Proposal for the set up of a Working Group for the creation of the post of an ombudsperson at CERN

With the startup of the LHC, CERN is preparing for its greatest challenge. But in a climate of staff cuts and of an ever-increasing workload, investing in the well-being of its human resources is paramount to the success of the Organisation. Users, Staff Members, Fellows, Associates and Sub-contractors make for a rich and diverse pool of talented collaborators, all working towards the same goal. The high demands imposed by the forthcoming deadlines are unfortunately accompanied by a rise in the number of conflicts and burn-out levels. It is therefore important that all feel supported and encouraged in this endeavour, and be given access to the same recourse mechanisms should conflicts arise.

The IT department created an ombudsperson role in the 1990s, the only department at CERN to do so. This role has been deemed very useful by those Members of Personnel who have taken advantage of it. The current IT ombudsperson, Catherine Delamare, took on this role in 2005. Prior to this, she carried out an extensive study, interviewing people from the Human Resources Department, the Medical Service, the Equal Opportunity Advisory Panel (EOAP) and other key services. She presented her results to the Director General, Robert Aymar in March 2004. In August 2006, she met Enrico Chiaveri to present qualitative and quantitative data of one year of work by the IT-ombudsperson (including the two key numbers of 3% of Staff Members soliciting the ombudsperson and a success rate of 80%). Her conclusions point to the idea that a CERN-wide ombudsperson would provide a formal, homogeneous structure to support Users, Fellows, Associates, Sub-contractors and Staff Members alike, at a small cost for the Organisation. Based on these conclusions, the “Ombudsperson Initiative Group” was formed, composed of Staff Members and Users from the ATLAS Women's Network to explore the feasibility of this idea further.

The “Ombudsperson Initiative Group” has drawn up the following proposal, which makes a case to form a Working Group to create a CERN-wide ombudsperson position at CERN, mirroring efforts of other international organisations such as the UN, WHO and the ILO.

Given the rationale outlined above, and:

1. The variety of recourse mechanisms applicable to CERN Users, Staff Members, Fellows, Associates, etc. as outlined in Table 1 below.
2. The consequent lack of a coordinated, official structure with individuals formally trained in conflict resolution and representing all members of the Organisation.
3. The fact that the Staff Association Case commission is only applicable to CERN Staff Members and Fellows.
4. The lack of support for CERN Users, Associates and Students from outside institutes who have no formal place to go in case of conflict with CERN collaborators. Their home institute is often too far away or unaware of CERN’s structure to be able to provide any help.
5. The fact that CERN’s experiments structure does not provide any authority in matter of conflict resolution since the working and the administrative hierarchies are completely separate.
We propose the following:

- The formation of a Working Group with key representatives from the CERN community at large to explore and define together the terms of reference for the CERN ombudsperson position. This Working Group should be comprised of representatives from CERN Human Resources Department, the Staff Association, the Advisory Committee of CERN Users (ACCU), members of the Equal Opportunity Advisory Panel, the Equal Opportunity Officer (EOO), the Medical Services, the CERN Council, the Management of Experiments, CERN Departments, Users, Sub-contractors, etc. Members of the Ombudsperson Initiative Group will also be part of this Working Group.

- To raise the necessary funds to hire an external consultant to drive this initiative and guide the working group to draft the terms of reference of the ombudsperson suited for the needs of all people working at CERN. One such consultant based in Geneva is Ms Joan Connors, former ombudsperson of the ILO in Geneva, whose CV is included in appendix 2. The consultancy services in this task would cost approximately 10'000 CHF.

- Organise an initial meeting of this working group as soon as possible (if applicable, with the external consultant as facilitator) to first agree on the process and the formal composition of the working group who would then define the Terms of Reference for the CERN Ombudsperson for submission to the Council as a White Paper by autumn 2007.

Appendix 1 to this document provides first observations on the role of the Ombudsperson as foreseen for the Organisation.

