

We need to legally regulate the ombudsman profession

Interview with **Mihai Berinde**, Director of PetrOmbudsman Department, OMV Petrom

We know that OMV Petrom has recently created an Ombudsman Department. How does this entity work and what is its role?

The "Organizational Ombudsman" concept is increasingly well established at national and international level. To promote such a concept, it is necessary for the organization in which it is implemented to have the sufficient degree of maturity to accept the use of a complementary channel of communication with employees and management. The changes in the last 10 years in OMV Petrom have led to the transformation of our company into a modern, efficient and competitive organization. The practical implementation of such a transformation cannot take place without constant communication between management and employees, so that the latter become part of the transformational process. This is how the organization reached the level of maturity necessary as a prerequisite for considering the establishment of an ombudsman office.

PetrOmbudsman (as we have named the Ombudsman department in Petrom) is a catalyst for engaging the workforce in creating an environment of trust, in which problems are approached fairly and with respect. The main responsibilities of the department are to:

- provide employees and managers with a safe environment, to express their concerns;
- assist in solving conflicts, in the best interest of all involved parties;
- respect the principles of Neutrality, Confidentiality, Informality and Independence, as depicted in the Code of Ethics and Standards of Practice of the International Ombudsman Association;
- identify systemic issues and trends, so as to supply the organization with information, feedback and recommendations;
- provide various opportunities to improve the quality of professional interactions;

- encourage partnerships with different stakeholders, so as to facilitate implementation of solutions.

You have a considerable experience in administration and also in the business and academic environment. How does this impact the coordination of PetrOmbudsman Department?

The experience you mentioned has brought me in exceptional situations, I would say, in which I had the opportunity to be in permanent contact with people, to work in teams and manage many internal or external negotiation processes. All these challenges put me in the position of addressing any new project with openness and flexibility in the various stages of my professional development. Therefore, I have always evaluated in a responsible manner what I had to do and tried to approach new developments with

passion, but also by relying on the strength and initiative of the teams whom I worked with. I like challenges and I didn't hesitate to accept this project, feeling from the first moment that the values supported by the ombudsman in its work fit perfectly with my personal values. It is true that other factors also had an important contribution to the decision of coordinating the ombudsman department, as my role of diplomat and negotiator, and also mediator and graduate of the courses supported by the International Ombudsman Association in this matter. All these skills are needed in the Ombudsman profession, because when you work with people you need a lot of tact and flexibility, and also a multilateral perspective on all the aspects surrounding the situation. I tried to pass on my experience to the team that I have formed within the department, which, in turn, brings added value to this program, through the expertise of each member (we have a joint team of lawyers, economists, engineers and IT specialists).

PetrOmbudsman acts in compliance with the Standards of Practice and Code of Ethics of the International Ombudsman Association. What are these standards?

Basically, there are four main principles in the Ombudsman activity. These represent the



corner stone of our department's mandate

Independence: this means the department benefits of the ability to decide how to approach the situations which are brought to its attention. Also, for this reason, PetrOmbudsman is not part of the management or union structures of the company.

Confidentiality: PetrOmbudsman keeps confidential all aspects regarding the discussions with its visitors and never discloses their identity without getting previous permission. The only exception is when there is an imminent risk to a person or to the company.

Informality: PetrOmbudsman is not part of any formal or administrative process in the company. It does not make decisions; it does not mandate or formally resolve situations for the organization. It may provide recommendations, based on which company management will decide what to do.

Neutrality: PetrOmbudsman will ensure impartiality, fairness and objectivity when addressing each situation which is brought to its attention. It will not show partiality towards the people which are addressing it and will always remain equidistant in dealing with matters.

What is the collaboration between PetrOmbudsman and the formal channels of the company?

The collaboration with formal channels of the company and

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mutual support are essential to the work of an ombudsman.

Only together, by sharing the same values and the same level of respect, we can help create a better organizational climate, and that is exactly what we do.

PetrOmbudsman department has a very good relationship with the formal channels of the company.

We have regular meetings with the main departments in OMV Petrom.

These meetings are finalized with the definition of actual steps regarding our cooperation, each on its own area of responsibility, so that the employees and management can take full advantage of the informal resource called PetrOmbudsman. Moreover, we consult with representatives of the formal channels, whenever required by the individual situations we face in our work as ombudsmen. Like any other company that hosts a large number of employees, alongside formal channels, OMV Petrom also has trade union structures.

