2014 Annual Report
Office of the Ombudsman & Mediation Services

MOTIVATION TO BUILD SELF-RESOLVE

AFRICAN DEVELOPMENT BANK GROUP
Role and Functions of the Office of the Ombudsman and Mediation Services

• An Ombudsman is a designated neutral and impartial conflict resolution practitioner. The primary function of the role is to provide confidential, independent and informal assistance to staff on grievances and complaints related to human resources and workplace issues. The Office facilitates dispute or conflict resolution among staff and between staff and management through mediation and conciliation, and supplements the formal staff recourse systems for conflict resolution, such as the Staff Appeals Committee and the Administrative Tribunal.

• When a complainant visits, the Office of the Ombudsman works with options he/she is comfortable in pursuing in order to find an appropriate solution. The options might include a referral to another organization unit better suited to assist the staff.

• All conversations with the Office are held in strict confidentiality. In certain cases, the complainant can authorize disclosure for the purpose of resolving the issues. In exceptional circumstances, determined at the sole discretion of the Ombudsman, where “there appears to be imminent risk of serious harm, such discretion may be waived.” For that reason, the Office keeps no records on behalf of the Bank and proceeds to destroy all documents that may contain information identifying enquirers as soon as the case is closed.

• The Office does not serve as an advocate for any person in a dispute within the organization; however, it advocates for fair processes and their fair administration.

• As an early warning agent, the Office of the Ombudsman while adhering to tenets of confidentiality and neutrality provides unfiltered and independent upward feedback to Management on case trends, patterns, systemic issues, policies and practices observed and ascertained in the organization. This feedback enables Management to introduce timely preventive or corrective measures that forestall unnecessary adversarial recourses, help to improve the general workplace environment and introduce necessary systemic changes.

• Thus, although it operates outside the normal power structure of the Bank, the Office has no decision-making powers, nor does it formulate policy changes. Through its feedback mechanisms and recommendations, the Office recommends improvements to Management in human resource policies, procedures and practices. The Office works in close conjunction with the Human Resources Management Department, Staff Council and the Integrity and Ethics Office to promote harmonious work environment across the Bank.

• The services of the Office are available to all staff past and present, irrespective of professional stratum, gender, geographic origin and type of contract. Interaction with the Ombudsman is voluntary.

• The Office also pursues ongoing training and development to remain up-to-date. This supports the standards of practice of the profession and fosters communication in relation to the role of the Office to all those served by the Office.

• The Office administers the Values Promotion Champions (VPC) program, which enables field office staff to obtain preliminary conflict management services from their selected peers.
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A Word from the Ombudsman and Mediator

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Dear All,

In accordance with our Terms of Reference (see Annex 2), we are pleased to share this 10th Annual Report of the Office of the Ombudsman and Mediation Services with staff and Management. The report covers the period January to December 2014. As required, it “describes in general terms, the issues dealt with and the outcome of the Ombudsman’s interventions”.

The theme chosen for the 2014 Annual Report is Motivation to Build Self-Resolve”. This theme was chosen because of its apt reflection of the nature of the Ombudsman’s work and the exceptional corporate environment under which we operated during the year. In 2014, the Bank was described by the President as “fulfilling its mission, growing, expanding its remit, consolidating its resource base, voice and influence in the African continent”. However, the challenges and demands of normal annual operational and non-operational activities were compounded by: (a) the preparations towards the Bank’s 50th Anniversary celebrations that was postponed due to the Ebola outbreak and other issues; (b) launching of the Ten Year Strategy for the period 2013-2022; (c) physical movement and settlement of hundreds of staff with their families and their work stations in Abidjan; (d) emergency assistance towards the outbreak of the Ebola pandemic in three countries hosting field offices, thereby necessitating their close down and staff placed on temporary administrative leave.

Given the context, the magnitude and complexity of staff concerns, pre-occupations and grievances required team effort and close collaboration of all offices in the Internal Recourse System with formal set-up structures by management to ensure more competent conflict management. Specific to the Office, we used our encounters with visitors to: (a) address issues that sapped their vitality and productivity; (b) build trust in the use of existing formal structures to handle grievances; (c) encourage individual management and assumption of responsibility for personal discomforts and inconveniences associated with the institutional transition; (d) inculcate a sense of honest appreciation of difficulties and successes of the changing work environment; (e) preserve interpersonal relationships, consolidate teamwork and nurture more respectful, tolerant and civil work ambience; and (f) provide information, furnish skills and techniques on building resilience and inculcating positive appreciation of personal and professional accomplishments.

Turning to our performance in quantitative terms, 77 caseloads representing approximately 46% decrease from last year were handled. The reduced caseloads in 2014 was a clear reflection of the efficacy of the well-coordinated and orderly formal structures, systems and avenues made available to ATR staff for channeling and handling all issues related to the RTHQ. In view of the transition, the Office also undertook fewer outreach and problem solving missions, thus reducing individual contacts and caseloads registered from field office staff. The reduced deliverables of the regular work program meant adequate free time for the Office to participate actively in the Bank-wide information and orientation sessions on the Return arrangements as well as benefit fully from the training sessions and seminars. It also enabled the Office to prepare and transit from Tunis to Abidjan with minimized pressure on the Office team.

1 President Donald Kaberuka in his 1 September 2014 message to All Staff
The caseloads breakdown reflected a near even distribution between FO and TRA; and preponderances of PL staff cases against GS, Regional against Non-Regional staff and Males against Female staff. On case types, grievances on career development and job security matters constituted the bulk of grievances, as opposed to conduct and abuse of authority predominant in the past. In terms of outcomes, 99% of all the cases handled were closed within an average of 4 weeks against the OMBU established KPI of 95% for that duration. Depending on their complexity, a few cases exceeded the four-week limit. However, the majority of cases were completed below this time-frame.

The OMBU team also maintained its external networking relations with other members of the International Ombudsman Association, the UNARIO and the World Bank, and used those events to hone its skills by imbibing and emulating good standards of practice in conciliation, mediation, managing the Office and handling visitors.

We would like to express our usual gratitude to the President, First Vice President/Chief Operating Officer, our partnering Oversight and Accountability Offices as well as formal structures set up for the transition from Tunis to Abidjan for the counsel, guidance, and collaboration. They enabled us to focus on staff grievances, take on board staff concerns and suggestion, and to reduce the potential cost of conflict on the Bank during this important year in its history. Finally, we thank you the staff, our primary clientele for the trust, for sharing your fears, confiding your concerns and exploring with us win-win solutions in the interest of the Bank. We hope to count on this relationship in 2015.

