the ongoing implementation of the pilot project leads to an increase in cases from non-staff personnel beyond 350 cases per year, as noted in last year’s report ([A/73/167](#), para. 89), additional resources would be required for the project to be sustainable.

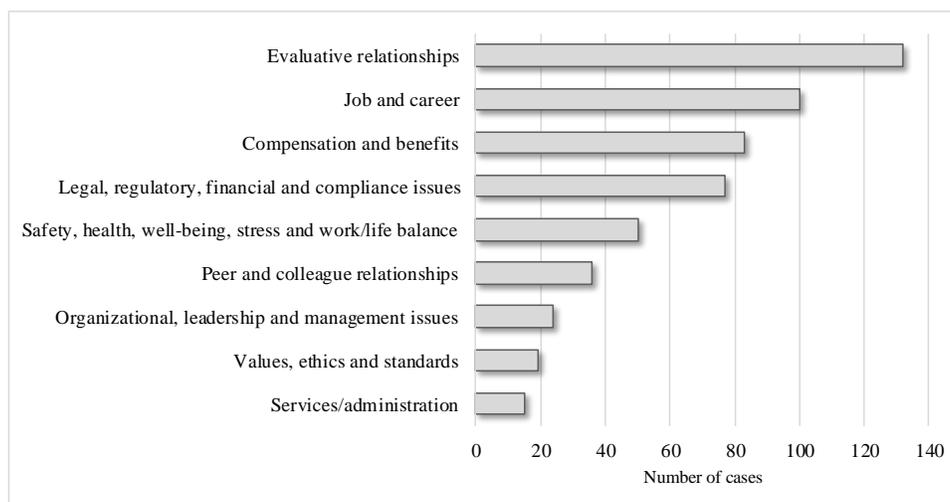
Figure IX  
Number of cases opened for non-staff personnel, Secretariat, 2014–2018



## B. Issues raised by non-staff personnel

44. The three issues most commonly brought to the Office by non-staff personnel in the 304 cases in 2018 were: (a) evaluative relationships; (b) job and career; and (c) compensation and benefits.

Figure X  
Breakdown of the issues reported by non-staff personnel to the Office of the United Nations Ombudsman and Mediation Services, Secretariat, 2018



## VII. Outreach and capacity-building

### A. Overview

45. In its resolution [73/276](#), the General Assembly noted that staff still appeared to have limited awareness of the system of administration of justice and urged the Secretary-General to further strengthen and increase his outreach activities, with a view to raising awareness of the role and functioning of the various parts of the system

and the possibilities that it offered to address work-related complaints, paying particular attention to field missions and offices. Also in that resolution, the Assembly stressed the importance of continuing to implement a comprehensive outreach and communication strategy for all staff members covered under the formal and informal parts of the system of administration of justice and encouraged the Office of the United Nations Ombudsman and Mediation Services to intensify its outreach activities to encourage informal dispute resolution.

46. During 2018, the Office continued to focus its efforts on raising awareness about the value of informal conflict-resolution services and promoting their use as a first step in addressing workplace concerns. While such services are more easily accessible at headquarters duty stations and in locations with a regional ombudsman office, awareness about them may be limited in other locations, requiring more communication efforts on the part of the Office. Such communication efforts include an increased digital presence in all official languages of the United Nations, regular circulation of materials and information to different duty stations, virtual presentations and education of outreach focal points.

47. In promoting the use of informal conflict resolution, the Office also engaged with senior leaders in the Organization, inviting them to set the tone at the top. As a result, the Chef de Cabinet wrote to all heads of department encouraging them to actively engage with the Office. Whenever possible, the Office conducts in-person information sessions and workshops during outreach visits.

## **B. Promoting and encouraging the use of informal conflict resolution**

48. The Office's principal online communication platform is its multilingual website ([www.un.org/en/ombudsman](http://www.un.org/en/ombudsman)). Available in the six official languages of the United Nations, it contains valuable information about the services provided by the Office around the globe, along with a series of key documents, online resources and annual reports. In 2018, the number of monthly page views on the website increased by approximately 26 per cent to over 3,800, totalling close to 46,000 page views for the year.

49. In addition to its website, the Office maintains an active presence on the United Nations intranet (iSeek). In 2018, its pages received over 1,000 views and the eight articles published by it during the year were viewed a total of 4,500 times. The most-visited content was an article entitled "The UN is one of the best workplaces; let us keep it this way", published by the regional ombudsman office in Entebbe.

