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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 is the seventh covering the activities of the Office of the United Nations Ombudsman and Mediation Services, which provides workplace informal conflict resolution services to the Secretariat, the funds and programmes (United Nations Children's Fund, United Nations Development Programme, United Nations Population Fund, United Nations Office for Project Services and United Nations Entity for Gender Equality and the Empowerment of Women) and the Office of the United Nations High Commissioner for Refugees.

The report contains information on the activities carried out during the period from 1 January to 31 December 2014. It focuses on Secretariat-specific activities, including dispute resolution services offered to staff, outreach activities and initiatives to promote greater conflict competence among staff and managers and observations on systemic issues. Detailed information on the specific activities undertaken for the funds and programmes and the Office of the United Nations High Commissioner for Refugees is provided in separate annual reports, which can be found on the intranet pages and/or websites of the respective entities.

* A/70/50.



I. Informal conflict resolution

A. Workplace conflict and its impact

1. Conflict exists in all areas of life, including organizations. Disputes and disagreements can be catalysts that motivate organizations to learn and evolve, but they can also pose risks and have the potential to erode productive working relationships. If not addressed effectively, workplace conflicts can be detrimental, not only to the individuals involved but also to the strategic organizational objectives. The United Nations is no exception.

2. Informal resolution can reduce the risks posed by workplace conflict. This needs to be coupled with a culture of collaboration and mutual respect, developing managerial and staff competence to handle conflicts and understanding why disputes occur. Nurturing a harmonious working environment includes developing the ability and capacity to promote constructive discourse on timely and preventive measures to minimize the negative impact of conflict.

B. Mandate of the Office of the United Nations Ombudsman and Mediation Services

3. The Office of the United Nations Ombudsman and Mediation Services provides confidential and impartial assistance with the aim of resolving a wide range of workplace issues and disputes. It serves staff globally, at headquarters duty stations and in many other locations where the United Nations is engaged in field operations. Conflict resolution officers typically deal with disputes relating to contract renewal, equity of treatment, staff selection, discrimination, the imposition of disciplinary measures, interpersonal issues or situations in which staff members feel that they have been maltreated. In addition, staff members sometimes turn to the Office for help in unravelling bureaucratic knots or when there has been a lack of response to an administrative request or entitlement query.

4. In gathering facts and analysing the issues brought to the Office by individual visitors, case officers may also discern trends and identify the systemic issues underlying conflicts, which they bring to the attention of the Organization's management on an ongoing basis.

5. Increasingly, the Office is focusing on assisting employees to develop the knowledge, attitude and skills to handle situations of conflict constructively (in other words, the development of "conflict competence") and prevent them from escalating. The Office helps to develop conflict competence through thematic informational sessions and workshops, skill-building initiatives and individual coaching when dealing with cases.

6. These broad areas of work are intertwined and interdependent. For example, issues uncovered during interactions with visitors often provide the clues to identify systemic gaps. In addition to developing conflict-handling skills at the transactional level, factors that contribute to conflict revealed through casework inform the design of broader conflict competence and prevention initiatives. As such, these areas of work are then embedded in the core responsibilities of all case officers, thus ensuring a holistic and analytical approach to conflict resolution and prevention.

C. Core principles of practice

7. In delivering its mandate and carrying out its work, the Office is guided by the core principles of independence, neutrality, confidentiality and informality, which are aligned with internationally established standards of practice for the organizational ombudsman profession.

Independence

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

Neutrality

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

Confidentiality

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

Informality

11. The Office does not keep records for the United Nations or any other party; does not conduct formal investigations or accept legal notice on behalf of the United Nations; does not have decision-making powers; and does not make determinative findings or judgements.

II. Overview of the Office

12. The Office serves the constituencies of the following entities, grouped into three pillars: the Secretariat; the funds and programmes, including the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund, the United Nations Office for Project Services and the United Nations Entity for Gender Equality and the Empowerment of Women; and UNHCR. The constituencies are served by the Office's three pillars, each of which was established and is administered by its respective entity or entities.

13. The Office is headquartered in New York and has seven regional offices and a mediation service, as established by the General Assembly in its resolution 62/228. The regional offices are located in Bangkok, Entebbe (Uganda), Geneva, Goma (Democratic Republic of the Congo), Nairobi, Santiago and Vienna. Each office is served by a dedicated regional ombudsman. The ombudsmen for the funds and

programmes and for UNHCR provide services to their global constituencies from New York and Geneva, respectively.

14. The staff of the Office continue to collaborate on a regular basis to harmonize practices. Knowledge-sharing is a crucial form of collaboration among the Office's pillars. Regular participation in the discussion of cases and practice parameters enhances mutual learning and ensures the retention of institutional knowledge. A confidential and secure case management system is a key tool that is shared among the three pillars.

III. Informal conflict resolution: overview of cases and trends

A. Ombudsman cases

15. The Office opened 2,236 cases in 2014, an increase of 7 per cent over the previous year. Of those cases, 1,671 originated in the Secretariat, 431 in the funds and programmes and 134 in UNHCR. After the current system of administration of justice was established in 2009, the number of cases increased steadily in the first three years before stabilizing from 2012 to the present (see fig. I). During the same period, the percentage of cases from Secretariat staff in field missions increased significantly (see fig. II).

