CERN ombud

11th Annual Report

Reference:	DG-OO/22-01
Period covered:	1 January 2021 to 31 December 2021
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Date:	25 March 2022

Contents

Executive summary

This 11th annual report of the CERN Ombud covers the period 1 January 2021 to 31 December 2021. This year saw the end of the mandate of the former Ombud, Pierre Gildemyn, and the beginning of the mandate of the current Ombud, Laure Esteveny[1], who was appointed to this role as of 15 April 2021.

Ombuds are change agents when they help promulgate good practices and help mitigate bad practices. This includes advocating for fair processes, getting the information where it needs to be, inform policy developments ex officio, identify and report trends and patterns. This is the spirit with which this annual report is written.

100 members of the CERN community visited the Ombud's office, totaling **141 visits** and they raised **136 issues**, classified according to the Uniform Reporting Categories[2]. This represents **2% of the reference population[3].** However, in approaching the reading of the Ombud's report, one should keep in mind that all visitors have thought carefully and hesitated before they contacted the Ombud and that they share issues that have a very significant negative impact on their work environment. This gives special weight to those issues, which may have not surfaced by other channels.

The analysis of the visitors' demographics show two peaks in their age, early (between 25 and 30) careers and late (between 50 and 60). With respect to the gender distribution in the reference population, twice as many female visitors reach out to the Ombud. Visitors in administrative professional categories seem to be slightly over represented.

34% of issues raised concern relationships with the hierarchy, where visitors feel a lack of respect, attention and understanding from their hierarchy, and question their supervisory effectiveness and the way decisions are taken communicated. Another 15% of issues deal with peer and colleagues relationships where communications difficulties are at the origin of most conflict.

11 cases of alleged harassment were discussed in the Ombud's Office. It is appropriate to recall here that conflicts, misconduct and lack of respect impact many more persons than the two parties involved, but extend to the whole team where they have a negative impact on motivation and productivity.

13% of issues raised deal with career progression and development and, in the majority of those cases, the issue is blocked internal mobility for holders of indefinite contract in their mid-to-late careers.

In addition to supporting visitors in the informal resolution of issues, the Ombud dedicates a significant effort to his/her training and development so as to provide quality services in line with the standards of the profession. He/she is helped in this endeavor by the various professional networks of Ombuds. Although all interactions were held online, like many activities of the Laboratory, they were essential resources in this first year as CERN Ombud.

In 2021, a lot of effort went to raising awareness of the role of the ombud and the support provided, with the support of CERN and the Collaborations' management.

[1] See profile at https://www.linkedin.com/in/laure-esteveny-0177999/
[2] Classification proposed by the International Ombuds Association, see annex D
[3] Defined in annex B

The discussions held with visitors revealed some encouraging trends:

- The large Collaborations' **user communities are aware** of the services provided by the Ombud and use them: 18% of visitors are Users and 29% of issues are raised in the context of these Collaborations.
- 12% of visitors came to share an issue which did not impact them personally but a colleague whom they wanted to help. This outlines the **role of by-standers** in the prevention of misconduct or harassment.
- When the Ombud was authorized to intervene (only in 9% of the issues), the colleagues in charge whom I contacted **reacted immediately and very effectively**, which fixed the issue to the relief of the visitor concerned.

On the less positive side, this report highlights a number of concerns, **many of which were raised repeatedly in former Ombuds' reports**. These are far from general but the impact of these problems, in terms of motivation, climate and functioning of the teams, productivity, and reputation should not be underestimated. Some of the main concerns are:

- Many visitors complain about **the lack of communication** with their managers. They hesitated to talk about their issue of concern and, when they did, they did not feel listened to nor supported.
- **Internal mobility** is a longstanding issue of concern, especially for indefinite contract holders in their mid to late career, blocked in the job they have held for many years. This results in significant indirect incurred costs in terms of productivity, engagement and motivation, which should not be underestimated.
- Early career colleagues, mostly students and fellows, complain from **lack of supervision**. Given what is at stake for them, the responsibility that the Laboratory has for them and the important role they play in CERN's reputation, they need special and caring attention.
- The Ombud was allowed to intervene in only 9% of issues raised. Visitors do not want anyone else to know about the issue they are facing. They **fear retaliation**, especially when they are awaiting a decision impacting their career.
- Colleagues, especially the younger generation, set a higher price to the quality of their work environment, work life balance, and the social responsibility of the Organization. When they leave and they did not find this, they can negatively influence **the reputation of CERN.**

From his/her watchman's post, the Ombud proposes remedial actions to the main concerns observed, namely:

- Fully integrate individual internal mobility requests in the manpower plan
- Study with managers the difficulties of combining operational and managerial objectives and outline possible solutions.
- Run a campaign on psychological safety, possibly as part of a 360 degrees respect@CERN campaign.
- Improve the follow up of fellows and students by programme coordinators and the support of colleagues at the end of their contracts, as they are key influencers of CERN's reputation.
- Revise the communication material on the many available response channels and promote them.
- Design a brochure, with an online equivalent, to promote the informal resolution of disputes and help navigate through the legal framework applicable to deal with misconduct, conflicts and problems in general.

Finally, the Ombud will seek all opportunities to contribute to these efforts in 2022.

EXECUTIVE SUMMARY

Introduction

> *"The Ombud shall issue an annual report on his/her activities to the Director-General. This report shall contain anonymous, statistical information with respect to matters brought to his/her attention, including their nature and status or outcome, as well as a general assessment of the operation of the Office of the Ombud."*[4]

This is the 11th annual report from the Ombud's Office, covering the period 1 January 2021 to 31 December 2021.The Ombud position was created at CERN In July 2010, at the same time as the CERN Code of Conduct was introduced. The main function of the Ombud is to provide a zero-barrier, informal, independent, neutral and confidential channel for all members of the Personnel as well as everyone working on behalf of CERN to express the concerns which impact them at the workplace. Through various means such as active listening, advice/coaching and mediation, the Ombud helps every visitor to explore ways to move forward from a blocked or conflictual situation. Annex A recalls the mandate and working principles of the CERN Ombud.

Pierre Gildemyn, who started to serve as CERN Ombud on 1 November 2017, left for retirement on 14 April 2021. Laure Esteveny was appointed as his successor of for 15 April 2021. This document is therefore a report on the activities and the achievements of the two Ombuds during the period covered.

The first section of this report presents the **demographics of the population** who visited the Ombud's Office in 2021, 100 persons, 141 visits. Annex B presents the terminology used in this report.

The second section of this report presents an **analysis of the issues** which were shared by the visitors (136 issues in total). The CERN Ombud uses the classification of reported issues proposed by the International Ombuds Association (IOA), in order to follow trends and systemic issues across the years and to allow the comparison of data with peer organizations. Annex D presents the Uniform Reporting categories proposed by the IOA since 2007. Following a general overview of the issues, this report focuses on each category of issues.

When presenting the data, I make a few remarks which the data calls for, without proposing an interpretation as so many different factors come into play.

In addition to the discussions held with the visitors, the Ombud invests significant time in other activities : a) **training, development and networking** with peer professionals b) nurturing the relationships with **internal stakeholders** and c), as specified in the Ombud's mandate, **raising awareness** on the role of the Ombud and the "raison d'être" of the CERN Values and Code of Conduct. The third section of this report presents these other endeavors.

The combination of all activities of the Ombud allows him/her to make observations and provide insights to the reader and, in particular, to those who are in a position to make or influence change i.e. the management at all levels. **These observations and insights** are laid out in the fourth section of this report.

[4] Extract from the Ombud's mandate, CCP-2010/15/Rev.1, 16 December 2010

The Ombud, from his/her watchman's post is in a position to point out failures in processes and to propose simple and practical actions which could improve the overall working environment and allow all members of the community to give their 100% best. These **proposed remedial actions** may be found in the fifth section of this report.

Finally the report gives a few conclusions and an outlook of the Ombud's activities in the year 2022.

This report is available to all CERN Members of Personnel, from the Ombud's web site, https://ombud.web.cern.ch/

Acknowledgements

My thanks go first to my predecessor Pierre Gildemyn who guided my first steps into to the function early 2021. He has always been available for my many questions and he still is.

The Ombud benefits from the kind and very effective support of a number of services: the Design and Visual Identity team, the Web service steam and the Writing team in IR-ECO. Similarly, it could not live without the translators in DG-TMC. Many thanks to all colleagues in these services.

The Ombud interacts with many stakeholders, as described in section "Nurturing internal stakeholders relations and raising awareness" of this report. These colleagues have been instrumental in helping me step into this new function. They have been available, patient and willing to share their experience. A huge thank you to all of them.

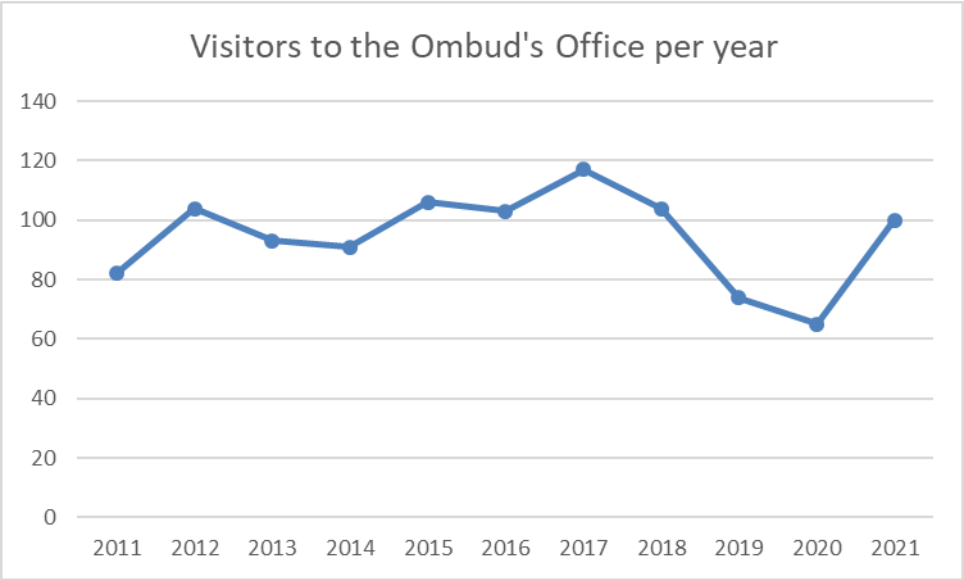
I would like to thank the Department Heads who have taken on my proposal to present the Ombud's role and activities at one of their Management Boards. Similarly I would like to thank the Collaborations' management, and their Early Careers and Diversity teams who have invited me to speak at one of their Collaboration meetings. Their support is essential for the Ombud to fulfil his/her mandate.

Every time I was authorized by a visitor to intervene, I found immediate and very willing collaboration from all the managers or service providers whom I contacted. I thank them for their support.

I would like to thank the Director-General who has granted full independence and autonomy to the Ombud's function in 2021, as in previous years. This gives their values to the role and to this report.

Last but certainly not least, I would like to thank all our 100 visitors for their trust and for the courage it took them to come and talk about the concerns which deeply impact them, or their close colleagues.

Visitors demographics



In 2021, **100 members of the CERN Community** have visited the Ombud's Office (the OO), totaling **141 visits**. These visitors raised **136 different issues,** as 28% of them raise more than one issue. Please see Annex B for an explanation of the various terms used.

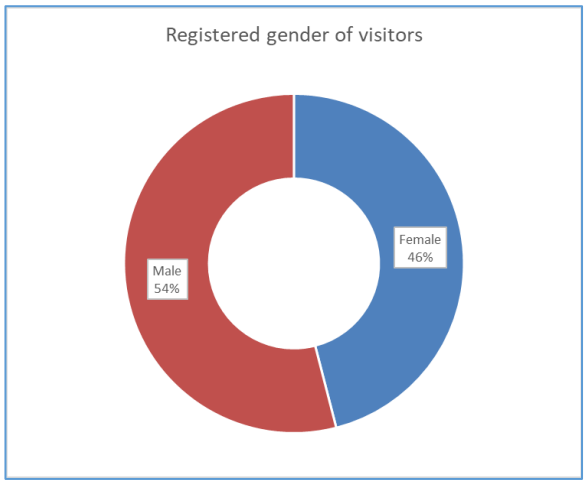
The total number of visitors represents 2% of the reference population[5]. The same percentage was quoted in former Ombuds' reports.

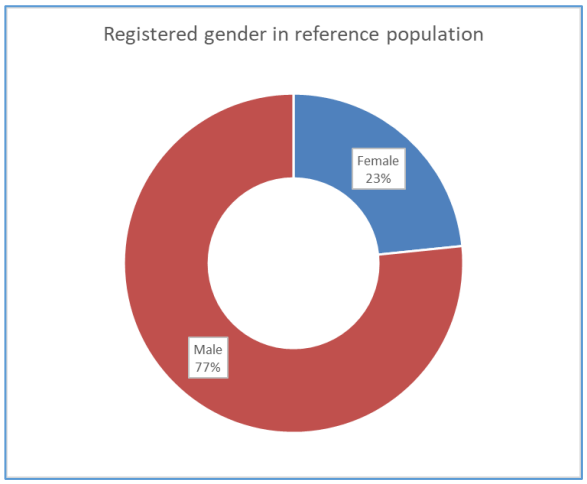
While considering the number of visitors to the Ombud's Office, one must take into account two realities: a) no one comes to see the Ombud on an impulse. There is a great deal of thinking and hesitation before. Often my visitors say: "it is the last place I try", b) the issues they raise are of significant concern and I witness a great deal of suffering in the discussions.

