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Trust links us to the world

The text contains various hyperlinks to internal content available only on the World Intellectual Property Organization (WIPO) Intranet. Such content is accessible only when this report is consulted on the Intranet.

This report was originally written in French.
Background and general considerations

Work environment

WIPO is a medium-sized organization, and the volume of yearly data collected by the Ombudsperson is commensurate with its size. Since not all issues are escalated to the Office of the Ombudsperson (OO), it is reasonable to assume that the data collected by the Ombudsperson do not reveal the full picture. Annually recurring data show trends that should be considered static, most likely due to systemic underlying causes. Using data collected from 2016 to 2019, the last report put the spotlight on some of those trends, the causes of which are not always obvious, but should be of concern to the Organization.

As everyone knows, 2020 was a strange year, but not only due to the COVID-19 crisis. It was also an election year at WIPO, so the recommendations made in the 2016-2019 report received little attention, and are therefore repeated in the present document.

The annual statistics reveal that the pandemic and social distancing (working from home) are impacting the number of requests submitted to the Ombudsperson, as one might expect. But these factors are also impacting the nature1 of those requests.

Methodology and standards used by the Ombudsperson

A “case” refers to a problem in the workplace that either risks causing a conflict or has already done so. When cases are recorded, they are classified into one of nine categories defined by the International Ombudsman Association (IOA).2 The common use of the IOA categories by ombudspersons working in many international organizations3 allows for a common terminology to be used, thereby making some comparisons possible and allowing the Organization to position itself in its ecosystem.

The cases are classified according to whether they involve a concern to prevent the start of a conflict or a need to resolve a conflict that is underway. The ratio between these two types of cases is a significant indicator for WIPO: a high proportion of requests for preventive action should usually be considered a positive sign.

The activities of the OO are governed by the IOA Code of Ethics and Standards of Practice. The key principles of these two documents are confidentiality, independence, neutrality and impartiality, and informality.4 The Ombudsperson may not deviate from those principles under any circumstance.

The importance of dialogue

In each annual report, the Ombudsperson calls for dialog. The term is used in the broadest sense: it is not a “technical tool” from a specialist’s toolbox, but an essential function. Everyone who works for WIPO – regardless of their post, role and position in the WIPO hierarchy – contributes to maintaining a caring, people-centered work environment built on courtesy and dialog. This commitment sometimes requires courage and tenacity, but also simplicity and humility.

---

1 Is the nature of the requests affected primarily by the pandemic-driven crisis?
2 The annexes contain detailed explanations of the nine IOA categories.
3 These include the International Committee of the Red Cross, the International Organization for Migration, the European Organization for Nuclear Research (CERN), the UN Refugee Agency (UNHCR), the International Telecommunication Union, the World Bank, the World Food Programme, the International Monetary Fund and the Food and Agriculture Organization of the United Nations. Together, they form a network known as UNARIO (UN and Related International Organizations).
4 The IOA Code of Ethics and Standards of Practice are provided in the annexes.
2016–2019 recommendations

As mentioned above, the recommendations made in last year’s report are summarized below. Unfortunately, with 2020 being somewhat of a “lost year”, these proposals received little attention.

Recommendation 1

Since 2008, almost every OO report has noted a gap between the number of cases submitted by women and men. Since this situation occurs over and over again, the Ombudsperson invited the Organization to conduct a study into the cause of gender imbalance and to take any appropriate corrective measures.

Recommendation 2

Develop mandatory training for team managers and consider introducing continuous training in leadership for senior management.

Recommendation 3

Develop a structured communication channel between the OO and middle management so that there is a better response to the systemic issues that appear in the OO data.

Recommendation 4

Mediation is rarely used, even though it would be suitable for many cases. WIPO staff fear they might be stigmatized or subjected to subsequent retaliation. A policy of encouraging resolution through mediation is desirable.
Summary

Between 1 January and 31 December 2020, 68 cases were recorded. Table 1 (p. 8) gives the distribution according to the criteria stated above (see Methodology and standards used by the Ombudsperson). The number of cases recorded is down, since they normally average around 100 per year.

