

## **Office of the Ombudsperson Appointment and Terms of Reference**

### **Section 1 - Establishment of the Office of the Ombudsperson**

The Office of the Ombudsperson has been established by the Director to make available the services of an impartial, neutral and independent official to address the employment related problems of staff members. The Ombudsperson shall be guided by PAHO's Staff Rules and Regulations and policies as well as by the principles of justice, fairness and ethics.

The Office of the Ombudsperson shall have its own operating budget that will provide the Ombudsperson with the resources that are necessary to fulfill its mission in Headquarters, country offices and centers.

### **Section 2 - Appointment of the Ombudsperson**

**2.1** The Ombudsperson shall be appointed by the Director, after considering the recommendation of the senior staff selection committee, which includes participation of the Staff Association. The post will be announced and a competitive selection process conducted in accordance with PAHO's recruitment policies and procedures. Due to the importance of this function, the Organization shall make all reasonable efforts to ensure that the post is continuously staffed.

**2.2.** The Office of the Ombudsperson is functionally independent but reports to the Deputy Director for administrative purposes.

**2.3**The Ombudsperson shall serve for an initial two-year renewable period that will not exceed a total of five years. Upon appointment, the Ombudsperson will be subject to a one year probationary period after which his or her appointment may be confirmed by the Director after consultation with the Staff Association. Once the period of service has been completed, the selected candidate may not be re-employed by PAHO for a period of time corresponding to his or her prior services as PAHO Ombudsperson.

**2.4** The Director, in consultation with the Staff Association, may remove the Ombudsperson from office for cause and following due process.

**2.5** In the event of temporary absences of the Ombudsperson or in the case where the post is vacant, the WHO Ombudsman shall assume temporarily the role of PAHO Ombudsperson.

### **Section 3 - Terms of reference of the Ombudsperson**

**3.1 Role and Purpose** - The Ombudsperson is an independent and impartial official who provides confidential, informal conflict resolution services for PAHO personnel who experience work-related issues, challenges and problems.

The Ombudsperson also assists the Organization in achieving its goals by:

**a)** Recommending preventive actions, reporting and analyzing issues and providing feedback to senior management and to the Staff Association regarding trends and general issues that affect the work environment. Early intervention by the Ombudsperson encourages optimal personnel practices and promotes organizational and operational efficiency.

- b)** Encouraging dialogue and facilitating the exchange of information across the Organization to improve workplace climate and a healthy work environment.
- c)** Encouraging persons who are experiencing work-related problems, when possible, to address them directly with the other party and with their direct supervisor.
- d)** Providing PAHO personnel with the skills and tools to address issues and conflict in a constructive way,
- e)** Minimizing risks and serving as an early warning system that identifies potential sources of conflict, and
- f)** Providing a safety net when formal systems fail or are perceived as inadequate.

**3.2 Authority and Scope of Intervention** - The Ombudsperson has the authority to receive complaints, initiate inquiries and informally address problems raised by PAHO personnel located in headquarters, country offices and centers.

The Ombudsperson will be functionally independent of any organizational office or entity for the purpose of exercising the duties of the post, but shall not have decision making powers. The Ombudsperson will function within the scope of the existing Staff Rules and Regulations, manual provisions and policies.

The Ombudsperson may decline to consider direct intervention over individual problems or cases that can be remedied only by actions affecting staff at large or cases that have not been brought to his/her attention in a timely fashion.

### **3.3 Access to Persons and to Information**

- a)** The Ombudsperson shall have direct access to the Director, as needed, for the performance of his or her functions.
- b)** The Ombudsperson will also have unrestricted access to officials and all personnel. All persons who work for PAHO are expected to cooperate with the Ombudsperson.
- c)** In order to carry out the duties and responsibilities of his/ her post, the Ombudsperson shall have access to all records concerning personnel. The exceptions to this are medical records that are not available without the express consent of the person concerned and records of an ongoing investigation until all formal proceedings have been completed and a decision taken.

### **3.4 Responsibilities of the Ombudsperson**

- a)** The Ombudsperson shall receive inquiries and take appropriate action on issues and problems regarding conditions of employment, working conditions and relations between supervisors, supervisees, colleagues and working groups;
- b)** In matters brought to her or his attention, the Ombudsperson will try to ameliorate conditions and to bring about reconciliation among the parties through the use of mediation, dialogue, consensus building, and fact-finding, coaching, training and other conflict resolution interventions.
- c)** For problems that are not resolved by mutual agreement, the Ombudsperson may present a report with recommendations for resolution to the parties involved and/or their supervisor or to the Director depending on the circumstances of the case and the persons involved. These reports and recommendations constitute an informal approach towards conflict resolution, are of a confidential nature, and cannot be disclosed or used by anyone as evidence during any formal proceeding, including PAHO's Board of Appeal, Grievance Panel, the International Labour Organization Administrative Tribunal (ILOAT) or any other internal or external administrative or judicial proceeding.