Therefore one should keep in mind when reading the report that the Ombud receives those issues that have not surfaced by any other channels and which impact the visitors in a significantly negative way.

[5] Defined in Annex B

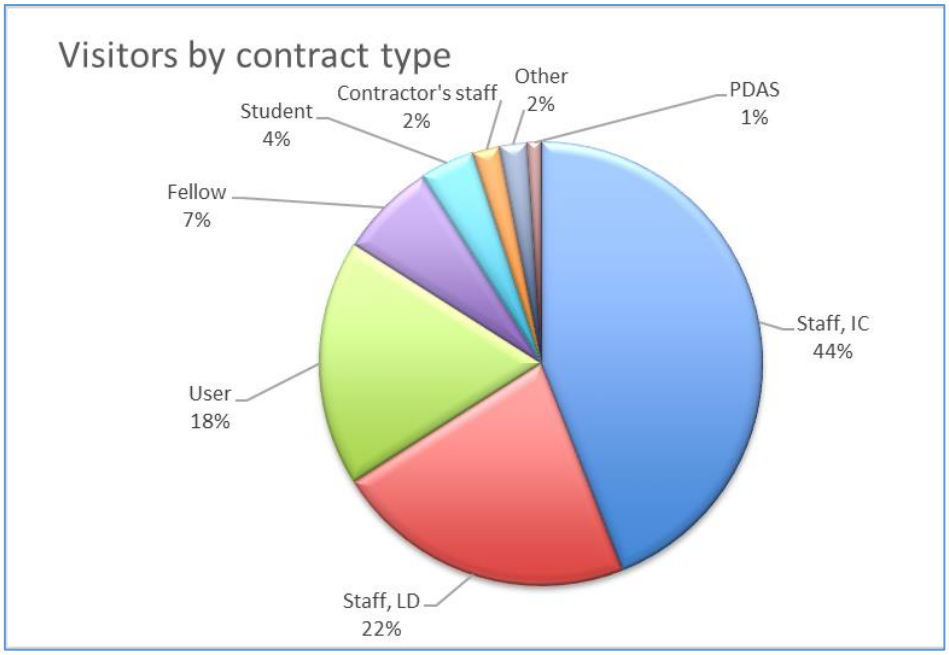
VISITORS DEMOGRAPHICS





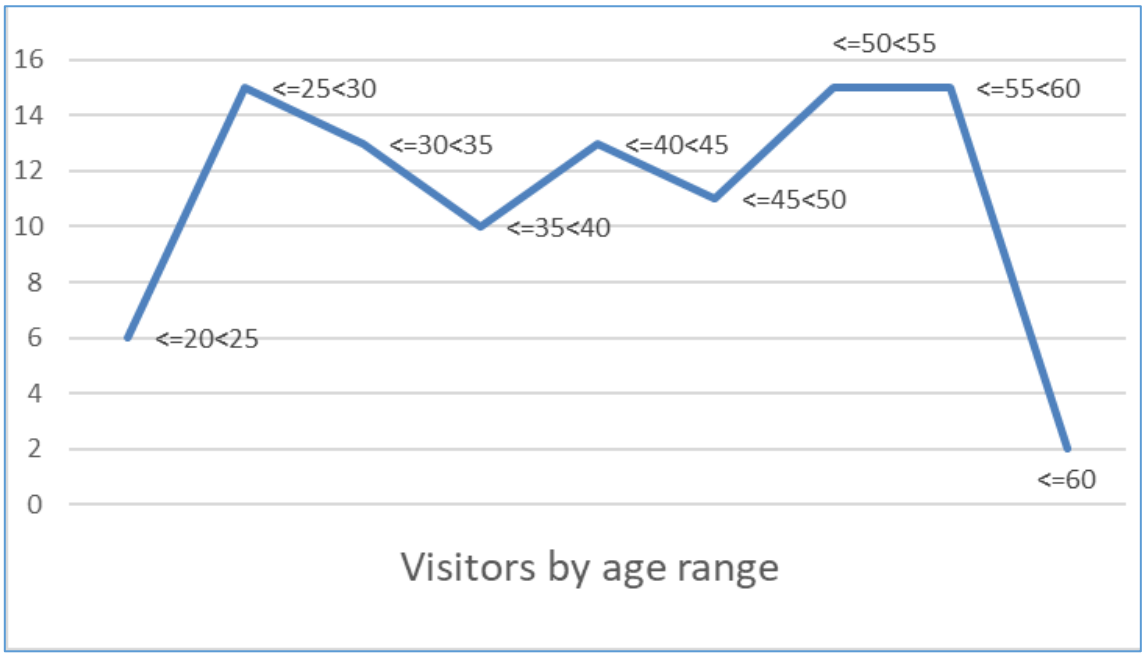
46% of visitors are female. Considering the gender distribution of the reference population, at the end of the year 2021[6], we have twice the number of female visitors than one could expect to see.

I would like to underline that these figures are based on the gender which is registered at CERN upon presentation of an ID document and not on self reported gender. CERN, so far, does not register self reported gender. I would like to underline that the Ombud serves the whole CERN community and all genders are welcome in the Ombud's Office..

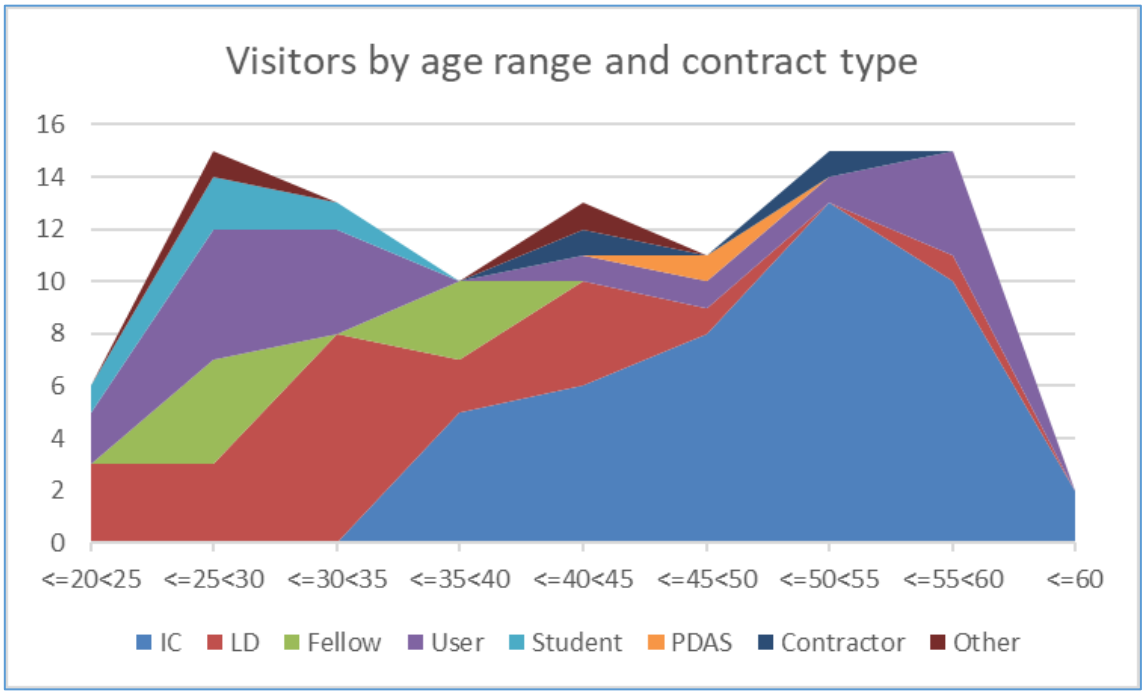


69% of all visitors are employed members of personnel (staff and fellows). The majority of visitors (44%) are staff holding an indefinite contract. Notably, 18% of visitors are Users.

[6] See annex B

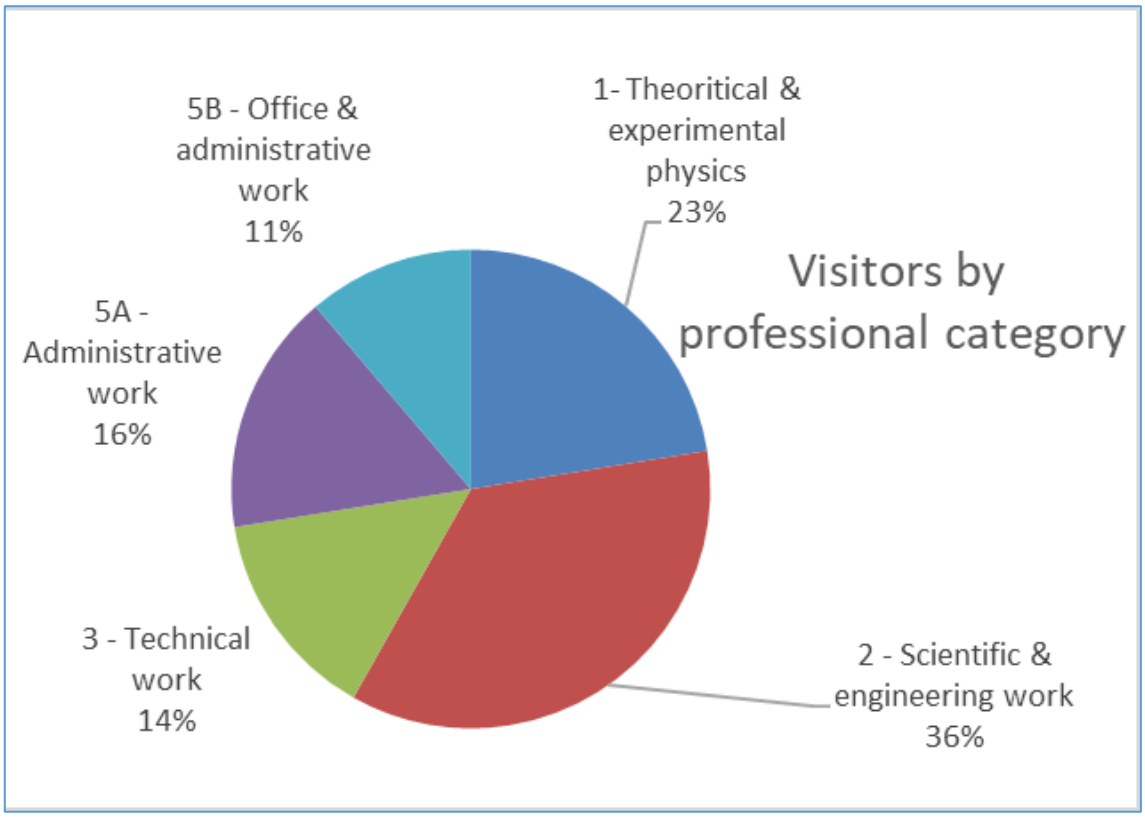


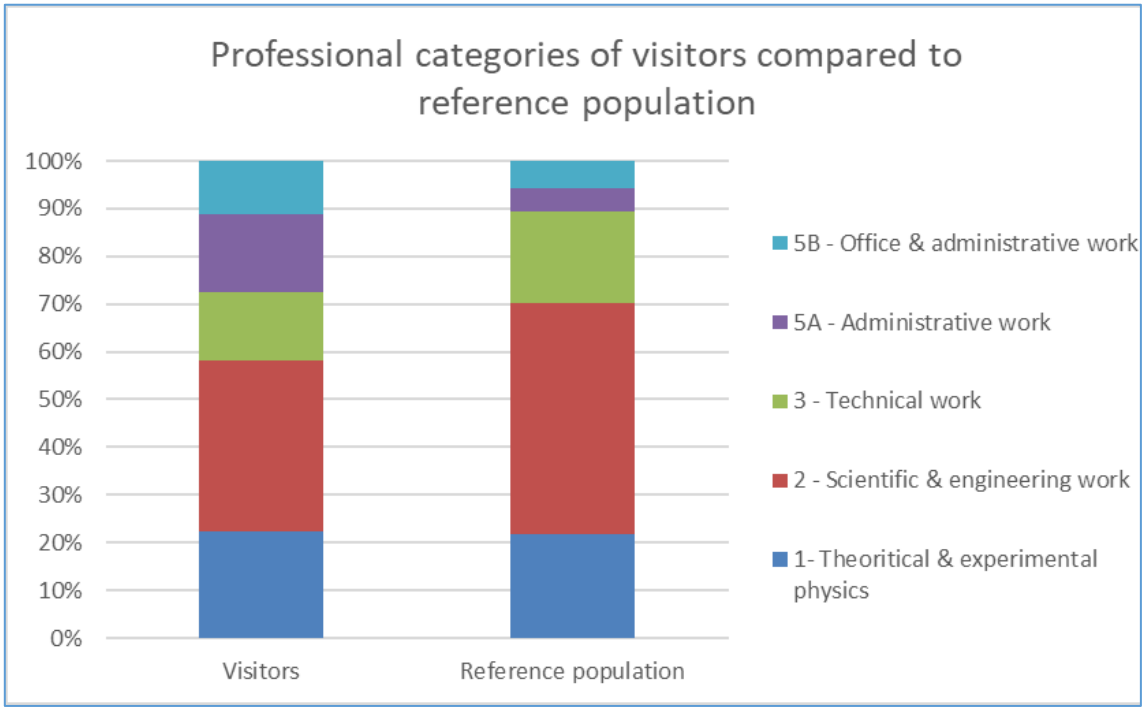
We observe two peaks in the age range of visitors: those in their early career (between 25 and 30) and those in their mid to late career (between 50 and 55), and the following graph gives the composition of these two peaks, in terms of contract type. The type of contract influences the nature of the issues brought forward.



