Period covered: 1 January 2016 to 31 December 2016

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.
Editorial

Conflicts and problems are very often related to stress, not only the kind of stress that motivates you to solve them, but the sort of stress that can have a truly negative impact on your physical and mental health. Good health, in turn, might help you to cope better with such negative stress. Thus, maintaining good health makes it easier for you to cope with the daily challenges of life and work. While this report has been written first and foremost as an account of the work of the Ombudsperson, I hope that it will also serve other purposes. The report could, for example, be seen as a certificate of health issued by the Ombudsperson. The health that has been examined is that of the organisation, its managers and its staff members. Whereas overall, from the perspective of the Ombudsperson, there is nothing alarming – meaning the organisation is ‘healthy’ – there is room for improvement and need for maintenance. Improving and maintaining good health within and of an organisation, is a shared responsibility between the individual staff members, the manager and the organisation overall. The report might enhance our collective ability to meet this responsibility by increasing individual and organisational awareness. Do I, we as a team, have the same problem or maybe do I, we as a team, cause or nurture the same problem? Awareness of the issues is the first step in change.

It is a great privilege for me 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.

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.
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1 Executive summary

The Ombudsoffice is required to submit an annual report about its work to the Director General. With the agreement and support of the Director General, the report is made available to the organisation and its members of personnel (hereinafter also referred to as staff), as well as the general public. The Ombudsperson compiles and submits the information about its work, while fully adhering to the principle of confidentiality about individual cases.

2016 was the first full year of existence of the Ombudsoffice at EMBL. The Ombudsperson received a total of 90 visitors, 37 more visitors than in the previous reporting period. More than two thirds of the visitors were female and more than two thirds were from Heidelberg. The Ombudsperson remains committed to ensure equal access to the Office for all staff, regardless of gender and location, and to reduce potential – real or perceived – hurdles to contact the office.

Visitors approached the office with problems and conflicts in an attempt to better cope and/or to get assistance in solving them. The Ombudsperson registered each case having identified the issues in line with nine categories, as listed in the annex. Those categories are also used by other organisations and are suggested by the International Ombuds Association.

Most of the issues of concern were between supervisor and supervisee (‘evaluative relationship’). What visitors reported most in this category was an overall negative and draining climate within their group (or team), a lack of supervisory efficiency or inappropriate treatment and lack of respect.

Problems with colleagues (‘peer relations’) were the second most frequent reason for visitors to turn to the Ombudsperson. Those problems arose, persisted and deteriorated mainly because of offensive or poor communication.

Unhealthy levels of work-related stress were experienced by many visitors. For this reason, the category ‘safety, health and physical environment’ ranked third in terms of number of issues by category. This category was closely followed by ‘career progression and development’, given that several visitors felt they were underutilised or had a lack of perspective for development or career, within or after EMBL.

No issues were reported in relation to the recruitment process, internal mobility / involuntary transfer, lack of resources, the risk to go through a formal process involving a lawyer, or physical safety.

It is the belief of the Ombudsperson, not least based on feedback of visitors that having an Ombudsoffice as a neutral and independent place to turn to in difficult times is highly appreciated by staff and valued as an effective and indirect way of EMBL providing support.

While it is not a specific nor achievable goal, the Ombudsperson hopes that all problems and conflicts are solved in an effective manner, as well as inspire individual learning and personal growth. Most of the cases in 2016 achieved this, thanks to the ability, patience, courage and sometimes compassion of the individuals involved. For an individual to solve a problem or a conflict, especially when it has escalated, can be regarded as a significant achievement.

The Office continued to support EMBL in its design of training programmes and organised various workshops for EMBL staff who help other colleagues. The Ombudsperson used different opportunities to raise awareness about the existence of the office and invested in further education and training relevant for the position. The Office made progress in establishing the Trusted Advisor Programme as an additional means of implementing the EMBL’s aspiration embedded in its Code of Conduct: ‘Creating a collaborative, stimulating and supportive working environment.’

2 Background and information about the report

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 Ombudsoffice.

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

Notwithstanding this fact, the Ombudsperson believes the data provides 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 will benefit 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.

3 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.

3.1 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 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 dialogues, 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.

3.1 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.

3.2 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.

3.3 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 discuses with the Ombudsperson his/her own situation.

4 Visitors
4.1 Visitors – General
The Ombudsperson received a total of 90 visitors in 2016, and contacted another ten persons for case specific work. Compared to the previous year, notably with a reporting period covering only nine months, the office saw an increase of 37 visitors, or 70%. ²

The number of visitors represents almost 5% of total members of personnel³ at EMBL. Statistics provided by Human Resources show that EMBL had 1978 members of personnel at the end of 2016.