### Table 1: Different recourse mechanisms applicable to the various categories of CERN Members

<table>
<thead>
<tr>
<th>Personnel Category</th>
<th>Existing resources in case of conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>CERN staff members and fellows, ~2900 People</td>
<td>HRAs, Staff Association, EOO, EOAP, Medical Service, Social Affairs (Psychologist)</td>
</tr>
<tr>
<td>Users ~7900 people</td>
<td>University or Institute supervisor</td>
</tr>
<tr>
<td>Associates ~400 people</td>
<td>EOO, EOAP, Medical Service</td>
</tr>
<tr>
<td>Sub-contractors ~2000 people</td>
<td>Sub-contractor Union if applicable; Office Cantonale des Relations de Travail if the sub-contractor is Swiss.</td>
</tr>
<tr>
<td>Students ~350 people</td>
<td>Supervisor</td>
</tr>
</tbody>
</table>

According to staff Rules and Regulations Chapter I, Section 2, all personnel categories are “members of personnel”

We are all working towards the same goal

We should all have the same recourse mechanism in case of conflict or problems.

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1 Statistics taken from CERN’s HR web pages
Appendix 1: Preliminary observations on the role of the ombudsperson to be expanded through the working group with guidance from the external consultant. These are mere observations which will need to be investigated in the wider context of established procedures in place at CERN.

1. The creation of an Ombudsperson position at CERN, independent from, but reporting to the CERN Council. This neutral and formally trained person should have authority to consider conflicts of any nature related to employment by CERN or while working at CERN.
2. The Ombudsperson would work in direct consultation with established structures (HR, Medical Services, Staff Association, etc.). The Ombudsperson could be supported and advised by the team of Human Resource Advisors who have knowledge of each department’s working environment and structure.
3. The Ombudsperson should have direct access to the Director General, as needed, for the assessment of his or her functions, report regularly to the DG on his or her activities and have the right to comment on policies, procedures and practices that have come to his or her attention.
4. All people working at CERN (Staff Members, Users, Sub-contractors) should have voluntary access to the Ombudsperson.
5. The Ombudsperson should maintain strict confidentiality concerning matters that are brought to his or her attention and provide a mechanism to avoid any type of retaliation.
6. In the resolution of a conflict, the Ombudsperson should not act as an advocate for any party, but should be guided by the Staff Rules and Regulations as well as by the principles of justice and fairness.
EXPERIENCE

Geneva, Switzerland 2005 to present
Consultant
Provide investigation, training, mediation, facilitation and legal services for international organizations.

- Designed and delivered five-day workshop for nine United Nations, international and local non-governmental agencies committed to establishing sexual exploitation and abuse (SEA) complaint and response mechanism using common standards and common procedures. Workshop components included SEA awareness, teamwork, and technical drafting (CARE International in Jordan).
- Investigated and reported on cases of SEA of vulnerable children by humanitarian workers; mentored national consultant in investigation technique, strategy and reporting (Save the Children-Canada (Haïti) and UNICEF-Haïti).
- Trained United Nations, international non-governmental organization and local partner staff on sexual exploitation and abuse prevention, response and investigation (ICVA, Building Safer Organisations Project in Cairo; International Rescue Committee in Liberia; Save the Children-Canada Haïti and UNICEF-Haïti).
- Facilitated work of international non-governmental organizations in establishing a national-level sexual exploitation and abuse network (ICVA, Building Safer Organisations Project in Liberia).
- Investigated misconduct allegations against staff (UNHCR, Inspector-General’s Office).
- Mediated conflict between colleagues (The Global Fund to Fight AIDS, Tuberculosis and Malaria; WHO).
- Drafted model terms of reference for ombudsmen in international organization (WHO Ombudsman).
- Facilitated United Nations Ethics Programme and difficult conversations training; coached individuals in addressing difficult workplace conflict productively; facilitated teambuilding exercises using principles of positive
psychology (United Nations Office in Geneva, Staff Development and Learning Section; WHO, Preventive Chemotherapy Unit).