There is indeed a lot at stake for early career colleagues, especially junior fellows and doctoral students during their work experience at CERN. The issues which they face take significant proportions, especially in these COVID times, where isolation exacerbates them.

Similarly, colleagues aged between 50 and 55 are often on IC contract, have held the same position for a number of years and need to discuss their career in terms of contents, development, mobility etc.





50% of all visitors are engineers or technicians, while 23% are physicists. In relation to the distribution by professional category of the reference population, engineers and technicians visit the Ombud's Office less, while colleagues holding administrative functions are slightly over represented.

Analysis of issues raised

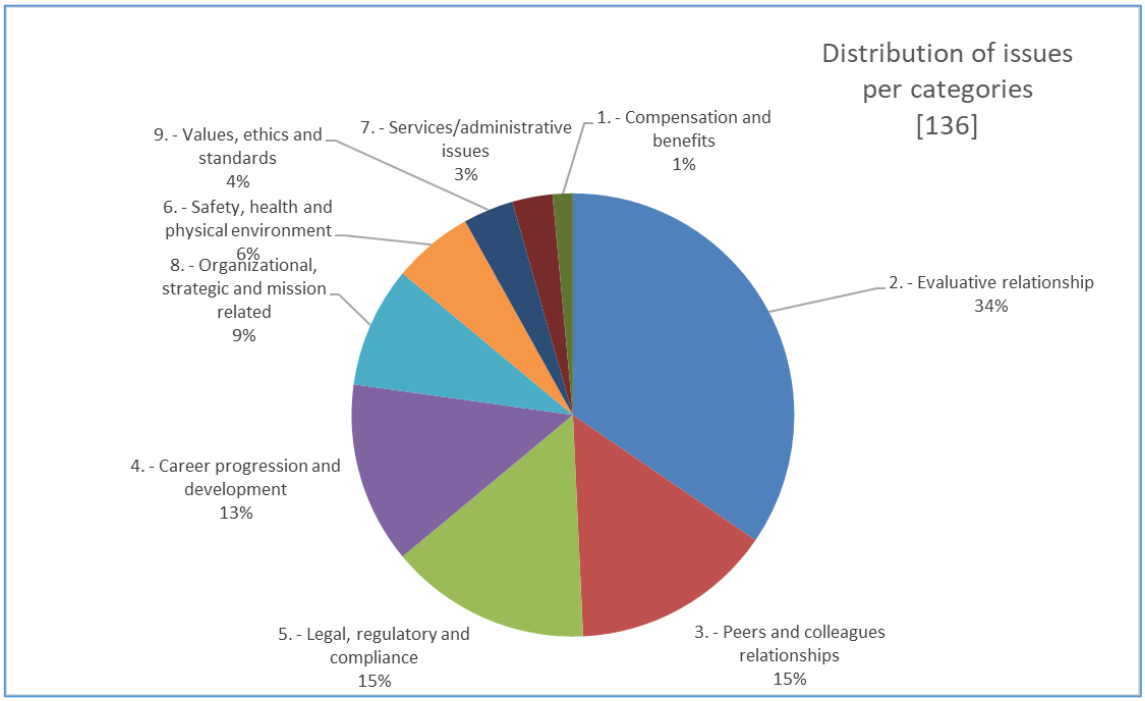
General overview and trends

During the period 2011 – 2020, issues have been classified according to categories inspired by the Uniform Reporting categories (URC) proposed by the IOA[7], but different in some aspects. For example, harassment issues were classified under 6 - Safety, health and physical environment, why the URC classification places such issues under category 5 - Legal Regulatory and compliance.

These are only conventions, however they are also meant to allow comparison of data and trends with relevant other organizations. In addition the URC classification offers a level of detailed sub-categories which are useful to take into account the diversity of the issues raised in the Ombud's Office.

For this reason, I classified the issues reported in 2021 according to the actual URC categories and I applied a conversion mechanism to the data of previous years, so as to allow comparisons across the years.

In addition to using a different classification, my predecessors in the Ombud's Office have used various ways to keep track of issues. Prior to 2014, issues were identified separately from visitors. So the number of issues differed from the number of visitors. During the period 2014-2020, they used the concept of a primary issue and secondary issues, and only reported on primary issues. This way, the number of issues was equal to the number of visitors. From 15 April, 2021, I have identified issues separately from visitors as this appears to me more accurate and relevant.



136 issues raised by 100 visitors in 141 visits

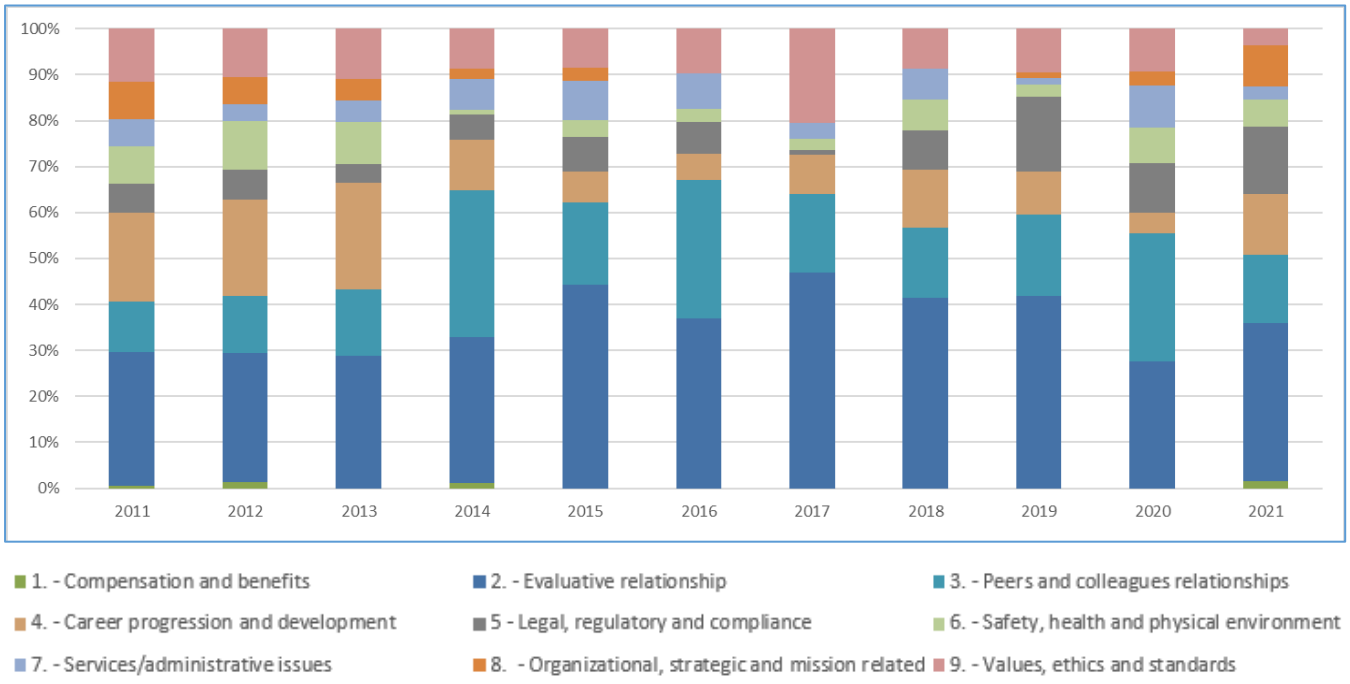
[7] See annex D

ANALYSIS OF ISSUES RAISED

In 2021, 49% of the issues reported are difficulties in relationships with the hierarchy (upwards or downwards) as well as with peers and colleagues. Hierarchy includes organizational hierarchy, project hierarchy and a Collaboration's hierarchy. This is a continuation from previous years and is to be expected as the Ombud's role is primarily to provide support for early and informal conflicts resolution.

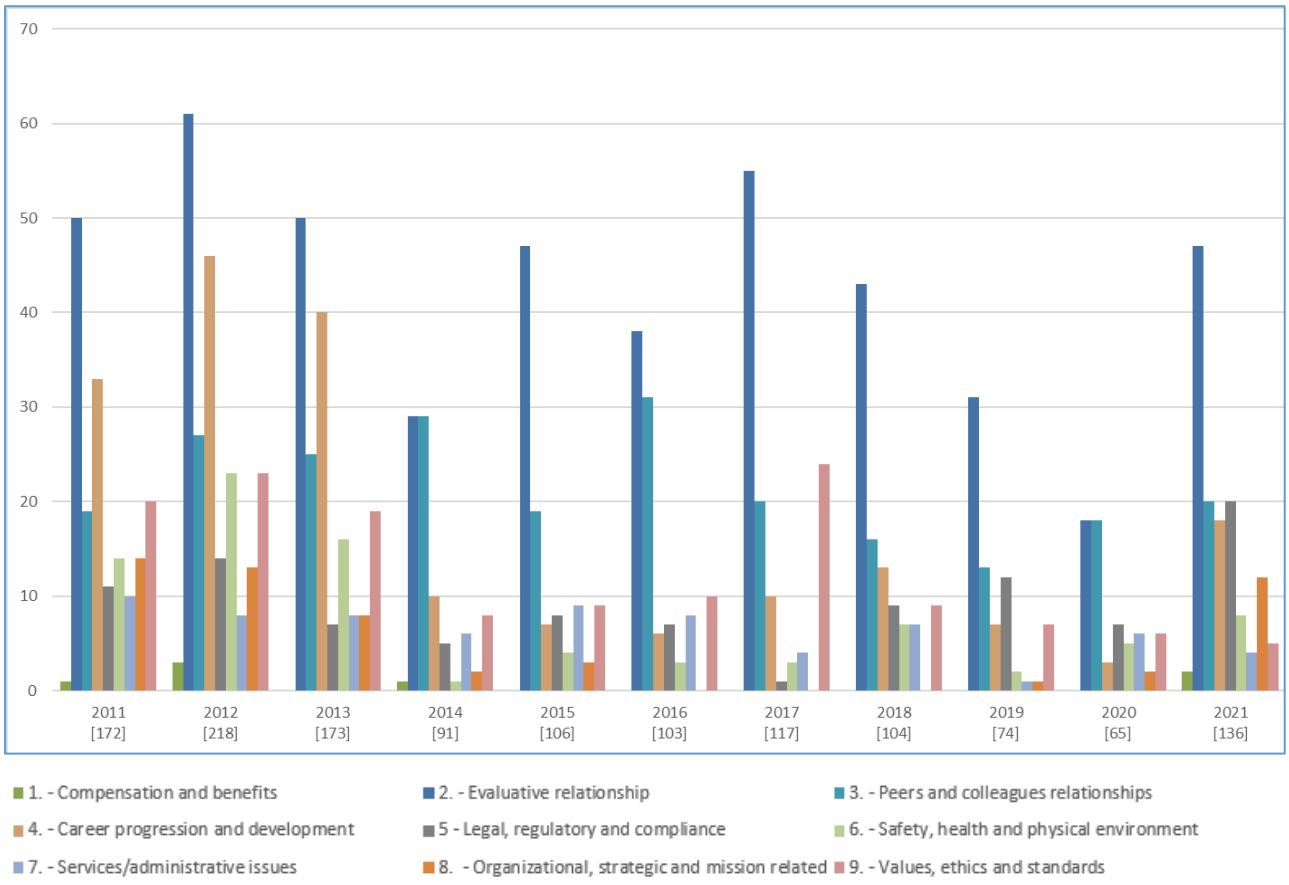
The two graphs below show the relative importance of each category of issues, in % and in numbers, since 2011. They demonstrate again that evaluative relationships[8], as well as relationships with peers and colleagues are the main concerns of the visitors over the whole period. This is to be expected as helping the resolution of interpersonal conflicts is the core of the Ombud's mandate.

One can also note the relative importance of category *5 - Legal, regulatory and compliance*, which now includes alleged cases of harassment.



