

2022

YEAR IN REVIEW

OFFICE OF THE
OMBUDSMAN AND
MEDIATOR



Table of Contents

Acknowledgments	2
Message from the Ombudsman	3
Resolve at an Early Stage	4
Outreach and conflict competence-building activities	6
Conflict competence training	7
Awareness-raising activities	7
Community mobilization	7
Empowerment through conflict coaching	7
De-escalate: the Secret Tool of Informality	8
Mediation: Fostering a Culture of Dialogue	9
Identify: Systemic Issues for Improvement	10
I. Harmonizing downsizing processes and communication strategy	11
II. Performance management and appraisal competencies and compliance	11
III. Adaptation to organizational changes and transformation	11
Looking Ahead	12

Acknowledgments

On behalf of the Ombudsman and Mediator and the team, we thank the High Commissioner, the Senior Executive Team, the Regional Bureau Directors and their management teams, the leadership and personnel of the 12 operations we visited in 2022, the Global Staff Council, Staff Associations, the Peer Advisors Network, the visitors who approached us and the stakeholders with whom we engaged with in the process of helping colleagues and the Organization in preventing, reducing and resolving workplace-related concerns.

We extend our deepest condolences to our colleagues, current and former, as well as to their bereaved families, who have passed away during the past year.

We would also like to thank the participants and speakers who joined the first series of seminars on *Mediation and Transformation @ UNHCR* in November 2022.

It is uplifting to note that, despite the significant challenges that the Organization and its members have and are facing, their commitment and motivation remains quite high in carrying out the mandate of the Organization in assisting the people we serve.

Message from the Ombudsman

2022 brought the Office of the Ombudsman and Mediator (hereinafter “the Office”) new changes and exciting opportunities, including the resumption of in-person meetings after Covid-19, the arrival of the new Ombudsman and Mediator, and the establishment of our first regional presence in Nairobi, Kenya.

The Office strives to support the Organization to become a conflict-competent community whereby conflict is reduced, de-escalated and proactively resolved. This can be achieved by increasing the skills and raising the awareness of the community on conflict management, ensuring the policies and systems of the Organization promote a harmonious workplace and that the community is actively engaged in informal dispute resolution processes.

In 2022, more than 3,500 UNHCR personnel received conflict competence training through over 40 ombuds initiatives and activities. Additionally, the Office received 587 cases involving 791 visitors¹, which represents an increase of 11 per cent compared to 2021.

This increase is linked to several factors, including an increase in the visibility and leadership of the Office in informal conflict resolution, the context of downsizing that the Organization is facing and the active collaboration with key stakeholders, including Legal Affairs Services, the Division of Human Resources, Global Staff Council, Staff Associations, Ethics Office, Inspector General’s Office, the Peer Advisors Network, the Directors of Regional Bureaux, the leadership of the Organization, staff members and colleagues.

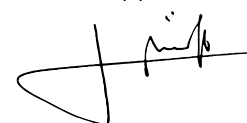
While the motivation of the UNHCR personnel in carrying out the mandate of the Organization remains high, it should be noted that the Office has observed that abrasive relationships (micro and macro-aggressions) accounts for 62% of all cases. Critically, within this subset, women account for a disproportionate share of visitors raising this concern (70%).

In this review, the Office shares its observations and main findings regarding the work of the Office and the state of conflict competency in the UNHCR community.

“ *If you want to go fast, go alone.
If you want to go far, go together.* ”

West African Proverb

With appreciation,



¹ In reference to casework, the term “visitor” is used and refers to any applicable individual or entity that contacts the Office for assistance. The persons who bring issues to the Office are not ‘clients’ because the Office is neutral and impartial, and the term “colleague” would not be appropriate as the Ombuds services are available to retirees and former colleagues as well.

Resolve at an Early Stage

“ *Mieux vaut prévenir que guérir* ”
 “ *Prevention is better than cure* ”

Philippe Geluck

If workplace conflicts are not effectively identified and addressed as early as possible, its detrimental impact is felt not only by individuals, teams and communities, but by the entire Organization as well. Conversely, when workplace-related disagreements are prevented from escalating in the first place - with early intervention, skill-building, identification and addressing the root causes - conflicts can, instead, foster productivity and help build healthier communities that are better positioned to protect the people we serve.