Figure I
Number of cases opened by the Office, 2009-2014

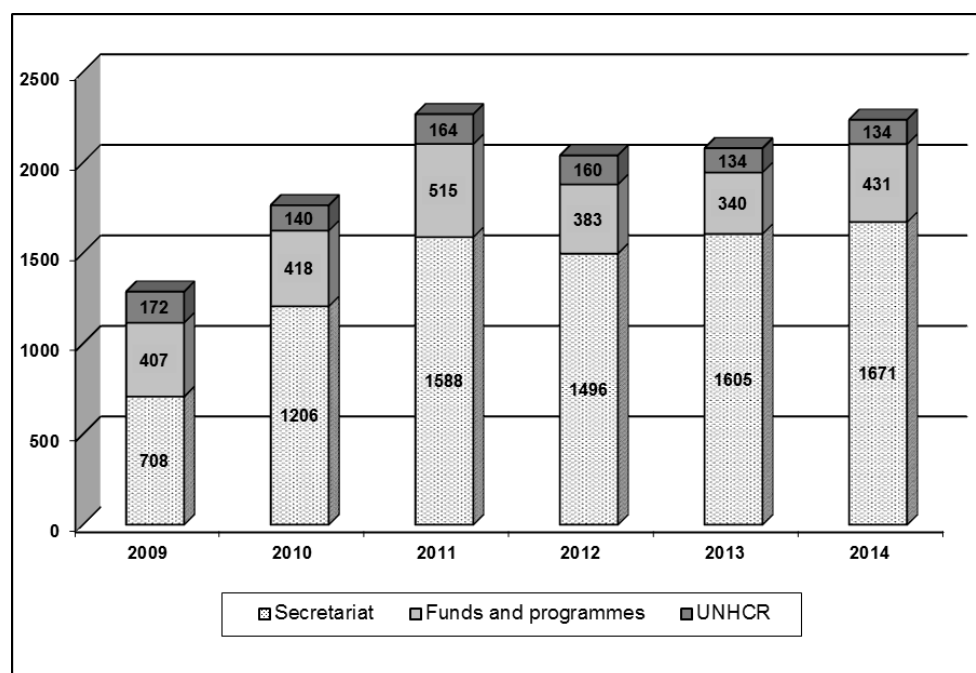
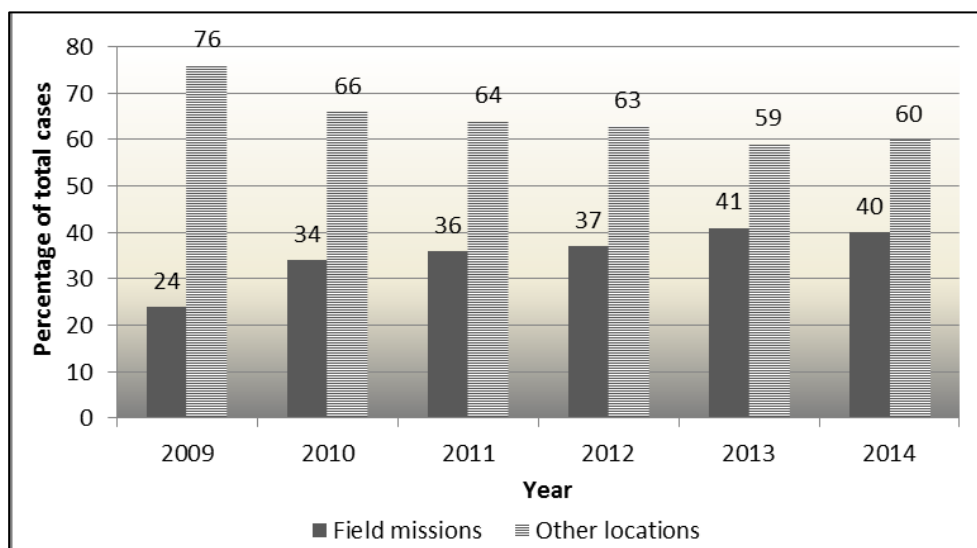
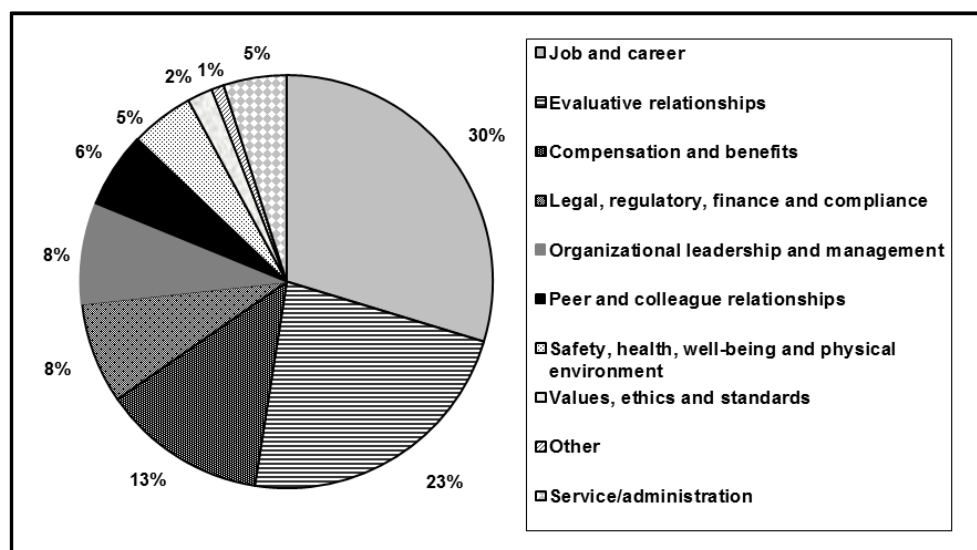


Figure II
Percentage of cases from staff in field missions and at other locations, 2009-2014



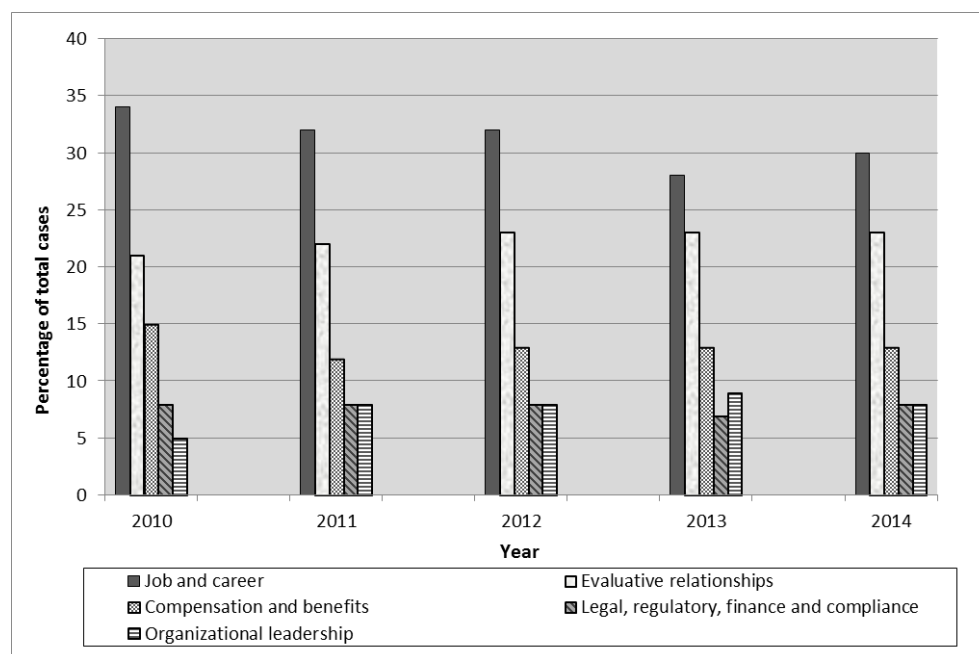
16. Cases often involve primary issues and multiple interconnected matters and concerns. The categories of issues raised by the cases brought forward in 2014 are shown in figure III. Issues relating to the categories of “job and career” and “evaluative relationships” (the relationship between a supervisor and a supervisee) collectively account for more than half the total volume of cases in 2014. While this is consistent with the pattern seen in the previous four years, in 2014 there was a slight increase in job and career issues, from 28 to 30 per cent, while evaluative relationship issues remained constant at 23 per cent.

Figure III
Issues brought to the Office in 2014, by category



17. Over the past three years, 23 per cent of the issues brought to the Office expressly concerned evaluative relationships, second only to job and career issues (see fig. IV).

Figure IV
Top five issues, 2010-2014



18. In 2014, 83 per cent of cases emanated from offices away from headquarters, country and field offices, and field missions¹ (see fig. V). Particularly notable, for the Secretariat, is the fact that 51 per cent of cases in 2014 emanated from field missions, 34 per cent from offices away from Headquarters and 15 per cent from staff in New York (see fig. VI).