Yours sincerely,

Amabel Orraca-Ndiaye (Mrs.)
OMBUDSMAN AND MEDIATOR
ANALYSIS OF MAIN ACTIVITIES CARRIED OUT IN 2014

SECTION A: CONCILIATION AND MEDIATION SERVICES TO VISITORS

Caseload Trends, Types and Outcomes

The total number of caseloads handled by the Office from January to December 2014 was 77, a 46% decrease from the previous year and the lowest in the past 5 years as can be seen in Fig.1. The drop was due to: (a) fewer Outreach and Problem-Solving missions undertaken to Regional Resource Centre and Field Offices as the Office transitioned from Tunis to Abidjan; and presumably (b) management encouragement to all staff to channel all concerns/issues relating to the Return to the Headquarters - given its complexity - through formal set-up structures to ensure orderly and coordinated solutions.

In line with the above, Fig. 2 reveals 53% of caseloads handled originating from ATR and 47% from field offices (FO) with 6% of the portion dealt with by VPCs and the major part during the two field missions (FM) undertaken.

Other characteristics of caseloads handled during the period shown in Fig. 3 to Fig. 5 reveal preponderance of male to female; regional to non-regional; and PL to GS.
As reflected in Fig. 6, the largest segment of the grievances received during the year was related to Career Development and Job Security (48%), denoting staff apprehension and mood in connection with successful Return to the Headquarters and an evaluation of the performance of certain country offices and regional centers to determine the way forward for the Decentralization Program. Related issues having to do with Conduct and Abuse of Power (16%), Compensation and Benefits (16%), Performance Evaluation (12%), Policy practices (4%) and Separation (4%) were equally significant.

Furthermore, the trend in caseload types over the past 5 years in Fig. 7 exposed a drop in Conduct and Abuse of Authority cases that have tended to dominate total caseloads in the past and their being overtaken by Career Development and Job Security concerns.

As at 31 December 2014, about 99% of the total cases dealt with were closed with the consent of complainants and only 1 case (1%) carried over to 2015. This exceeded the 95% KPI introduced in 2010. (Ref. Fig. 8). The average duration per case was 4 weeks. Although a few cases exceeded that average due to their complexity, the majority took much less time to bring to closure.

It is worth mentioning here that most cases resolved required conciliation coupled with counseling and a couple of times referred to more appropriate offices/structures for consideration. A few were concluded by signing Mediation Agreements.

The VPC program entered its sixth year, having gained recognition by most field office staff as a resource for managing work-related grievances and conflict. As earlier seen in Fig. 2, the VPCs resolved only 6% out of the 47% cases dealt with in the field offices compared to 25% in the previous year.

Their major challenge was combining the exceptionally heavy workloads with this additional responsibility. Several of the VPCs also completed their tenure, thus requiring the conduct of elections for their replacement.
VPC Training and Capacity Building

The relatively low VPC contribution to caseload management in field offices presents a major challenge to the Office as it compares unfavorably with the performance of similar programs in other decentralized multilateral organizations. To address this problem, an induction and skills enhancement workshop was designed as priority as soon as the Office was settled in Abidjan. The workshop brought together newly nominated and experienced VPCs. The program paid particular attention to: (a) knowledge and experience sharing between experienced and novice VPCs; (b) real-life case management situations; registration of caseloads; (c) feedback reporting (logs); and (d) concrete actions to boost staff confidence to use this important resource. Resource persons for the program were drawn from OMBU, APCU, CHRM, IACD, SCO, SIEO and TRIB. The event, co-sponsored by CHRM and FVP/COO, took place in Abidjan on 20-22 October 2014 and was attended by 24 VPCs from field offices and the regional centers. The feedback obtained was positive; our effort to groom and empower highly motivated and skilled cadre group to manage work-related grievances at minimum cost far away from the Headquarters was commended. The success of the event also manifested management and staff recognition of the VPC function and its vital role in the decentralization process.

SECTION C: INTERNAL NETWORKING, OUTREACH, PROBLEM-SOLVING AND TEAMBUILDING ACTIVITIES

Internal Networking

The President

On 1 November 2013 as part of a structural re-alignment, OMBU was moved from the Presidency to the VP/COO Complex. Nevertheless, since that period, the Office has dealt with direct referrals of cases sent from the Presidency (PRST). These referrals have enabled the Office to facilitate and reduce potentially formal resolution of matters that tend to take time and therefore adversely affect Bank work.

First Vice President/Chief Operating Officer (COO)

The Ombudsman and Mediator attended the Complex Management fortnight meetings to keep abreast of global issues and management efforts at large. During bilateral meetings with the FVP/COO, the Ombudsman and Mediator shared staff concerns and pre-occupations with respect to the move to Abidjan and received in return guidance, clarifications and updates on senior management perspectives on the stakes as well as ongoing efforts to address them. These exchanges were fruitful as they enabled the Office to provide authentic and quality service to complainants.

Collaboration with other Oversight and Accountability Offices

As a group member, the Office was actively involved in “Hearing Committee Meetings”, an Ad hoc platform within the Internal Recourse Mechanism System chaired by CHRM set up to share ideas and draw on the experiences of each office within the confines of its respective mandate. During the year, the platform met to consider a number of Presidential Directives, Board Decisions and Bankwide CHRM concerns as well as provided input to the ongoing comprehensive revision of the Staff Rules and Regulations. The Committee also met to deliberate on the implications of Administrative Tribunal rulings made in the course of the year. As part of this peer group, the Office was involved in a joint preparation of a High-Level Panel discussion on the topic: “Accountability and Transparency, Cornerstone of Inclusive Growth” scheduled as a side event of Bank Annual Meetings in Kigali. The Office’s participation at this event was withdrawn at the last minute in view of logistic constraints.

Additionally, collaboration with other oversight offices namely Staff Council (SCO), SIEO and IACD, were intense in the validation of the candidature of the newly selected VPCs and in providing them with information, know-how and skills during their induction-cum-training event in October. The respective presentations of these offices combined with those made by APCU and TRIB on their “Roles in managing staff-related grievances in the Bank” added value to the learning event and were highly appreciated by all participants.

Bilaterally, the Ombudsman and Mediator occasionally met with CHRM management team and HR Business Partners to explore possible solutions to close pending cases. The Office also used the CHRM Induction Session of eleven (11) newly recruited staff to elaborate on the importance and use of the Internal Recourse Mechanism, and the advantages of using OMBU’s services to resolve personal grievances. Furthermore, the Office took part in the analysis of the 2013 Staff Survey results, drawing lessons from its ramifications and prospective action plans to refine its 2015 work program.

The Office participated in two IACD events, namely the “Integrity and Anti-Corruption Open House Day”, which was based on the theme “Break the Corruption Chain” held on 16 December 2014.
to mark the awareness of efforts to eradicate corruption in Africa, and the Annual IACD Anti-Corruption Day celebration. Lastly, the Office respected its obligation as Observer in the Administrative Tribunal Sessions organized by TRIB in June and December 2014.

**Conflict Competency Week (CCW)**

The Conflict Competency Week (CCW) was not organized in 2014 because of the Bank’s move back to its Headquarters in Abidjan. The event has been reprogrammed for 2015.

