In Practice

The Corporate Ombudsman: An Overview and Analysis

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In the past two years, at least fifty North American employers created ombuds offices; the total number of corporate ombuds offices has risen now to an estimated 200. This paper attempts to answer the questions most commonly asked by the CEOs and Human Resource managers exploring the concept. The paper is drawn from the author's 14 years of experience as an ombudsman; from several dozen interviews with corporate ombuds practitioners; and from several pilot surveys conducted from 1982 to 1986 among members of the Corporate Ombudsman Association, by members of the COA Research Committee.

There is no universally accepted definition of an intra-corporate ombudsman. And many companies that have an ombudsman structure call it something else (e.g., Liaison, Work Problems Counsellor, Personnel Communications). Nevertheless, the term "ombudsman" is now growing to be the generic word, amid many corporate "brand names." My definition is a neutral or impartial manager within a corporation, who may provide confidential and informal assistance to managers and employees in resolving work-related concerns, who may serve as a counsellor, go-between, mediator, fact-finder or upward-feedback mechanism, and whose office is located outside ordinary line management structures.

The term "ombudsman" causes discomfort to many who would prefer "ombudsperson." Corporations and practitioners, in fact, use many forms of the word. Some refer to the practitioner as an "ombud" or "ombuds." Many use the term as an adjective, as in "ombuds office" or "ombuds practitioner." Purists speak only of an "ombudsman." If the word is to be contracted, neither "ombud" nor "ombuds" is technically more correct; the choice is, therefore, a matter of taste for those who use these terms. This author will use many variations in this paper.

Technically speaking, a pure or classic ombudsman is created by statute and reports (and is paid) outside the turf overseen by the office. All intra-institutional practitioners are then, by this definition, "quasi-ombuds." In common parlance in the United States, this distinction has been lost, but it is important to keep in mind when talking with lawyers, non-Americans, and academic specialists who are accustomed to the classical concept.

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Is a Corporate Ombudsman Really a Neutral?

An ombudsman clearly is not an ordinary kind of advocate; this practitioner specifically is not a conventional "employee advocate." But the definitions of "neutrality" and "impartiality" adopted by practitioners vary from company to company.

About half the companies with ombuds offices have designated their practitioners as neutrals. Nearly all expect the practitioner to be at least impartial in all interpersonal interactions, including those with senior managers. (All expect the practitioner to uphold relevant laws, statutes and company policies; one is, in other words, not "neutral" with regard to the law or company policy.)

Practitioners tend to talk about these matters in company-specific terms, such as:

"I am an advocate for fair process, not for any specific person or position."

"I am impartial and neutral up to the point that I find a law or company policy being flouted."

"My company believes the long-range interests of the company lie with anyone who has been unfairly treated. If two people have each treated the other unfairly, the company may have an interest on both sides."

Most practitioners simply say, "I have to find solutions that meet many sets of rights and interests," or "The ombudsman will take into account the rights of all employees and managers and the obligations of the company . . . and also the rights of the company and the obligations of employees and managers." In technical terminology, the ombudsman is committed to integrative solutions, and avoids distributive solutions both by the design of the office (an informal, nonadjudicatory structure) and by personal commitment.

In protecting their neutrality, most ombuds practitioners pay particular attention to the issue of recordkeeping. Most keep aggregate statistics, but maintain individual records only briefly or in obscure shorthand. Many would resist a subpoena by attempting in the public interest to have it quashed. About half say they would, if necessary, refuse a subpoena; some also have an agreement with their employers that they will not be called by the company in any court case. (To date, this author knows of no case of an ombudsman being called into a court case, let alone of a subpoena being sustained.) Since most ombuds practitioners are not usually a formal part of any formal grievance procedure and stay out of formal contractual matters, this possible threat to neutrality has not so far been a problem.

But How Can a Manager Inside the Company Really Be Neutral?

Most ombuds practitioners report to the CEO or someone close to the CEO. And most do not have oversight over others who report to that same senior officer. Most practitioners report themselves neutral or impartial with respect to everyone else in the company.

