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2016 GENERAL ACTIVITY REPORT
OF THE MEDIATION SERVICE OF THE COMMISSION

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I. INTRODUCTION

The Mediation Service is a service of the European Commission. It acts as a facilitator in the settlement of disputes which can arise at work. The Service is an intermediary between the parties to the dispute and gives objective and impartial advice to each one. It is fully independent and provides a neutral space where solutions can be found in accordance with Community law, ethical principles and sound administration. The intervention of the Service is informal and fully confidential. It takes place at the request of the parties. The aim of the mediation is to help the parties overcome their disagreement and move on so that they can go back to a healthy and constructive work environment. This concept is now expressed in the new motto of the Mediation Service ‘Moving beyond conflict’.

The Mediation Service applies its own methodology¹ and endeavours to find lasting, consensus-based solutions. In order to achieve this, the Service works in cooperation with all the people who can contribute to solving the issue. Good cooperation with those responsible for Human Resources, staff representation bodies and representatives of the administration is thus essential.

The Mediation Service has the capacity to intervene in any case submitted to it², in particular in cases of:

- disputes concerning statutory rights and obligations,
- relational problems: disputes between colleagues or with the hierarchy, inappropriate behaviour, affronts to the dignity of a person, harassment, etc.

It should also be noted that the Mediation Service was created not only to help solve disputes on an amicable basis, but also to help prevent them. This report stresses the Service’s prevention role (see Chapter III), since prevention is an essential aspect of its remit and it is becoming increasingly important in an evolving work environment which brings with it psychosocial risks that need to be regularly evaluated. The fact that the Service takes part in the meetings of the *Steering Committee for the evaluation of psychosocial risks* takes on a particular relevance here.

In accordance with Commission Decision C(2002) 601 of 4 March 2002 on a reinforced Mediation Service, this Service presents a general activity report to the Commission every year. To ensure confidentiality, the Mediation Service's annual activity reports describe the facts in a way that ensures the anonymity of the people concerned. This report presents both the activities of the Service during 2016 and recommendations of a general nature (see Chapter IV).

¹ See Annex 1.

² The Mediation Service is at disposal of all staff and Commission services (in Brussels and abroad, including all Joint Research Centers facilities).

II. ACTIVITIES OF THE MEDIATION SERVICE IN 2016

1. CASE HANDLING

NUMBER OF CASES

In 2016, the Mediation Service handled 292 cases relating to the two main categories of intervention, i.e. disputes on statutory rights and obligations, and relational problems.

The average time for handling a case is still extremely variable. While some cases may be resolved with only two interventions, others can require up to 40 in all (all activities included - contact, meetings, negotiations). The cases requiring the fewest interventions were those involving advice, especially in the field of statutory rights and obligations. The cases requiring the most interventions were often related to relational conflicts.

Of the 292 cases handled by the Mediation Service in 2016, 217 were new intervention requests. When these new requests were assessed for eligibility, 14 were ruled to be inadmissible and 12 were redirected to other departments. There were 75 cases carried over from 2015, which continued to be handled by the Service so that they could be resolved in 2016 (fig. 1).

In 2016, the Service was able to close 228 cases, 69 of which had been opened in previous years. While some cases may be brought to a close quickly, others remain open for a longer period for several reasons, for instance, because there is a need to wait for additional information from the requester, or an administrative decision, or even because there are deadlines involved in the follow-up. This means that, at any given time, the Service has between 60 and 80 ‘ongoing’ cases. The number of cases carried over to 2017 is 64 (fig. 2).

The volume of activity during 2016 was lower than the annual average recorded for 2011 to 2014 (339 cases). There had been an exceptional number (416) of cases recorded in 2015. This was due, in part, to repercussions from the reform of the Staff Regulations. It seems premature to draw conclusions today from this reduction and the trend should be monitored to see whether it continues in the coming years.

