



# General Assembly

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## Seventy-seventh session

Item 150 of the preliminary list\*

### Administration of justice at the United Nations

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

### Report of the Secretary-General

#### *Summary*

In its resolution [76/242](#), the General Assembly reaffirmed that the informal resolution of conflict is a crucial element of the system of administration of justice, emphasized that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff to access the formal system, and encouraged recourse to the informal resolution of disputes.

The present report covers the activities of the Office of the United Nations Ombudsman and Mediation Services in the Secretariat for the period from 1 January to 31 December 2021. It provides an overview on the use of informal conflict resolution services in the United Nations Secretariat; outreach and skill-building activities; and systemic observations taking into account the continuing coronavirus disease (COVID-19) pandemic.

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\* [A/77/50](#).



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## I. Introduction

1. The organizational ombudsman function in the Secretariat was created pursuant to General Assembly resolution [55/258](#) to make available the services of an impartial and independent person to address the employment-related concerns of United Nations staff. In acknowledgement of the informal resolution of conflict as the preferred first step in addressing workplace disputes and fostering a harmonious workplace, the Office of the United Nations Ombudsman and Mediation Services was further expanded and decentralized by resolution [62/228](#). In its resolution [76/242](#), the Assembly recognized that the informal system of administration of justice was an efficient and effective option both for staff who sought redress of grievances and for the participation of managers.

2. Today, the Office serves a global workforce from Bangkok; Entebbe, Uganda; Geneva; Goma, Democratic Republic of the Congo; Nairobi; New York; Santiago; and Vienna. It is guided by the core principles of independence, neutrality, confidentiality and informality (see annex).

3. As its twentieth anniversary approaches in October 2022, the Office has become a core feature of good governance, providing staff and managers with a confidential place to find solutions to pressing workplace issues. It also identifies broad systemic issues underlying workplace conflicts and assists employees in developing the knowledge, attitude and skills to handle conflicts constructively (“conflict competence”).

4. The workplace in 2021 was marked by the continuing pandemic and the associated uncertainty and unpredictability, which prompted the need for ongoing flexibility and adaptation. This created a degree of physical and mental fatigue among staff and managers alike, further exacerbated by decisions around the return to work, vaccine mandates, and travel restrictions. In acknowledging the impact of the pandemic on its personnel, the United Nations placed more emphasis on mental health and well-being.

5. The Office continued to provide its services to staff using a hybrid model of virtual and in-person engagement. However, providing equal access to services to all staff, no matter their location and access to technology, presented significant challenges. While virtual ways of communicating with staff worked well for general outreach, they were not optimal for addressing workplace disputes. Consequently, in the past two years the Office undertook a revision and refinement of its processes and procedures to adapt to an ever-evolving situation. The importance of flexibility became a commonly vocalized theme during the reporting period and prompted more agile approaches to the work of the Office.

6. In 2021, the United Nations Ombudsman continued to coordinate the network of ombudsmen and mediators serving organizations that are part of the United Nations System Chief Executives Board for Coordination (CEB). The network provides a forum for members to exchange information and experience; collaborate on issues of common interest; broaden the knowledge base of its members; enhance the professional capacity of the informal resolution functions; and promote standards of practice. Two virtual network meetings were held in 2021, covering subjects such as lessons learned from the coronavirus disease (COVID-19) pandemic; highlighting the importance of mental health; addressing sexual harassment; and increasing the use of the informal resolution of conflicts across the United Nations system. The Secretary of CEB regularly attends the meetings to brief the network on the perspectives of CEB and on issues of priority for the United Nations and the world.

## II. Conflict resolution services

### A. Ombudsman services

7. An organizational ombudsman is an impartial workplace conflict resolution practitioner with a mandate of neutrality, independence and confidentiality and no decision-making authority. The major function of an organizational ombudsman is to provide informal assistance to the Organization's managers and staff members alike in accordance with its principles. The primary duties of this role include working with individuals and groups in the Organization to explore options, to empower them and help them to resolve conflicts, problematic issues or concerns.

8. Since its establishment 20 years ago, the Office has learned many lessons about workplace conflict and workplace culture in the Secretariat. One of the important lessons is that workplace conflict is much larger than its connection with administrative decisions that can be contested. Whereas the formal system focuses primarily on the legal merits of a case, the informal system looks beyond the legalities and considers the underlying issues involved, such as interpersonal relationships and team climate, seeking to encourage all parties to develop durable solutions. The Office's added value is to bring this holistic approach to workplace conflict management.

9. Today, most workplace disputes seen by the Office are addressed by identifying and understanding underlying needs, drawing options, facilitating dialogue and conducting mediation. Parties are often not in search of "justice" in the strictly legal sense; rather, they seek acceptable, viable solutions, agency and self-determined ways forward. A great part of this work involves self-reflection by the parties, building new skills and habits for effective communication, seeking to acknowledge and better understand other perspectives and learning how to work in an environment where divergent views are accepted and respected. These features of an organizational ombudsman's role allow the Office to have a sustainable impact on the workplace.

10. Each session with an ombudsman contains common elements. At the very outset, the ombudsman establishes expectations by explaining the role and function of an ombudsman and what an ombudsman does and does not do. The purpose behind this phase of the interaction is to ground the conversation in a shared view of what is possible and what is not. For example, it is typically important to clarify that an ombudsman does not participate in formal investigations, receive notice for the Organization, make binding decisions, or create or maintain records.