¹ Headquarters include: New York, for the Secretariat; New York and Copenhagen, for the funds and programmes; and Geneva and Budapest, for UNHCR. Offices away from headquarters and field offices include various country offices for the Secretariat, the funds and programmes and UNHCR. Field missions are peacekeeping and special political missions.

Figure V
Distribution of cases brought to the Office, by location

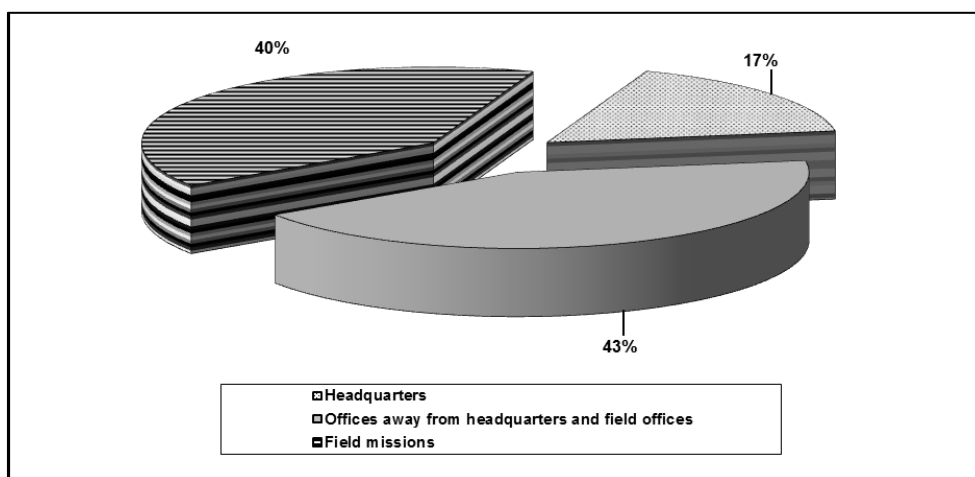
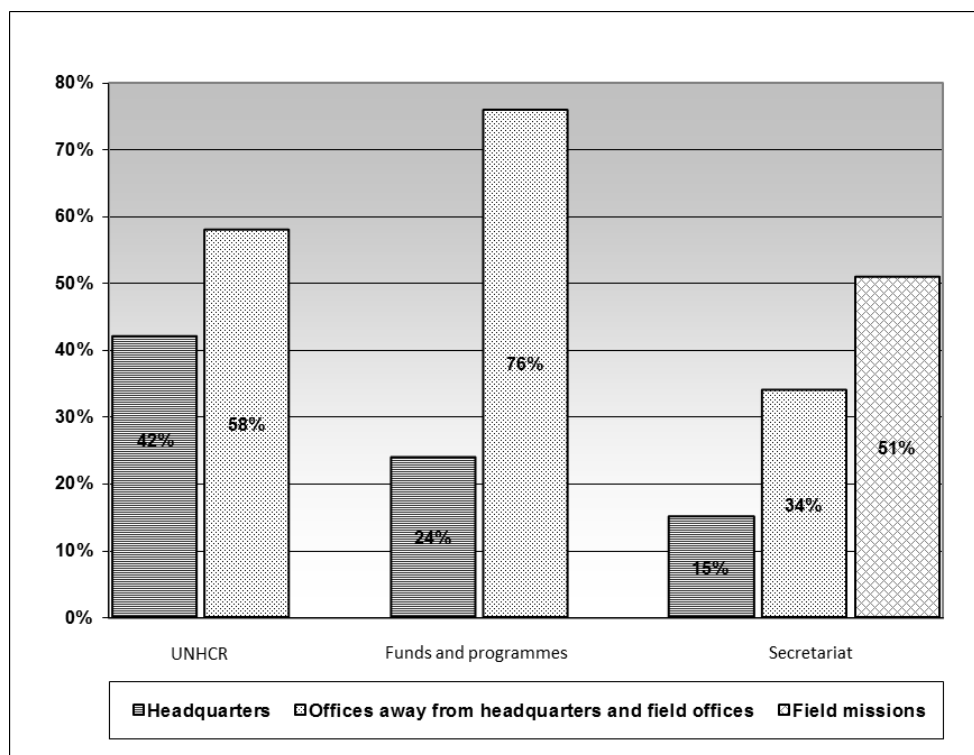


Figure VI
Distribution of cases brought to each of the three pillars, by origin

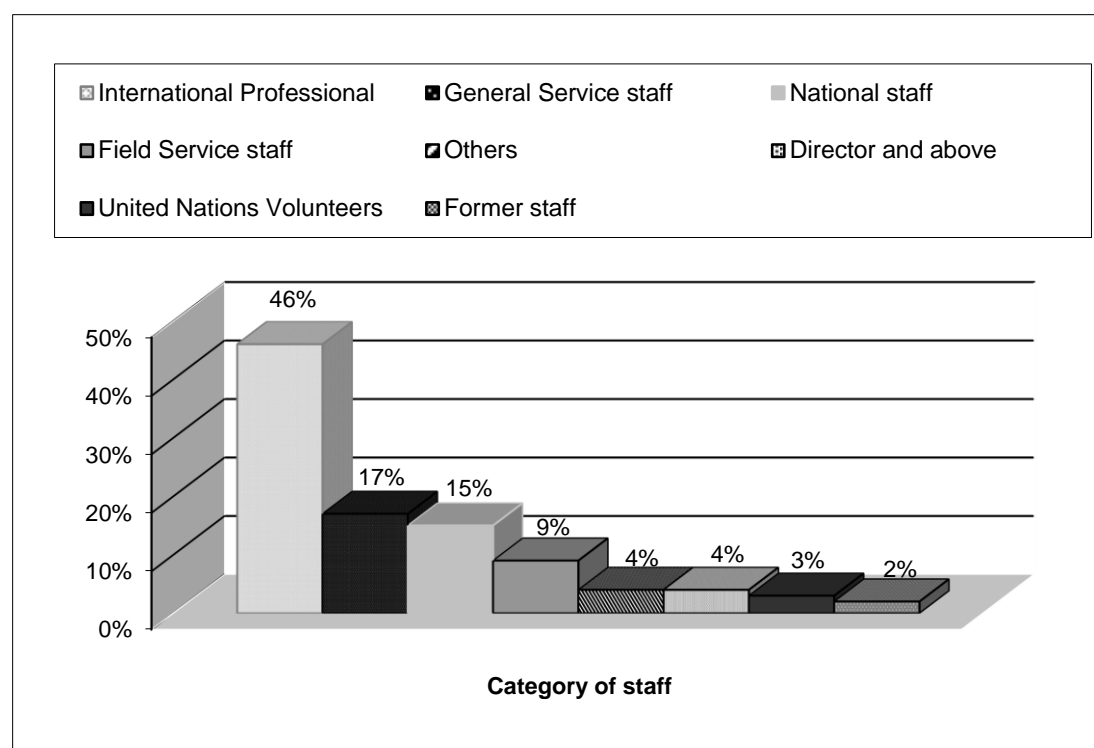


19. The utilization rate (the relationship between the overall number of staff and the number of cases received) in the Secretariat in 2014 was 4 per cent, an increase from the previous year. The rate was highest among staff at the level of D-1 and above, at 9 per cent, and lowest among staff in the General Service category, at

2 per cent. Women used the services more than men: the overall rate was 3.4 per cent for men and 5.2 per cent for women.