Significantly, there was a 40 per cent increase in the utilization of our services through case management in the three Sub-Sahara African Regions during the same reporting period, following the opening of our Nairobi branch in July 2022.

89 per cent of the cases originated from offices outside headquarters. 62 per cent of cases opened by the Office in 2022 came from female colleagues. Female colleagues may be particularly vulnerable to abrasive communication and interactions in teams. Of the 62% of cases in which abrasive behaviors were noticed, 70% of visitors were female.

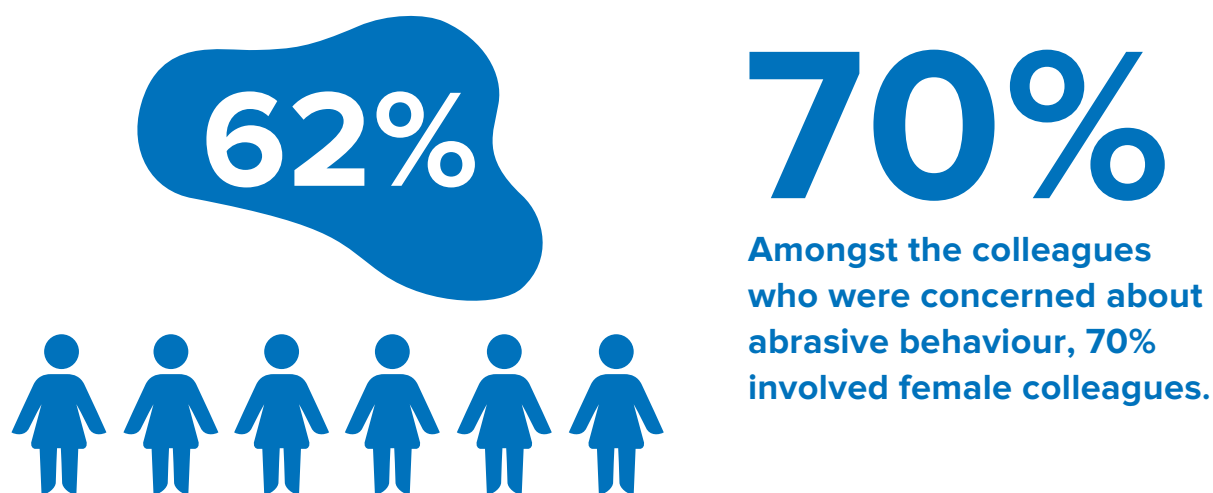


Figure 1: Percentage of cases brought by female colleagues and main concern, 2022

The utilization rate of ombudsing services four per cent of the UNHCR workforce, average rate of 2.5 per cent.² The team also set a record of facilitated mediations in workplace disputes, with 136 mediations conducted in 2022.

In 2022, the Office, together with the Organization, innovated the first series of seminars on *Transformation and Mediation @ UNHCR*. 825 colleagues within and outside UNHCR registered, and more than 570 participants attended the four sessions on *Mediation and Transformation @ UNHCR* through four different lenses.

² "An organization operating under normal circumstances can expect to have, on average, one to five per cent of its staff seeking ombudsman services annually" (JIU/REP/2015/6 para. 42)

