

Report of the Ombudsperson¹

1. The Ombudsperson² carries out a distinct function in the Organization as an independent and neutral interlocutor whose primary role³ is to provide confidential, impartial assistance to staff members and other members of the workforce who voluntarily approach the office.⁴ The distinct features of the Ombudsperson's role – independence, impartiality, informality and confidentiality – set it apart from the many others that provide support to staff members and other members of the workforce. The Ombudsperson notes that her/his effectiveness requires close collaboration with all stakeholders and offices, maintained primarily through engagement in ongoing, transparent communications.

2. As part of the Ombudsperson's accountability, the WHO Ombudsperson reports annually to the Executive Board on the nature and scope of her/his activities, while observing confidentiality requirements.⁵ Considering the impact of engaging in this forum at the international level, the Ombudsperson considers that replicating this reporting at the appropriate regional body would also provide opportunities for similar involvement at regional levels.

3. This report outlines the most relevant systemic issues identified during 2023 and follows up on the administration's response to issues addressed in previous reports.⁶ The administration's response to the recommendations made by the Ombudsperson is set out in a separate document.⁷

¹ This document has been prepared by the Office of the Ombudsperson and Mediation Services in consultation with all WHO's regional ombudspersons. As of the time of preparation of this report, in addition to the Office of the Ombudsperson and Mediation Services at headquarters, the regional offices for Africa, Europe, the Eastern Mediterranean and the Western Pacific have also appointed full-time ombudspersons. This report reflects the views of all WHO ombudspersons and thus any mention of the Ombudsperson refers to the work of both the Office of the Ombudsperson and Mediation Services and the regional ombudspersons.

² There are a number of different titles or names in current use for this position, particularly in English. At the thirty-seventh meeting of the Programme, Budget and Administration Committee of the Executive Board, the Secretariat committed to the use of a gender-neutral title (see document EB152/4). This is reflected in each language version of the present report as appropriate to the language concerned.

³ See the annex to document EB152/INF./3 for background information on the role of the Ombudsperson and the structure of the Ombudsperson's services.

⁴ Hereinafter referred to as "visitors".

⁵ This document is submitted in line with the conclusions of the Executive Board at its 141st session in June 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 Ombuds[person] 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). This report has been issued to the Board since 2018.

⁶ See documents EB152/INF./3 and EB152/INF./4.

⁷ Document EB154/INF./4.

CHALLENGES AND THE WAY FORWARD

4. The Ombudsperson observes the life and functioning of the Organization from a unique perspective. The Organization's core value of "people caring about people" is at the heart of the Ombudsperson's function. This confidential, neutral role enables the Ombudsperson to receive transparent information from managers, staff members and other actors, which in turn informs reflection on what works, what could be improved and what is going well in the Organization.

5. Based on confidential interactions with visitors and discussions with stakeholders, the Ombudsperson has singled out three systemic issues for further consideration and action as the Secretariat deems appropriate:

- (a) providing greater support to individuals, including managers;
- (b) promoting continued improvement in performance discussions; and
- (c) need for restorative processes.

PROVIDING GREATER SUPPORT TO INDIVIDUALS, INCLUDING MANAGERS

6. Visitors have reported that positions left vacant for many months have resulted in a significant amount of stress for teams and individuals, as well as an absence of leadership. These visitors have indicated that prolonged vacancies have created a cycle of low morale, reduced capacity and increased workloads. Where positions are left unfilled for lengthy periods, many staff members report being required to assume the tasks that would normally be completed by absent colleagues, in addition to their own. On the positive side, it is acknowledged that doing so, in some cases, provides an opportunity for professional growth, as the individual is exposed to different responsibilities – this may have led to the increase in positions being filled internally at headquarters. However, taking on the tasks of absent colleagues should be properly managed so that these situations do not persist for too long. Otherwise, the mental, physical and emotional well-being of staff members in these situations may suffer, resulting in burnout and other health issues.¹

7. Periods of rest and recuperation are an essential component of a healthy lifestyle. At headquarters and in several regions, efforts continue to be made to ensure that all staff use at least a portion of their annual leave entitlement. Nonetheless, despite policies to the contrary, persons in precarious positions – including members of the workforce holding non-staff contracts – reported having refrained from taking leave or periods of rest out of fear that doing so could negatively affect their career prospects.