20. Of the total number of cases brought to the Office, 46 per cent came from staff in the international Professional category; 17 per cent from support staff (General Service category) located at Headquarters and offices away from headquarters; 15 per cent from national staff (including staff in the Professional and General Service categories); and 9 per cent from Field Service staff (applicable only to the Secretariat) and others. Those figures are consistent with the overall trend in past years (see fig. VII).

Figure VII
Distribution of cases, by occupational group



21. The General Assembly, in its resolution 69/203, requested information on the number and nature of cases brought forward by non-staff personnel. During the reporting period, 145 cases involved non-staff personnel, reflecting an increase of 20 per cent from the previous year. Of those, 57 per cent came from individual contractors and consultants and 43 per cent from other categories of non-staff personnel. There was a shift in the dominant issue category compared with the previous year. In 2013, the largest proportion of cases, 35 per cent, concerned compensation and benefits, while in 2014 the most frequently occurring issue pertained to jobs and careers, which accounted for 34 per cent of the cases, compared with 22 per cent in 2013 (see the table below for further information).

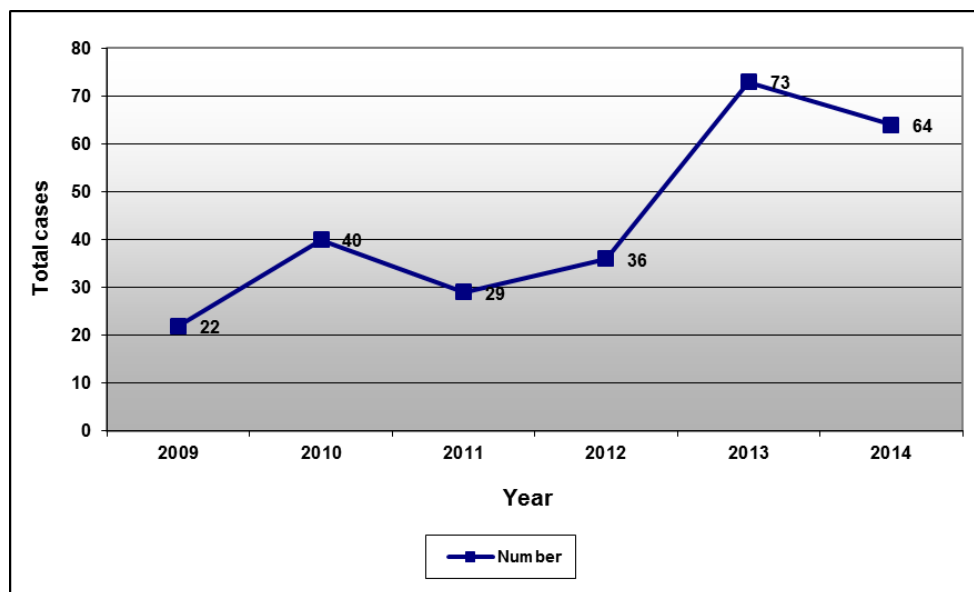
Nature of cases from non-staff personnel

Category of issue	Distribution (percentage)	
	2014	2013
Job and career	34	22
Compensation and benefits	18	35
Evaluative relationships	12	7
Legal, regulatory, finance and compliance	10	9
Peer and colleague relationships	8	2
Organizational leadership and management	6	8
Safety, health, well-being and physical environment	4	2
Service/administration	4	11
Values, ethics and standards	4	4

B. Mediation cases

22. In the six years since the Mediation Service was first established, progress has continued in promoting mediation as an effective and informal way of resolving workplace disputes while enhancing harmony and collaboration. The case volume has tripled since 2009, with the volume in 2014 (64) only slightly below that of the previous year (73) (see fig. VIII). Of the cases recorded in 2014, 57 emanated from the Secretariat and 7 from the funds and programmes and UNHCR.

Figure VIII
Number of mediation cases opened, 2009-2014



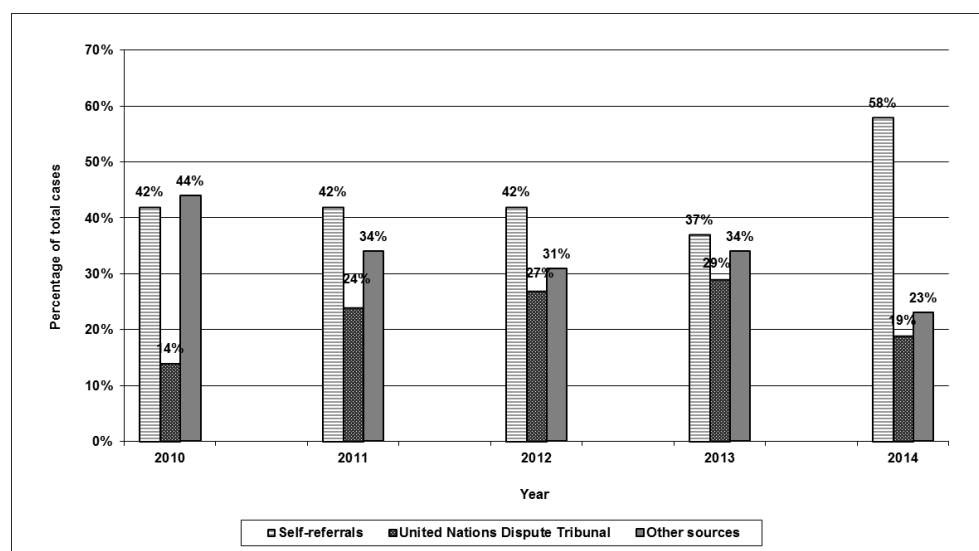
23. Of the 64 cases received for mediation in 2014, 46 have been completed, including 2 group processes. Of those completed cases, 33 resulted in a settlement

agreement and 13 did not. Twelve cases were not mediated because one or both parties chose not to do so following a preliminary consultation or because the case was deemed unsuitable for mediation. Six cases opened in 2014 were continuing as at the time of writing of the present report.

24. Mediation cases are complex in nature and often involve several bilateral and joint meetings with the parties before and during the mediation. Multiparty and group processes are counted as single mediation cases, regardless of the number of people involved. A group process, which can involve as many as 30 people, can help a group to understand, prevent and resolve conflict by providing a safe way of raising issues and identifying consensus-based solutions.

25. In 2014, 12 mediation cases (19 per cent) were referred by the United Nations Dispute Tribunal, 37 (58 per cent) were self-referrals (i.e., the party or parties to a dispute requested a mediation) and 15 (23 per cent) were referred by other sources, including the Office of Staff Legal Assistance, the Management Evaluation Unit and case officers within the Office of the United Nations Ombudsman and Mediation Services. Figure IX provides comparative figures since 2010.

