

CONCEPT FOR AN

OMBUD SYSTEM FOR THE INTERNATIONAL OFFICES

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1. Background

The Heinrich-Böll-Foundation (hbs) places great value on equality, value-oriented communication, responsible management, and trusting and respectful conduct among all employees, regardless of their level in the hierarchy. The hbs is committed to preventing any form of discrimination¹. Commitment, motivation, creativity, team orientation, and professional and social competence are the benchmarks by which we measure our actions and are important factors for the success of the foundation's work. A central requirement for this is a shared understanding of leadership and cooperation. The hbs puts these principles of good leadership and cooperation into specific terms. They have their origins in the foundation's values and mission statement and are supported and communicated by all employees with management responsibility².

2. The hbs ombud system

The hbs is establishing an ombud system for employees working in the international offices to ensure the largely independent handling of disputes. The system will deal with cases of discrimination, mobbing and serious conflicts between employees and their superiors, which are unable to be resolved between the individuals themselves. Conflicts between colleagues on the same hierarchical level should be resolved primarily by contacting the relevant supervisor. If this is not possible, they can be referred to the ombud system. Cases of sexual abuse and harassment (see PSEAH guidelines)³ are referred to the PSEAH focal point who is responsible for the case. Employees can use the ombud system for advice and mediation in case of conflicts, but also to report severe cases of discrimination, bullying and abuse of power.

Every system must reflect the reality that is embraced and practiced in our various office contexts. For this reason, we are gathering experience with the ombud system, will evaluate it after approximately one year and adjust the system if necessary. For this purpose, feedback will be collected from the ombudspersons and employees. In the future, a review every two (maximum three) years is recommended.

a. Regional and central ombudspersons

Regional ombudsperson (ROP)

There are six ombud regions with different main languages:

- 1) European Union, USA, Turkey & Israel (English, German)
- 2) (South)Eastern Europe (English, German)
- 3) Africa & The Middle East (English)

¹ An anti-discrimination policy, which applies to all employees, scholarship holders, external service providers and freelance staff, is currently being developed. It regulates the procedure according to §13 of the General Equal Treatment Act (German: Allgemeines Gleichbehandlungsgesetz (AGG)) and specifies the measures to reduce and prevent discrimination.

² See guidelines on good leadership and cooperation in the hbs

³ PSEAH Guideline = Prevention of Sexual Exploitation, Abuse and Harassment Index. Anyone who suspects or has concerns that hbs employees and/or associated staff are involved in sexual harassment, sexual exploitation, or sexual abuse, should report this verbally or in writing to the case management team, the (gender) focal points, or anonymously by email/phone (see the document "Policy on Handling Complaints and Allegations" on boellcity.)

- 4) Asia (English)
- 5) Latin America (Spanish)
- 6) Francophone countries (French)

There are two ombudspersons per region, who, when possible, have diverse backgrounds (different countries/gender (identities), length of service at the foundation). In total, this equals twelve regional ombudspersons who are elected for a three-year mandate. Six of the ombudspersons (one per region) should also be PSEAH focal points to ensure the alignment of the two systems.

Employees can contact any of the (regional) ombudspersons and are not bound to their region. This is especially important if a person is not comfortable with a particular ombudsperson or wants to communicate in a different language.

Central ombudsperson (COP)

In addition, there is a central ombudsperson based at the Heinrich-Böll-Foundation's headquarters in Berlin (or liaising with headquarters if they are on secondment). The role of the central ombudsperson includes:

- Coordinating the ombudspersons (e.g. regularly scheduled meetings of ombudspersons and organisation of trainings)
- Serving as a contact person for the regional ombudspersons (e.g. when they need advice on handling cases)
- Inclusion in level 2 and level 3 cases

The central ombudsperson is appointed by the Director of International Department and is not directly approachable for reporting complaints, but has a coordinating and supporting role.

b. Tasks and limitations of the ombudsperson's mandate

The job of the regional ombudsperson is to

- receive reports of cases of discrimination, mobbing and severe conflicts in the work environment of employees of the hbs offices and treat them confidentially.
- process the cases according to their levels (1-3) or transfer the case within the ombud system or to the relevant PSEAH focal point.
- be available to answer questions about the ombud system and its guidelines among the staff of the international offices in the respective region.
- maintain regular contact to the offices of the respective region to strengthen the relationship of trust.