**Outreach, Problem-Solving and Team-Building Activities**

The Office undertook Outreach/Team Building and Problem-Solving Sessions to TDFO (Ndjamena) and DIRA (Abidjan) from 26 April to 7 May 2014. The visit was used to engage staff in conversations on tolerance and respect of different professional status, opinions and judgments while pursuing the “One Bank Concept” adopted as institutional motto for the Decentralization agenda. It was also an opportunity to appraise staff of the virtues of the internal recourse mechanism, particularly the ombudsman and mediation services, including the VPC function.

During one-on-one sessions, 26 (12 in DIRA and 14 in TDFO) grievances were managed and brought to closure. The grievances ranged from conduct and abuse of authority of supervisors, peers and subordinates; career development and job security concerns; compensation and benefits matters relating to overtime payments and policy malpractices. Specifically, the mission to DIRA enabled the Office to motivate and encourage pressured group of staff bearing the brunt of the arrangements for a successful move to the Headquarters, consolidate team efforts and deal with individual grievances. It was also an opportunity to verify complaints received with respect to the high cost of living and heavy traffic in Abidjan; and to ascertain that assigned premises for the OMBU team in the CCIA Building conformed to the international standards of practice.

**SECTION D: EXTERNAL NETWORKING**

The Office maintained its contacts with the International Ombudsman Association (IOA) and collaboration with the United Nations and Related International Organizations (UNARIO). At the IOA, the Ombudsman and Mediator remained a member of the International Committee and continued to serve as one of the Coordinators of the IOA Scholarship program, a task group for promoting the organization of the ombudsman profession in other regions outside North America.

The Office also attended the United Nations and Related International Organizations (UNARIO) Annual Sessions, under the theme “Best Practices in Resolving Employment Disputes in International Organizations” and made a presentation that was well received on “Dealing with Fear of Retaliation: Best Practices”. As in the past, the alliances with the IOA and UNARIO enhanced the knowledge and skills of the OMBU team, and enabled it to uphold International Standards of Practice of the profession.

Lastly, the Ombudsman and Mediator was interviewed on the “Organization of Ombudsman Practices in the African Continent” with Pacifica Human Communications (PHC), a US non-governmental organization which deals with inter-cultural communications, organizational effectiveness and conflict management. The interview was considered an honor for the Office as it respected the parity of the Bank Ombudsman and Mediator with those of other multilateral organizations such as the World Bank, the Inter-American Development Bank (IADB) and the IMF.

**SECTION E: TRAINING AND SKILLS DEVELOPMENT**

The main training and skills development activity undertaken was with respect to the VPCs as detailed in Section B of this report.

In adherence to personal development work program objectives, the OMBU team also took part in Bank-wide training sessions on Change Management, SRAS/Budget 2015-2017; Activity Time Recording System (ATRS); SAP Travel; Fire Safety and First Aid Training; Lync Training Session; and the CHRM New Performance Evaluation System.

**SECTION F: SYSTEMIC ISSUES AND UPWARD FEEDBACK**

As repeatedly mentioned, 2014 was a unique year for the Bank because after twelve years of having its Headquarters temporarily based in Tunis, Tunisia, it moved back to Abidjan, Côte d’Ivoire. As can be expected, the issues surrounding the move constituted the crux of upward feedback to Senior Management. These issues can be viewed from the following angles: Staff opting to separate from the Bank; Settling in of Staff at the Headquarters; and Implementation of Bank-led measures. Beyond those, matters relating to career development and job security, performance evaluation and conduct and abuse of authority brought to our
attention were raised with CHRM management in order to address procedural flaws and lapses.

**Staff Opting to Separate from the Bank**

For various reasons including family concerns, health grounds and closeness to retirement, this group of staff received by the Office had decided not to relocate to Abidjan and opted to separate from the Bank. However, their primary concerns were in connection with the separation package on offer, the fairness of the package, the repartitioning process and underlying disincentives to continue serving the Bank.

In raising these concerns with Management, the Office emphasized the need to treat all staff separating in a dignified manner throughout the separation process and encouraged business partners to hold exit interviews with staff concerned so that they did not feel neglected. The Office also advised on the initial one-off separation package which lacked clarity in the totality of the due amounts especially for staff who had served the Bank for long years, and wondered how the length of service would be addressed.

The Office was encouraged by the positive response from Management, which clarified the decisions on amount repartition and the timeframe within which to access the packages for all staff categories. Moreover, Management adjustment of the cap of an initial proposed payment of 1 month pay for every year of service up to a maximum of 18 months to 24 months for the GS staff category was highly appreciated by staff.

**Settling in of Staff once at Headquarters**

Prior to arrival in Abidjan, some Staff raised serious concerns on whether there would be adequate security, housing, medical and education facilities. Fears were also expressed by some on the transportation bottlenecks and their impact on work and productivity. Others questioned their ability to meet the high cost of living in Abidjan.

The Office noted that the return to the Headquarters was handled with efficiency both on the part of Management and Staff. The constant appraisals through the Bank’s web page, stories from those who had come in the advance party and the town-hall meetings with Senior Management all register as some of the positive highlights of the Return to the Headquarters efforts.

On arrival in Abidjan, however, some staff encountered difficulties in finding the desired location of accommodation suitable to their needs as a family and/or near preferred schools. Others raised concerns with certain demands of landlords for as much as seven months’ rent covering three months advance payment, three months deposit fee and one month agency fee. In this regard, the Office liaised at length with the Welcome Committee, the Housing Committee and colleagues in Protocol to help find solutions to those concerns. The Office also counselled staff on how to manage and contain their frustrations and stress generated from the move to Abidjan. Overall, the Office observed that Management took commendable measures to have at the office premises, qualified experts to deal with staff experiencing high stress levels. In relation to security concerns, provisions were also made to have a dedicated security mechanism in place to respond to distress signals from staff, advice on security safeguards to be adopted in homes and circulation in town as well as automatic subscription of a subsidized security system.

**Ebola**

The Office noted further that the return to Headquarters was challenged when a number of staff raised concerns about the safety of their families and themselves following the reported outbreak of the Ebola pandemic in neighboring countries. After hearing these concerns, the Office was encouraged by the quick Management reaction to first evacuate staff members serving in areas that the outbreak was confirmed, payment of an allowance to cover the higher costs of staff serving in affected countries as well as regular reports on the scourge made available bank-wide. The use of sanitizers on entry into Bank premises and their availability on all floors at the HQ was also a considered a welcome and prudent idea, as was the caution against handshaking, embracing and hugging - a situation quite difficult to control in the peak of the excitement of “reuniting” among friends and colleagues in Abidjan after 12 years of relocation/separation in Tunis. For its part, the Office continued to inform staff of the various protocols in place, including the quarantine facilities in the event of a reported case.

**Bank-led measures**

Through its enquiries, the Office received feedback on the measures Management had put in place to speed up the process of staff settling in Abidjan. The measures included efforts from SEGL specifically with the Protocol Services, the “Akwaba” team that assisted with searches for housing, placing of children in schools,
fice also emphasized the need to uphold the dignity of staff who wish to transfer by closely adhering to the Presidential Directive on career-related matters. The Office encouraged the use of Human Resource Business Partners to facilitate communication for not adhering to its own rules. The Office called for understanding and patience from all involved to ensure that the process went as smoothly as possible.