Although observers regularly presume that bosses put a lot of pressure on ombudspersons, in practice ombuds practitioners report relatively little stress over the issue of neutrality. Nearly all can remember one or two attempts to "lean" on them, but this experience is very rare. The ombudsman's neutrality is usually protected by the structure of the situation:

* the office reports to the top;
• most contacts to the office are brief; practitioners are not usually locked into long-term fights, or major battles over company strategy;
• many contacts to the office are inquiries, problems or suggestions rather than solely complaints;
• policy, company ethics, law, and "principle" are usually on the side of the ombudsman;
• practitioners typically avoid polarization and, instead, seek integrative solutions;
• practitioners typically avoid the appearance of close social relationships at work;
• most managers seem to respect and even at times to protect the impartiality of the ombuds office; and
• where there is tension, there are usually powerful forces on all sides that push the practitioner toward a neutral stance. (In fact, quite a number of practitioners report themselves to have become, if anything, far "more neutral" over time, as they continuously hear two or more sides of any given story.)

Confidentiality
All ombuds offices known to this author affirm that they will, if asked, keep the confidence of their visitors "under almost all circumstances." The definition of exempted circumstances varies by practitioner from "I would report illegal activities" to "I would report a situation threatening to life or safety." Most practitioners will not report minor infractions of company policy.

Most practitioners also report they have either never knowingly broken confidentiality, or if so, that this has happened only once or twice. The apparent bind between confidentiality and "duty to warn" is actually less troublesome in practice than in theory. The major reason is that an experienced ombudsman will nearly always find acceptable alternatives: that the ombudsman is given permission to report or investigate a problem using no names, that the client will report the problem directly to responsible managers, that a generic solution can be found which obviates the individual problem, or other responsible recourse.

The development of professional practice with respect to confidentiality will be particularly interesting with the recent advent of a few "ethics officers" or "ethics ombudsmen," among defense contractors. This narrowly-focused, new subgroup has developed in very specific response to concerns about waste, fraud and abuse. General ombuds practitioners hypothesize that this new group will find, as have the rest, that confidentiality is the cornerstone of the perceived trustworthiness of their structure.

Purposes and Functions of Ombuds Practitioners
One important difficulty people experience in thinking about ombudsmanship is that many North Americans view "work problems" as if they were all "complaints." And they associate the term "complaint-handling" with courts, with other formal grievance structures and procedures, and with a wide variety of ideas that have come collectively to carry the name of "due process." (For a list of ideas associated with "due process," please see Appendix One)

One purpose of an ombudsman is clearly to foster and support fair and proper communications and processes. But, typically, the major purpose is to
help with a very wide variety of problems and inquiries and concerns at work, in whatever ways are perceived as helpful by the employer and by the managers and employees of the company. For example, one ombudsman has two formal charges:

1. To help every individual manager and employee who comes in, as well as possible; and

2. To get needed information back to line managers (in ways consonant with the privacy and confidentiality of clients) so that the managers will be more effective.

It is obvious that ombuds work may differ a good deal, company by company, as the needs of the company and skills and interests of the practitioner may vary. But these characteristics are clear: An ombudsman is meant to deal with people as individuals, and with problems as systematically as possible.

The principal functions of an ombudsman are:

• **Dealing With Feelings**
  On occasion, living and working bring rage, grief and bewilderment to everyone. Managers and employees often feel there has been “no one to listen.” Possibly the most important function of a complaint handler (or complaint system) is to deal with feelings. If this function is not otherwise provided, by line and staff managers, it will fall to the ombudsman.
  Sometimes this is in fact all that is needed. Every practitioner has the odd experience of having someone blow up and/or weep for hours in the office, only to report back on the morrow that “everything now seems much better.”
  At other times, it is critical to help someone with a problem express feelings (for days or weeks or months) before a responsible plan of action can be chosen and undertaken, or before the matter can be appropriately dropped and forgotten.

• **Giving and Receiving Information on a One-To-One Basis**
  Many employees do not even know the name of their CEO, much less how the company determines promotions, transfers, or benefits, or how it deals with problems in the work place like harassment. It is therefore very important that line and staff managers be prepared to give out information, and make referrals to helping resources, on a one-to-one basis, at the time and in the fashion needed by an individual with a problem. This may again be all that is needed. If appropriate information and referrals are not made available by other managers, this function may fall to the ombudsman.
  An ombudsman may also receive vital data. This may, for example, happen with a “whistleblower” who either does not know where to go, or is afraid to go to anyone but a confidential adviser. It is also likely to happen with new problems. That is, an ombudsman is likely to be the bellwether or early warning device for whatever problems the employer has not yet met, but will soon have to deal with. Examples of such problems include sexual harassment in the early 1970s, AIDS in the early 1980s, and now new kinds of drug problems.

