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ESO Ombuds Terms of Reference

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1. Purpose and Scope

The Ombuds shall provide independent and confidential assistance to the informal resolution of work-related inter-personal disputes. The use of the services of the Ombuds is encouraged by the Organisation, but at the same time it remains voluntary. The services of the Ombuds do not replace any of the formal dispute resolution processes of ESO.

The Ombuds shall serve all members of personnel of ESO. In addition, any person working at or on behalf of ESO has access to the Ombuds. This also includes all members of ESO personnel and any other person working at or on behalf of the Joint ALMA Observatory (JAO).

The Ombuds can address any issues arising between an individual and the Organisation, except in those phases when there is an on-going formal appeal process. The Ombuds may be consulted in confidence by staff during the course of a formal process, however the Ombuds may not intervene or participate in said formal process in any way. The Ombuds can also assist with the informal resolution of complaints if so requested by staff or management.

2. Appointment

The Ombuds shall be appointed by the Director General from a list of candidates compiled and recommended by a selection committee composed of management and staff representatives, as well as an outside Ombuds, following the standard external recruitment process of ESO.

In line with the United Nations standard set for Inter-Governmental Organisations and in order to protect their impartiality, the Ombuds shall not be eligible for an indefinite contract. The rest of the contract and employment policies for international staff will apply. Upon completion of the service as Ombuds, the Ombuds shall separate from ESO and shall not be eligible for other employment with the Organisation.

3. Operating Principles

3.1 General Principles

While providing the services, the Ombuds shall be guided by the present Terms of Reference, the Staff Rules and Regulations, the Regulations for Local Staff Members in Chile, applicable policies and other rules, as well as the generally accepted international standards of practice for organisational ombuds and the principle of justice and fairness.

The Ombuds may hear from any of the parties involved in an issue who voluntarily request the services of the Ombuds.



The Ombuds may refer members of personnel to other appropriate services of ESO.

3.2 Independence

In the performance of the service the Ombuds shall be independent, and shall not report to or be affiliated with any ESO unit or person. The Ombuds shall have direct access to the Director General.

The Ombuds shall not hold any other position or function at ESO and shall not be a member of any Staff Association, Union or employee's organisation at ESO.

The Ombuds shall have access to the relevant records kept by the Organisation, subject to the explicit consent of the person(s) concerned.

The Ombuds shall also have access to individuals in the Organisation that may be able to provide advice, information or expert opinion on a particular matter. They will do so in a prompt and efficient manner while recognizing the right of the individual not to make self-incriminating declarations. Such access must not put the confidentiality of the matter in jeopardy.

Without prejudice to Art 3.6, any data collected by the Ombuds for/within the implementation of the tasks of the Ombuds, shall only be accessible and processed by the Ombuds.

The Ombuds shall maintain full operational independence and shall have sole discretion to decide whether or how to act.

3.3 Neutrality and impartiality

The Ombuds shall preserve neutrality in all matters, shall remain impartial and shall have no personal interest or stake in the outcome of a matter. The Ombuds shall consider the legitimate concerns and interests of all individuals affected by the matter under consideration. The Ombuds shall always advocate fairness in all processes and shall never advocate on behalf of any party.

3.4 Confidentiality

The Ombuds shall maintain strict confidentiality concerning all matters, and it can only be waived by the explicit permission of the individual concerned. The identity of any individual, or information that can lead to the identification of an individual with whom there is contact during a matter shall never be disclosed, except if the individual gives explicit permission.

Individuals involved in a matter brought to the attention of the Ombuds shall always maintain strict confidentiality regarding their interaction with the Ombuds.



3.5 Prohibition of retaliation

No direct or indirect detrimental action shall be taken, recommended, or threatened against anyone who, acting in good faith, brings a matter to the attention of the Ombuds, or uses the Ombuds services, or provides advice, information or expert opinion to the Ombuds. The violation of this principle by members of personnel may result in disciplinary action.

3.6 Informality

The services of the Ombuds include informal conflict resolution methods, such as mediation, counselling, listening, shuttle diplomacy, identifying and reframing issues, consensus building, undertaking informal fact finding, and other conflict resolution methods.

The Ombuds does not participate in any formal administrative procedure in any role, including as a witness.

The Ombuds shall not make binding decisions or determine rights.

The Ombuds shall not create or maintain records for the Organisation.

The Ombuds may be consulted on policy issues where it could prove useful. The Ombuds may make suggestions and recommendations on actions needed to settle conflicts.

4. Reporting

The Ombuds shall provide regular public reports on their activities, without breaching the strict confidentiality.

The Ombuds shall identify and assess any broad systemic issues within the Organisation and shall give reports on them to the Director General along with recommendations to improve the policies, procedures, systems, and structures, without breaching the strict confidentiality.

Additionally, and in line with the procedures approved by ESO Council:

- the Ombuds has free and unrestricted access to the Council President, and if deemed appropriate by the President, to Council. It should become practice that the ESO Ombuds meets regularly with the Council President but at least once per year;
- the Director General shall share with Council the yearly Ombuds reports after it has been released internally. The Ombuds shall present the highlights to Council and be available for questions.