

What do Organizational Ombuds Do? And Not Do?

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“Do we actually need an ombuds? We already have HR and Ethics.” “This agency does not need another Inspector General.” Organizational ombuds face constant questions about how, if at all, they are different from or competing with other offices concerned with the culture and operation of an organization. Adding to the confusion, there are many *kinds* of “ombudsmen”—the wide variety creates misconceptions.¹ In a particularly important source of confusion, some corporations use the title “ombudsman” for some staff members who actually are compliance officers.

In this context of great diversity, the specific *Organizational Ombuds* (OO) profession is about fifty years old in the US and spreading around the world. We provide a framework here about how to explain OOs to others: What are the OO’s functions; what do they do? What do OOs *not* do? We present some answers to these questions derived from many discussions with OOs—and from 2016 and 2018 IOA survey data. These data are the best current source for understanding OO practice².

An organizational ombuds (OO) is designated by its employer as an independent neutral who reports to the highest possible level of an organization. The OO is a senior conflict management professional, and risk management professional.³ OOs are required to keep confidentiality to the maximum extent consonant with law—and resist testifying in formal procedures inside or outside their organization. They work informally, that is, with no management decision-making power. Working with an OO is voluntary for constituents. OOs do not accept notice for their organizations and keep no formal case records for their employer. They do listen to every kind of workplace issue, from everyone in the organization. An organizational ombuds practicing to the International Ombudsman Association’s Standards of Practice and Code of Ethics⁴ endeavors to meet defined standards of independence, impartiality, confidentiality and informality⁵.

The first task for an organizational ombuds is to work to build enough of a relationship with each constituent and constituent group to be generally perceived as *fair, safe, accessible, and credible*. Another task is to help their constituents—

¹ Seven types of ombudsmen—just in the US—are described on page seven below. Many were studied in the 2016 Ombudsman Report of the Administrative Conference of the United States (ACUS). See: https://www.acus.gov/sites/default/files/documents/PART%201_Executive%20Summary%20%28ACUS%29%2011.16.16_0.pdf, at p.7 of the Executive Summary, of The Nature and Value of Ombudsmen in Federal Agencies, Administrative Conference of the United States, 2016.

² The list of functions in this article also derives in part from an early working paper, conference presentations and a list in “[The Organizational Ombudsman](#),” with Howard Gadlin, in Roche, William K., Teague, Paul, and Colvin, Alexander J. S. (2014) (eds.) *The Oxford Handbook of Conflict Management in Organizations* (Oxford: Oxford University Press), pp 223-224..

³ Risk management is a subset of conflict management—and conflict management is likewise a subset of risk management. OOs are senior professionals in each field.

⁴ (https://www.ombudsassociation.org/assets/docs/IOA_Standards_of_Practice_Oct09.pdf)

⁵ Almost all the different types of ombudsmen studied by ACUS share some version of these Standards, although the concept of “informality”—the lack of ordinary management decision-making authority—is designated by ACUS as a “defining characteristic” of ombudsmen—rather than as a Standard, as designated by IOA. Compliance officers who are called “ombudsmen” typically share none of the IOA or ACUS Standards of Practice.

who include all managers and employees and often others—to understand the organization’s risk management and conflict management systems (CMS).

OOs frequently receive referrals from other offices within and beyond the CMS. In a function that is nearly unique to OOs, OOs regularly review with constituents *all* formal and informal options and resources in the CMS—and offer impartial guidance for constituents who choose to use these various options. In this process OOs can help, invisibly and informally, to provide support and coordination for integrating their CMS.

OOs offer and provide many informal functions:

Building the perception of being *fair, safe, accessible and credible*. What is the context in which an OO works? Most organizations are dynamic communities, frequently adding or losing members and having others transfer internally. Few people seem to listen well. Relatively few constituents understand all their options when they have a problem—or even when they have a good idea. Too few managers are able to respond timely to their constituents’ problems and ideas. Being seen as *fair, safe, accessible and credible* includes:

