
Report of the Ombudsman¹

1. As part of the Ombudsman's² accountability, since 2018, all ombudsmen across WHO have issued an annual report of their activities to the Executive Board. By giving the Ombudsman the opportunity to report to the Board, WHO signalled its commitment towards transparency. This is a remarkable decision, when considering that among the organizations served,³ only WHO has made it possible for the Ombudsman to interact directly with its legislative bodies.
2. This report describes the activities of the Ombudsman since the previous reports; outlines the most relevant systemic issues identified during that period; and follows up on the administration's response to the recommendations made in previous reports.⁴
3. The Ombudsman's primary role⁵ is to provide confidential assistance to staff members who voluntarily approach the office.⁶ Based on those confidential conversations, the Ombudsman monitors trends to enable the early detection of issues of potential relevance, provides feedback to management, and advises top leadership on appropriate remedial and preventive action. By assisting individual visitors and providing upward feedback to management, the Ombudsman helps the Organization to better address significant problems that may hinder its mission. Ultimately, the Ombudsman aims to foster a better working environment in which core institutional values such as respect, integrity, tolerance and non-discrimination are upheld.
4. As the central theme of WHO's work in 2020 came to be defined by its response to the pandemic of coronavirus disease (COVID-19), this new reality also had a profound impact on staff members. The new working environment resulting from the pandemic has also reshaped the role of the Ombudsman during the past year. Accordingly, the contents of this report have to be read in that light.
5. As of 13 March 2020, most WHO staff members at headquarters were asked to work from home and to carry out their tasks virtually. Regional offices followed suit shortly thereafter. This

¹ This information document is submitted in line with the conclusions of the Board at its 141st session in May 2017 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" (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).

² This document has been prepared by the Office of the Ombudsman and Mediation Services in consultation with all WHO's regional ombudsmen. It reflects 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 the regional ombudsmen.

³ The Office of the Ombudsman and Mediation Services serves WHO, the UNAIDS Secretariat, the International Agency for Research on Cancer and the United Nations International Computing Centre.

⁴ See documents EB146/INF./2 and EB146/INF./3.

⁵ Background information on the role of the Ombudsman and the structure of the Ombudsman's services is annexed to this report.

⁶ Hereafter referred to as "visitors".

unprecedented way of working had never been practised on such a large scale. No previous drill could have prepared the Organization for what lay ahead. All employees had to adapt to their new working environment at very short notice. Managers went into full virtual supervision with no preparation or prior warning. Such untried working conditions necessarily gave rise to work-related issues that came to the attention of the Ombudsman and are central to the recommendations made in this report.

6. These recommendations focus largely on the response of staff members and the Organization to the working arrangements made as a result of the pandemic. At the outset, it should be noted that, although they may be read in a critical light, the Ombudsman considers that the key lesson from the response is the extraordinary commitment and loyalty of each and every person working for WHO towards the achievement of the Organization's mission. Faced with the enormity of the COVID-19 pandemic and while the world's attention turned towards our Organization, WHO and its staff rose to the occasion and met the challenge with the utmost dedication and loyalty. Without the hard work and tireless efforts of staff – whether at home or in the office – WHO would not have been able to take on a global leadership role in the fight against the pandemic. The Ombudsman also acknowledges the commitment towards staff of senior management, particularly the Director-General, who reassured colleagues from the very outset of the crisis that their well-being and job security were paramount and would be at the forefront of future decisions. This report should also be read as a token of recognition to all staff members for their efforts during these challenging times.

7. In 2020, significant events in different parts of the world also brought about a renewed call for racial justice and against discrimination across the globe, which necessarily resonated within the Organization. In that context, it is fair to recall that the Ombudsman had already flagged the importance of promoting diversity, particularly on racial grounds, in the report to the Executive Board in 2018¹ and has provided periodical follow-up on this matter.

8. This present report therefore takes stock of the recommendations made at the time, subsequent progress and the road ahead. For the sake of simplicity, it focuses on the major areas outlined above, providing a generic description of the Ombudsman's mandate and case statistics in an annex.

CHALLENGES AND THE WAY FORWARD

9. Based on confidential interactions with visitors, the Ombudsman has singled out two systemic issues, which have already been brought to the attention of senior management:

- work-related challenges as a result of the COVID-19 pandemic; and,
- progress towards greater diversity and increased efforts to address racism.