In comparison to other organisations this number is on the high side. For this reason the Ombudsperson believes that the existence of the Office seems overall sufficiently advertised and accepted amongst EMBL members of personnel (hereinafter also referred to as staff members).⁴

The Ombudsperson is aware of and continues to be grateful for the support of various key departments and individuals, such as Human Resources, Health and Safety, the Dean of Graduate Studies, the Legal

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² The previous reporting period stretched over only nine months, since the role of Ombudsperson was only introduced into EMBL in April 2015.
³ Members of personnel include staff members, pre- and postdoctoral fellows, visitors, ancillaries and supernumeraries, trainees. For the use of this report the term staff member(s) are to include all members of personnel of EMBL, irrespective of their contractual status.
⁴ For example, at CERN the number of visitor was about 2% from the total population in 2015, see 2015Annual Report of the CERN Ombudsperson, Sudeshna Datta-Cockerill. http://ombuds.web.cern.ch/sites/ombuds.web.cern.ch/files/Ombud%20Annual%20Report%202015.pdf
Services, Strategy and Communications and the Staff Association in promoting the services of the Office. The Office also owes many further referrals of colleagues to its visitors.

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 were 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 reported an improvement if not a solution of their problem. Most of the visitors recognised the difficult situation as an opportunity to learn and grow professionally and personally.

![Fig 1: Distribution of visitors and other persons contacted for case specific work](image)

4.2 Visitors by Gender

The Ombudsperson met more than twice as many women (72% of the total number of visitors) as men (28%). The gender distribution shows a very different picture from the overall number of EMBL members of personnel. With a total head count of about 1978 members of personnel, around 53% are male and about 47% are female. This means that not only have more women than men consulted the office; the number is also disproportionate to the overall staff representation.

Compared to the previous reporting period, the percentage of female visitors contacting the office increased from 66% women in the previous reporting year to 72% in the current. If one takes a closer look at the gender statistics in combination with the statistics about visitors by organisational unit, unlike last year, where 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 majority of visitors came from research, where the male population is higher. The Office receives more female visitors, even from units with a higher proportion of male staff than female.

As in the previous reporting period, the Ombudsperson believes that while no conclusions can be drawn from this distribution between men and women, it is important to be mindful of this data.

The Ombudsperson hopes that by introducing the Trusted Advisor Programme, staff members will find it even easier to find zero-barrier-resources to turn to for assistance with their problems and conflicts.
4.3 Visitors by Classifying Organisational Unit

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

The classifying unit with the biggest share is research (32 visitors, or about 36%), whereas the smallest share is held by training and outreach (7 visitors, or about 8%).

Admin services account for about 22% of the visitors, i.e. 20, followed by scientific or technical support with 12%, or 11 visitors and general support with 9%, or 8 visitors. Some two visitors were from outside EMBL.

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%.

When compared to the actual numbers of personnel within each classifying unit, the ranking of visitors is as follows: from admin services about 16% contacted the office, followed by training and outreach with 8%. 6% of the members of general support and 5% of scientific or technical support contacted office. In this comparison research ranks previous last with 4% and scientific services only amount to 2%.

Compared to the previous reporting year the Office saw an important increase in research. 22 more visitors came from research in 2016 – there were just 10 visits in 2015 and 32 in 2016.

In terms of demographic data, the Ombudsperson is still concerned that young members of personnel
might seem more reluctant to approach the Office. The Ombudsperson wishes to reiterate that those with little or no work experience, who have not 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, 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.

4.4 Visitors by location

Out of 90 visitors 68 are based in Heidelberg, while 20 visitors are located at the outstations and another two are external altogether. In terms of percentages, the outstations only make up about 22% of the visitors. In comparison, the total population of the outstations is roughly 48%, i.e. 900 staff members. Whereas the actual number of visitors from the outstations has increased, the % in comparison to the overall numbers of visitors has somewhat decreased (from 25% to 22%). However the same is true for the total number of staff members (the outstations previously had about 50% whereas at the end of 2016 it was at 48%).

Nevertheless, both in real and percentage terms there are considerably more visitors from Heidelberg, where the Ombudsperson holds office.

![Fig 4: Location distribution of visitors](image)

There are likely to be several reasons for this: The service could be better known at Heidelberg or colleagues might find it just easier to drop by as it is on site.

Regarding best supporting the outstations, the office would like to assert that this issue continues to be a matter of attention. With regard to the smaller outstations, like Grenoble, Hamburg or Monteretondo, the Ombudsperson’s experience is such that being on site, might not necessarily make it easier for staff members to approach the office. Since those outstations are smaller, also building-wise, the need for discretion seems even more important than in Heidelberg. In other words, staff members prefer to talk to the Ombudsperson over the phone, skype or video-conference rather than the Ombudsperson meeting them on site.

