Period covered: 1 April 2015 to 31 December 2015

Annual report of the EMBL Ombudsperson
The elephant and the blind men
(an explanation of the picture on the frontpage)

The story of the blind men and an elephant is said to be a Hindu tale. The tale is about a group of blind men (or men in the dark) who should touch an elephant and describe it. Each of them is given a different part of the elephant to touch, such as the tusk or the ears. The men, when talking to each other, find out that they are in complete disagreement as to what it is they are supposed to be describing. One of the versions of the tale suggests that only when the men eventually stop arguing and start listening to each other, they come to understand what an elephant may actually look like.

"While one’s subjective experience is true, it may not be the totality of truth. The story has been used to illustrate a range of truths and fallacies; broadly, the parable implies that one’s subjective experience can be true, but that such experience is inherently limited by its failure to account for other truths or a totality of truth." (wikipedia: the elephant and the blind men)

The tale may therefore help to better understand why disagreements and conflicts arise, and that listening could be key, not to only solve a conflict, but actually to benefit from different perspectives. The graphic was made several years ago by EMBL graphic designer, Petra Riedinger, in analogy to how different techniques can be combined to form a complete image of a biological molecule’s physical structure (see EMBL Annual Report 2010-11, page 41). In some respects, EMBL seems to have embraced the elephant and its concept long before the Ombudsperson arrived.
Conflict is neither bad nor good. It is what we make of it. Conflicts occur in all systems, also within organisations. Conflicts may be catalysts that allow organisations to learn and develop. In order for this to happen, they must be detected as early as possible and be addressed constructively. If not, conflicts can be detrimental to the organisation’s objectives and even cause it to fail.

EMBL decided to create a full-time position of Ombudsperson in 2014. The creation of this position represents a commitment by EMBL to the resolution of conflicts in a constructive manner. It also takes into account that the well-being of all its members of personnel and the success of the organisation are mutually dependent.

It is important to highlight that the taking up office of the Ombudsperson in April 2015 coincided with the introduction of EMBL’s Code of Conduct. The Code of Conduct also links the success of the organisation with a good working environment stating that “the success and productivity of EMBL are contingent upon promotion by everyone at EMBL of the common aspiration to create a collaborative, stimulating, and supportive working environment”.

The promulgation of the Code of Conduct in combination with the creation of the Office of the Ombudsperson is a clear indication that the organisation seeks to have the contents of the Code implemented in practice.

How will the Ombudsperson contribute to EMBL?

» “Humanise” the organisation by providing safe and informal opportunities to be heard for all members of personnel at EMBL; lend assistance in identifying options for managing or resolving concerns; facilitate communication between or among conflicting parties; provide conflict resolution skills training and upward feedback to management about trends in conflicts, hot-button issues or other matters of importance to organisational leaders.

» Help EMBL to reduce costs related to conflict by resolving disputes informally and by helping to avoid the waste of resources, time and energy of parties in formal grievance processes and litigation.

» Help keep senior management abreast of new and changing trends within the organisational community.

» Help executives and managers avoid spending excessive amounts of time attempting to resolve conflicts.

» Refer individuals to appropriate formal processes and resources within the organisation.

It is also worthy of note that 2015 saw some important leadership changes, namely Roland Block was appointed the Head of Human Resources and Christian Scherf took on the position of Administrative Director. Both positions represent key interlocutors for an ombudsperson in any organisation, also at EMBL.

Against the background of these important developments, it becomes apparent that there is ample opportunity at EMBL for further development, in particular with regard to strengthening a collaborative and supportive environment.

1. The Code of Conduct is designed as a guide for ethical, respectful behaviour of individuals and is intended to foster a healthy working environment at EMBL.
2. In line with the suggestion made by the International Ombudsman Association as to how Ombudsman can contribute to an organisation, see: https://www.ombudsassociation.org/Resources/Frequently-Asked-Questions.aspx
1 Introduction

The Office of the Ombudsperson (hereinafter also referred to as the Office or the Ombuds office) is required to submit an annual report on its activities to the Director-General. This report contains anonymous statistical information with respect to the visitors contacting the Office. It also outlines the role of the Ombudsperson, touches upon other activities of the Office and provides recommendations.

The statistical information about the casework is collected and presented by making use of a system of classification developed by the International Ombudsman Organization. Through nine broad categories and several sub-categories, this framework helps to organise and describe the many different issues that affect and lead people to contact the Ombuds office.²

It is important to bear in mind that as the statistics regarding the issues are solely in relation to the visitors of the Ombuds office, they cannot be extrapolated to all members of personnel working at EMBL.

Notwithstanding this fact, the Ombudsperson believes the data provide useful insights which should be taken seriously and may be fed into the organisation’s overall strategic planning.

The Ombudsperson also believes that based on the input of the visitors, albeit as mentioned not being representative of all staff, combined with her knowledge and experience, it is safe to make some recommendations hoping that they may be of overall value to the organisation and its employees. The report may also inspire individuals to adopt an attitude of self-evaluation and introspection, and may present an impulse for enhancing self-awareness.