A good cooperation between PetrOmbudsman and this type of structures has always been among our goals, and we work constantly to build a structured dialogue with them.

The complementarity of the relationship between PetrOmbudsman and the trade union structures is one of the strong features which we relied upon when

implementing this program, which basically gives people an additional option for addressing their issues of concern.

What are PetrOmbudsman's main accomplishments in 2015 and the objectives established for the department under your coordination?

Among PetrOmbudsman's main 2015 accomplishments, we can include more than 350 visits to OMV Petrom production areas, discussions with more than 6,500 people over the past year, expanding the services of PetrOmbudsman to OMV and Petrom filling stations, within a pilot project, organizing workshops on various topics of interest in the company, such as conversational communication and change management, with over 2,500 participants, organizing and participating to the European Ombudsmen Meeting in Bucharest. One of the achievements that have brought us great satisfaction was the recognition of PetrOmbudsman as a neutral advisor in the company, by being invited as an independent consultant in various major projects in the company. In the future we have ambitious goals, among which the legal regulation of the ombudsman profession in Romania, increasing PetrOmbudsman's visibility both internally and externally and the

degree of integration of PetrOmbudsman at company level. At the same time, identification of systemic cases, whose solutions provide added value to the dialogue between management and employees, remains a major concern for the department which I coordinate.

Do you think that the legislation which regulates the sector of activity in which you operate should be modified/ completed/ improved?

Having in mind that being an ombudsman in Romania is a daily challenge, regulating the ombudsman profession by entering it in the Romanian Code of Occupations would make it easier to understand and use this type of service. Legislative regulations would bring a formal confirmation of the already existing status of the ombudsman. This topic was also addressed in the meetings with ombudsmen from other internationally renowned corporations, in the context of standardizing this activity.

An important contribution to the decision of coordinating the ombudsman department, was also provided by my role of diplomat and negotiator, and that of mediator and graduate of the courses supported by the International Ombudsman Association in this matter.

In addition, when the ombudsman profession will start to be known and understood more widely, I am convinced that many companies will choose to implement such a service, due to its undeniable advantages.

You are a mediator and an ombudsman. How would you describe the relationship between these two professions, which seem related, and what do you think their future is in Romania?

I will try to realize a brief comparison between the two professions and the way their respective activities are carried out, and, at the end, we will see that the two professions are not as similar as they seem.

At present, in Romania only the mediator profession is regulated, having specific legislation and status. A second major difference is the informality of the organizational ombudsman, contrary to the formality of the mediator. Then, there is the mandatory character of decisions and how these are transposed. While the parties who chose to bring a conflict before a mediator are obliged to respect the decisions agreed upon during mediation and recorded in official documents, the Ombudsman has an advisory role,

of a facilitator, its decisions or recommendations are not binding to the parties and are not recorded in any document.

As a major similarity between the two, I would say that as an ombudsman, you may use conflict mediation techniques and, sometimes, the organizational ombudsman acts as a mediator, but not in the letter of the law, but in the sense of its spirit.

Regarding the future, it is natural that as Romania evolves as a nation, the ways of resolving conflicts

will also become more diverse.

The mediation institution has existed here since 2006, but it wasn't used very often.

Perhaps the mentality of people, perhaps their fear of change or distrust causes them to turn to the courts, even if, in some cases, mediation should be the preferred solution, not the courts.

The organizational ombudsman has only recently surfaced in our country. There are already positive signs regarding the

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willingness. of companies to employ the services of an organizational ombudsman. I think that all alternative methods of dispute resolution will witness an expansion in the future. I believe that mediation will become a very active pillar, which will help people reduce the negative costs of a conflict/ dispute (stress, time, money etc). Over time, people's mindsets will gradually change, and they will start to gain confidence in the institution of mediation and, consequently, to use it. The land of mediation is wide, full of unpredictability, with major potential for development and very high satisfaction for all involved parties, including the mediator. The same applies for the organizational ombudsman. The unquestionable benefits that such a program can bring to organizations and their employees will make it possible and even necessary to introduce the ombudsman in the organizational life, in time, turning from a necessity to a crucial asset of a company. Having in mind these thoughts, which I strongly believe in, I can say that I am proud to be a pioneer in the ombudsman program of OMV Petrom. Also, I confess that the responsibility is quite a big one, as PetrOmbudsman's actions can influence the course of events in this area.

➤ **Mircea Fica**