When teleworking became widespread at the start of the coronavirus pandemic, the OO saw an increase in the number of requests it received. Not surprisingly, the ensuing chaos and the changes to work procedures caused misunderstandings, uncertainty, and sometimes anxiety. The increase in the number of requests, however, was short-lived, ending as soon as the crisis unit and those in charge of health, information technology and security had helped equip the Organization to operate “remotely”.

Once the teething problems were over and we’d had time to adapt, we got used to it, some more easily than others. Things gradually calmed down and tensions among staff seemed to lower somewhat thanks to the distance imposed by the circumstances. At least, that’s what the OO statistics suggest. But the risk with the new work environment is that staff become detached from the Organization, and it’s unclear how the process of returning to normal will go. We’ll just have to wait and see, as the saying goes. In the meantime, should we simply conclude that we get on better when we don’t see each other in person? That would be rather unfortunate, and this idea is probably over-simplistic and wrong. Conflicts still occur, even if incidents between two people tend to be less heated and emotional responses cooler because they are physically apart\(^5\) and (most importantly?) because they have a better work–life balance. But it would be wrong to think that living in a world where we control everything from behind our personal screen/cockpit\(^6\) would guarantee better relationships and greater trust.

In terms of the Ombudsperson’s role in this environment, we can thank technology for allowing us to safely navigate our way through the COVID-19 crisis, but communicating virtually can never fully replace face-to-face meetings, so the current environment does not facilitate conciliation or mediation.

The number of people contacted per case has actually increased. Normally, a case involves an average of 3-4 interactions/contacts with parties concerned, but in 2020 this figure increased to 5-6 because staff deal with each other less directly when they work remotely than when they work on site.

With elections taking place in 2020, the normally regular meetings with management took place only occasionally due to the election campaign and because it is often considered prudent to wait for the new management team take up their positions before introducing new measures or plans.

Regarding the response to the recommendations made in the 2016-2019 summary report (see previous page), the first three recommendations were well received and were supported by the Organization’s upper echelons when the report first came out, but since then it has been virtually impossible to continue discussions. Nevertheless, in October 2020, the newly elected Director-General announced that the management culture\(^7\) at WIPO would be one of his priorities.

Otherwise, because there were so few cases in 2020 due to it being such an unusual year, there is little information on which to base any new recommendations. What is clear, however, is that, overall, the 2021 statistics show a continuation of previous trends and confirm the trends identified from the data collected for the years 2016 to 2019.

Every single year since the OO was created in 2009, women have visited the Office more often than men. That historically stable trend continued in 2020, when 53% of visits were by women and 40% by men (the remaining visits were linked to collective cases, teams and diverse groups). No cases were submitted by anyone wishing to be recorded as having a different gender identity.

The ratio between requests for preventive action and requests related to an existing conflict was good. Requests for preventive action represented nearly 42% of total requests, well above the 30% threshold set in 2016.

\(^5\) There’s a reason why we refer to “taking a step back” (i.e. distancing ourselves) when we react proportionately and appropriately in dealing with interpersonal and emotional issues.

\(^6\) The idea of the world seen through our personal cockpit is taken from the writings of Mark Hunyadi, mentioned at the start of this report.

\(^7\) A culture that is more open to exchange and collaboration among different sectors and levels at WIPO, with a more horizontal governance structure (especially the Office of the Director-General).
The dominant categories remained the same in 2020 (see Table 1, p. 8), but there were also some unusual results this time round. The Compensation and benefits category normally generates only a few requests, for instance. The Safety, health, well-being and ergonomics category, meanwhile, is normally right at the bottom of the list, but has moved up two positions – not a great surprise, given that there was a pandemic. Nevertheless, the data collected for these two categories (six and seven cases, respectively) is too limited to provide any reliable lessons.

In 2020, communications with external professional networks (UNARIO and the IOA)\(^8\) obviously took place remotely, using Zoom or Skype for example. The OO contributed to the work of the planning committee for the annual UNARIO conference, which consisted of six half-day sessions held online. Plans for WIPO to host the IOA Foundations Course in Europe were dropped, despite preparations being well under way.