Figure IX
Mediation cases by source, 2010-2014²



26. The increased rate of self-referrals signals a heightened awareness of the benefits of mediation as a conflict resolution mechanism. Staff members are addressing conflict at an earlier stage and seeing opportunities to manage workplace issues themselves rather than allowing matters to escalate and having to resort to the formal system.

27. Mediation activities conducted in 2014 often included resolution of long-standing litigation. In some instances, a single case referred to mediation by the United Nations Dispute Tribunal settled more than one filed action. In other cases,

² The figure has been revised and updated to consistently reflect percentages of mediation case referrals from 2010 to 2014.

mediation helped colleagues to restore or initiate effective working relationships, resolved misunderstandings that had the potential to derail projects, helped to reconcile work-life balance needs with performance requirements or assisted teams in avoiding potential conflicts and becoming more resilient and productive. In some cases, while the mediation did not result in a written agreement, the process was nevertheless useful in helping to clarify issues between the parties.

C. Regional engagement

28. In its resolution 68/254, the General Assembly stressed the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station. More recently, in its resolution 69/203, the Assembly recognized that in-person access to the Office was a challenge for staff in the field, including for those in special political missions. The establishment of the seven regional ombudsman offices has enabled the Office to decentralize its services, take into consideration regional and local dynamics and improve access to staff and stakeholders.

29. The challenges notwithstanding, the Office is committed to making it easier for field staff, especially those in remote locations, to gain access to its services. Doing so is all the more important considering that field mission environments are typically physically arduous and emotionally stressful and often dangerous. The regional offices provide a useful presence in various parts of the globe, but their work is not limited to the geographic area in which they are physically based. To use the entirety of its resources as efficiently and effectively as possible, the Office is employing a flexible and mobile approach.

30. In-person mission visits to duty stations where there is no resident ombudsman remain important. The value of face-to-face meetings and outreach cannot be underestimated, especially in establishing trust and dealing with particularly sensitive situations. It is the experience of the Office that such visits are highly appreciated by the staff, especially in remote and difficult duty stations, where they are seen as a sign that the Organization cares.

31. In 2014, Professional staff of the Office led missions to more than 40 duty stations to conduct outreach, build skills and provide informal conflict resolution services. This included trips to peacekeeping and special political missions such as the United Nations Mission in Liberia, the United Nations Interim Force in Lebanon, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations Operation in Côte d'Ivoire, the United Nations Interim Administration Mission in Kosovo, the United Nations Stabilization Mission in Haiti, the United Nations Military Observer Group in India and Pakistan, the United Nations Office for West Africa, the United Nations Integrated Peacebuilding Office in Guinea-Bissau, the United Nations Integrated Peacebuilding Office in Sierra Leone and the United Nations Regional Office for Central Africa; regional commissions without a regional ombudsman, such as the Economic and Social Commission for Western Asia and the Economic Commission for Africa; and United Nations offices in locations such as Bonn (Germany), Brindisi (Italy), Panama City, Mexico City, Lima, Port of Spain, Kuala Lumpur, Jakarta, Bogor (Indonesia), Islamabad and Phnom Penh. In addition, mission visits were made to

the many duty stations within the larger mission areas of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in South Sudan, including Bunia, Kisangani, Goma, Uvira and Bukavu, El Fasher and Khartoum, and Juba, Yambio, Torit, Wau, Kuacjok and Aweil.

32. To further enhance its capacity to meet regional or specialized needs, the Office continued its work on its regional on-call programme to support its mediation mandate, as needed, with the selection of six on-call mediators from the joint United Nations-World Bank roster in the second half of 2014.

IV. Outreach activities: promoting conflict competence and informal resolution

A. Building skills and awareness

33. In its resolution 69/203, the General Assembly requested the Secretary-General to provide data and other relevant information on the Office's outreach activities, focusing on conflict resolution, systemic issues and conflict competence, as well as on promotion of the benefits of informal resolution.

34. Engaging in outreach activities is part of the responsibilities of every Professional staff member of the Office. Whether at Headquarters, in a regional office or on mission, each ombudsman, mediator or conflict resolution officer creates opportunities to personally interact with staff and managers to promote the use of informal resolution and to better understand the nature of workplace conflict. A key strategic goal of the Office is to promote conflict competence by encouraging, developing and improving skills to better prevent and resolve conflict in the workplace. This area of focus goes hand in hand with the Office's core mandate of informal conflict resolution and conflict prevention. It is also a natural evolution: in the initial years after the introduction of the current justice system and the expanded informal system, the focus of outreach activities was primarily on informing staff of the existence of the Office and its services. While that task remains important, the emphasis is now shifting to providing staff and managers with practical skills and insight into how to better prevent and manage conflict.

35. In 2014, the Office conducted more than 200 outreach activities, including 83 presentations, 59 workshops and many meetings with senior officials and stakeholder groups, at duty stations worldwide. The activities can be categorized as follows:

(a) Information sessions, which include presentations, town hall meetings and inductions, mostly in the format of briefings with question-and-answer periods. The main purpose is to provide information about the Office and informal resolution, including some elements of conflict competence;

(b) Workshops, which are a combination of lectures, exercises and other interactive elements to raise awareness of aspects of workplace conflict and build specific skills. They normally last for two to three hours and include at least 10 participants;

(c) Meetings with senior officials and stakeholder groups, which form part of the Office's partnership and stakeholder engagement efforts and include senior officials at the policymaking and decision-making level, officials dealing with administration, such as in the Office of Human Resources Management, the Department of Field Support or peacekeeping missions, the formal system of administration of justice, staff associations, medical services and staff counsellors.

36. All outreach activities are tailored to the specific audience, but normally include an informational element about the services available through the Office, the importance of addressing conflict early on so as to prevent escalation, information on how informal resolution can address disputes collaboratively and have a greater chance of maintaining harmonious working relationships, and some skill-building elements, such as pointers on how to have a difficult conversation. During the reporting period, the number of activities that included a skill-building component increased, with the number of workshops rising from 42 in 2013 to 59 in 2014.

37. Among the many outreach activities carried out in 2014 was a week-long event organized by the regional office in Nairobi on the theme "Discovering intersections: an exploration of the art of negotiation". It consisted of expert-led seminars, intensive training and short skill-building sessions for staff members of the United Nations Office at Nairobi, the United Nations Environment Programme, the United Nations Human Settlements Programme and other United Nations agencies in Nairobi.

38. In 2014, MONUSCO went through a major downsizing and reconfiguration exercise, with its locus shifting from Kinshasa to Goma. Against that backdrop, the regional office in MONUSCO conducted skills-oriented workshops for senior management during change management sessions and for representatives of the national staff union, which contributed greatly to reducing tension in a volatile environment.