To fulfil their mandate, ombudspersons have the right to

- share their experiences and challenges, discuss cases anonymously, and express training needs in regular meetings organised by the central ombudsperson.
- participate in mandatory trainings organised by the central ombudsperson and the PSEAH coordinator and specify and request support for their training needs.
- communicate directly with the second ombudsperson in their region on cases, unless the complainant does not wish this to occur.
- take the necessary working time to record and process the cases. The amount of time required can vary greatly depending on the number and complexity of the cases to be handled. The

office management and respective office teams must ensure that the ombudspersons have the necessary time available to fulfil the role.

- be represented by another regional ombudsperson in case of absence.

Limitations of the mandate

- The ombudsperson is obligated to neutrality and confidentiality within the ombud system and the PSEAH system.
- The ombud system does not apply to cases of complaints about salaries or salary negotiations.
- Ombudspersons do not undertake investigations (no investigation / internal audit) and do not take on the role of a judge.
- If the ombudsperson determines that the case to be handled is a level 2 or 3, they may not handle the case alone, but must involve the central ombudsperson or the case management team.
- Ombudspersons do not handle any cases involving sexual abuse and harassment. These are transferred to the PSEAH focal point, who is responsible for the case.
- Ombudspersons do not handle any cases involving corruption and fraud or complaints involving allegations of corruption and fraud. Complaints or cases of this nature should be reported to the Corruption Prevention Officer for Domestic and International Affairs.
- Cases that pertain to German labour law (e.g. theft), will be referred to headquarters (Director of International Department).

c. Composition and role of the case management team

The case management team consists of:

- the central ombudsperson
- the Director of International Department
- the regional ombudsperson, who received the complaint
- the second ombudsperson from the region where the case occurred

The case management team is responsible for handling all severe (level 3) cases.

In addition, the case management team meets once a year to exchange fundamental insights.

3. Electing a regional ombudsperson

Who can become a regional ombudsperson?

Office staff can apply to serve as ombudspersons. A person can apply independently or an office team can directly propose a person. However, this person must be willing to accept the role.

To **qualify** as an ombudsperson, it is necessary to:

- be respected by and have a good relationship with colleagues (person of trust).
- have good communications skills and be empathetic.
- have very good language skills in the regional ombud language (English, Spanish, French, German) along with a good knowledge of the English language to enable communication with other ombudspersons and headquarters.
- have interest, motivation and previous experience, when applicable (e.g. knowledge of psychology, mediation, communication training).

- have the role be compatible with your other work tasks.
- ideally be simultaneously active as a PSEAH focal point.

Election process

In an initial digital information meeting, the central ombudsperson will provide information about the ombud system and the election process. One person per ombud region should be in charge of coordinating the election process. For example, this person could collect the expressions of interest from the candidates and organise a digital meeting in which the candidates introduce themselves and are then elected for a three-year mandate through an online election tool by the employees of the ombud region offices (seconded employees are excluded from active and passive voting).

One ombudsperson is elected per region. All office staff are eligible to apply for this position. A second ombudsperson is elected from the region's focal points and is also part of the PSEAH case management team. We would like to see applications from staff of all genders in each region. The central ombudsperson can be contacted for support in the election process.

Once all ombudspersons are elected, they introduce themselves to their office colleagues in a **global digital meeting**. The meeting is organised by the central ombudsperson.

4. Case management

a. Filing complaints

Who can file a complaint?

The ombud system is available to office staff employed by the hbs.⁴ These individuals can file complaints.

What type of complaints can be filed?

Complaints can involve cases of discrimination, bullying, abuse of power and severe conflicts between employees and their supervisors. Conflicts between colleagues on the same hierarchical level should be resolved primarily by contacting the relevant supervisor. If this is not possible, they can be referred to the ombud system.

Cases of discrimination include any form of discrimination based on, i.e., gender, race, religion or ideology, disability or chronic illness, age, sexual or gender identity, social origin and other social stigmatisation.

In assessing whether a behaviour or an act is discriminatory, it is the effect and thus the result that is decisive and not the underlying motive (intention, general practice, thoughtlessness) that led to this result.

Cases of sexual abuse and harassment can be reported to the ombudsperson. The ombudsperson will not process these cases themselves, but refer them to the PSEAH focal point who is responsible for the case.

Cases that are filed with PSEAH focal points but apply to the area of responsibility of the ombud system, will be transferred to the relevant responsible regional ombudsperson.

