

Report of the Ombudsman¹

1. This information document is submitted to the Executive Board in line with the conclusions of the Board at its 141st session in May 2017² regarding the recommendation of the United Nations Joint Inspection Unit that all legislative bodies in the United Nations system “make it possible for the ombudsman to report to them on identified systemic issues on a regular basis”.³
2. This is the second report that the Ombudsman submits to the Executive Board. It aims: (1) to describe the activities of the office during the past year, in particular the type of cases received; (2) to outline the most relevant systemic issues identified during that period; and (3) to follow up on the Administration’s response to the recommendations made in the previous report.⁴ For reference, background information on the role of the Ombudsman and the structure of the services of the Ombudsman have been attached as Annex 1 of this report.
3. Based primarily on the confidential conversations held with staff members who visited the Office of the Ombudsman,⁵ the Ombudsman monitors trends in order to enable the early detection of issues of potential significance for the Organization. The Ombudsman then provides feedback to senior management and advises them on appropriate remedial and preventive action. Accordingly, regular interactions with senior management, including the Director-General, Regional Directors, and other stakeholders, notably the staff associations, have taken place to find effective ways to address informally issues of concern.
4. The systemic issues and recommendations presented in this report are therefore the result of confidential interactions with visitors and other stakeholders which, with regard to their content and nature, appeared to signal important organizational problems, some of them potentially outside the reach of other support services within WHO.
5. The working environment of WHO is complex and serves as the backdrop for all recommendations made. The issues arising from the cases dealt with by the Ombudsman during the past year reflect systemic problems that do not appear to be exclusive to WHO, as they are featured in reports by most of our ombudsman colleagues from other international organizations. Furthermore, it must be

¹ This document has been prepared by the Office of the Ombudsman and Mediation Services in consultation with all WHO’s regional ombudsmen. It reflects therefore the views of all WHO ombudsmen and thus any mention of the Ombudsman refers to the work of both the Office of the Ombudsman and Mediation Services and regional ombudsmen.

² See document EB141/2, noted by the Board at its 141st session, and document EB141/2017/REC/1, summary records of the first meeting, section 6.

³ Review of the organizational ombudsman services across the United Nations system. Geneva: United Nations Joint Inspection Unit; 2015 (<http://undocs.org/JIU/REP/2015/6>, accessed 25 November 2018).

⁴ Document EB142/INF./2.

⁵ Visitors, henceforth.

acknowledged that WHO senior management, led by the Director-General, has been most willing to engage with and confront these issues, often with positive results. This engagement ought to be continued.

RECENT FIGURES AND TRENDS

6. There is currently no unified practice among all ombudsmen in WHO to gather and publish statistical data in the same manner. At present, the ombudsmen in headquarters and at the Regional Office for the Americas do so through an annual report distributed to all staff members. These reports include statistical information on the number and type of cases dealt with as well as the ombudsman assessment of potential systemic problems and means to address them. The information is compiled and presented in line with the uniform data reporting categories of the International Ombudsman Association. In the regional offices for Africa and Europe, the respective ombudsmen are planning to provide senior management with an annual report in the near future.

7. At the Office of the Ombudsman and Mediation Services in headquarters, the number of cases dealt with in past years was as follows: 149 cases in 2014; 333 in 2015; 345 in 2016; and 333 in 2017.¹ In the Regional Office for the Americas, the number of cases rose from 107 in 2015, to 123 in 2016, and to 138 in 2017. A rising trend in visits is common to all the organizations served by the Office of the Ombudsman and Mediation Services, namely WHO, the Joint United Nations Programme on HIV/AIDS, the International Agency for Research on Cancer and the United Nations International Computing Centre. It does not necessarily reflect inordinately high levels of conflict within WHO but could be the result of greater access, trust and understanding about the role of the Ombudsman.

8. On the basis of the type of cases received in the past months, the issues and trends identified are very much in line with those from the previous report. Thus, most of the cases dealt with by the Ombudsman involved issues pertaining to evaluative relationships, namely problems between supervisors and supervisees, largely resulting from dysfunctional communication, which has often a negative impact on the annual performance assessment. The other significant category of cases pertains to job and career-related issues, namely problems concerning recruitment, post classification and, most importantly, career development. To a lesser extent, the third relevant category concerns safety, health, well-being and physical environment including stress conditions and work/life balance. This is followed by the category of legal, regulatory, financial and compliance issues, which comprises cases involving, among others, alleged instances of harassment and discrimination.