Finally, it was decided that OO reports would be published on the WIPO website from 2020 and that the Office would have the report peer-reviewed for the very first time since it was created in 2009. The cases in 2019
Professional burn-out: a source and a consequence of conflict

In 2019, the 11th revision of the World Health Organization’s International Classification of Diseases (ICD-11) examined burn-out and defined it as an occupational phenomenon, thus distinguishing it from overwork in other areas of life. Burn-out refers to exhaustion caused by workplace stress. It is not a medical condition but is an epiphenomenon specific to the occupational context. If burn-out is not taken into consideration and there are no prevention or mitigation measures, it leads to chronic stress.

With the World Health Organization having redefined burn-out, several studies provide information to better understand how stress develops and how it becomes chronic if not treated quickly enough. The Geneva-based business Endeavour Consulting published an excellent summary of recent research on the subject.

To give an idea of the scale of the problem, a study commissioned by the European Union (Leka & Jain, 2017) estimates that burn-out costs EUR 240 billion a year: EUR 136 billion in productivity losses, performance losses and absenteeism, and EUR 104 billion in direct costs, the largest of which are medical costs.

These studies underline that preventing and mitigating burn-out requires changing the culture of a company or organization (Wigert & Agrawal, 2018a). The studies emphasize that managers are just as prone to burn-out as other staff categories, if not more so (Wigert & Agrawal, 2018b). In the United Nations system, these excess cases affect staff in all professional and higher categories (grades P and D), in particular because they have no right to compensation if they have an excessive workload. This can result in a lack of regulatory mechanisms, which can potentially lead to a poor work-life balance, eventually resulting in burn-out.

The risk is even greater for organizations whose mission requires a constant, intense commitment. Non-profits are exposed to the greatest risk, especially humanitarian organizations (Seppälä & Moeller, 2018; Moss, 2019). Many of these organizations give little regard to the need to “disconnect”. Instead, they place greater emphasis on personal resilience, with the work environment and culture pushed aside so that they do not encroach on the importance of the mission. An earlier study by Leka & Jain (2007) than the one previously cited showed that working on resilience, though undoubtedly useful, is not enough on its own, and that efforts to prevent and mitigate occupational risk factors are essential.

Risk factors

The Endeavour Consulting article mentioned above lists the following as the most common risk factors:

- poor communication within the organization or within a team;
- an authoritarian approach to management, with little to no participation in decision-making;
- little to no control over elements that influence a person’s role;
- little to no supervisory support;
- unmanageable workloads and unreasonable time pressures;
- inconsistent or absent procedural fairness/equity;
- failure to respect people’s roles and responsibilities;
- inflexible working hours; and
- inadequate or insufficient health, safety and ergonomic policies.

On top of the burn-out itself, or the imminent risk of succumbing to it, the person is faced with the additional difficulty of having to prove that he or she is affected by the risk factors associated with burn-out. Given that the person is already fragile and that the situation could lead to a conflict with any supervisors who feel targeted, this burden is only going to make the person feel even worse. It is essential to remove the burden of proof from a member of staff who is experiencing burn-out.

Improving the culture of the Organization

One thing that stands out from the research papers cited is that tackling the root of burn-out requires more than just personal support: working on an organization’s culture and practices is vital. (Leka & Jain 2017)

The annual reports published by the OO regularly underline this fact. At WIPO, management, administrative and other staff work in an environment that allows power relations to exert more influence than dialog, which

9 Relaxation techniques and various psychotherapeutic approaches.
10 As now identified by the World Health Organization in its 11th revision of the International Classification of Diseases.
leads either to issues being avoided altogether\textsuperscript{11} or to the complete opposite: open confrontation. Early, amicable conflict resolution is rarely the go-to choice. Yet the research papers cited above state that organizational culture and the resulting behaviors significantly contribute to cases of burn-out. It follows that turning the “power relations versus dialog” paradigm on its head should prevent certain situations, the cost of which – in financial terms and in terms of people’s well-being – ought to be quantified;\textsuperscript{12} to improve awareness.

The fear of making mistakes should be reported and prevented. When such fears are widespread, they paralyze and prevent thinking, hinder discussions and stifle innovation.

The essentially vertical supervisory structure should be revised. Small little requests are sometimes rejected on the grounds that they would have to be referred to the Office of the Director-General, where almost all decisions seem to be made. Whether that perception is true or not, the fact remains that people are put off asking for advice or help\textsuperscript{13} because they think it might be seen as a sign of weakness or failure.

