



YOUR RIGHTS AND INTERESTS

19 April 2004

James Lee, Ombudsman, shares tips

Q. The last time we spoke, you mentioned that you would be giving some tips from your experience in visiting the country offices – how to avoid conflict in the office and how to resolve it if it does arise. What kind of advice do you have?

A. You mean how to avoid a visit from James Lee? Just joking – although it is important to see the services offered by the [Office of the Ombudsperson](#) in the positive light in which they were established. After all, when staff members approach us, it is because they are seeking a solution, not because they want to litigate! There are, however, a number of measures that we believe would foster a more harmonious, productive work place.



James Lee

Let me first tell you, though, a little bit about how our work has been over the past 18 months. I have visited more than 20 country offices and these visits have included all regions. Consultant ombudspersons Linda Schieber and Sheila Smith and I also spend a great deal of our time responding to queries from the country offices by telephone, email and fax while for many people, Selome Yifru, our Communications Officer, is the first point of contact.

The missions are an essential part of the work of the Office, as they indicate to staff of UNDP, UNFPA and UNOPS in the field that they really do have equal access to the services of the Office. My missions are often planned to respond as quickly as possible to a situation and I am able to give only one or two days' notice to country offices that I am about to arrive.

Q. Does that mean the staff and management concerned don't have time to prepare for your visit?

A. That's a very interesting question, you know. The kind of dialogue that an ombudsperson fosters is one that encourages everybody to participate in a constructive way to reaching a mutually acceptable solution. We find that the ombuds approach works best when there is no time to mull over what has happened in the past and so we try to initiate the dialogue with the minimum of lead-time. It is really counterproductive to line up dossiers, defences and demands when what we are seeking is an informal resolution that is forward-looking, not one that aims at settling old scores.

Q. Does that mean you don't tell the supervisor you are intending to mediate until you turn up on his or her doorstep?

A. Yes, it does in effect mean that sometimes. In fact, some staff members hesitate to give us the go-ahead because they are frightened of what they may perceive as the consequences. Some people even think of us as the police – quite a wrong conception: we are not looking to apportion guilt but rather to resolve problems amicably and in an empowering way.

For example, on some occasions, Resident Representatives or Directors are alarmed by the news of an impending visit from the Ombudsperson. Supervisors have even interrogated staff – “Was it YOU who called in the Ombudsperson?”

We want to ensure everybody who uses our services that no alarm is warranted, and certainly no such interrogations called for. In fact, the arrival of the Ombudsperson should be seen in a positive light, as an indication that, if there are problems, it is possible to find a solution by informal means, by mediation.

Q. Do you really mean to say it's possible to welcome your visit?

A. Absolutely! Although I have to admit that it's usually in retrospect! On rare occasions, I have been asked to address the staff of a country office or a unit in headquarters where there has been no conflict reported. The supervisor simply wanted the staff to know what they can expect from an ombudsperson should the need for an informal approach to conflict resolution arise.

Still, however positively we in the Office of the Ombudsperson may portray a visit, it is nevertheless the case that Resident Representatives and Directors in the field may wish to take steps to avoid such a visit.

Q. Let me take you up on that! What practical advice would you offer to avoid a visit from the Ombudsperson?

A. I'll be as positive and constructive as I can, in the spirit of what I said earlier about the organizational strengthening that can take place through our intervention.

The most important way of avoiding a situation of conflict and the possibility of a visit from the Ombudsperson is for senior management in country offices – and in headquarters, too, of course – to create a working environment in which all staff can voice their opinions, one in which staff are listened to, where there is transparency and adherence to due process.

The latter is important in two ways: due process needs to be followed in order that actions taken by management are defensible in a **legal** sense; however, it is also important that the **spirit** of due process is observed. The rules are there to protect staff from arbitrariness as well as to protect the organization, and there have been many cases where management may have just about observed the letter of due process but in such a way that staff still feel aggrieved.

Let me give you a practical example: the appraisal process. Claims that staff have been told in some vague way to improve their performance are sometimes used as a basis for giving an unsatisfactory appraisal and subsequently not renewing a contract. However, being told to 'improve' is not the same as being given a proper mid-term review, with specific areas of concern identified and specific objectives to be fulfilled, and support given to enable staff to achieve them.

Another example is that some staff members are genuinely frightened to speak out because they have seen what has happened to other colleagues who have done so. In situations like these, managers who have created an atmosphere in which staff are unwilling to voice their concerns have sometimes expressed surprise to discover all is not well: 'How could I have known anything is wrong, nobody said anything?'

It is always a matter of great concern to us when we discover that in a certain office, staff and management working towards common goals are not communicating among themselves. Access within country offices to training in interpersonal skills can be vital for improving the level of dialogue among colleagues and for

creating an atmosphere of trust and harmony.

Q. This all goes to show how essential good management skills are in the country offices and how effective UNDP operations depend on them!

A. Yes it does. However, from an objective, independent standpoint, my colleagues and I in the Office of the Ombudsperson must emphasize that staff members need to inform themselves about rules, regulations and rights, to use the information which is available on the Internet and intranet.

I hope that by the time our colleagues are reading this interview, they will all have received the brochure that we have prepared in the Office to summarize the services we offer. If any staff member is having difficulty finding the appropriate information, Selome Yifru may well be able to provide documentation, to undertake research, to find out exactly what rules are relevant in a specific instance and how they are being interpreted and implemented in practice.

Many of the cases brought to the Office of the Ombudsperson involve issues that test the boundaries of many rules. Cases may also lead the Office to recommend the revision, amendment or clarification of existing rules.

Q. How would staff – and management, of course – find out about your recommendations?

A. Well, there is no better way than reading the [report of the Ombudsperson](#). The next one will be available in July/August and, like the previous report, will be posted on our intranet site. In the meantime, if in doubt, please check with our office.

A final word of advice here, too – please don't wait to contact us! Bring your grievances to the Office of the Ombudsperson as quickly as possible: if the issue is dealt with speedily, it may be possible to avoid the development of a crisis.

For example, senior management in country offices may be unaware of problems occurring – problems in interpersonal relationships, for example, between staff and supervisors. There are many instances where such problems can be brought to the attention of the Resident Representative by the office of the Ombudsperson, who may be able to bring about a solution and restore a harmonious working environment before the situation degenerates and becomes less amenable to an informal solution. If that unfortunately proves to be the case and the Ombudsperson has to suggest a solution to the Administrator or the Executive Directors, we still urge that as speedy a resolution as possible is reached to avoid further aggravation and litigation.

Q. A stitch in time saves nine!

A. Quite right! Let me just say once again, however, that if the Ombudsperson does arrive in a country office, everyone involved should see this as a very positive step. It means that staff members are committed to continuing to work together to find solutions to problems and shows that staff are open to mediation as a means of resolving difficult issues.

It is often the case during the course of the Ombudsperson's visit that other, seemingly unrelated, issues can be raised that staff have felt unable to voice, but which are preventing the office from functioning in a truly cooperative and collegial way.

It is essential that after a visit from the Ombudsperson, no retaliation should occur. The Administrator of UNDP, the Executive Director of UNFPA and the Executive Secretary of UNOPS have all made very clear their commitment to the work of the Office of the Ombudsperson, their insistence that all staff should feel

confident that the services of the Ombudsperson are accessible to them, and that no negative consequences should ever arise as a result of contacting the Office of the Ombudsperson.

Some country offices even enjoy their visit from the Ombudsperson and ask me to return!

Q. Thank you very much.

A. My pleasure!

COMMENT ON THIS ARTICLE

[Leave a comment](#)

Give us your feedback

bulletin@undp.org