CHALLENGES AND THE WAY FORWARD

9. A major task for the Ombudsman is to monitor trends in order to enable the early detection of issues of potential significance for the Organization. As an “early warning mechanism”, the role of the Ombudsman is to provide feedback and advice to senior management and other key partners in order to enable them to take appropriate remedial or preventive action. On the basis of the work undertaken in the past year, the key systemic issues that the Ombudsman identified and brought to the attention of senior management included the need for greater diversity and inclusion, and mechanisms to counter the lack of engagement of some staff who, in the face of dysfunctional issues and fearful of negative consequences, choose not to take action and behave instead as passive bystanders. These issues are detailed in the sections below.

¹ From these figures, the number of cases corresponding to WHO visitors to the Office of the Ombudsman and Mediation Services is as follows: 120 in 2014, 288 in 2015; 287 in 2016 and 301 in 2017.

Respect and encouragement for diversity

10. The Ombudsman dealt with cases arising from staff members who felt they had been discriminated against on the grounds of race, gender or age, either by their managers or by the Organization. The type of situations involved related to recruitment, attitudes towards the work of the staff member concerned, or responses to his/her contribution to the team, at times in public settings. While it is possible that in undertaking some of these actions the responsible supervisors did not mean to discriminate, the perception of those affected was otherwise, thereby generating a pernicious working environment. Since the principle of no discrimination is a basic tenet of WHO institutional culture, these situations cannot be simply disregarded and merit particular attention.

11. Calls for greater diversity and inclusion are current themes in our societies and are present in many public and private entities, including in the United Nations system. The Secretariat is addressing some of these challenges with commendable initiatives. The Ombudsman is mindful that the administration has already taken action in order to foster greater diversity, particularly in the field of recruitment¹ and is indeed seeking to sensitize panel members in selection processes about hidden biases. Moreover, the WHO Health Emergency Programme has held open discussions on diversity in cluster meetings and set up a working group on diversity in the workplace. These are praiseworthy initiatives which should be strengthened throughout the Organization if a greater degree of diversity is to be attained, notably as regards senior positions. Furthermore, as diversity and inclusion are fundamental components of WHO's organizational culture, further efforts to change inappropriate attitudes will require the engagement of all staff, but most particularly supervisors.

12. As a way forward, the Ombudsman has recommended that the Organization should face up to the problem, first by acknowledging its existence and then by being open about possible ways to address it. Messages in this regard from senior management as well as focus group discussions at cluster, department and team levels may help considerably to sensitize all staff about these types of problem and may ensure that those affected speak up without fear of retaliation or of being ostracized, particularly by their supervisors. As a first port of call, managers have a special responsibility to prevent an atmosphere where discriminatory attitudes, words or action can flourish. Supervisors are responsible for the development of a working environment where all staff are treated respectfully without prejudice, particularly when distinctions are based on inappropriate grounds such as race, gender or age. Lastly, as these types of attitudes can be the result of unconscious assumptions or biases, often with cultural roots, staff need to be sensitized about these assumptions as a first step to correct them. This could be done through focus groups discussions and specific training initiatives, not only limited to those who are involved in the selection/recruitment processes.

Encouraging staff engagement to move away from a bystander culture

13. Visitors often express fear of retaliation if their supervisors learn that they have approached the Ombudsman, and some consider that speaking with the Ombudsman can be seen as stigmatizing. Some express concern about the negative consequences for their careers if they dare to voice criticism or raise concerns about outstanding issues. In this context, some staff members also appear unwilling to engage with others as a means to improve their working environment, even if only on behalf or in support of a third party. Thus, those colleagues become passive bystanders, avoiding any active engagement towards the informal resolution of work-related issues. Moreover, some managers appear reluctant to engage with their staff to address differences that pit colleagues against each other or affect the whole team,

¹ Information Note 08/2018.

including alleged instances of harassment, and instead ignore these conflicts or wait to have them addressed through formal complaints.