WORK-RELATED CHALLENGES AS A RESULT OF THE COVID-19 PANDEMIC

10. On 13 March 2020, as a result of the rapid expansion of the COVID-19 pandemic and in coordination with the responsible national authorities, the Director-General took the extraordinary and unprecedented decision to request staff at headquarters to work from home. As part of this decision, only those deemed to be “critical staff” continued to work on the premises. Soon after, all regional offices adopted a similar course of action. The number of colleagues working on the premises in both headquarters and the regions has changed over time. The Organization's response to this crisis could not

¹ WHO. Report of the Ombudsman to the Executive Board at its 144th session, document EB144/INF./2. Geneva: World Health Organization; 2018 (<https://apps.who.int/iris/handle/10665/327981>).

have been possible without the extraordinary commitment of these colleagues who, for months on end, with little or no rest, have been working around the clock to combat the pandemic in a very stressful environment and under tremendous pressures.

11. Most staff members, however, were asked to continue their work from home. To do so and carry out all exchanges, whether with colleagues or external stakeholders, through virtual means was daunting as the new reality came with no warning and had to be implemented overnight without any preparation. The challenge was significant for staff who had to take care of children or elderly family members while in lockdown, as was the case for many female colleagues or single parents. Coping with the new situation was also hard for staff members who live alone, with families far away also in lockdown. Under the new circumstances, most of these colleagues found it hard to set the boundaries between family and professional obligations.

12. The crisis brought about by the pandemic has affected the well-being of some colleagues, for instance leading to a deep sense of uncertainty about the future. Discussions with teams and departments have led the Ombudsman to conclude that some staff adjusted well to the new conditions and were able to work satisfactorily,¹ but in contrast interactions with individual visitors showed that for other colleagues the emotional toll resulting from trying to perform in these conditions has been dire. These colleagues found it hard to carry out their work because of concerns and anxieties about health issues for themselves and their relatives. Many, such as temporary staff and consultants, also feared about their future careers, because of the precarious nature of their contracts and the sombre financial perspective. The Ombudsman notes with concern that the mental health toll for staff resulting from trying to perform in these conditions appears to be significant and may continue to affect colleagues for some time to come.

13. The shift to teleworking made it necessary for staff members to create a new working environment at home. Such a change was initially taxing for many, as they lacked adequate working space, did not have proper information technology tools for managing all necessary information and for virtually connecting with others, or had to face power shortages or struggled with weak internet connection or multiple users of Wi-Fi within the household. Many of these structural issues were addressed over time, as the weeks stretched into months and staff made the necessary adjustments to create a comfortable working environment where possible. On the basis of staff feedback, the Ombudsman finds that colleagues appear to have been able to adjust quickly to the new reality and have been grateful for the Secretariat's prompt response, including making information technology equipment easily available – in headquarters and some regions – or showing flexibility in addressing staff issues in lockdown.

14. The new working reality also had an impact on planned deliverables and programmatic objectives. Colleagues involved in the COVID-19 response were most directly affected and found themselves in the first line of response, having to deal with a heavy workload and to operate under tremendous pressure with little or no rest for weeks on end. That pressure not only affected staff directly involved in emergencies, but many others who were asked to take on work pertaining to the COVID-19 response in addition to their regular assignments. Notwithstanding these difficulties, colleagues who felt overwhelmed were reluctant to speak up and complain about the tremendous pressures they were facing at this difficult time. Even staff members not involved in the pandemic response who experienced no change in their workloads felt drained by the situation as they had to produce results while facing family, household and health-related issues. In contrast, some staff experienced a decrease in their assignments,

¹ Thus, positive new aspects brought about by the new situation which were frequently mentioned are the opportunity to work from home, with key positive factors cited as the reduced commute, the flexibility in organizing one's day and the independence to carry out work at a self-imposed pace.

as several tasks were cancelled or made irrelevant as a result of the pandemic. The situation of administrative staff was also of particular concern as they had to cope with new access procedures, systems and technologies, sometimes without the requisite equipment from the Secretariat. Yet many of these colleagues felt uncomfortable about informing supervisors, lest it appear their functions had become unnecessary – which could, eventually, lead to them losing their job.

15. The Ombudsman acknowledges that, faced with a new working reality, the administration reacted speedily and took measures to ensure that all staff members were ready to adjust to the lockdown. It responded in a timely fashion to concerns from individual colleagues, providing information on the available avenues to address some recurrent issues. The Ombudsman commends the Secretariat for having placed the safety and security of staff as paramount criteria for its decisions, particularly with respect to working arrangements during lockdown. Special efforts were made in headquarters and some regional offices to inform staff through regular communications and town-hall meetings about relevant matters such as the return to work situation. In this regard, the Ombudsman acknowledges and commends the extraordinary support provided to staff during this crisis by services such as human resources, the WHO staff associations or, particularly, medical services. All along, the Ombudsman worked in partnership with those services, and continues to do so, as a means to cater for staff members' needs efficiently and with a view to averting potential conflicts or negative side effects on staff well-being.

