



Ombudsperson and Mediation Services
Division

Ethics, Integrity and Standards

OPERATIONAL GUIDELINES

Letter from H.E. THE CHAIRPERSON

Dear Colleagues,

The African Union Office of the Ombudsperson and Mediation Services was established during the 33rd Ordinary Session of the African Union Assembly of Heads of State and Government, where the Assembly adopted the new departmental structure for the AU Commission in February 2020. The Office of the Ombudsperson and Mediation Services is considered a valuable form of alternative dispute resolution.

In any organization, conflicts are inevitable and unavoidable. The key is to manage these conflicts effectively by utilizing the mechanisms established by the organization for resolution. Ideally, this should be done in a way that enhances the organization's efficiency and success.

The African Union offers a dynamic and challenging multinational, multicultural work environment undergoing continuous transformation. It promotes conflict competence at all levels by providing a variety of informal and formal channels for conflict resolution accessible to both staff members and managers. These resources enable staff members to seek advice and assistance, file complaints, or determine the appropriate channel for individual cases.

The Office of the Ombudsperson and Mediation Services provides an alternative communication channel for those seeking informal resolution of concerns or difficulties. This approach addresses problems without resorting to formal grievance and complaint processes, offering several advantages. Informal conflict resolution often has shorter timelines, is non-adversarial, and is more likely to foster positive long-term relationships between the parties involved in the conflict.

I do not suggest for a minute that conflict can be eradicated, but our Ombudsperson can help reduce conflict and promote healthier work environments so that the African Union Commission does not end up paying out huge sums of money for matters that could have been resolved using informal mechanisms. The Ombudsperson has an important role to play within our organization, and it is my hope that this role is taken seriously.

In our ongoing commitment to fostering a safe, respectful, and ethical workplace environment, I am pleased to announce the launch of the African Union Office of the Ombudsperson and Mediation Services.



H.E. Moussa Faki Mahamat
AUC Chairperson

A Word from THE OMBUDSPERSON

Dear Colleagues,

Ethics, Integrity, and Standards (EIS) is an oversight directorate consisting of several independent offices: the Ethics Office, the Ombudsperson and Mediation Services, the Administrative Tribunal Secretariat, and the Disciplinary Board Secretariat. Upon full operationalization, these offices will formulate and enforce governance-related policies, and ensure effective administration of the Union's ethics program, grievance handling, internal justice system, as well as accountability and disciplinary processes across the African Union.

The Ombudsperson and Mediation Services (OMS) is committed to assisting staff members within the organization by offering a safe environment to discuss issues or concerns, exploring options for conflict resolution, and highlighting systemic issues to management for resolution.

The Ombudsperson operates in a manner that preserves the confidentiality of those seeking services, maintains a neutral and impartial position with respect to the concerns raised, works at an informal level of the organizational system compared to more formal channels like the Grievance Panel and the Administrative Tribunal, and is independent of formal organizational structures.

OMS offers an important service and is a trusted advisor engaged by the organization to inform critical decisions for a lasting and positive impact. The Office serves as a safe, off-the-record resource for staff members, decision-makers, and stakeholders, seeking ways to identify and address workplace issues and other concerns. Separate from but complementing the work of Human Resources, Legal, and Compliance, the Ombudsperson understands that addressing conflict is often the crucible through which staff members and the organization must pass before fairness, positive change, and progress can be achieved.

OMS empowers staff members to work through conflicts and concerns and helps the organization examine risks, strengthen culture, hone responses, and address issues that stand in the way of achieving their goals. For any organization in need of a trusted resource to help navigate today's complex social and work environment, the Office of the Ombudsperson is a transformative force toward a more ethical, engaged, fair, and empowered organization and staff members throughout the African Union.

The Ombudsperson Operational Guidelines are established to set standards for the Ombudsperson's work. They provide detailed information and clear instructions on the processes and procedures the Ombudsperson should follow to facilitate conflict resolution. The guidelines clearly outline the OMS's mandate, roles, and standards of practice.