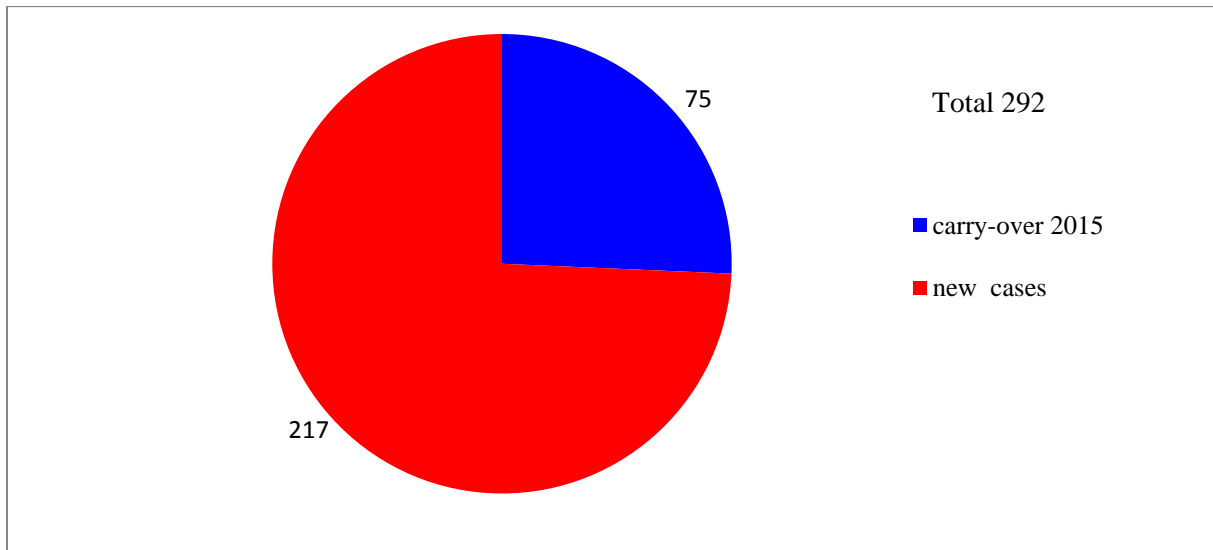


Fig. 1 Total volume 2016³

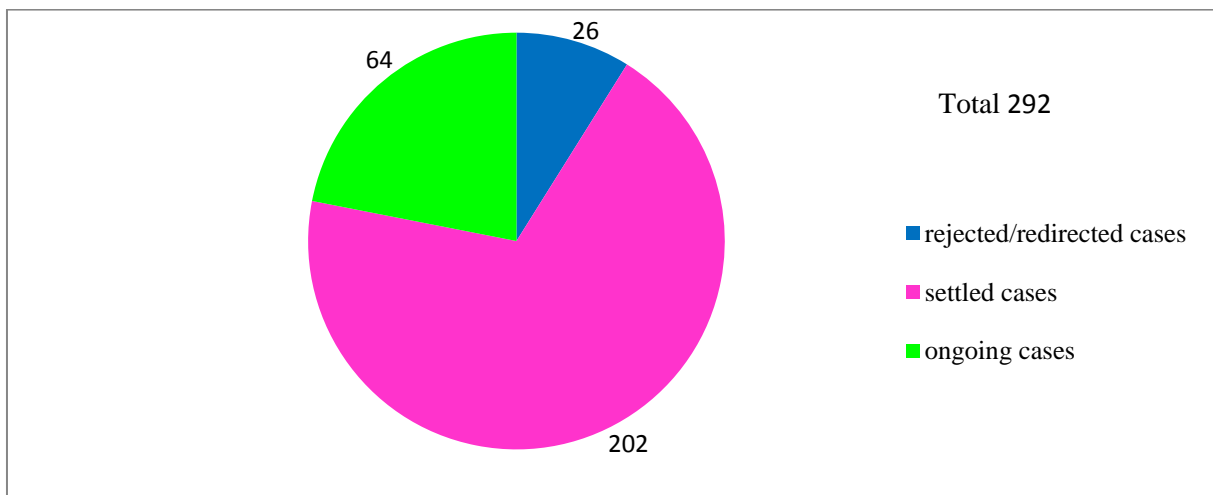


Fig. 2 Outcome of the Service's actions at 31 December 2016

SOURCE AND SUBJECT OF THE REQUESTS FOR INTERVENTION

In accordance with Commission Decision C(2002) 601, two conditions must be fulfilled in order for the Mediation Service to intervene:

- 1) the **source of the request**: for a request to be accepted, it must be submitted by a member of the Commission's staff or a Commission department
- 2) the **purpose of the request**: for a request to be considered, it must concern:
 - a) cases relating to statutory rights and obligations,

³ '2015 carry-over' should be taken to mean the 2015 cases which are still being handled in 2016.

b) cases relating to disputes involving relationships at work.

As regards the **breakdown of new cases** by category of requester (fig. 3), it closely matches the structure of the Commission's staff (Statistical Bulletin 1/1/2017). 35 % of cases were referred to the Service by administrators, which make up 41 % of staff numbers; 26 % of cases were referred to the Service by assistants, which make up 29 % of staff numbers; in 24 % of cases, the requesters were members of the contract staff, which make up 22 % of Commission staff. The remaining 15 % included retired staff and persons not covered by the remit (staff from other institutions, citizens, etc.).

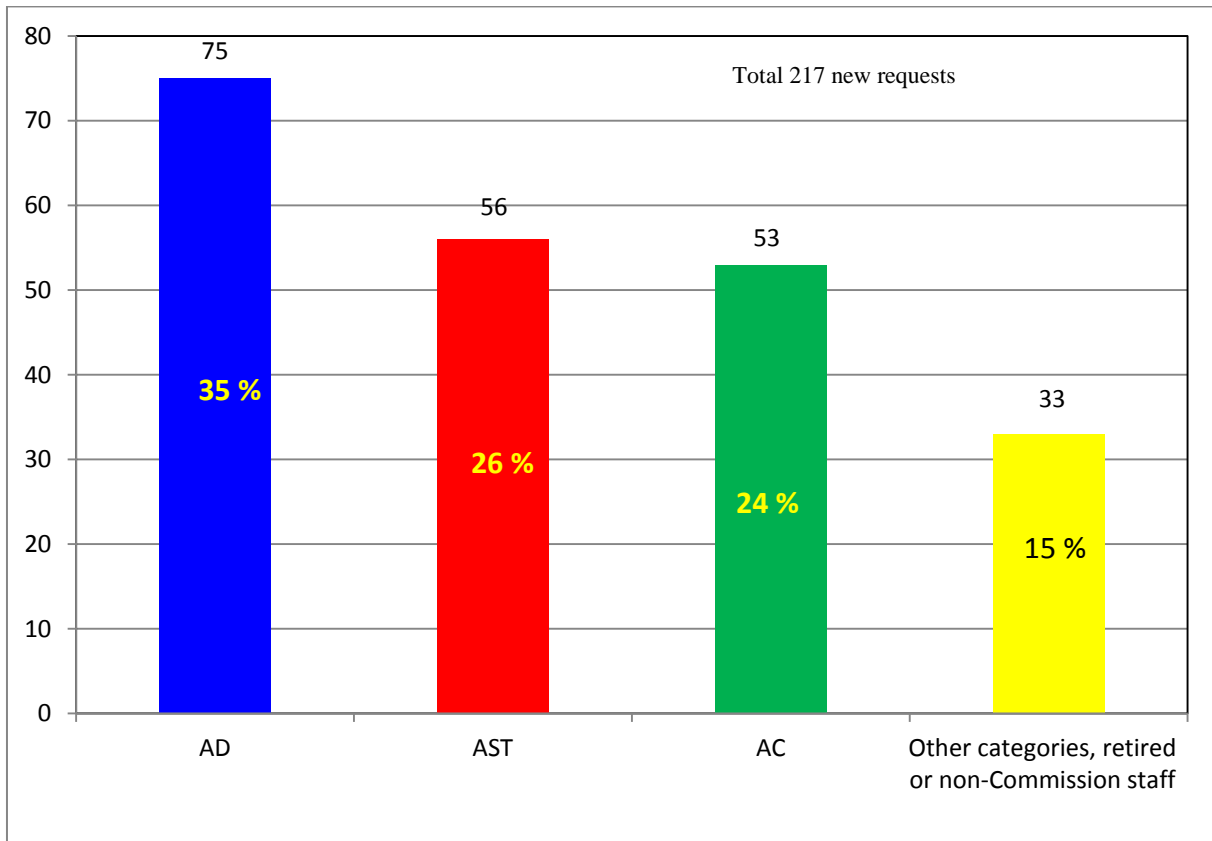


Fig. 3 Breakdown of new cases handled by category of requester

As regards the breakdown by gender (fig. 4), we can see that most requests for intervention are submitted by women (63 %); this is higher than the proportion of women at the Commission (55 %) (fig. 5).