11. After establishing expectations, an ombudsman will listen to the visitor to understand the nature of the visitor's issue or perspective. Listening to understand constitutes one of the primary skills of an ombudsman. Understanding the visitor's perspective, and enquiring more about the visitor's underlying needs and interests, is perhaps the most important feature of the initial consultation.

12. Next, the ombudsman will engage in a method of enquiry that expands the perspective of the visitor. This part of the discussion involves helping the visitor to understand or anticipate the point of view of others involved in the issue. It also helps the visitor reflect on any gaps in the visitor's analysis of the situation.

13. Towards the end of the initial consultation, the ombudsman will help the visitor to brainstorm a variety of options that could potentially address the issue. In the option-generating stage, an ombudsman offers a variety of tools to address the concerns. This may include conflict resolution processes such as conflict coaching, shuttle diplomacy, mediation or other types of facilitated conversations. For each option generated, the ombudsman, together with the visitor, will assess the corresponding advantages, disadvantages and risks.

14. Other consultations following the initial session might involve coaching the visitor to engage in particularly difficult conversations, meetings with other parties to seek their perspectives, or referring the visitor to other resources that could provide appropriate support to the visitor, such as the Office of Staff Legal Assistance, the Staff Counsellor's Office or the Ethics Office.

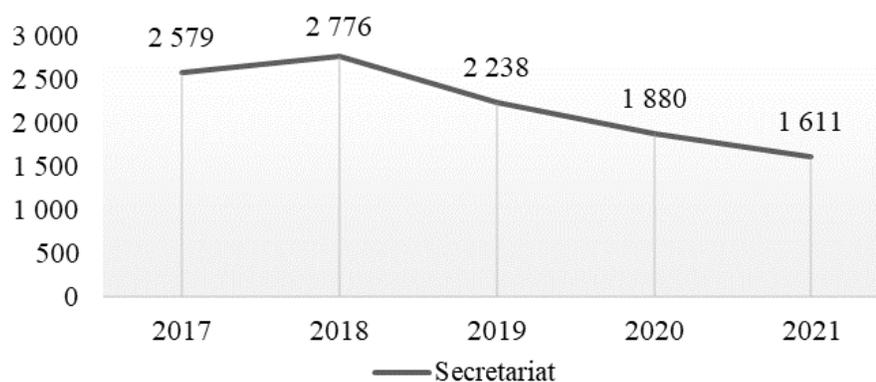
15. In most cases brought to the Office, parties find mutually acceptable solutions with the support of the ombudsman as a neutral third party, thereby preventing further escalation.

### Case volume and trends

16. In 2021, the Office opened a total of 1,611 cases, including mediation cases (see figure I). Often, one case may have entailed several issues involving multiple parties. Each case may vary in complexity and the time required to address it.

Figure I

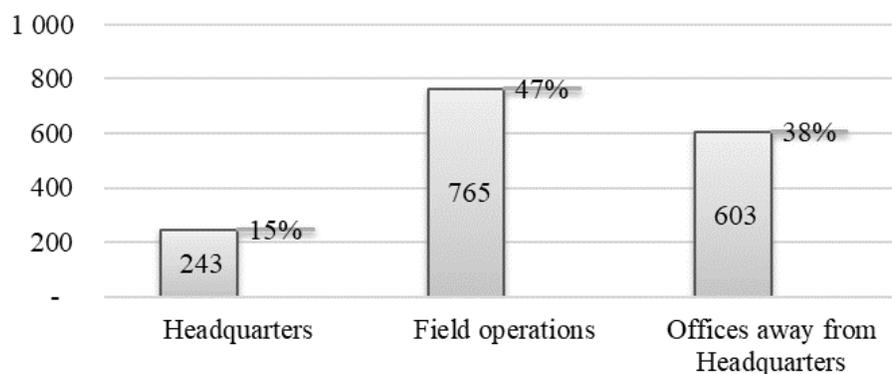
#### Number of cases opened in the Secretariat, 2017–2021



17. In 2021, 15 per cent of cases (243) were reported by staff at Headquarters, 47 per cent (765) in field operations and 38 per cent (603) at offices away from Headquarters (see figure II).

Figure II

#### Distribution of cases by location across the Secretariat, 2021



18. The three categories of issues most frequently reported were: evaluative relationships; job and career; and compensation and benefits. These were also the primary issues in mediation cases and in cases brought by non-staff personnel.

19. Compared with the overall demographics across the Secretariat (see [A/76/570](#) and [A/76/570/Corr.1](#)), more female staff made use of informal conflict resolution services offered by the Office than their male counterparts, both at non-field duty stations and in the field. For example, in field operations where women represent 24 per cent of the total staff population, they account for 30 per cent of cases received by the Office.

## B. Mediation services

20. Mediation is a conversation or negotiation with the help of a trained neutral third party and constitutes an integral part of the Office's work and a key service offering to promote workplace harmony. Mediation includes informal, facilitated conversations.

21. The use of mediation conducted by the Office has been integrated into statutes and procedures at the Tribunals and the Management Evaluation Unit. The Office regularly received referrals from executive offices, human resources offices, managers and other stakeholders.

22. Parties that find themselves at the Tribunals are often well entrenched in their positions and have not taken advantage of informal options. Although there is still an opportunity for mediation of cases that are already in the formal system, these represent a small part of the Office's portfolio.

23. Whether seeking mediation or other informal services, staff members and managers often feel an obligation to resolve issues themselves and thus delay seeking help. This can lead to escalation of conflict, strengthening of positions, diminishing trust, and framing of workplace issues into legal terms. Normalizing early use of mediation can help to improve relationships, increase harmony and prevent the need for litigation.