50. In 2018, the Office conducted or participated in over 220 information sessions, including townhall meetings, and conducted about 140 workshops to build skills for conflict competence. All such awareness-raising and skill-building activities also included information on other aspects of the system of administration of justice to educate staff about the resources and avenues available to them to address workplace conflict. Whenever the Office conducts missions, it incorporates these in-person outreach elements.

51. The Office also engaged, on a pilot basis, in a new initiative to strategically amplify its impact where there is no resident ombudsman. To establish an outreach network of focal points, 25 United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic staff members from 11 duty stations in the Central African Republic were trained to assist the Office in increasing awareness of early conflict resolution and fostering a respectful workplace. If successful, this network will allow the regional ombudsman to promptly follow up on issues and support the early management of conflicts.

## VIII. Systemic observations

### A. Background

52. The Office's regular and ongoing interaction with stakeholders enables it to identify, analyse and report on systemic issues occurring or emerging in the Organization. While individual cases can often be resolved through direct intervention and simple problem-solving, many conflicts can be traced to systemic issues such as gaps or inconsistencies in the Organization's policies, procedures, systems or structures. These may be deeply rooted in the organizational culture or be the result of a misalignment of purpose and incentive structures or lack of coordination across silos in the implementation of strategies and policies. Early detection of these issues allows the Organization to respond in an adaptive and holistic way that can help manage present and future conflicts.

### B. Overview

53. In the report of the Secretary-General covering 2016 (A/72/138), several factors affecting staff productivity, health and morale were observed. A table showing the major systemic issues reported to the General Assembly over the years was included in that report. Also in that report, it was noted that stress levels increasing to beyond acceptable levels might have an impact on behaviour in the office (para. 72).

54. In 2018, the Organization had to contend with allegations of harassment and abuse, including in the press. From a systemic perspective, extreme occurrences of such behaviour do not happen in a vacuum: there is a lead-up and escalation when prevention and early-warning systems have failed or are ignored. As noted previously, a general fear of speaking up, which also extends to bystanders, may lead to a possible underreporting of risk and incidents that could have been prevented had there been an atmosphere of trust, listening and support.

55. Accordingly, in the Secretary-General's report for 2017 (A/73/167), a focus was placed on systemic issues contributing to inappropriate behaviour that may not meet the definition of misconduct but is inconsistent with the values of the Organization and the core competencies and standards of conduct required of international civil servants. A workplace where colleagues and supervisors are respectful of diversity, are attentive to the dignity of all and use an appropriate, civil tone is an environment consistent with the values of the United Nations. A work environment where staff and managers become abrasive and matters escalate towards harassment, abuse of power, intimidation or retaliation is contrary to those values.

56. Inappropriate behaviour may lead to unhealthy conflict and undue stress, which, in turn, may lead to staff disengagement and cynicism and become a risk to organizational reputation and productivity.

57. Issues relating to performance and behaviour management were highlighted in the Secretary-General's report for 2016 (A/72/138) and a more detailed examination of them, as well as opportunities for both staff and managers to address the issues, were provided in his report for 2017 (A/73/167).

### C. Observations relating to 2018 have validated previously reported issues

58. In 2018, systemic issues similar to those reported previously were observed; the extensive lists of opportunities for both staff and managers in the report for 2017 are

still valid. The Office has seen an increase in incidents of abrasive management, with an increasingly serious impact on staff, including their physical and mental well-being. Issues previously seen in and reported from field operations have also persisted.

#### **D. Efforts made by the Office to support systemic change**

59. Serious efforts have been undertaken by the Organization to address the issues raised. The Office has been supporting these efforts within the confines of its mandate. The Office:

(a) Compiled the comments of female staff in the field to inform the Organization's measures towards an environment enabling both men and women to serve in the field;

(b) Offered its observations at the Staff-Management Committee working group on the revision of the Secretary-General's bulletin on prohibited conduct meeting held in June 2018;

(c) Convened a meeting of ombudsmen and mediators from the United Nations system to discuss their perspective on various informal conflict-resolution issues and to formulate system-wide proposals to the United Nations System Chief Executives Board for Coordination Task Force on Sexual Harassment;

(d) Participated as an observer in the Inter-Agency Standing Committee meeting of Investigatory Bodies on Protection from Sexual Harassment and Exploitation, Abuse and Harassment;

(e) Continued to provide observations on various draft policies in the context of the "streamlining project" of the Office of Human Resources Management;

(f) Participates as an observer in the working group to implement the United Nations System Chief Executives Board for Coordination mental health strategy;

(g) Provided feedback from the ombudsman perspective on the elements of the enterprise risk management system and accountability;

(h) Started designing and piloting initiatives relating to a civility campaign.