As regards, Hinxton, the situation is somewhat different. The site does indeed offer enough room and flexibility for meeting the Ombudsperson in a discreet manner. Maybe in this location it is a matter of making the office better known to the staff members. Yet, it is also important to be attentive to the fact that more than 60% of the staff members in Hinxton are male, who at EMBL at present are less likely to use the services of the Ombudsperson as indicated above (less than 30%). In Heidelberg, in comparison, the gender distribution is about 50/50.
The Ombudsperson continues to be ready to meet staff members in the outstations on demand and makes scheduled visits. In addition, the Office believes that the Trusted Advisor Programme, as already indicated above, and further described under point 7, may be of particular benefit to the outstations.

5 Issues raised and taken up by the Ombudsperson

All together 277 issues were identified, namely an average of 3 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.

“We cannot solve our problems with the same thinking we used when we created them.” Albert Einstein

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, strategy related; services and administrative issues; values, ethics and standards; safety, health and physical environment.

![Chart showing issues highlighted by visitors grouped into nine categories]

The most common category concerns the relationship between supervisees and supervisors (evaluative relationship), which consist of 147 issues, more than half (53%) of the total number.
Issues between colleagues who are not in a hierarchical relationship – so called peer relations – made up the second most important category of issues with 50 issues, or about a fifth (18% of the total). There were 26 issues relating to safety, health and physical environment (9% of the total), closely followed by 23 issues relating to career progression & development (8% of the total); 15 relating to values (5% of the total); 6 related to organisation and strategy (2% of the total); 6 related to services and administration (2% of the total); 4 to law, regulations, finance and compliance (1% of the total); no issues relating to compensation and benefits.

In the previous reporting period, the evaluative relationship category also scored highest, followed by peer relations. In 2015 the category safety, health and physical environment was only ranked fifth.

![Fig 6: Comparison 2016 – 2015 of Issues highlighted by visitors grouped into nine categories](image)

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 significant category in terms of numbers of issues – 147.

The fact that the number is high is unsurprising and correlates with the experience shared by Ombudspersons of 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.

Indeed, managing or leading a team of people is complex. The majority of the issues highlighted herein refer to, in the order of absolute numbers of issues, the climate within the group, the perceived lack of supervisory effectiveness and the treatment of the employees by the supervisor.

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6 See for example: At Cern, 43% of the issues in 2015 concerned the evaluative relationship, representing the most important category. http://ombuds.web.cern.ch/sites/ombuds.web.cern.ch/files/Ombud%20Annual%20Report%202015.pdf At the International Labour Organisation the ‘evaluative relationship’ is the largest category with 25% of the issues, see http://www.ilo.org/public/english/mediate/download/5-year-synthesis-en.pdf

7 ‘Great leaders move us. They ignite our passion and inspire the best in us. When we try to explain why they are so effective, we speak of strategy, vision, or powerful ideas. But the reality is much more primal: Great leadership works through the emotions.’ Daniel Goleman
With regard to the climate within teams, a common complaint by visitors was a perceived negative spirit within the group displayed by abusive and rude language, egoistic behaviour, not-caring, lack of common purpose and missing sense of cooperation. This is visible on many peer relationship levels, however this section focuses specifically on the relationship between supervisors and supervisees.

The following examples shall help to understand what kind of issues visitors raised in terms of lack of supervisory effectiveness which very often also impacts on the overall spirit: inadequate project or task planning, for example, can lead to last minute contract extensions or purchasing of necessary equipment and poor or uncompleted projects; unclear roles and objectives can result in blame, conflicts and inefficiencies.

Pertaining to treatment of employees, while many visitors sympathise with their supervisors and or supervisees – meaning they understand that it is also them who are under pressure – they can neither tolerate nor cope with what they would qualify as angry and contemptuous behaviours. Like at many workplaces, instances of name calling and swearing do happen at EMBL. While this is nothing uncommon and understandable at a human level, it does not mean it is good. To the contrary, using such language negatively impacts the working atmosphere, and can hurt and/or destabilise individuals.

This is not to say that we should not air frustrations or disagreements, but we can still be mindful in our use of language. In addition, being accused of or blamed for mistakes in a disproportionate manner or in an inadequate setting, such as in front of colleagues or in emails copied to persons not relevant for the case, has been reported by many visitors. Before attributing blame to a certain person, or group, it is recommended one pauses and assesses whether it is justified and it is helpful. Many would concur that a shame and blame culture is actually ineffective at all levels. In unsafe environments only safe ideas are produced. Furthermore, not having a mistake friendly atmosphere, makes people cover up their mistakes preventing maximum individual and organisational learning.

In some twelve cases the Ombudsperson explicitly registered bullying, where visitors felt they had been harassed themselves or had to manage cases of alleged harassment (i.e. supervisors) as a consequence of behaviour as described above.

It must be noted that when the Ombudsperson refers to bullying it is not a legal qualification, meaning that there was neither an investigation, nor an official decision on the merit or on any sanctions. This is important to bear in mind, because the Ombudsperson is not involved in any formal process to determine or decide on any form or misconduct (including bullying or harassment), it is based on the account of the visitor(s).