In Autumn 2020, the newly elected Director-General announced as soon as he took office that changing the culture at WIPO would be one of his priorities. The year 2021 will therefore be a key year in that regard, but it goes without saying that an organization cannot change its internal culture at the snap of a finger. It takes time, and all staff members must do their part, irrespective of their grade or responsibilities.

Who can contribute, and how can they do so?

By building trust! Bearing in mind the quotation from the contemporary Geneva-based author and philosopher Mark Hunyadi that appears at the start of this report, we must understand that all the categories/groups listed below depend on others placing trust in them and are responsible for placing trust in others. As Hunyadi prosaically puts it, we would never get behind the wheel of a car if we didn’t at least trust other road users to some degree. Many of the people who contact the Ombudsperson do so because somebody didn’t trust them, and too often they fail to take into consideration that they must also trust others. Without that trust, any reconciliation attempts are a lost cause from the very start.

When we try to put everything in a contract and we try to regulate our work relations, setting it all in stone, we forget about trust. Changing the organizational culture necessarily requires learning all over again. And WIPO really needs to do just that.

The management team works with the Director-General and makes sure that the culture change is audible and tangible for everyone, throughout the Organization. If necessary, area managers facilitate discussions among the parties concerned by ensuring that the process is guided by the spirit of the new WIPO culture.

Supervisors play a vital role in implementing change. From directors to team coordinators, all supervisors must be exemplary in leading by example. The issues that this culture shift will inevitably raise are not second-class priorities. Fairness, procedural justice, listening and openness to dialogue are on an equal footing with achieving goals. The Organization is aware that – as mentioned earlier – managers are more susceptible to burn-out, so it gives them the support they need. It also provides suitable training to those who are in a position that involves managing a team.

The Human Resources Management Department is at the heart of the Organization’s management culture. In addition to providing managers with tools and a framework, the Department is a model for the Organization and advises sectors, departments and sections on practices that will contribute towards the change that the Organization aspires to achieve.

Members of the broader workforce drive the change, bring it to life and are essential to its success. At WIPO, entitlement culture can shut off access to a facilitated way out of a crisis, and unfortunately it contributes towards both parties becoming further entrenched in their positions. Remember the paradigm of the driver described above by Hunyadi: if we didn’t have at least some trust in others, we would never head out onto the roads, and when a case is heard, any chance of an amicable resolution would be stifled on day one.

\textsuperscript{11} People prefer to keep quiet, for fear of any negative repercussions, so the problem remains, and may get worse over time.
\textsuperscript{12} Nobody doubts that quantifying the cost can serve as a powerful incentive for greater awareness of the problem.
\textsuperscript{13} Especially from the OO, even though they have a right to do so. No prior authorization is needed to ask the Ombudsperson for a confidential meeting.
The Office of the Ombudsperson helps parties to properly understand the intersecting stakes when a situation is in deadlock. It provides a safe framework for parties to sit down and talk so that they can move forward and find a way out of the crisis. It also advises parties on conflict management, escalates systemic problems to the top of the pyramid, directs people to the best channel from which to get help, and contributes to prevention through practices and mechanisms that are likely to resolve conflict.

Other sources of help and support include the Relays network, the Medical Unit, the Staff Counsellor’s Office, the Human Resources Management Department, the Joint Consultative Group, the Staff Council and the Ethics Office. These bodies can provide guidance, advice and support with areas such as informal conflict management. If anybody is unsure who to contact first for a particular situation, the Ombudsperson can provide totally confidential guidance.
Work atmosphere and environment

2020 at a glance

The cases are broken down by IOA category and by the reason for the request (conflict resolution or conflict prevention).