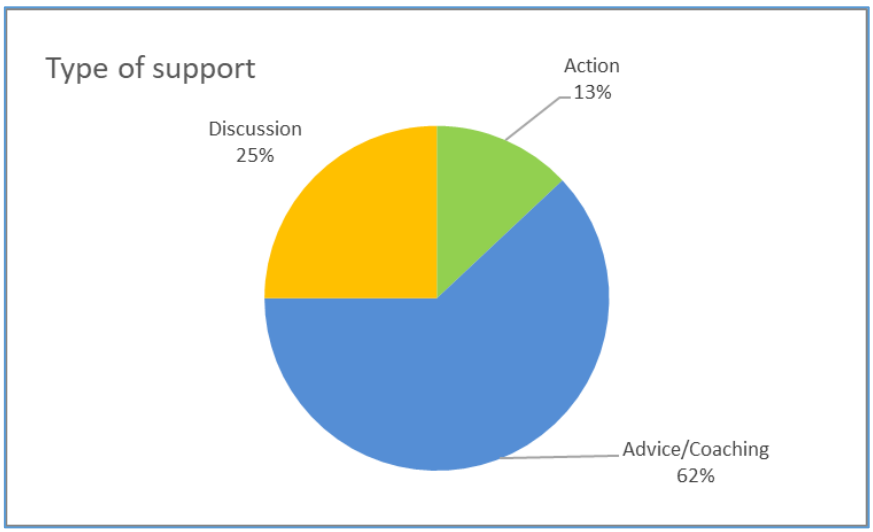
[8] Evaluative relationships are relationships between persons in a hierarchy (e.g. supervisor-employee, project leader-team member, supervisor-student

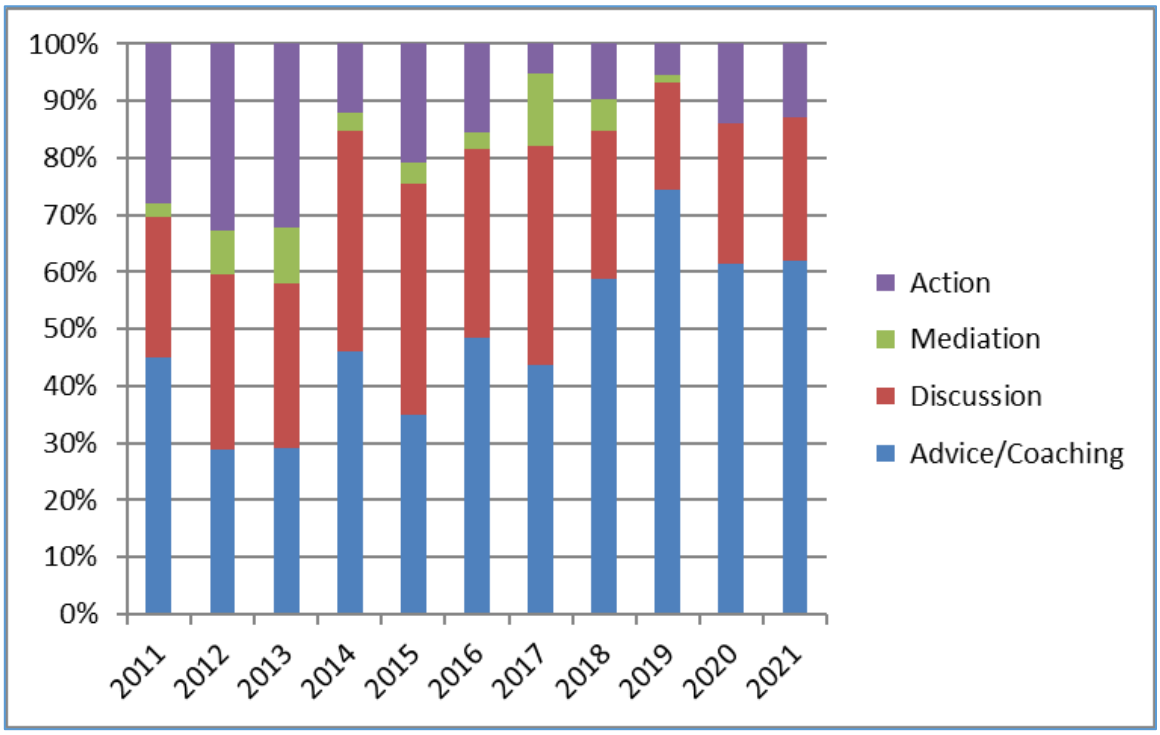
ANALYSIS OF ISSUES RAISED



Annex C describes the different types of support which the Ombud may provide. In all cases, a preliminary discussion takes place. For 33% of issues raised, a discussion is sufficient to help the visitors explore options at hand to move out of the issue they face. For 58% of the issues raised and beyond the discussion which always takes place, the Ombud provides advice, guidance and possibly coaching.

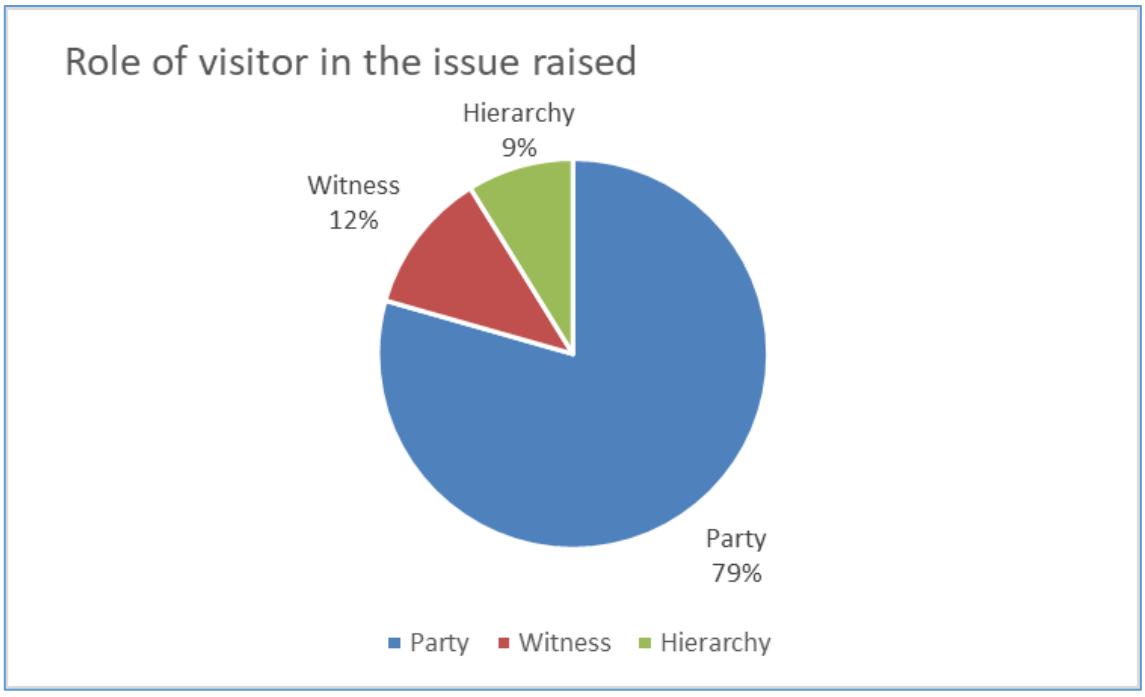
Only 13% of visitors (for 9% of issues) authorized the Ombud to take action and contact an external party about the issue (i.e. a manager, a colleague, another service etc.). Without this clear authorization, the Ombud will not intervene in any way. The only exception to the strict confidentiality of the Ombud is when he/she is firmly convinced that there is imminent danger to a person or to assets. In 2021 no mediation took place, as was also the case in 2020.



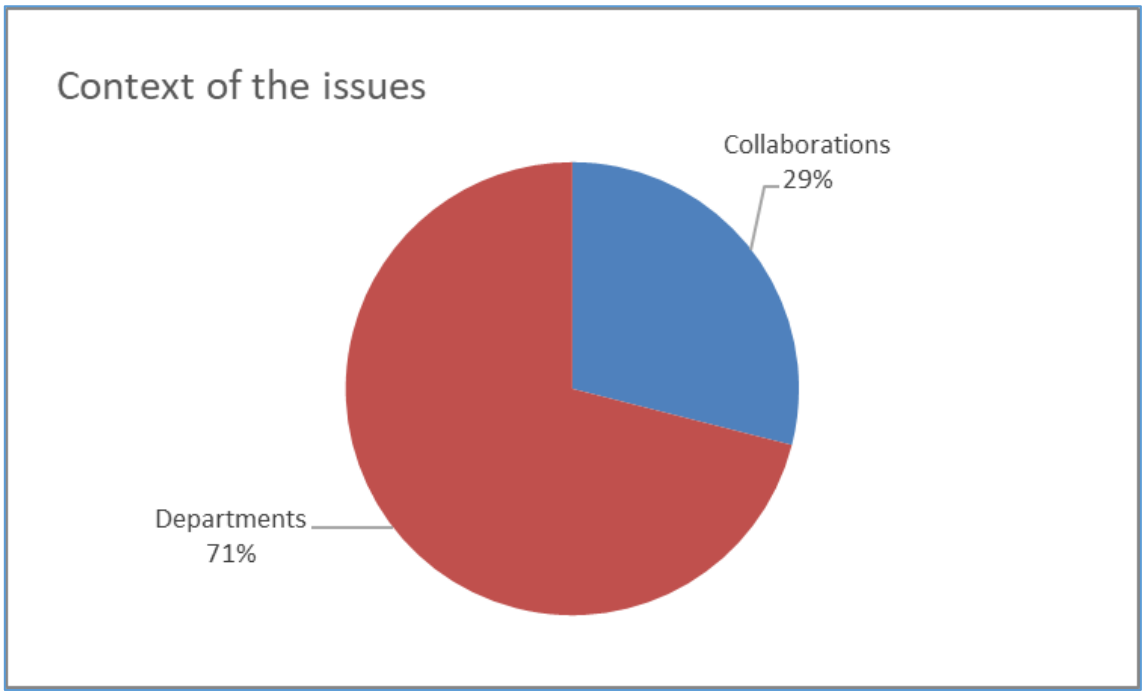


Visitors come to the Ombud's Office to share: a) issues in which they are directly involved, i.e. where they are a PARTY to the issue; b) issues between two or more persons their team, in which case they come as HIERACHY or, c) issues that impact other colleagues, i.e. where they are WITNESS.

The graph below shows the distribution of visitors' roles for all issues shared:



A noticeable 12% of issues are shared by colleagues who are not party to a conflict but witness it and want to help. Only 9% of issues are brought by managers (supervisor or above in the hierarchy).



For 29% of the issues, the visitor spontaneously announces the Collaboration as the context in which the issue has emerged.

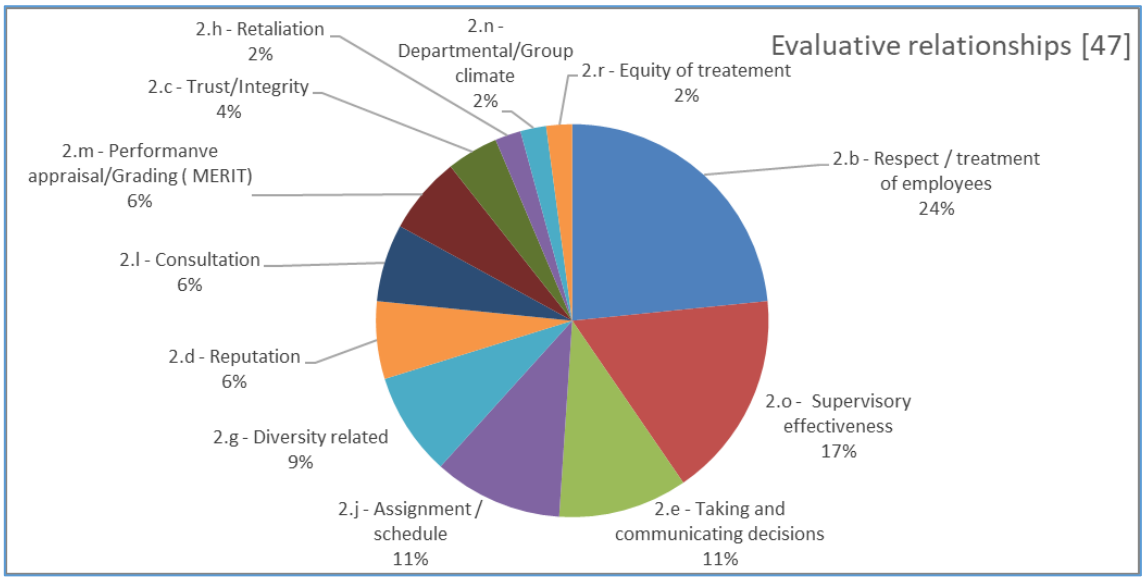
Analysis of issues by category

This section gives more details on each category of issues, starting with the most frequently met category. I recall the definition of each category as well as the number of issues reported. The actual number of issues in each category is recalled in the graph's title.

Evaluative relationships, 34%

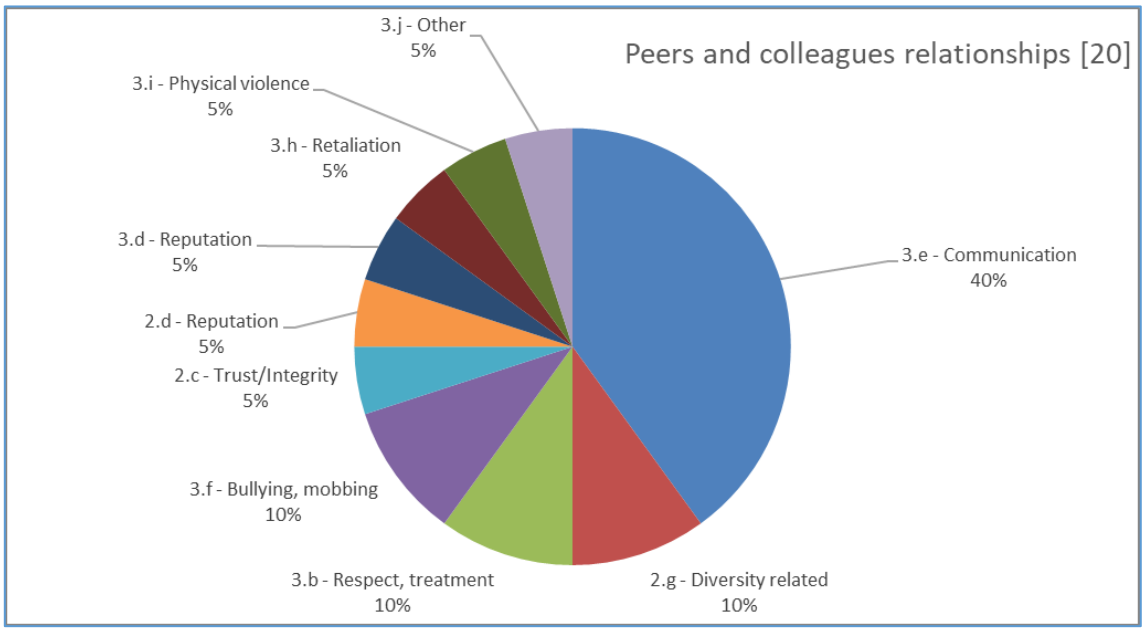
URC category 2: Questions, concerns, issues or enquiries arising between people in evaluative relationships (i.e. supervisor-employee, supervisor-student).