Again, as indicated above, it is also supervisors having issues with their supervisees who are registered in this category. In most of the cases it is the supervisee that turns to the supervisor for assistance because they feel bullied. It seems that either the supervisees blame the supervisor for not intervening, or for intervening and thentaking sides. Questions for supervisors are for example: do I need to look into any evidence or hear any witnesses? If I do that, will I compromise myself in taking a decision? Is it me who decides? Having guidelines in place for all parties involved in alleged harassment cases will help to clarify how the organisation wishes the individuals to proceed and will enhance the fairness and effectiveness of the process. Indeed, it is also supervisors that encounter harassing behaviour from their supervisees.

As already referred to last year, especially junior staff members and fellows may be more vulnerable to feeling subject to intimidating and bullying behaviour. Many believe that young colleagues will not gain good professional experience that would allow them to compete well on the labour market after EMBL, if they were to receive too much care or support. Yet, the Ombudsperson would like to suggest that between
such an approach and being abusive there are many options to manage one’s staff, provided of course oneself has the necessary flexibility to do so.

Very often it was the case with postdocs and fellows, that not only did they have to deal with their own frustration as regards their – protracted or missing - accomplishments, but also with the frustration this seemed to have caused to their supervisors. All together it leaves those visitors feeling highly demotivated.

As regards all issues summarised in this category, the following two aspects are important for visitors:

» assessing and if possible changing the situation (i.e. the perceived unacceptable behaviour from the other person) one is subjected to

» coping with the situation

Pertaining to assessing a behaviour or situation and correcting it, even if visitors might benefit from raising the matter within their hierarchy – such as a second supervisor, head of unit, or with Human Resources – most visitors rarely considered doing so. It is often reported that a described dependency on the supervisor prevents them from raising the matter with anyone in the organisation, such as the second supervisor or head of unit, let alone putting forward a complaint in case of bullying. In a few cases visitors reported that they had already raised the matter with the head of Unit or second supervisor, but that nothing has changed or actually after having ‘spoken up’ the situation got worse. With regards to coping with the situation, visitors very often ask for support in finding their own individual strategy.

As much as visitors complain about rude and intrusive managers, they struggle with those who reportedly are very nice as persons but because of their perceived hands-off attitude or lack of engagement and combined lack of supervisory effectiveness, as indicated above, they cause problems or serious frustration.

It is also the presumably kind-hearted managers that very often seem to disappoint staff members by having raised expectations in areas such as promotions, renewal of contracts, specific learning or training opportunities etc, but who are not able to deliver on these possibilities.

Another sensitive matter between supervisor and supervisee is performance management, in particular during the probationary period and in the context of awarding a contract extension. The Ombudsperson heard cases where during probationary periods staff members seemed to have neither received any guidance nor any objectives and interactions with their supervisors were very rare. Obviously, it is very difficult to do a good job if one neither receives the necessary introduction to the organisation or to one’s job, nor can work with agreed upon, attainable, objectives. Such a situation has the potential to result in unproductive insecurity and even anxiety.

Equally unproductive it seems are performance appraisals that take place at a time when the supervisor has already decided that the staff member will not get another contract but without previously addressing performance shortcomings with the respective staff member. When they finally are addressed, there does not seem to be a realistic chance to deliver any improvement.
Based on the issues highlighted in 2016 in this category and inspired by the ideas that were developed jointly with the visitors how problems or conflicts could have been prevented or were solved, the Ombuds-person would like to offer the following recommendations, maybe as a sort of checklist:

For supervisors, managers and leaders (even if you only have one supervisee):

» Be mindful of the needs of the individuals (including yourself) in your team, the needs of the team as a whole, the task/project(s) itself and the overall context (e.g. what is happening around you). All of those factors need to be kept in balance. It is particularly young colleagues and those whose contract will soon come to an end that require more attention. Just focusing on the task, claiming to be results oriented is rarely a key to success.8

» Look after your own mental health and well-being. Notice when you are stressed – in a bad way – and seek help. Your state of mind does impact others.9

» Be attentive to the health of your team members and seek help if you do not know how to handle a specific situation.

» Be aware of your style of managing your staff. Is there something you could or should change or improve? You can get support for your own personal development as leader but also when you struggle with managing your team, such as conflict amongst your staff members, or with a staff member.

» Be mindful of your language.

» Expectations: Be aware of expectations, regardless if you have created them or not, and manage them.

» Roles and Responsibilities: Make sure your supervisees (fellows) are clear about their roles and responsibilities. Neither a job description nor a thesis is enough. What are they accountable for? How do you define, individually, success? Moving from a blame to an accountability culture requires clear contracting.10

» Performance management: use the opportunity of probationary periods and performance assessments to support your staff members in performing well. Human Resources may be of assistance when managing your staff, also in good times, as opposed to helping only when you have serious problems.