#### **E. Opportunities for the Organization towards systemic change**

60. In order to work towards systemic change, the Organization should develop a holistic managerial approach for addressing managers who may appear to perform well but whose abrasive behaviour affects staff, without understanding the impact of their behaviour on others. These cases are "open secrets" in the offices where they exist, and confidential handling by the Office cannot add value if management does not act. The way forward may be to devise a holistic strategy for such cases, with resources and support for the manager involved to address the matter with learning instead of punishment. Attempts at informal resolution will too often fail if the manager genuinely sees no reason to engage and learn. A holistic approach may also include team interventions and individual coaching for those affected by such a manager. When managers are unaware of the destructive impact of their abrasive behaviour and see no need to take action themselves, management must get involved. Tools must be provided so that the reporting officers of those managers are able to act swiftly and effectively, without waiting for the formal investigation necessary for disciplinary proceedings. Where awareness is lacking and the behaviour does not rise to the level of misconduct, such investigations may be costly and ineffective;

investigations are not a substitute for managerial action. The phenomenon of abrasive behaviour of which the individual themselves may not be aware is not limited to managers. There are also cases of staff in non-managerial roles who exhibit similar behaviour. The difference is that they do not have the same authority over others, so the impact of their behaviour may not have the same reach. However, their behaviour still needs to be managed to avoid escalation and to protect their colleagues. There are also situations where the abrasive behaviour of staff and their manager feed on each other in a vicious circle. Investigations with a view to disciplinary actions may not be the most effective interventions in these situations; such situations should however be addressed for the sake of all concerned (for more information on measures taken to promote systemic change, see paragraph 59 above). It should also be noted that attention was drawn to abusive behaviour and incivility in the workplace in a previous report of the Secretary-General (A/70/151, paras. 63–70), including instances that need to be addressed even though they do not amount to misconduct.

61. The Organization should respond to issues as they arise, at the earliest opportunity, including, but not limited to, when they have been raised confidentially by the Ombudsman. The Ombudsman has no mandate or authority to suggest, let alone compel, specific actions. In that regard, it does not substitute for management. The Ombudsman does, however, expect that managers receiving confidential feedback regarding issues in their areas of control would look into the matters further and, where appropriate, take action, in accordance with their mandate and lines of accountability.

62. Two-way communication should be improved at all levels. At the outset, the enormous strides made by many entities of the Organization over the last few years in using technology to provide staff with the information they need, including on their terms of employment, rights and benefits, should be acknowledged. Although it has improved in some departments, two-way communication remains a challenge in others. A culture of open dialogue on staff concerns, however, is one which contributes to a trusting and harmonious workplace.

## **IX. Looking ahead**

63. In the coming years, the Office will continue to focus on priorities identified by the General Assembly and to address emerging issues to allow the conflict-resolution programme to deliver effectively in a changing environment and with the required agility.

### **A. Ensuring access for all staff members to the informal part of the system of administration of justice in a changing environment**

64. In its resolution 73/276, the General Assembly stressed the importance of ensuring access for all staff members to the system of administration of justice. The Office will continue its efforts to provide informal conflict-resolution services to all staff, paying special attention to field missions and offices. Owing to the time-bound life cycle of field missions and the changing nature of peacekeeping operations, the provision of informal conflict resolution requires agility and flexibility to adapt to mission needs. While the number of cases arising from peacekeeping staff has remained largely the same over the years, the missions and locations from which they emanate differ, requiring ongoing adaptation in terms of where to focus and which locations to prioritize for in-person services. To maintain its response capacity, the Office will review its model for providing services to staff in peacekeeping missions, with the goal of providing an agile and cost-efficient service, including in times of

surge, downsizing and other organizational changes that lead to an increase in the number of cases.

## **B. Continuing to provide non-staff personnel with the option to seek informal resolutions**

65. Given the limited duration of the pilot project for servicing non-staff personnel at the time of writing of the present report (see paras. 41–43 above), the Office would like more time to make a better assessment of the feasibility of institutionalizing this approach. An update will be provided to the General Assembly at its seventy-fifth session, in the report covering the activities of the Office in 2019.

