


YOUR RIGHTS AND INTERESTS

05 November 2004

The Second Annual Report of the Ombudsperson



The Ombudsperson's report for 2003-2004 was posted on the office's intranet website recently. The Bulletin met with Ombudsperson James Lee in his office in Uganda House.

Q. What is your major impression two years after the Office of the Ombudsperson was created?

A. That staff members at all levels – including the Executive Heads and the Staff Council – are increasingly seeking the services offered by the Office for alternative dispute resolution.

Q. Well, there certainly is an increase – up 29% in UNDP. Doesn't that mean there's more trouble, not less, since you opened your doors?

A. Not at all! It means that staff want a quick, effective solution, as informally as possible, to the kinds of situations that arise in the modern workplace. And remember, the increase represents only a small fraction of the workforce. It is also important to remember that when staff talk to an Ombudsperson, they do so in good faith and in the hope of stopping the situation from escalating. That's not trouble – it's a search for a solution. It's also a very cost-effective way of resolving the situation – it saves time, helps to get everybody back on the job and avoids the cost and aggravation of litigation. It means, too, that we use to the fullest the resources entrusted to us by the international community. It also means that the staff member who comes to us remains in control of the process.

Q. How do you cope with the demand?

A. The Office of the Ombudsperson is very fortunate in having highly professional, dedicated staff. The consultant ombudspersons, Linda Schieber and Sheila Smith, were both members of the Ombudsman Panel and so are very experienced. Selome Yifru has done a great job as information officer. All three have participated successfully in the professional training seminars offered by The Ombudsman Association. Nancy Araya, who joined us recently, has already made valuable contributions. It is our aim to treat everyone with respect and to respond as quickly as we can to a grievance.

Q. Couldn't the parties to a dispute just take care of the situation themselves?

A. You know, it's sometimes impossible for people involved in a dispute to talk to one another. That's where an Ombudsperson can really help to sort out what the real cause of the problem is, by listening carefully and objectively to both sides and giving honest feedback. We have had no trivial matters brought to us even in cases where the initial dispute seemed to be about something unimportant. The issues brought to the Ombudsperson are often a symptom of a situation that is causing loss of productivity. That is serious. The

good news is that when staff members contact us, it is an indication that they want to move forward.

Q. It says in the report that you visited 15 country offices, yet 376 staff members from the country offices contacted you. Don't you think that it would be better to have ombudspersons in the country offices themselves or at the regional level?

A. Thanks for asking that question because it often comes up. I'd like to reiterate what we said in the report. The problem is that an Ombudsperson in a country office would be acting on a voluntary basis and would find it impossible to follow strictly the principles of objectivity, independence, accessibility and confidentiality since there could often be a conflict of interest between the position of Ombudsperson and the staff member's own professional standing. It would be unreasonable to expect the Organization to grant free access to sensitive information to someone who would be serving a short, voluntary term as Ombudsperson. These, in fact, are the major reasons why UNDP, UNFPA and UNOPS established the present office, which responds to grievances from all staff members, especially those from the country offices. I would like to say, however, that in many country offices, there are colleagues to whom staff members may turn for advice and to examine their options. It is important to recognize this valuable peer counselling while maintaining the principles that govern the Ombudsperson. In the inter-agency discussions among Ombudsmen and Mediators of the UN System, the possibility of sharing ombuds services at the regional level has been discussed, and this may be a fruitful avenue for the near future in certain specific circumstances, if the Ombudsperson is unable to travel to a country office, perhaps because he is already on mission somewhere else, and if a visit to a country office is extremely urgent.

Q. You've just mentioned objectivity, independence, accessibility and confidentiality as the principles by which you operate. How do you maintain those principles?

A. We've been very lucky in having Executive Heads and a Staff Council who realize the value of these principles and who support them wholeheartedly. On a practical basis, we make quite clear at the outset of a case, that we cannot be an advocate for either side. I think that everybody has accepted that and I believe that we have established a reputation for adhering to these principles. We are able to work very closely with all parties in a dispute and enjoy effective relations at all levels. However, we maintain our independence at all times. For example, it would create the wrong impression if I were to get off the same plane as a representative of senior management or of the Staff Council. Of course, we are always willing to work with all parties but we always give first priority to the ombuds principles. Staff members who have contacted us are aware from the beginning of the way we operate or else they very soon discover it. Let me take the opportunity at this point to invite all staff members to visit our website at <http://intra.undp.org/ombudsperson>.

Q. You mention autocratic management style and arbitrariness a number of times in your report. What do you think is at the root of the problem and what recourse do staff members really have?

A. You know, it's really difficult to know why some people behave the way they do, especially in organizations with such humanitarian ideals as UNDP, UNFPA and UNOPS. We do recommend targeted training and we've also outlined a few practical recommendations that might help us all to avoid inappropriate management styles. When all is said and done, however, effective management is the major guarantor of success and effective management means recognizing rights, avoiding confrontation, respecting others' dignity and demonstrating leadership skills. As we have recommended in the report, those skills should be thoroughly tested during the recruitment process. All the Executive Heads and the Staff Council support very strongly the right of all employees to perform their duties in a dignified manner and they have acted swiftly when we have brought abuses of power to their attention. In light of this, I really do encourage staff members to call the Ombudsperson when such a basic right is denied.

Q. But what about retaliation about staff members who contact you and who might be in a worse situation than if they had simply suffered in silence?

A. You'll see from the report that this is an issue about which we feel very strongly in the Office of the Ombudsperson. It flies in the face of what the Executive Heads themselves have asserted publicly, as I have just indicated. I certainly never hesitate to bring any incident of retaliation to their attention – and I am pleased to say that they have always acted decisively. With this in mind, staff members should never hesitate to contact the Ombudsperson.

Q. What are the three major points you'd like people to remember from the report?

A. Well, first of all, I hope that we have shown through our work in the Office of the Ombudsperson that all those who work for UNDP, UNFPA, UNOPS and the associated funds are accountable. We are all accountable for ensuring that public money – our lifeblood – is put to maximum use. That means living by the code of conduct for international civil servants and adhering to United Nations regulations and rules. Second, I hope we have shown that the Ombudsperson will try to ensure that, whenever there is a lapse in accountability, resulting in inequitable treatment, staff members can contact us and be assured of confidentiality, objectivity and independence. And third, I hope everybody will see it is a priority of the Executive Heads and the Staff Council to safeguard the rights of all staff members to contact the Ombudsperson, without fear of retaliation, as a means of ensuring harmony and effectiveness in the workplace.

Before you go, let me invite all staff, once again, to visit our website at <http://intra.undp.org/ombudsperson>.

Q. Thank you.

A. Always a pleasure.

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