» Confronting problems and conflicts is not pleasant, but it is part of your job. Not doing it will most likely make them bigger. If you notice harassing or bullying behaviour in your team, intervene. It is not necessarily a question of discipline, but assisting your employees in developing another attitude or a different skill set.

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10 For more ideas on shifting from blame to accountability: https://thesystemsthinker.com/moving-from-blame-to-accountability/
For all staff members:

» Use development opportunities to become or remain assertive members of personnel.11

» Be aware of your own attitude and mood, so as not to go down the path of negativity and destructiveness. What is your own contribution to the group climate?12

» If you face problems and difficulties, confront them. Speak up for your own needs, also with your supervisor. Seek help or advice if you do not know how to approach it.

» Get a grip on destructive emotions, such as continued and chronic anger.13

» Look after your own health, in particular mental health. Notice when you are being negatively stressed, tend to be anxious or depressed and get help.14

For Senior Management and Human Resources

» Continue to provide training for so called soft skills, or emotional intelligence, in particular training for supervisors in terms of leadership.

» Provide support in managing staff members, i.e. ad-hoc advice, mentoring or coaching.

» Enhance understanding of the merits of sound performance management and enable the organisation to adequately implement it.

» Set a good example as to how the organisation is to deal with mistakes and problems. Focus on accountability rather than blame.

» Adopt a framework so as to prevent and manage where necessary cases of harassment, adequately addressing the needs and concerns of all involved, e.g. the alleged victim, the alleged offender, the manager, the bystander and the organisation, and facilitate its proper implementation into EMBL operations.

5.1 Peer relationships

Relations amongst peers represents the second largest category in terms of number of issues – 50 or 18% of the total issues. As in the previous reporting period, the most frequent issues affecting peer relationships are communication and respect and treatment.

In this category, visitors are not only those who feel that it is their colleagues who cause or aggravate their problems, but who feel that they themselves are causing problems for their colleagues and wish to get support with their personal change or enhancement of skills. Some for example feel that they cause irritation and tensions in colleagues, but see no way of getting out of such a dynamic. In other cases visitors know that they have messed up a situation, provoked or escalated a conflict or created a problem. It sometimes then is a question of finding the best strategy to approach it and acquiring the necessary skills or traits, such as being patient ‘immediately’.

Some visitors, at first, solely blame their colleague(s) as the cause of their problems – but on most occasions, in time, were able to reflect on their own role in the situation, as well as the opportunities they have to change it. When this happens, visitors are truly empowered. They gain back control over the situation and their problem.

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11 As it was put by Chade-Meng Tan in his bestselling book, Search inside yourself: ‘optimize yourself’. See also the article in Psychology Today: Assertive not Aggressive; How to be a force without using your fists. Assertiveness means standing up for yourself in a nonaggressive way. https://www.psychologytoday.com/articles/200402/assertive-not-aggressive

12 See for example, about suspending one’s own reaction in a group so as to give dialogue a chance, instead of creating discussion, Edgar H. Schein, in Deeper Listening: ‘[…] What this means in the group is that when I am upset by what someone else says, I have a genuine choice between (1) voicing my reaction and (2) letting the matter go by suspending my own reaction. Suspending assumptions is particularly difficult if we perceive that our point has been misunderstood or misinterpreted. Nevertheless, I have found repeatedly that if I suspend my assumption, I find that further conversation clarifies the issue and that my own interpretation of what was going on is validated or changed without my having actively to intervene. When a number of members of the group begin to suspend their own reactions, the group begins to go down the […] path toward dialogue. In contrast, when a number of members choose to react by immediately disagreeing, elaborating, questioning, or otherwise focusing on a particular trigger that set them off, the group goes down the path of discussion and eventually gets mired in unproductive debate.’ https://thesystemsthinker.com/the-process-of-dialogue-creating-effective-communication/

13 ‘While anger can help us to rapidly overcome an obstacle that may be preventing us from achieving our goals, chronic or impulsive violence is pathological and hostility is destructive to one’s health.’ Happiness: A Guide to Developing Life’s Most Important Skill. Matthieu Ricard.

Regarding specific issues, visitors struggle most with abusive language and negative attitudes amongst their colleague(s).

Visitors described colleagues who use rude and aggressive language that made it difficult for them to concentrate on their work or contribute towards discussions in the group. They reported feelings of insecurity and intimidation. For the visitor it is very often then a matter of mobilising the courage to stop such an interaction, for example either by addressing it with the specific person or by leaving the situation entirely.

*How much more harmful are the consequences of anger and grief than the circumstances that aroused them in us!* Marcus Aurelius, Meditations

Many visitors felt dragged down by colleagues moaning and complaining and bad mouthing other colleagues. Interestingly, visitors sometimes are aware that they used to do exactly the same and want to get out of it, but seem not to be able to due to their environment. There were cases where visitors felt bullied by their colleagues, sensing that there is competition for recognition or career. Often there seem to be many small incidents that pile up and remain unresolved leaving the person insecure and anxious.