2 Terms and Terminology

In reviewing the information presented in this Annual Report (hereinafter also referred to as Report), it is important to understand the methodology behind the calculations and statistics, namely what the numbers represent. The key terms appearing in this report are defined below.

2.1 – Case

A case is when a visitor contacts the Ombudsperson in respect of a specific situation. Often a case involves several issues. For example someone having difficulties with his/her evaluative relationship with a supervisor may bring at the same time another issue having to do with his/her career situation. On the other hand, if several visitors come to the Ombudsperson to share a similar concern, several cases are then connected to a single issue. A single issue could then be for example related to internal mobility, a subject which may be a concern of several visitors, namely representing several cases in the statistics of this Report. A single case may involve contacting several persons in order

³ CERN’s Ombud also makes use of the same classification system.
to have a complete picture of the situation. Within a single case, the same visitor might have to be seen several times in order to reach a resolution of his/her issues.

Cases can involve simple discussion, advice and coaching, action, or mediation between parties. Not all cases are related to real conflicts, some of them may be just a search for information or verification of an action that the visitor intends to pursue.

2.2 – Issue

Issues are concerns which are brought to the attention of the Ombudsperson for discussion, advice, coaching or action. The classification of the concerns into issues is done solely by the Ombudsperson after careful assessment. In reality, almost all cases involve several issues. For example, certain cases of abuse of power are evidently linked to some violation of the Code of Conduct, difficulties with supervisors, psychological threat, and connected to health and safety. So while the number of cases represents an indication of the level of activity of the Ombudsperson, the number and kinds of issues may be a better indicator of the conditions of employment, working conditions and relations between supervisees and supervisors, colleagues or groups of people.

This Report will make use of the International Ombudsman Association (IOA) classification of issues which outlines nine major categories of issues. Each main issue may be broken down into several sub-issues, which permits a better identification of the problem encountered.

2.3 – Mediation

Mediation is a form of alternative dispute resolution. It is a voluntary process conducted confidentially in which a trained neutral person, known as a mediator, assists parties in working towards a negotiated agreement of a dispute or difference, with the parties themselves remaining in control of the decision to settle and the terms of any resolution. The mediator is not a judge and does not force or impose a decision on the parties. The process is confidential; hence, the discussions held during the mediation, propositions put forward and documents produced for the purpose of the mediation cannot be used later as evidence in a court or tribunal. In addition, neither the mediator nor the participants can testify in court about what happened during the mediation.

2.4 – Ombudsperson

Ombudsperson is a variation of the term “Ombudsman”. The word Ombudsman originates from Scandinavia and means “representative” or “proxy.”

2.5 – Visitor

A visitor is a person who is contacting the Office of the Ombudsperson with one or more issues which make up one case. The visitor is someone who discusses with the Ombudsperson his/her own situation.

3 Roles and Principles of the Office

The existence of the Office does not diminish the responsibility of every individual working for or with EMBL to resolve conflicts with their colleagues, supervisees or supervisors in a constructive and professional manner. Nor does it replace or compete with any existing roles or avenues available at EMBL. It is rather an additional special resource for the organisation and its members of personnel.

The specific features of the Office, also referred to as principles, are: independence, neutrality and impartiality, confidentiality and informality.

4. The information can also be found on the intranet http://www.embl.de/aboutus/administration/ombudsperson/index.html and internet http://www.embl.de/aboutus/administration/ombudsperson/index.html.

5. These principles are fully in line with the Code of Ethics of the International Ombudsman Association [IOA], which gathers Ombuds coming from Universities, Governments, Companies, and other International Organizations around the world. The IOA is dedicated to excellence in the practice of Ombuds work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.
Independence means that the role of Ombudsperson is independent in structure, function, and appearance within the organisation.

Neutrality and impartiality make the Ombudsperson a designated neutral, someone who remains unaligned and impartial, and moreover not engaged in any situation that could create a conflict of interest.

In line with the principles, the Ombudsperson holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm to the visitor or another person.

As regards to informality, the Ombudsperson does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

It is these principles that endow the Office with its distinct effectiveness. Members of personnel may sometimes be reluctant to speak to anyone within the organisation about their problems fearing that there could be negative repercussions for them. For example: fellows or junior members of personnel may feel that it might be detrimental to their careers if they admit to not coping or even to having problems with their colleagues or supervisors. Managers in turn might not want to go and ask for help believing that it would reflect badly on their management abilities. Many visitors to the Office have stressed the benefit of being able to talk to someone in the organisation who is not involved in research, administration, support or any other operations, yet understands the organisational context.

3.1 – What can visitors expect from the Ombudsperson if they approach the office?