39. In response to a specific need, the regional ombudsman in Entebbe worked with the management of the United Nations Mission in South Sudan to organize a one-week training programme for mid-level managers and supervisors on managing and resolving conflict. Held in Entebbe from 27 to 31 October 2014, it included sessions on collaborative negotiation, power, rights and interests, case studies and mediation role plays.

40. The regional offices in Bangkok, Geneva, Santiago and Vienna included components on conflict management in their general presentations and briefings to staff, both for the specific duty station and in connection with mission travel. The ombudsmen continued to deliver informational presentations, specifically at new staff induction sessions at Headquarters and in the field. Such presentations are also commonly delivered at initial town hall meetings during mission visits to give staff a general overview of the role of the Office and conflict resolution resources in the Organization.

41. The Office values the feedback collected from participants at the various outreach sessions and uses it to adjust and tailor future sessions. Overall, there is growing interest in and demand for more skill-building activities. The Office has also received positive feedback on group processes conducted, both at Headquarters and in the field, which have helped to encourage greater team collaboration and communication.

42. The website of the Office remains an important gateway for staff seeking in-depth information on its role or contact information for an ombudsman near them. The secure and confidential contact form on the website is regularly used by staff submitting their cases to the Office. In 2014, the website was visited, on average, 2,000 times per month.

B. Promoting the benefits of informal resolution

43. It is normal practice to emphasize in all outreach activities the benefits of informal resolution. Informal resolution processes allow the individuals involved to retain a high degree of control, which means that solutions and agreements tend to be durable. When choosing to resolve conflicts early and informally, it is also more likely that the conflict can be contained to the individuals directly involved, rather than setting into motion formal processes that involve other offices and individuals and also often lead to the hardening of adversarial positions. Informal resolution and early intervention can contribute to preventing issues, such as interpersonal conflicts, from escalating to formal cases.

44. Another benefit is that any workplace concern can be brought to the Office, whereas the formal system is predicated on the dispute being related to an administrative decision. Informal resolution is flexible and can entail such methods as one-on-one coaching, shuttle diplomacy and mediation. The benefits of mediation are increasingly being recognized. By working to eliminate conflicts of interest, build trust, facilitate open communication, clarify roles and responsibilities and help parties to understand differences and appreciate diversity in a team, mediation can contribute not only to preventing conflict but also to promoting accountability and building a collaborative work environment.

45. An additional benefit is that informal resolution can be seen as helping to mitigate many of the risks and hidden costs stemming from workplace conflict, such as poor morale, lower productivity, absenteeism and sick leave and diversion of attention from the substantive work agenda.

46. The Office has proactively and continually made efforts to encourage early and informal resolution of disputes, as have senior managers, staff representatives and various parts of the administration of justice system. The Chef de Cabinet issued a directive to senior managers throughout the Secretariat in April 2014 in which she encouraged the use of the informal system in addressing conflicts and recalled their responsibility to ensure a healthy and harmonious work environment.

47. There was also a special effort to focus on promoting the use of mediation as a conflict resolution tool, both at Headquarters and in the field. A joint outreach mission to MONUSCO was conducted in September 2014, with the Mediation Service and the regional office in Kinshasa jointly delivering mediation awareness sessions in Kinshasa, Goma and Bunia while also conducting mediations in the mission area. On-call mediators also contributed to outreach efforts to promote the benefits of mediation, including by giving a presentation for United Nations staff in Mexico City in November 2014.

48. Presentations encouraging the use of informal resolution, including mediation, were also given at Headquarters in April 2014, one to executive officers and another to visiting directors and chiefs of mission support. Similarly, as part of the induction

programme organized by the Office of Human Resources Management for incoming senior officials, the Office participated in sessions on preventing and handling conflicts in the workplace, at which the benefits of informal resolution options were emphasized.

49. Within the administration of justice system, there have been concerted efforts to promote informal resolution through increased collaboration between the formal and informal channels. In the cases dealt with by the Management Evaluation Unit and the Office of Staff Legal Assistance, efforts are made to identify possibilities for informal resolution and guide parties towards it.

V. Collaboration within the Secretariat

50. Continuous engagement with senior officials and administrative units within the Organization is integral to the efforts of the Office to build and sustain strategic working partnerships. The United Nations Ombudsman has direct access to the Secretary-General, the Deputy Secretary-General and the Chef de Cabinet to discuss matters relating to workplace conflicts and informal resolution, and he regularly meets the under-secretaries-general of various Secretariat departments and special representatives of the Secretary-General to promote the informal resolution of workplace conflict.

51. In addition, during the reporting period the United Nations Ombudsman and his staff continued to participate in meetings of the Management Performance Board and the Management Committee, as well as of ad hoc working groups and other committees that deal with issues affecting staff. Such exchanges offered the Office opportunities to share insights and lessons learned, including observations on systemic issues, gleaned from the cases that it receives.

52. For example, in 2014 the Office provided feedback to the Office of Human Resources Management in the context of the proposal to revise the performance management system. In addition, there was close collaboration relating to the design of a new learning and development strategy, in particular as regarding the incorporation of training on conflict management, harassment prevention and collaborative negotiation skills.

53. In 2014, the Office continued to work closely with the Department of Field Support to offer its support to the Department's initiative to launch an awareness campaign in all peacekeeping missions relating to situations that sometimes lead to workplace conflict. The goal of the programme, known as "Inside the Blue", is to help staff and managers to differentiate between issues of legitimate exercise of authority, performance management and misconduct. It is designed to stimulate open communication and encourage staff and managers to address the issues at an early stage. In addition, in collaboration with the Office of Human Resources Management, the Office provided input to guidance to managers encouraging greater use of informal resolution in cases of allegations of harassment or abuse of authority.

54. With many cases emanating from peacekeeping missions, the Office continuously collaborates with the Department of Field Support to provide feedback and brainstorm on systemic issues and case-specific work. In 2014, the Office participated in a working group that dealt with the streamlining process in the

African Union-United Nations Hybrid Operation in Darfur and contributed input, in particular on internal communication aspects.

55. The Office regularly collaborates with the Ethics Office on themes of common interest, as it did in 2014 in the context of the United Nations Leadership Dialogue, which was focused on treating one another with tolerance and respect. It was a subject that resonated strongly, given that incivility in the workplace had also been identified as a frequent root cause of conflict. It was also highlighted by the United Nations Ombudsman in a meeting of the Management Performance Board when he stressed the importance of senior officials acting as role models in that regard.

56. The Office collaborates with offices and administrative units within the Organization to better understand how issues are interconnected and identify synergies and areas for improvement. For example, regular meetings were held with the Department of Field Support and the Office of Human Resources Management to provide feedback on key processes and issues and to discuss specific cases. The Office continued to engage with the Medical Services Division, the Office of the Staff Counsellor and the Emergency Preparedness and Support Team of the Office of Human Resources Management, in addition to the Critical Incident and Security Management Unit of the Department of Safety and Security, in relation to individual cases and on initiatives to promote staff welfare, well-being and resilience.