In the CERN context, evaluative relationships also include relationships in the hierarchical structure of projects and Collaborations. The distribution of evaluative relationship shows that 52% of issues directly relate to lack of respect, limited supervisory effectiveness and the way in which decisions are taken and communicated. 6% of issues are brought by managers who wish to consult about conflicts in their team.



Peers and colleagues relationships, 15%

URC category 3: Questions, concerns, issues or enquiries involving peers who do not have a supervisory-employee or supervisory-student relationship.

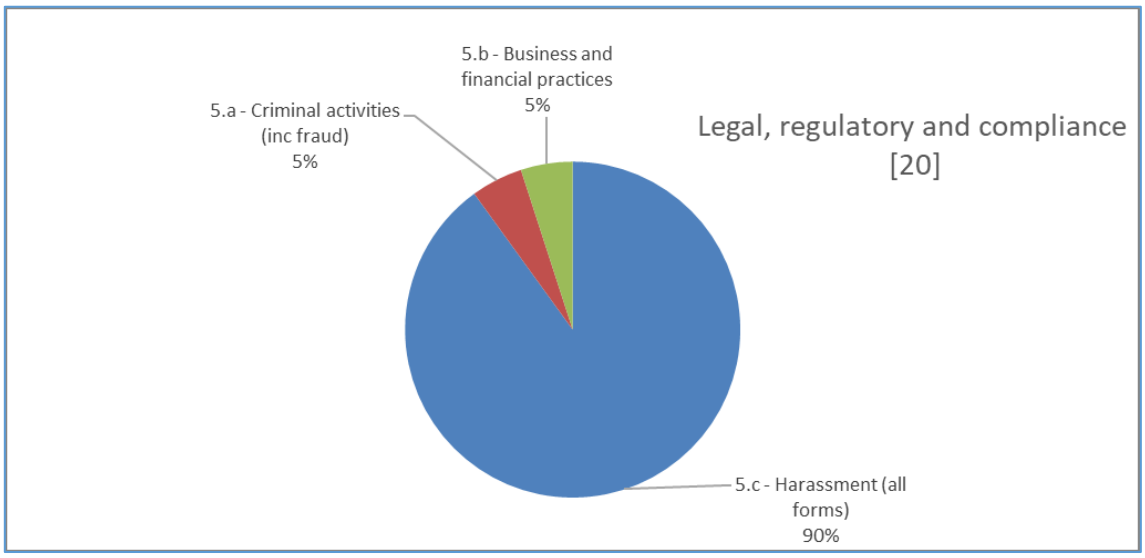


In line with prior years, communication remains the principal (40%) cause of issues between colleagues. Issues related to diversity (10%) in this category were caused by sexism perceived by female colleagues

Bullying, mobbing and lack of respect in treatment were present in 20% of cases. In two cases, such attitudes have led colleagues to leave the Organization.

Legal, regulatory and compliance, 15%

URC category 5: Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to all forms of harassment, waste, fraud or abuse.



Issues of alleged harassment are now in this category. 18 issues were raised related to 11 identified cases. 5 are sexual harassment, 5 are moral harassment. For one issue no information was available to allow such classification. These issues may be brought by the alleged victim of harassment, the alleged harasser, the supervisors of each parties, but also peers and colleagues impacted by the issue.

When issues regarding possible fraud are raised, the visitor is referred to the Internal Audit service. The ombud has no information on whether his/her advice has been followed or not.

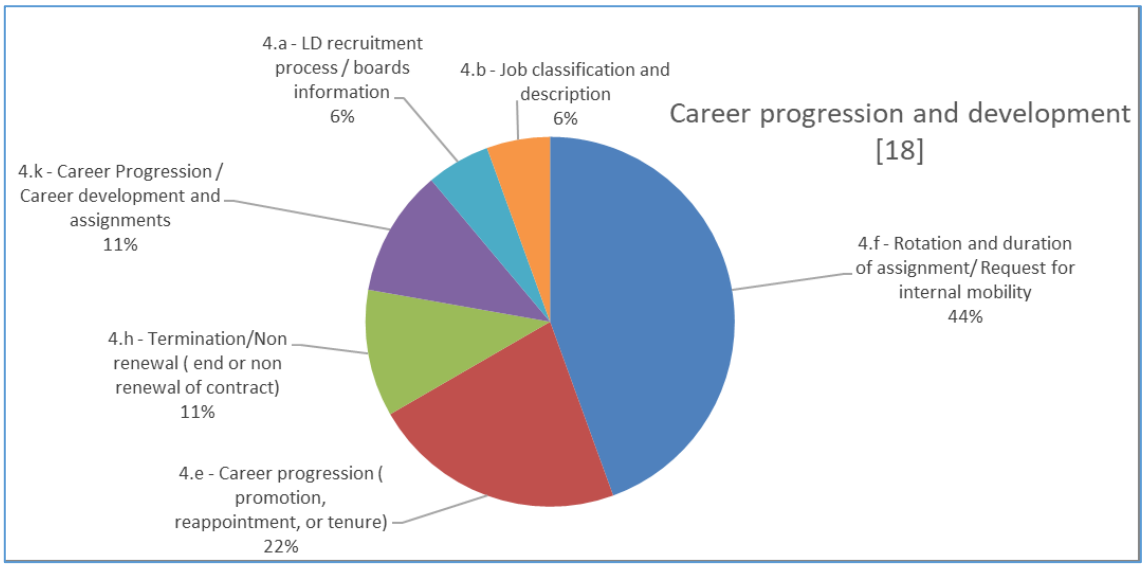
Discussions held in this category of issues are excellent opportunities for the Ombud to provide information on applicable procedures such as the Operational Circulars 10, “Principles and procedures governing investigation of fraud” and 9, “Principles and procedures governing complaints of harassment”, with the specific role of the Ombud in the informal resolution process.

Career progression and development, 13%

URC category 4: Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails (recruitment, assignment, job security and separation)

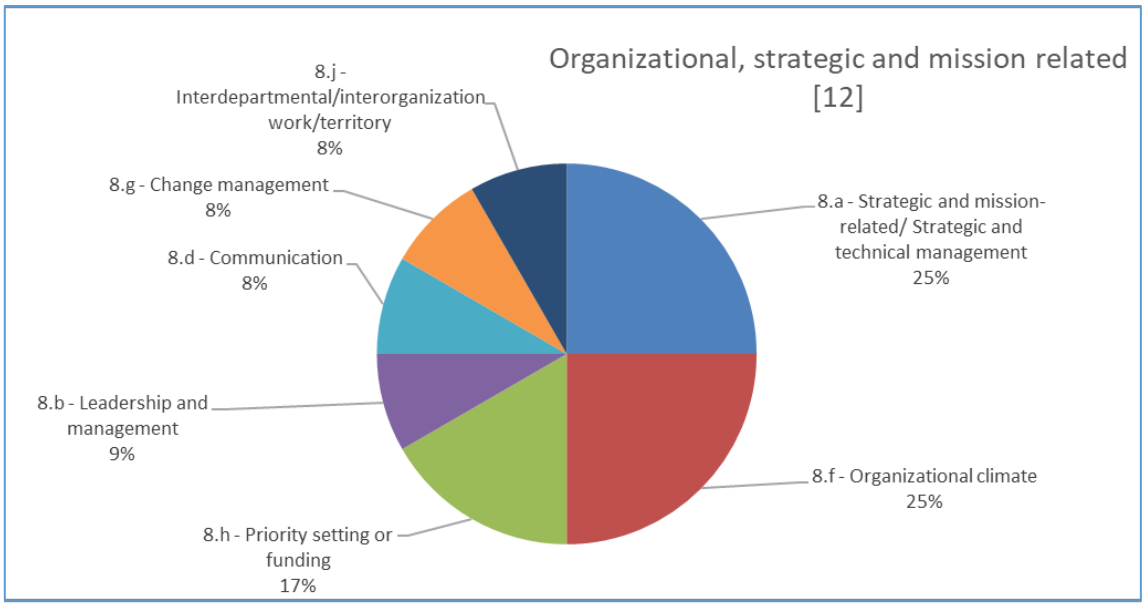
Quite understandably, all issues in this category were raised by MPEs (staff and fellows). In 44% of those cases, the issue is related to internal mobility, sometimes imposed and most often blocked.

For all issues in this category visitors felt a lack of respect in the implementation of the processes and procedures. In some cases, they complain about unfair treatment. Examples are lack of honest communication after selection board, board taking place when the candidate is already chosen, partial composition of the board etc.



Organizational, strategic and mission related, 9%

URC category 8: Questions, concerns, issues or inquiries that relate to the whole of some part of the Organization

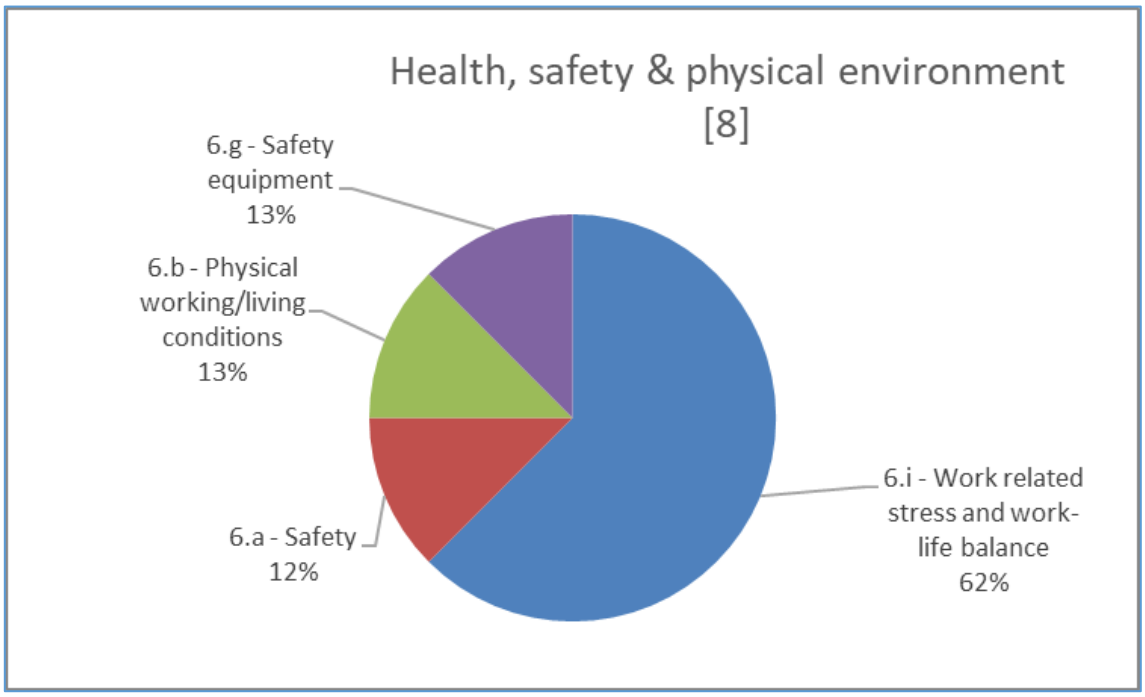


Although the number of issues raised in this sub category is low (12), they are important as they correspond to risks to the Organization that may not have surfaced by other channels. Risks raised are, for example, loss of critical organizational knowledge, service contract effectiveness, and perceived discrimination of certain categories of personnel.

Health, safety and physical environment, 6%

URC category 6: Questions, concerns, issues or inquiries about safety, health and infrastructure related issues.

Most issues in this category concern work related stress. In all cases, the visitor had not dared to raise the concern with the supervisor either because the issues touched on the intimacy of the person or because visitors were afraid that raising the issue could somehow compromise their careers.



Values, ethics and standards, 4%

URC category 9: Questions, concerns, issues or inquiries about the fairness of organizational values, ethics and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

Few (5) issues were reported in this category and they mainly dealt with diversity in its dimension of gender and beliefs. The visitors made very relevant suggestions on how to expand the support of diversity.

Service/administrative issues, 3%

URC category 7: Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

Very few (4) administrative/service issues were raised and the Ombud simply provided information on procedures or referred the question to the service in charge. Obviously, colleagues are aware that the Service Desk is available to answer all service related issues.