Case intake per year

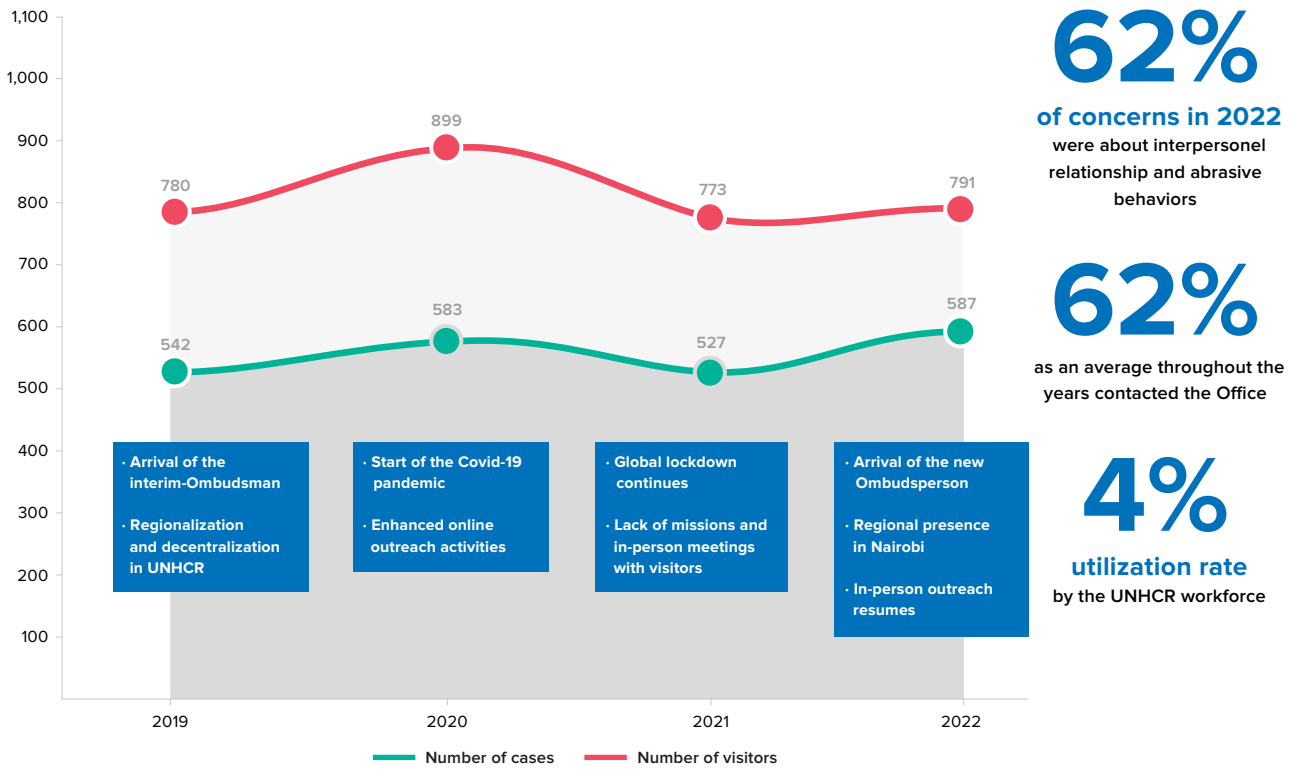
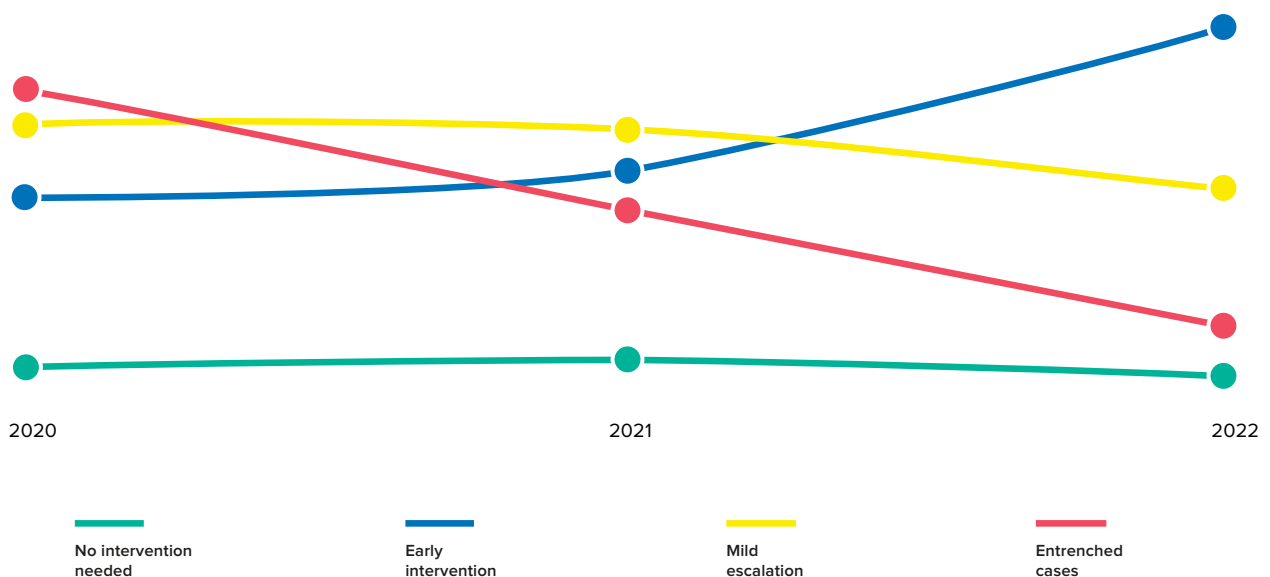