14. In this context, the Ombudsman is mindful that the Secretariat has made important efforts in trying to create an open and transparent culture where people are free to voice their concerns without fear of retaliation. In that endeavour, it set up in 2016 a new system of internal justice, placing prevention, early response and informal resolution as core values of that policy.¹ Moreover, the Director-General has made a personal commitment to meet staff on a regular basis through an open-door policy, in order to provide staff the opportunity to discuss any issue without the need for formality. While these initiatives are commendable, further progress is necessary given the nature of the problem. Managers should be held accountable not only for the technical results of their teams, but also for the working environment that they generate among staff which should be one of openness and free exchange of view and opinions. However, the responsibility for addressing difficult issues does not rest exclusively with managers, but is shared by all staff members. It is incumbent on each and every staff member to stand up for WHO core values when actions by colleagues or supervisors may encroach on these principles, regardless of fear of retaliation.

15. As a way forward, the Ombudsman has recommended that the signal given by the Director-General through his open-door policy should be mirrored by management both in headquarters and in the regions. All managers could set aside specific time on a regular basis to meet individual team members on a voluntary and confidential basis to hear their perspectives, ideas, insights as well as concerns and problems. It is important that management openly encourages staff to speak up and to seek informal means to address issues, without fear of retaliation, thereby signalling the importance of openness and transparency as a way for the Organization to operate at all levels. Furthermore, in order to encourage colleagues to engage in solving work-related issues rather than to remain bystanders, staff should become more familiar with the institutional avenues available to address different issues and how to take action in the most effective and least damaging manner. In that endeavour, the Secretariat could consider promoting Organization-wide group discussions, information and training on how staff can better engage in preventing or confronting dysfunctional situations within teams.

UPDATE ON PROGRESS FURTHER TO LAST YEAR'S RECOMMENDATIONS

16. Being mindful that the issues identified in the cases the Ombudsman dealt with in the first report are very much aligned with those from the past year, it may be appropriate to revisit the systemic trends and related recommendations the Ombudsman made in that report with a view to assessing whether substantive changes are being implemented and their degree of effectiveness. In this context, it is important to underline that, as the 2015 report of the Joint Inspection Unit noted, it is not the Ombudsman's task to prescribe a specific course of action to systemic issues and then monitor it, but rather to draw attention to these matters and thus elicit a proper response from management.

17. In the first report, the Ombudsman identified the following four systemic issues.

Need for WHO to invest in its managers

18. It appears a number of managers lack basic interpersonal skills to communicate effectively with their staff members and deal with conflicts when necessary. Accordingly, the Ombudsman

¹ Staff Rules 1215.1–7.

recommended that the Secretariat should invest more in its managers by providing them with the tools to succeed in managing work-related conflicts, including:

- mandatory training in areas related to supervisory tasks, with particular attention to interpersonal skills (effective communication, conflict management and cultural competencies); and
- programmes that allow managers to receive confidential feedback from supervisees, colleagues and supervisors on their managerial style.

WHO to live through its core values, most notably respect

19. There appeared to be a widespread perception among visitors that the Secretariat tolerates disrespectful behaviour at different levels and is not doing enough to put an end to that situation. Accordingly, the Ombudsman recommended that:

- new approaches be taken to combat and prevent harassment such as policy changes and mandatory training; and
- all entities which may receive information from staff members involving potential allegations of harassment (including the Ombudsman) should join efforts in both headquarters and the regional offices to assess the state of affairs and discuss potential options to resolve these situations.

WHO's duty of care towards its staff

20. A number of staff members appear not to be sufficiently supported by the Organization, particularly colleagues who, after having performed the same job at the same grade for years, end up unmotivated and trapped in a job with no prospects. Accordingly, the Ombudsman recommended that:

- the Secretariat should reinforce the role of recognition as part of the Organization's culture; and
- consider broader means to foster career development, involving managers more directly in their staff members' professional career prospects.

Equal access to informal resolution across WHO

21. All staff members, regardless of geographical location, grade or level, should be able to benefit from equal access to informal resolution. In that endeavour, professional regional ombudsmen dedicated exclusively to this task ought to be a resource for all staff members, including those with supervisory responsibilities. Accordingly, the Ombudsman recommended that:

- the Secretariat should ensure that similar opportunities for the informal resolution of work-related issues are available across the Organization; and
- all regional offices should have regional ombudsmen exclusively dedicated to that function and operating with similar professional standards of practice.