24. Incentives for mediation include the possibility of early resolution, cost and time efficiency, party control of the process and the opportunity to improve working relationships. To increase the utilization of mediation, the Office held several discussions with stakeholders and began targeted outreach to identify opportunities for piloting early referrals.

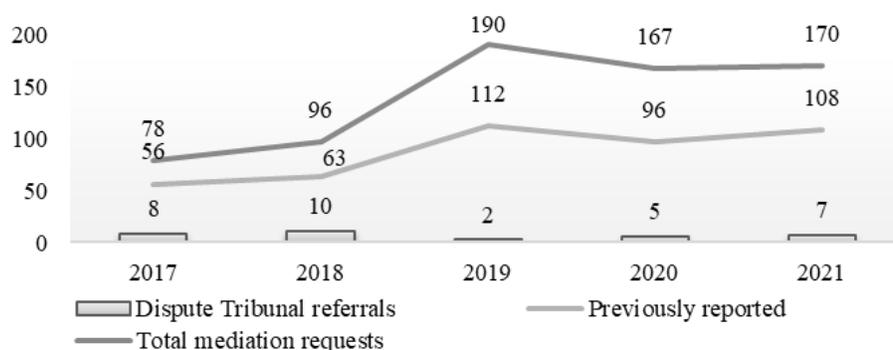
### Case volume and trends

25. The Office reviewed its practice for the accounting of mediation cases to make it more reflective of the scope of work done. This includes formal and informal mediations.

26. In 2021, the Office responded to 170 requests for mediation. Figure III shows the number of mediation cases compared with previous reporting periods and the total number of mediations conducted by the Office.

Figure III

#### Number of mediation cases opened in the Secretariat, 2017–2021



27. Most cases came to mediation directly from staff members and, typically, as a result of the discussion of options with an ombudsman (see para. 13 above). The Management Evaluation Unit referred 13 cases to mediation, and the United Nations Dispute Tribunal referred 7 cases.

### C. Update on services for non-staff personnel

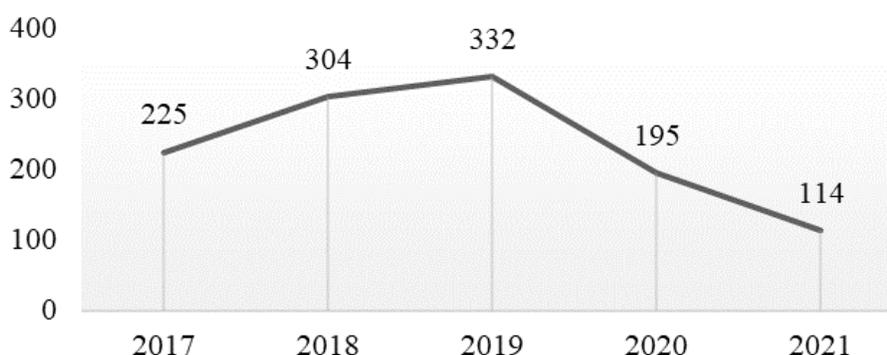
28. In a recommendation in paragraph 40 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/76/499), endorsed by the General Assembly in paragraph 2 of its resolution 76/242, the Secretary-General was requested to provide in his report further information, including on the financial implications, of expanding the mandate of the Office to include non-staff personnel.

29. During the reporting period, the Office handled 114 non-staff cases, compared with 195 in 2020. In the non-staff category, 54 per cent of visitors were male (61) and 46 per cent (53) were female. Of the number of non-staff visitors, 34 per cent (39) were United Nations Volunteers and 29 per cent (33) were contractors.

30. Often, non-staff personnel have significantly less access than other staff to technological means and information, including resources on the intranet, or to administrative offices, such as human resources offices, which could refer cases to the Office.

Figure IV

#### Number of cases opened for non-staff personnel in the Secretariat, 2017–2021



31. As the workplace stabilizes following the disruptions during the pandemic, the Office anticipates that more non-staff personnel will reach out for services. At this stage, however, it is difficult to predict a reliable post-pandemic trend that would allow the Office to carry out any definite forecasting of future usage, along with the possible financial implications of formally including non-staff personnel in the mandate of the Office. It is therefore recommended that the current modality continue.

### D. Access to services

32. In paragraph 4 of its resolution 76/242, 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.

33. In 2021, the Office continued its efforts to provide the full range of informal conflict resolution services to allow better access to informal conflict resolution services for staff in offices away from Headquarters, in particular staff in remote locations.

34. Using the virtual outreach model that it adopted in 2020, the Office conducted various capacity-building and awareness-raising activities online while gradually reverting, whenever feasible, to a pre-pandemic model of intervention on the ground through in-person field visits.

35. Between the various waves of COVID-19, the Office conducted a total of 11 in-person missions to Mali (Timbuktu, Kidal, Tessalit, Gao and Mopti), the Democratic Republic of the Congo (Kalemie, Kinshasa and Goma), the United Republic of Tanzania (Arusha) and Senegal (Dakar). In addition, the Office conducted five fully virtual missions to the United Nations Mission in South Sudan; the secretariat of the Convention on Biological Diversity and the Multilateral Fund, in Montreal; the Office of Counter-Terrorism, in New York; and the United Nations University World Institute for Development Economics Research (UNU-WIDER), in Finland. Two planned in-person missions, one to Afghanistan (Kabul) in September 2021 and another to the Sudan (Khartoum and El Fasher) in November 2021, were cancelled owing to security concerns in those countries.