- **delivering respect**, and good “customer service” to all, for example, affirming the feelings of each person involved in a concern, while staying explicitly impartial on the facts of a case; responding as quickly as possible when called; endeavoring to build trust; exemplifying a commitment to addressing issues in a fair and equitable way,
- **listening actively**, probing respectfully, serving as a sounding board, providing an “opportunity to be heard,” and always being alert to the possibility of an emergency requiring referrals to others,
- **providing and explaining information**, one-on-one, for example, about policies and rules, and about the *context* of a concern, or a good idea, while providing a voice for fairness,
- **receiving vital information**, one-on-one, for example, from those discussing unacceptable behavior—criminal, safety, and national security violations, abuse, and the like—to aid in getting that information where it needs to go; providing an ear for constituents who would like to discuss new ideas that support the mission,
- **helping individuals and groups to make sense of their experiences** at work, illuminating all the parameters of a problem, or a good idea; discussing facts, feelings and rules that might be relevant,
- **reframing issues** as appropriate, to make them more comprehensible, manageable, or constructive,
- **helping to develop options**, and then helping to evaluate the pros and cons of all the formal and informal choices for the issues at hand.

Helping people to help themselves. In their work with constituents who call upon the office, the OOs may be able to work with these callers to develop skills to deal effectively with their issues—or offer their good ideas—in context. OOs can provide “just-in-time” support in learning about effective interactions, in a way that is tailored to individual and group needs. These functions include:

- **offering the option of referrals** to other resources in the organization—including “key people” in the relevant department, compliance offices, and all relevant support services,
- **helping people help themselves to use a direct approach**, for example, helping people collect and analyze their own information; helping people to draft a letter about their issues and ideas; coaching and role-playing to help people learn to negotiate and to engage in timely problem-solving,
- **helping people to find responsible affinity groups, mentors, and networks.**

Offering informal intervention. Often those who come to the OO do not want or need direct intervention from the OO, at least initially. However, there are many situations where an OO may also offer, or be asked, to play a role. Except in the rare case where the OO judges there is imminent risk of serious harm, this would be done with permission from the person who asks for support—and of course the OO also has to agree to act. These functions might include:

- **offering shuttle diplomacy**, by assisting disputing parties through a managed communication process, in which the OO carries information between parties without convening them; helping constituents to consider a range of options that may resolve a dispute or solve a problem in a fair way, while facilitating discussions in a back and forth process,
- **offering informal mediation inside the organization**, bringing various people together in a structured conversation to explore options,
- **offering referrals for formal mediation by resources outside the organization,**
- **“looking into” a problem informally**, for example checking for new policies or resource constraints; assessing multiple points of view; checking discreetly with staff offices to learn if colleagues have heard about the issue at hand; checking with relevant offices to understand how a decision or rule or regulation is being applied,
- **reviewing organizational data**, such as annual reports, anonymous survey information, climate studies, or anonymized records of the OO office,
- **facilitating a generic approach** to an individual or group problem, for example, meeting with a unit in turmoil and reflecting back to the unit what is heard, while protecting individual identities, and then offering both formal and informal options; asking management for a relevant rule to be monitored or enforced throughout a whole organization. This may lead to a fair and effective outcome for a problem, while protecting the identity of any individual who came forward,
- **“following up”** on a specific case, or with a specific unit, with relevant stakeholders.

Supporting the mission of the organization and its conflict management system. An OO can serve the whole organization proactively by helping constituents anticipate and manage change, resolve concerns, identify exemplary practices, and foster a just and inclusive organization. These functions include:

- **getting out into the organization**, talking one on one with employees on

all shifts, using all the skills and framework of an OO, capturing some of the key concerns in an organization that leadership may not be aware of—helping also to identify exemplary behavior and spread good ideas that pop up in the organization—in order to provide feedback and options for action to all constituents.