Table 1

<table>
<thead>
<tr>
<th>IOA categories</th>
<th>All cases</th>
<th>Resolution</th>
<th>Prevention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cases submitted in 2020</td>
<td>68</td>
<td>39</td>
<td>28</td>
</tr>
<tr>
<td>a. Organizational, leadership and management</td>
<td>18</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>b. Evaluative relationships (with a supervisory relationship)</td>
<td>12</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>c. Compensation and benefits</td>
<td>7</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>d. Non-evaluative relationships (without supervisory relationship)</td>
<td>6</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>e. Job and career</td>
<td>6</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>f. Legal, regulatory, financial and compliance cases</td>
<td>6</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>g. Safety, health, well-being and ergonomics</td>
<td>6</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>h. Values, ethics and standards</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>i. Administration/service issues</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

A (short) summary of the categories is provided below, in the order they appear in the table. The IOA categories are defined in the annexes.

a. Culture specific to the Organization, internal communication, management quality and style.
b. Relations between individuals linked by a hierarchical/supervisory relationship.
c. Compensation, insurance coverage, leave, etc.
d. Relationship between persons without a hierarchical/supervisory relationship or between peers and colleagues.
e. Professional development, training, horizontal or upward mobility.
f. Harassment and sexual harassment, retaliation, fraud, corruption, procedural justice during investigations or in the event that disciplinary measures are applied.
g. Work-life balance, stress, workload, safety at work.
h. Conflicts of interest, compliance with standards of conduct and code of ethics.
i. Quality of services provided by the administration, diligence, and equitable application of the rules.

In-depth: the three main categories

The IOA categories are divided into sub-categories so that they can be analyzed in greater detail. The two main categories\(^{15}\) (see lines a. and b. in Table 1) are broken down in the graphs below.

Given that cases recorded were low in 2020, the significance of the statistics for that “COVID year” are relative. When compared with the data from the 2016-2019 summary report, however, the 2020 figures show that the main trends remain the same.

The Organizational, leadership and management category, for instance, was the most reported category of the year on three occasions (2016, 2018 and 2019), and the second most reported category in 2017. The data for 2020 confirm that trend.

Analysis of the two most prevalent sub-categories (quality/capacity of management and abuse of authority) are connected to an issue already raised: the difficulty of transitioning from being an expert within a team to being a team leader. Management skills do not come automatically with one’s professional grade. They have to be learned. For that very reason, the OO has been highlighting one particular recommendation since 2016: that it is critical to prepare and supervise managers when they first take up the role. More experienced managers also need to receive continuing training in leadership.

The annexes provide a comprehensive list of all sub-categories, some of which are not always present in the statistics.

Note that the proportion of requests for preventive action (see Table 1, right-hand column) is greater than the proportion of requests to resolve a conflict. This is a positive sign.

\(^{14}\) These two types of harassment are recorded separately.

\(^{15}\) Cases generally fall under more than one category – usually two or three. Table 1 is based on whichever category best describes each case, but additional categories for each case are still recorded in the OO statistics. The Organizational, leadership and management category, for instance, is the primary category for 18 cases, but if cases where this category appears in second and third position are also included, the total number of cases rises to 35.
This category is also one of the most frequently reported categories in the annual statistics. The order in which these sub-categories (Respect/Treatment, Team Climate and Morale, Communication, etc.) appear remains in line with the results from 2016 to 2019.

To properly understand this category, it is important to keep in mind that it refers to situations between people with a supervisory relationship, but does not take into consideration any problems, abuses of authority or harassment that may exist, which are covered by other categories.

This category and its sub-categories reaffirm the observations made above: that there is a lack of preparation for taking on management responsibilities and there is a lack of support and supervision (especially for middle management). Performance Management and Performance Appraisal are underrepresented in the data, since staff who experience such issues often submit a formal request for review or rebuttal without going through the OO.

Like for the previous category, the proportion of requests for preventive action is greater than the proportion of
requests to resolve a conflict, which is a trend that should be encouraged.

**Other categories**

Lines c, d, e, f and g of Table 1 form a block comprised of some categories normally found in those positions and some less typical items. Health concerns, for instance, normally appear at the bottom of the table, but in 2020 there were six cases.\(^{16}\) Obviously this is not surprising in a pandemic year.

**Breakdown of cases by gender**

Women submitted more requests than men\(^ {17}\) and the gender gap was in line with the average of the previous years. The proportion of cases involving groups was slightly above average. We will simply reiterate the recommendations made in the past (see Recommendation 1, on page 5).