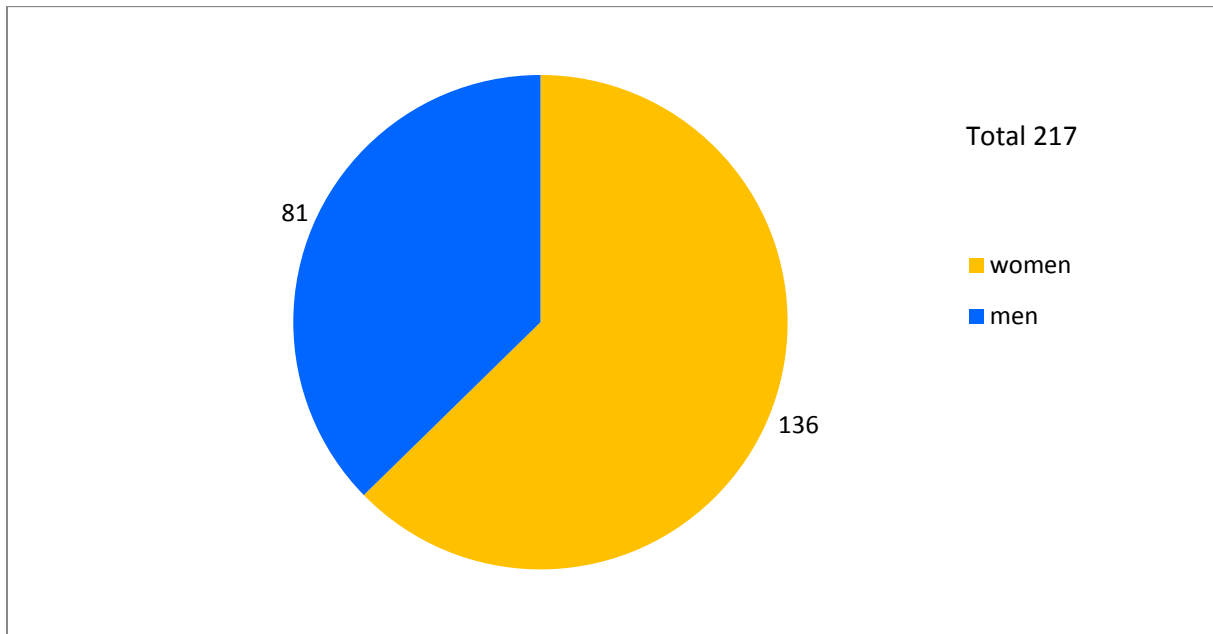
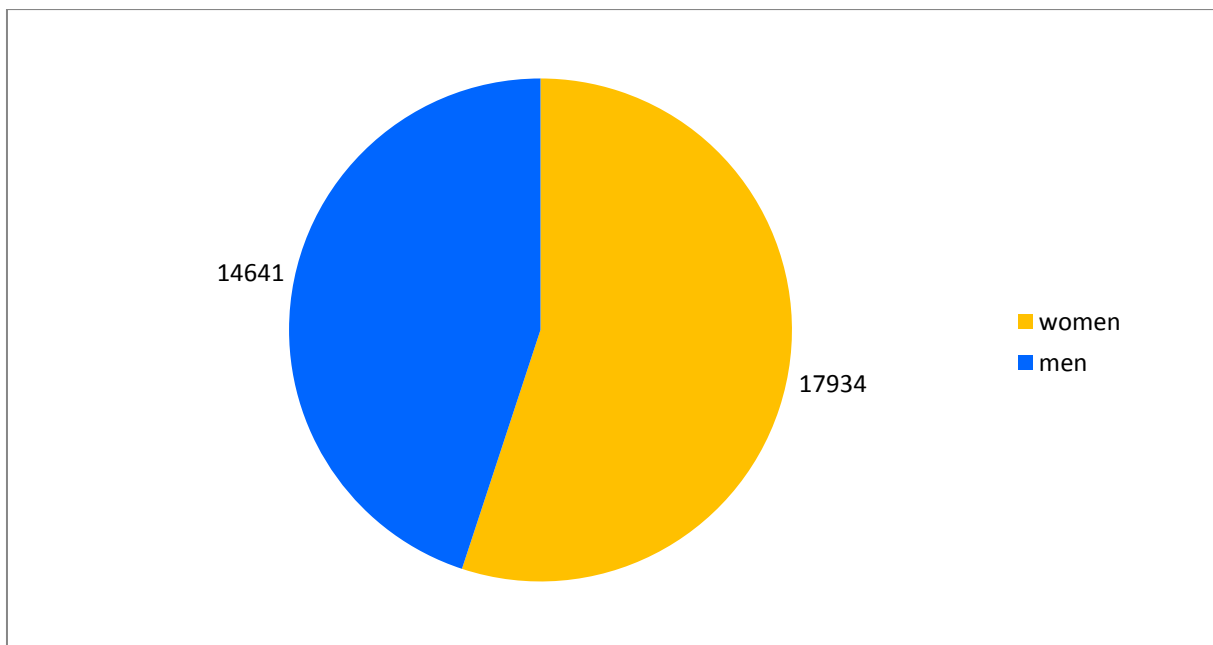


Fig. 4 Breakdown of requesters by gender



*Fig. 5 Breakdown of Commission staff by gender
(Statistical Bulletin 1/1/2017)*

As regards the **purpose of the request**, the 292 cases dealt with in 2016 break down as follows (fig. 6):

- 177 concerning statutory rights and obligations, 100 of them financial and 77 non-financial, and
- 115 relating to relational disputes or affronts to the dignity of a person in the context of work.

