

PRACTICE and PERSPECTIVE

Ombudsman

Ombuds Jobs Are Proliferating, And Characterized by Diversity

Seven or eight thousand practitioners are engaged in ombuds work in North America, according to Mary P. Rowe, Special Assistant to the President of the Massachusetts Institute of Technology and Adjunct Professor of Management, Sloan School. Ombudspersons work in a diversity of contexts, but, whatever the context, most perform multiple complaint-handling functions. In the questions and answers which follow, Rowe introduces this "elusive field," and discusses "Becoming an Ombudsman in North America."

Ombudsmanry probably provides the largest number of jobs for neutrals in North America. The field, however, is elusive, and somewhat difficult to understand and to get into. This introduction addresses some commonly asked questions.

Q. What is an ombudsman (and, if I'm a feminist, why am I not using the term "ombudsperson")?

A. A pure or classic ombudsman is appointed (and paid) outside the turf over which she or he has oversight: the office is created by statute, usually for citizen complaints against bureaucrats. Statutory ombuds offices may have a specific focus, such as children, prisoners, persons in nursing homes. Or the scope may be very broad, such as all the citizens of a given state or province. A classic ombudsman receives complaints and may choose whether or not to investigate and/or act on the complaint. An ombudsman may also investigate problems on her or his own motion. Ombudsmen act as counselors, investigators, mediators, and shuttle diplomats, and may from time to time issue formal reports about given problems, as a way to focus attention on a prob-

lem. The classic phrase about ombuds activity says that ombudsmen may not make or change or set aside a law or administrative decision; "theirs is the power of reason and of persuasion."

Ombuds-like jobs are also proliferating: *within institutions, agencies, services, associations, and corporations, and for clients of various institutions. These positions may or may not be called "ombudsman," and incumbents may or may not be designated neutrals, although most work very hard to be, and to be seen as, neutral or impartial professionals.*

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There has been much controversy over the word. Harvard University and Scandinavian linguists assure

me that the term is a "generic male" term. Many practitioners therefore use terms like "ombud," and "ombuds" or "ombudsperson." Mispronunciations abound ("ombudsman"), and so do jokes ("Dear Ombuddy," "Dear Embalmsman"). Most practitioners cheerfully accept the kidding, the mistakes and the sexism, whatever the form(s) of the word they use personally; some ombuds practitioners use all forms of the word; some feel strongly about using the classical term.

Q. What kinds of ombuds jobs are there in North America?

A. This is where the elusiveness begins, because so many different kinds of ombuds practitioners exist. If we add together all the kinds of ombuds practitioners mentioned in this article there may be seven or eight thousand or more North Americans engaged in such work. It is however important to remember that almost no statement about ombudsmen is true for all practitioners.

Half a dozen U.S. states and all the Canadian provinces have (classic) ombuds offices; some offices are quite large. Many North American cities have ombuds offices, which vary in independence from those attached to a given mayor, to those established by law. In the U.S. there appear to be at least dozens of school system ombudsmen and some prison and mental health ombuds practitioners. Every U.S. state has a long-term care ombudsman's office; some of these offices coordinate dozens or hundreds of part-time and full-time, paid and volunteer, nursing home ombuds practitioners.

"Client" ombudsmen include the thousands of patient representatives who work in hospitals, three dozen newspaper ombudsmen who serve readers, some public utility and public service ombudsmen and the

ombudsmen for major public agencies like the Internal Revenue Service. There are ombuds-like citizens' complaint offices attached to many newspapers, TV stations, and radio stations. Some private corporations and government agencies have ombuds offices who serve contractors and/or grantees. Many large corporations have consumer complaint-handlers, some of whom make major efforts to be, and to be seen as, impartial complaint-handlers. A number of churches and church bureaucracies have ombuds-like offices available for members of the given faith.

Some professional associations have ombuds officials who serve members of the profession; examples include nurses, secretaries, organists.

There are at least a hundred college and university ombuds offices and at least two hundred ombuds offices within corporations in North America. These offices variously serve students and employees and managers; they are usually oriented internally, rather than externally. Large corporations may have dozens of such ombuds professionals working with people one-on-one, or on an 800 telephone line, or both. While the "generic term" is ombudsman, the "brand names" within private businesses are very varied: liaison office; internal mediator; work problems counselor; dialog; personnel communications. My definition of an ombuds practitioner of this type is "a neutral or impartial administrator or manager within an institution, who may provide confidential and informal assistance to anyone within that institution in resolving work (or education) related concerns, who may serve as counsellor, go-between, mediator, fact-finder or upward-feedback mechanism, and whose office is located outside ordinary line management (or academic) structures."

It will have been noted that most ombudsmen in North America have every function possible for a complaint-handler except adjudication

and arbitration. There are exceptions, within corporations and in public service ombuds offices of the nonclassical type, but they appear to be rare.

Q. Should I personally consider this kind of work? What are the qualifications?

A. Opinions vary about the appropriate qualifications for ombuds jobs and some such positions are, in any case, highly specialized (for example, newspaper ombuds jobs).

People who are natural mediators probably do better than people who are natural advocates or judges. If you can easily see all sides to a problem, if people naturally seek your counsel, if you are known as a problem-solver, if you find yourself seeking creative, integrative solutions as much or more than "justice," you probably have the skills and temperament. Skilled practitioners tend to find satisfaction in the success of others and appear to be more likely to take emotional risks than to be entrepreneurs.

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No particular disciplinary training is required for an ombudsman. However, extensive experience and understanding of the law, policies, practices, ethics, and cultural mores of the relevant community are important, and it is essential to be perceived by all of the relevant community as credible, competent, nonpolarized and fair. In practice,

successful ombuds practitioners are scrupulously careful about even the appearance of a conflict of interest, of co-optation or dependence within the relevant community. And successful practitioners are exceptionally careful to maintain respectful relationships with all relevant constituent groups: male/female, radical left and radical right, minority/non-minority, old and young, technical and non-technical, indigenous and out-of-state, junior and senior in status, those with and without a sense of humor. Successful practitioners are very patient, (because they cannot decide anything), and they never give up on a problem, so they may appear to be somewhat stubborn, albeit polite.

About half of all ombuds practitioners are women; an unknown but very significant proportion are minorities. Within institutions, practitioners are usually experienced professionals and managers, frequently in a second or nth career. However, students work very successfully as ombudsmen in many schools and higher educational institutions; credibility, rather than age, is key.

Q. How can I find a job like this?

A. Some ombuds jobs are posted and advertised; more are created by or around someone who is already present within the given community. State and provincial jobs, long-term care jobs, patient representative jobs and occasional public agency jobs are among those most often posted. Intra-institutional jobs are far more likely to go to a known and experienced insider. Therefore, a person who wants an intra-institutional ombudsman job may wish to try creating such an office within the work, educational, or professional context closest to hand. There is a growing body of literature that will be helpful to a person considering this profession and there are various ombudsman associations.