• **Counselling and Problem-Solving to Help the Manager or Employee Help Himself or Herself**
  Many employees and managers face tenacious problems with only three alternatives in mind: to quit, to put up with their problem, or to start some formal process of complaint, or suit or investigation.
These are not the only alternatives, nor are they always the best available. The skilled ombudsman will help a visitor develop and explore and role-play new options, then help the visitor choose an option, then follow-up to see that it worked. And in many cases, the best option may be for the person with a problem to seek to deal with it effectively on his or her own.

Many people would prefer to "own" their own concerns and, if possible, learn how to deal on their own with their difficulties, if effective options to do so can be developed and pursued. Thus, a critical function for the ombudsman is not only to "give a fish to the hungry person," but "to teach how to fish." Many senior ombuds practitioners therefore function frequently as in-house consultants, to employees and managers, rather than intervening directly in every case.

These first three functions are available on a confidential basis. (Ombuds practitioners report many discussions on the phone at night or at outside restaurants, or even occasionally with a person who wishes to remain anonymous, if the topic is particularly sensitive.)

- **Shuttle Diplomacy**
  Sometimes a visitor will opt for a go-between. This is especially true where one or more parties need to save face or deal with emotions before a good solution can be found. This is much the most common type of intervention reported by ombuds practitioners, especially if the company is quite hierarchical in style and organization. In some companies, this function may also be pursued by the ombudsman—during or between the steps of a formal, complaint-and-appeal, grievance process—as an option for settling outside any adjudicatory process.

- **Mediation**
  At other times, a visitor will choose the option of meeting *with* others, together with the ombudsman. Like shuttle diplomacy, this usually happens on an informal basis. However, the "settlements" of shuttle diplomacy and mediation may be made formal by the parties involved.

- **Investigation**
  Investigation of a problem or a complaint can be formal or informal, with or without recommendations to an adjudicator—for example, to a grievance committee or to a line or senior manager. All four of these investigatory options are reported by ombuds practitioners, and are more or less common depending on the company and the ombudsman.

- **Adjudication or Arbitration**
  This function is very rare for the ombudsman. Here, the classic phrase about ombuds practitioners is likely to obtain: "They may not make or change or set aside a management rule or decision; theirs is the power of reason and persuasion."

  Even those few practitioners who do have arbitration power use it very rarely, for this is seen to be the province of line management. In some companies, however, the ombudsman may facilitate or chair formal grievance processes (as a nonvoting neutral).

- **Upward Feedback**
  Possibly the most important function of the ombudsman is to receive, perhaps analyze, then pass along information that will foster timely change in a company. Where policies are outdated or unintelligible, or new problems have arisen, or a new diversity appears in the employee pool, an ombudsman may be a lowkey, steady-state change agent at very low cost to the employer.
This function also provides a mechanism for dealing with some very difficult confidentiality problems. An ombudsman can, for example, suggest that a department head instigate an apparently "routine," department-wide discussion about safety or harassment or waste-management or theft, in response to an individual concern, at no cost to anyone's privacy or rights, in such a way as to eliminate an individual problem (if not necessarily the perpetrator).

Ombuds practitioners appear to vary a good deal as to how they spend their time. Some observers believe that the prior career of the ombudsman may influence ombuds practice. A former Employee Assistance practitioner may primarily listen, counsel, and help with transfers. A former engineer or top manager or group leader may spend more time helping the system to change.

It also may be that an ombudsman will "pick up" whatever functions other managers are performing least well, or that an ombuds office simply responds to varying company problems. And ombuds practice may change over the career of the practitioner. Several long-term practitioners report they now intervene less, and spend more time as in-house consultants, helping managers and employees deal directly with their concerns.

Pilot surveys among Corporate Ombudsman Association members indicate that ombudsmen spend about one-third of their time on upward feedback and systems change, with formal mediation the least common activity of ombuds practitioners.