16. As staff had to continue their work and deliver results in the midst of a pandemic, it was unavoidable that many colleagues experienced difficulties in coping with the crisis, including some supervisors who were thrown into this unexpected and challenging situation and found themselves at breaking point without much support. To prevent or minimize negative consequences for the achievement of objectives while ensuring the continued well-being of staff, the situation of each colleague should have been closely followed up. Then, and now, such a task well exceeds the capacity of staff support services and should fall to supervisors, as the first point of contact for all staff.

17. By nature of the relationship with their team members, supervisors are required to interact regularly with staff so as to understand individual problems, help those affected and make changes in roles and responsibilities, when necessary. This responsibility has become even more relevant during the pandemic as a crucial factor to preserve the existence of teams and team spirit. Only honest conversations between supervisors and staff, and also between colleagues, can ensure a cohesive working environment in which expectations on deliverables and performance are aligned, and team spirit preserved.

18. This particular role of supervisors as a means of support and guidance became crucial in the aftermath of the COVID-19 lockdown. In a new working environment with only virtual means to relate to each other and uncertainties about the work ahead, it was only natural that many colleagues in need of support and guidance would turn to their supervisors. Furthermore, as the pandemic affected work objectives defined early in the year, only supervisors could have considered adjusting workloads and responsibilities in order to clarify expectations and render them commensurate with needs. For colleagues who found themselves unable to cope with the situation or were overwhelmed by the amount of work, supervisors were best placed to introduce less-strenuous working arrangements or compensatory mechanisms. Similarly, in cases involving colleagues who ended up with a less-demanding workload, supervisors could have discussed potential voluntary arrangements in cooperation with other departments. Ultimately, those discussions should have been translated into more realistic objectives for the 2020 performance assessment exercise, as part of both the mid-term and end-of-the-year discussions.

19. The Ombudsman notes that not all supervisors were able to play such a key role. Some felt uneasy engaging with their teams because they expected that the conversations would likely touch upon thorny issues such as difficult personal circumstances or substantive matters affecting performance objectives. In trying to engage on those sensitive matters, some supervisors expressed discomfort and considered themselves ill-equipped and in need of guidance, with no adequate support or training. It appears that lack of trust could have been a key factor for the absence of honest conversations between some supervisors and their staff. This situation is concerning as mutual confidence in the value and support of each team member has become a key aspect when working virtually. The Ombudsman is mindful, however, that supervisors were asked to commit greater efforts to these important responsibilities in no time, with no prior preparation and little support. In addition, as for other staff members, many supervisors were seriously impacted by the crisis, having to cope with increasing levels of stress and anxiety resulting from concerns about work, health and/or family.

20. As at the writing of this report, owing to restrictions arising from the pandemic, the working environment remains challenging as a large majority of colleagues continues to telework. This split poses unique challenges for the cohesion of teams, as it may create a sense of exclusion or inequity among colleagues teleworking or those working on-site.

21. As a way to address some of the shortcomings identified above, the Secretariat could consider the following initiatives:

(a) Senior management should encourage supervisors to engage with their staff on a regular basis both individually and as a group in order:

(i) to gauge how each staff member is coping with the challenges brought about by the new reality, and

(ii) to review projected deliverables so as to manage expectations realistically, possibly through performance assessment discussions.

- As virtual exchanges have replaced face-to-face communication, misunderstandings and implied assumptions may arise. Ensuring regular communication at all levels, but particularly within teams and departments, is therefore a key to the Organization's successful business continuity.
- In these conversations, supervisors should cater for their staff's well-being by assessing individual concerns and limitations, including availability of proper equipment, since not all staff members face identical problems or have the same coping mechanisms. In turn, supervisors should also expect a similar degree of concern and care for their well-being from senior management. It is equally incumbent on staff members to raise matters of concern with their supervisors, so that issues of concern are properly addressed and taken into account.
- As the response to the pandemic may have affected work objectives set earlier in the year, supervisors and staff must regularly discuss projected deliverables and manage expectations realistically. A candid and honest conversation is only possible in a climate of trust that allows concerns and fears to come to the fore. If as a result of these candid exchanges, it is agreed that the foreseen objectives cannot be accomplished or are no longer relevant, supervisors should work out proper adjustments, possibly through voluntary cooperation among teams and departments, whereby additional support can be provided for colleagues experiencing heavy workloads or new tasks shared with staff who are underemployed. Supervisors, like many staff

members, were impacted by lockdown and found themselves ill-equipped or ill at ease engaging with staff at this difficult juncture on potentially sensitive issues. Accordingly, adequate support for supervisors should be considered, including targeted webinars, coaching or clinics on performance management and development

(b) The Organization should strengthen measures to address staff mental health issues, along the lines of the United Nations Workplace Mental Health and Well-being Strategy.