The breakdown of cases by professional grade shows that grades P4 and P5 accounted for almost half of all requests. This group includes middle managers, whose situation is described earlier,\(^ {18}\) and people whose career progression prospects stall after a certain number of years, which often leads to frustration and tensions. The good news for this group is that a high proportion of their requests were for preventive action (50%). This is an encouraging sign, since it shows a willingness to take positive action (prevention rather than cure), but it also confirms that managers need support and guidance.

Non-staff are virtually invisible in the statistics. Their status gives them less protection against abuse, hence their reluctance to use informal or formal mechanisms. Non-staff are worried that making requests might affect their job stability or their chances of obtaining civil servant status at a later date. The same is true in other organizations and, sadly, is typical of the international civil service. Directors, deputy directors-general and assistant directors-general are also largely absent from the statistics. It is regrettable that managers do not contact the OO more often when faced with problems in their divisions/sectors.

\(^{16}\) A total of 13 cases if categories in second or third position are included (see above).

\(^{17}\) No requests were submitted by people belonging to other gender categories.

\(^{18}\) On this issue, see the remarks on burn-out.
Activities and impact assessment

Activities

The activities and services of the OO are described on the Office’s Intranet pages. Most of its activities in 2020 were held virtually.

The first of these activities was to offer **confidential meetings**, which could be arranged by contacting the Ombudsperson directly; no administrative or supervisory authorization is required. Each meeting is **strictly confidential** and is **never** the subject of a report to be submitted or archived.

How to contact the Ombudsperson:

- On-site: GBI 0.5
- Telephone: extension 7374 or mobile 079 447 11 71
- Email: marc.flegenheimer@wipo.int or ombudsperson@wipo.int

Apart from one visit to one of the external offices (Moscow) a few weeks before the pandemic brought air traffic to a virtual standstill, external communications and professional networking took place online. Like all his colleagues at WIPO, the Ombudsperson now knows his way around the various online communication platforms like the back of his hand, and like everyone else, he is affected by the new pathology known as Zoom fatigue. Meetings in person can’t come back soon enough!

The most notable of the professional networks in which the Ombudsperson participates is UNARIO, a network of ombudspersons from the UN agencies, the World Bank, the International Monetary Fund and similar organizations such as the European Organization for Nuclear Research (CERN), the International Committee of the Red Cross and the Global Fund to Fight AIDS, Tuberculosis and Malaria. Many UNARIO members are therefore based in Geneva and an informal meeting takes place every month. At the international level, the annual conference was held virtually in 2020, and the WIPO Ombudsperson was part of the organizing committee. The conference consisted of six half-day sessions, which were attended by more than 30 international organizations.

Concerning the **Relays**, the pandemic put paid to a second round of volunteers. Those already in the network could request to remain at their colleagues’ disposal. [Click here](#) for a list of active Relays.

Standards of practice

*Figure 5* shows the results of qualitative assessments of the Ombudsperson’s professional practice, with data on:

1. **Clarity**: The Ombudsperson has been able to make his function and mandate clear.
2. **Independence**: The Ombudsperson acted independently.
3. **Neutrality**: The Ombudsperson has remained neutral and acts impartially.
4. **Listening**: The person felt listened to carefully and understood.
5. **Return/recommendation**: The person will come back to the Ombudsperson if need be, or recommend that colleagues in difficulty meet with him.
6. **Comfort/safety**: The person has felt secure in his or her interactions with the Ombudsperson.
7. **Usefulness**: The meeting with the Ombudsperson and follow-up actions have had a realistic (positive) impact on the situation under discussion.
8. **Confidentiality**: The Ombudsperson and the parties have complied with the commitment to confidentiality.

Based on these data, the graph shows that users value the service. Feedback for 2020 is therefore limited, but is in line with trends for previous years.

The statement that generated most disagreement (12%) is the one on the realistic impact of the interaction with the Ombudsperson on a conflict situation (“**Usefulness**”). This stable trend is discussed in great detail in previous annual reports, but as a reminder, it is important to stress that in an environment that is not very pro-dialog, the idea of informal conflict management sometimes generates skepticism or even fear (of retaliation, harm to one’s reputation, etc.). This means that a relatively high proportion of those who attend an exploratory meeting do not pursue their case.