Relationships Between Ombudsmen and Other Line and Staff Managers

Ombuds practitioners are often asked what other managers think of them: "Don't they hate you?" No one wants to answer "yes" to this question, and for a practitioner to answer at all may be disingenuous. However, some data suggest that 90-95 percent of all line and staff managers feel relatively comfortable about an ombuds office, at least after the second or third year of its existence.

For one thing, managers tend to seek out ombuds practitioners proportionately more often than do employees, at least by the ombudsman's second year. Experienced and self-confident managers, especially technical managers, seem especially likely to seek assistance. Managers tend to bring in new, usually painful, and sometimes bizarre management problems, or to come in with their own personal concerns. The general rule that most clients are most satisfied with mediation-oriented problem solving may also be partly responsible for the considerable acceptance of ombuds by other managers.

Moreover, most ombuds practitioners avoid any appearance of substantive decision-making, work hard to get line managers the data they need to manage better, and place great emphasis on the protection of everyone's privacy, including that of line managers. The typical ombudsman wants line managers to get the credit for any constructive changes that occur—and never, or almost never, uses the name of the boss to get something to happen. The role of the practitioner is support rather than competition. In addition, most ombuds practitioners take on themselves full responsibility for getting along with other managers, in the spirit of commitment to the employer and to the team.

It is quite common to find that the ombudsman conforms his or her working style considerably to the style of other senior managers. Thus, if a department head says, "Fix anything you can; the more time you save for me the better!", the ombudsman may scarcely see that department head, and will problem-solve at the lowest possible level. If a department head says "Look, let me know if you can,
when you're on my turf," the ombudsman is more likely to seek permission to do just that. To the employee in that area, the ombudsman may say, "Look, how do you feel if you or I let Sandy McHierarch know about this problem? You know old Mac really cares about knowing what's going on; would it make sense to touch base with Mac?"

Sometimes, the ombudsman has been asked to intervene and needs to decide whether to go first to the immediate supervisor (who will desperately want this to happen), or to go first to the department head. Much will depend on the facts of the case, on the known wishes of the department head, and on who first returns the ombuds' call. But most ombuds practitioners will start at the lowest relevant level, if only because that supervisor may prefer to be the one who goes to the department head. (The practitioner who plans generally to follow this approach is probably well-advised to discuss this contingency, early on, with the department heads.)

Another reason for the generally agreeable relations with line and staff managers is the constant cross-referral that occurs. Most ombuds practitioners consult with and refer continuously to helpful line managers; Employee Assistance; Equal Opportunity staff; relevant security/police officers; and especially, to every variety of Human Resource professional in the company. Referrals to health care practitioners, religious counsellors, marriage counsellors, divorce attorneys, and a wide variety of other professionals are also common. Frequent consultation with company counsel is typical for many ombuds practitioners.

The commonest source of referrals to an ombuds office are, likewise, line managers and staff professionals, as other colleagues seek to build a safety net for employees and managers with problems. The close interdependence of the ombudsman and other colleagues thus powerfully reinforces the sense of a team rather than of turf. Or, alternatively speaking, one may simply note that almost no one really wants to "own" the most serious people problems at work; most sensible managers are only too glad to "share" such problems.

**Why Would a CEO Want an Ombuds Office in Addition to Employee Relations and Employee Assistance?**

This is a question best answered by current ombuds practitioners who once were Employee Relations and Employee Assistance professionals. They usually say, "Because more and different problems come to the ombuds office."

Those ombuds practitioners who have held both Employee Relations and ombuds jobs note that some people will choose an ombuds office for reasons that include:

- because it is seen as neutral;
- because someone they once knew did not trust the Employee Relations (or Personnel) office;
- because they do not like the specific Employee Relations or Personnel officer assigned to them, or think "their supervisor eats lunch with that person;"
- because they do not want this problem in their (real or imaginary) personnel file;
- because some Employee Relations offices increasingly handle administrative matters like benefits, rather than listening to people;
- because the concerned person has no idea where to go or hates formal grievance procedures;
because the problem is seen as bizarre or embarrassing or shameful;
• because there is a hidden agenda (for example, to seek referral to a counsellor or clergy), and they would rather get there via an ombudsman;
• because the ombudsman is seen as close to the CEO and they want to take an ethical or whistleblowing problem up higher. Ombuds practitioners who come out of Employee Assistance often note that the problems brought to the ombuds office are more directly work-related, including for example, safety and ethics issues, and require detailed knowledge of the individual company.