Figure 2: Timeline of cases number and main observations, 2022

There is great value in developing early intervention approaches to address workplace-related issues and to reduce the “sweeping things under the rug” syndrome found in many cases and situations. As illustrated by the figure below, the Office has effectively prevented conflicts from escalating in 2022 by increasing its outreach and competency-building activities, empowering visitors and managers through conflict coaching, and promoting a collaborative workplace. These efforts have led to the resolution of over 85 per cent of cases received by the Office.

Figure 3: Impact of timely intervention on case gravity and escalation. This graph shows an increase of early intervention cases correlates with a decrease in entrenched cases, 2022



Outreach and conflict competence activities

The Office conducted 12 in-person missions in 2022 with the aim of mediating cases,³ raising the awareness of the Office, increasing interest in building collaborative workplaces, and further developing conflict management skills. These actions aim to empower the UNHCR community to prevent workplace conflicts from escalating and becoming entrenched.

The Office received disproportionately more visitors from MENA, Europe and HQ locations compared to the total workforce. This trend may be due to the proximity of the Office to these regions, allowing for easy access by visitors and for the Office to conduct in-person missions. We expect an increase in cases from the three regions in Africa with the establishment of the Nairobi office.

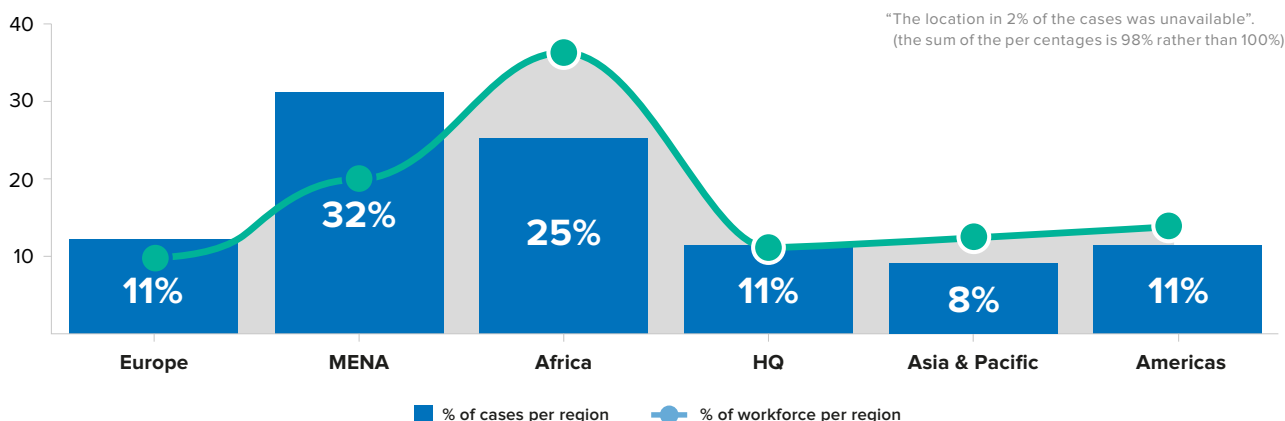


Figure 4: Comparison between the percentage of cases and the percentage of workforce, 2022