22. In response to the Ombudsman's recommendations, the Secretariat has provided a thorough explanation which describes the actions it has already undertaken. Its response is enclosed as Annex 2 to this report. The Ombudsman acknowledges with appreciation the significant efforts the Secretariat has made to address these recommendations. As there may be outstanding matters which require further work, the Ombudsman is prepared to engage with the Secretariat in order to explore future opportunities for improvement in these areas.

ANNEX 1

ROLE OF THE OMBUDSMAN

1. As set out in the current Staff Rules, prevention, early response and informal justice are fundamental components of the WHO new standardized system of internal justice. In that framework, the Ombudsman plays a key role as the primary pillar for the informal resolution of disputes. In line with international standards of practice developed by the International Ombudsman Association, the Ombudsman is an independent and neutral interlocutor who provides confidential assistance for the informal resolution of work-related difficulties. The Ombudsman listens impartially to those seeking assistance, develops options for the informal resolution of concerns, provides confidential, informal, independent and impartial advice to visitors, mediates disputes, and identifies systemic trends. The Ombudsman does not advocate on behalf of any particular individual, issue or interest, but rather for fair and equitable processes. The Ombudsman does not represent any side in a dispute, conduct formal investigations or participate in formal processes.

2. The main task of an ombudsman is therefore to assist staff members in dealing with work-related concerns through informal means, thereby preventing conflict and avoiding escalation of the problem. In addition, through confidential exchanges with visitors and other stakeholders within the Organization, the Ombudsman may act as an “early warning” mechanism by detecting problems that go beyond individual issues and relate instead to broad systemic matters. In such role, the Ombudsman provides feedback to senior management and advises them on appropriate remedial and preventive action to correct these systemic problems thereby averting unexpected risks for the Organization.

3. The Ombudsman’s major functions are therefore: (1) to mediate and facilitate conflict resolution; (2) to monitor trends in support of early detection of potentially significant issues and provide feedback to senior management; (3) to support preventive action; and (4) to foster a workplace culture that upholds WHO’s fundamental values, most notably a respectful workplace environment.

4. The establishment of the office of the Ombudsman represents a commitment by the Organization to promote the well-being of its employees and improve the policies, rules and practices that affect its working environment.

OMBUDSMAN SERVICES IN WHO

5. Ombudsman services in WHO are decentralized. In addition to the Ombudsman and Mediation Services unit in headquarters which is available to all WHO staff members regardless of type of contract and location, most regional offices have established their own ombudsman positions to promote informal resolution within their geographical areas.

6. The Ombudsman and Mediation Services unit in headquarters comprises a small team of two ombudsmen, who have professional experience and are fully dedicated to the function of the position, and one assistant. It provides informal resolution services to staff members of WHO as well as those of the Joint United Nations Programme on HIV/AIDS, the International Agency for Research on Cancer and the United Nations International Computing Centre.

7. The regional offices for Africa, the Americas and Europe have established positions for dedicated, professional ombudsmen. The regional offices for South-East Asia and the Eastern Mediterranean may follow path in the future. The Regional Office for the Eastern Mediterranean has one part-time ombudsman who carries out this function in addition to her technical duties. The Regional Office for

the Western Pacific has four part-time ombudsmen who, in addition to their technical duties, carry out this function with the assistance of an external consultant.

8. WHO aims to ensure an ombudsman practice across the Organization aligned with international professional standards. To that end, the Ombudsman and Mediation Services in headquarters provide coordination and support to all regional ombudsmen. New standardized terms of reference for all WHO's ombudsman positions are under consideration in headquarters and it is expected other regional offices will follow course.

ANNEX 2

OMBUDSMAN RECOMMENDATIONS: PROGRESS ON IMPLEMENTATION**REPORT BY THE SECRETARIAT**

1. This document provides an update of actions taken by the administration following the recommendations made in the first report of the Ombudsman,¹ presented to the 142nd Executive Board. It also highlights some key actions recently implemented.
2. The Secretariat recognizes the value of the report of the Ombudsman and notes that the recommendations are based on the issues brought to the attention of the Ombudsman and Mediation Services by the visitors and other ways of contact, including but not limited to formally registered visits in headquarters (333 in 2017) and in the Regional Office for the Americas (138 in 2017). No data are available for the other regional offices although it is recognized that this report is informed by the issues discussed at regional level.