Thus the Office engaged with the relevant departments to help find solution to speeding up most processes. The departments often pointed to the huge volumes of documents to be processed and the slow pace of external partners, including government officials, due to their limited capacity. Such delays were not only frustrating to staff concerned but also to officers tasked with facilitating the process. The Office called for understanding and patience from all involved to ensure that the process went as smoothly as possible.

With regard to the cost of living, staff were encouraged to be content with the return to HQ allowance that was in place and informed of management effort to prolong that form of subsidy through a new total compensation framework package to be approved by the Board.

**Career Development and Job Security**

As indicated earlier, staff career development and job security concerns took prominence during the year ended. The grievances included matters of contracts being renewed for one year after the ‘traditional’ three years instead of the two years without legitimate explanation; non-respect of timelines relating to contract renewals; and difficulty with mobility from one department to another; and/or reintegration from the field office to the Headquarters or vice versa. These grievances were compounded by breakdown in communications with experts in CHRM, a source of anxiety and apprehension even in cases when resident representatives intervene in an attempt to speed up the process.

In its intervention, the Office often emphasized the need to adhere to the Staff Rules and Regulations and the Contract of Appointment entered into with staff members, and urged for tangible reasons to be communicated to the staff concerned when CHRM opted to divert from the norm. Such advice has been based on Administrative Tribunal rulings that have often censured the Bank for not adhering to its own rules. The Office encouraged the use of Human Resource Business Partners to facilitate communication between staff and management on career-related matters. The Office also emphasized the need to uphold the dignity of staff who wish to transfer by closely adhering to the Presidential Directive on Staff Mobility and providing regular information on available vacancies instead of subjecting the staff to ‘knock’ on doors to find a good fit. HR management undertook to revise the mode of communication to revitalize the one-stop desk(s) and to develop dedicated channels to manage field office concerns once the Bank resettled.

In this respect, the Office took note and apprized concerned complainants of the ramifications of the ongoing Strategic Staff Planning exercise, skills mix inventory audit and alignment of skills with work program activities that are intended to feed into the Ten Year Strategic Plan. It was also explained to visitors that the exercise might lead to staff mobility and in some instances retraining and conversion of expertise, and in rare instances separation where a fit/match was not found.

**Performance Evaluation (PE)**

The Bank continued to recognize that performance management provided a basis for managing its business needs through fair, transparent and accurate assessment of staff. Staff grievances received with respect to the Performance Evaluation System included issues such as: (i) extension of probation period without any prior discussion with staff on areas requiring improvement, nor any coaching/training/guidance of supervisors to enhance performance, nor any performance implementation programs with deliverable measures; (ii) unexplained inconsistencies in evaluations - for instance as to why a staff who had constantly recorded ‘excellent’ rating should suddenly drop to ‘needs improvement’; (iii) absence of the required discussion between staff and supervisor on annual work program objectives and performance deliverables at the beginning of the year and at mid-term review; (iv) biased rating based on conduct and inter-personal relations rather than on achievements, realization of tasks and assignments and actual performance; and (v) in certain field offices, frictions associated with dual reporting and unfair evaluation of added responsibilities and un-programmed assignments to ensure smooth running of Bank operations.

It was clear in discussion with HR management that most of these concerns have been taken on board and that amendments were being made to the existent PE system. Staff would be advised accordingly. In this respect, the Office advised training and encouraged adherence of staff and managers to the Guidelines to Performance Management to eliminate perceived biases, and to improve reward and accountability related to performance. Furthermore, it cautioned distinction of interpersonal matters from delivery of agreed tasks during the exercise. The Office also advised that the process should be interactive and that staff must not leave the
process to their supervisors alone as their prompt intervention could reduce some of the potential conflict associated with the exercise. These issues would be further addressed by the new Performance Management System envisaged in 2015.

**Conduct and Abuse of Power**

Through its Code of Conduct, Bank Rules and Regulations and various Presidential Directives, the Bank provides guidelines on staff inter-personal relations and relations with management. Grievances received in this respect were in the form of: (i) moral harassment; (ii) placement on administrative leave with given reasons outside the provisions of the Rules and Regulations; (iii) pressure on staff to opt for separation package against their wishes.

In our follow up with management, the Office was assured of zero tolerance on harassment in whatever form it took and the fact that any matter reported would be thoroughly investigated and appropriately sanctioned. It was also explained that for certain cases under investigation or enquiries into allegations, rather than place staff on suspension, the term “administrative leave” was used to enable staff continue to draw their emoluments and not be deprived of their financial source of livelihood. It was also emphasized that at times, negotiation with staff was necessary to separate on certain agreed terms in order to minimize any eventual reputational risks to the Bank.

On the whole, the Office used the encounters with management to advise caution, uphold the dignity of staff who raise complaints, advocate for adherence to the Presidential Directives (PD) on Harassment. The Office also suggested a possible all-inclusive revision of the PD. OMBU often offered its mediation services provided for under Presidential Order of 2007 as an option in situations where it was deemed necessary to separate staff and Management was willing to negotiate.

**CONCLUSION AND WAY FORWARD**

In light of the foregoing work environment and emerging corporate priorities, the 2014 work program of the Office had to be considerably remodeled to accommodate the exigencies of the move of the Bank back to its statutory Headquarters. Thus, caseloads handled by the Office dropped because of our reduced outreach and problem-solving missions and requirement to channel grievances related to the Return to Headquarters through formal structures as directed by Senior Management. This required collaboration and team work with other offices internally in order not to derail the return process. Besides, the situation was such that each staff member on several occasions had to fend for themselves or draw on their personal resources in order to make the transition smooth.

As a result, other work program activities such as the Conflict Competency Week had to be suspended. Induction sessions for newly recruited staff and newly elected VPCs initially scheduled for February had to be postponed until October when the Office and team were completely settled in Abidjan. Nonetheless, external network commitments were respected.

In 2015, with the Bank fully established at its headquarters, the work program will be reinforced to offer better quality service to staff and management. The Office will target the revelations of the 2013 mini staff survey that highlighted persistent fear, stress, and harassment especially among women, and their impact on staff vitality, accountability and productivity. Thus through field missions, VPC intervention and virtual communication via IT, skills enhancement sessions in mediation and self-resolve techniques will also be extended to field office staff.

Furthermore, the yearly learning event carried out during the Conflict Competency Week (CCW) will be broadened to involve in-house resource persons and embrace themes and topics addressing the heart of staff concerns.

As usual, the CCW will be used to equip and empower staff with know-how and skills to manage personal conflict, fear and stress as well as self-motivate.