At the same time, the office also had visitors who struggled with being portrayed as a bully by other colleagues. Those visitors described that having been labelled as a bully, made it almost impossible for them to get out of this role, particularly because it did make them more angry and aggressive.

Another challenge that some visitors face is the fact that they do indeed feel superior in relation to their peers. They struggle with the lack of knowledge or know-how in their colleagues, leaving them frustrated or angry.

Taking into account the experiences of the visitors relevant in this category, the Ombudsperson would like to offer the following recommendations:

» You and your colleagues might be very different in thinking, behaving and communicating. And sometimes you might even be very similar. Maybe it is not so much what is the right or the wrong way, but what the common way is.

» There is always room for us to improve, change our attitude and/or learn new skills. It is not a question of giving up one’s identity, but gaining something in addition. Very often minor adjustments are very effective. It is sometimes because of unpleasant interactions that we can become most aware of our personal room for growth.

» We all face different challenges when it comes to interacting with others. For example: For some the challenge is to be more agreeable, suspending disagreement, not expressing every opinion. For others, it is to become more assertive about one’s own needs, daring to express disagreement and being able to say: “No”. Ideally, we possess the flexibility to choose the attitude and behaviour that seems most helpful in a given situation. The good news is, this is something we can definitely learn!

» If you think you are better than your colleague(s), enjoy it with grace. There is no need to disrespect your colleague(s), after all, you do owe this particular feeling to advantages you have gained through your prior experience and them.

» If you have a conflict with a colleague, seek help; maybe this will empower you to then solve the conflict by yourself. Actively getting assistance and then solving a conflict by oneself is indeed a very professional thing to do. The earlier you tackle it, the better the chances you solve it.
5.4 Safety, health and physical environment

There were 26 issues raised with regard to safety, health and the physical environment – around 9% 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. As indicated above, concern was however expressed about a perceived lack of accountability for ignorance of health and safety regulations.

The Ombudspersons met with 22 persons who were counted as cases of work-related stress. Before reporting on the specifics of these cases, the Ombudsperson wishes to suggest that most of the visitors might have had, at least at one point - increased levels of stress that go beyond what would be healthy. An unhealthy stress level is most likely what motivates a person to seek support.

“Mental health is defined as a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.” World Health Organisation

The 22 cases referred to are visitors who experienced repeated and or severe negative physical and psychological symptoms, such as sleep deprivation, severe weight loss, deep sadness, demotivation, exhaustion, anxiety and depression. Nine visitors fall into the category of burn out, displaying several of the mentioned symptoms.

Burnout, as was suggested in the 1980s, occurs when perceived demands are higher than perceived capabilities. Therefore, burnout is based on an individual’s perception of the situation. This understanding may help when trying to prevent or manage burnout. The focus here should be on enhancing the perception of capabilities and reducing the perception of pressure.
It is important to keep in mind that stress has an important impact on health, physical as well as mental health. Chronic stress, which is prolonged stress in an unsafe environment, can trigger serious health problems, including mental health disorders.

The Ombudsperson also had visitors who asked for help as they felt that they had problems at work because of or aggravating mental health problems\textsuperscript{16}, such as depression (including post-partum depression) and anxiety disorders. Those cases have not been recorded as work-related stress, but merit to be mentioned in this category.

> There is much that could be said about mental health based on the experience of the Ombudsperson in 2016, but to make it brief, it is important to look after one’s own mental hygiene\textsuperscript{17} keep an eye on colleagues and ask for help when needed\textsuperscript{18} The Ombudsperson welcomes management’s willingness to enhance its organisational health management, in particular its support for mental health.

There were several cases where colleagues were well supported by their working environment, their supervisors, human resources, staff representatives, the Dean of Graduate Studies or senior management in their struggle with mental health problems, regardless if they appeared to be triggered by work or not.

\textit{Problems are not the problem; coping is the problem.} Virginia Satir

![Fig. 9: Statistics on sub-issues of safety and health](image)

5.5 Career progression and development

There were 23 issues in this category – 8% of the total issues recorded.

The most common problems relating to career progression and development are those involving career development and assignments (13 issues). Visitors in 6 cases actually raised their job classification and or description as an issue. There were also several instances where visitors were concerned about their contractual status and position security (4 issues).