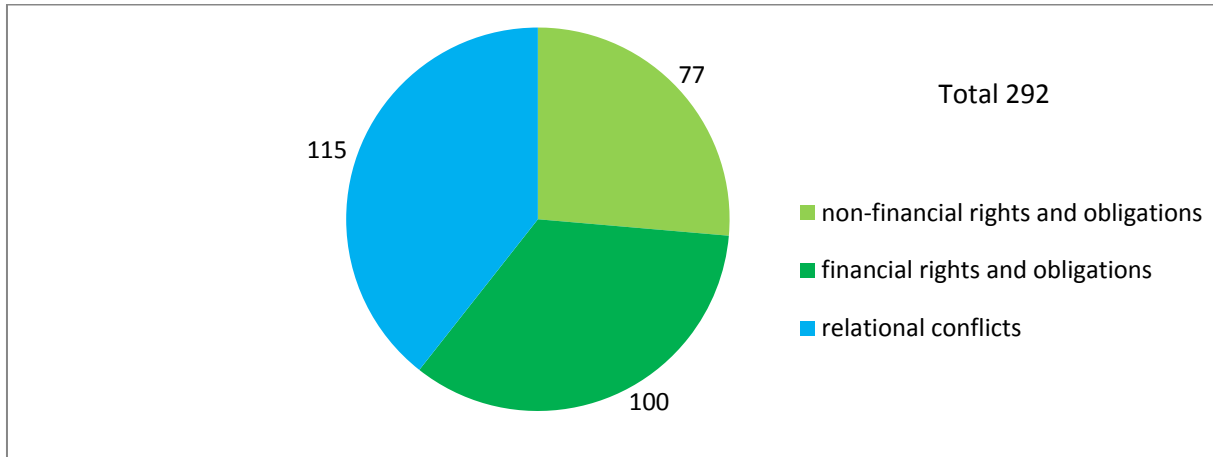


Fig. 6 Breakdown of 2016 cases by area

ANALYSIS

In 2016, the Mediation Service was able to provide a solution in 95 % of admissible cases. In the other cases, the parties did not manage to agree on the proposed solution.

In order to achieve these results, the Service endeavoured to reconcile the interests of the parties and to negotiate at the appropriate levels to bring about a solution, sometimes via an individual recommendation.

In other words, in the vast majority of cases, the Service made it possible for the parties concerned to move on and to resume their professional life leaving the conflict behind them. This objective is summed up in the Service's new motto: *'Moving beyond conflict'*.

During 2016, requests for intervention mainly concerned situations relating to:

- a lack of clarity in the tasks assigned and a lack of adequate communication on individual roles and responsibilities. We note that the tools available to middle management, such as job descriptions and objectives, are not put to full use. It is often the case that the job descriptions do not or no longer reflect the actual situation.
- Inadequate handling of conflicts by management, due to inexperience, lack of communication skills and often a failure to act in time.
- Problems with reinstatement following a long-term absence (return to headquarters, return following sick leave).
- Limited opportunities for changing jobs or lack of correlation between skills and actual or proposed duties.
- A malaise in the department to which one is assigned or allegations of discrimination.

- Misunderstandings due to a lack of communication or to a lack of direct contact (only e-mail or phone). This applies to relations between colleagues or between colleagues and the hierarchy, but is even more pronounced when it comes to contact between individuals and the administrative departments (especially some PMO departments despite the efforts made over the past few years).
- Issues linked to the transfer of pension rights.
- A feeling of being discriminated against experienced by some parents of young children or staff returning from maternity leave, especially when these periods coincide with a new allocation of tasks and responsibilities.
- Cases of professional incompetence where the person feels that they are being treated unfairly.

TRENDS

In terms of volume of activity, 2016 saw a reduction in the number of cases handled compared to the annual average recorded from 2012 to 2015 (360 cases). There had been an exceptional number (416) of cases recorded in 2015, partly due to repercussions of the reform of the Staff Regulations (fig. 7).

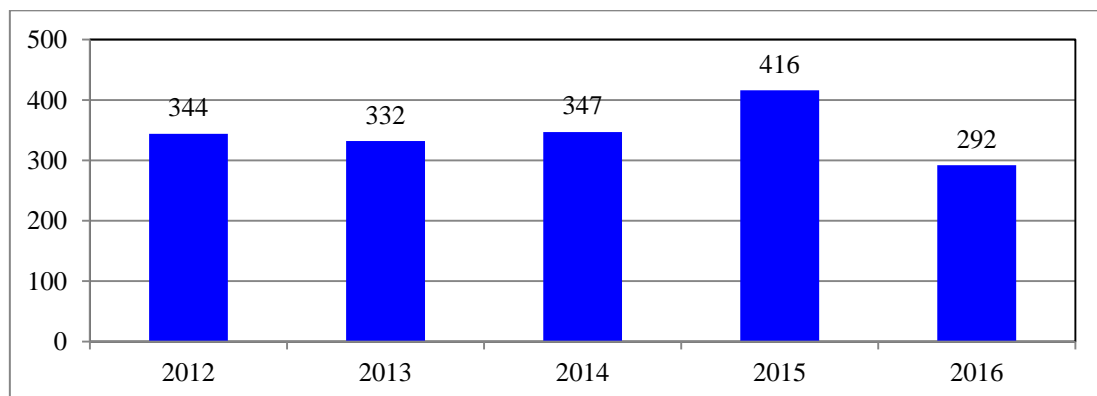


Fig. 7 Total volume of activity between 2012 and 2016

This being said, there has been a downward trend in the number of new requests for intervention between 2012 and 2016, starting in 2012, with the exception of the 2015 peak (fig. 8).