**d)** The Ombudsperson will identify and report trends and pervasive or potential problems and will make recommendations on systemic issues to ensure best practices and prevent recurrence of similar conflicts.

**e)** The Ombudsperson will prepare and conduct orientation sessions and trainings to create awareness across the Organization regarding appropriate behavior, issues of mutual respect, diversity, inclusiveness and understanding how conflict can be a positive element for progress and improvement.

### **3.5 Limitations on the Ombudsperson's Authority**

The Ombudsperson shall not:

**a)** Make, change, or set aside a policy or administrative decision;

**b)** Make binding decisions or determine rights

**c)** Compel any individual to implement the Ombudsperson's recommendations;

**d)** Conduct an investigation that substitutes for administrative or judicial proceedings; and

**e)** Intervene in a matter issue that is currently pending with an internal grievance body unless all parties and the presiding officer in that action explicitly consent.

### **3.6 Responsibilities of the Organization**

The Organization will:

**a)** Handle confidentially all information provided by the Ombudsperson that refers to interventions, reports or recommendations related to specific cases.

**b)** Take steps, when necessary or recommended by the Ombudsperson, to ensure the physical safety of the parties involved in a dispute.

**c)** Acknowledge and take timely action in response to reports and recommendations made by the Ombudsperson regarding specific cases.

### **3.7 Responsibilities of Managers and Supervisors**

Managers and Supervisors are expected to:

**a)** Maintain confidentiality over information provided by or discussed with the Ombudsperson.

**b)** Be familiar with the present Terms of Reference

**c)** Ensure that their staff have access to the Ombudsperson, and

**d)** Assist and collaborate with the Ombudsperson's attempts to solve a dispute.

### **3.8 Responsibilities of Staff Members and Persons Employed in PAHO**

All PAHO personnel are expected to:

**a)** Maintain strict confidentiality over any information obtained directly or indirectly related to interventions by the Ombudsperson.

**b)** Assist and cooperate with the Ombudsperson's interventions and attempts to solve a dispute.

**c)** Be familiar with the present Terms of Reference.

## **Section 4 - Access to the Ombudsperson**

Any person who works for PAHO at a PAHO workplace, regardless of the type or duration of appointment, is entitled to the assistance of the Ombudsperson at any time, and is not required to have pursued other avenues for resolution of their problems before bringing a

matter to the attention of the Ombudsperson. Individuals who are engaged by the Organization to produce a specific product or service and who do not work in a PAHO workplace are not entitled to use the services of the Ombudsperson.

Recourse to the Office of the Ombudsperson is voluntary. Staff who wish to speak with the Ombudsperson are allowed to use time during the workday for such consultation. Recourse to the Ombudsperson does not have the effect of delaying the deadline for the filing of an appeal under Section 12 of the Staff Rules and Regulations; the filing of a formal complaint under PAHO's Policy on the Prevention and Resolution of Harassment in the Workplace, or the taking of any other action prescribed by rule, regulation, policy, or mandate. Recourse to the Ombudsperson also will not delay the imposition of an administrative action which was the cause of the recourse.

### **Section 5 – Confidentiality**

The Ombudsperson, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his or her attention. Confidentiality may only be waived on consent of the concerned staff member or members. Information and records compiled by the Office of the Ombudsperson are also confidential and cannot be used for purposes not related to the Ombudsperson's role and functions.

The Ombudsperson cannot be called to appear as a witness or to produce documents or testimony in matters pending before PAHO's Board of Appeal, Grievance Panel, the International Labour Organization Administrative Tribunal (ILOAT) or any other internal or external administrative or judicial proceeding.

Any reports presented by the Ombudsperson shall protect the confidentiality of persons who brought matters to the Ombudsperson or collaborated with him, or provided information.

All persons involved in a complaint or an intervention by the Ombudsperson must maintain strict confidentiality regarding their knowledge of the case and limit the discussion and the dissemination of verbal and written information regarding the complaint only to those with a legitimate need to know.

### **Section 6 – Retaliation**

PAHO prohibits any kind of retaliation against any individual or group of individuals as a consequence of direct or indirect request for intervention by the Ombudsperson. The existence of retaliation could lead to the application of the disciplinary actions defined by Section 1110 of PAHO's Staff Rules and Regulations.

### **Section 7 – Reporting**

The Ombudsperson shall issue an annual report on his/her activities to the Director and to the Staff Association. The report will contain statistical information on the number of cases or problems, their nature, whether or not an intervention was required and their current general status in terms of resolution. It will also contain an overall assessment of the work done, and may include general comments, feedback and recommendations on aspects of the Ombudsperson's functions and factors affecting staff morale and wellbeing as observed during the period covered by the report. This annual report will be made available to all staff.