The Office is also poised to host one of the external networking learning events, presumably the Annual Conference of the Ombudsmen and Mediators of the United Nations and Related International Organizations (UNARIO), at its headquarters. The last one hosted by the Bank was in 2007 in Tunis.
From L to R - Jeanette Ndongo, Administrative Assistant: 20263403; Alisand Singogo, Second Ombudsman and Mediator: 20262141; Amabel Orraca-Ndiaye, Bank Ombudsman and Mediator: 20262114; and Mercy Ndubuisi-Okotie, Secretary: 20262944

Contact: Office Location: CCIA Building 25th Floor Offices- R, S, T.
Fax: + (225) 20 24 21 52 - Dedicated e-mail address: ombudsman@afdb.org
ANNEX I

Rule 103.00

Ombudsperson 96

(a) There shall be an Ombudsperson in the Bank appointed by the President, whose function shall be to facilitate conflict resolution, using mediation and conciliation or other appropriate means for the primary objective of settling grievances on employment matters between a staff member and the Bank. The Ombudsperson shall also be responsible for advising and recommending to Management, solutions for dealing with shortcomings in employment policies, procedures and practices.

(b) The duties of the Ombudsperson shall be as follows:

(i) To consider employment related grievances of a staff member. “Grievance” is to be construed in a broad sense and includes matters pertaining to the administration of benefits as well as professional concerns and staff relations.

(ii) To provide informal assistance with grievances when consulted before they get to the Staff Appeals Committee or in circumstances where the Staff Appeals Committee arrives at a decision, with the agreement of the parties, to delay its proceedings pending an effort at informal resolution by the Ombudsperson.

(iii) To prepare and submit reports on comments and recommendations on any shortcomings identified in employment policies, procedures and practices in the Bank. Such reports shall be submitted to Management and to the responsible Organizational Unit, provided that they shall have no binding effect.

(iv) To provide advice on any personnel matter or issue referred by Management.

(v) At the request of Management, to participate in the elaboration of Bank personnel rule regulations, policies or practices.

(vi) To publish an annual report on the activities of his/her office.

(c) The Ombudsperson shall report directly to the President and shall be independent of any Department or staff member. When required, the Ombudsperson shall have direct access to the President of the Bank.

(d) In the discharge of his/her functions, the Ombudsperson may deal directly with all Heads of Departments and other supervisors as well as with all categories of staff members at the Headquarters and in the Field Offices, and shall:

(i) have the freedom to discuss and consult with all levels of staff including the Staff Council;

(ii) have access to any staff record, which he/she believes to be relevant;

(iii) respect and ensure the confidentiality of all information and documentation made available to him/her;

(iv) maintain appropriate confidential records of all grievances and other matters handled by him/her in the discharge of his/her duties; and

(v) exercise independent and objective judgment in evaluating the grievance. In doing so, the Ombudsperson shall take into account the rights and obligations existing between the Bank and the staff member and the equities of the situation.

(e) The Ombudsperson shall review documents and files, including the personnel records of a staff member and collect whatever information he/she deems relevant to the grievance and to the discharge of his/her functions.

(f) The Ombudsperson shall supplement and co-operate with in the mechanisms set in place by the Bank to improve the working conditions as well as the quality of human and professional relationships at all levels in the Bank.

(g) Heads of Departments, other supervisors and all staff members shall co-operate with the Ombudsperson and shall utilize his/her services to the fullest extent possible with the sole aim of maintaining and enhancing a healthy working environment for the common benefit of the Bank and staff members.

(h) The Ombudsperson may make suggestions or recommendations, as appropriate, on actions needed to settle the grievance. However, the suggestions or the recommendations, as the case may be, are not binding and final decision thereon is the prerogative of the person to whom they are addressed.
The Ombudsperson may decline, at his/her discretion, to consider grievances that may be remedied only by action affecting the staff member at large or all the members of a category of staff, or that the Ombudsperson considers have not been brought to his/her attention in a timely manner.

ANNEX II

Terms of Reference of the Ombudsman

(Extracted from CMVP circular dated 8 July 2004 on the TORs of the Ombudsman)

Preamble

The post of Ombudsman was first established in 1992 as part of the efforts by Management to improve the working conditions as well as the quality of human and professional relationships at all levels in the Bank. The post supplements the various other mechanisms already in place, such as the Staff Council, the Disciplinary Committee, the Staff Appeals Committee and later, the Administrative Tribunal.

The Ombudsman is a designated neutral and impartial dispute resolution practitioner; his major function is to provide independent, confidential and informal assistance to all staff on grievances and complaints related to human resources and workplace issues.

The Ombudsman will facilitate conflict resolution between staff members and Management through the use of mediation and conciliation or other appropriate means.

Authority of the Ombudsman

The Ombudsman has no formal decision making powers, but will advise and make recommendations to the President and other affected Managers or staff.

In exercising his duties, the Ombudsman will be independent of any official, department, office or other organizational unit of the Bank. The Ombudsman shall have the right on any matter pertaining to the exercise of his duties, to direct access to any staff member and management of the Bank. All staff members are expected to cooperate with the Ombudsman and to make available all information pertinent to matters he is reviewing; he shall therefore, have access to all records relevant to the exercise of his duties.

Duties of the Ombudsman

The principal duties and activities of the Ombudsman shall include:

1. Provide staff with consultations and advice on issues or problems affecting professional matters or employment conditions in the Bank. These include, but are not limited to, working conditions, job content, relationship with other staff/supervisors, performance evaluation, salary review, career development, benefits administration, harassment and professional ethics; he/she may decline at his/her own discretion, to consider grievances that can be remedied only by action affecting the staff at large or all members of a category of staff, or that the Ombudsman considers have not been brought to his/her attention in a timely manner;

2. Assist in identifying solutions or options to resolve specific issues in an impartial and equitable manner through discussions and consultations with all levels of staff, and have access to any staff record or relevant Bank documents or records;

3. Prepare and submit to Senior Management and the responsible or affected organizational units, reports containing comments and recommendations on any shortcomings identified in human resource policies, procedures and practices in the Bank;

4. Provide on-going education and communication about the office’s role to all potential inquirers as well as to the Senior Management of the Bank;

5. Prepare an annual report of the types of matters handled and results achieved or accomplishments made during the preceding year. The report shall describe, in general terms, the issues dealt with, and the outcome of the Ombudsman’s intervention. It shall be available to staff and Management upon publication.
Confidentiality

The Ombudsman shall ensure the strict confidentiality of all information and documentation made available to him and maintain appropriate confidential records of all complaints and other matters handled by him in the discharge of his duties.

However, the ombudsman may disclose information if the person seeking assistance consents to disclosure for the purpose of the performance of the duties of the Ombudsman. He may also, at his sole discretion, break confidentiality where there appears to be imminent threat of serious harm.

Reporting relationships

The Ombudsman reports to the President and he is independent of any official or organ of the Bank.

He shall, in the discharge of his functions, also deal directly with the Vice President for Corporate Management.

Heads of Organizational Units, other supervisors and all staff members are accordingly invited and encouraged to cooperate with the Ombudsman and to utilize his services to the fullest extent possible with the sole aim of maintaining and enhancing a healthy working environment for the attainment of the Bank’s objectives.

