



**DATE:** August 3, 2021

**TO** Capital Group

**FROM:** Chuck Doran, *Ombuds*

**RE:** MWI Organizational Ombuds Services Charter for Capital Group

The International Ombudsman Association states in its “Best Practices: Ombudsman Office Charters,” that:

“Charters are agreements between organizations and their ombuds offices that codify roles and responsibilities, and establish a shared understanding of how the office will function within the organization. The establishment of a Charter document provides many benefits and protections to both the ombuds office and the organization and is highly recommended for any organizational ombuds practice.”

This charter defines the authority and responsibilities underlying the operation of the Capital Group’s (the “Company”) Ombuds and/or Ombuds Office.

## **1. PURPOSE AND SCOPE OF THE OMBUDS OFFICE**

### **A. *Mission Statement***

The primary mission of the Ombuds Office is to provide confidential and impartial assistance that enables individuals to manage their own conflicts early, informally, and at the lowest levels possible. In addition, the Ombuds Office may alert Company officials about systemic problems or general trends that merit further review or consideration for the good of the Capital Group and its associates. The Ombuds is neither an advocate for those who use the service nor does it represent Capital Group management. Rather, the Ombuds is an advocate for respectful dialogue, fair practices, and mutual understanding.

### **B. *Responsibilities of the Ombuds Office***

The Ombuds Office is responsible for the following:

- providing Ombuds services to the eligible associates
- informing Capital Group leadership about trends or systemic problems in a manner that protects confidentiality
- work in close cooperation with designated liaisons at Capital Group to conduct

- outreach and provide education to members of the Company about Ombuds
- office services and conflict management and resolution including conducting facilitated discussions
- developing and maintaining administrative procedures for effective and efficient operation of the Ombuds Office

C. *Constituents Served by the Ombuds Office*

The Ombuds Office may provide service to individuals in the following groups at the Capital Group:

- All associates (temp-hourly associates, associates, managers, senior managers, and senior business leaders) of The Capital Group Companies, Inc. and its affiliates (hereafter “associates”).

Individuals who contact the Ombuds Office who do not belong to one of the above groups will be given appropriate referral information to other resources.

## 2. **STANDARDS OF PRACTICE AND CODE OF ETHICS**

The Ombuds Office has established consistent practices and procedures regarding its operation, and it practices according to the Code of Ethics and the Standards of Practice of the International Ombuds Association<sup>1</sup>. As noted below, it functions independently and confidentially, it remains neutral, and it limits the scope of its service to providing informal assistance in conflict management and resolution.

A. *Independence*

Capital Group has established an independent Ombuds Office, which allows associates to come forward and confidentially discuss concerns from any area of the Company without fear of retribution. The Ombuds Office is staffed by the Ombuds from MWI, who reports to the designee of Capital Group’s choice.

The Ombuds Officer is not a member of and does not represent Capital Group’s management. The Ombuds exercises sole discretion over whether and how to act regarding individual matters or systemic concerns, consistent with the terms of authority described below in Section 3: “AUTHORITY/LIMITATIONS OF THE OMBUDS OFFICE.”

B. *Confidentiality*

The Ombuds Office will not disclose the identity of an associate or the substance of confidential or identifiable communications -- written, spoken, or otherwise -- unless

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<sup>1</sup> “The mission of the International Ombudsman Association is to support and advance the global Organizational Ombudsman profession and ensure that practitioners work to the highest professional standards.” International Ombuds Association, <http://www.ombudsassociation.org/>.

the Ombuds:

- receives permission from an associate to make a disclosure, or
- determines that there is imminent risk of serious harm, or
- is compelled or required by law to make the disclosure.

Capital Group created the Ombuds Office with the understanding that information shared with the Ombuds will be held strictly confidential unless it falls in one of these exceptions. Likewise, the Ombuds Office does not keep any permanent records of confidential information related to associates who use the service or their cases. (See Section 4.B.3) “Recordkeeping.”)

Capital Group fully supports the confidentiality of the Ombuds Office. It encourages parties to come forward, confidentially share their concerns, and attempt early and collaborative resolution. In order to achieve a mutually acceptable outcome, the opportunity for a frank and confidential discussion of issues, options, and possible outcomes is necessary.

C. *Neutrality and Impartiality*

The Ombuds Office shall always be a neutral and impartial resource and shall not take sides or advocate on behalf of any individual or cause. The Ombuds will impartially consider the interests and concerns of all parties involved in a situation.

Consistent with its position of neutrality, the Ombuds cannot and will not participate in formal proceedings of Capital Group that concern issues associates have discussed with the Ombuds Office.