The Office of the Ombudsperson is a transformative force toward more ethical, engaged, fair and empowered organization and staff members around the Africa Union.

The Ombudsperson will listen to you, discuss your concerns, demystify policies, and help you through conflict coaching or confidence coaching on how you can self-advocate.

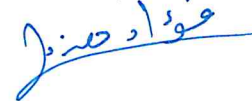
In the development of the Standard of Practice for the Ombudsperson and Mediation Division, a comprehensive review of existing frameworks and practices has been undertaken to ensure that our guidelines are both robust and aligned with international standards. This process included an extensive survey of established practices from leading organizations such as International Ombuds Association (IOA), the World Bank, the African Development Bank (AFDB), the United Nations (UN) and the United Nations Development Program (UNDP).

Additionally, internal documents and practices from the African Union have been meticulously examined to tailor the Standard of Practice to our unique context and needs. This approach ensures that our standards not only reflect global best practices but also adhere to the specific requirements and values of our organization.

The resulting Standard of Practice aims to provide clear, effective, and equitable guidelines for the resolution of disputes and the facilitation of mediation, contributing to a fair and transparent process within the Ombudsperson and Mediation Division.

Fouad Hendel

Head, OMS



MISSION

The Office of the Ombudsperson is an informal recourse mechanism introduced through the Rule 69.1 (a) of the AU Staff Regulations and Rules (SRR) of the African Union, established by a decision of the Assembly of Heads of State and Government in 2020. It is dedicated to resolving conflicts within the African Union through mediation, conciliation, and other appropriate methods. Its primary objective is to address grievances related to employment matters between staff and the organization, including inter-staff personal issues. Additionally, the Ombudsperson supports Management in enhancing working conditions and fostering quality human and professional relationships at all levels within the African Union.

The Operational Guidelines

These Operational Guidelines outline how the Office of the Ombudsperson and Mediation Services (OMS) performs its various roles and functions. They aim to clarify for all parties how OMS fulfills its mandate.

Further Information about the OMS

In 2016, African leaders recognized the urgent need for institutional reforms within the African Union (AU), given the organization's pivotal role in driving and achieving Africa's Agenda 2063 vision of inclusive economic growth and development. To spearhead this initiative, the Assembly of Heads of State mandated President Paul Kagame of Rwanda in July 2016 to lead the process. President Kagame subsequently appointed a Pan-African advisory team to assist him in this endeavour.

Various studies and analyses of the AU identified several major challenges:

- The AU is highly fragmented, with too many focus areas.
- The AU's complicated structure and limited managerial capacity leads to inefficient working methods, poor decision-making, and a lack of accountability.
- The AU is neither financially independent nor self-sustaining, relying instead on partner funding for much of its financing.
- Coordination between the AU and the Regional Economic Communities (RECs) is limited.

Following a review of the studies and consultations with member states and various stakeholders, the reforms advisory team concluded that to realize the ambitions of Agenda 2063 and effectively deliver on its mandate, the AU must reposition itself. This involves ensuring it has the requisite institutional capacity and capabilities to address the evolving economic, political, and social needs of the continent.

Key Focal Areas for Transforming the African Union

1. Review and Realign Structure and Operations

There is a need to review the structure and operations of the African Union to ensure institutional realignment for better service delivery.

2. Connect with African Citizenry

The AU needs to strengthen its connection with African citizens.

3. Enhance Operational Efficiency

The AU must become operationally effective and efficient in performing its mandate.

4. Implement Sustainable Financing

The AU needs to identify and implement sustainable financing for its programs, reducing over-reliance on development partners.

To ensure the reform recommendations are implemented, it was suggested that the AU establish high-level supervision arrangements for the reform process, create a unit within the Commission to drive reform implementation, and establish binding mechanisms to ensure the reforms are carried out.