The Ombudsperson will first and foremost listen to the concerns or inquiries of the visitor and seeks to gain an understanding of the situation s/he is in. As a next step, the Ombudsperson will help in identifying and evaluating the options available. In many cases, if not most, the visitor will be able to tackle the problem him-/herself after having obtained his/her very personalised coaching by the Ombudsperson. This may be referred to as helping colleagues help themselves by providing them with the necessary tools to deal with the matter independently and effectively. In some cases, for example when a conflict has already escalated to an advanced stage, the visitor may wish the Ombudsperson to actively intervene with a third person. This could mean, e.g., that the Ombudsperson seeks to address the problem with a certain person, assists in resolving an issue by speaking with various parties or proposes and conducts mediation. The Ombudsperson may also support the visitor through obtaining information from third parties.

The importance and value of listening, actually active listening, in particular when people are facing problems, cannot be stressed enough. See for example: Client-Centered Therapy, Paperback – 1965, by Carl R. Rogers.
3.2 – What can EMBL expect?

In addition to providing hands-on services to individual visitors, the role of the Ombudsperson\(^7\) also consists of:

1. Helping create workplace well-being by promoting cross-cultural awareness and fostering ethical behaviour, fairness, respect and good governance throughout the Organisation.

2. Making appropriate recommendations for policies and practices that would reduce or eliminate recurring grievances.

3. Advising the Senior Management and Staff Association on issues and trends affecting staff.

4. Consulting with managers to develop cooperative strategies for complaint resolution.

5. Collaborating in the design of training programmes for managers and employees in conflict resolution, negotiation skills and other topics enhancing emotional intelligence.

4 Visitors

The Ombudsperson received a total of 53 visitors within the reporting period, and contacted another eleven people for case specific work. The number of visitors represents almost 3% of total staff at EMBL. Statistics provided by Human Resources show that EMBL had 1862 members of personnel\(^8\) in January 2016. It is important to highlight that, given that the office has existed since April 2015, the first reporting period only covers 9 months.\(^9\) In comparison 2% of staff at CERN visited the organisation’s Ombudsperson in 2014. CERN’s Ombudsperson indicated that the percentage of visitors remained almost steady since the creation of the office and she describes the 2% to be on the low side in contrast to other organisations.\(^10\)

Given the number of visitors, the Ombudsperson believes that the existence of the Office has been adequately promoted within the organisation. The Ombudsperson is aware of and grateful for the support of various key departments and individuals, such as Human Resources, Health and Safety, the Dean of Graduate Studies, the Legal Services, the Office of Information and Public Affairs and the Staff Association in promoting the services of the office. The Office also owes to its visitors several further referrals of colleagues. The Ombudsperson is mindful that continued visibility is important to facilitate access to the Office for members of personnel, existing as well as newly recruited ones.

CASE WORK – visitors/others

![Pie chart showing distribution of visitors and other persons contacted for case specific work](image)

Fig 1: Distribution of visitors and other persons contacted for case specific work

\(^7\) The roles and responsibilities are in line with the vacancy announcement for the position.

\(^8\) Members of personnel include staff members, pre- and postdoctoral fellows, visitors, ancillaries and supernumeraries, trainees.

\(^9\) Actually, factoring in the number of months into the calculation, the percentage of visitors for a 12 month period would be at 3,80 %.

Out of the 53 cases, the Ombudsperson expects to continue work on about 13 in the course of the first half of 2016, in addition to providing services for new visitors.

4.1 – Visitors by Gender

In terms of mere number of visitors, the Ombudsperson met almost twice as many women, i.e. 35 (or 66%) as men, i.e. 18 (or 33%). The gender distribution shows a very different picture for the overall number of EMBL members of personnel. With a total head count of about 1862 members of personnel, more than 55% are male, whereas only about 45% are female. This means that not only have more women than men consulted the office; the number is also disproportionate to the overall staff numbers. Yet, if one takes a closer look at the gender statistics in combination with the statistics about visitors by organisational unit, one can also ascertain that most of the visitors came from those units where the female population is higher, i.e. administrative services, outreach and training, and general support.

The Ombudsperson believes that no conclusions can be drawn from this distribution between men and women at this point in time. Neither, for example, that women encounter more problems, nor that they are more prone to addressing them. It is important to be mindful of this data and cross-check it with further data and information, and continue to do so in the coming years. The Ombudsperson will also assess if there are any real or perceived barriers for men to approach the Office and if so, how this could be remedied.

VISITORS BY GENDER

Fig 2: Gender Distribution of visitors to the Ombudsperson

4.2 – Visitors by Classifying Organisational Unit\textsuperscript{11}

Members of personnel of all classifying organisational units of EMBL have used the services of the Ombudsperson in 2015.

Fig 3: Organisational unit distribution of visitors to the Ombudsperson

\textsuperscript{11} The classifying organisational units as used by EMBL are: research, scientific services, scientific or technical support, administrative support, general support, training and outreach.
The classifying unit with the biggest share is administrative support (15 visitors, or about 28%), whereas the smallest share is held by scientific or technical support (4 visitors, or about 8%). Research and scientific services account for about 19% of the visitors, i.e. 10 each, followed by training and outreach with 15%, or 8 visitors. Visitors from general support amount to 4, or 11%.