Career development and assignments has been highlighted as an issue by visitors when they felt they could not learn anything new in their current job. Others raised development issues when, albeit feeling satisfied with their job itself, they believed they needed to advance grade or get another job title. Some

\textsuperscript{16} WHO makes reference to the following number in relation to persons with mental health disorders “According to a systematic review of data and statistics from community studies in European Union (EU) countries, Iceland, Norway and Switzerland: 27% of the adult population (here defined as aged 18–65) had experienced at least one of a series of mental disorders in the past year [2016] (this included problems arising from substance use, psychoses, depression, anxiety, and eating disorders). See: http://www.euro.who.int/en/health-topics/noncommunicable-diseases/mental-health/data-and-statistics.

\textsuperscript{17} There are many opportunities provided at EMBL in support of good health, such as physical or recreational activities, see for example the list of clubs maintained by the Staff Association, https://staffassociation.embl.org/clubs. The organisation also supported a pilot course in Mindfulness Based Stress Reduction.

\textsuperscript{18} In case of mental health problems you may, for expert support, choose to turn to someone within EMBL or outside, such as your general practitioner, a psychiatrist or psychotherapist or EMBL's medical officer. For all kinds of confidential advice you may, next to your manager, Human Resources or the Staff Association, of course also approach the Ombudsperson.
were concerned that having been on the same assignment, or same grade/job title for many years might negatively impact on their career chances when leaving EMBL. So in some cases it was not so much about the situation they were in at present, but rather a lack of long-term perspective.

Job classification and description seemed also particularly important for visitors as a token of recognition from their supervisor or management. In addition, it was also seen as a means to obtain the necessary legitimacy and acceptance from their colleagues, or to avoid disagreements and conflicts in relation to distribution of tasks. Having job descriptions and titles that matched actual tasks and assignments was seen as a prerogative for more efficiency.

Other visitors expressed that although there would be ample opportunities within EMBL to further one’s professional or personal development, their supervisors made it almost impossible to seize those. The reasons provided were that the supervisors were very strict on adherence to working hours, such as considering training time not to be part of ‘normal’ working hours. Furthermore, several reported that their supervisors did not consider training in so-called soft skills as important.

A further cause for frustration or demotivation was shared by several visitors in the sense that they felt their qualifications and skills were not being utilised in their role. They were convinced that they could handle more complex or different tasks, but that they were confined to a rather rigid assignment of roles.

In cases where colleagues were worried about losing their jobs, complaints were not so much about financial insecurity or a lack of career perspective afterwards. What visitors struggled with was the feeling of having been unfairly treated, not having been given a fair chance and not being able to do anything about it.

Some suggestions based on the cases in 2016:

- If you want to develop and progress your career, you must be active, yet patient. Waiting for your supervisor to carve out your personal development or career plan might just not happen. Also, if one of your undertakings was not welcomed or successful, try something else.

- If your position is shaky, possibly the worst thing to do is get angry, bitter or passive. You have many constructive options of how to behave, ranging from aligning with what is expected of you to formally objecting to unfair treatment. Look into all of the options and assess them with a clear mind (not when feeling angry or upset).

- As a supervisor (manager, group/team leader or Head of Unit), look into the personal development and career future of your supervisees. You may consider engaging in regular development talks, identifying hopes, wishes and expectations of employees. Be clear what you can offer and what you cannot. Having talks about careers and development does not mean raising unrealistic expectations but rather to explore opportunities and give feedback. Remember that there are many ways to provide support.

![Fig. 10: Statistics on sub-issues of career and development](image-url)
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 15 issues in this category (5% of total issues registered).

What is recorded in this category is where visitors encountered problems where they feel it is a question of organisational culture or values. In other words, they do not attribute blame to one particular person but claim that this is just the way the system is set up at EMBL or how things are done at EMBL.

For example, one issue raised was spouse employment. The visitor reported that it seemed that although the concept does exist at EMBL, it is not given due consideration at the various different, yet crucial, levels, such as interview panels and so on. Several colleagues would also perceive it as favouritism rather than something the organisation should support.

As regards pregnancy and maternity leave, some feel that although the organisation claims to be supportive, there was unfortunately still much pressure on pregnant woman and young mothers to be present at work. Allowing and financing maternity replacements, being open to special leave without pay to extend maternity leaves, allowing gradual re-integration (part-time work) after maternity leave or offering flexible working arrangements could be good ways of tangible support and could, most probably, have solved the issues of the visitors the Ombudsperson heard.

A perceived lack of accountability for the disregard of rules and regulations, in particular as concerns safety in some of the outstations, was also highlighted to the Ombudsperson.

The Ombudsperson also received visitors who asked for assistance in resolving conflict of interests or what could be described as ethical dilemmas.

![Fig. 11: Statistics on sub-issues of values and ethics](image)

» The Office continues to believe 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.

» The Office urges all colleagues to implement the Code of Conduct in practice. The Code of Conduct should not be a tool to police others, but to adjust one’s own behaviour.

“Be the change you wish to see.”

Mahatma Gandhi
5.7 Organisation- and strategy-related
This category contains 6 issues, 2% of the total. Only the sub-categories leadership and use of positional power and organisational climate contain issues, not lack of resources.