It seems also to be true that “more” problems will surface, or surface earlier, if any additional communications channel is added within a company. Some of these problems may never need to have surfaced, but it seems clear that a small, significant group of problems brought to an alternative channel either are extremely serious or would have become so. This certainly appears true in the experience of ombuds offices which regularly get a small number of new, or very peculiar problems of some gravity.

CEOs who have added an ombuds office usually justify its creation by one or more of these three statements:
• the office more than pays for itself—it is cost-effective;
• the rights and responsibilities of employees and of the company are well supported by such an office;
• it is humane and caring human resource policy to have such an office.

It should be noted that a number of companies with an in-house Employee Assistance program have decided to locate the Employee Assistance and ombuds offices in the same place. This is especially true where both functions are available to managers and employees via an 800 telephone line, as well as in person.

It may also be noted that this “Who needs it?” question parallels an older, similar question as to why one wants any Human Resource functions at all, when all the functions of the Human Resource Department also might lodge with line supervision. The practical answer to that question is, of course, that many line supervisors are promoted for technical skills, and that many do not have all the human resource management skills needed by the company. In addition, most employers wish to provide an option for managers and employees who want advice and data they do not get from line supervisors.

The parallel is an important one. As Human Resource managers are not there to replace line management, ombuds practitioners are not there to replace either Human Resource or line managers.

The purpose of an ombuds office, in particular, is continuously to put itself out of a job by supporting clients and regular line and staff offices so that they can deal effectively with each question and problem that arises. With respect to each concern brought to the office, the ombudsman’s job is back-up, fail-safe, check and balance, rather than turf building. In this context, it is important to note that a high proportion of referrals to ombuds offices come from Human Resource Management, Employee Assistance, Equal Opportunity, Medical, line supervision and other colleagues.
What Kinds of Problems Does an Ombudsman Handle?
Many ombuds offices now keep careful statistics. Pilot surveys indicate that once an office is up and running, it appears to get calls from two to eight percent of the constituent community each year. Practitioners commonly report a considerable fraction of very brief contacts to the office (which may or may not be serious problems).

One practitioner estimates about one-tenth of the contacts to the office concern rather serious problems in terms of (potential) disruption to the individual and/or the company. Another practitioner estimates that, at any given time, the “open” office case load runs at about 12-15 percent of the yearly caseload, indicating that many problems can be resolved rather promptly.

Common topics include salary and benefits; promotion and demotion; performance appraisals; job security and retirement issues; company policies; discipline/termination; discrimination and harassment; safety, ethics and whistle-blowing; transfers; personality conflicts/meanness; information/referral; suggestions; working conditions; personal health, mentoring, and counselling issues; management practices; bizarre behavior and problems. Established offices that are reasonably well-known in a sizable company will see all these kinds of contacts each year. The profile of concerns, however, varies somewhat from company to company.

A majority of ombuds practitioners in companies where at least some employees are unionized, do see bargaining unit employees. Union employees are however appropriately referred elsewhere if they bring up concerns that are covered by the union contract. Ombuds offices are typically very respectful of their local unions and practitioners commonly report good relations with bargaining unit officers. In fact, many an ombudsman has had union officers as clients in the office.

How Effective Are Ombuds Offices?
Most offices seem to be evaluated on the basis of intuition, word of mouth, “happy client” letters and the like. Some practitioners, in fact, believe their formal reports are not widely read.

Corporate Ombudsman Association practitioners have given this subject careful review and are pursuing cost-effectiveness analyses. Thus far their hypotheses focus on three main areas: client use, policy changes, and cost-savings.

• Client Use
To some extent, an office can be evaluated on the basis of its client use rate. Successful offices are seen to be those which are quite busy, with 2-8 percent of the community making contact each year. Possibly of equal importance, some offices appear to attract clients who mirror the company population by race, gender, pay classification, shift, etc. If the office attracts clients rather randomly from the total company community, one may hypothesize that the office is seen to be relatively fair in its service to managers, employees, women and men, minorities and nonminorities.