**International Labour Office,** Geneva, Switzerland 2001-2005  
*Ombudsperson/Mediator*

Directed global ombudsman/mediation service in United Nations specialized agency.

- Developed policies, procedures and standards of conduct to ensure ethical, top-quality investigation, conflict resolution services, and Whistleblower response consistent with public international law, staff rules and organization policy.
- Investigated and reported on sexual and moral harassment grievances.
- Taught mediation, negotiation, and conflict resolution skills.
- Mediated and facilitated complex cases between staff at all levels of the organization.

**Catholic Social Services Immigration and Refugee Services,** Anchorage, Alaska 1997-2001  
*Pro bono Attorney*

Represented asylum-seekers and survivors of sexual and gender-based violence.

**The Resolution Center,** Anchorage, Alaska 1997-2001  
*Mediator*

Mediated multi-party, multi-ethnic victim-offender cases that gave crime victims and perpetrators opportunities for reconciliation.

*Intake Supervisor/Assistant Ombudsman*

Investigated and resolved citizen complaints against government agencies.

- Supervised the fair, objective and rapid handling of more than 500 complaints annually.
- Conducted major investigations on issues including the adequacy of child protection efforts, official misconduct, and public participation in agency decision making.
- Trained and supervised investigative staff; wrote and edited investigation reports.
- Advised the Ombudsman on the full range of legal issues arising in the course of operations; advised investigators on legal aspects of investigations.

**Alaska Judicial Council,** Anchorage, Alaska 1995-1996  
*Project attorney*

Evaluated state government child protection system.

- Measured child protection system compliance with national-level mandates through data collection; court observation; and interviews with major stakeholders including children in out-of-home care, judges, parents, social workers, and service providers.
• Analyzed study data, made findings, wrote report, and formulated recommendations to improve outcomes for vulnerable children.

Project evaluator 1991-1993
Carried out a grant-funded study and follow-up survey of rural alternative dispute resolution in Alaska.
• Documented the present-day traditional justice systems of two indigenous Alaska tribal groups, Tlingit and Athabascan, and the operation of a multi-ethnic conciliation programme in an Arctic community.
• Gathered data through extensive structured interviews and review of state and tribal court files, analyzed study data, wrote report, and made recommendations in support of increased tribal-state cooperation.
• Published an article in *Mediation Quarterly*, Spring 1993, that analyzed culturally significant and appropriate peacemaking methods in three rural Alaska communities.

Associate Attorney
Provided legal services to institutional and individual health care providers.

Alaska Court System, Anchorage, Alaska 1987-1988
Law Clerk
Briefed judge for decision making through preparation of written memoranda; drafted decisions and orders.

Kodiak Women’s Resource and Crisis Center, Kodiak, Alaska 1982-1984
Domestic Violence Advocate
Responded quickly, efficiently and compassionately to women and children in crisis because of domestic violence and sexual assault.

Principal Investigator
Took and compiled oral histories of Alaska pioneers and elder Native culture bearers to establish a community oral history archives.

EDUCATION
University of Oregon School of Law, J.D., May 1987
Emphasis on American Indian and environmental law

Mount Holyoke College, B.A. in Medieval Studies, 1982
Honors: magna cum laude

Syracuse University Abroad, Florence, Italy
Renaissance art and history, Italian language, Fall 1980
Université de Paris (Sorbonne Nouvelle Paris III, Panthéon-Sorbonne Paris)

I) Cours de linguistique et phonétique and conférences de civilisation, 1977-78

CERTIFICATION AND LICENSING

• French language, United Nations Educational, Scientific and Cultural Organization (UNESCO), May 2003
• National Certified Investigator Training Specialized Program (advanced investigative skills), Council on Licensure, Enforcement and Regulation (CLEAR), June 1999
• Certified Investigator, CLEAR, February 1994
• Member, Alaska Bar Association, June 1988