- As the COVID-19 pandemic has taken a significant psychological toll on many staff members, it is incumbent upon the Organization, in the exercise of its duty of care, to put in place adequate measures to ensure the well-being of staff with the aim of preventing, in particular, mental health consequences. The Ombudsman notes with satisfaction that, from the outset of the crisis, the Organization encouraged staff to consider, in case of need, seeking assistance from the various psychosocial services available. As the crisis evolves, it is likely that more staff members will increasingly feel the psychological impact of the situation, rendering it imperative for the Secretariat to be able to strengthen internal measures and policies for addressing mental health issues. In this endeavour, the implementation of the United Nations Workplace Mental Health and Well-Being Strategy and the collaboration of all staff-support services, including the Ombudsman, will be critical in ensuring that staff members regain or maintain their overall sense of well-being and strong mental health.

(c) In adjusting to the new working environment, the Organization should continue to show flexibility and trust in the commitment of staff to deliver results.

- The Secretariat's willingness to make practical adjustments to policies and practices and its ability to respond flexibly and reasonably to issues as they arose should remain key ways of working in the near future. The Ombudsman notes that staff and management have demonstrated time and again their potential to be creative and to find solutions to issues that arose under a new working environment. In this endeavour, staff and management have been able to adjust to the new reality by operating with increased autonomy thereby becoming even more responsible for their work and showing accountability. These commendable efforts should persist in the aftermath of the pandemic.

Progress towards greater diversity, and increased efforts to address racism

22. In 2020, widespread international media coverage of incidents of racism brought to the fore widespread calls for racial equality and justice. These themes had also an impact on the work and internal dynamics of many organizations in the United Nations system, including WHO. If racism appears to be widespread in many societies, could this reprehensible behaviour also exist within the United Nations family, as has been suggested?¹ In response to this question, the leadership of many of our organizations has pointed to the need to have honest conversations on racism with the aim of eradicating racial discrimination and internally upholding the values of the Charter of the United Nations.²

¹ United Nations Secretary-General. Remarks at a town-hall meeting – 4 June 2020 (<https://www.un.org/sg/en/content/sg/note-correspondents/2020-06-09/note-correspondents-secretary-generals-letter-staff-the-plague-of-racism-and-secretary-generals-remarks-town-hall>, accessed 12 November 2020).

² Joint reflexions by United Nations Senior African Officials. On the Black Lives Matter Protests and other Mass Demonstrations against Systemic Racism and Policy Brutality. United Nations website, June 2020 (<https://news.un.org/en/story/2020/06/1066242>, accessed 12 November 2020).

23. The Ombudsman notes with concern that, in WHO, honest conversations on racism and commensurate actions to address it have been long overdue.

24. In 2018, the Ombudsman drew the Organization's attention towards concerning signs pointing to potential instances of racial discrimination. The report to the Executive Board at its 144th session stated that, as the principle of no discrimination is a basic tenet of WHO's institutional culture, situations of discrimination on grounds of race, gender or age should be looked at with concern and merit particular attention.¹ As a way forward, the Ombudsman suggested 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 were recommended to sensitize staff about potential problems and to ensure that those affected could speak up without fear of retaliation or of being ostracized, particularly by their supervisors. The Ombudsman called upon managers to prevent discriminatory attitudes, words or actions and to guarantee a working environment where all staff should be treated respectfully without prejudice, particularly on grounds of race, gender or age. The Ombudsman also called on all staff to be mindful of unconscious assumptions or biases, often resulting from cultural roots, that might lead to discrimination, and suggested that focus group discussions and specific training initiatives in this area should be organized.