In September 2017, the African Union Commission (AUC) appointed Prof. Pierre Moukoko Mbonjou and Ms. Ciru Mwaura as Head and Deputy Head, respectively, of the newly formed **Institutional Reform Unit**, which is tasked with overseeing the day-to-day activities of the reform process.

Thanks to a talented team and hard work, the new departmental structure for the AU Commission was adopted by decision of the African Union Assembly of Heads of State and Government in February 2020 during the 33rd Ordinary Session. This included the creation of the **Office of the Ombudsperson and Mediation Services**.

ABBREVIATIONS

AU	African Union
AUC	African Union Commission
AUAT	African Union Administrative Tribunal
CCP	Cabinet of the Chairperson
CDCP	Cabinet of the Deputy Chairperson
GP	Grievance Panel
HRMD	Human Resources Management Directorate
IOA	International Ombudsperson Association
OLC	Office of the Legal Counsel
OIO	Office of Internal Oversight
OMS	Ombudsperson and Mediation Services
SRR	Staff Regulations and Rules
VPC	Values Promotion Champions

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International Ombudsperson Association (IOA) Standards of Practice.

International Ombudsperson Association (IOA) Code of Ethics.

1. OMBUDSPERSON MANDATE

1.1 Terms of reference and operational guidelines

The Ombudsperson and Mediation Services (OMS) serves as the informal, independent recourse mechanism for addressing work-related employee grievances within the African Union. The Office reports directly to the President of the African Union Commission. The Office is tasked with the following mandate:

- (a) *Advise and guide the Union, Officials and Staff members on the management of workplace conflict and mediate on grievances and interpersonal disputes in all the African Union Organs, institutions and offices.*
- (b) *The Office of the Ombudsperson shall promote non-adversarial means of managing employment-based relations between Officials and Staff Members and the Management through conciliation, mediation and negotiation in line with the provisions of these Regulations and Rules;*
- (c) *The mandate of the Ombudsperson shall be limited to addressing matters arising from administrative decisions taken in violation of an Official and Staff Member's terms and conditions of employment; as outlined in Rule 69.2 of the African Union Staff Regulations and Rules. The Ombudsperson also adheres to the international standards of practice of the International Ombuds Association in which he became a member in March 2024. These legal instruments form the basis for these Operational Guidelines.*

1.2. OMS'S THREE FUNCTIONS

1. **OMBUDSING:** The Ombudsperson responds to grievances from staff or the African Union by managing and facilitating resolution through a flexible, problem-solving approach. The primary role of the Ombudsperson is to informally assist in resolving these grievances.

Grievances encompass issues related to the administration of benefits, professional concerns, and staff employee relations, all of which the Ombudsperson addresses directly. OMS will establish systems to ensure the confidentiality of grievances, safeguarding information from records, official documents, staff members and management.

2. **ADVISORY:** Providing independent advices and recommendations to management on addressing shortcomings in employment policies, procedures, and practices. Unlike the Ombudsperson and mediation roles, the advisory function is not case-specific. It aims to provide cross-cutting and upward feedback on systemic issues while offering solutions for any deficiencies in employment policies, procedures, and practices. However, the recommendations made by the Ombudsperson are not binding.
3. **MEDIATION:** Overseeing the provision of mediation services before a matter reaches the Staff Grievance Panel or as an alternative to Administrative Tribunal. Mediation can also be used with the agreement of the parties to pause proceedings while attempting to settle the issue before the Ombudsperson.

Mediation is initiated either at the request of a staff member, management, or through referral. It is a cost-effective alternative to formal trials, offering the advantage of allowing the parties to maintain control over the process. This can lead to a formal and binding agreement without the need to disclose settlement details to third parties.