36. These mission visits were a useful means of bringing the Office's services to staff and managers, in person or virtually. They provided an opportunity to address workplace issues early without further escalation to the formal avenues of justice. The visits were also instrumental in maintaining a relevant presence during this challenging period, especially in the hardship duty stations, where personnel were suffering from stress and isolation due to the lockdown imposed during the pandemic.

#### **Decentralization of services for better access**

37. Geographical proximity is a key factor in incentivizing the use of the informal system. The Office has continuously adapted to the evolving nature of the United Nations workplace. For instance, with the approval of the General Assembly, a position of Conflict Resolution Officer was redeployed to Bamako to provide better access to services to personnel of the United Nations Multidimensional Integrated Stabilization Mission in Mali. This approach has thus far proved successful. Prior to the creation of a subregional branch in Bamako, many staff resorted to the available formal channels, such as the Conduct and Discipline Team, or left issues to fester.

38. The Office's decentralized and integrated approach gives staff members access to a pool of conflict resolution professionals with knowledge of the Organization, local engagement, availability across time zones, and multilingual capacity.

### **III. Outreach and skill-building**

39. Throughout 2021, the Office focused its communication efforts on online solutions promoting informal conflict resolution services as a safe first step in addressing workplace concerns. Core elements of communication included:

(a) Raising awareness on the informal conflict resolution of workplace issues offered through the Office. To that end, the Office conducted town hall meetings with a targeted or global reach, participated in induction programmes and distributed thematic content through broadcasts, publications and global digital platforms;

(b) Fostering conflict competence and prevention of conflict escalation by developing and conducting skill-building activities, including the Dignity through Civility campaign and the dialogues on racism in the United Nations workplace;

(c) Engaging with individual managers and management bodies at the senior levels of the Organization on a regular basis to promote, and advise on, the use of dispute resolution mechanisms, inviting them to set the tone from the top.

## A. Highlights

### **New website and enhanced digital presence**

40. At the end of 2021, UNOMS launched a new multilingual website, [www.un.org/ombudsman](http://www.un.org/ombudsman), which offers a variety of content and a fresh new look. Users find answers to frequently asked questions on what an ombudsman and a mediator are and what they do, as well as pertinent explanations about informal conflict resolution services and special initiatives, including Dignity through Civility and the dialogues on racism in the United Nations workplace. The website also contains conflict resolution materials and tips to help staff members to resolve communication-related issues.

41. The Office also revamped its active bilingual presence on the United Nations intranet (iSeek) and the Knowledge Gateway. Regular updates allow users to stay current on new materials released and events organized for staff members of the Secretariat. The Office authored, co-authored or participated in the production of a total of 70 new digital content pieces, such as articles and announcements for iSeek.

42. In collaboration with the Office of Human Resources, the Office developed a new information video available to newly recruited staff as part of their orientation. The video, available in both English and French, provides key information about the services offered by the Office, as well as examples of situations in which staff may benefit from utilizing the informal system.

### **Global message, local impact**

43. To reach all staff regardless of their duty station, the Office used a variety of local and regional publications. For example, the regional office in Entebbe has been successful with articles published in the newsletter of the Regional Service Centre in Entebbe, including on building a harmonious United Nations workplace one conversation at a time and on addressing racism in the workplace.

44. The Office conducted town hall meetings, briefings and conflict management workshops and participated in staff orientation sessions to provide information about the Office and its services. Awareness-raising and skill-building activities also included information on other aspects of the system of administration of justice to educate staff about the resources and avenues available to them to address workplace conflict. For instance, in a town hall meeting organized for the global staff of the resident coordinator system, the regional team in Nairobi gave a briefing about the availability and benefits of informal approaches to workplace conflict resolution.

45. In addition to the information sessions, the Office offered various conflict competence skill-building workshops to participants from Secretariat offices. These workshops equipped participants with new skills to help prevent or to constructively deal with conflict. For example, participants learned how to give and receive feedback; other topics covered included fostering a harmonious working environment, and boundaries and apologies.

46. The Office also collaborated with the Office of Human Resources and provided input for the United to Respect dialogues, a training module developed to socialize and explain the administrative issuance on addressing discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2019/8). In the training module, the Office features prominently as an informal resource for United Nations personnel experiencing or observing prohibited conduct referenced in the policy. An entire segment of the module is dedicated to the Office and its skill-building work. Through an intense, global training-of-trainers programme that was launched in 2020,

the Office of Human Resources enabled nearly 200 certified trainers to deliver the training to United Nations personnel in all the Secretariat duty stations.

#### **Engagement with heads of entity and senior managers**

47. Recognizing that leaders set the tone in their offices and teams, the Office had over 100 conversations with heads of entity and other senior managers to offer support and to help foster a more harmonious workplace in the light of the difficult circumstances created by the pandemic. These conversations provided managers with a forum for sharing the specific challenges they faced and discussing best practice approaches to handling them. At the same time, they provided the opportunity for the Office to better understand the perspectives of managers and to promote the early use of informal conflict resolution services.

### **B. Promoting dignity for all**

48. Since 2019, the Office has been actively engaged in promoting dignity in the workplace. Dignity is a fundamental principle of the United Nations as encapsulated in the Preamble to the Charter, which reaffirms “faith in ... the dignity and worth of the human person”. If staff consistently embrace attitudes of dignity and respect towards one another, the Organization can effectively leverage its internal diversity, which is critical to its success. When dignity is implemented in the workplace, it can become a vibrant, healthy and rewarding place to work.