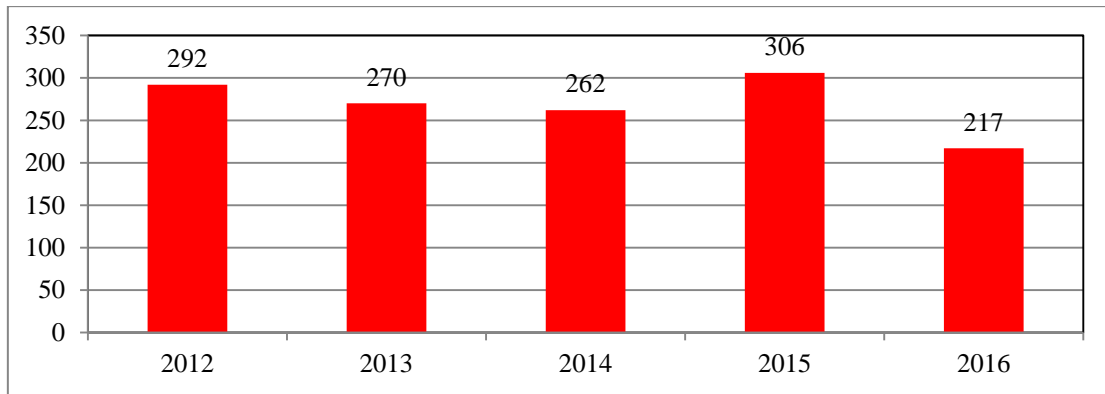


Fig. 8 New requests for intervention between 2012 and 2016

Analysis of the figures for recent years seems to suggest that the breakdown of cases by subject area (fig. 9) remains relatively stable, apart from the 2015 peak. In 2016, the proportion of cases relating to a relational problem fell slightly, totalling 31 % of cases handled against 42 % in 2015. It seems premature at this stage to draw conclusions from this decrease.

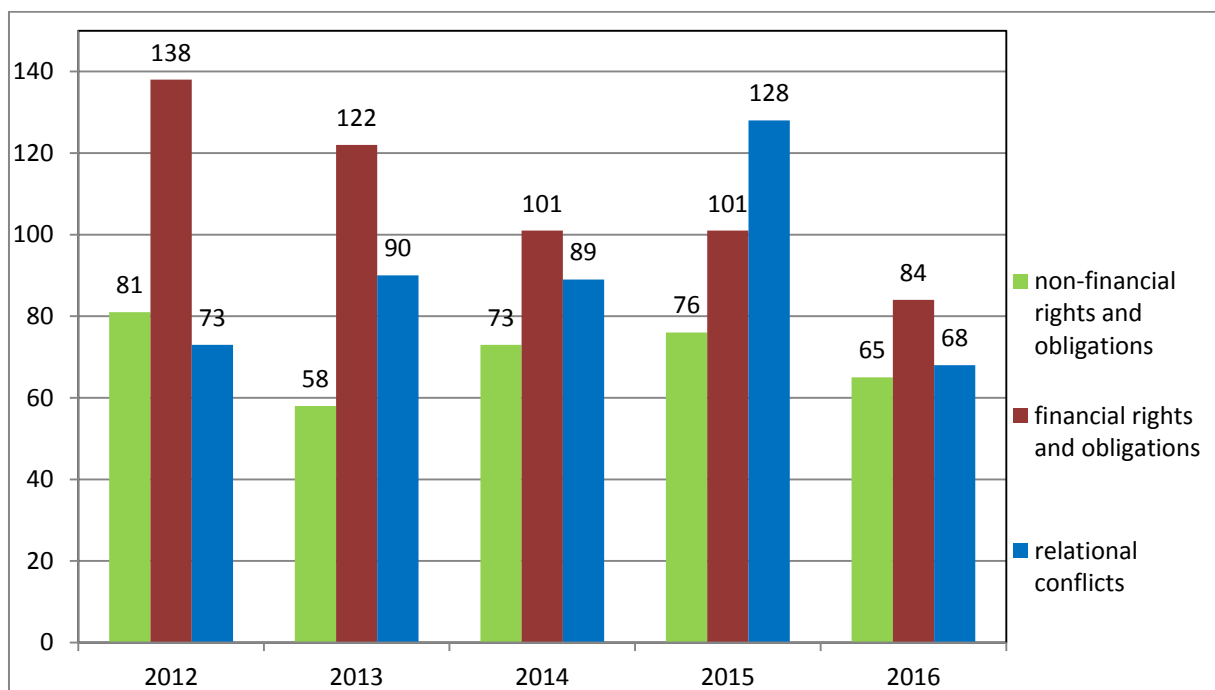


Fig. 9 Breakdown by area of new cases handled between 2012 and 2016

The proportion of women who consult the Mediation Service has remained stable except for a peak recorded in 2015. As regards men, there has been a downward trend for several years (fig. 10).

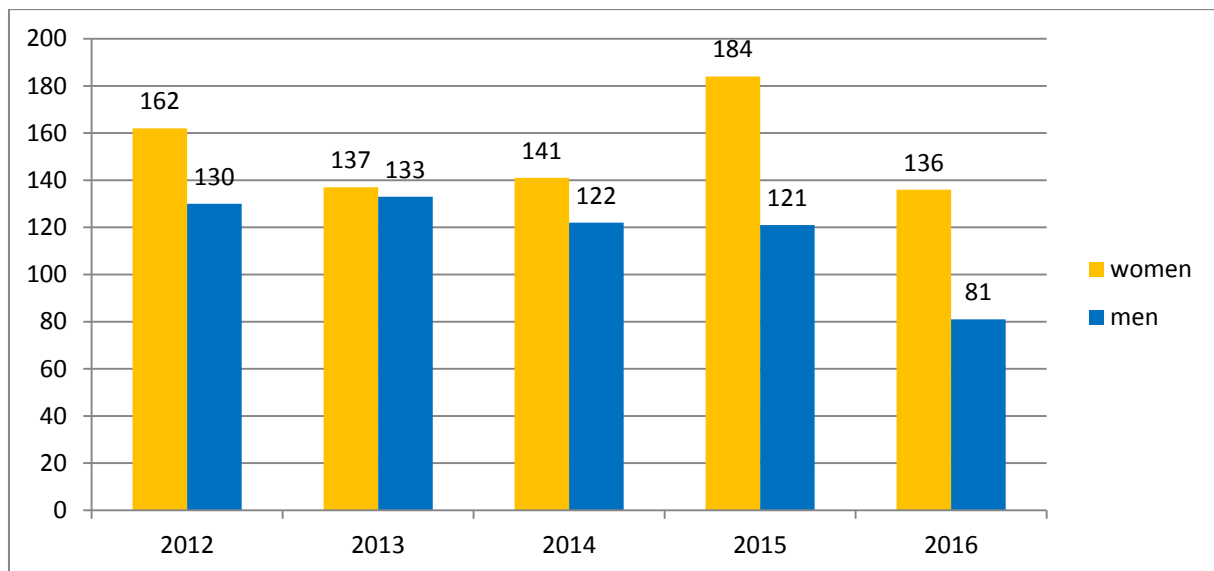


Fig. 10 Breakdown of requesters by gender between 2012 and 2016

2. IN-SERVICE TRAINING

Mediation Service staff are given both individual and group training in order to better carry out their tasks in a changing environment. Given that the Service operates in an evolving environment, it is essential for its staff to be able to update their knowledge. This makes it possible, where necessary, for its methodology to be adapted so that both staff and departments get the most out of mediation at the Commission. The training also includes supervision, which makes it possible to touch on the psychological aspects that are involved in many cases. In cases of great complexity or where there are systemic problems, group supervision allows for a joint discussion which enables good practice and the most appropriate solutions to be identified, and, where appropriate, preventive measures to be proposed. From January 2017, individual supervision will be added to the group supervision.