Furthermore, the Ombuds shall avoid involvement in matters where there may be a real or perceived conflict of interest, i.e., the Ombuds’ private interests interfere with the neutrality of the Ombuds Office. When a real or perceived conflict of interest exists, the Ombuds shall take appropriate action to disclose and/or avoid the conflict. The Ombuds shall also comply with Company policies related to conflicts of interest.

D. *Informality*

The Ombuds Office provides informal assistance to associates who use the service. It does not accept formal complaints, nor does it conduct formal investigations. It will not participate in formal adjudicative processes, outside agency complaints or lawsuits. Instead, the Ombuds Office provides associates with an opportunity to informally collaborate to accomplish mutually acceptable outcomes.

As an informal resource, the Ombuds Office is always a voluntary option. It is not a required step in any formal process that is available at the Company.

### **3. DISCUSSIONS FACILITATED BY THE OMBUDS**

Ombuds use several tools when working with associates including offering them the option to participate in a facilitated discussion. A facilitated discussion is an informal and voluntary process where the ombuds offers to assist the associate and the person of concern (another associate, manager, etc.) with an opportunity to speak with one another about the concern in a private setting.

The ombuds has no authority to impose an outcome, mandate participation in the process, or determine an outcome. Should both the associate and person of concern elect to participate in a facilitated discussion, they should expect the following:

- 1) The ombuds serves as a neutral facilitator of the process. The ombuds role is to assist the parties to identify their interests and develop options for resolution that the parties will determine solely in the end by agreement.
- 2) The ombuds will not serve as a representative or advocate for either side. The ombuds is an advocate for a fair process and will conduct themselves accordingly as they facilitate the discussion.
- 3) Participants in a facilitated discussion cannot create new policies, rights and/or privileges by agreement. Any written agreements that include oversight by a third party (e.g., management or HR), will be provided to the third party, with the knowledge of the parties, to monitor compliance. The ombuds will not monitor or enforce the terms of any agreement.
- 4) In alignment with their commitment to confidentiality, the ombuds will not reveal the contents of the facilitated discussion to anyone unless a participant shares information about harming themselves or someone else.
- 5) Facilitated discussions are voluntary for all parties including the ombuds. Should a facilitated discussion end without resolution, all other options remain for the associate including continuing to work with the ombuds, reaching out HR, or pursuing formal options for resolution.
- 6) Unlike mediation, the participants and the ombuds do not sign an Agreement to Participate / Confidentiality Agreement for each facilitated discussion and instead will be bound to the principles of confidentiality, informality, independence, and neutrality contained in this Charter.

### **4. AUTHORITY/LIMITATIONS OF THE OMBUDS OFFICE**

The authority of the Ombuds Office is both defined and limited in a manner that enables it to best serve Capital Group and its associates. The authority of the Ombuds Office derives from Capital Group's leadership.

A. *Authority of the Ombuds Office*

1) Providing Services to associates

The Ombuds will listen to each associate's concerns or questions and then try to tailor a response that is appropriate to the dynamics of each situation. These responses may include providing policy information or referral assistance, identifying and reframing the issues, helping an associate develop options or a communication strategy, conflict coaching, making informal inquiries to the Company's designated point of contact(s) (with permission of the associate), facilitating communication, or mediating a dispute. The Ombuds also can help associates assess their different options for conflict management or resolution.

2) Initiating Informal Inquiries and Accessing Information

The Company values early and informal conflict resolution. To pursue this goal, the Ombuds may, on occasion, need to make inquiries or seek assistance of the Company's designated point of contact(s) to gain an understanding of all sides of a dispute. Capital Group is encouraged to cooperate with these efforts of the Ombuds Office. (Any inquiry made by the Ombuds does not constitute a formal investigation by either the Ombuds Office or the Company.)

3) Addressing Perceived Systemic Trends

The Ombuds may inquire with Capital Group's designated point of contact into adverse trends that the Ombuds observes or perceives. The Ombuds may also bring adverse trends to the attention of appropriate Company administrators in a manner that protects the confidentiality of individuals who may have shared information with the Ombuds about such trends.

4) Ending Involvement in Matters

The Ombuds may decline to participate in an associate's case or withdraw from it if the Ombuds believes that involvement in the case would be inappropriate for any reason. The Ombuds will notify Capital Group's designated point of contact if it declines or withdraws from an associate's case in a manner that protects the confidentiality of individuals who may have shared information with the Ombuds.

5) Advising Associates on Company Resources

If the Ombuds is informed by the associate of an actual or potential violation of the law, including being subjected to harassment or discrimination, the Ombuds will advise the associate to notify the Company through the avenues provided for such reporting regardless of whether the Ombuds continues to work with the associate on the case. Similarly, if the Ombuds is informed by an associate of a health issue for which the associate may be eligible for Company provided benefits, such as accommodations for disabilities, leaves of absence or mental

health services, the Ombuds will advise the associate to call the Company's Benefits Services Team regardless of whether the Ombuds continues to work with the associate on the case.