57. The Office worked closely with the Office of Staff Legal Assistance on cases requiring legal counsel and on matters in regard of which the Office assisted with informal resolution. The option of referring visitors to the Office of Staff Legal Assistance was particularly useful when staff seeking informal resolution needed to understand the legal framework of their cases. Such collaboration also elucidated the crucial role that each office plays in finding ways to promote the early and informal resolution of conflicts.

58. In addition to interacting with offices of the Secretariat, the Office also regularly maintains contact with staff unions as important stakeholders at the various duty stations where regional offices are based and in connection with mission visits. In 2014, this included collaboration on training and awareness-raising and facilitating communications in connection with downsizing or other processes that affect many staff.

VI. Root causes of conflict: systemic issues

59. The Office identifies broad-based systemic issues on an ongoing basis, in accordance with General Assembly resolution 64/233, in which the Assembly emphasized that the role of the Ombudsman was to report on broad systemic issues that he or she identified, as well as issues that were brought to his or her attention. A systemic issue exists independently of the individuals involved.

60. Many conflicts can be traced back to systemic issues, which may be deeply rooted or stem from gaps or inconsistencies in the Organization's policies, procedures, practices or structures. When recognized, systemic issues present an opportunity for the Organization to learn and affect positive change that can contribute to preventing some types of conflict.

61. Systemic issues are identified through the cases and issues brought forward by staff, during interactions with the parties involved in conflicts and through direct observation.

62. The Office maintains a continuous dialogue with stakeholders and relevant offices in the Secretariat, both at Headquarters and in the field, to provide feedback on observations and to hear perspectives from the management side. This helps to gain a fuller understanding of issues that may be systemic and in many cases allows management to take measures that are within their purview to tackle issues raised. The present section includes a selection of systemic issues that the Office considers important, some of which have been highlighted in previous reports but merit continuing attention.

A. Abusive behaviour and incivility in the workplace

63. There continued to be an influx of cases from staff who sought help in informally resolving what they perceived as disrespectful, harassing or discriminating behaviour, in some cases coupled with alleged abuse of authority. Such issues appear to be prevalent in a broad array of duty stations and involve staff at various levels. The severity of the offending behaviour spans a wide range, from incivility and abrasiveness to abusive and threatening action that could border on misconduct. Whether on the “lighter” or more extreme side of the scale, such behaviour can have a devastating effect on the individuals affected, often translating into lack of productivity, stress or sick leave. Such situations also frequently cause ripple effects for the overall working environment, stifling productivity, dialogue and open communication.

64. When faced with such behaviour, staff may choose to file a formal complaint under the procedures outlined in the Secretary-General’s bulletin on prohibition of discrimination, harassment, including sexual harassment, and abuse of authority ([ST/SGB/2008/5](#)). As stated in the previous report, however, in many such instances the behaviour in question may not rise to the level of misconduct ([A/69/126](#), para. 56). In some cases, it may actually be a legitimate exercise of a manager’s authority that is mistakenly framed as harassment. Nevertheless, there may be a pervasive sense of injustice and hurt that propels an individual to the formal process, which could entail a fact-finding investigation. Whatever the reasons for choosing a formal route, such processes can be time-consuming, difficult, adversarial and costly, while not necessarily reaching any conclusion that addresses the underlying problem.

65. Where a staff member opts for informal resolution, the Office addresses the concerns through individual coaching, facilitated dialogue, mediation or group interventions tailored to the specific situation and circumstances. In the past year, the Office continued to encourage greater use of informal resolution methods in dealing with abrasive behaviour or cases of alleged harassment, including through close cooperation with the Office of Human Resources Management and the Conduct and Discipline Unit of the Department of Field Support. By way of systemic interventions, the Office provided feedback in the preparation of guidelines for managers in dealing with allegations of harassment. The guidelines encourage all involved, including the senior official responsible for handling the issue, to seek support for informal resolution.

66. Nevertheless, informal resolution is a voluntary process and there will be instances of poor conduct in which the individuals involved will not seek assistance from the Office. For example, staff or managers may lack insight as to the impact of their behaviour on colleagues and team morale. Alternatively, they may be aware of the impact, but simply have no interest in altering their workplace conduct or have no incentive to do so. On the receiving end, a staff member affected by another's bad behaviour may choose to suffer in silence rather than seek the services of the Office, perhaps owing to a sense that there is minimal likelihood that any change will occur or out of fear of the possible adverse consequences of bringing up the issue.

67. The Office has observed that there is sometimes a belief that there is a trade-off to be made between workplace courtesy and programme delivery. An abrasive and strong-handed staff member or manager may be tolerated by more senior leaders because there is a sense that he or she is effective and "gets the work done". A deeper analysis, however, is likely to uncover negative ripple effects in terms of staff health, productivity and morale. It is therefore important to stress the role of senior managers in setting the tone and creating a culture of respect, collaboration and civility within the department, office or mission that they lead, lest they be seen as complicit in tolerating offensive behaviour. If a manager's offensive behaviour causes distress to others, then those in more senior positions who are aware of the conduct need to take management action. This could be in the framework of professional development, performance management or enlisting executive coaching services.

68. In examining the full canvas of behaviour that may cause upset, it should be noted that managers, too, in many instances feel victimized or stifled in dealing with "difficult" or abrasive staff members and interpersonal conflict. It is therefore essential to create an environment in which honest performance feedback can be given and received constructively without being labelled as "harassment".

69. As a complement to managerial action, the Office is available to those who seek its assistance in situations relating to disrespectful behaviour, whether a manager, a staff member or a senior official. The Office is also continuing its efforts to increase the Organization's sensitivity to the need to address improper behaviour and to build skills that better equip staff at all levels to communicate respectfully.

Ongoing efforts and opportunities

70. Ongoing efforts and opportunities in this regard include the following:

(a) The Secretary-General may wish to reiterate the importance of civil and respectful behaviour in the workplace and that he expects senior managers to set the tone and be role models in that regard;

(b) Staff members at all levels should be encouraged to consider informal resolution options, including mediation, in situations involving offensive or abrasive behaviour;

(c) The Secretariat may wish to consider managerial coaching options in some situations in which a manager's conduct is causing distress and expand training that will better equip managers and staff to give and receive constructive feedback.

B. Strengthening investigations: a continuing imperative

71. In several of its past reports, the Office has noted the need the Organization to improve its capacity to investigate complaints of misconduct. This remains a matter of concern, both for those staff members who are the subject of an investigation and for those who submitted a complaint that is being investigated. Given that those issues have been highlighted over the past seven years, they are not described again herein. The Office notes, however, that there may be opportunities to reduce the volume of cases that result in a formal investigation. As noted in paragraphs 64 and 65 above, informal resolution options, such as mediation, could be considered in handling some complaints alleging harassment or abuse of authority.

72. Where informal resolution is not appropriate or feasible, there remains a need for a strong and efficient investigative capacity. This is recognized at the highest level of the Secretariat and the Office continues to take note of the efforts being made by the Organization in that regard.

Ongoing efforts and opportunities

73. Ongoing efforts and opportunities in this regard include the following:

(a) Current efforts by the Secretariat to strengthen investigations and uphold the due process rights of the parties should continue;

(b) In cases of complaints alleging harassment or abuse of authority, more use of informal resolution options, including mediation, should be promoted and encouraged, when appropriate.