In comparison to the shares of classifying units amongst visitors to the Ombudsperson, it might be interesting to bear in mind the shares of classifying units in terms of total numbers of members of personnel at EMBL. They are as follows: research 44%, scientific services 27%, scientific or technical support 11%, general support 8%, administrative support 6% and training and outreach 4%.

Thus, when one compares within each classifying unit its number of visitors to their total numbers of members of personnel, administrative services score very high, whereas research scores low.

One concern of the Ombudsperson is the fact that the numbers of researchers making use of the ombuds service is proportionally low in comparison to other departments. There are many young members of personnel working as researchers at EMBL, such as fellows – many of whom have just left university. Considering that some have little or no work experience, may not have been exposed to a multicultural environment and/or have undergone several important and recent personal changes, such as moving to another country, living by themselves, and so on, the Ombudsperson believes these members of personnel may be particularly prone to struggle with workplace issues. Having a safe place to talk seems highly beneficial in those situations, for both, the individual and the organisation.\)

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12. A CEO told the Dalai Lama he was concerned about how stressed his entry-level employees were with their anxieties. The Dalai Lama’s response: “For their peace of mind, let the younger staff have an internal conversation—maybe once a week or every month—about their state of mind, their emotions, not the business.” They could share ideas on how to be resilient, confront challenges, be more effective, he added. See blog from Daniel Goleman: http://www.danielgoleman.info/topics/workplace/
Notwithstanding the above, it is important to highlight that fellows have and make use of additional avenues to turn to when they are facing problems, namely the Dean of Graduate Studies and the thesis advisory committee.

4.3 – Visitors by location

Out of 53 visitors 40 are based in Heidelberg, while 13 visitors are located at the outstations. In terms of percentages, the outstations only make up about 25% of the visitors. In comparison, the total population of the outstations is roughly 50%, i.e. 900 staff members. This means that in real terms and in percentage of the overall population, 25% more visitors are based in Heidelberg, where the Ombudsperson holds office.

In connection with the locations the Ombudsperson offers some thoughts on the coverage of the outstations.

The need for the Office to ensure support at the outstations to the same extent as at headquarters was emphasised by the different constituencies, such as management and the Staff Association. Indeed, the Ombudsperson believes that the Office can be more easily accessed and be more efficient when it is on site, wherever the person is in need. This is particularly so, given that the need to visit the Office can arise suddenly and then require continued casework for weeks or even months. Consequently, the multi-site nature of EMBL presents a logistical challenge. While the Ombudsperson has visited EMBL’s outstations and can continue to do so on demand, one suggestion to make the role more effective is for the Ombudsperson to, at minimum, be based at EMBL’s second largest site in Hinxton for one third of their time (this is the ratio of members of personnel with the duty station Hinxton compared to the total number of staff), given this was feasible also from an employment condition perspective.

While there is merit to further reflection, it must also be highlighted that other important interlocutors, such as the Director General, the Director of Administration and the Head of Human Resources, are also located in Heidelberg. In addition, it appears that many visitors do have the opportunity to travel to Heidelberg in the course of their duties so as to be able to combine a meeting with the Ombudsperson. For the time being, the Ombudsperson continues to travel, capitalises on members of personnel travelling to the Laboratory’s headquarters and makes use of the latest technology for telecommunication when it is not possible to meet one-to-one. Moreover, the Office, in cooperation with management, the Dean of Graduate Studies and the Staff Association, seeks to put in place a programme, as further described under point 7, that would identify and train several staff members who can, on a confidential basis and in a neutral manner, assist colleagues when they are facing problems. The Ombudsperson believes that the program may be of particular benefit to the outstations, since it will create additional sources for support at those sites.

The Ombudsperson has visited all the outstations within the first eight months (some a number of times), except for Grenoble (visit conducted in early 2016).

5 Issues raised and taken up by the Ombudsperson

All together 223 issues were identified, namely an average of 4.2 issues per visitor. When considering the statistics below it is important to bear in mind that while the categorisation has been done solely by the Ombudsperson and only on the basis of the input of the visitors, each case has been approached and assessed diligently and individually.

5.1 – Statistics of issues and classification

Nine broad categories have been extracted for this Report from the overall classification of issues established by the International Ombudsman Association. The purpose of taking the same classification as other international organisations facilitates the comparison among them, if and when desired.
The chosen categories are described in Appendix I, along with their own respective sub-categories. The nine categories are: Evaluative relationship; career progression and development; compensation and benefits; law, regulations, finance and compliance; peer relationships; organisation and strategy related; services and administrative issues; values, ethics and standards; safety, health and physical environment.

