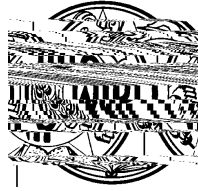


WIPO



WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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OFFICE INSTRUCTION

No. 32/2009

THE OFFICE OF THE OMBUDSMAN

1. This Office Instruction amends with immediate effect Office Instruction No. 18/2006 of March 29, 2006, entitled, “The Office of the Ombudsman”, which established the terms of reference of the Office of the Ombudsman of the International Bureau of WIPO. The amendments mainly consist of references to new Office Instructions and terminology linked to WIPO’s new Performance Management and Development System (PMSDS). As compared to Office Instruction No. 18/2006, small changes have been made to paragraphs 1, 2, 13 and 21. All other paragraphs remain the same. None of these changes affect the substance of the terms of reference of the Office of the Ombudsman as established pursuant to Office Instruction No. 18/2006.
2. The Office of the Ombudsman was established in 2006 to make available an impartial, independent and confidential service to staff members and temporary employees to address employment-related conflicts and grievances of individuals. The aim was, and still is, to provide assistance in resolving these problems in an informal manner and thereby to contribute to an improvement in the overall working environment of the Organization, promoting better relations between staff members/temporary employees and management, and greater organizational and operational efficiency.

Service provided to staff members and temporary employees

5. The Ombudsman shall advise staff members and temporary employees on the resolution of conflicts or grievances. He or she shall act as a neutral interlocutor, who advises management and staff or temporary employees on amicable solutions to difficulties faced by individual staff members or temporary employees in the workplace. In all of his or her actions, the Ombudsman shall act in an independent and impartial manner and shall in all instances uphold confidentiality in his or her dealings. All communications with the Ombudsman are considered privileged.

6. The Ombudsman shall have authority to consider conflicts or grievances of a professional nature brought to his or her attention by a staff member or temporary employee as well as general matters concerning staff members or temporary employee relations, including problems between colleagues.

7. The Ombudsman shall assist all parties equally in reaching a fair solution through fact-finding, mediation, discussions and through the involvement of all parties and third parties where appropriate; bearing in mind that the Ombudsman will not have any decision-making authority but may advise, make suggestions and recommendations, as appropriate, on actions needed to settle the conflict or grievance.

8. An initial discussion with the staff member or temporary employee may take place either in person or by prearranged telephone appointment. Staff members or temporary employees may choose thereafter, or after further meetings or exchanges, to pursue resolution of the issue on their own while maintaining contact with the Ombudsman. In such an event, the Ombudsman does not consult with a third party.

9. In other cases, it may be agreed with the staff member or temporary employee that the includin(s)-.0000

Declining a Grievance

13. The Ombudsman may, at his or her discretion, decline to consider conflicts that can be

- (ii) make binding decisions or determine rights;
- (iii) compel any individual to implement the Ombudsman's recommendations;
- (iv) conduct an investigation that substitutes for judicial proceedings or administrative proceedings under Chapters X ("Disciplinary Measures") or XI ("Appeals") of the WIPO Staff Regulations and Staff Rules;
- (v) represent the staff member or temporary employee in any formal process.

Formal Process

21. Staff members and temporary employees pursuing an informal resolution to grievances are not precluded from recourse in parallel to formal and other processes, where applicable, such as under Office Instruction No. 31/2009 entitled "The WIPO Joint Grievance Panel", Office Instruction No. 19/2009 entitled "Launch of the new Performance Management and Staff Development System (PMSDS) in WIPO" or Office Instruction No. 22/2009 entitled "Procedures for Rebuttal of Performance Eval

26. Likewise, the Ombudsman shall have access to all relevant records, files and documentation relating to the exercise of his or her duties. The exceptions to this are medical records, which are not available without the express request or permission of the person concerned, documents subject to solicitor-client privilege or records of an ongoing investigation until the completion of all formal proceedings. In the event of a dispute regarding access to records, the matter will be referred to the Director General.

27. The Ombudsman, prior to the expiry of his or her tenure, shall contact those staff members and temporary employees who have provided information or records to the Ombudsman, to receive their respective instructions on what they wish done with such information or records. In the absence of instructions, the Ombudsman shall return the information or records to the staff members or temporary employees concerned; or, if they have left the Organization, the Ombudsman shall destroy the information or records.

Reports

28. All information and records compiled by the Ombudsman shall be for the use of the Ombudsman and for no other purpose than the functions of the Office of the Ombudsman. Any report of the Ombudsman shall be prepared in a manner that will preserve the right to confidentiality of the persons who have brought matters to the attention of, or provided information to, the Ombudsman. Details of specific cases may be disclosed only with the concurrence of such persons.

29. The Ombudsman may prepare periodical reports, either orally or in writing, on organizational trends and activities. Such reports shall be communicated to the Director General.

30. The Ombudsman shall issue an annual report to the Director General specifying the number and general nature of all problems brought to his or her attention. He or she will describe in general terms the extent to which the problems were or were not resolved and, in the latter case, his or her assessment of the reasons for the lack of resolution. If, in the view of the Ombudsman, certain cases have revealed broad issues of human resources management or administration, the report may discuss the issues involved.

Feedback, Policy Analysis and Recommendations

31. The Ombudsman may provide an early warning of new areas of organizational concern, upward feedback, critical analysis of aspects of employment and working conditions and may recommend effective ways in which to eliminate or reduce recurring concerns. Based on anonymous aggregate data, the Ombudsman may submit reports which identify patterns or problem areas in the Organization's policies and practices, and may recommend:

(i) improvements on those policies and practices which may be conducive to more harmonious working conditions;

(ii) ways and means to improve structural and managerial problems identified as impediments to smoother relations between management and staff members and temporary employees.

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32. The Ombudsman may monitor the continuous efforts for increased communication within the Organization and the training of its staff members and temporary employees in this regard. The Ombudsman may make proposals to HRMD on issues concerning the prevention and resolution of disputes and conflicts, skills and theory of negotiation, civility and related