Several ombuds practitioners have attempted to estimate what proportion of their clients are “satisfied.” Their estimates of the “satisfied” range from 50 to 90 percent. One practitioner reckoned in his first year that 55 percent of his visitors received positive help, and another 30 percent expressed appreciation, although
no substantive change occurred in the situation they reported. Another practitioner also estimates that 10-20 percent of her caseload feels that "nothing much was done," with about 50-60 percent receiving at least some immediate improvement with the problems reported. A number of practitioners have reported that they receive unusually favorable ratings in routine employee attitude surveys.

It should also perhaps be noted that it is common, both in research and anecdotally, to find that most people prefer problem solving to mediation, and prefer mediation to adjudication. Results of this sort are also relatively stable whether those queried feel they "won" or "lost" their original point of view. It would therefore be expected that employee and manager satisfaction would usually be higher where people perceive that their concerns are addressed in a problem-solving mode, and where their complaints are addressed if possible through mediation or shuttle diplomacy.

In my own experience, this common tilt toward informal, mediation-oriented problem solving is not universal. Some people, probably at least 10 percent of ordinary U.S. work populations, prefer adjudication of work problems. If this estimate is correct, it underscores the point that employers need to provide both well-understood, fair, formal grievance procedures and informal counselling and mediation processes. Further, it appears likely that morale will be higher if managers and employees feel they have some choice in what kind of procedures they will use.

- **Policy Changes**
  Many ombuds practitioners report informally and constantly to line managers throughout the system, as they are given permission by clients to do so. As a result, the typical ombudsman can name a great many changes in policies and procedures and structures that resulted from information flowing through the ombuds office. (Most practitioners feel this steady-state, upward feedback is far more important than their formal annual reports.) No serious studies have yet been made of this low-key, change-agent phenomenon, (nor estimates made of whether similar or better changes might not have occurred in the absence of the ombuds offices). Nevertheless, the change-agent role is widely perceived by practitioners to be valuable.

  One important aspect of this role is when an ombudsman "picks up" a new problem that will prove to be very important to the company. This "early warning" has helped a number of companies prepare early for dealing with problems like the fear of AIDS.

- **Cost Savings**
  Most practitioners have many examples of costs-savings attributable to their offices. Typical examples include: keeping very valuable employees who would otherwise have left; averting expensive litigation or damaging publicity; preventing or averting theft or sabotage; timely apprehension of unsafe or unethical practices; timely intervention in cases of bizarre or psychotic behavior; introduction of cost-saving or damage-prevention or morale-enhancing suggestions from employees.

  In addition, practitioners hypothesize some reductions in absenteeism, sick and disability leave, and turnover, as a result of their work. And many practitioners believe their work enhances the productivity of others, especially if some particularly good idea is adopted by a line manager.
No careful studies have yet been done on any one office, although any one of the cost-savings here attributed to ombuds offices might more than pay the annual cost of a given office. To date there is also no known case of major costs or damages attributed to a corporate ombudsman. Practitioners, as a profession, have a firm belief in the cost-effectiveness of their offices.

**Who Becomes an Ombudsman? How Should an Employer Choose an Ombudsman?**

Casual survey of about 50 U.S. ombuds practitioners reveals wide diversity of backgrounds. At least 90 percent worked for the present employer before being chosen as an ombudsman and were “picked from within,” so most ombudspeople have in common the facts that they have previously known their companies and been personally trusted by their employers. But in most other respects, practitioners are diverse.

About half are women and a significant minority are black, Hispanic and Asian. Some came from Employee Assistance or Equal Opportunity offices; one or two were internal counsel. Many were line managers, and perhaps a quarter were quite senior line managers, deliberately taking on a “last career” within the company. Many knew the CEO or other very senior executives well. Some have developed the job from related Employee Relations or Human Resource Management positions. The college and graduate school majors of ombuds practitioners were diverse, including some with engineering, economics and management degrees. In addition, many have come from social work, counselling, liberal arts, divinity studies, and other disciplines.

When this author is asked about choosing an ombudsman, she usually recommends “finding a person to whom colleagues naturally turn,” or “picking someone who may be doing the job anyway.” “Natural mediators” in the company are actually quite easy to identify, and are usually well-known to their peers as effective troubleshooters and sympathetic listeners and counsellors. They typically have a reputation for dealing fairly and comfortably with both employees and managers, and with people of different races, religions, income and gender.