Compensation and benefits, 1%

URC category 1: Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, and other benefits.

Only 2 issues were raised in this sub category and, after a discussion, were referred to the other services in charge.

Other key Ombud's activities

This section of the report deals with the activities of the Ombud in addition to listening and providing support to visitors. These activities are very important as they have the objective to maximize the quality of the services provided, and to raise awareness on the response channel provided by the Ombud, as the mandate requires.

These activities are also essential to mitigate the top two professional risks for the Ombud: "compassion fatigue and isolation"[9].

Training, development and networking

As I embarked on the role of CERN Ombud my priorities were to train to the positioning and the responsibilities of the role. To this effect I followed the following courses during 2021:

- Foundation course for Ombuds (June, IOA)
- Practical mediation skills (April, The TCM Group)
- UK National Certificate in Workplace mediation in November (July & September, the TCM Group).
- Followed new CERN courses : "Taking the lead" for managers on how to create a culture of respect.

I am benefiting from the mentoring programme of the IOA and have the pleasure to be mentored by a very experienced ombud of a major global, publicly traded company. The benefits of being mentored during the first year in the job are huge.

In order to pass messages that are aligned to the messages given to colleagues when they attend CERN internal course on management and communication, I have followed the new training sessions organized by HR-L&D. For example with the course "Taking the lead" proposed to managers which focuses on respect in the workplace.

Most importantly, the CERN Ombud benefits from membership in a number of professional ombuds networks. These networks offer prime opportunities to share experience and tools, compare practices and discuss challenging issues, always in respect of the confidentiality granted to the visitors.

The CERN ombud belongs to the following professional networks:

- Ombuds of International Organizations in the Geneva area - Monthly meetings in 2021
- Ombuds in UNARIO organizations – 4 meetings and conferences in 2021
- The ad-hoc working group of Ombuds in EIROforum organizations – 3 meetings in 2021
- COOR, Organization of Corporate Ombuds in Europe – 3 meetings

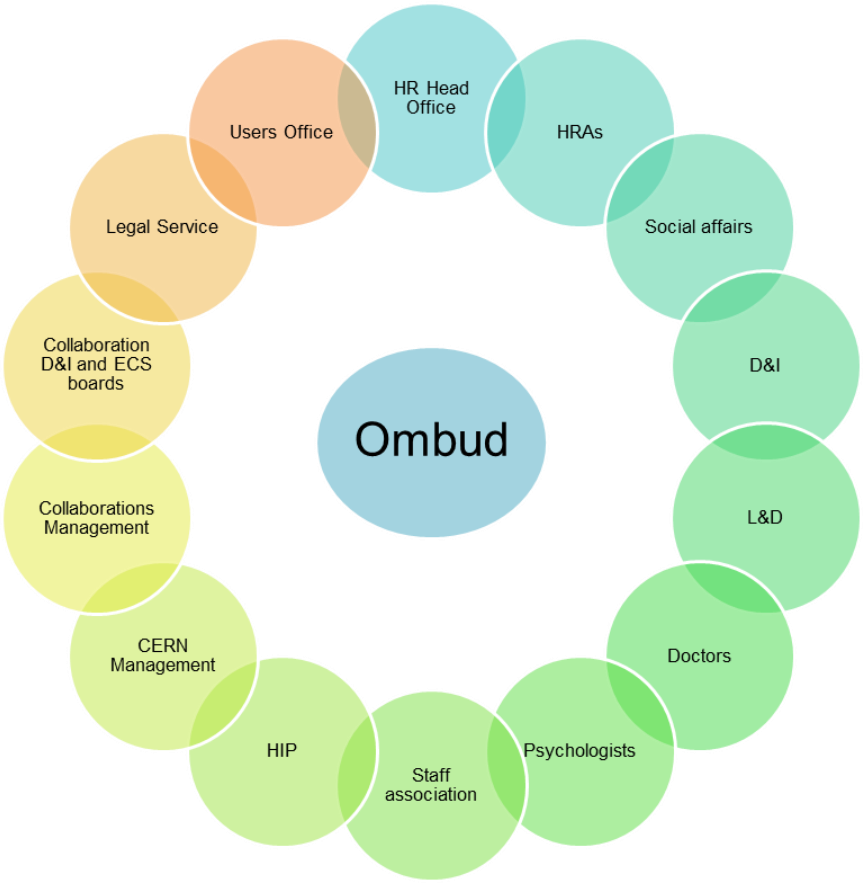
[9] " Virtual Ombud Foundation Course", Summer 2021, the International Ombuds Association

Finally, CERN is a member of the International Ombud Association. This membership, renewed every year since 2011, gives access to precious online resources as well as the support of this global professional network.

In this era of the COVID19 pandemics, the Ombud's world is no exception and all meetings, seminars, courses and other interactions have taken place online, for the second year.

Nurturing internal stakeholders relations and raising awareness

Although the Ombud function is an independent and therefore a rather isolated function, it has a large number of stakeholders, represented in the graph below.



It was both a pleasure and a very useful initiative to propose a meeting to key stakeholders, when I embarked on the function. In addition to introducing myself as the new CERN Ombud, I had an opportunity to discuss respective responsibilities in the support of colleagues facing difficult situations and the mechanism for referring visitors to the service which could best serve them.

Very importantly, I suggested to Department Heads to present the Ombud function and the 2020 annual report at one of their management board meetings. These were good opportunities to raise awareness of the role of the Ombud and of the services provided. Also, when they organize for these presentations to take place, the Department Heads gave clear signal that they support the function and encourage their teams to use it whenever needed.

Similarly, I was invited to make presentations to the LHC Collaborations, and to the ACCU, which was very useful to make the services of the Ombud known to the USERs community.

Branding and internal communication

Significant efforts were invested into a new branding for the CERN Ombud. The new logo, designed by the Design and Visual Identity team in IR-ECO, represents as four circles, the four ethical principles of the Ombud[10], Independence, Impartiality, Confidentiality and Informality. These four circles create a unique safe space for visitors to come to the Office of the Ombud and share their issues of concerns. The logo also evokes the diversity of the visitors entering the office.

The Ombud web site was revised to reflect the new branding. Posters and flyers were placed in key areas for people to read and pick up[11].

Since 2011, the Ombud publishes an article in the CERN weekly bulletin[12]. These articles all relate either to the CERN values, the CERN Code of Conduct, the role of the Ombud and other response channels, topical issues in the workplace (e.g. teleworking, conflicts in teams etc.). They are a great opportunity to raise awareness of and promote these. In 2021, 22 such articles were published and the topics tackled are listed in Annex E.

Finally, to facilitate access to the Ombud, I now hold a permanence on the Prévessin site every Tuesday morning (865-1-C12).

[10] https://www.ombudsassociation.org/assets/IOA%20Code%20of%20Ethics.pdf
[11] See Annex F
[12] https://ombuds.web.cern.ch/bulletin-articles

Observations and insights

Introduction

Visitors in 2021 represent 2% of the reference population. Former annual Ombud' reports mention that this percentage is comparable to the visitors in peer organizations. A survey published in January 2021, to which the Ombuds of 14 different organizations from the public and private sectors in Europe contributed, states an average 2.3% of the served population.

100 visitors in the Ombud's Office might be considered as a low number. However, the motto "Everybody counts or no one counts" should be applied there. In addition, I can testify that all visitors have thought thoroughly before they come to the Ombud and that the issue which they report are of very significant importance to them. On a few occasions I have been told that "this is my last attempt to do something about it" and on all occasions, I could measure the high impact of the issue on my visitor.

Considering all ombuds' reports since 2011, I could make my own most of the observations made repeatedly in the past by my predecessors. In particular, the following insights, as stated in the original reports, remain very much valid:

- *"Excellence in human management and relationships remains to be achieved and managers, supervisors, at each level, are in a position to show good example in demonstrating respect and applying the code of conduct."*
- *"A large fraction of visitors are insistent that they do not want their initiative to contact the Ombud to be known as they feel it would be badly perceived by their hierarchy and/or environment and feared retaliation. "*
- *"The need for more guidance and supervision is apparent in many cases of the fellows and students who visited the Ombud."*
- *"Communication issues were at the heart of the majority of conflicts reported in the peer relationship category. "*
- *"Colleagues, who wished for a change of activity after many years in the same function, often felt blocked by the difficulties of internal mobility."*
- *"The issues concerning Users are amplified by the flat structure within the community, which sometimes leaves them without any clear framework of accountability within which to address their concerns."*

Therefore, when making an observation of the same nature, I try to present it from a different aspect and insist on the consequences of have the systemic problem persist.

Finally, I made a systematic follow up with my visitors of the issue they raised, generally 2 months after their visit. I am pleased to report that the feedback which I received on the usefulness of their visit to the Ombud's Office has been definitely positive. Visitors are grateful that this response channel is provided by CERN, as the Host Laboratory, to the entire CERN community.

The positive aspects

+ The visitors come from all levels of management of CERN and of the Collaborations. It is great to see this “designated neutral” service owned by all.
+ 12% of the visitors are not party to an issue but come because they have witnessed an incident of misconduct or other breaches of the code of conduct. In particular, mobbing and bullying behaviors always have witnesses. These visitors are either willing to help a colleague, whom they see in distress, or to report a breach of the code which they consider unacceptable. Another 9% are colleagues in the hierarchy or in charge of activities who also wish to report issues. This is not a negligible number and CERN should leverage on this willingness to react, by empowering by-standers to do so.
+ Some of the visitors, often young colleagues, use the Ombud as a “sounding board” to discuss professional choices, for example when they hesitate on the appropriateness to accept an extension of contract, when the project is not in line with their career plans. Other visitors have already reflected thoroughly on their options and they simply wish to have an external party provide an external view on their favorite choice. The Ombud is here to be that “independent, confidential, neutral voice”.
+ 13% of the visitors (for 9% of the issues) give express authorization to the Ombud to intervene in a difficult situation, for example by contacting a third party. In all these cases where I contacted other colleagues in a position to solve an issue, they have reacted promptly and effectively, to the satisfaction and immense relief of the visitor.
+ Only in one case did I receive negative feedback about COVID19 measures at CERN. Every time the subject was touched, the measures were perceived as caring from the part of the Organization. However, COVID19 has exacerbated the effect of conflicts or other issues on colleagues. Isolation, the suppression of opportunities to meet in a less formal environment, zoom fatigue have reinforced the impact of all types of issues.
+ I have had spontaneous contacts from colleagues after a presentation or following the publication of an article in the Ombud’s corner. People have come with excellent ideas on how to improve the working environment. The ombud is therefore also a relay for such proposals.
+ It is very good that community members have a number of channels (7) that they may turn to for support and it shows the high level of commitment of the Organization to not leave anyone alone with an issue of concern. Which channel they chose to turn to depends on many factors: prior experience, the degree of information they have on who does what, trust in particular individuals, level of confidentiality expected, and, most importantly the emergency and the nature of the issue.

Concerns

C1. Significant support is available for collaborators facing issues but it is not completely clear who does what and the nature of the support provided. The communication material on these **response channels**[13] should be revised. Who a visitor turns to is a matter of trust and what is important is that, whichever channel is used, the visitor finds someone to talk to. Naturally the various support services would refer the visitor to the service which is in the best position to address their issues. Before any additional point of contact for reporting issues is introduced, management should clarify in a mandate what services are provided as well as which principles direct the function (formal/informal, confidentiality agreement, power of investigation, agent of notice etc.).

C2. **Conflicts within the hierarchy** represent the majority of the issues (34%). Caring and attentive management - not solely focused on achieving operational objectives - is a pre-requisite to allow people to give their best. In some cases, visitors did not dare to talk about health issues, difficulties to meet workload demands, or conflicts with colleagues as they did not trust their managers to listen to them and help them handle the issue effectively.

C3. One long term objective of setting up an Ombud function[14] was to cultivate **conflict management skills** so that it becomes common practice. Unfortunately, this goal is not met yet. Some common aspects for conflicts brought to the Ombud are:

- Conflicts often originate in the unclear definition of responsibilities, interfaces, authorities, duties or the lack of communication when taking decisions.
- Some managers may ignore conflicts and may not realize that doing nothing is not neutral, it implicitly allows a conflict to worsen and undermine trust in the manager.
- The majority of conflicts brought to the attention of the Ombud have existed for more than 6 months, in many cases, more than a year. At this stage the parties are entrenched on their positions and the conflict is hard to resolve.
- Attempts to solve issues by the parties themselves often fail. It is possible that communication difficulties and heavy workload prevent the parties from addressing them effectively.
- Mediation is not yet part of the CERN culture. Although the Ombud proposes mediation, it is hardly ever accepted by both parties. No mediation took place in 2020 and 2021.

C4. **The impact of conflicts**, misconduct, harassment, poor wellbeing extends beyond the parties to colleagues and to the whole team, including the manager. Similarly, problems of well-being for a manager have an impact down the line. All harassment cases have an impact which is much wider than on the two parties concerned.