UPDATE ON PROGRESS FURTHER TO LAST YEAR'S RECOMMENDATIONS

3. In the first report, the Ombudsman identified four systemic issues that required specific attention.

Need for WHO to invest in its managers

4. The administration recognizes the need to invest more in its managers by providing them with the tools to succeed in managing work-related conflicts. Two full-day workshops for managers and for staff on "Improving communication and professional relationships in the workplace" have been organized as a collaboration between the Office of the Ombudsman, Human Resources Department and headquarters staff association. The workshops took place during the month of November 2018 and based on the feedback received from participants, they could be replicated in the future on a more regular basis. This initiative aims at providing participants with effective tools to assist them to handle difficult situations in the workplace in a more respectful way. It will also make participants more aware of their communication skills and the effectiveness of their communication style.
5. In addition, the administration has developed and started delivering a series of workshops on coaching skills for managers. Some of the topics addressed relate to enhancing dialogue through collaborative conversations, active listening, and meaningful feedback, managing expectations and dealing with divergent perspectives. Coaching skills for managers are a key element in building staff potential, promoting collaboration and creating a motivating working environment. The series of four sessions ran from October to the end of November 2018 and will be offered again during the course of 2019 on a regular basis. The same workshops are also offered to staff members with no supervisory responsibilities to foster open communication and personal development. As at end November 2018, 20 managers and 22 staff had enrolled in the coaching workshops.

6. The administration also regularly offers team-building events using team development questionnaires and tools that foster self-awareness and team awareness on the differences and

¹ EB142/INF./2.

complementarities of team members. So far 83 staff members took part in one of these team-building events focused on improving team relationships and communication. Workshops and one-to-one sessions for managers are also delivered on a regular basis in headquarters during which managers are trained on a simple and structured approach for supporting their staff in exploring and planning career development through setting concrete goals. Templates and guidelines have been developed for this purpose.

7. Capacity-building for managers is also a priority for the administration in the context of the WHO transformation agenda, to ensure that staff members who have responsibility for managing people have the necessary skills and competencies. A pilot programme, which has been developed in the Regional Office for Africa, is being reviewed before it is made available to a global audience of staff members who are graded P4–P6 or hold the position of head of WHO office. This blended learning programme will provide classroom and online learning as well as 360-degree feedback for development and coaching and will be available in 2019.

WHO to live through its core values, most notably respect

8. As respect and open dialogue is indeed fundamental for the Secretariat, the Director-General immediately set the tone by establishing open-door hours that give the opportunity to any staff to talk directly to the Director-General about any issue. The practice of open door hours has now been adopted by many directors, who thereby demonstrate their will to listen to staff and increase open dialogue.

9. As the Ombudsman recommended new approaches to combat and prevent harassment, including policy changes and mandatory training, the administration took the following actions: two United Nations training courses have been made mandatory for all staff: a course on the prevention of harassment, sexual harassment and abuse of authority and a course on the theme “To serve with pride: zero tolerance for sexual exploitation and abuse by our own staff”. Current staff were given three months to take these two courses and the compliance rate is high (as at 1 October 2018, 94.80% for the first and 91.70% for the second). New staff members are required to take the two courses within three months of joining the Organization. An extensive communication campaign has been launched to prevent sexual exploitation and abuse. In addition, the Secretariat will collaborate with the United Nations Global Center for Human Resources Services (OneHR) to ensure that candidates found guilty of sexual exploitation or sexual harassment are not offered any type of employment within the United Nations system, including WHO. In parallel, as part of the transformation, staff have been invited to contribute to the development of a clear set of WHO corporate values to complement WHO’s vision and mission, anchor our major decisions and clearly communicate who we are and what we stand for. In addition, the Human Resources Department issued a document called “The Toolkit” that provides clear and detailed references to different support that staff can seek, depending on their type of concerns.

WHO’s duty of care towards its staff

10. The Secretariat notes that under this title, the Ombudsman report was actually referring to career development, recommending that the Secretariat reinforce the role of recognition as part of the Organization’s culture and consider broader means to foster career development, involving managers more directly in their staff members’ professional career prospects.