1.3 INDEPENDENCE

The Ombudsperson reports outside of the typical structures in the organization. He traditionally and by standards of practice, reports to the highest level of our organization which is the Cabinet of the Chairperson in order to provide objective advice and to do his work better. Being independent allows the Ombudsperson to have an insider-outsider perspective. It also reports trends and concerns upward to leaders either the highest level of the organization and also other decision makers throughout the organization. OMS's independence is enforced in a number of structural ways:

- i) The Ombudsperson reports directly to the Chairperson of the African Union Commission and operates independently of line management.
- ii) The Ombudsperson holds no other position within the organization that could compromise its independence.
- iii) The Ombudsperson has sole discretion over whether or how to address specific concerns, trends, or systemic issues and may take action on concerns identified through direct observation.
- iv) The Ombudsperson has access to all African Union information and staff members.
- v) The Ombudsperson has the authority to select the staff of the Ombudsperson Office and to manage its budget and operations.

- vi) Except as expressly provided for, caution should be exercised to avoid excessive involvement in the African Union internal processes, while balancing this caution against the requirements of the advisory role.

1.4 NEUTRALITY AND IMPARTIALITY

Neutrality and impartiality are crucial for fostering the trust and confidence of staff and management, enabling the Ombudsperson to effectively facilitate the resolution of grievances. These principles are upheld through various measures:

- i) The Ombudsperson strives for impartiality, fairness, and objectivity in the treatment of staff members and consideration of issues.
- ii) The Ombudsperson advocates for fair and equitably administered processes without representing staff members within the organization.
- iii) As a designated neutral party, the Ombudsperson reports to the Chairperson of the Commission and operates independently without affiliation to any compliance functions within the organization.
- iv) The Ombudsperson holds no additional roles within the African union that could compromise his neutrality.
- v) The Ombudsperson is not aligned with any formal or informal African Union associations that could create real or perceived conflicts of interest.
- vi) The Ombudsperson has no personal interest in, or potential gain or loss from, the outcome of any issue.
- vii) The Ombudsperson is responsible for addressing the legitimate concerns and interests of all staff members involved in the matter under consideration.
- viii) The Ombudsperson helps develop a range of responsible options to resolve problems and facilitates discussions to identify the best solutions.

1.5. CONFIDENTIALITY

The management and disclosure of information are essential to the work of the Ombudsperson. While confidentiality is crucial in certain cases, disclosing information is vital for ensuring independence and impartiality. In some situations, disclosure is necessary to achieve solutions. The privilege of confidentiality is overridden when there is an imminent risk of serious harm and no other reasonable options are available. The Ombudsperson has the authority to determine the existence of such a risk.

The Ombudsperson maintains strict confidentiality for all communications with those seeking assistance and takes all reasonable steps to safeguard this confidentiality, including:

- i) The Ombudsperson maintains confidentiality of all communications unless explicitly permitted to disclose them during informal discussions, and even then, only at the Ombudsperson's sole discretion.
- ii) The Ombudsperson does not disclose, and must not be compelled to disclose, the identity of any individual who contacts the Ombudsperson.
- iii) The Ombudsperson takes action on an individual's issues only when that staff member's express permission and within the agreed extent, unless such action can be taken without compromising the individual's identity.
- iv) The Ombudsperson does not provide testimony in any formal processes within the African Union and resists testifying in formal processes outside the African Union, even when granted permission or requested to do so.
- v) The Ombudsperson identifies trends, patterns, issues, and concerns related to policies and procedures, including potential future issues, and provides recommendations for addressing them responsibly, all without breaching confidentiality or anonymity.

1.6. COMMUNICATION

The effectiveness of the OMS is crucial for its success and hinges on the quality of communication regarding matters brought to the Office. The Ombudsperson aims to improve interactions with its constituency through the following practices:

- i) When addressing issues systematically, such as providing cross and upward feedback, the Ombudsperson ensures that the identity of individuals is protected.
- ii) The Ombudsperson does not keep records of the parties involved but he keeps data.
- iii) The Ombudsperson stores information, including notes, appointments, and calendars, in a secure manner that is protected from unauthorized access.
- iv) A consistent and standard procedure is followed for the destruction of such information.