C5. **Internal mobility** is an issue, especially for colleagues holding an indefinite contract, in their mid to late careers. In these cases, the rigidity of the manpower plan and the impossibility

[13] https://cds.cern.ch/record/2725731/files/Inappropriate%20Behaviour%20and%20harassment-%201-pager%20(Ver%2025%20Feb%2020%20HR%20page).jpg

[14] 1st Annual report of the CERN Ombuds, 1 July 2010 to 30 June 2011, Vincent Vuillemin

to transfer a colleague when no post is available, even if the need is there, is at the origin of the issue. In those cases, the internal mobility fund has not provided a solution. The costs of keeping people in the same unit, on the same job, despite their aspiration and need to move to face new challenges is high and underestimated (i.e. demotivation, loss of effectiveness, health issues, impact on the team etc.). Criteria for granting an indefinite contract include the capacity of the person to develop new skills and competences and adapt to evolving contexts. This seems to be forgotten later in the career when people wish to move within the Organization. More worrying, internal mobility seems impossible even in cases where it is an urgent measure, for example in case of alleged harassment.

C6. Only 13% of visitors allow the Ombud to take action (9% of the issues). The main reason given is **fear of retaliation**, in particular when visitors are on limited duration contract, or are seeking mobility and when they fear that speaking up about their issue might endanger their chance to stay or move. More generally, visitors are afraid of being labelled as "problem persons" if they speak up about issues in their work environment. This may point out a failure of the policy of zero tolerance against retaliation.
In addition to fear of retaliation, there is a general feeling that speaking up will give no results and that the situation will remain the same. This is very regrettable as, in the few cases where the Ombud was authorized to intervene, the colleagues in charge were very quick and effective in helping with the issue.

C7. Visitors **lose trust** in the processes and in Management when the reality they experience every day is too distant from the official messages received (i.e. a respectful place, the values of CERN, diversity is an asset, fairness of treatment for all, equal opportunities in boards, trusted leadership etc.). It is all the more a problem when they see attitudes diverging from the code of conduct, internal politics or power alliances, de facto encouraged by appointment, promotion or additional responsibilities.

C8. The context in which **recruitment** happens today is changing. The younger generations sets a higher price to the quality of the work environment, work life balance and the social responsibilities of recruiting companies. There were cases of visitors who chose to leave because of the hostile environment they were facing and the management's apparent indifference to their situation.

C9. **Students**, whether technical, administrative or doctoral **and junior fellows** at the beginning of their career need much attention, guidance and careful supervision. For these young people, the pandemics has accentuated the feeling of isolation and the need for very attentive management. A lot is at stake for them, especially for doctoral students, and they can have a large impact on CERN's reputation when they leave CERN and return home in the Member States. It is important to keep this in mind wherever CERN meets difficulties to recruit.

C10. **Ends of contract** are always challenging times, whether imposed or chosen. This is where respect takes special importance. Are decisions on termination of contracts explained honestly and carefully? Is the Organization saying properly thank you and good bye to former colleagues who worked 5, 8 or more years? Such situations carry the risk that people may leave with resentment for CERN, in which case they do not help maintain a good reputation.

C11. If a lot is at stake for people who feel that they have been treated unfairly or whose difficulties come from **flaws in the system** (e.g. abuse of user or associate contracts) for

which they feel no responsibility for, the risk is non negligible that they might go public and undermine CERN's reputation.

C12. Some visitors came to share issues which do not impact them only but, from their point of view, are systemic issues which bear **significant risks for the Organization**. In these cases, they come to the Ombud after they tried to raise the issue with management but have a feeling that they were not listened to. Examples of such issues are the risk of losing critical knowledge, or the growing discrimination of certain categories of personnel. Can the Organization afford that significant risks may not find their way from bottom up?

C13. **CERN's legal framework** (Staff Rules & regulations, administrative and operational circulars, policies) is quite complex to navigate through. In addition to this legal framework, a number of bodies and roles exist with specific functions, formal or informal. The majority of the visitors to the Ombud's Office, including managers, are not fully aware of all rules and bodies and how they articulate with each other.

C14. Finally, there are **many mechanisms put in place**, at CERN or in the Collaborations to support good governance, fair treatment of all, respect for diversity etc. Are these boards, committees, roles functioning? Some visitors come with issues which should have been handled by these instance in the first place, but have been left unmanaged.

Proposed remedial actions

Because the Ombud has no mandate to investigate facts and because, naturally, visitors share their own one-sided perceptions and experience of a situation, I consider that the Ombud is not in a positon to make recommendations that definitely address the root cause of an issue.

However, the Ombud is very much in a position to propose simple and practical actions which, in his/her opinion, could significantly contribute to remedy to the concerns listed in the previous section and improve the overall working environment:

A1. Revise rapidly the communication material on **available response channels**, in coordination with all services/roles involved. Regularly raise awareness on these and keep this information up to date.

A2. Initiate **a discussion with managers** at all levels, on the difficulties they may have to apply the soft managerial skills required by the job. This could help understand why, despite the extensive managerial training available, evaluative relationships have remained central issues in the Ombud's Office for over ten years.

A3. In the **evaluation of managers**, including project leaders, introduce, in addition to the evaluation of operational objectives, an evaluation of their capacity to care for their team, listen, communicate and resolve issues in the bud. This could be achieved with, amongst other possibilities, an anonymous and well-designed questionnaire to the supervisees.

A4. Make individual **internal mobility** requests an integral part of the manpower plan so that requests to move internally are known to all when the plan is prepared annually. Strengthen the framework for internal mobility, i.e. introduce performance indicators, perform skill gaps analysis and produce corresponding training plans. In case of urgent needs for mobility (health or harassment issues), alleviate the manpower plan and find a solution.

A5. Place the accent of the next respect@CERN campaign (last one in 2014) on **360 degrees respect** .i.e. bottom up, top down respect in the hierarchy (walk the talk), respect between peers and respect in the application of procedures and rules.

A6. Improve the proactive **follow up of fellows and students**, and especially doctoral students by the programme coordinators, in liaison with their supervisors, including in their home institutions.

A7. Consider implementing a campaign to improve **psychological safety** i.e. "the belief that one will not be punished or humiliated for speaking up with ideas, questions, concerns or mistakes"[15]. The campaign could start with a conference on the subject and follow with workshops on psychological safety. It could send a clear message to managers to systematically follow up on any potential case of retaliation. Such messages would go a long way into increasing trust in the system and making zero tolerance of retaliation a reality.

[15] Amy C. Edmondson , The Fearless Organization, December 2018

A8. Improve the support of colleagues at **the end of their contract**: give them honest and constructive feedback, say properly thank you and good bye, take the time for exit interviews and use the feedback provided, to evaluate the working environment in their former unit.

A9. Design and publish an easy to read and easy to revise, simple brochure and online equivalent, to introduce **the legal framework and the channels available** when members of personnel are facing issues such as interpersonal conflicts or misconduct. Such a document would be a great opportunity to advertise the informal resolution of disputes.

Conclusions and outlook on 2022

The IOA Ombuds Foundation course states that “compassion fatigue and isolation are the two main risks for the Ombud profession”. None of these risks have materialized for me in the first 8.5 months in the position.

Certainly no compassion fatigue as it is very rewarding to help colleagues facing difficult situations and as the feedback received is quite positive. I also escaped isolation thanks to my internal stakeholders as well as peers in professional networks, and their willingness to share their experience.

CERN, as the host laboratory, demonstrates a real commitment to support all members of the CERN community who face challenging issues in the work environment and all members of personnel should be encouraged to use the services of the Ombud, including mediation services, as needed and as early as possible when a conflictual situation arises.

The Ombud has important input to provide to CERN’s management and the Collaborations’ management. As a zero barrier office, it allows important issues to surface, which have not surfaced by other channels**. I am fully available to provide input and discuss it at any time of the year**.

This report proposes some remedial actions to the concerns raised. The Ombud plans undertake the following actions as her contribution to improving good practices in 2022:

- Raise awareness on the mediation services provided by the Ombud by organizing a public talk on what mediation is, possibly, based on a mock mediation.
- Contribute to the next respect@CERN campaign (last one in 2014) with accent on 360 degrees respect.
- Meet small and medium Collaborations to promote the role of the Ombud as a service from the host Laboratory to the CERN community at large
- Organize a conference on the benefits of psychological safety for the Organization and the Collaborations, specifically to remedy to the fear of retaliation.
- Revive the Response Channels Liaison Group which had been initiated by Vincent VUILLEMIN, the first CERN Ombud in 2012, with the aim to promote experience sharing and the effectiveness of the overall support provided.
- Contribute to revise the communication material on all available support structures.
- In collaboration with the Ombud’s stakeholders, design new communication material on dealing with problems such as conflicts or misconduct at CERN, taking into account informal dispute resolution as well as the applicable legal framework.
- Provide Input to the planned revision of internal justice by an external consultant.
- Design and implement a feedback survey to measure the quality of support provided by the Ombud to visitors.

ANNEX A - Overview of role and principles

The CERN Director-General established a full-time position of Ombud, in July 2010. The creation of the Ombud function represents a commitment by CERN's Management, to the well-being of all its collaborators and to the promotion of a respectful workplace environment.

Ideally, interpersonal issues between those working at, or on behalf of, CERN, should be resolved between the colleagues concerned. However, sometimes this dialogue is not successful or is not possible. In these cases, the services of an Ombud may help to resolve disputes in a consensual and impartial manner, thus promoting the good functioning of the Organization.

The mandate of the Ombud[16] provides a detailed picture of the specific guidelines of this function. It may be useful to outline here the most important principles defining the Ombud role at CERN. These principles are fully in line with the Code of Ethics of the International Ombuds Association (IOA), which includes Ombuds coming from Universities, Governments, Companies, and other International Organizations around the world. The IOA is dedicated to excellence in the practice of Ombud work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombud practice.

The following four ethical principles are the pillars of the Ombud function and what makes it unique in an organization:

Confidentiality:
The Ombud shall maintain strict confidentiality with regard to the matters brought to his/her attention. In addition, any reports, recommendations or other documentation issued by the Ombud shall protect the confidentiality of all persons involved. The only exception to this rule is when the Ombud deems there is an imminent threat of serious harm to person or property. Persons involved in a matter brought to the Ombud are also expected to maintain strict confidentiality regarding their interaction with the Ombud, unless explicitly authorized by the Ombud to share it.

Neutrality/Impartiality:
The interests of both parties and of the Organization are kept in mind. The Ombud shall not take sides and not favour one person over another. In conflict resolution, he/she shall contact all parties involved and treat all parties equally.

Independence:
In performing these services, the Ombud shall be independent. The Ombud is not part of any departmental hierarchy, but is administratively linked to the DG Unit, while remaining a neutral interlocutor. The Ombud does not hold any other function in the Organization, and shall leave the Organization after completion of his/her mandate, and consequently avoids

[16] https://ombuds.web.cern.ch/sites/default/files/reports/CERN%20Ombudsman's%20mandate.pdf

risks of a conflict of interest. Should the Ombud still see a possible conflict of interest in a given situation, he/she has a duty to withdraw from providing guidance on the issue concerned.

Informality:
The Ombud shall not have any powers of decision-making or formal investigation. The Ombud attempts to address problems at the earliest opportunity and lowest level of conflict. The Ombud only carries out informal investigations and does not accept notice on behalf of the Organization.

Access to the Ombud is on a voluntary basis. Other channels such as the HR Advisors and programme coordinators, the Medical Service or the Social Affairs Service, the Staff Association are also available at CERN and Members of Personnel are free to contact any of these bodies in seeking support to address their concerns.

The Ombud's mandate is also to provide guidance with regard to the application and interpretation of the Code of Conduct and to offer confidential assistance in the informal resolution of interpersonal issues. The Ombud is there to listen, share and examine preoccupations or problems. Conflict resolution may only take place with the agreement of the parties involved. By relying on the responsibility and autonomy of the parties, the Ombud seeks a fair, ethical and effective solution to the problems.

Everyone working at CERN or on behalf of CERN is entitled to assistance from the Ombud. However, the services the Ombud may provide must be compatible with the individual status and/or employment relationship of the person(s) concerned, as well as the nature of the issue. It is also important to note that the Ombud has direct access to all personnel, including the Directorate. However the Ombud can only have access to the personnel records with the agreement of the concerned persons.

The Ombud may furnish additional written reports in order to promote organizational and operational efficiency. In this spirit, the present Annual Report contains some general observations and recommendations.

The Director General appoints the Ombud. The nomination runs for a three-year term, which may be renewed by the Director General for an additional two-year period. Both the nomination and renewal shall be made after consultation with the Staff Association (SA) and the Human Resources Department (HR). Upon completion of his/her service as Ombud, the Ombud shall separate from the Organization and may not serve in any other capacity as a member of personnel.

A long-term goal of the Ombud function is to help make sound conflict management skills become common practice at CERN. All efforts will be developed to strengthen CERN's alternate dispute resolution and mediation capability so as to reinforce the important role of informal resolution, and to promote a respectful workplace environment.

ANNEX B - Terms and Terminology

In order to ensure a full and correct understanding of the data and observations presented in this report, some key terms are defined below:

Reference population

This is the total number of employed members of personnel (staff and fellows) plus the number of associated members of personnel with a registered percentage of presence of 100%.

On 14/01/2022, the reference population amounted to 5320 members: 2646 staff members, 779 fellows and 1895 associated members of personnel whose percentage of presence at CERN is 100%.

Visitor

A visitor is anyone who comes to see the Ombud to share an issue of concern. Whereas most visitors come to address issues that are of concern to themselves, some wish to address issues that close colleagues are facing, with a desire to help and questions on how they may best do so.

Issue

Issues are concerns, which are brought to the attention of the Ombud.