⁴ The works council will be available to handle complaints for both seconded office directors and employees on a second deployment.

Cases that have a bearing on German labour law, e.g. cases of theft, are transferred to the Director of International Department.

Cases of corruption and fraud should not be reported to the ombudsperson, but to the Corruption Prevention Officer for Domestic and International Affairs. They can be reached at the e-mail address Anticorruption@boell.de. If the ombudsperson receives a complaint that involves allegations of corruption or fraud, or if it becomes apparent during the initial interview that cases of corruption and fraud may be involved, the ombudsperson refers the complainant to the Corruption Prevention Officer for Domestic and International Affairs. If requested by the complainant, the ombudsperson can establish the contact.

How can complaints be filed?

Complaints can be filed by e-mail, telephone, authorised messenger services or during designated «office hours», e.g. via Zoom.

Contact options may differ slightly between ombudspersons. An overview will be available on boellcity and in the offices.

Complaints may be submitted in English, Spanish, French and German. Not every ombudsperson is fluent in every language, but knows English as well as the regional ombud language (Spanish, French, German), if this is not English. Complaints can also be submitted in other languages, providing that the person filing the complaint and the ombudsperson speak this language. A list of the ombudspersons and their languages will be available for review on boellcity.

b. Processing

Confirmation of receipt

Once the complaint has been submitted, the ombudsperson will provide confirmation of receipt within a maximum of three days and inform about the next step (e.g. next update will be sent in 14 days).

Categorisation

The ombudsperson makes an initial assessment to categorise the complaint. The ombudsperson asks the complainant for further information necessary for this purpose.

There are three levels for categorising the cases, each of which entails a different course of action:

- **Level 1:** These cases include incidents of discrimination, bullying or severe conflicts and can be dealt with by the ombudsperson alone through listening, referrals and/or personal mediation.
- **Level 2:** These cases involve the same issues as level 1 cases, but are too complex to be resolved by the ombudsperson alone. The ombudsperson consults with the central ombudsperson to handle the case. The case management team can be consulted in an advisory capacity. Together they decide on measures (e.g. bringing in an external mediator).
- **Level 3:** This level indicates severe cases where the hbs has a duty to respond and/or protect and could be held accountable. This includes severe cases of mental abuse, bullying and discrimination, as well as physical violence. The ombudsperson must report the case to the central ombudsperson and the Director of International Department. They will organise the further handling of the case by the case management team.

Risk assessment

Once the case has been filed, the ombudsperson conducts a risk assessment. For a level 3 case, the case management team will be directly involved. The Director of International Department shall decide upon possible measures for the protection of the person filing the complaint.

- Is there a risk, e.g. of a repeat offence, physical violence, psychological distress?
- If necessary, protection of the person during case processing (e.g. other tasks, reduced/no contact with the accused person; in serious cases, e.g. leave of absence).

Initial consultation

In many cases, a person filing a complaint is looking for a receptive listener and advice. It is often helpful to have a person who is not involved in the case. The ombudsperson takes on this role, listens attentively to the case and asks questions for clarification and follow-up. Based on what they hear, the ombudsperson gives advice on what steps to take next.

Mediation

When an interpersonal conflict arises, a conversation or mediation between the two parties is often helpful. The ombudsperson informs the accused person about the case and the plans to schedule a talk or mediation.

Documentation

The ombudsperson documents all cases in a formalised final report in the local protected computer system. Email correspondence, notes of telephone and personal conversations, results of meetings, screenshots, etc. are also archived there. All final reports are sent to the central ombudsperson after they have been compiled.

Agreement

Where appropriate, a final agreement on a case between the parties to the conflict and the ombudsperson is defined and documented in writing.

c. Consequences and sanctions

The consequences depend on the severity of the case. For level 1 cases, the ombudsperson can provide mediation support to solve the conflict.

For level 2 and level 3 cases, where guilt has been established, there may be a discussion with the Director of International Department and consequences under labour law and, if applicable, criminal law.

In some cases, major systematic inconsistencies in teams may be revealed. In such cases, team talks and team coaching can be scheduled.

If a case violates national law, the case can be transferred to the police. This shall only be waived if the person who filed the complaint does not choose to involve the police. Also if there is a risk for the person concerned, the case will not be transferred (e.g. if there is a risk that the police might consider survivors of violence as perpetrators).