

RULES FOR THE OMBUDSMAN

of the European Broadcasting Union

29.3.2012 (2)

The Ombudsman of the European Broadcasting Union (EBU) has a consultative and advisory function.

He examines complaints by EBU Staff members with regard to conduct which may be contrary to the Code of Ethics for EBU Staff and makes recommendations on measures to be taken to resolve the situation which gave rise to the complaint.

The EBU Executive Board confirms the importance of the post of Ombudsman by laying down the following rules:

Mandate

After consultation with the Audit Committee and the Personnel Committee, the EBU Director General appoints the Ombudsman, and establishes the conditions of his engagement and ensures that the necessary resources for performing the tasks are made available to him.

The Ombudsman has absolute independence vis-à-vis EBU Management so that he can carry out his duties and report to the Audit Committee and Personnel Committee with full impartiality and neutrality.

Role of the Ombudsman

1. Examining Possible Complaints by EBU Staff

1.1

Persons who may contact the Ombudsman

Any EBU Staff member based at the EBU Headquarters in Geneva and in any EBU subsidiaries or representative office abroad and who has an EBU employment contract, regardless of whether this is a permanent or temporary fixed term contract ("**Staff**").

1.2 Complaints which may be submitted to the Ombudsman

Any allegation or complaint submitted by an EBU Staff member based on a breach of the Code of Ethics for EBU Staff and concerning in particular:

- **A personal situation with regard to a Staff member in the context of his work**, such as unequal treatment, harassment, sexual harassment and other discrimination;
- **A conflict of interest**, as described in Article 5 of the Code of Ethics for EBU Staff;
- Any other **suspected wrongdoing**.

1.3 Submission of a case to the Ombudsman by Staff

Any complaint as per 1.2 above, may be referred to the Ombudsman at any time by sending an e-mail to ombudsman@ebu.ch. Details to contact him are available on the EBU Intranet.

When so doing, the complainant must inform the Ombudsman whether he/she is pursuing other avenues in relation to the matter submitted to the Ombudsman.

However, before initiating such a referral, Staff are encouraged to explore whether the matter in question can be resolved through internal channels as set out in the Staff Regulations and the Code of Ethics.

1.4 Procedure for examining complaints

Admissibility of complaints

When a complaint is drawn to his attention, the Ombudsman assesses whether he is competent to assess it, by determining:

- 1) whether the submission has been made in accordance with the conditions laid down in Article 1.1 to 1.3 above;
- 2) whether the complaint contains sufficient material to be taken into consideration.

If the Ombudsman considers that he is not competent to take a complaint into consideration he can, if appropriate, make other proposals to the complainant to resolve the situation.

The Ombudsman advises the complainant, within a reasonable period, whether or not he has decided to intervene and gives an indication of a likely timescale and procedure.

The Ombudsman is bound by the provisions of Swiss law when he assesses a complaint.

Examination of the Complaint

When the Ombudsman takes up a complaint, he makes his best efforts to examine the arguments diligently by hearing the parties concerned and on the basis of an equitable procedure.

Subject to respect for the confidentiality rules mentioned below, he may, with the agreement of the complainant, put questions to any other person who is likely to be able to provide the requisite information.

The EBU ensures that an adequate infrastructure is implemented and made available for the Ombudsman so that the confidentiality and anonymity conditions are respected all along the process.

If the complainant so wishes, he/she can be assisted by a member of the EBU Staff of his/her choice.

<p>Recommendations</p>	<p>The Ombudsman may formulate recommendations orally or in writing. In his recommendations the Ombudsman must suggest measures or guidelines which he considers fair according to the particular case. His recommendations will be made within a reasonable period.</p> <p>The Ombudsman will notify his recommendations to the persons he deems necessary, and always including, the Internal Audit Manager who shall inform the Chairman of the Audit Committee as well as the Head of Human Resources who shall inform the Chairman of the Personal Committee and the Director General. Unless otherwise agreed by the Complainant or in circumstances as foreseen under point (ii) of the confidentiality rules mentioned below, the name of the Complainant will not be disclosed.</p>
<p>Withdrawal of a complaint - Closure of the Ombudsman's Intervention</p>	<p>The complainant may withdraw his complaint at any time and for any reason. In that event, the Ombudsman will not make any particular recommendations and will close the complaint file. The Ombudsman will merely indicate the case, respecting the anonymity of the persons involved, in the sixth-monthly report which he is required to submit to the Audit Committee and Personnel Committee.</p> <p>In all cases, the Ombudsman must refuse to intervene, or must put an end to an intervention, when:</p> <ul style="list-style-type: none"> • the complainant has exercised his rights, or announced his intention to do so, before a judicial or administrative body with respect to the facts on which the complaint is based; • the employment contract of the complainant or of the party or parties involved has ended.
<p>Confidentiality rules</p>	<p>(i) The Ombudsman is obliged to maintain absolute confidentiality regarding all matters brought to his attention and will systematically seek the complainant's agreement before taking any steps vis-à-vis third parties.</p> <p>(ii) The sole exception to this rule, at the complete discretion of the Ombudsman, concerns any situation which appears to present an imminent danger or a risk of severe harm to a member of Staff or which would be likely to seriously impair the interests of the EBU, its Members or a third party. In such a case, the Ombudsman is entitled to make a special report in accordance with 2.2 below.</p> <p>(iii) The Ombudsman must take all reasonable measures which are necessary to protect any document or file containing confidential material in response to requests for information from any third party, including a member of the Management.</p> <p>(iv) The Ombudsman recognises that all documents and information obtained during the course of his duties are confidential, and undertakes not to divulge them unless he is relieved of this obligation by all the parties involved or unless he is obliged to do so during a valid administrative or judicial procedure.</p> <p>(v) The files are preserved by the Ombudsman for a period of 10 years after the end of his intervention. In the absence of an express written request by their owners by the end of the period in question, all documents and supporting material will be destroyed.</p>

2. Reports

2.1 Six-monthly Reports

Every six months (by 30 June and 31 December each year) the Ombudsman will send to the Audit Committee and Personnel Committee a written report concerning his activities and the cases on which he has been consulted during the preceding six months. The report, which will be in conformity with the confidentiality rules laid down in the present document, will include, in particular the number of complaints received, statistics, respecting the anonymity of the persons concerned, on the requests handled, as well as any recommendations.

2.2 Special Reports

At any time the Ombudsman may, on his own initiative, make special reports to the EBU Director General's office and/or draw to the attention of the Audit Committee or Personnel Committee any situation which he considers that may have serious implications for the EBU or its Staff. The Ombudsman will respect the complainant's anonymity unless he is expressly authorised otherwise by the complainant or is obliged by law to divulge his name.

2.3 Recommendations

In his six-monthly report or in his special reports, he may suggest amendments to policy and procedures, as well as to the existing regulations, and may formulate comments on the EBU's practices.

The Members of the EBU Management Committee will inform the Ombudsman of the measures taken to correct a particular situation or the follow-up action taken regarding his recommendations and an explanation of why, if it is the case, any one or more of his recommendations have not been followed.

Rules of Conduct of the EBU Staff

By requesting the intervention of the Ombudsman or by accepting to have his case heard by the Ombudsman a member of Staff undertake:

- to preserve the confidentiality of all information received or given during the procedure;
- not to divulge the existence of the procedure;
- to inform the Ombudsman on any other steps that may have been taken in relation to the complaint;
- not to request, within the limits laid down by law, the appearance of the Ombudsman to give evidence in any future administrative, judicial or arbitration procedure.