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19 See Regulation 11.2 and Rule 11.3.1.b) of the WIPO Staff Regulations and Rules.
21 Responses collected anonymously through an online form.
22 Available [here](#).
In 2021, the OO will be peer-reviewed for the first time since the Office was created in 2008. This should make up for the lack of data from what was almost a lost year. With WIPO looking to change its internal culture under the new management team, the time is right to review the Office’s practices so that the best possible changes take place.

Returning to the thoughts of Mark Hunyadi, we can still hope to return to some form of normality in 2021 so that we can break free from being connected to the world through a cockpit and rediscover the trust that, according to the author, “connects us to the world”.

Figure 5

- Confidentiality
- Usefulness
- Impact
- Comfort/Safety
- Return/Recommend
- Listening
- Neutrality
- Independence
- Clarity

0 20 40 60 80 100

Don’t know
Disagree
Agree
Annex I: IOA Standards of Practice

These principles and standards were developed by the International Ombudsman Association (IOA), of which the WIPO Ombudsman is an active member.

Standards of Practice

Independence

1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
1.2 The Ombudsman holds no other position within the organization which might compromise independence.
1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

Neutrality and impartiality

2.1 The Ombudsman is neutral, impartial, and unaligned.
2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

Confidentiality

3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor’s contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.
3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.

3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.

3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

Informality and other standards

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.
Annex II: IOA Code of Ethics

International Ombudsman Association (IOA)

Preamble

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations’ practices, processes, and policies.

Ethical principles

Independence
The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

Neutrality and impartiality
The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

Confidentiality
The Ombudsman 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.

Informality
The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.
Annex III: IOA Case Reporting Categories

1. Compensation and benefits
   1a Compensation: Rate of pay, salary amount, job salary category.
   1b Payroll Administration.
   1c Pension.
   1d Leave: annual; sick; maternity; excluding special leaves, sabbaticals, suspension for disciplinary reasons.
   1e Health Insurance and Medical Entitlements (including medevac, DSA, companion ticket, etc…).
   1f Dependent Benefits (including child education grant).
   1g Taxes.
   1h Recruitment Entitlements (relocation grant; shipment; etc…).
   1i Separation Entitlements (repatriation grant; shipping; severance indemnities, etc…).
   1j Travel Entitlements (ticket, DSA, hotel, excluding medical travel).
   1k Special Operations/Hazard Entitlements (including R&R).
   1l Other.

2. Evaluative relationships
   (Excluding harassment, discrimination and retaliation)
   2a Interpersonal Differences, interpersonal conflicts involving differences in personalities/suspicions of hidden motives/mistrust/different work styles.
   2b Respect/Treatment: Demonstrations of inappropriate regard for people, not listening, dismissive or rude behavior, unfair or preferential treatment.
   2c Reputation: Potential impact of rumors or gossip about professional or personal matters.
   2d Communication: Quality or quantity of communication.
   2e Team Climate and Morale: Prevailing norms, behaviors or attitudes in work unit.
   2f Performance Management and Feedback: supervisory effectiveness in performance coaching, work assignment and support; feedback (or lack of) given outside of regular performance appraisal.
   2g Performance appraisal and grading: Disagreements with the fairness of performance evaluation or grading.
   2h Other.

3. Peer and colleague relationships
   (Excluding harassment, discrimination and retaliation)
   3a Interpersonal differences, interpersonal conflict involving differences in personalities/suspicions of hidden motives/mistrust/different work styles.
   3b Respect/treatment: Demonstrations of inappropriate regard for people, not listening, dismissive or rude behavior, unfair or preferential treatment.
   3c Reputation: Potential impact of rumors or gossip about professional or personal matters.
   3d Communication: Quality or quantity of communication.
   3e Team Climate and Morale: Prevailing norms, behaviors or attitudes in work unit.
   3f Other.