8. A multifaceted approach should be taken to address this issue, including taking steps to accelerate recruitment processes where possible, while promoting transparent communication between managers and their teams regarding the need to manage workloads and take time off to rest and recuperate. Implementing this approach may require difficult conversations regarding team priorities and what constitutes a reasonable workload for each member of a team. The Ombudsperson is uniquely placed to

¹ Review of mental health and well-being policies and practices in United Nations system organizations. Geneva: United Nations; 2023 (document JIU/REP/2023/4; https://www.unjiu.org/sites/www.unjiu.org/files/jiu_rep_2023_4_english.pdf, accessed 3 November 2023).

facilitate these conversations, emphasizing the importance of ensuring that staff are able to protect their health and well-being, while also remaining productive.¹

9. Visitors who were also new managers expressed concern, perceiving that they had received insufficient support during and following the onboarding process in many areas; others felt the same at the time they were promoted to the management level. They report that they are often caught in the middle: responsible for the performance of staff members, while also experiencing the pressure that comes from managing the expectations of supervisors. The challenges identified by managers also include the responsibility of dealing with and reporting on allegations of misconduct of which they may become aware.

10. The Ombudsperson considers that managers need support in light of their many responsibilities. Such support requires an environment of trust in which managers are able to express their vulnerabilities without fearing repercussions. The Ombudsperson has assisted a number of managers with these concerns, including by providing them with confidential coaching services. In addition to expanding these confidential services, the Ombudsperson suggests that consideration be given to strengthening the mentoring and “buddy” programmes to focus on managers, providing them with effective, ongoing support. The programmes could provide access to support from different mentors, depending upon the type of advice and support being sought by the mentee, from the moment of onboarding and during the course of a manager’s career.

PROMOTING CONTINUED IMPROVEMENT IN PERFORMANCE DISCUSSIONS

11. In respect of the types of questions being raised by staff members, most matters brought to the attention of the Ombudsperson at headquarters in 2022 involved the following issues:² (a) evaluative relationships;³ (b) job- and career-related issues;⁴ (c) peer and colleague relationships;⁵ and (d) legal, regulatory, financial and compliance issues.⁶ The range and frequency of the issues identified remains closely in line with that documented in previous reports. Although the Ombudsperson does not claim to be solely responsible for the resolution of cases, her/his active interventions with key stakeholders contribute to solving matters before they further escalate. One key mechanism increasingly being used to positive effect is mediation, which staff are requesting more and more. As a result of these complex interactions, which are handled with sensitivity, cases are resolved.

¹ The Regional Office for Europe has taken a strategic approach to assess the psychosocial working environment and the risks for the health and well-being of the workforce.

² In 2022, the Office of the Ombudsperson and Mediation Services at headquarters dealt with 283 cases involving WHO staff members, which was within the expected range. In 2021, the number of cases involving WHO staff members was 296. Review of the organizational ombudsman services across the United Nations system. Geneva: United Nations; 2015: paragraph 86 (document JIU/REP/2015/6; http://www.unjiu.org/sites/www.unjiu.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2015_6_English.pdf, accessed 3 November 2023).

³ Problems between supervisors and supervisees, largely resulting from dysfunctional communication, which often has a negative impact on the annual performance assessment.

⁴ Problems concerning recruitment, post classification and, most importantly, career development.

⁵ Communication problems among staff with no supervisory relationships.

⁶ Cases involving, among other things, alleged instances of harassment and discrimination.

12. Turning to one category of issues in particular, it should be noted that, over the past 10 years, concerns about evaluative/performance relationships have continued to make up the majority of the issues brought to the attention of the Ombudsperson.¹ This trend is in line with those identified in other international organizations and demonstrates that issues arising out of performance management remain widespread.

13. Interpersonal conflicts can and do occur in the relationship between a supervisor and a supervisee, particularly in performance discussions about the supervisee's possible shortcomings and need for improvement. Inappropriate communication about performance can quickly lead to tensions between the supervisee and the supervisor. These tensions are exacerbated by a range of external factors outside of either person's control that impact the performance of the supervisee and the ability of the supervisor to manage in a complex working environment. These tensions may also negatively impact a team's sense of cohesion, well-being and productivity.

14. Preventing tensions from escalating into conflicts can be achieved by providing feedback on performance and management effectiveness through regular discussions between a supervisor and a supervisee. Supervisors are encouraged to take the time to meet often with each supervisee to communicate openly on how work is progressing – the introduction of 360-degree feedback for managers on a developmental basis also provides the opportunity for upward feedback to be given by supervisees. Issues raised in a constructive way, in an atmosphere of mutual respect where each person feels safe enough to acknowledge performance or management gaps, allows for adjustments to be made as appropriate. This approach can help to preserve and often improve the relationship between a supervisor and a supervisee, providing the parties with a better understanding of the dynamics of the relationship and helping them to set clear expectations and goals. Should misunderstandings occur, they may be clarified informally, including through mediated discussion as needed. The Ombudsperson will continue to offer support to supervisors and supervisees who are experiencing difficulty in resolving performance issues.

15. The Ombudsperson acknowledges the Organization's focus on strengthening and improving the measures available to the workforce to prevent or reduce conflict, including in the context of performance discussions. In addition, the Ombudsperson is aware that further measures in respect of the performance management system are being developed by the Organization.

