

# TERMS OF REFERENCE FOR THE MEDIATOR

## 1. PRINCIPLES OF PRACTICE

- The Mediator is independent and is autonomous from both the Administration and the Staff Union in the exercise of his/her functions. S/he does not have decision-making powers. However, suggestions or recommendations, as appropriate, to resolve conflicts can be made by the Mediator.
- In the resolution of or mediation in a conflict, the Mediator is totally neutral and without bias or prejudice to any party. S/he does not act as an advocate for any party.
- Contact between staff and the Mediator is on a strictly confidential basis. Discussions with third parties can only be undertaken with the consent of the staff member. No files and/or written materials pertaining to a case are maintained.
- An extremely important and fundamental principle is the informal nature of the Mediator's work. In addition to being required to function in a neutral, confidential and independent manner, the Mediator seeks to resolve conflicts/find acceptable solutions using informal processes: it is an alternative to formal mechanisms, no records are kept and the Office functions outside of any formal proceedings.
- All staff, regardless of the type of contract, have access to the Mediator: no permission or justification is required.

## 2. FUNCTIONS

- Mediates and facilitates conflict resolution related to a wide range of staff issues and disputes that may emerge in the workplace.
- Monitors trends in support of early detection of issues of potential significance at institutional level, and advises on appropriate remedial and preventive action.
- Supports preventive action, helping individuals, managers, teams and departments avoid preventable mistakes.
- Contributes to developing and strengthening a workplace and culture that upholds the values of the Organization, its ethical and functional integrity, respect for the dignity, diversity and rights of staff, in compliance with the Organization's rules and regulations and the Code of Conduct for International Civil Servants.
- Liaises with relevant services/departments in the Organization as and when necessary e.g. Staff Welfare Officer, Health Services Unit.
- Any other related function that the Joint Negotiating Committee may request from him/her.

### 3. DUTIES AND RESPONSIBILITIES

Acting independently and impartially and respecting confidentiality, the Mediator will:

- Listen to staff members and explore options and/or strategies to address problems or grievances relating to their working conditions and/or their relations with colleagues with a view to enhancing the overall working environment.
- Assist all parties concerned to reach a fair solution through mediation and discussion; the Mediator will not have decision-making authority but will advise and may make recommendations on issues involved.
- Work with managers who are faced with a conflictual situation or difficulties with a staff member.
- Coach staff members in order for them to independently resolve problems and/or conflicts.
- Serve as a sounding board for staff that need to discuss specific situations in a confidential and neutral environment.
- Provide information, guidance and referral as may be appropriate.
- In collaboration with the Administration and the Staff Union, select officials to be appointed as facilitators at Headquarters.
- Participate in the selection of the facilitators in field duty stations.
- Provide and coordinate relevant training for Headquarters and field facilitators on a periodic basis.
- Coordinate the network of Headquarters and field facilitators and provide support and guidance as necessary.
- Ensure the regular updating of the Mediator's website including the list of available facilitators and relevant information (grades, gender, languages spoken and duty station).
- To assist in the prevention of conflicts in the Office by reporting periodically to the Joint Negotiating Committee on systemic work-related problems.
- To convey to the relevant authority for appropriate action any prima facie credible concern of non-compliance with ILO internal rules and procedures (other than financial rules covered by other specific procedures), breach of standards of conduct or concealment thereof communicated in confidence to him/her by a staff member.
- Report annually to the Joint Negotiating Committee on activities undertaken by the Office of the Mediator, on the assessment by staff members of mediation and

facilitation mechanisms and on expenditure of the budget allocated to the Office of the Mediator.

- Maintain an active understanding of professional developments in the area of work by continuing professional membership of the International Ombudsman Association, and participating in the annual meetings of the Network of Ombudsmen and Mediators from the United Nations and Related International Organizations (UNARIO).