ANNEX III

A Values Promotion Champion (VPC)

Terms of Reference

The African Development Bank values its human resources as its most important asset. In acknowledgement of that fact, the Bank has been very active in fostering policies and programs aimed at ensuring that respect for staff dignity prevails in the workplace and that the working environment is wholesome. It has therefore adopted policies and practices with the fundamental purpose of guaranteeing a respectful, harassment- and intimidation-free environment. It thus strives to ensure that prompt and serious attention is accorded to any form of grievance or complaint that suggests disrespect for staff dignity. In furtherance of these policies, the Bank has set up several formal and informal channels of recourse to enable persons with such complaints to register them and seek advice and assistance. These channels include Management Review, Human Resources Department, the Staff Council, the Office of the Ombudsman with the Values Promotion Champions (VPCs) Program, the Ethics Office and the Administrative Tribunal. The VPCs are selected by staff members in the respective field offices and the VPC program is managed by the Office of the Ombudsman.

Main Responsibilities of the VPCs

• Serve as a confidential and safe place where colleagues can go for support and information.
• Direct colleagues to appropriate channels in the Bank’s Internal Justice System.
• Serve as a sounding board for staff concerns in the field offices to the Ombudsman.
• Periodically sensitize staff in their respective offices on Bank Ethics and Values as well as brief new staff on the VPC role.
• Hold periodic meetings with the Field Office Representatives to discuss trends and general atmosphere in the office without divulging names or information on specific cases.
• Send quarterly and confidential logs to the Office of the Ombudsman on the types of issues brought to them in a generic and protected way, divulging no names or information that would lead to the identification of a staff member, in order to strictly secure confidentiality.

The VPCs are not expected to directly intervene in mediation, resolution or investigation.

Inspired both in concept and design with courtesy of the World Bank Respectful Workplace Advisors
They should, at all times and in all circumstances:

- Maintain the highest levels of personal integrity.
- Show the example by respecting the rights and dignity of their colleagues.
- Keep discussions with colleagues absolutely confidential, even in discussion with other VPCs.

After their appointment, all VPC's must undergo training before they begin to serve in that role. In order to avoid conflict of interest, staff performing managerial or HR responsibilities and Staff Council Officers will not be eligible for appointment as VPCs. All changes in status, grade, responsibility, or work location of a serving VPC must be reported promptly to the Program Administration.

Knowledge Requirements:

VPCs will be expected:

- To be comprehensively familiar with Bank Group policies and procedures, ethical values and expectations.
- To have an understanding of the dynamics of a culturally diverse environment and workplace problems.
- To be conversant with the workings and services of the Bank’s recourse channels.
- To be able to perform basic advisory functions such as skilled listening and emotion management for constructive action.
- To have a very clear understanding of their roles as VPC’s, which include how to handle and respond to workplace problems, and how to refer colleagues to appropriate channels elsewhere in the Bank.

Selection Process

- Firstly, the Resident Representative or the Officer in Charge of the field office sensitizes the staff about the importance of the role of the VPC at the workplace, the upcoming selection exercise, and advises staff to nominate in a confidential manner, individuals whom they most respect and trust to represent them as a VPC.

  The Resident Representative and members of the administrative and management team are not eligible for nomination.

- Secondly, the Resident Representative communicates information about the most-nominated candidate to the Office of the Ombudsman in Tunis.

- Thirdly, the Ombudsman consults with the SCO Chair, the Ethics Officer and the Manager of the Anti-Corruption and Fraud Division of OAGL to validate or vet the nomination and then confirms with the selected staff his/her willingness to serve as VPC.

  The selection process is considered complete as soon as confirmation is received from the selected staff member and he/she has provided a photo identity and a short biography to the Office of the Ombudsman.

Tenure of the VPC

The Term of Office of the VPC shall be two (2) years renewable only once for a further two (2) years. However, for the pioneering VPCs, (2009) the first term shall run for three (3) years to assist consolidate the program. They shall thereafter be eligible for re-nomination for one more term only for two (2) years.
VALUES PROMOTION CHAMPIONS (VPC)
SKILLS ENHANCEMENT SESSION

Hôtel Tiama - Abidjan / 20-23 October 2014
# ANNEX IV

## Values Champions Promotion

**LIST OF VPCs as at 31st DECEMBER 2014**

<table>
<thead>
<tr>
<th>Name/Nom</th>
<th>Short CV / CV succinct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farah KOROMA K. SLFO</td>
<td>Disbursement Assistant, Sierra Leone Field Office. VPC since February 2009.</td>
</tr>
<tr>
<td>Hamaciré DICKO MLFO</td>
<td>Senior Macro-Economist in Mali Field Office. VPC since April 2014.</td>
</tr>
<tr>
<td>Camille MBA NGUEMA GAFO</td>
<td>Information Technology and Communication Expert in Gabon Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Antoinette D. LAOKOLE TDFO</td>
<td>Agriculture and Rural Development Expert in Chad Field Office. VPC since April 2014.</td>
</tr>
<tr>
<td>Prince TAMBAH Desea LRFO</td>
<td>Transport and Infrastructure Engineer, Liberia Field Office. VPC since March 2013.</td>
</tr>
<tr>
<td>Name/Nom</td>
<td>Short CV / CV succinct</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Baku YAKUBU ORING</td>
<td>Disbursement Assistant, Nigeria Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Benson Bhumbe NKHOMA MWFO</td>
<td>Senior Water and Sanitation Engineer, Malawi Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Tankien DAVO BFFO</td>
<td>Macro-Economist in Burkina Faso Field Office. VPC since March 2014.</td>
</tr>
<tr>
<td>Joseph NYIRIMANA RWFO</td>
<td>Agriculture Specialist in Rwanda Field Office. VPC since March 2014.</td>
</tr>
<tr>
<td>Vadjoua GUINEO MGFO</td>
<td>Infrastructure Engineer in Madagascar. Former VPC in Chad Field Office. VPC in Madagascar Field Office since February 2014.</td>
</tr>
<tr>
<td>Albert NYAGA CMFO</td>
<td>Rural Development Specialist in Cameroon Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Name/Nom</td>
<td>Short CV / CV succinct</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cesar TIQUE MZFO</td>
<td>Agriculture and Rural Development Expert in Mozambique Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Khaled EL-ASKARI EGFO</td>
<td>Energy &amp; Infrastructure Expert, Egypt Field Office. VPC since March 2014.</td>
</tr>
<tr>
<td>Woubshet ASSEFA ETFO</td>
<td>Senior Driver, Office of the Resident Representative, Ethiopia Field Office. VPC since March 2014.</td>
</tr>
<tr>
<td>Godfred KAUJAGE TZFO</td>
<td>Principal Financial Manager Officer, Tanzania Field Office. VPC since March 2014.</td>
</tr>
<tr>
<td>Mohamed EL ARKOUBI MAFO</td>
<td>Projects and Development Programs Officer in Morocco Field Office. VPC since March 2014.</td>
</tr>
<tr>
<td>Nanette DERBY GHFO</td>
<td>Principal Private Sector Officer in Ghana Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Name/Nom</td>
<td>Short CV / CV succinct</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dikand Bakach KADIATA</td>
<td>Agriculture &amp; Natural Resources Management Expert in Democratic Republic of Congo Field Office. VPC since April 2014.</td>
</tr>
<tr>
<td>Souleye KITANE</td>
<td>Natural Resources and Environmental Specialist in Senegal Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Mukul KUMAR</td>
<td>Chief Regional Procurement Coordinator in the SARC Regional Office. VPC since April 2014.</td>
</tr>
<tr>
<td>Alix GAKE Mouity</td>
<td>Driver, Office of the Resident Representative in Togo Field Office. VPC since February 2013.</td>
</tr>
<tr>
<td>Nelvina BARRETO GOMES D.</td>
<td>Principal Country Program Officer in Angola Field Office. VPC since February 2010.</td>
</tr>
<tr>
<td>David ENGWAU</td>
<td>Senior Procurement Officer in Uganda Field Office. VPC since February 2012.</td>
</tr>
<tr>
<td>Name/Nom</td>
<td>Short CV / CV succinct</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lewis Mupeta BANGWE</td>
<td>Agriculture and Rural Development Expert in Zambia Field Office. VPC since September 2014.</td>
</tr>
<tr>
<td>Eltahir YOUSIF Bashir</td>
<td>Senior Country Economist in Sudan Field Office. VPC since December 2012.</td>
</tr>
<tr>
<td>BENBAHMED Tarik</td>
<td>Macro-Economist in the Algeria Field Office. VPC since November 2012.</td>
</tr>
<tr>
<td>Michael KIBOINO</td>
<td>Protocol and Liaison Officer at the East Africa Resource Centre (EARC). VPC since January 2013.</td>
</tr>
<tr>
<td>Hercule YAMUREMYE</td>
<td>Social Development Specialist in Burundi Field Office. VPC since October 2014</td>
</tr>
</tbody>
</table>
ANNEX V