4. Job and career
   4a Job Application/Selection and Recruitment Processes: recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection.
   4b Post Classification and Description.
   4c Involuntary Transfer/Change of Assignment: Removal from prior duties, unrequested change of work tasks.
   4d Terms/Conditions of Contract: Position security/Ambiguity/Contractual limitations
   4e Career Progression or Opportunities: Delay/Denial of promotion; lack of opportunities for career advancement.
   4f Rotation and Duration of Assignment: Non-completion or over-extension in a job or location; area of rotation.
   4g Resignation.
   4h Termination.
   4i Non-renewal of Contract.
   4j Abolition of Post.
   4k Career Development: Coaching/Mentoring/Training/lack of opportunities for skill development.
   4l Retirement Process.
   4m Special Leave: Approval of return from SLWOP, SLWFP, excluding suspension for disciplinary reasons.
   4n Loan/Secondment/Transfer: Inter-agency mobility; terms of loan, return from loan.
   4o Other.
5. Legal, regulatory, financial and compliance

5a Criminal Activity: Threatened, planned, observed; fraud.

5b Waste and abuse of funds: Inappropriate actions that abuse or waste, organizational finances, facilities or equipment; property damage.

5c Harassment (Excluding Sexual): Behavior that creates a hostile or intimidating work environment; bullying/mobbing, abusive, threatening or coercive behavior.

5d Sexual Harassment: Unwelcome sexual conduct.

5e Discrimination (Excluding Gender): Different treatment compared with others or exclusion from some benefit on the basis of race, age, national origin, religion, etc. . . .

5f Gender Discrimination: Different treatment compared with others or exclusion from some benefit on the basis of gender

5g Retaliation: Punitive behaviors for previous actions or comments; whistle-blower.

5h Investigative/Disciplinary processes: Fairness/ duration/adherence to rules and regulations during investigations /disciplinary measures.

5i Visa Status: Issues arising in acquiring or relinquishing travel or residency status for international staff members or their dependents.

5j Geographical and Gender Representation: non-compliance with policy or issues arising from the application of policy.

5k Other.

6. Safety, health, wellbeing and physical environment

6a Safety: Physical safety, injury.

6b Meeting local requirements for training and equipment, including transportation.

6c Physical Working/Living Conditions: Temperature, odors, noise, available space, smoking, ergonomics.

6d Lighting, cleanliness, etc.

6e Security: Adequate lighting, metal detectors, guards, access to building by outsiders, anti-terrorists measures.

6f Work-Life: Issues with flexible working arrangements/schedules

6g Stress deriving from work related issues: Post-Traumatic Stress.

6h Disability and Accessibility: Temporary, permanent, reasonable accommodation, assistive technology.

6i Other.

7. Services/administration

7a Quality of Services: How well services were provided, accuracy or thoroughness of information, competence.

7b Responsiveness/Timeliness: Response time or time to completion.

7c Interpretation or Application of rules: Impact of administrative actions based on the interpretation of policy.

7d Behavior of Service Provider(s): How an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impolite.

7e Other.

8. Organizational, leadership and management

8a Organizational Climate/Morale.

8b At the organizational level: distinct from 2e) and 3e).

8c Organizational Culture.

8d Organizational Communication: Content, style, timing, effects and amount; quality of communication about strategic issues at the organizational level (distinct from 2d) and 3d).

8e Change Management: making, responding or adapting to organizational changes, quality of leadership in facilitating.

8f Restructuring and Relocation: effects of reprofiling, organizational/unit downsizing relocation or reorganization.

8g Leadership and Management (Quality/Capacity of Management): Quality/capacity of management/ leadership decisions; management styles; accountability and transparency, priority setting and/or funding.

8h Abuse of Authority/Positional Power: Improper use of a position of influence, power or authority against subordinates.

8i Other.

9. Values, ethics and standards

9a Core values: non adherence to core organizational values (integrity, professionalism, respect for diversity).

9b Accountability and transparency: issues with taking personal ownership for responsibilities and deliverables/operating in compliance with organizational rules and regulations, secrecy.
9c Personal conduct: issues with fulfilling private obligations, respecting local laws and using the privileges and immunities of the organization.

9d Conflict of Interest: appearing to benefit improperly or to have a third-party benefit improperly from certain associations, relationships or financial interests (including honors, gifts or remuneration; favoritism to family or friends; outside employment/activities; business interests...).

9e Use and Protection of Information: using or divulging confidential information without proper authorization.

9f Other.