#### **Dignity through civility**

49. The Dignity through Civility campaign is aimed at increasing awareness, engaging staff in dialogue and promoting action to improve workplace behaviour and create a harmonious environment where all can thrive in dignity and mutual respect. The initiative consists of two components: workshops on civility, communication and community; and civility cafés.

50. Open to all personnel regardless of contract type, the workshops on civility, communication and community are aimed at bolstering a positive dynamic in workplace interactions through awareness-raising and a concrete set of tools to operationalize the concepts of dignity and civility in the workplace. Complementing the workshops, the Office continued to host civility cafés for various teams and offices. The cafés enabled participants to exchange views about civility and generate real ideas for actions to implement civility in their respective workplaces.

51. Participants described these unique sessions as awareness-raising, inspiring and thought-provoking and highlighted their value as a “team-building opportunity”. They acknowledged the importance of respect, civility and dignity in the workplace at every level regardless of seniority as a vital contributor to building a healthy working environment.

#### **Dialogues on racism in the United Nations workplace**

52. In paragraph 14 of its resolution [76/242](#), the General Assembly noted the efforts of the Secretary-General to promote knowledge and awareness of and action on racism within the Organization and reiterated its request to the Secretary-General to include information on racism and cases involving racial discrimination in the context of his next report on the activities of the Office.

53. United Nations personnel who wish to discuss issues of real or perceived discrimination of all kinds can approach the Office under the provisions set forth in Secretary General’s bulletin [ST/SGB/2019/8](#), which addresses instances of possible

discrimination, including racial discrimination. The Office's role is to help visitors explore possible options, including how to report and seek formal recourse. The Office does not replace the formal reporting channels, as it was not meant to be an office of record.

54. Workplace disputes typically have multiple issues and dimensions. Racial discrimination may manifest itself in different, often subtle ways, from microaggressions to overt racism. It may not necessarily be the primary concern brought to the Office or may not be recognized by staff as such. Often, several elements intersect, for instance gender and racial discrimination, perceived age discrimination and ableism, as well as other forms of discrimination. All of these may arise in connection with other issues such as recruitment, performance and interpersonal relationships, which the Office helps visitors to navigate. Given these nuances, the intersectionality, and the informal mandate of the Office (i.e. it does not "establish" specific cases of discrimination as a formal investigation process would do), all cases that contain elements of perceived discrimination are grouped by the Office under the broader heading of discrimination. Hence, while the Office can make broad observations about racial discrimination as experienced by visitors, it does not have specific data about cases of racism.

55. As part of the Secretary-General's United against Racism campaign, the Office organized two very well-attended global conversations with experts. The conversation on the topic "What is racism?" was viewed live by over 2,000 staff members who sent more than 190 questions and comments, and some 7,000 United Nations personnel from all over the world watched the conversation on implicit bias and microaggressions. Each of these conversations presented valuable information about manifestations of racism in global organizations in general and in the United Nations in particular. By sharing their perspectives and experiences, panellists encouraged others to start conversations, making it very clear that discrimination cannot be eradicated until everyone can get comfortable speaking about the uncomfortable.

56. In addition to these global events, the Office convened 38 dialogues on racism in the United Nations workplace for offices in all duty stations. Over 1,500 participants joined these dialogues, which provided them with a space to share their perspectives on racism within the United Nations workplace and to listen to each other. Through guiding questions and facilitation, participants were invited to acknowledge various forms of racism, deepen their understanding of the issues, and identify different ways in which everyone is affected by racism. Feedback collected from the dialogues informed the strategic action plan drafted by the Secretary-General's Task Force on Addressing Racism and Promoting Dignity for All in the United Nations Secretariat.

57. Staff who participated in the dialogues on racism expressed a wide range of perspectives. Some staff perceive racial biases in recruitment practices and disparities in the ways in which regions, languages and cultures are valued; others have experienced less attention being paid to their ideas and mistakes being attributed to their cultural background. There were also staff who shared that they had not observed or experienced racism in the United Nations workplace and were unaware of its impact.

### **C. Multilingualism**

58. In paragraph 9 of its resolution [76/242](#), the General Assembly commended the Secretary-General for ensuring the availability of outreach documents in all six official languages and requested the Secretary-General to continue to take measures to implement multilingualism within the system of administration of justice and to

report on his efforts to continue to promote multilingualism in the system of administration of justice in the context of his next reports.

59. The Office delivers informal conflict resolution services in all six official languages. Visitors can always request to speak with a conflict resolution professional in the official language of their choice.

60. In 2021, the Office placed great emphasis in providing information on informal conflict resolution in the six official languages through the launch of its new website and other publications, whenever possible.

#### **D. Lessons learned**

61. In the second year of the pandemic, agility became a prerequisite for serving United Nations personnel successfully. Visits, information or skill-building sessions had to be adapted to be readily available for both in-person and virtual delivery, with the same level of quality and enough agility to move from one setting to the other, given the ever-changing working environment.

62. Another observation during the reporting period was the importance of engagement on the part of management to ensure attendance of staff at important but non-mandatory activities. When managers showed greater interest in and support for “soft” skill-building activities, there were higher levels of participation.

63. While virtual platforms and activities enabled the Office to continue to deliver its services, in-person interactions are irreplaceable. Technical difficulties, including bandwidth, network and connectivity issues, impeded access for many staff. Moreover, most staff prefer in-person engagement, as it helps to build rapport and foster trust and credibility in ways that virtual engagement cannot.