- v) The Ombudsperson prepares data and reports in a way that maintains confidentiality.
- vi) Communications made to the Office do not constitute formal notices to the African Union. The Ombudsperson does not act as an agent for the African Union or accept formal notices but directs staff members to the appropriate channel for making formal notices.

1.7. INFORMALITY AND OTHER STANDARDS

The flexibility inherent in informality allows the African Union to address issues before they escalate to formal disputes or litigation. In this role, the Ombudsperson is committed to listening, exchanging information, identifying and framing issues, and developing responsible options. With discretionary permission, the Ombudsperson may also engage in informal shuttle diplomacy.

In practical terms, the process operates as follows:

- i) The Ombudsperson helps individuals explore new methods for resolving their own problems.
- ii) The Ombudsperson serves as an informal, off-the-record resource for resolving concerns, examining procedural irregularities and addressing broader systemic issues when appropriate.
- iii) The Ombudsperson does not make binding decisions, mandate policies, or formally adjudicate matters for the African Union.
- iv) The Ombudsperson's role complements but does not replace formal recourse channels.
- v) Engagement with the Office is voluntary and is not a mandatory step in any grievance process or African Union policy.
- vi) The Ombudsperson does not participate in formal investigative or adjudicative procedures. When formal investigations are requested, the Ombudsperson directs staff members to the relevant departments.
- vii) The Ombudsperson adheres to the IOA Code of Ethics and Standards of Practice, stays professionally current through continuing education and provides opportunities for staff to pursue professional training.

1.8. REPORTING TO THE CHAIRPERSON OF THE AFRICAN UNION COMMISSION

The Ombudsperson reports to the Chairperson of the African Union Commission in accordance with the Staff Regulations and Rules. The OMS operate independently from the African Union's Senior Management Team. Its activities are detailed in an Annual Report, which will be published on its website and accessible to all staff members.

Occasionally, the Office prepares and submits reports that address comments and recommendations related to identified shortcomings in the African Union's employment policies, procedures, and practices. These reports are shared exclusively with Management and the relevant organizational units, and they do not carry binding authority.

Comprehensive reports on systemic feedback are periodically provided to the Chairperson. These reports offer an overview of systemic issues over the specified period and include recommendations for addressing them. Additionally, the Office meets monthly with the Human Resources Directorate and other Directorates to discuss a range of technical briefings and issues.

2. THE OMBUDSPERSON'S ROLE

The Ombudsperson have a very unique role. He serves as confidential, informal, impartial and independent support for staff members and organization.

What he does in this unique role? He listens, he holds space, he demystifies policies and he helps staff members by doing conflict coaching or confidence coaching to how they can self-advocate.

He can facilitate conversations between two parties or large groups and he can identify patterns that are taking place within our organization.

He helps to promote fairness.

He helps the group by improving trust and also, he helps the group by doing some consensus-building sometimes.

He doesn't participate in investigations or produce findings to those investigations.

He doesn't take corrective measures and he doesn't hold that space nor do he create policy and maintain records.

He is not part of any formal process. However, he does have relationships with those that hold those spaces.

2.1 AN ALTERNATIVE INTERNAL DISPUTE MECHANISM

The Ombudsperson's main objective is to help facilitate the resolution of issues on employment grievances between staff themselves and between staff and the Organization. While not all problems can be resolved, OMS's approach provides a process through which parties are more likely to find mutually satisfactory solutions. The aim is to identify concerns, address systemic issues, and work with the parties towards useful options.

2.2 RAISING A GRIEVANCE

2.2.1. Grounds for a Complaint

A grievance may include anything that affects the staff members in the day-to-day delivery of their duties. For the purposes of management of matters, the complaints are classified as follows:

- Benefits and Compensation
- Performance Evaluation
- Separation
- Career and Development
- Conduct
- Policies and Procedures

The Ombudsperson may, at the close of the proceedings, advise the staff member or management of the outcome of his intervention.