3. COMMUNICATION

In July 2016, the Commission took note of the Mediation Service's 2015 General Activity Report. The report was presented to the Central Staff Committee and made available to all the Institution's staff via MyIntracomm. The Service also met with the Local Staff Committees of the Commission sites outside Brussels, in particular Luxembourg, Petten, Ispra and Geel.

At the request of the Court of Auditors and the European Parliament's legal service, the report was also presented to them.

A new communication campaign on mediation assets will start in 2017. (A new information leaflet will be circulated, meetings with key HR actors will be organised, namely the AMC and BC).

III. PREVENTION ROLE OF THE MEDIATION SERVICE

In addition to its main activity relating to the handling of cases, the Mediation Service also has to carry out its prevention objective, which takes place at different levels.

In its day-to-day handling of cases, the Mediation Service is automatically carrying out prevention work. Finding an appropriate solution requires an in-depth analysis of the problem in order to identify its roots. Alongside seeking solutions, the Service looks at whether there is a need to adopt measures designed to prevent the problem happening again.

Given that every aspect of the working relations is set in a regulatory framework, the Service has to set out to the parties which rules apply in the particular case. The Service highlights the need to take into account the duty of care and principle of sound administration, on the one hand, and staff's commitment towards the organisation, on the other. Reminding parties of the rules and principles governing work relationships is one of the ways in which the Service carries out the prevention aspect of its work.

Coaching or training sessions can also serve the prevention objective. In some cases, it is important to make sure staff and management face the reality of the situation, to help them understand the reasons for the difficulties encountered, and which aspects of their behaviour could be altered to avoid making the same mistakes again. The objective of the Mediation Service's action is to limit the negative impact of certain attitudes and to provide colleagues with tools so that they are better equipped to face various risks and critical situations.

Where, in handling cases, the Mediation Service identifies systemic issues, it proposes broader prevention measures which are recorded in its annual report as general recommendations. The Commission Decision on the reinforced Mediation Service enables the Service to submit, as part of its annual activity report, general recommendations intended to improve relations between staff and the Administration and to thus prevent similar problems occurring again at a later date (see Chapter IV).

Furthermore, the Service also has a role to play in preventing psychosocial risks, since its action relates to interpersonal relationships and the organisation of work, which are factors that impact well-being and working conditions. Psychosocial risks are today recognised as major risks for the health and safety of both staff members and the proper functioning of organisations. They are the subject of a new legal framework (Staff Regulations⁴ and Belgian Royal Decree⁵), by virtue of which the Commission is responsible for implementing a management system for psychosocial risks and must be able to react when faced with inappropriate behaviour (affronts to dignity, harassment, etc.), which may have a psychological, physical, social and economic impact. The Service closely monitors

⁴ In accordance with Article 1 of the Staff Regulations, the Commission must apply health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties.

⁵ Royal Decree of 10 April 2014 on preventing psychosocial risks at work.

developments and takes an active part in the meetings of the Steering Committee for the evaluation of psychosocial risks⁶. In particular, it contributes to identifying risks on the basis of the cases handled.

Finally, the Service is also active in raising colleagues' awareness during information meetings or contacts with various stakeholders (Administration, human resources, staff, staff representatives). The objective is to highlight the benefits of mediation as an informal channel for settling disputes and preventing formal proceedings.

⁶ This group includes all the various stakeholders involved in preventing these risks at the Commission: among others, the Medical Service, OIB.SIPP, HR.D, HR E3, the *Comité de prévention et de protection au travail* (CPPT – Health and Safety Committee) and the Mediation Service.

IV. RECOMMENDATIONS

The Service may submit recommendations. Recommendation should be taken to mean the act (be it oral or written) by which the Mediation Service invites the parties concerned to adopt a set course of action. The Mediation Service may make two types of recommendations (see Annex 2): an individual recommendation, to propose a solution for a specific case in order to settle a dispute, or a general recommendation, to prevent recurring conflict situations and to improve the functioning of the Institution.

1. INDIVIDUAL RECOMMENDATIONS

In 2016, seven individual written recommendations were submitted.

They concerned the following areas:

- **three** concerned reinstatement at work following long-term absence,
- **one** related to the interpretation of rules on financial rights and obligations,
- **three** concerned the implementation of rules relating to non-financial rights and obligations.

2. GENERAL RECOMMENDATIONS

In the light of the experience gained from the cases handled in 2016, the Mediation Service would submit the following recommendations:

R1. Communication between management and staff

Experience drawn from the 2016 cases shows that many conflicts between staff and management are the result of communication issues.

As part of its role, middle management staff have under their direct responsibility people with diverse origins and profiles that they have to manage and motivate in order to attain objectives. In this context, the quality of communication is essential. Managers have to be able to communicate messages, unite their teams, delegate, and bring a colleague back into line if necessary. It seems, however, that the interpersonal communication of many managers could be improved. Many problems thus originate in one or more of the following factors: poor communication in conveying instructions to members of the unit, insufficient communication of the decisions taken, lack of clarity in defining roles and objectives, lack of dialogue or explanations, or even a failure to give positive or negative feedback. An inappropriate, sometimes hostile, way of communicating means that the message is not received or not received properly. Moreover, managers are not always aware of the impact of their behaviour.

For staff, too, it is sometimes difficult to communicate clearly, show tact, give opinions in a constructive manner, or receive and issue criticism. Furthermore, some people do not deal well with authority and intercultural aspects increase the risk of misunderstandings.