### **IV. Systemic observations**

#### **A. Background**

64. While workplace conflict is normal and can even present an opportunity if handled well, unaddressed and prolonged conflicts hamper the efficiency and effectiveness of the Organization. Manifestations of unproductive workplace conflict are stress, demotivation or lack of commitment, anxiety, loss of self-confidence, depression and unproductive working relationships. Conflict may also result in formal processes and complaints, including investigatory and disciplinary processes. It is therefore critical to understand factors that contribute to conflict so that they can be addressed and organizational improvements can be achieved in the long term.

65. In this regard, the Office’s unique insights (systemic observations) provide valuable information about trends and patterns in the workplace. The Office channels these insights to stakeholders at all levels to inform organizational learning and development with a focus on conflict prevention and mitigation. This feedback loop takes place on an ongoing basis and has borne fruit in many areas. Examples are collaboration in the context of the United Nations System Mental Health and Well-being Strategy, Enabling Environment Guidelines for the United Nations System, the United Nations Values and Behaviours Framework and, more recently, the Secretary-General’s strategic action plan for addressing racism and promoting dignity for all. Another example of a preventive systemic action is the Office’s collaboration with the Office of the Envoy of the Secretary-General on Youth to raise awareness among young people engaging with the United Nations about expected behaviours and avenues for the informal resolution of disputes.

66. Systematic collaboration with organizational development teams and learning providers in the human resources sphere is a special focus for the Office, as it provides ongoing opportunities to highlight areas for skill-building for managers and staff. Conflict is often a result of ineffective communication skills, and the Office continued to emphasize the skills needed for having ongoing, constructive conversations, especially in the context of performance management. Systemic issues were also highlighted early on to new senior leaders, who are often unfamiliar with the United Nations workplace culture. In collaboration with the Office of Human Resources, the Ombudsman gives a personal briefing to incoming heads of office as part of their induction programme. It has also been a useful practice for the Ombudsman and other representatives of the Office to participate in an ex officio capacity in senior management bodies, working groups and other organizational groups, allowing the Office to stay informed on management and staff issues and share systemic observations in a time-sensitive manner.

67. The Office acknowledges the positive collaboration with stakeholders at all levels on systemic issues and intends to strengthen this area of work.

## **B. Observations**

68. Observations made in 2021 indicate that the Organization continued to face challenges and opportunities in three major categories: job and career; evaluative relationships; and compensation and benefits. While some of these issues were old issues that persisted, others were exacerbated, and some were manifesting differently owing to the continued impact of the pandemic.

69. Many of the issues are not unique to the United Nations workplace and can be seen in the larger context of frequent challenges that public administrations face, such as challenges in the area of performance management, recruitment, incentives and reward systems, and diversity and inclusion. From a conflict resolution perspective, there is an additional layer of paradoxes that contributes to tensions in the workplace. These can be polarities such as competition/cooperation, optimism/realism, emotions/logic and community/autonomy. For instance, there is often a desire for simplicity and consistency, while at the same time the nature of the work requires flexibility and agility as well as tailored solutions that may differ from case to case. An example is the finite nature of field operations, and the staff need for job security; the desire for the consistent application of flexible work arrangements, while staff may find themselves in different situations that would require customized approaches by the manager. When staff and managers are faced with such paradoxical dilemmas, they often turn to the Office, which helps to navigate the specific situations effectively and find productive ways of dealing with the ambiguities and polarities by seeking flexible and creative solutions.

### **The workplace during the second year of the COVID-19 pandemic**

#### *Mental health and well-being*

70. The continued adverse impact of the lingering pandemic on the mental health and well-being of United Nations staff worldwide was noticeable in many conflict situations that were brought to the attention of the Office. The second year of the pandemic illustrated the destructive effects of prolonged exposure to health risks, safety concerns, loss and grief combined with general uncertainty about the future. The Office observed that this continual exposure to stressors weakened the resilience of staff and had a significant impact on their mental health and well-being, leading to longer periods of sick leave, difficult conversations with managers and peers, and lower productivity levels in some areas.

71. The lower levels of resilience seemed to make staff more vulnerable to potential conflictual situations at work. This was observed both with individuals and within teams and was observed to negatively affect team cohesion, as well as relationships with supervisors, peers and supervisees. Combined with poor online communications and management practices, conflicts appeared to escalate more quickly.

*Access to staff counselling services*

72. The Office referred visitors to staff counselling services to receive psychosocial support more often than before the pandemic. Several visitors noted that there were insufficient resources for immediate counselling services, especially outside headquarters duty stations. Often, staff expressed fear of exposure to the virus in the workplace affecting their readiness to return to the physical workspace, especially where staff did not have access to individual offices. Some of these situations were especially challenging for staff serving in high-risk and hardship duty stations. Staff counselling services appeared to be planned for and budgeted differently from entity to entity, creating disparity in access and support.

*Administrative and occupational health communication*

73. Staff and managers contacting the Office appeared to have varying levels of awareness and understanding of guidance and instructions related to COVID-19, including vaccination requirements, despite the significant efforts undertaken by the Administration to continue responding to and communicating with staff in an ever-evolving situation. Communication was not always easily accessible or understood or was overwhelming at times. Often, communication appeared to be overly transactional, causing frustration at a time when empathy and care were most needed.