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.

What appears in this category for example is when it was felt that conflicts or frictions between managers/supervisors trickle down the hierarchy. It seemed to the visitor or visitors that those conflicts/frictions nurture or aggravate further individual problems and smaller conflicts at the lower levels or between the organisational units those managers/supervisors were heading. It seemed that as long as conflict on higher levels was not resolved, full cooperation on lower levels was not supported, which made problem solving challenging. Visitors described themselves being caught in the dilemma, drawing attention to problems or errors that possibly escalate the conflict on all sides, or keeping the problems or conflicts for oneself, running the risk of being accused of covering it up or being unprofessional when the problems are discovered by others.

With regard to the use of positional power, it is very important that the organisation carefully looks at possible conflicts of interest when assigning tasks or roles to individuals and that individuals are mindful of potential conflict of interests and deal with them appropriately.

5.8 Services and administrative issues
There were six issues related to services and administrative issues (2% of the total). In five cases visitors struggled with and questioned decisions taken by administration that concerned their contractual status. In another case the visitor felt they did not receive services that they expected.
5.9 Law, regulations, finance and compliance
This category contains 4 issues (1% of the total). They can all be found in the sub-category: risk to use formal processes within EMBL.

As was the case last year, 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.

5.10 Compensation and benefits
There were no issues raised in this category.

6 Additional activities of the Ombudsperson

2016 was the first full year of operation of the Ombuds Office. In addition to providing hands on services to visitors as summarised under section 5, the Office’s objective was to provide support to the organisation, informing senior management on a regular basis concerning issues and trends affecting their staff, assisting in the development and implementation of appropriate trainings and advising in relation to policy development.

The Ombudsperson continued to raise awareness of the existence and the functioning of the office within EMBL and continued embedding the office into the existing organisational framework.

The Office was fortunate to be able to continue benefiting from regular meeting with the Director General, the Head of HR and the Dean of Graduate Studies. The Ombudsperson also met frequently with the Staff Association, its Administrative Officer and co-Chairs, the Head of Legal Services. The Office also had several meetings with the Head of Health and Safety and the Director of Administration. Those meetings serve to exchange on systemic issues and on organisational developments affecting staff members, next to discussing specific policy matters or find solutions for individual cases where a visitor has authorised so.
Promoting the existence of the office
It is important for the Office that its existence and way of working is known to staff members, but that it can at the same time operate and function with discretion.

The Ombudsperson gave presentations at several occasions, such as the EMBL Welcome Events for new staff members, the Predoc Course, and the EMBO staff meeting.

Quality assurance and accountability
With regard to quality assurance, the Ombudsperson took part in two hours of professional peer supervision at the Heidelberg Institut fuer Mediation, completed a one year education program (while working), which started in September 2015, focusing on systemic coaching and neuro-linguistic programming. Furthermore, the Ombudsperson started a five semester education in logotherapy and existential analysis (The so-called third Viennese School of Psychotherapy) and took part in trainings organised by Human Resources in relation to conflict and difficult situations and dealing with pressure and stress. The Ombudsperson also provided input and participated in a pilot-training course in relation to Emotional Intelligence.

The Office organised several workshops. The workshops targeted, as in the previous year, 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 provided another workshop with the title ‘Dealing with Problems of Colleagues’ and with the support of the Heidelberg Institut für Mediation, also provided a follow-up workshop: “Competency strengthening in handling difficult conversations – from practical experience into practical experience.” The Ombudsperson was fortunate to have had more than 40 participants attend the workshops, 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 sharing best practices and keeping up to date to developments in the field of ombudsing, the Ombudsperson continued regular exchanges with Ombudspersons of other organisations and was fortunate to be invited to the meeting of Ombudspersons of the United Nations and other related International Organisations (UNARIO) in Vienna.

Policy development
The Office assisted administration in the mapping of processes related to the rights and obligations of staff members and provided input to developing a policy preventing and dealing adequately with harassment.

7 Outlook – Introduction Trusted Advisor Programme
The Ombudsoffice obtained the approval and support of management to introduce the Trusted Advisor Programme. Trusted Advisors are a network of staff members acting as volunteer peers at EMBL who serve as an informal and confidential source of assistance to staff members facing difficult workplace issues. The Trusted Advisor is neither an advocate for members of personnel nor a member of management, but is a representative for a collaborative, stimulating and supportive working environment.19

19 For more information, please consult the EMBL intranet site for internal use https://intranet.embl.de/ombudsperson/trusted-advisors/index.html, for external use please contact the Ombudsperson for any queries to the program.
## APPENDIX I: Classification of issues along the International Ombudsman Association

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Roles and Principles of the Office

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

- 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.

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.
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.

What can EMBL expect?

In addition to providing hands-on services to individual visitors, the role of the Ombudsperson 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, Human Resources 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.
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