- **providing *early warning of an issue that is “new”*** and potentially disruptive or costly for the organization or department. For example, an OO can find effective options to get information to relevant managers—in ways that protect the confidentiality of those who have provided information—which permit those managers to look into a concern.
- **identifying and communicating about *patterns of issues***, for example discussing with each senior officer or relevant manager on a regular basis concerns and ideas that come to the OO office.
- **working for systems change**, for example, suggesting new policies, procedures, and structures; offering or participating in relevant training about a wide variety of issues in conflict management; serving as a facilitator or resource person to units in turmoil and policy committees; helping to identify exemplary behavior and spread good ideas that pop up in the organization,
- **following up on system change options and informal recommendations** offered by the OO,
- **helping informally, and often invisibly, to connect and coordinate** all the elements of the conflict management system—in the context of daily communications with employees and managers—as OOs support all cohorts to understand and use the informal and formal resources and options in the system,
- **helping managers to do professional development planning and succession planning.**

Formal functions are reported by few OOs. A few OOs report that they participate (albeit rarely) in some formal functions. Every *formal* function of an OO may immediately put the OO and the OO office at risk because they define activities that might lead to (apparently reasonable) requests from management to break confidentiality—or subpoenas. The formal functions also may damage the image of an OO office as one that maintains the Standard of Confidentiality.

In addition, performing formal functions also may directly impair some aspect of Independence, Neutrality, and Informality—and, indirectly, further impair the “safe” image of the OO. The functions listed below therefore may not be consonant with the IOA Standards of Practice—although activities like these might occasionally be configured in unusual ways that do meet the Standards:

- **participating as a voting member on committees** (as distinguished from being a resource person to a committee or an observer.) (See however SoP 1.1 and 2.1 and 2.3, and 4.1)
- **keeping records for the organization** to record the settlement/outcome of a complaint (as distinguished from keeping statistical records with no identifying detail). (See however SoP 2.1 and

2.3 and 3.5)

- **keeping OO records for the organization** for compliance purposes. (See however SoP 2.1 and 2.3 and 3.5 and 4.4.)
- **keeping records for an OO office records schedule**, e.g., for the National Archives and Records Administration. (This function is sometimes configured in a way that is consonant with SoP.)
- **offering formal mediation as a formal conflict management option in a CMS** where settlements are kept by the OO. (See however SoP 1.1. and 4.1, and 4.4)
- **writing formal investigatory reports for the purpose of decision making** and administrative action by management, as part of a formal process. (See however SoP 1.1 and 2.1, 2.3, 2.4 and 3.3 and 4.1, 4.5)
- **issuing formal reports, as an agent of management, that recommend specific actions about a formal grievance.** (See however SoP 1.1 and 2.1, 2.3, 2.4 and 3.3 and 4.1, 4.5.)
- **issuing formal reports, as an agent of management, that recommend specific actions about policies and procedures.** (OO reports may include options and informal recommendations from independent and informal systems review—for example, in an annual report—but reports written as an agent of management may not be consonant with SoP 1.1 and 2.1, 2.3, 2.4 and 3.3 and 4.1, 4.5.)

Formal functions reported by virtually no OO who is attempting to practice to IOA Standards: While there are *other* kinds of ombudsmen world-wide who may practice differently, OOs who practice to IOA Standards do not report participating in these functions.

- **acting as advocate or witness** for a party in a formal adjudicatory process (as distinguished from advocating for a fair process) (See SoP especially 2.2, 4.3 and 4.5)
- **accompaniment of a party as part of a formal adjudicatory process.** (See SoP 2.1, 2.3, 2.4, 3.3, 4.5)
- **dealing with formal appeals** (as distinguished from advocating for a fair process for appeals or just helping constituents in expressing their points) (See many SoP especially 4.3, 4.4 and 4.5)
- **making decisions about a grievance or conflict** (excluding the very rare case of imminent risk of serious harm) (See many SoP especially 4.3, 4.4 and 4.5)
- **acting as an arbitrator or judge** (See many SoP especially 4.3, 4.4 and 4.5.)

The organizational ombuds profession is still relatively new in the US, and it will no doubt continue to evolve as more organizations create ombuds offices and seek to meet the needs of stakeholders and constituents. The above list of practices and strategies was derived from

Standards of Practice and the Practice Survey Reports of the International Ombudsman Association, and personal interviews of experiences recalled by other senior ombuds and the authors. This list is not comprehensive—human behavior and conflict are nuanced, and each organization has its own culture and mission. An effective, ethical organizational ombuds will employ discretion and professional judgment with each case, always careful to act within the scope and roles of the Standards of Practice.

Taxonomy of Some Ombuds in the US

Tim Hedeem & Mary Rowe, adapted from the 2016 ACUS Report on Ombuds in the Federal Government