*Return to work and flexible work arrangements*

74. One recurring theme of conflict was the need to find flexible work solutions and work modalities on a case-by-case basis. Many visitors unsuccessfully engaged in conversations with their supervisors to discuss options that would accommodate their unique needs during this period. According to many staff who reached out to the Office for help, there seemed to be a lack of willingness on the part of managers to use their discretionary authority to grant flexible work arrangements, whether for self-care, family or other obligations. Managers referred staff to the medical service to receive approval for workplace accommodation, when the issue was outside the medical realm and could have been addressed through other instruments such as the policy on flexible work arrangements. Staff also reported what they perceived to be an inconsistent and unfair application of administrative guidelines.

75. Line managers, in turn, found themselves having to handle complex administrative and personnel questions while also managing an already difficult and emotionally challenging situation. They were often incapable of, and sometimes not open to, finding practical solutions, causing frustrations among staff. Meanwhile, the Office observed that managers who contacted it were themselves being negatively affected by the pandemic and experiencing burnout while having to carry the emotional burden of their staff.

76. In many such instances, the Office provided conflict coaching services to staff and managers or was able to find mutually acceptable solutions through shuttle diplomacy and informal mediation between the parties.

*Summary*

77. It would be important for the Organization to continue to implement the Mental Health and Well-being Strategy and make staff counselling services easily available.

Line managers should be encouraged to make use of the available online training and resources. This may include recognizing symptoms of burnout early to prevent longer periods of sick leave and to have informed conversations with staff who may be experiencing mental health issues that would require accommodations in the workplace. In periods of uncertainty, increased stress levels and exposure to health risks, reasonable discretion, where possible, managerial flexibility and empathy, as well as effective communication, can make a significant difference in workplace health and productivity.

### **Accountable, people-centred leadership and management**

#### *Managerial capability and skill sets*

78. The pandemic created an opportunity for those managers with an agile mindset, good people management skills and sound knowledge of the Organization's regulations, rules and resources to shine.

79. The Office observed that teams working with caring, agile and flexible managers continued to perform very well during the pandemic, even capitalizing on new opportunities for the benefit of the Organization. Such mindsets and skill sets, including emotional and relational intelligence, are prerequisites for successful leadership, especially in times of crisis, facilitating productivity and performance.

80. The COVID-19 pandemic compounded the challenges for others without those skills. Staff in supervisory roles with rigid management styles and less people-focused management skills often contributed to a dysfunctional team environment, affecting team productivity and causing extended sick leave periods, absenteeism and inner resignation of staff. Rigid, non-transparent and non-caring management behaviour often led to complaints.

#### *Accountability for all*

81. Staff frequently reported that "bad" management was often left unaddressed and that teams suffered for prolonged periods while having to resort to formal processes, such as investigations. Formal processes tended to take longer, during which time affected staff continued to be exposed to what they experienced as a toxic environment. Such exposure to an unhealthy work environment had an impact on productivity in the teams and led to prolonged absences and loss of trust in the system. It would be important to consider what measures could be made immediately available to provide affected staff with the necessary relief while also respecting the rights of the alleged subject.

82. At the same time, managers who visited the Office reported frustration with the lack of tools and organizational support in cases where they were seeking to manage performance or abrasive behaviours. Accountability goes both ways, but managers often found it easier and less cumbersome to avoid dealing with underperformance or inappropriate behaviours of staff rather than having to engage in lengthy, formal procedures.

83. Women, especially those appointed to senior positions, reported that they seemed to be measured by different standards compared with their male counterparts. Several women leaders contacted the Office about the harassment they experienced, ranging from microaggressions to overt aggression (see also [A/75/160](#), paras. 67–71).

#### *Summary*

84. The pandemic has shown once again that effective people management skills are essential to a well-functioning Organization, especially in times of unexpected changes. The "right" people need to be recruited and promoted to supervisory,

management and leadership roles. They also need to be supported through induction, continuous upskilling, coaching and managerial toolsets that enable effective management, including in situations of underperformance. In periods of uncertainty and organizational change, managers with an open and agile mindset and a human-centred approach deliver best for the Organization, employees and people without compounding liability for the Organization. Recent organizational initiatives such as the United Nations Values and Behaviours Framework encourage such managerial capabilities. The Organization has an opportunity to move forward with building a managerial culture that values emotional and relational intelligence and uses a coaching approach for development and performance.

### **Socialization and adoption of new organizational initiatives, policies and frameworks**

85. Many workplace issues can be traced to systemic issues such as gaps, inconsistencies or lack of alignment in the Organization's policies, procedures, processes, practices, systems or structures. They may be rooted in the organizational culture or be the result of leadership and management practice.

86. Over the past years, the Organization launched several change initiatives, including on gender parity, mental health, flexible work arrangements, performance management, values and behaviours and, more recently, addressing racism and promoting dignity for all. These are commendable efforts by the Organization and position it well for the future. At the same time, staff often reported that they were unaware of such initiatives or did not see their managers and colleagues model the expected behaviours. Another issue that managers and staff noted was the perceived lack of complementarity of initiatives and the burden of change that went with the implementation of multiple initiatives at the same time.

87. For instance, staff in field operations reported that flexible work arrangements had not been made available to them to the same extent as in other entities. Concerns were raised about supervisors having rigid attendance rules and a "one size fits all" approach with no or little consideration for the unique circumstances of an individual for defined periods of time. Presence seemed to matter over substance and outcome. Managers, on the other hand, reported difficulties in managing teams in different time zones and on different schedules, with differing individual requirements.

88. While the Enabling Environment Guidelines were put in place under the strategy on gender parity, female staff, in particular, felt that their implementation was lagging or was often left to women. For instance, female visitors noted that field operations lacked an enabling environment and management culture that would allow them to attract and retain women. Even when the regulatory framework might allow for flexibility, it was often not applied by managers and a patriarchal workplace culture persisted.