11. In reply to the Ombudsman’s recommendation, among the different initiatives in support of career management, the administration launched in March 2018 the short-term developmental assignments policy, an initiative which helps staff gain valuable international experience. This mechanism enables staff from all categories to move duty stations, even at a higher grade level, for a temporary period of

time, allowing them to enhance their skill set and expand their experience. As at the end of November 2018, 20 staff members had moved geographically to start a short-term developmental assignment in another duty station and another five assignments were in progress.

12. A global mentoring programme has been launched to support staff development and learning which so far includes 70 senior staff members available as mentors (11 of whom are retirees). As a result, 20 mentoring pairs have embarked on a mentoring relationship. This initiative has garnered much enthusiasm and support and has already shown great potential for retaining talented staff at WHO.

13. Overall, since January 2018, 696 staff members benefitted from the various career management activities delivered by the Secretariat, including one-to-one career counselling sessions. Career management support is also being offered remotely to country and regional offices, hence allowing 534 staff members during 2017–2018 to benefit from the available learning and development services such as competency-based interview skills, curriculum vitae writing skills and one-to-one career counselling.

Equal access to informal resolution across WHO

14. The Ombudsman recommended that the Secretariat ensure that similar opportunities for the informal resolution of work-related issues are available across the Organization and that all regional offices should have regional ombudsmen exclusively dedicated to that function and operating with similar professional standards of practice.

15. In reply to the Ombudsman's recommendation, the administration notes that significant work has been ongoing in the regional offices, reaching out to far-away offices and subregional offices, increasing the number of staff carrying out ombudsman functions, as can be seen in Annex 1 of the Ombudsman's report. The administration also stresses that the informal resolution approach is not limited to the ombudsman function but is embraced by all, from senior management, including the Director-General and the Regional Directors, to all staff. The diverse and scattered workforce requires different approaches that recognize the specificity of the work environment while maintaining a global network of ombudsmen.

ADDITIONAL ACTIONS RECENTLY IMPLEMENTED

Foster greater diversity and inclusion

16. The Secretariat is keen to foster greater diversity, particularly in the field of recruitment¹ and is indeed sensitizing panel members in selection processes about hidden biases. A video to raise awareness on personal unconscious bias is shown to all members of selection panels before the selection starts.

17. In June 2018, the WHO Health Emergency Programme set up a working group on diversity in the workplace. The group has reviewed best practices from United Nations agencies and other entities that can be used as guidance. It has been acting as a sounding board where opinions and concerns can be expressed and it is proposing solutions to increase diversity. In addition to regular meetings of the group, quarterly reporting on diversity statistics have been established to raise awareness and to track progress. Diversity targets will be included in the performance management and development system of managers from 2019, and it has been proposed to increase the developmental assignments for staff to give them

¹ Information Note 08/2018.

more exposure to diverse working environments. This initiative has been welcomed by staff and is demonstrating senior leadership commitment to engage in change, moving towards greater diversity.

Encouraging staff engagement and defining WHO core values

18. The Director-General gave a strong signal of encouragement by implementing his open-door policy. The Secretariat notes that this approach has indeed been embraced by many managers both in headquarters and in the regions who have sent messages to their staff informing them of their open-door hours.

19. Information on the different institutional avenues available to address issues and how to take action in the most effective and less damaging manner is critical. In that endeavour, an initiative that had started in the Office of the Director General was completed by the Human Resources Management Department, in collaboration with the Office of the Ombudsman and with several other stakeholders. A document named “Toolkit” was developed. It compiles information, tools and services available to staff and was published in June 2018.

20. All staff have been fully engaged in the WHO Transformation and in particular in the initiative to jointly define and align on the corporate values of the Organization. A wide and inclusive consultation process has taken place since July 2018, culminating in a “Values Jam” in November 2018, in which all leaders and people working in WHO engaged in an open and transparent dialogue about which values best express the distinctiveness of WHO and support the mission of the Organization. The outcome of the consultations will serve as an input to the formulation of a draft WHO Values Charter to be presented to the Global Policy Group at the end of 2018. Once the Charter is adopted, important work will ensue to plan for and embed the values in formal systems and behaviours across WHO.

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