**B. *Limitations on the Authority of the Ombuds Office***

**1) No Authority to Investigate, Adjudicate, Sanction, Change, Bind, or Enforce**

The Ombuds Office may not conduct formal investigations of any kind, nor is it authorized to adjudicate disputes, issue findings, or impose remedies or sanctions. The Ombuds may not make decisions on behalf of the Company, its managers, or its associates.

While the Ombuds Office can provide associates with information and assistance in conflict management, associates are solely responsible for deciding what action they wish to take and for managing their own conflicts.

The Ombuds Office is not authorized to unilaterally change management decisions or Company policies/procedures. The Ombuds Office is not authorized to make any statements or commitments that bind the Company, financially, contractually, or otherwise.

Neither the Ombuds Office, nor the Company, shall be responsible for enforcing any settlement agreement that individuals may reach solely between themselves as a result of information or assistance they receive from the Ombuds Office. This Charter does not affect or impede Capital Group's right to enforce any policy or any agreement to which the Company is a party.

**2) Not a Recipient of "Notice"**

Because the Ombuds Office is designed to be a confidential resource for informal conflict resolution, communication with the Ombuds Office is always "off the record" (unless it falls in one of the exceptions noted in Section 2.B., "Confidentiality", above). Therefore, the Ombuds Office is not a recipient of notice about any alleged misconduct. Individuals who wish to comply with the Company's "Reporting Responsibility" policy may not simply tell their allegations to the Ombuds. associates are always welcome to discuss any type of concern with the Ombuds, and if they wish to put the Company on notice of alleged misconduct, the Ombuds will provide assistance and referral information about how associates can appropriately do that.

**Important Note:** The Ombuds is not obligated to maintain the confidentiality of information that appears to represent an imminent threat of serious harm.

**3) Recordkeeping**

Because it is a confidential resource, the Ombuds Office does not keep

identifying information from individual cases. Any recordkeeping or note-taking related to a specific case shall only be used to help informally manage or resolve the associate's concerns. Records created by the Ombuds Office and related to open cases are kept in the sole possession of MWI, will be maintained in a secure manner and location, and all identifying information will be deleted 30-days after the case is closed and/or follow-up is complete.

The terms of this Charter found in Section 2.B. "Confidentiality" also apply to Ombuds Office records.

The Ombuds Office will retain in an aggregate, de-identified format information sufficient to track potential trends for purposes of reporting such to the Company. The Ombuds Office also may maintain generic data related to the general categories of associates who seek assistance from the Ombuds Office. Generic data may be used for general purposes like annual reports.

5) Not an Advocate or Representative

The Ombuds Office shall remain neutral and may not advocate for any party to a conflict. Furthermore, the Ombuds Office does not serve as the representative of Capital Group. See also Section 2.C. of this Charter: "Neutrality and Impartiality".

6) No Professional Counseling

The Ombuds Office may not provide mental health counseling, medical or legal advice, or any other advice that is more appropriately provided by mental health, medical or legal professionals.

## **5. INQUIRY AND RETALIATION ARE INAPPROPRIATE**

Capital Group supports efforts to manage and resolve conflicts informally, so as to preserve collegial and effective working relationships and maintain a vibrant work environment. Because the Ombuds Office is intended to be a confidential resource, it is not appropriate to inquire about an individual's use of the Ombuds Office or any communication that may have taken place there. Furthermore, discouraging or preventing eligible associates from using the Ombuds Office is inappropriate because it is contrary to the Company's intent of providing the office as a resource for early and informal management and resolution of conflicts.

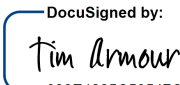
While the Company supports and encourages the use of the Ombuds Office for conflict management, an individual's use of the Ombuds Office must always be completely voluntary. It is acceptable to remind individuals that the Ombuds Office is available as an option or a resource. However, no one may be ordered or required to visit the Ombuds Office or to participate in a facilitated discussion, nor may an individual be punished for not visiting it.

**6. PROCEDURE FOR REVISION OR REVOCATION OF THIS DOCUMENT**

This Charter remains in effect unless Capital Group exercises its right to cancel the contract which will in turn revoke the Charter. Any revision to this Charter shall be jointly agreed to in writing by both Capital Group and the Ombuds representative from MWI and shall be appended to this document.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Capital Group

DocuSigned by:  
  
By: \_\_\_\_\_  
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Name: Tim Armour

Title: Chairperson and Chief Executive Officer

Date: 10/1/2021

*Duly Authorized Hereunto*

MWI

DocuSigned by:  
  
By: \_\_\_\_\_  
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Name: Chuck Doran

Title: Ombuds / Executive Director

Date: 10/1/2021

*Duly Authorized Hereunto*