To ensure fit-for-purpose of in-person missions, the intervention usually follows the below approach and processes:

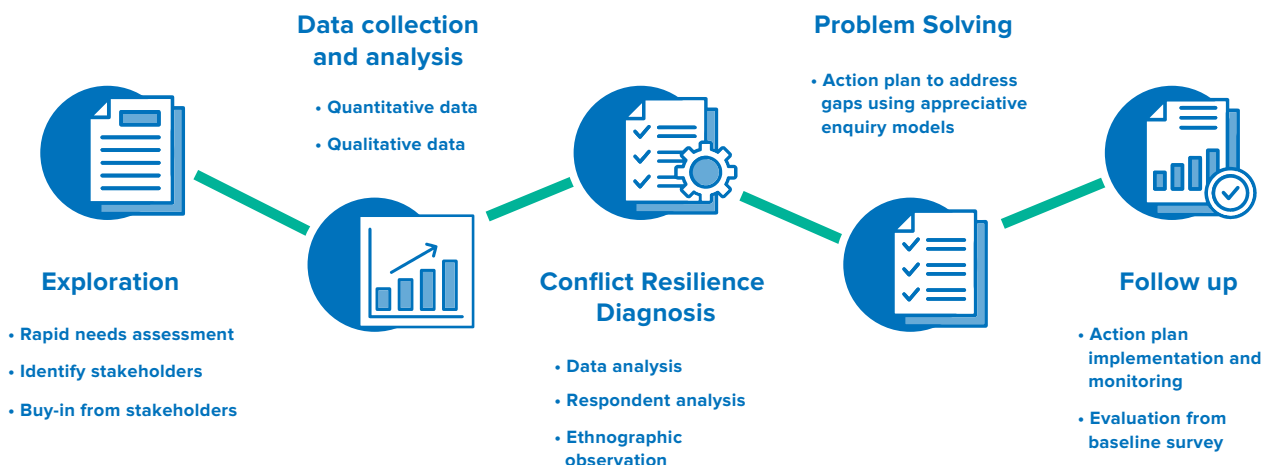


Figure 5: Team/community intervention process while conducting missions

Wherever the process has been implemented, we found that despite issues around interpersonal communication, psychological safety, and conflict escalation, the motivation of UNHCR personnel remains very high (above 70 per cent). This is a significant factor that organizational and community leaders can recognize and build on.

³ In 2022, the Office conducted in-person missions to the following regions: MENA (4), Southern Africa (2) and once for the Americas, HQ Locations, Europe, Asia & Pacific, West & Central Africa and East & Horn of Africa

Conflict competence training

More than 3,500 UNHCR personnel received conflict competence training through over 40 ombuds initiatives and activities in 2022. The specific skills shared were related to managing conflicts informally, facilitating difficult conversations, managing emotions in conflicts, negotiation, conflict transformation, understanding neurobiology in conflict management, and giving and receiving feedback. In November 2022, the Office organized a *Transformation & Mediation @ UNHCR* that broadened the audience's understanding of mediation and the work of the Office.

Based on the finding that managers were parties in 40 per cent of cases brought to us, and that in up to 60 per cent of the cases they could be stakeholders or effective third parties, efforts to empower managers by reinforcing their conflict competence will be beneficial for effective resolutions of workplace grievances.

Awareness-raising activities

Almost 7,900 UNHCR personnel received information from the Office on topics such as the functions of the Office, where to go for help when facing workplace concerns, and to inform personnel about the UN Administration of Justice system.

Community mobilization

In 2022, the Office collaborated with Ethics Office and Psychosocial Wellbeing Section to develop the Peer Advisors Network e-learning module on Understanding Conflict. Peer advisors continue to serve as a point of first aid and guide colleagues in conflictual situations on where to go for help so that conflicts can be resolved at an early stage.

Empowerment through conflict-coaching

With the recognition that conflict resolution should be an integral part of community competence, the Office strives to build skills within the Organisation whereby individuals are active third parties and embark in collaborative approaches for resolution of workplace concerns. In this regard, conflict-coaching, skill-building interventions and awareness-raising activities have been multiplied. The impact of our interventions is reflected in Figure 3 which shows a significant increase in early intervention-related cases.