IOA Standards of Practice

Preamble

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombuds office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombuds function in that organization and their consistency with the IOA Standards of Practice.

Standards of Practice

1. Independence

1.1 The Ombuds Office and the Ombuds are independent from other organizational entities.

1.2 The Ombuds holds no other position within the organization which might compromise independence.

1.3 The Ombuds exercises sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time. The Ombuds may also initiate action on a concern identified through the Ombuds’ direct observation.

1.4 The Ombuds has access to all information and all individuals in the organization, as permitted by law.

1.5 The Ombuds has authority to select Ombuds Office staff and manage Ombuds Office budget and operations.

2. Neutrality and Impartiality

2.1 The Ombuds is neutral, impartial, and unaligned.

2.2 The Ombuds strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombuds advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.

2.3 The Ombuds is a designated neutral person reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombuds should not report to, nor be structurally affiliated with any compliance function of the organization.

2.4 The Ombuds serves in no additional role within the organization which would compromise the Ombuds’ neutrality. The Ombuds 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 Ombuds. The Ombuds should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

2.5 The Ombuds has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombuds helps develop a range of responsible options to resolve problems, and to facilitate discussions to identify the best options.

3. Confidentiality

3.1 The Ombuds holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: (a) The Ombuds does not disclose confidential communications unless given permission to do so in the course of informal discussions with the Ombuds, and even then, at the sole discretion of the Ombuds; (b) the Ombuds does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombuds Office, nor does the Ombuds reveal information provided in confidence that could lead to the identification of any individual contacting the Ombuds Office, without that individual’s express permission; (c) the Ombuds takes specific action related to an individual’s issue only with the individual’s express permission and only to the extent permitted, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds 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 Ombuds.
3.2 Communications between the Ombuds and others (made while the Ombuds is serving in that capacity) are considered privileged. The privilege belongs to the Ombuds and the Ombuds Office, rather than to any party to an issue. Others cannot waive this privilege.

3.3 The Ombuds does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization, even if granted permission or requested to do so.

3.4 If the Ombuds pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombuds does so in a way that safeguards the identity of individuals.

3.5 The Ombuds keeps no records containing identifying information on behalf of the Organization.

3.6 The Ombuds 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 Ombuds prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the Ombuds are not notice to the organization. The Ombuds neither acts as agent for, nor accepts notice on behalf of the organization. However, the Ombuds may refer individuals to the appropriate place where formal notice can be made.

4. Informality and Other Standards

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

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

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

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

4.6 The Ombuds 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 Ombuds 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 Ombuds endeavors to be worthy of the trust placed in the Ombuds Office.

IOA Code of Ethics

Preamble

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

Based on the traditions and values of Ombuds practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombuds role and to maintain the integrity of the Ombuds profession. The Ombuds shall be truthful and act with integrity, shall foster respect for all members of the organizations they serve, and shall promote procedural fairness in the content and administration
of those organizations’ practices, processes, and policies. 

**Ethical Principles**

**Independence**

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

1. Neutrality and Impartiality

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

2. Confidentiality

The Ombuds 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.

3. Informality

The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

22 February 2006

**ANNEX VI**

**Memorandum of Agreement**

Dispute Reference OMB/MED/…

To be signed by parties to a Mediator/Conciliation Process prior to the commencement of the Process.

**Preamble**

Considering the approval by the Board of Directors on 2 March 2007, of measures to strengthen the African Development Bank’s internal recourse mechanisms; the provisions of staff Regulation 10.3 (Settlement of Disputes); and Staff Rule 103.00 (Ombudsperson); and in accordance with the Presidential Directive No. 08/2007 concerning Guidelines for Conciliation and especially Articles 5 (Confidentiality) and 6 (Conclusion of Conciliation Process) of those Guidelines.

1. Declaration of Intent

The Parties to this Memorandum hereby declare their wish to work towards a settlement of the above referenced dispute through the process of mediation facilitated by the Ombudsperson of the Bank. They recognize the Mediator as an independent and neutral party with no vested interests in the dispute, or in its settlement.

2. Confidentiality and privilege

2.1 The parties recognize that mediation proceedings are settlement negotiations and that all offers, promises, conduct and statements, whether written or oral, made in the course of the proceedings including the Record of Settlement, are inadmissible in any arbitration or court proceedings.

The parties agree not to subpoena or otherwise require the Ombudsperson/mediator to testify or produce records, notes or work product in any future proceedings and no recording or stenographic record shall be made of the mediation session.

2.2 Moreover, the parties declare that they fully understand and accept that the proceedings of this conciliation process as well as any Record of Settlement therefrom, shall be kept confidential, and that they shall not disclose any settlement agreed upon, nor information provided in the course of the proceedings except to the extent that such information is already available to them otherwise than as a result of the conciliation proceedings.