89. Another area that traditionally causes tension is performance management. Much work had to be done to roll out the new policy being implemented and to educate staff on its application.

### *Summary*

90. Policies are only as effective as their implementation; otherwise, they risk being perceived as hypocritical, leading to a loss of trust in leadership and the Organization. In a large and complex institution like the Secretariat, policy implementation is neither linear nor quick and may be especially challenging when many organizational changes are layered and occur at the same time. Staff, managers and entities may have limited capacity and time and resource constraints and may also be experiencing "change fatigue". In addition, there may be resistance to new initiatives whose

relevance or benefits are not immediately apparent. Therefore, it would be important to consider the policy implementation process at the outset to ensure that sufficient resources and sustained effort are put into the socialization of initiatives so that they trickle down to all in the Organization. Adequate support, along with strategies for roll-out, monitoring and staff engagement, is needed for managers and staff to embrace the policies and adopt the expected behaviours.

### **Effective dialogue**

91. Many of the above-cited observations carry an element of “missed conversations” or “conversations gone bad”. Ineffective communication is at the core of many conflicts, which may range from a low-level difference in opinion to serious incidents of harassment. There are a number of contributing factors that make communication even more difficult: the already reduced level of resilience of staff and managers due to the pandemic, the environment of constant change, a sense of uncertainty and insecurity. All these translated to poor behaviour, decreased levels of civility, and polarized communications. Otherwise manageable conflicts easily spiralled out of proportion.

92. Another contributing factor to communications “gone wrong” has been the lack of social interaction in the virtual workplace. Throughout the pandemic and with less opportunity to interact in person socially, digital communication methods easily became a breeding ground for not only incivility but also harassing behaviours. Inappropriate, abrasive and demeaning messages were on the rise in email communications, and the brevity of text messaging lent itself to misunderstandings and thoughtless communications. Overall, staff reported a decline in respectful treatment and courtesy while working virtually.

93. Managers rarely seemed to intervene immediately to hold their staff to account, and bystanders often remained passive and silent. Such a lack of response and silence often validates bad behaviours. In addition, the Office observed a lack of skills in speaking up effectively that made well-intended interventions worsen the situation.

### *Summary*

94. The willingness and ability to engage in constructive conversations and in informal resolution is a key driver for a harmonious workplace. The Office supports staff and managers in building such skills in individual coaching sessions and through its two initiatives, the Dignity through Civility initiative and dialogues about racism in the workplace.

## **V. Looking ahead**

95. As the Office celebrates its twentieth anniversary in 2022, it looks back to benefit from the experience gained over the past 20 years to envision and plan the way forward.

96. In the same way that the United Nations continues to evolve and adapt to new challenges, the field of workplace conflict resolution has also been evolving, requiring practitioners to adapt. The Office has been following the developments in the practice and has found ways to adapt its services to deal with emerging issues in the modern workplace. There is higher demand for facilitating difficult conversations, conflict coaching and other services that are focused on prevention and building skills for robust conversations and disagreements in the workplace. At the forefront of workplace conversations are issues around workplace culture, diversity and inclusion,

and mental health and well-being, as well as new ways of working and the future of work. Today, the Office is well equipped to meet these workplace demands.

97. Looking forward, the Office plans to place emphasis in the years ahead on the areas below.

#### **Access to services**

98. As staff gradually return to offices and the post-pandemic situation normalizes, the Office will fully resume its outreach and mission programme to ensure a greater in-person presence of the Office and access for staff to the informal system regardless of their duty station, as stressed by the General Assembly in paragraph 4 of its resolution [76/242](#). The Office also seeks to provide services to non-staff under the current modality and within existing resources.

#### **Informal first, with a focus on prevention**

99. The Office intends to continue its own efforts to promote the “informal first” approach and welcomes the active collaboration of all relevant stakeholders to refer cases for informal resolution at the early stages of conflict. In this regard, the Office will intensify its outreach efforts on the mediation services that it offers and the benefits to both staff and managers of using mediation to address workplace issues. At the same time, the Office will seek to expand the skill sets of its conflict resolution professionals to embed conflict coaching skills more firmly into its practice.

#### **Fostering a culture of dialogue and connection**

100. Based on its systemic observations, the Office will continue to perform its role as a neutral convener of dialogues for individual staff members and groups of staff to increase their understanding of different perspectives, improve communication and create a sense of inclusion. In addition, the Office will use its neutral convener role to bring together key stakeholders for dialogue on intersectional issues within the Organization.

#### **Advancing the network of ombudsmen and mediators**

101. In 2019, as mentioned in paragraph 6 above, the United Nations Ombudsman formed the network of ombudsmen and mediators serving organizations that are part of CEB as a community of practitioners who could meet to exchange on system-wide trends and coordinate best practices in the area of workplace conflict resolution. Since then, the network has successfully advanced conversations around issues of common interest for its members. The network has been particularly helpful to ombudsmen and mediators of United Nations organizations who only recently established this function, are in the process of developing the terms of references or are seeking harmonization. As the Chair of the network, the Ombudsman plans to strengthen collaboration among its members to enhance the work of identifying and analysing the systemic issues in the broader United Nations workplace and to leverage and amplify the voice of the conflict resolution community across the United Nations system.

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## Annex

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

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

#### **Independence**

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

#### **Neutrality**

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

#### **Confidentiality**

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

#### **Informality**

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

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