The typical ombudsman will comfortably take high emotional risks but is not an entrepreneurial risk taker. The effective practitioner will be seen as an excellent listener. This person likes almost everyone, finds it easy to imagine “the other side of the story,” finds it easy to “separate the people from the problem,” and may actually say how interesting it is that one can like someone whose behavior is inappropriate.

An ombudsman typically has no particular need to rush off to act in the face of a harrowing tale, and in fact finds a sense of accomplishment in helping other people help themselves. Nevertheless, the successful practitioner is capable of recognizing an emergency and prepared if necessary to take decisive, swift action. Most practitioners are very curious about other people and about management dilemmas, but seem to have a low need for power and public accolade; many in fact are somewhat shy.

The effective ombudsman appears comfortable as a neutral, and relatively comfortable with paradox, and may be known for not leaping quickly to conclusions. The practitioner is likely to be very sensitive to “data,” to be somewhat analytic, and to be interested in problem solving and in puzzles for their own sake. Most are very independent people, who can either deal peacefully with high
emotion from others, or who quickly learn how to give that impression. Most also are—or become—very circumspect at work, avoiding major social issues (like abortion or politics) where responsible people do not agree with each other.

An ombudsman must be able to speak well and succinctly, and to write constantly and comfortably. The practitioner should learn a considerable body of employment law, at least a little about common personality types and disorders, and a great deal about company goals, policies and customs. The practitioner must be willing to deal with anyone and with any kind of problem with consistent courtesy, and must be willing to try to work together with any colleague, no matter how difficult.

In some companies, the ombuds role is filled for two or three years at a time by managers on the way up. In other companies, the position is deliberately one’s "last" career step, to guarantee an experienced manager and to underscore the protection of objectivity of the ombudsman. Sometimes, the job appears to be just another Human Resource Management option within the company. And in some companies, the original incumbent sees the ombuds job as a profession and will very likely continue. There are a number of cases of practitioners who have served successive CEOs, and a number of cases of original incumbents who have turned over the job to successors.

**Part-Time and Multiple Ombudsman Options**

Small companies and single plants often have one or more part-time ombuds practitioners. Typically where there is more than one part-time or full-time ombudsman, the different practitioners are chosen from different population groups: minority, nonminority; technical, nontechnical; male, female; Spanish-speaking, English-speaking; and so on.

Some employers have opted to employ several, part-time, “internal mediators.” In their ombuds role, such practitioners closely resemble the ombudspeople described earlier, whatever their other job assignments. Practitioners in this role typically practice independently, but meet together regularly, discussing cases with strict guidelines for protecting the confidentiality of their clients. In some models, any employee or manager may approach any practitioner anywhere in the company. In other models, different employee groups have different practitioners. Despite the obvious potential for conflicts of interest, part-time ombudspeople report few difficulties with their (informal, nonadjudicatory) ombuds role.

In larger companies, an ombudsman will have assistants, often of different race and gender. In this model, the practitioners keep common records and may consult together, although typically any manager or employee may choose to consult anyone in the office.

In order to keep a practitioner “close” to the given population group, very large companies may designate one practitioner per plant. In other very large companies, most ombuds work is done via an 800 telephone line to a central, multi-practitioner office. In practice, each of these options appears to work well.

**Is the Emphasis on Ombudsmanry Something New?**

Ombudsmanry is a relatively old concept. People who served this kind of function appeared in rabbinical courts, as court jesters, as troubleshooters, etc., over the ages. The first classic ombudsman appeared in Sweden at the beginning
of the 19th century. Classical ombuds offices now appear in many countries.

Designated neutrals within corporations are a relatively new concept. Managers with ombuds-like functions appeared here and there between the World Wars in a few companies. But serious interest in the United States began in the late 1960s and grew only slowly until the 1980s.

Increasing heterogeneity in the workforce, rapidly changing laws and statutes, an increasingly well-educated employee pool, and stresses associated with huge increases in government contracting, have all led to increased recent interest in ombudsmanry. Contributing to the sense of a zeitgeist is the fact that ombuds-like structures and offices have appeared spontaneously and independently in many different companies and also elsewhere in the economy.