3. Termination of Mediation

The mediation process shall be terminated under any of the circumstances stated hereunder:
(a) By a declaration by the Mediator that a settlement has been reached.
(b) By a declaration by the Mediator that further attempts at mediation are no longer considered necessary and worthwhile.
(c) By a declaration by any of the parties that the process should be terminated.

4. **Binding Undertaking**

4.1 Should an agreement be reached as a result of these proceedings, the Parties accept to sign the Record of Settlement as furnished by the Mediator. They also accept that the Record of Settlement so signed shall be final and binding on the parties and that no appeal or further proceedings may be brought in relation to the matters stated in the Record of Settlement.

4.2 Having read and understood the terms of this document, the Parties agree to be bound by them, as witnessed by their signatures below.

Done in Tunis, on

Signed

__________________ ____________________
Requester Ombudsman & Mediator

Signed (Parties)

________________    _________________    _________________

**ANNEX VII**

REQUEST FOR CONCILIATION / MEDIATION MADE TO THE OMBUDSMAN & MEDIATOR OF THE BANK

I  Information concerning the Requestor

1. Full name:
2. Date and Place of Birth:
3. Civil Status:
4. Nationality:
5. Date of Recruitment:
6. Professional status and department: (as at date of contested decision)
7. Duty station:
8. Date of written notification of contested decision:
9. Contacts (Tel.; e-mail; etc...):

II  Parties to decision being challenged:

1. Name:
   - Department:
   - Professional:
   - Relationship to requestor as at time of decision:

2. Name:
   - Department:
   - Professional:
   - Relationship to requestor as at time of decision:

3. Name:
   - Department:
   - Professional:
   - Relationship to requestor as at time of decision:

III  Decision Being Disputed: (Kindly summarize the facts which gave rise to the request. Any document submitted should be referred to in the summary of the facts and attached to this request).

___________________________________________________

___________________________________________________

___________________________________________________

IV  Reasons for disputing the decision

___________________________________________________

___________________________________________________

___________________________________________________

___________________________________________________

V  Desired relief by Requestor

___________________________________________________

___________________________________________________

Requestor’s Signature

(Please provide a list of documents mentioned)
ANNEX VIII

FEEDBACK ON THE OFFICE OF THE OMBUDSMAN & MEDIATOR

This survey questionnaire may be filled anonymously

The information you provide will help to tailor the services of the Ombudsman & Mediator’s office to meet the expectations of staff.

I - IDENTIFICATION

1- Professional Category

☐ GS
☐ PL
☐ Managerial Grade

2- Gender

☐ Male
☐ Female

II - KNOWLEDGE OF AND ACCESS TO THE SERVICES OF THE OFFICE OF THE OMBUDSMAN & MEDIATOR

3. How did you learn about the Office of the Ombudsman & Mediator?

Choose up to the maximum number of selections.

☐ CHRM Orientation Seminar for New Staff
☐ Brochures or Posters of the Office of the Ombudsperson
☐ Appeals Committee Secretariat
☐ Ombudsperson’s Annual Activity Report
☐ Human Resources (HR) or Supervisor
☐ Staff Council
☐ Word of mouth (from colleagues)
☐ had used this service before
☐ Other:

4. What means were used to communicate with the Ombudsman & Mediator?

☐ By Telephone
☐ By E-mail
☐ Other: (such as memo)

5. Please rank the following in terms of why you came to the Office of the Ombudsman & Mediator. Rank from 1 to 5

☐ I did not know whom to discuss my concern with
☐ I wanted the Ombudsman & Mediator to be aware of an issue
☐ Other avenues had failed
☐ I wanted to understand what my options were
☐ I wanted the Ombudsman & Mediator to put pressure on the person involved with my issue on my behalf
☐ I wanted to get information about Bank Policies and Procedures
☐ I wanted to put Bank Management on notice
☐ Other:

6. Was access to the Office of the Ombudsman & Mediator easy and convenient?

☐ Yes
☐ Somewhat
☐ No

7. Did you fear being seen coming to the Office of the Ombudsman & Mediator?

☐ Yes
☐ Somewhat
☐ No

8. Were there any negative consequences resulting from contacting the Office of the Ombudsman & Mediator?

☐ Yes
☐ Somewhat
☐ No

9. Were you considering filing a formal appeal before consulting the Office of the Ombudsman & Mediator?

☐ Yes
☐ Somewhat
☐ No
10. If the answer to question 7 was YES, did you decide not to file a formal appeal as a result of your visit to the Office of the Ombudsman & Mediator?

☐ Yes
☐ In part
☐ No

11. How often did you consult/meet the Ombudsman & Mediator for the same case?

☐ Once
☐ Two to four visits
☐ More than four visits
☐ Never

III. EVALUATION OF THE SERVICES OF THE OFFICE OF THE OMBUDSMAN & MEDIATOR

12. Did the Ombudsman & Mediator clearly explain his/her role and guiding principles such as confidentiality, neutrality and independence?

☐ Yes,
☐ Somewhat
☐ No

13. Did the Ombudsman & Mediator help you feel comfortable discussing your concerns?

☐ Yes,
☐ Somewhat
☐ No

14. Did you receive sufficient time for your discussion?

☐ Yes,
☐ Somewhat
☐ No

15. Were you satisfied with the assistance the Ombudsman & Mediator provided

☐ Yes,
☐ Somewhat
☐ No

16. Besides addressing your issue, were there any additional benefits from using the Office of the Ombudsman & Mediator?

☐ Yes,
☐ Somewhat
☐ No

17. Did the Assistant to the Office of the Ombudsman & Mediator treat you with courtesy and respect?

☐ Yes,
☐ Somewhat
☐ No

18. Did the Ombudsman & Mediator treat you with courtesy and respect?

☐ Yes,
☐ Somewhat
☐ No

19. To what extent do you feel that the Ombudsman & Mediator was impartial in the handling of your case?

☐ Yes,
☐ Somewhat
☐ No

20. Did the Ombudsman & Mediator maintain appropriate confidentiality about your communication with him/her?

☐ Yes,
☐ Somewhat
☐ No
<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Did the Assistant to the Ombudsman &amp; Mediator maintain appropriate confidentiality about your visit to the office?</td>
<td>Yes, Somewhat, No</td>
</tr>
<tr>
<td>22. Did the Ombudsman &amp; Mediator appear to be conversant with the issues involved in your situation?</td>
<td>Yes, Somewhat, No</td>
</tr>
<tr>
<td>23. Would you consider using the Office of the Ombudsman &amp; Mediator again?</td>
<td>Yes, Somewhat, No</td>
</tr>
<tr>
<td>24. Would you recommend the Office of the Ombudsman &amp; Mediator to others?</td>
<td>Yes, Somewhat, No</td>
</tr>
<tr>
<td>25. Please provide an Overall Evaluation:</td>
<td>Poor, Good, Very good, Excellent</td>
</tr>
</tbody>
</table>

We will appreciate any recommendation you may wish to make (maximum 20 words):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________