C. Staff serving in dangerous regions

74. Staff regulation 1.2 (c) provides that staff members are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities or offices of the United Nations. In exercising that authority the Secretary-General is to seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them. That United Nations staff have increasingly come under attack over the past 10 years has prompted some staff representatives to call for a review of security policies worldwide. In their view, the inclination for the Organization to stay and deliver in the face of escalating violence exposes staff to higher risks than before and raises the question whether staff serving in dangerous regions are adequately protected. Security and safety has also been identified in the context of the Secretariat-wide enterprise risk management exercise as a critical risk.

75. Mandates for peacekeeping and political missions have evolved and no longer presume that there is a peace to keep. United Nations personnel are deployed to areas in which peace agreements exist in name only, where civil strife remains rampant and every day poses a host of dangers and risks. There is additional stress for staff in remote, deep-field duty stations, far removed from even the most basic services and welfare elements. Such conditions can be psychologically or physically challenging.

76. In addition, staff members may not be fully informed of the risks that are involved before going to serve in dangerous regions. Indeed, even if they are aware, they may not have a realistic assessment of their ability to cope.

77. It is a normal assumption that the Organization is responsible for providing support infrastructure and is mindful not to expose its staff to undue risks and dangers. There is an organizational obligation to support the resilience of staff, which in some of today's environments is being seriously tested. Special attention may therefore be called for at the workforce planning stage and during screening for some mission assignments. There is also a need to consider a regimen of institutionalized support and rotation for staff in volatile work environments.

78. On the larger issue of the Organization's role and responsibility towards staff in such precarious environments, the Office welcomes the creation by the High-level Committee on Management of a working group co-chaired by the Under-Secretary-General for Safety and Security and UNHCR with the objective of identifying the scope of the Organization's duty of care towards its personnel.

Ongoing efforts and opportunities

79. Ongoing efforts and opportunities in this regard include the following:

(a) Security and safety having been identified as a critical risk to the Organization, mitigation actions will need to consider the duty of care when deploying United Nations staff in volatile environments;

(b) There may be opportunities to review some human resources and other operational processes, practices and policies to ensure that staff posted to dangerous and/or remote duty stations are adequately prepared and supported to protect their well-being.

D. Communicating effectively with staff

80. In previous reports, the Office has highlighted how the lack of effective communication can frequently be traced as the root of conflict. This remains a pervasive issue, manifested at various levels and in various contexts. At one end of the spectrum, it could be simply a matter of a staff member not understanding his or her salary statement because no one ever took the time to explain it. At the other end, the lack of effective corporate communication on organizational goals and objectives constitutes a risk in that it can contribute to organizational silos, competing priorities and staff disaffection. Between those two end posts are several other types of situation in which communication is crucial.

Communicating with the individual staff member

81. More than half of the cases dealt with by the Office pertain to jobs and careers and evaluative relationships. The latter refers to the relationship between a staff member and his or her supervisor or supervisee. Often, in examining the underlying issues, the lack of open, honest and respectful communication emerges as a contributing factor to, if not the cause of, the conflict. Some of those are related to performance management, where there may have been a lack of ongoing feedback or challenges in giving or receiving constructive feedback. Even in the category of "job and career", which is where the highest percentage of cases fall, many of the

situations contested are related in some way to lapses in communication or could have been mitigated had there been fuller and clearer communication, whether related to processes, such as staff selection or rosters, or to the specific situation of the individual concerned.

82. The Office has also seen many cases in which staff members are frustrated because they are left in the dark for long periods about the status of an administrative request, have not been informed of the reasons for a particular decision or find themselves in a bureaucratic maze. In many such cases, the provision of a simple update to the staff member or an explanation in plain language could perhaps have avoided a sense of unfair treatment.

Communication for organizational change

83. Communication is not to be equated with merely disseminating information: there must be outlets for exchanges and discussions. The Office has previously highlighted the importance of participatory processes in reducing the potential for conflict in connection with mission downsizing and restructuring (see [A/67/172](#), paras. 132-139). Effective communication is particularly crucial when staff members are exposed to rapid changes or crises. It is important that the pressing demands for swift action and decision-making that such situations often impose on managers do not eclipse the need for meaningful communication. The tone, mode of communication and language used in communicating with staff on difficult issues are also important. There has been fruitful collaboration between the Office and the Department of Field Support on this front, resulting in the development of guidance on communication in times of mission downsizing. This remains important, given that many missions are going through transformations that affect many staff.

84. Transformation is also under way on a larger scale in the Secretariat as a whole, with the implementation of multiple initiatives and process systems, such as Umoja, mobility and hot-desking, which will affect staff over the coming years. It will be crucially important in that context to have clear and consistent messaging and communication on the high-level goals of the transformation, as well as its implications for individuals and the workplace.

85. In looking at the quality of the working environment and staff motivation, it is perhaps also relevant to stress the importance of internal communication, relating not only to specific reform initiatives, but also to the overarching goals and direction of the Organization's work and the values underpinning it. Without it, more provincial and competing notions of priorities can easily take root and contribute to organizational silos, which have been identified as a critical risk for the Organization.

Ongoing efforts and opportunities

86. Ongoing efforts and opportunities in this regard include the following:

(a) The Secretariat may wish to consider means to emphasize that it is important for managers to communicate clearly, respectfully and in a timely fashion with staff, for example as an integral part of the training and performance evaluation of managers;

(b) As has been done in several instances, the Secretariat is encouraged to continue to mainstream an internal communication strategy as part of every mission downsizing, structural change or reform initiative;

(c) There also need to be opportunities to reinforce messaging about the overarching goals and values of the United Nations and how all staff members play a part.

VII. Looking ahead

87. The Organization is embarking on several transformational reforms that will better equip it to respond to growing and increasingly complex demands. The introduction of Umoja will fundamentally change administrative processes and enable new and different service delivery models. The new mobility policy will not only entail more structured staff movements, but also have an impact on how staff are selected and jobs classified. In the field, peacekeeping and political missions will continue to operate in volatile environments, with expansions and contractions that conform to new and changing mandates.

88. Such changes and transformations can be both exhilarating and disconcerting. They bring opportunities and worries. Accordingly, it will be essential to have inspired leadership and change management where informal conflict resolution is strongly supported and collaboration across organizational units encouraged.

89. While much progress has been made, continued efforts are needed to promote a culture in the Secretariat where informal resolution and mediation are resorted to more naturally. From both the staff and management sides, knowledge and experience of mediation as a conflict resolution tool remain limited. Habitually, staff members and decision makers and administrative officers tend to follow the path of processes with which they are most familiar from past experience or observations. The Office is advocating that informal resolution processes, including mediation, be incorporated into relevant administrative instructions, guidelines and rules so that they can become part of the management fabric of the Organization.

90. The Office is committed to supporting staff and managers in these times of change. It will continue to promote the value of early action and prevention, together with measures to help to foster conflict competence and harmonious working environments.