In 2022 the Office, in collaboration with the Europe Bureau, launched a program to identify needs and empower new Representatives in the region. This program is in its second phase of implementation.

De-escalation: the Secret Tool of Informality

“ *To agree to have dialogue is the beginning
of a peaceful resolution.* ”

Somali Proverb

Informal conflict resolution services provided by the Office allow for off-the-record conversations to help visitors gain perspective, explore a range of options, and resolve conflicts. Compared to the formal component of the UN Administration of Justice, which relies on a right and evidence-based approach, the informal approach, which is interest and needs-based, can result in a resolution process that is more satisfying for all parties involved, while taking a much shorter timeframe.

62 per cent of the cases received in 2022 were related to interpersonal relationships and abrasive behaviors reflecting macro and micro-aggressions. In 79 per cent of cases, visitors were provided with ombudsing services that empowered them to resolve the concerns, including providing guidance, being referred to appropriate avenues for resolution, and receiving conflict management coaching. In 20 per cent of cases, mediation was facilitated by the Office (Figure 6).

The de-escalation of conflict through informal conflict resolution, whenever possible, is preferable to formal proceedings. Our office has seen an increase of early intervention cases related to interpersonal conflict in evaluative relationships, job and career, and compensation and benefits. We have also noticed a decrease of cases related to legal and regulatory issues and ethics and values, which may be linked to processes put in place by the Organization (Figure 6).

Mediation: Fostering a Culture of Dialogue

“*Conflict is inevitable but combat is optional.*”

Max Lucado

Mediation is a confidential dispute resolution process, in which a designated neutral third-party, a mediator, actively facilitates constructive dialogue between the two willing parties with the goal of achieving a resolution of a workplace dispute. The parties remain in ultimate control of the decision to settle.

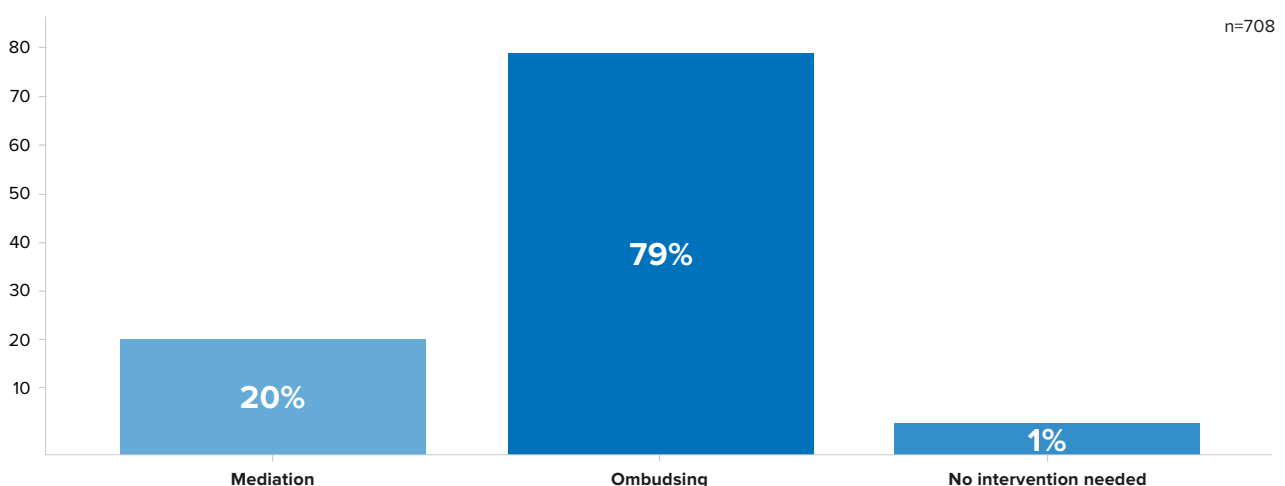
In the context of the UN Administration of Justice system, mediation is the informal mechanism of resolving grievances and conflicts. Recourse to mediation does not prejudice the rights of the visitors to avail themselves of the formal UN Administration of Justice system. The deadlines for submitting a request for management evaluation or for filing an application with the United Nations Dispute Tribunal may be extended pending efforts at mediation under the auspices of the Office⁴.