The most common category concerns the relationship between supervisees and supervisors (evaluative relationship), which consist of 86 issues, or almost two fifths (39% of the total amount) of the total amount. Issues between colleagues who are not in a hierarchical relationship – so called peers relations – also made up a significant proportion, almost a third (29% of the total). There were 19 issues relating to career progression & development (9% of the total); 14 related to organisation and strategy (6% of the total); 12 relating to values (5% of the total); 11 to safety, health and physical environment (5% of the total); 7 to law, regulations, finance and compliance (3% of the total); 6 to services and administration (3% of the total) and 3 issues relating to compensation and benefits (1% of the total).

5.2 – Evaluative relationships

The category evaluative relationship refers to the hierarchical nature of the relationship between the persons in conflict. The visitor, or one could say complainant in a case of conflict, may be the hierarchical superior or the subordinate. In other words, this category cannot be simply understood as showing the number of issues members of personnel have with their supervisors. It also relates to issues that supervisors may have with their supervisees. The evaluative relationship represents the most important category in terms of numbers of issues, i.e. 86.

The fact that the number is high is unsurprising and correlates with statistics presented by other organisations. Nevertheless it is important to have a closer look at this category in order to understand the challenges visitors to the Office face.

The majority of the issues highlighted herein refer to the perceived lack of respect and the shortco-
mings in proper treatment. Common issues include the supervisor’s lack of recognition for the work, absence of constructive feedback, and lack of support and guidance. Some visitors also report that they are subjected to demeaning behaviour or abusive language. In various instances the visitors linked the demeaning behaviour or abusive language to – what they perceive to be – a unit-wide tolerance, or even reward, for such behaviour. In other words they did not only or solely blame an individual for it, but attributed the behaviour to the organisational culture.

Visitors also pointed to the inability or unwillingness of supervisors to tackle harassment that the visitors experience or witness.

Unclear roles and responsibilities were the source of their own or colleagues’ insufficient performance, which the individual was then held responsible for, but which also impacted on the atmosphere of the group or unit.

The category ‘climate of unit-group’ was also used to register cases where a supervisor requested support to solve a conflict between two or more supervisees that s/he was unable to resolve and that meanwhile has spilled over to the entire team.

Bullying and mobbing was recorded in six cases where visitors were of the view that there was an intention by their supervisor or supervisee to get rid of them. Those cases also appear in the category of career progression and development in contract security.

Taking into account all issues raised in this category, the Ombudsperson would like to offer the following recommendations:

» EMBL needs assertive members of personnel who communicate effectively and handle conflicts constructively.

» How something is said is as important as what is said. Individuals must gain awareness of their own communication and conflict management styles and be aware that others may not feel, think or communicate the same way.

14. See e.g. ‘It is not only what you say, but how you say it’ by Daniel Goleman: http://www.danielegoleman.info/performance-reviews-its-not-only-what-you-say-but-how-you-say-it/
» Individuals must also embrace that differences in views and styles present great potential for personal growth. It is everyone’s responsibility to invest in further development and strengthening of one’s own emotional intelligence, such as self awareness, self management, relationship awareness and relationship management.

» Supervisors have a crucial influence on how the team communicates and addresses its conflicts; indeed they set the tone. The Human Resources department offers a multitude of valuable trainings. The Ombudsperson strongly recommends supervisors to set aside time for continued training in communication, conflict resolution and management and encourage and support their staff attending those trainings.

The Ombudsperson is aware of the limited time available and that the main focus has to be on the member of personnel’s specific research or task. However, the Ombudsperson believes that both science and EMBL will benefit from this investment in the long run. It is important to remember that according to the Code of Conduct the success and productivity of EMBL are contingent upon promotion by everyone at EMBL of the common aspiration to create a collaborative, stimulating, and supportive working environment.

The Ombudsperson was approached by several supervisors, who commendably took an active role in solving or preventing problems within their teams. It would be fair to say that it appeared helpful for those managers to focus on solutions rather than problems when discussing with the conflicting parties. Indeed, while it is good to understand what is not working between the colleagues, it is suggested more attention is paid to the options available to solve the matter. In other words, one must not get carried away or obsess over looking into what the root cause of the conflict is. In order to resolve the issue, it is suggested to explore solutions and not dwell on the problem. Training in mediation or how to deal with harassment from a manager’s perspective can help supervisors develop important skills. Also, investing in conflict-preventative measures, such as strengthening and maintaining effective communication within the team, does pay off.

The Ombudsperson wishes to echo what is widely acknowledged, which is the importance of selecting and recognizing managers not only for their ability to deliver tangible results but also for their ability to create an organisational structure that promotes respect, equal and fair treatment and teamwork. It is important that supervisors be selected for and appraised on the quality of their management skills in addition to their technical and other abilities.

Regarding the organisational framework, the Ombudsperson welcomes and looks forward to the efforts of Human Resources to develop a comprehensive approach to identifying staff needs and to enhancing its training and coaching offers. The Ombudsperson also welcomes and supports the intention of administration, in particular Human Resources, to provide further guidance on how to deal with harassment at EMBL so as to adequately address the needs and concerns of all involved, e.g. the alleged victim, the alleged offender, the manager, the bystander and the organisation.