2.2.2. Who can lodge a complaint?

Any staff member or management, whether based at Headquarters, a Liaison Office, or a Regional Office, may raise a concern regarding an issue. The Ombudsperson reserves the right, at his discretion, to decline considering a grievance if it is not deemed to have been brought to the Office's attention in a timely manner

2.2.3. Timelines for handling complaints

A matter presented to the Ombudsperson should typically be resolved within four (4) weeks. The grievance will be monitored using internal systems, and standard timelines will be followed. However, if the complexity of the issue or specific circumstances make this timeline impractical, an alternative timeframe will be discussed and mutually agreed upon by the parties involved. The following steps will normally be followed in response to grievances received:

Step 1: Staff requests for a meeting

Step 2: Case Intake

Step 3: Assessment discussion

Step 4: Exploring options open to the parties

Step 5: Monitoring and follow-up

Step 6: Conclusion

2.2.4 Receiving and assessing complaints

2.2.5 (i) Case Initiation

At the case initiation stage, the Ombudsperson receives the grievance and establishes the framework for addressing the issue in accordance with the Office's Ethical Practice.

- The Ombudsperson ensures that the matter falls within the OMS's mandate and, if not, directs staff to the appropriate office.
- The Ombudsperson then follows a six-point approach to resolve the issue.

2.2.6 (ii) SEPARATE STAFF FROM THE PROBLEM

Human beings are not projects, they have emotions and feelings and may often feel disillusioned by the situation at hand. Emotions can sometimes cloud the objective merits of a case. The Ombudsperson's role is to help staff members shift their perspective, encouraging them to work together in addressing the problem, rather than viewing each other as adversaries.

2.2.7 (iii) FOCUS ON INTERESTS, NOT POSITIONS

The goal of negotiation is to satisfy the underlying interests of staff members, rather than simply focusing on their stated positions.

2.2.8 (iv) INVENT OPTIONS FOR MUTUAL GAIN

Generate a wide range of potential solutions that advance shared interests and creatively reconcile differing interests.

2.2.9 (v) INSIST ON USING OBJECTIVE CRITERIA

Apply fair standards, such as expert opinions, established practices, or legal frameworks, to guide the resolution.

3. DUTIES OF THE OMBUDSPERSON

Once a grievance is received, the Ombudsperson should develop a strategic framework.

a) ANALYZE THE ISSUE

In this phase, the goal is to fully understand the matter. Gather and organize information, considering potential miscommunication, emotional hostility, and biased perceptions.

b) PLANNING STAGE

This stage focuses on generating ideas and deciding on the best course of action. Explore realistic options and devise strategies to address interpersonal issues. Manage expectations effectively.

c) DISCUSSION STAGE

During discussions, be mindful of differences in perception, feelings of frustration or anger, and communication challenges. Use active listening skills to encourage progress toward a resolution.

d) CLOSING STAGE

Extended sessions may lose their effectiveness and risk escalating into disputes. Introduce reality checks and strategic interventions to ensure the issue is addressed both efficiently and effectively.

ANNEXES

STANDARDS OF PRACTICE OF INTERNATIONAL OMBUDSPERSON ASSOCIATION

PREAMBLE

The Standards of Practice are based upon the fundamental principles and core values stated in the International Ombuds Association (IOA) Code of Ethics. These principles are independence, impartiality, informality, and confidentiality. They describe the essential elements and requirements for operating a sound ombuds program. The core values emphasize the professional qualities underlying ombuds work. The principles and core values guide the Ombuds¹ in fulfilling responsibilities such as assisting individuals at all levels of the organization; resolving conflict; facilitating communication; and assisting the organization by surfacing issues, and through feedback on emerging or systemic concerns. These can be applied in different settings and jurisdictions.

In combination with the core values embedded in the Code of Ethics, these Standards of Practice form the foundation necessary for the unique and valuable role of an Ombuds in the sponsoring organization.