25. The Ombudsman is mindful that, in response to the heinous incidents which gave rise to the current movement, the Director-General has taken the lead in denouncing the state of affairs² and has unequivocally stated WHO's support for equality and its rejection of any kind of discrimination.³ The Ombudsman commends the policy changes and internal restructuring that the Director-General has planned in order to tackle the issue of diversity and racism in the Organization and which show its willingness to walk the talk. The Ombudsman hopes that these initiatives will bring real progress, raising the bar and placing WHO as a role model for other United Nations entities. In that endeavour, the Ombudsman is ready to engage with other stakeholders within the Organization with a view to ensuring greater diversity, notably as regards racial justice, and to playing a constructive and supportive role.

UPDATE ON PROGRESS FURTHER TO LAST YEAR'S RECOMMENDATIONS

26. The Ombudsman is mindful that, as the 2015 report of the Joint Inspection Unit noted,⁴ it is not the Ombudsman's task to prescribe a specific course of action on systemic issues and then monitor it, but rather to draw attention to such matters and thus elicit a proper response from management. In this vein, a report by the Director-General, describing the recommendations made in the 2020 Report of the Ombudsman to the Executive Board, will be issued in a separate document⁵ and will provide an update on the actions taken by the administration to address those matters.

¹ WHO. Report of the Ombudsman to the Executive Board at its 144th session, document EB144/INF./2. Geneva: World Health Organization; 2018 (<https://apps.who.int/iris/handle/10665/327981>).

² See footnote 2 in paragraph 22 above.

³ Email from the Director-General to all Staff of 17 June 2020.

⁴ JIU. Review of the organizational ombudsman services across the United Nations system; document JIU/REP/2015/6. Geneva: United Nations Joint Inspection Unit; 2015 (https://www.unjiu.org/sites/www.unjiu.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2015_6_English.pdf, accessed 24 November 2020).

⁵ Document EB148/INF./3.

27. The Ombudsman acknowledges with appreciation the significant efforts the Secretariat has made to address the recommendations. As there may be outstanding matters requiring further work, the Ombudsman is prepared to engage with the Secretariat in order to explore future opportunities for improvement in those areas.

ANNEX

ROLE OF THE OMBUDSMAN

1. As set out in the current Staff Rules, prevention, early response and informal justice are fundamental components of WHO's 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 a role, the Ombudsman provides feedback to senior management and advises them on appropriate remedial and preventive action to correct those systemic problems, thereby averting unexpected risks for the Organization.
3. The Ombudsman's major functions are therefore: to mediate and facilitate conflict resolution; to monitor trends in support of early detection of potentially significant issues and provide feedback to senior management; to support preventive action; and 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 promoting the well-being of its employees and improving 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, Europe and South-East Asia have established positions for dedicated, professional ombudsmen. The Regional Office for the Eastern Mediterranean may follow the same path in the future, although at present it has one part-time ombudsman who carries

out this function in addition to his 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. Regional ombudsmen ensure that all staff in their respective regions are supported in the informal resolution of work-related issues. To that end, each regional ombudsman's work plan should contemplate regular visits to country offices as well as emergency outposts in the region as a way to prevent potential conflicts or irregular situations that may end up tarnishing the Organization's reputation.

9. 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 provides coordination and support to all regional ombudsmen.

RECENT FIGURES

10. Currently, only the Office of the Ombudsman and Mediation Services in headquarters and the regional offices for the Americas and South-East Asia gather and publish statistical data through an annual report distributed to all staff members. In the regional offices for Africa and Europe, the respective ombudsmen provide senior management and other stakeholders with relevant information in the course of their regular interactions.

11. The number of cases involving WHO staff members dealt with in 2019 by the Office of the Ombudsman and Mediation Services in headquarters was 329, a similar figure to that of previous years.¹

12. Most cases dealt with by the Ombudsman at headquarters involved issues pertaining to the following categories by order of relevance: (i) evaluative relationships;² (ii) job and career-related issues;³ (iii) peer and colleagues' relationships;⁴ and (iv) legal, regulatory, financial and compliance issues.⁵ These issues are closely in line with those in previous reports.⁶

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¹ The number of cases corresponding to WHO visitors to the Office of the Ombudsman and Mediation Services is as follows: 301 in 2017; 336 in 2018 and 329 in 2019.

² Problems between supervisors and supervisees, largely resulting from dysfunctional communication, which often has a negative impact on the annual performance assessment.

³ Problems concerning recruitment, post classification and, most importantly, career development.

⁴ Communication problems among staff with no supervisory relationships.

⁵ Cases involving, among others, alleged instances of harassment and discrimination.

⁶ The type of issues most frequently present in the cases dealt with by the South-East Asia regional ombudsman were slightly different: by order of relevance (i) job and career; (ii) evaluative relationships; (iii) organizational, leadership and management; and (iv) services and/or administration.