5.3 – Peer relationships

Relations amongst peers represents another common category. The most frequent issues affecting peer relationships are communication, respect and treatment, and the role of the managers.

In terms of communication, the Ombudsperson observed frequent labelling of colleagues to be ‘of a certain way’, often in opposition to one’s own perceived virtue. This is perhaps unsurprising as such perception is a common cause of workplace conflict. For instance, when a colleague is perceived ‘of a certain way’, it is often indicated they are ‘just too much of that way’. However, the other colleague in question might argue that, rather, it is the other person who is just too much of the opposite virtue. So for example: colleague A who claims B to be too sensitive is described by B as being too rude, C who informs about D who is too chatty and open, is said to be too secretive by D.
E who according to F is always in conflict, refers to F as being obsessed with harmony. The Ombudsperson suggests that what is described above is not a dilemma that cannot be solved, but a need and opportunity for personal development.

The Ombudsperson strongly recommends every individual to be aware of such opportunities, embrace them and seek assistance, for example from the supervisor, a colleague or the Ombudsperson, and/or obtain relevant training. It might also be useful that the conflicting parties work together with the Ombudsperson so as to develop individually and as a team.

It is important for all members of personnel to bear in mind that being able to adequately manage the relationship with one’s peers is prerequisite for one’s own and for the organisation’s sustainable success.

It is also worthy of note that the exchange of e-mails seem to have high potential for escalating a disagreement into a serious conflict, also at EMBL. The Ombudsperson got to see several long email histories which visitors often blamed, in part, for their difficulties. The Ombudsperson encourages direct interactions, in particular in times of difficulties. Reducing human interaction seems to go hand in hand with the origin of conflicts.

As regards the role of managers, the impact of change on a team must be highlighted here. Situations, such as long term absence (as well as re-integration) of a colleague, the vacancy of key positions or the arrival of new colleagues and/or supervisors within a team, all represent changes that need to be managed by the respective manager. Proper change management should diminish the likely disruptions and/or extra costs and prevent conflicts that could occur in parallel or ensue as a result. Undoubtedly managing change calls for an extra focus on good communication. Moreover, training in change management seems advisable for all managers.

5.4 – Career progression and development

There were 19 issues in this category – 9% of the total issues recorded. The most common problems relating to career progression and development are those involving career development and assignments (7 issues). There were also several instances where visitors were concerned about their contractual status and position security (6 issues).

Career development has been highlighted as an issue by visitors who feel trapped in their role, do not think that they have their supervisor’s support in their professional growth, or are afraid of not being able to continue to compete on the job market once they have to leave EMBL.

With regard to position security, there appears to be an issue with perceived or real sole dependence on one’s supervisor’s benevolence when it comes to the award or extensions of contracts. To address this, the organisation could consider revising its protocols when it comes to the extension/
award of contracts and strengthen their compliance if necessary. If the organisation is satisfied with both its protocols and their compliance, another approach could involve enhancing the transparency of the processes and/or decisions.

5.5 – Organisation and strategy

The category ‘organisation and strategy’ contains 14 issues, 6% of the total. Here, visitors highlighted three main areas of concern: leadership and use of positional power (7 issues), the organisational climate (5 issues), and a lack of resources (2 issues).

Regarding the first two sub-categories, it must be noted that what is recorded here are issues that go beyond a specific team or group. Thus, they do not have to necessarily only concern the most senior management, but go beyond one group. Colleagues, for example, who felt that demeaning behaviour is tolerated far beyond their own group, were also accounted for in this category. Organisational climate encompasses the qualities of leadership such as decision making, restructuring and managing change.

5.6 – Values, ethics and standards

This category is subdivided into a) standards of conduct (Code of Conduct) and b) values and culture. There were six issues in each subcategory (5% of total issues registered), which is a small proportion of cases.

Whereas this category looks more at core values, accountability, conflict of interest and personal conduct it can also be linked to the organisational climate given the nature of concerns submitted by the visitors.
The Office believes that its existence and its use will contribute to assuring that EMBL’s Code of Conduct is not only an aspiration, but that it is an integral part of how the organisation and its members of personnel are working. The Office will continue to be attentive to opportunities that can facilitate the implementation of and adherence to the Code of Conduct.

5.7 – Safety, health and physical environment

There were 11 issues raised with regard to safety, health and the physical environment – around 5% of the total amount. It is important to note that no concerns relating directly to physical safety or physical working conditions were raised by visitors to the Office. This is despite the fact that many employees work in research and may handle hazardous materials and waste. The Ombudsperson understands that the Health and Safety Office, also in coordination with the occupational physician, is monitoring EMBL’s laboratories and facilities with the goal of ensuring safe working conditions and provides training on how to avoid and deal with possible accidents at work.