- 1.1 The Ombuds is an independent, impartial, informal, and confidential resource for an organization. Compliance with these Standards of Practice is essential for any Ombuds program.
- 1.2 The Ombuds assists people through voluntary consultation and provides information, guidance, and assistance in developing options to address their concerns. When possible, the Ombuds facilitates outcomes that build trust, enhance relationships, and improve communication within the organization.
- 1.3 The Ombuds assists the organization by identifying procedural irregularities and systemic problems. This may include identifying emerging trends, policy gaps, and patterns of problematic behavior in ways that do not disclose confidential communications or information. The Ombuds may provide general recommendations to the organization for addressing these concerns.
- 1.4 Each Ombuds program shall have a charter, terms of reference, or a detailed program description approved by executive leadership of the organization that complies with the provisions of the IOA Code of Ethics and Standards of Practice and that articulates the basis on which the Ombuds operates.
- 1.5 The Ombuds keeps professionally current through relevant continuing education, and provides opportunities for Ombuds' staff professional development.

2. INDEPENDENCE

- 2.1 The Ombuds is independent in appearance, purpose, practice, and decision-making. The Ombuds operates independently of line and staff reporting structures and without influence from other functions or entities within the organization.
- 2.2 The Ombuds program reports to the highest authority possible within the organization. In executing the Ombuds' roles and responsibilities, the Ombuds does not report programmatically to any function that affects, or is perceived as affecting, the Ombuds' independence.
- 2.3 The Ombuds holds no other position that compromises, or could be reasonably perceived as compromising, the Ombuds' independence. If the Ombuds has non-ombuds duties, those duties must not interfere with their ombuds duties. The Ombuds must clearly communicate when they are and are not acting as the Ombuds.
- 2.4 The Ombuds has the authority to select Ombuds program staff and to manage the Ombuds program budget and operations without undue external influence or limitations. However, the Ombuds has no formal policy-making, enforcement, or disciplinary role except internally within the Ombuds program.
- 2.5 The Ombuds has sole discretion over whether or how to engage regarding individual, group, or systemic concerns. Acting on their own initiative, an Ombuds may bring a concern to the attention of appropriate individuals.
- 2.6 The Ombuds has access to relevant individuals and information within the organization as necessary to fulfill their informal role and as permitted by law.

¹ The term "Ombuds" includes all applicable nomenclature in use for an organizational ombudsperson.

3. IMPARTIALITY

- 3.1 The Ombuds functions as an impartial, neutral, and unbiased resource.
- 3.2 The Ombuds has no personal interest in, and incurs no gain or loss from, the outcome of a matter. The Ombuds declines involvement when the Ombuds determines that they may have a real or perceived conflict of interest.
- 3.3 The Ombuds fairly and objectively considers issues and people who may be affected. The Ombuds promotes equitably administered processes but does not advocate on behalf of anyone.
- 3.4 The Ombuds facilitates communication, dialogue, and collaborative problem-solving and helps identify a range of reasonable options to surface or resolve issues or concerns.

4. INFORMALITY

- 4.1 The Ombuds is an informal and off-the-record resource. The Ombuds does not make business or policy decisions, adjudicate issues, participate in disciplinary or grievance processes, or conduct formal investigations for the organization.
- 4.2 Consultation with the Ombuds is not a required step in any formal disciplinary process or grievance policy.
- 4.3 The Ombuds 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 Ombuds, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds Office.
- 4.4 Consistent with these standards, consulting with the Ombuds is completely voluntary. People who use the services of the Ombuds are understood to have agreed to abide by the terms, conditions, and principles under which the program was created and not call the Ombuds to testify or disclose confidential information in any formal, legal, or other matter.
- 4.5 The Ombuds is not an agent of the organization authorized to receive notice of claims, complaints, or grievances against the organization unless specifically and expressly required by law. The Ombuds may refer individuals to the appropriate place where formal notice of claims can be made.
- 4.6 The Ombuds creates no permanent records containing confidential information. The Ombuds has a consistent practice for the timely destruction of confidential information.