Resolving disputes through mediation is usually faster and often proves to be a less stressful and cumbersome process than litigation. By virtue of going through a transformative process, the parties may both learn and become resilient from the experience. They may find that the mediation results in a relationship with the other party that is both re-defined and re-established.

In 2022, the Office conducted 136 mediations, including referrals from Legal Affairs Services (in cases involving Management Evaluation Requests) and referrals from the Victim Care Officer (in cases involving allegations of sexual harassment).

Despite a general culture of escalation, the Office successfully de-escalated conflicts through mediation for a great number of cases that could have led to litigation or had already escalated to the formal system.

Figure 6: Distribution of interventions in case management, 2022



⁴ See Rules 11.2(c), 11.2(d) and 11.4(c) of Staff Rules of the United Nations.

Identify: Systemic Issues for Improvement

“ We don’t get harmony when everybody sings the same note. Only notes that are different can harmonize. The same is true with people. ”

Max Lucado

Through identification, triangulation, then upward feedback on the underlying root causes of conflict in the workplace, the Office provides UNHCR with organizational trends and systemic issue analysis that have become apparent through the Office’s various activities. This is done to raise awareness and facilitate needed changes (i.e., policies, procedures, organizational and community practices, structures, etc). The identification and navigation of systemic issues helps the Organization, its teams, and communities to assess potential areas of risk that would benefit from immediate corrective action and thereby increase efficiency and resilience.

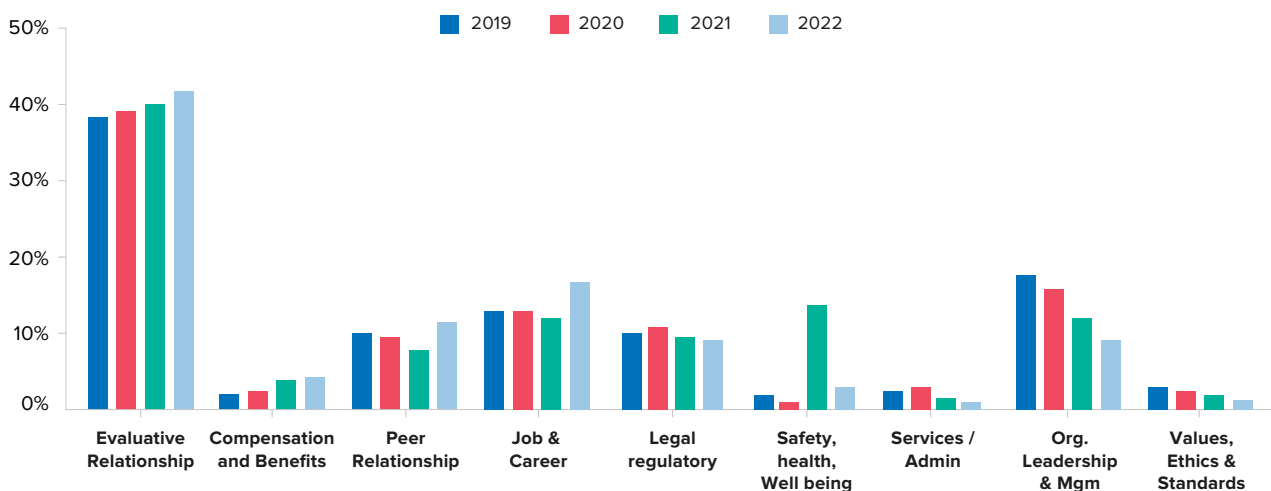


Figure 7: Distribution of case per issue category from 2019 to 2022

In 2022, the Office provided feedback and comments on three Administrative Instructions/Policies that are related to UNHCR workplace and staff welfare:

- [UNHCR/HCP/2022/05 Policy on Performance Management and Development Framework](#)
- [UNHCR/HCP/2022/04 Policy on Flexible Work](#)
- [Revision to the Administrative Instruction on Parental Leave \(to be released\)](#)

The involvement of the Office in reviewing policies before their implementation is a good practice that should to become more systemized.