In this context, the Mediation Service recommends that care be taken in management and staff training to develop communication skills.

As regards management staff, since managerial excellence is one of the five pillars of the talent management strategy at the Commission, various measures have been implemented or are in preparation, including in the field of training. The Mediation Service welcomes the fact that the training catalogue for this category of staff has been increased on the basis of a revised competency framework and recommends in this context that some of the new training should focus specifically on managerial communication.

The objective would be to enhance and consolidate the manager's role through more effective and more respectful communication. Some of the training provided for managers⁷ already addresses this subject as a cross-cutting issue but difficulties observed in real-life situations suggest a need for ad hoc training.

In terms of staff in the wider sense, the Service recommends that all staff be invited to follow training on how to communicate effectively at the workplace and how to maintain good relations through assertive and non-violent communication⁸. It is essential that staff be made aware of the importance of this issue and be taught certain techniques to enable them to convey messages in a respectful manner, while taking into account the multicultural aspects of our environment.

R2. Middle management training for conflict management

The cases handled in 2016 made it possible for the Mediation Service to identify another recurring problem, i.e. middle management's difficulty in managing conflict effectively. In some cases, the Mediation Service noticed that the manager had not acted promptly, or had even not intervened at all, when conflict had broken out in the team.

The Mediation Service welcomes the initiatives taken at the level of the DGs to further train management, in particular in the field of soft skills. The central level training catalogue also includes a number of courses addressing, among other things, conflict management. The experience drawn from the 2016 cases would nonetheless lead the Service to stress the importance of continuing along this path in order to develop managers' emotional intelligence and provide them with certain practical techniques and tools to handle conflict, defuse tension and settle disputes.

The Service therefore recommends adding specific courses on conflict management (conflict management techniques, role playing, sharing experiences) to the existing training catalogue and ensuring that all managers actually follow these courses.

⁷ Most of the management training available from the catalogue is organised by the European School of Administration.

⁸ The training catalogue offers, in particular, courses on verbal communication, non-violent communication, effective intercultural communication.

R3. Diversification of skills and ensuring back-up in all cases

In the cases handled by the Service in 2016, it appeared that some colleagues had acquired power by specialising - even overspecialising - in a given field (finances, technical or scientific skills, etc.). While they are solely responsible for a field or certain tasks, they do not share all the information and therefore become indispensable. If management does not react, this situation can sometimes breed resentment among their colleagues. There are also serious risks involved in terms of business continuity in such situations.

In other cases, where resources are very limited, some members of the team have no back-up, which leads to problems when staff are on leave and causes stress. The Mediation Service recommends that managers ensure that an effective back-up system is in place, even when the tasks to be carried out are complex.

R4. More comprehensive and accessible information on rights and obligations

In the light of the experience gained from handling the cases referred to it, the Service deems it necessary for the PMO to continue the efforts made in recent years to provide colleagues with clear and comprehensive information on their rights and obligations. The point is to provide clear information on how the rules are applied, to increase the transparency of their implementation and to improve communication with staff in a timely manner.

Information on MyIntracomm can sometimes be difficult to find. It is sometimes given in under different headings with no consolidation (for instance: rights of a married couple v. rights of a recognised partnership) or requires further details (for instance: place of origin, expatriation or foreign residence). In addition, it is difficult to have direct contact with a desk officer. However, incomplete information or diverging interpretations of some rules can lead to bad decisions which will give rise to frustration and conflict, and could well lead to formal complaints.

Another problem detected in some cases handled in 2016 is the lack of any time line on MyIntracomm (for example as regards transfer of pension rights). When new provisions are introduced by the Administration, the MyIntracomm page is often altered without stating the date of the update or the expected date of entry into effect. This leads to misunderstandings by and questions from staff who are no longer able to access earlier versions.

Finally, having been contacted on several occasions in connection with recovery requests under Article 85 of the Staff Regulations, the Service observed a need to take greater account of the interests of, and respect for, the individual. Without prejudice to the admissibility of these recovery requests, analysis of the cases leads to the conclusion that there is a need to improve the method used by the PMO throughout the process. More detailed explanations beforehand (reason for and notification of the decision), personal contact with the person concerned and discussion of the possibility of phased payments could prevent certain conflicts and comply with the duty of care.

More specifically, the Mediation Service recommends:

- that information included in different headings on MyIntracomm be consolidated;

- that the time line, on MyIntracomm, of the amendments made to provisions such as general implementing provisions (GIP) or other rules be made accessible and that the date of entry into effect be stated;
- that greater attention be paid to the interests of and respect for the individual when recovering overpayments. In this context, the Mediation Service welcomes the initiative taken by the PMO to create a frontdesk on its premises where staff members can come in person and ask questions about the management of their rights (salaries, allowances, sickness insurance, pensions, etc.).

V. CONCLUSIONS

The Mediation Service handled 292 cases in 2016. This figure is below the annual average of cases handled by the Service prior to the 2014 reform. In 2016, the Service recorded a slight decrease in the proportion of cases involving relational problems. It seems premature to draw conclusions from these trends; they should be monitored to see whether they continue over the next few years.

The 2016 report again states the prevention work carried out by the Mediation Service. This work will become an increasingly important part of its activities in view of the new rules on preventing psychosocial risks. The Mediation Service plays a role at various levels in preventing difficulties related to work relationships, which can arise both for staff and for management. It helps to provide them with the tools to cope better with various risks. In this context, the Service is regularly called upon to reiterate and explain the applicable rules and the rights and obligations of the parties, while stressing the importance of the duty of care, the principle of sound administration and the principle of staff commitment.

As part of its prevention role, the Mediation Service makes general recommendations in its annual activity report. The 2016 recommendations concern in particular management staff, who, by using an appropriate communication and management style, are best placed to contribute to preventing psychosocial risks. The recommendations also concern the importance of diversifying competences and providing back-up, as well the accessibility of information on rights and obligations.

Finally, mention should be made of the cooperation with the different stakeholders and departments approached by the Mediation Service in a bid to find solutions to often complex problems. It has contributed greatly to the quality of the results achieved. This has meant that, in 2016, it was possible to close 95 % of the finalised cases. The Mediation Service would like to thank all the people and Commission departments that it has worked with for their trust, availability and cooperation. It sincerely hopes that this cooperation at different levels will continue, and perhaps become even better.