## **C. Impact of development system reform on the population served by the Secretariat**

66. As a result of several changes in the United Nations system, including the reform of the development system, the population served by the Ombudsman team in the United Nations Secretariat has increased significantly. Most importantly, transition is under way to bring the administration of staff of the resident coordinator system under the United Nations Secretariat. The Office has engaged with the team managing the resident coordinator system to ensure appropriate coverage and to ensure that the corresponding resources will be redeployed from the funds and programmes that previously provided that service.

## **D. Complementing case work with global initiative**

67. In the previous report of the Secretary-General ([A/73/167](#)) the importance of a workplace where colleagues and supervisors are respectful of diversity, are attentive to the dignity of all and use an appropriate, civil tone was noted (para. 56) and it was also noted that the Office planned to play a significant role in a civility or dignity initiative (para. 88).

68. In line with the Secretary-General's civility campaign, the Office has launched a broader conversation with stakeholders, which subsequently resulted in conceptualizing the "Civility Initiative". Although the expectation of civil behaviour among United Nations staff is not something new, almost 40 per cent of all cases brought to the Office in 2018 involved behaviour related to a lack of civility.

69. Accordingly, in 2018, the Office started to design and pilot elements of its Civility Initiative, in the context of the Secretary-General's civility campaign, for global roll-out starting in 2019.

70. The Civility Initiative has three key components that seek to raise awareness and foster skills to embrace civility as an implementing behaviour of dignity. The components are: (a) workshop on "the three Cs" (civility, communication and community); (b) civility cafes; and (c) a communications campaign. The workshop was piloted in 2018 in Vienna, Nairobi, and Goma. For more sustainable impact, the Office is working with stakeholders to mainstream civility and respect for dignity into other core activities of the Organization, such as induction and learning programmes.

71. The Office does not purport that a civility campaign can effectively address behaviour that has already escalated beyond a lack of civility, such as abrasiveness. Nor is it an appropriate response to incidents of discrimination, harassment, including sexual harassment and abuse of authority, and other kinds of abusive behaviour, including sexual exploitation and abuse. It can also not absolve managers of their

responsibility for addressing incidents of inappropriate behaviour at the workplace promptly and on a case-by-case basis, nor can it excuse the Organization from not providing the tools for doing so.

72. From a systemic perspective, extreme occurrences of harassment and abuse do not happen in a vacuum: there is a lead-up and escalation when prevention and early-warning systems have failed or are ignored. As noted previously, a general fear of speaking up can lead to underreporting of risk for the Organization and its staff. It also allows negative incidents to escalate and for the workplace environment to deteriorate. This negative impact can often be prevented when there is an atmosphere of trust, listening, dialogue and support.

73. It is in this context that the Civility Initiative aims to foster positive workplaces by inviting staff to address incivility in their daily interactions, and at all levels of the hierarchy. It also provides language, frameworks and tools for doing so effectively. This can strengthen the community and its ability to respond to early warnings and to take corrective measures. It allows the Organization to re-establish conditions in which it can embrace its values to acknowledge and protect the dignity of all.

## **Annex**

### **Core principles of the Office of the United Nations Ombudsman and Mediation Services**

As the informal pillar of the system of administration of justice at the United Nations, the Office of the United Nations Ombudsman and Mediation Services uses informal and collaborative approaches to resolve workplace conflict. It is guided by the core principles of independence, neutrality, confidentiality and informality, which are summarized below.

#### **Independence**

The Office maintains independence from other organizational entities, organs and officials and has direct access to the Secretary-General, the executive heads of the funds and programmes, the United Nations High Commissioner for Refugees and senior management throughout the Organization, as needed. It has access to information relevant to cases, except medical records, and access to individuals in the Organization who request advice, information or an opinion on a particular matter.

#### **Neutrality**

The Office serves as an advocate for fair and equitably administered processes, not on behalf of any individual within the Organization, taking into account the rights and obligations of the Organization and the staff member and the equity of the situation.

#### **Confidentiality**

The Office maintains strict confidentiality and does not disclose any information about individual cases or visits from staff members. Its staff members cannot be compelled by any United Nations organ or official to testify or disclose information about cases.

#### **Informality**

The Office does not keep records for the United Nations or any other party. It does not conduct formal investigations or accept legal notice on behalf of the United Nations. It does not have decision-making powers, nor does it make determinative findings or judgments.

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