Work-related stress, with reported serious physical and psychological symptoms, has been indicated by visitors in 5 cases. Indeed, many, if not most of the visitors show increased levels of stress, which go beyond normal or acceptable pressure. In six situations one could describe the situation as visitors having been exposed to or accused of harassment. No visitor claimed to have been sexually harassed or accused of sexual harassment.

The Ombudsperson very much welcomes and supports the development of internal policies addressing harassment.

Raising awareness amongst staff of the symptoms of stress and related coping mechanisms could be a good approach, so as to prevent serious illnesses and instances of long term sick leave. In this context it should be highlighted that the initiative ‘Fit for spring’ organised by Health and Safety in 2015 also had a focus on how to cope or prevent stress at work. Furthermore, it is important to mention that EMBL has made available free counselling support to its staff members in the course of 2015.17

17. Interesting to read in this connection: ‘Das Werte- und Entwicklungsquadrat’ as described by Prof. Dr. Friedemann Schulz von Thun see: http://www.schulz-von-thun.de/index.php?article_id=72
5.8 – Law, regulations, finance and compliance

This category contains 7 issues (3% of the total). The most common issues are: risk to use formal processes within EMBL and the risk to make use of a lawyer.

Common problems amongst visitors in this category were that either they did not understand the formal processes available to them and/or they were concerned that making use of such a process would reflect badly on them. It is important to remember that it is the right of any employee, including employees of EMBL, to be able to make use of a formal process for work-related conflicts and disagreements, also with the employer. In this respect, it is of fundamental importance that members of personnel are made aware of their rights and understand the avenues available to them. It might be helpful if the different processes – in particular appeals and disciplinary procedures (including scientific misconduct) – could be visualised and explained in simple terms so as to facilitate access to the formal processes.

5.9 – Services and administrative issues

There were six issues related to services and administrative issues (3% of the total). In three cases visitors struggled with and questioned decisions taken by administration that concerned their contractual status. Another three visitors expressed their frustration because they did not think that they had received service and support at all when they expected it, or received it too late or in an inappropriate form.
5.10 – Compensation and benefits

There were 3 issues raised in this category (1% of the total) and all related to the grading of the employee’s position.

6 Additional activities of the Ombudsman

2015 was the first year of operation of the Ombuds Office and, in addition to providing services as summarised under section 5, one of the Office’s key objectives was to implement the proper setting up of the office.

Establishing the Office for the Ombudsman meant a) to further shape and define the mandate and functioning of the office in consultation with key stakeholders and in line with international standards; b) raise awareness of the existence and the functioning of the office within EMBL; c) properly embed the office into the organisational framework; d) connect the office with key interlocutors; e) ensure quality assurance; and f) obtain the necessary office equipment. With this in mind the office undertook several steps:

Regular meetings
The Office was fortunate to be able to benefit from monthly meetings with the Director General, bi-weekly meetings with the Head of HR, weekly meetings with the Dean of Graduate Studies, and regular meetings with the Staff Association, its Administrative Officer and co-Chairs, and with the Head of Legal Services. The Office also had several meetings with the Head of Health and Safety and the Administrative Director.

Outreach
With the support of colleagues in the Office of Information and Public Affairs, the Ombudsman was able to introduce the Office to the staff. This happened, for example through: setting up the Office’s own site on the intranet and internet and publishing the introduction of the Ombuds service by means of an interview featured on the intranet.

The Ombudsman gave a presentation about the Office at an EMBL General Assembly at the end of April 2015, which was also streamed to the outstations. Furthermore, in Monteretondo and Hamburg, a meeting was organised for all staff to meet the Ombudsman. She also met with the Staff Association and with its Grievance Working Group and provided a brief report on activities to the Admin Assembly in December.

Quality assurance and accountability
As regards quality assurance, the Ombudsman took part in two hours of professional peer supervision at the ‘Heidelberg Institut fuer Mediation’, followed further training on how to recognise and deal with people with psychological illnesses and disorders. She also enrolled in a one year education program (while working), which started in September 2015, focusing on systemic coaching and neuro-linguistic programming. Furthermore, the Ombudsman took part in training organised by Human Resources in relation to conflict resolution and negotiation skills. The Office also developed an evaluation form that visitors will be asked to complete as of 2016.
The Office, with the support of the Training Administrator, developed and implemented two workshops with the title ‘Dealing with Problems of colleagues’. The workshops targeted members of personnel who, based on their function, are dealing with problems of other staff members beyond those for which they have supervisory responsibilities, in particular the members of the following units/groups: Human Resources, Legal, EICAT, Health and Safety and the Grievance Working Group of the Staff Association. The objectives of the workshops were defined as a) ensuring common standards across EMBL for those who are dealing with problems of staff and b) Understanding one’s own role and those of others. The Ombudsperson was fortunate to have had more than 20 participants to the workshop representing all the units/groups targeted.

Finally, the Office views the submission of this annual report as a measure of accountability it owes to the organisation and its members of personnel.