16. Noting that conflicts often impact a team as a whole, the Ombudsperson suggests that additional measures be considered, with a specific focus on improving team dynamics. Such measures could address structural and organizational factors that impact entire teams, and that have repercussions on team performance and well-being. These measures – including targeted training and related materials – could help to foster a working environment of mutual respect and dignity in all workplace interactions. It is proposed that these trainings and materials be prepared and delivered in consultation and collaboration with the relevant stakeholders, including the Department of Human Resources and Talent Management, the Office of Compliance, Risk Management and Ethics and the Office of Internal Oversight Services, as well as the Ombudsperson, and that they be made available to the entire workforce.

¹ In addition, the available data suggest the beginning of a trend, showing that women consistently seek the services of the Office of the Ombudsperson and Mediation Services in significantly higher numbers than men. This trend should be further explored to determine the causes of this disparity, and whether and what actions might be necessary to address it.

NEED FOR RESTORATIVE PROCESSES

17. The Ombudsperson is part of a very small group of individuals to whom persons involved in the formal investigative process can confide their concerns regarding the process, possible outcomes and the options available to them as the process unfolds.¹ In this context, the Ombudsperson has observed that complaints of abuse of authority, harassment, discrimination, sexual misconduct or retaliation, and the investigation and disciplinary processes that may follow, can take an enormous mental and emotional toll on both accuser and accused.² Moreover, measures taken prior to a definitive conclusion can have significant consequences for the well-being of those concerned, their professional reputation and career prospects.³ The Ombudsperson recommends that clear criteria, procedures and time limits be put in place to ensure that these measures are applied with care.

18. The Ombudsperson acknowledges the significant time and resources that the Organization has invested to ensure the speedy investigation and conclusion of complaints of misconduct. Nonetheless, delays remain and may have negative consequences on the parties. To improve this situation, the Ombudsperson suggests that, where appropriate, the parties be invited to meet with a representative of one or more key stakeholders, such as the Department of Human Resources and Talent Management, to consider options for addressing and resolving the issues raised. The aim would be to encourage more rapid resolution of allegations and prevent further harm, both to the parties and to the teams concerned.

19. The Ombudsperson acknowledges the measures taken by the Organization to ensure that individuals who report misconduct in good faith are protected from retaliation. The issuance of a new policy in July 2023 was an important step in this regard.⁴ Nevertheless, the Ombudsperson considers that gaps remain in the protection of whistle-blowers and recommends that further discussion to address these gaps take place among key stakeholders, with consequent action on the part of the Organization.

20. Various policies and procedures have been put in place to prevent and respond to sexual misconduct, as well as to prevent and address abusive conduct. The Organization will need to ensure that the processes in place to address the application of the rules and other areas of concern are equally transparent, equitable and effective. This will promote greater credibility of these processes.

21. When disciplinary processes are completed, or formal appeals concluded, there is often a need for a process of recovery to help individuals and teams to heal from the disruption caused and restore collaborative, productive relations. These restorative processes call for a multidisciplinary approach, which could include the administrative aspects of reintegration into a team, constructive interpersonal dialogue and team building, and the provision of emotional and practical support to those most affected.

¹ Preventing and addressing abusive conduct: policy and procedures concerning harassment, discrimination, and abuse of authority. Geneva: World Health Organization; 2023: paragraph 7.9 (https://cdn.who.int/media/docs/default-source/ethics/policy-on-preventing-and-addressing-abusive-conduct.pdf?sfvrsn=e861d8f3_26&download=true#page=12, accessed 3 November 2023).

² This is particularly the case when those involved do not feel that the principle of the presumption of innocence is being respected.

³ Preventing and addressing abusive conduct: policy and procedures concerning harassment, discrimination, and abuse of authority. Geneva: World Health Organization; 2023: paragraph 11 (https://cdn.who.int/media/docs/default-source/ethics/policy-on-preventing-and-addressing-abusive-conduct.pdf?sfvrsn=e861d8f3_26&download=true#page=21, accessed 3 November 2023).

⁴ Preventing and addressing retaliation. Geneva: World Health Organization; 2023 (https://cdn.who.int/media/docs/default-source/ethics/policy-on-preventing-and-addressing-retaliation.pdf?sfvrsn=eb4bf547_3&download=true, accessed 3 November 2023).

The Ombudsperson proposes that consideration be given by key stakeholders to explore and develop policies and procedures to this end, and stands ready to actively engage in these initiatives.

22. In conclusion, while systemic issues continue to be addressed by the Organization, the Ombudsperson notes the many steps taken to promote staff well-being and put WHO core values into action, in addition to the policies and processes issued, and the contribution of these steps to ensuring a safe and respectful workplace.¹ The Ombudsperson will continue to engage actively with all stakeholders, offices and staff members across the different forums to address their concerns and advocate for measures that help to create a working environment conducive to growth, collaborative relations, well-being and productivity for the benefit of the entire workforce.

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¹ See document EB150/INF./4.