ANNEXES

1. METHODOLOGY OF CASE HANDLING

Cases are handled in three stages: a) reception and examination of admissibility, (b) advice and/or mediation and (c) resolution

a) Reception and examination of admissibility

The Mediation Service, first and foremost, provides a listening ear to people who contact it and may be in a great deal of despair. As a rule, this first step helps lower the tension. At the same time, it helps the person to marshal his or her ideas, gain some perspective on the situation and identify the real problem. It can sometimes help the person to obtain an objective view of the seriousness of the problem simply by enabling them to share it with a third party, in complete confidence.

During this first encounter, the Mediation Service obtains the information that is essential for:

➤ checking the admissibility of the case:

In accordance with Commission Decision C(2002) 601 of 4 March 2002 on a reinforced Mediation Service, in order for the Mediation Service to intervene, two conditions must be fulfilled:

1) the **source of the request**: the request may be submitted by Commission staff and departments, and

2) the **purpose of the request**:

a) cases to do with statutory rights and obligations; and

b) cases relating to relationship disputes arising in the context of work.

➤ determining the nature and seriousness of the problem and **prioritising the action** to be taken accordingly;

➤ considering whether to **redirect** the case to another Commission department, in other words if another department is better placed to deal with the problem, for instance the Medical Service, the psychosocial intervention team or the staff representatives, the Mediation Service will direct the requester to that department.

b) Advice and/or Mediation

Once the request has been deemed admissible, the mediation process can begin. It must be noted that the mediation process is a voluntary process in which the parties are in control and which they can stop at any time.

The mediation comprises 'negotiation' and 'advice'. By definition it covers all the steps necessary to ensure that the process runs smoothly: listening, as many times as is necessary, gathering and analysing written and verbal information, case study, advice, discussions with the parties and third parties, assessment of the margin available for successful mediation, negotiations, exchange of correspondence and meetings with the parties involved.

In a number of cases, in particular when there is no leeway to interpret texts or for negotiation, the Mediation Service confines itself to examining the options and steering the

requesters elsewhere. That is the case when, for instance, the requester simply asks for clarification or information regarding the steps to be taken to cope with a conflict or specific problem.

As a result of these two approaches, it is often possible to avoid formal proceedings under Articles 90(2) and 24 of the Staff Regulations (as a result of the withdrawal of the complaints or requests for assistance, as the case may be) because compromise solutions have been produced that are acceptable to the parties. It is also possible to find solutions through mediation because a third party takes charge of the problem, examining it to obtain an objective view, assessing the situation and providing guidance to the requester.

c) Resolution

The last stage in the Mediation Service's intervention consists in laying the foundations for resolving the dispute, in other words proposing a solution or compromise. A case is regarded as solved if the solution proposed has been accepted by the parties concerned or suggestions and advice have been given to the requester. If the parties do not accept the Mediation Service's proposals for resolution, its intervention is ended and the case is closed. In some cases, the Mediation Service has to set out specific recommendations in writing to facilitate the settling of disputes between the Administration and staff members concerning both problems relating to statutory rights and obligations and relational conflict. Occasionally, the Service may help in the implementation of the solution.

2. RECOMMENDATIONS

In order to make the Mediation Service's action more effective, the 2002 Decision on a reinforced Mediation Service provided it with an additional tool, namely the possibility of submitting recommendations.

Recommendation should be taken to mean the act (be it oral or written) by which the Mediation Service invites the parties concerned to adopt a set course of action.

The Mediation Service may establish two types of recommendations: an individual recommendation, to settle a dispute, or a general recommendation, to prevent recurring conflict situations and to improve the functioning of the Institution.

The type of addressee depends on the type of recommendation. An individual recommendation is addressed to the parties to the dispute and, in general, concerns a particular person, but it may be applied to another person who finds himself or herself in the same situation. A general recommendation, on the other hand, is intended to alert the competent authority or the appointing authority (AIPN) and proposes the adoption of measures to correct situations that are likely to present a risk for the institution or its functioning.

a) Individual recommendations

Most of the cases handled by the Mediation Service are the subject of discussions that lead to oral individual recommendations to facilitate the implementation of the solution that has been negotiated with the parties concerned. A large part of relational conflicts are settled in this way. However, it is necessary, in certain cases, to set up a more formal framework, detailing in writing the arrangement and what the parties have agreed to commit to, in particular where the subject-matter requires a specific interpretation of the applicable rules or to guarantee that the proposed solution is successfully implemented. In such cases, the Mediation Service also draws up an individual written recommendation.

The individual recommendation may also be used where the Mediation Service deems that a given case cannot be settled by a mutual agreement or a compromise solution. It may then submit orally or in writing an appropriate recommendation for consideration by the person or department(s) concerned.

A written recommendation is also the most appropriate tool for recording amicable solutions reached in the course of formal proceedings (complaints under Article 90 or requests for assistance under Article 24), in particular where the agreement reached has led to the complaint or request for assistance being withdrawn.

Often, these recommendations are submitted as part of the inter-service meeting on the complaints⁹, and as long as no reasoned decision has been taken by the appointing authority and the case in question has not been referred to the General Court.

It should be noted that the intervention of the Mediation Service as part of formal proceedings (complaint or request for assistance) does not lead to the mandatory deadlines set for formal proceedings being postponed or changed.

Despite the fact that individual recommendations are part of an informal and voluntary process, the Mediation Service can ask, where necessary, for information on the state of their implementation.

Where a written recommendation is rejected by the department(s) concerned, the Mediation Service can ask for a written explanation of the main reasons which led the department to reject the recommendation, to be submitted within a reasonable deadline.

This option will be chosen only where it is required due to the urgency or particular needs of the case, since it must be borne in mind that the mediation process is a voluntary process and that no given solution can be imposed on one of the parties. However, requesting written explanations very much reinforces the scope of the recommendation, which, as a rule, will be followed by the parties concerned.

b) General recommendations

The experience it gains from handling cases places the Mediation Service in a privileged position to propose general measures designed to improve relations between staff and the Administration, and to prevent similar problems recurring at a later date. These prevention measures are the general recommendations. The Mediation Service presents these general recommendations as part of its annual activity report.

⁹ Meetings organised by unit HR. E.2.