In 2022, the Office engaged in 297 stakeholders’ meetings. Systemic concerns that were brought to the attention of senior management of the Organization and other interlocutors include (but not limited to):

I. Harmonizing downsizing processes and communication strategy

Concerns involving the termination of contracts and non-extension of contracts due to downsizing (also called “rightsizing”) was raised by more than 20 per cent of visitors to the Office in 2022. Increasing numbers of UNHCR personnel may be impacted by downsizing due to current constraints. It has been raised that criteria on how to conduct downsizing exercises can be better communicated and harmoniously implemented across the Organization.

The need for active and empathetic listening of colleagues affected by downsizing has been raised by both visitors and stakeholders. Managers on the front lines have expressed the need for more support, such as trainings on how to deliver bad news.

The operations and teams with a pre-existing climate of toxicity can also benefit from a targeted approach for downsizing to reduce risks of litigations and mitigate the experience of toxicity. In those teams/operations/communities, there is often a distrust between stakeholders, a strong perception of lack of transparency and serious communication gaps. A targeted approach for downsizing would help bridge communication gaps and improve the experience for those who have been directly or indirectly impacted by the downsizing.

II. Performance management and appraisal competencies and compliance

Performance management remains a principal concern for visitors to the Office in 2022. A closer look at some of the performance-related cases reveals that disagreements over performance are often symptomatic of an underlying problematic relationship between the two parties. In some cases, important procedural steps were omitted either because of a lack of knowledge about performance management processes or because organizational rules governing performance management were disregarded. This unfortunately denies supervisors the opportunity to provide feedback and the supervisees an opportunity to receive feedback and discuss performance concerns.

There are also concerns that the performance management system is used to retaliate or demonstrate the authority of the supervisor rather than to assist staff to develop competencies and effectively meet objectives.

III. Adaptation to organizational changes and transformation

UNHCR entered a period of substantial change concerning how it conducts business with the aim of transforming the Organization to become more modern and agile. In 2022, the Office received visitors’ requests for measures on minimizing disruptions in people and team experiences and to mitigate change fatigue by involving as many staff and managers as possible throughout the design, roll out and implementing stages, and equipping UNHCR personnel with the necessary skills to smoothen the transition phases.

The Organization also took steps to adapt to ways of working during the Covid-19 pandemic and in the “new normal” after Covid-19, despite the complex operational context and staggering staffing realities. With the implementation of the Policy on Flexible Work, the Office received increasing concerns that their requests for teleworking were systemically refused or special conditions were imposed that are not envisaged by the policy.

Adapting to a “new-normal” by organizations requires a transition period in which negotiations within the teams/organization and empowering approaches enable effective transformations.

A positive finding is that the changes taking place in the last three years did not translate into an increase, but rather a decrease, in the number of cases related to organizational management (Figure 7).

Looking ahead

“ *Get rid of your tents, bring your hearts closer.* ”

Tuareg people in Mali

Going forward, the Office will continue its effort to assist the Organization, UNHCR communities and teams to be more conflict-competent. This will be accomplished through:

- Developing practices that empower visitors and stakeholders to take actions as early as possible to address workplace disagreements and grievances.
- Developing more skills in teams/operations, targeting especially team leaders, to effectively decentralize and popularize informal conflict resolution within UNHCR. One good example is the pilot project where the Office engaged with first-time Representatives, working in the Region of Europe, accompanying, and preparing them with skills in maintaining a healthy workplace environment and dealing with workplace conflicts when they arise. With the collaboration and support of the Division of Human Resources, another program on conflict competence induction for managers will be an important toolkit for managers and team leaders.
- Developing practices with key stakeholders to share drafts of new policies and procedures with the Office for comments and feedback prior to their release and implementation in order to encourage a healthy and harmonious workplace.



Geneva • Nairobi • Budapest
ombuds@unhcr.org