In North America, there are about 100 ombuds offices in colleges and universities, an estimated 200 in corporations. Three dozen newspapers have an ombudsman. Nearly 4,000 hospitals have patient ombuds offices and a great many businesses have client or consumer complaint offices. Each state has a nursing home/long-term care ombuds structure, and there appear to be about 1,500 part-time and full-time ombudspeople attached to those offices. In addition, there are perhaps two dozen classical ombuds offices in states, provinces and cities, and scattered practitioners for prisons and other institutions. Some radio and television stations and newspapers also have citizen's complaint or citizen's service structures, as do also mayors' and governors' offices.

In sum, the ombudsman concept is very varied and currently very lively. There is almost no general rule about ombuds offices that holds true for all such offices. But the overall ideas of listening to people as individuals, and of trying to deal with problems at an early stage, are clearly ideas of current interest to a wide variety of employers.

NOTES

The National Institute for Dispute Resolution provided generous financial support for the research and writing of this article. The opinions expressed herein are solely those of the author.

1. See Appendix Two for a more detailed description of typical characteristics of persons who use a complaint system and relevant specifications for an effective complaint system.

APPENDIX ONE

ELEMENTS OF DUE PROCESS

(As commonly recognized in the United States)

I. Due process seen as a matter of specific elements of grievance procedure, for example:
   • Notice to the defendant; right to know the charges. In some cases, right to know accuser;
   • Timeliness of process and to each step of the process;
   • Right to present own evidence;
   • In some cases, right to question the evidence brought by the other side; and in some cases, right to face or meet with the accuser;
   • Right to answer the concerns that are raised;
   • Right to accompaniment and someone to advise; in some cases, right to legal counsel;
   • A fair and impartial fact finding; a fair and impartial hearing;
   • Right to a decision that is not capricious, arbitrary or unreasonable in nature;
   • Notice of the decision; in some cases, right to a written decision with a statement of reasons for the decision;
• In some cases, right to an appeal process;
• Freedom from retaliation for raising a complaint in a responsible manner;
• In some cases, a regard for the privacy of all concerned.

II. Due process seen as "that which is due" under the circumstances. Sometimes people use the term loosely to mean just "the process that I deserve," whether as a matter of law, company policy, or just as a matter of what an individual perceives as "fair".

....

Seen in the context of this list of specific elements of grievance procedure, it is evident that an ombuds office is not primarily a due process structure. Seen in the context of "fostering the process to which a person feels entitled," part of an ombudsman's work clearly relates to fair process, although the terms seem too ambiguous to be very useful.

APPENDIX TWO

TYPICAL CHARACTERISTICS OF PERSONS USING A COMPLAINT SYSTEM AND RELEVANT SPECIFICATIONS FOR AN EFFECTIVE COMPLAINT SYSTEM

I. Most people who use a complaint system:
• greatly fear retaliation, from supervisors and peers;
• greatly fear loss of privacy; (this concern may hold with respect to family members as well as with respect to those at the work place);
• fear they will be seen to be disloyal;
• have widely differing views of whom they will trust among complaint handlers;
• do not wish to lose control over their concern or complaint;
• feel they lack the skills they need effectively to change the situation;
• think it is probably pointless to try to complain;
• just want the problem to stop; (a desire for punishment or revenge against an alleged offender is relatively rare).

II. An effective complaint system must therefore:
• offer a chance to deal with feelings, learn appropriate information and seek counselling on a confidential basis;
• have redundant channels and options, so people have a chance to choose among multiple modes and access points (for example, supervisors, and HRM, anonymous hot lines, ombuds offices, QWL groups, etc.);
• have at least one general channel that is used more or less proportionately by everyone in the company, managers and employees, (for example, an ombuds office, hot line, etc.);
• have formal as well as informal complaint handling procedures open to the choice of the complainant; the formal process(es) must be perceived as fair;
• offer to most complainants the option to learn how to handle their concerns directly, on their own, or to ask for third party assistance (shuttle diplomacy, mediation or adjudication), or to seek a generic (systemic) approach;
• proscribe retaliation by supervisors and be known to take action against proven retaliation by supervisors, peers and subordinates;
• encourage responsible concerns by appropriate protection of the rights of complainants, the managers involved, and of all others involved in a complaint;
• be seen to produce some change in the treatment of individuals and with respect to policies and procedures and structures in the organization.

• "Redundant" here is used in the engineering sense of fail-safe, back-up, checks and balances.