5. CONFIDENTIALITY

- 5.1 The identity of those seeking assistance from the Ombuds, as well as communications and information specifically relating to them is confidential information.
- 5.2 To the maximum extent permitted by law, the Ombuds shall protect confidential information, and others cannot waive this requirement. The Ombuds and the organization that established the program shall take reasonable measures to safeguard the security of confidential information.
- 5.3 Except as provided in these standards, the Ombuds does not disclose confidential information in any matter within the organization.
- 5.4 The Ombuds shall oppose disclosing confidential information in any formal, administrative, or legal matter external to the organization, unless an appropriate judicial or regulatory authority determines that disclosure is necessary to prevent a manifest injustice or that disclosure is required because the interests served by disclosure clearly outweigh the interests served by ombuds confidentiality.
- 5.5 The Ombuds may disclose confidential information as necessary if the Ombuds determines that the failure to do so could result in imminent risk of serious harm.
- 5.6 The Ombuds may disclose confidential information about a specific matter to the extent the ombuds determines it is necessary to defend themselves against a formal complaint of professional misconduct.
- 5.7 Confidential information relating to an individual may be disclosed with their permission to assist with informal resolution of a concern but at the sole discretion of the Ombuds.
- 5.8 The Ombuds may provide non-confidential information about the ombuds program in any appropriate forum. The Ombuds shares data, trends, or reports in a manner that protects confidential information.

Adopted 17 March 2022 by the Board of Directors of the International Ombuds Association. Effective 17 March, 2022.

CODE OF ETHICS OF INTERNATIONAL OMBUDSPERSON ASSOCIATION

PREAMBLE

The International Ombuds Association (IOA) is dedicated to excellence in Organizational Ombuds¹ practice. The Code of Ethics provides Practice Principles and Core Values that are the foundation for the IOA Standards of Practice.

This Code of Ethics reflects IOA's commitment to the establishment of consistently structured Ombuds programs, ethical conduct by Ombuds, and the integrity of the Organizational Ombuds profession.

CORE VALUES

The Ombuds role requires Ombuds to conduct themselves as professionals. The following Core Values are essential to the work of Ombuds:

- Act with honesty and integrity;
- Promote fairness and support fair process;
- Remain non-judgmental, with empathy and respect for individual differences;
- Promote dignity, diversity, equity, inclusion, and belonging;
- Communicate accurate understanding through active listening;
- Promote individual empowerment, self-determination, and collaborative problem-solving; and
- Endeavor to be an accessible, trusted, and respected informal resource.

FUNDAMENTAL PRINCIPLES

INDEPENDENCE

The Ombuds is independent in structure, function, appearance, and decision-making. The Ombuds reports to the highest possible level within the organization and does not report to a function or entity that could affect, or be perceived as affecting, the Ombuds' independence.

IMPARTIALITY

The Ombuds is a designated neutral and impartial resource who does not take sides or serve as an advocate for any person or entity. The Ombuds avoids conflicts of interest and conduct that could be perceived as a conflict of interest.

INFORMALITY

The Ombuds does not participate in any evaluative, disciplinary, legal, or administrative proceedings related to concerns brought to the Ombuds' attention. The Ombuds is not authorized to make business and policy decisions or conduct formal investigations on behalf of the organization. The Ombuds is not an agent of the organization for purposes of receiving notice of claims against the organization and is not authorized to be a formal reporting channel for the organization on matters brought to the Ombuds' attention except when specifically and expressly mandated by law.

CONFIDENTIALITY

Confidentiality is the defining characteristic of Ombuds practice. The identity of those seeking assistance from the Ombuds and all communications with them are confidential to the maximum extent permitted by law. The Ombuds may, at their sole discretion, disclose confidential information when the person seeking assistance gives permission to do so; when failure to do so might result in an imminent risk of serious harm; or as necessary to defend against a formal complaint of professional misconduct.

¹ The term "Ombuds" includes all applicable nomenclature in use for an organizational ombudsperson.