**Professional relations and cooperation with other Ombudspersons**

With a view to learning from comparable and already established ombudsoffices, the Ombudsperson approached different organisations. The Ombudsperson had the privilege of learning more about the functioning of the office of the Ombud at CERN, meeting with different individuals at the institute. The Ombudsperson also established contact with the United Nations Ombudsman & Mediation Services and paid a visit to its Regional Ombudsperson seated in Geneva. Considering the possibility of fostering regional cooperation, the Ombudsperson engaged with the Global Ombudsperson of SAP.

With regard to specific cooperation, the Ombudsperson was able to count on the invaluable support of CERN’s Ombud, who kindly agreed to co-facilitate the first workshop referred to above. Both Ombudspersons welcomed this opportunity of working together, finding it to be an extremely effective and beneficial collaboration resulting in a workshop that was appreciated by all concerned. Working together and exchanging experiences allows further strengthening of the services provided to the respective organisations and is a small contribution to bringing CERN and EMBL, both founding members of EIROforum, even closer.

**7 Outlook**

In addition to providing services to visitors, the Ombudsperson intends to maintain regular meetings with key stakeholders and to strengthen the network of those who are helping other colleagues with their problems.

The Ombudsperson, in cooperation with Administration, the Dean of Graduate Studies and the Staff Association, intends to implement the Trusted Advisor Program. Trusted Advisors will be a network of members of personnel acting as volunteer peers at EMBL serving as an informal and confidential source of assistance to members of personnel facing difficult workplace issues. A Trusted Advisor will neither be an advocate for members of personnel nor a member of management, but is a representative for effective communication and fair process.

In terms of quality assurance the Ombudsperson will make available an evaluation form for its visitors, submit herself to peer supervision and take part in at least three trainings relevant to the work of the Office.

Furthermore, the Ombudsperson seeks to explore, together with management, how the integration of the informal grievance procedures into EMBL’s legal framework could be strengthened, so as to enhance the possibilities for constructive and informal conflict resolution.
8 Conclusion

The function of Ombudsperson is new at EMBL, and has been operating for less than a year. Given the number of visitors and the nature of the issues brought forward by EMBL staff to the Ombudsperson, she believes that the establishment of the Office by EMBL has proven to be an asset already in these first months of operations.

Within this period a total of 53 visitors – almost 3% of EMBL staff – approached the Office. The visitors were representative of all outstations, all gender and all organisational classifying units.

Most of the problems, i.e. about 40% of the issues raised by visitors, concerned the relationship between supervisor and supervisee, in particular the perceived lack of respect and of proper treatment. The second largest category of issues was constituted by problems amongst peers with about 30%. In this category visitors chiefly blamed bad communication, the lack of respect and the role of managers as causing or aggravating their grief/challenge.

In all visitor-specific cases where management was addressed by the Ombudsperson, she was received straight away and the matters presented received genuine attention.

All colleagues who were approached by the Ombudsperson upon request of a visitor, were open to the intervention of the Ombudsperson and displayed an empathic and constructive attitude.

Not all outcomes could be to the full satisfaction of the persons concerned, but almost all visitors expressed their appreciation of having a safe place where they can talk openly and get support. The majority of visitors actually reported an improvement if not a solution of their problem – this is the most rewarding aspect of the work.

The Ombudsperson thanks all visitors who have consulted the office and have placed trust in the position.

Last but not least, the Ombudsperson was able to count on the full and kind cooperation in setting up the Office from management, in particular the Director General, the Administrative Director, the Head of Human Resources, the Head of Legal Services, the Head of Health and Safety and the Dean of Graduate Studies, as well as from the Staff Association and many individual and supportive colleagues.

The Ombudsperson considers it to be a great privilege to be able to assist individuals to resolve their problems at work and by doing so contributing to EMBL’s mission to perform world class basic research in molecular biology.
APPENDIX I: Classification of issues along the International Ombudsman Association

10 Evaluative relationship
11 Respect / treatment of employees
12 Supervisory effectiveness
13 Equality of treatment / diversity
14 Performance appraisal / promotions
15 Group climate
16 Taking and communicating decisions
17 Assignment / schedule
18 Bullying, mobbing

20 Career progression and development
21 Contract type / position security
22 Career development and assignments
23 Job classification and description
24 Recruitment process
25 Internal mobility / involuntary transfer

30 Compensation and benefits
31 Salary scale

40 Law, regulations, finance and compliance
41 Risk to go to EMBL formal procedure
42 Risk to go formal with lawyers

50 Peers relationships
51 Priorities, values, beliefs
52 Respect, treatment
53 Role of managers and structural issues
54 Retaliation
55 Communication
56 Bullying, mobbing

60 Organization and strategy
61 Lack of resources
62 Leadership, use of positional power
63 Organizational climate

70 Services and administrative issues
71 Administrative decisions
72 Responsiveness of services

80 Values, ethics and standards
81 Standards of conduct, Code of Conduct related
82 Values and culture

90 Safety, health and physical environment
91 Psychological and sexual harassment
92 Work-related stress
93 Safety