Addressing issues can involve simple discussion, advice and coaching, action, or mediation between parties. Not all issues are related to interpersonal conflicts, some of them may consist only of providing information on procedures or available support, or coaching visitors in the actions they intend to pursue.

In reality, many visitors share several issues. For example, an abuse of power, in addition to being linked to a violation of the Code of Conduct, may also involve difficulties with supervisors, a psychological threat, or be related to health and safety. So while the number of visitors and the number of visits represent an indication of the level of activity of the Ombud during the reference period, the number and kinds of issues may be considered a more accurate indicator of the conditions of employment, working conditions and relations between supervisees and supervisors, colleagues or groups of people.

This Report makes reference to the IOA (International Ombuds Association) classification of issues and outlines nine major categories of issues. Each major category of issue is sub-divided in several sub-categories, which permits a better identification of the problems encountered.

Visit

The same visitor may visit the Ombud's Office several times throughout the year in order to reach a resolution of a particular issues, or to raise different issues.

Identified case

A single case for which sufficient information is available to distinguish it from others. When a case is identified, it allows the ombud to link visitors who express concerns to this specific case. Generally used for cases of alleged harassment.

ANNEX C - Possible outcomes

Cases brought to the Ombud's office can typically result in five types of outcomes, as described below:

Discussion:

A simple discussion with the Ombud where the visitors have the opportunity to tell their story and be listened to without fear of being judged. This in itself is very helpful in that people know that someone in the Organization listens to them, they are able to externalise their concerns and in many cases, the simple fact they have been heard helps to release tension and allows them to be more open to search for solutions.

In some cases, visitors have already considered possible solutions and the Ombud serves as a 'sounding board' for them to test out their ideas for action.

Advice/Guidance/Coaching:

Advice is limited to providing factual information as needed. Coaching/guidance refer to a more focussed discussion where the Ombud helps the visitors to clarify their objectives and identify options by which to achieve them. The role of the Ombud here is essentially to empower the visitors to help themselves by encouraging them to consider alternatives and to think 'out of the box' in order to tackle the situation and resolve the issues they face.

Mediation:

A more formal and structured process where the Ombud facilitates a discussion between the parties concerned, who agree to take part in the process, with the aim of reaching a mutually acceptable solution. Mediation may involve more than two parties.

This involves a 'win-win' approach that is future oriented and aimed at improving the working relationship. It may either take the form of a 'face to face' discussion in the presence of the Ombud or a shuttle mediation where the Ombud talks to both parties separately in order to help them reach a solution.

In all mediation instances, the role of the Ombud is to be a confidential, impartial resource, responsible for ensuring fair and equal process without entering into the actual content of the dispute.

More information on the mediation process may be found at
https://ombuds.web.cern.ch/mediation

Intervention:

An action taken by the Ombud with the explicit permission of the visitors – this may involve contacting other people to obtain more information, accompanying or

representing the visitor in a given situation or requesting a follow up action as appropriate.

Referral:

A recommendation for the visitor to take up the issue with another service, e.g. HR or the Medical Service, etc., as appropriate.

ANNEX D - Uniform Reporting Categories from the IOA

INTERNATIONAL OMBUDSMAN ASSOCIATION

INTERNATIONAL OMBUDSMAN ASSOCIATION
Uniform Reporting Categories

VERSION 2
October 2007

1. Compensation & Benefits
Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

- 1.a **Compensation** (rate of pay, salary amount, job salary classification/level)
- 1.b **Payroll** (administration of pay, check wrong or delayed)
- 1.c **Benefits** (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
- 1.d **Retirement, Pension** (eligibility, calculation of amount, retirement pension benefits)
- 1.e **Other** (any other employee compensation or benefit not described by the above sub-categories)

.....
.....

2. Evaluative Relationships
Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

- 2.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 2.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 2.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 2.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 2.e **Communication** (quality and/or quantity of communication)
- 2.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 2.g **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 2.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 2.i **Physical Violence** (actual or threats of bodily harm to another)
- 2.j **Assignments/Schedules** (appropriateness or fairness of tasks, expected volume of work)
- 2.k **Feedback** (feedback or recognition given, or responses to feedback received)
- 2.l **Consultation** (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)
- 2.m **Performance Appraisal/Grading** (job/academic performance in formal or informal evaluation)
- 2.n **Departmental Climate** (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.)
- 2.o **Supervisory Effectiveness** (management of department or classroom, failure to address issues)
- 2.p **Insubordination** (refusal to do what is asked)
- 2.q **Discipline** (appropriateness, timeliness, requirements, alternatives, or options for responding)
- 2.r **Equity of Treatment** (favoritism, one or more individuals receive preferential treatment)
- 2.s **Other** (any other evaluative relationship not described by the above sub-categories)

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3. Peer and Colleague Relationships
Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory–employee or student–professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization.)

- 3.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 3.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 3.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 3.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 3.e **Communication** (quality and/or quantity of communication)
- 3.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 3.g **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 3.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 3.i **Physical Violence** (actual or threats of bodily harm to another)
- 3.j **Other** (any peer or colleague relationship not described by the above sub-categories)

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4. Career Progression and Development
Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

- 4.a **Job Application/Selection and Recruitment Processes** (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
- 4.b **Job Classification and Description** (changes or disagreements over requirements of assignment, appropriate tasks)
- 4.c **Involuntary Transfer/Change of Assignment** (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
- 4.d **Tenure/Position Security/Ambiguity** (security of position or contract, provision of secure contractual categories)
- 4.e **Career Progression** (promotion, reappointment, or tenure)
- 4.f **Rotation and Duration of Assignment** (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
- 4.g **Resignation** (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
- 4.h **Termination/Non-Renewal** (end of contract, non-renewal of contract, disputed permanent separation from organization)
- 4.i **Re-employment of Former or Retired Staff** (loss of competitive advantages associated with re-hiring retired staff, favoritism)
- 4.j **Position Elimination** (elimination or abolition of an individual's position)
- 4.k **Career Development, Coaching, Mentoring** (classroom, on-the-job, and varied assignments as training and developmental opportunities)
- 4.l **Other** (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)

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5. Legal, Regulatory, Financial and Compliance

Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

- 5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)
- 5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)
- 5.c **Harassment** (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)
- 5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc.[being part of an Equal Employment Opportunity protected category – applies in the U.S.])
- 5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)
- 5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)
- 5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)
- 5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)
- 5.i **Property Damage** (personal property damage, liabilities)
- 5.j **Other** (any other legal, financial and compliance issue not described by the above sub-categories)

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6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

- 6.a **Safety** (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)
- 6.b **Physical Working/Living Conditions** (temperature, odors, noise, available space, lighting, etc)
- 6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)
- 6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)
- 6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)
- 6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)
- 6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)
- 6.h **Environmental Policies** (policies not being followed, being unfair ineffective, cumbersome)
- 6.i **Work Related Stress and Work–Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)
- 6.j **Other** (any safety, health, or physical environment issue not described by the above sub-categories)

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7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

- 7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)
- 7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)
- 7.c **Administrative Decisions and Interpretation/Application of Rules** (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)
- 7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)
- 7.e **Other** (any services or administrative issue not described by the above sub-categories)

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8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

- 8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)
- 8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)
- 8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)
- 8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)
- 8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing, off shoring, outsourcing)
- 8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)
- 8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)
- 8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)
- 8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)
- 8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)
- 8.k **Other** (any organizational issue not described by the above sub-categories)

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9. Values, Ethics, and Standards

Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

- 9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)
- 9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)
- 9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)
- 9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)
- 9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above sub-categories)

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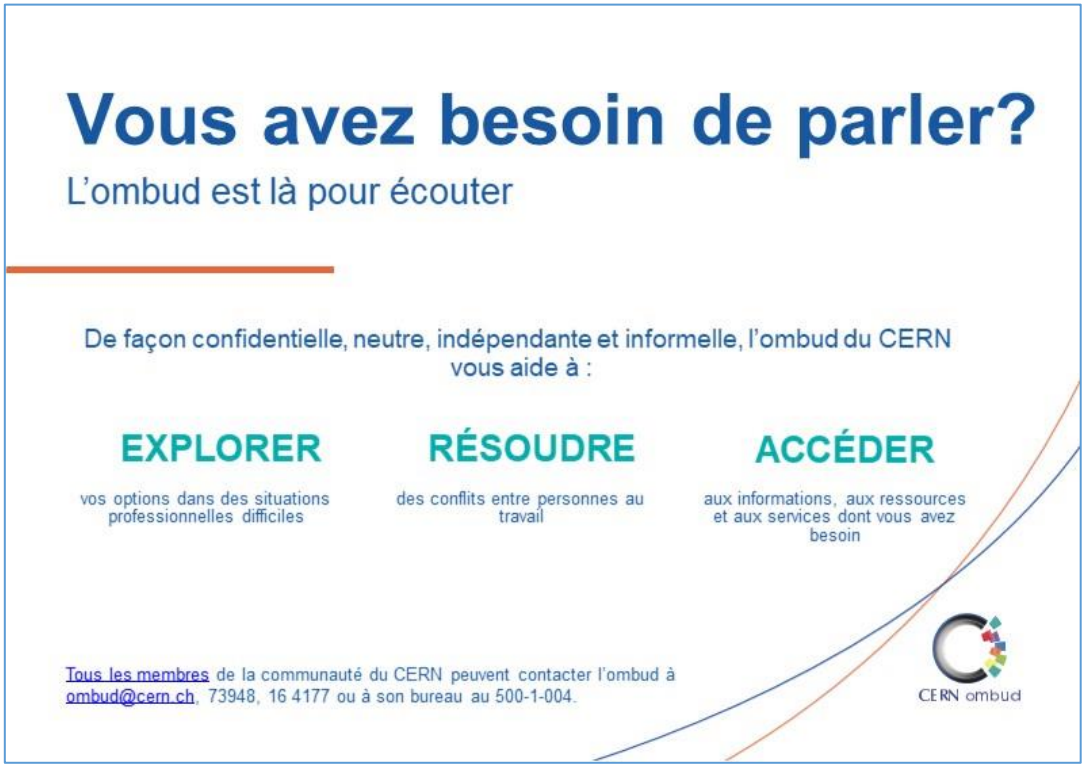
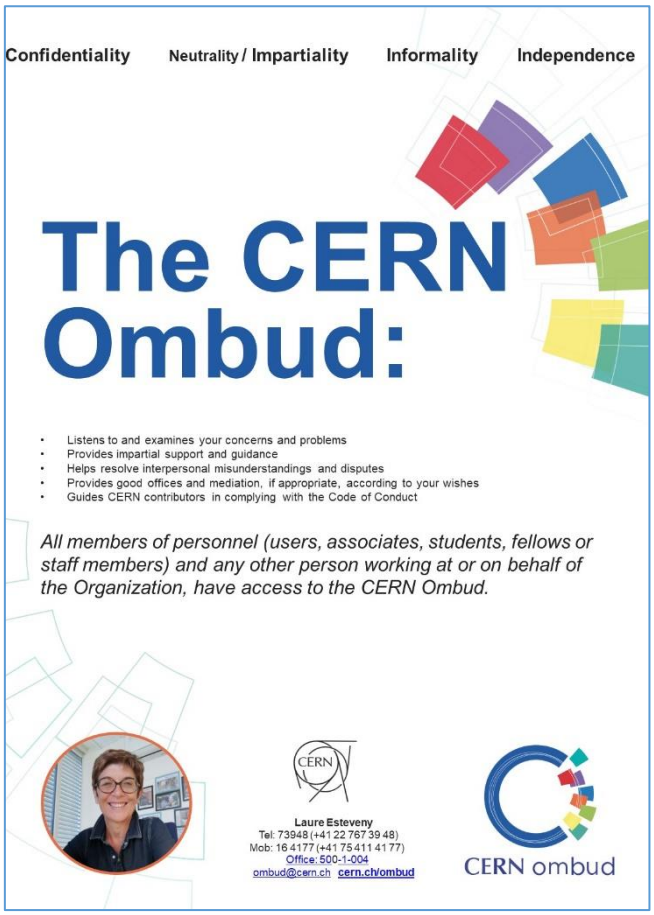
ANNEX E - Articles in the Ombud's corner in 2021

The following 22 articles were published in 2021 in the CERN Weekly Bulletin, starting with the most recent one:

- Each and every one of us matters
- Knowing how to set limits for ourselves and others
- Seven ways to protect your team from conflicts
- The "I need" behind the "I want"
- The power of mediation
- Listening as an effective management tool
- A purposeful return to work
- Don't sweep conflicts under the carpet
- Five ways to jump-start a new job
- Staying in the driver's seat: on the principle of informality
- Bread-and-butter issues in the Ombud's office
- The third chair in the Ombud's Office: Impartiality
- Respect and internal mobility
- Ten good reasons to opt for the ombud
- 2020 annual report by the Ombud – a role driving change
- My own visit to the ombud
- Sexism: let's face the facts
- Humor in the time of Corona
- The judgment of Solomon
- Should you tell your colleagues everything?
- Oh no, a new boss!
- Best wishes for 2021!

ANNEX F - Communication material

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Apporte une aide et des conseils de façon impartiale
Aide à résoudre les malentendus et à apaiser les conflits entre les personnes
Propose des services de bons offices ou de médiation, si cela est approprié et si vous le souhaitez
Conseille les collaborateurs du CERN en matière d'application du Code de conduite
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