Cutting Edge Advances in Resolving Workplace Disputes

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Organizational Ombudsman

By Mary Rowe and Randy Williams

Where did the Organizational Ombudsman come from?

The fundamental role and functions of an intra-organizational ombudsman are not a creation of the twentieth century. In fact, the roots of ombudsman work may have existed even before recorded history. It seems likely that skillful go-betweens and troubleshooters have served extended families, tribes, and villages for many centuries.

Classical ombudsmen, though, who are established by legislation and who hear complaints from citizens, usually date their beginnings to the first Scandinavian ombudsman of 1809. And the "organizational ombudsman" (OO) is usually dated back only as far as the twentieth century, because that is when these troubleshooters adopted that name. Officials with duties similar to those of OOs have appeared spontaneously, however, around the world for a long time.

Focusing mainly on the United States and modern times, a very brief history would begin in the middle decades of the twentieth century, when there were important advances for organized labor both in the United States and around the world. Scholars launched numerous discussions then about individual employee rights, about fairness and equity for all, about safety, and about "voice" in the workplace. Also at that time, a significant number of employers began to innovate, providing policies and procedures and structures to improve the lives of employees and managers at work.

The civil rights movement affirmed and gave momentum to the values of these scattered visionaries. Post-war laws and regulations provided a legal prod, and basis, for further progress. Also, in the rest of the world (although not so much in the United States), legislative bodies began to establish more classical ombudsman offices to receive complaints by citizens raising questions about actions of government officials.

A few companies in North America and Europe began to designate high-level managers as troubleshooters, with various titles. One of the first companies to establish a structure somewhat like that of the modern OO, although with a different name, was the John Lewis Partnership in the UK, in the 1940s. Ombudsman-like offices also began to pop up in the United States under a variety of different names, sometimes without the managers in charge ever having heard of the classical ombudsman. An example of this was the first Alternative Communications Channel at Bell Labs.

One of the first scholars to think about an ombudsman as part of corporate governance — using the formal title — was Isadore Silver, who published "The Corporate Ombudsman" in 1967. And a variety of U.S. institutions established ombudsman offices in the late 1960s and 1970s, with more appearing every decade. For many years and a variety of reasons, creative CEOs, scholars, lawyers, and human resource specialists came, sometimes apparently independently, to the idea of internal ombudsman offices. In addition, the ADR movement began to take hold, strongly providing further impetus for OOs. (Although the

OO serves all formal and informal channels in a conflict management system—helping people to find *appropriate* options—many people still think of the OO as an "*alternative*" dispute resolution channel because of the visibility of ADR.)

Discussions about internal ombudsman offices, from the 1960s through the 1980s, focused on many different topics. Isadore Silver hoped that an ombudsman could help boards of directors to surface and deal with illegal behavior. An ombudsman-like office at Control Data Corporation in the 1970s focused on employee rights, voice, and equity. Universities established ombudsmen to deal with student and faculty complaints; some were specifically oriented toward justice. The ombudsman-like office at MIT was launched in 1973 from concerns about diversity and inclusion, equity and voice — and an explicit interest in continuous systems improvements.

These discussions continue today, with some OOs oriented toward interest-based conflict management and others concerned with rights-based conflict management and legal compliance. In practice, however, OOs now work with and refer to all formal and all informal conflict management channels that exist in the given organization.

OO Standards of Practice in North America

Associations of OOs appeared in the twentieth century and now serve hundreds of members in the United States and Canada, and elsewhere in the world, in many different sectors. They hold conferences, conduct training, and communicate with their own members and with those in other professions.

In the 1990s many intra-organizational ombudsmen in the United States and Canada joined discussions about standards of practice for the OO profession.[1] In the United States and around the world, OOs who practice to the International Ombudsman Association (IOA) standards of practice are formally designated as *independent, neutral, confidential, and informal*. The Forum of Canadian Ombudsmen (FCO) uses *independence, neutrality, confidentiality, fairness and credibility* as their principles. (At the end of 2013 these were still being finalized). No OOs make management decisions and all OOs lay great emphasis on fairness.

Currently active in dozens of countries, there are several thousand OOs around the world. They are employed by corporations, including multinationals; international organizations like the UN, World Bank, and IMF; and hundreds of academic institutions, health care organizations, government agencies, and faith-based organizations, among others. The IOA is their largest professional association. Literature about the work and value of these structures is growing.[2]

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[1] The codes of ethics and standards of practice of the 21st century can be found at: www.ombudsassociation.org/about-us/code-ethics and www.ombudsassociation.org/about-us/mission-vision-and-values/ioa-best-practices-standards-practice for all OOS who use IOA standards. FCO standards will be at www.ombudsmanforum.ca/en/?page id=157/.

[2] *See* http://www.ombudsassociation.org/resources/reference-library. And http://www.ombudsassociation.org/sites/default/files/IOA%20Library%20Links%20Only%20v3 links.pdf. And Charles Howard, The Organizational Ombudsman: Origins, Roles, and Operations–A Legal Guide, American Bar Association, 2010. *See also* many issues of the Journal of the International Ombudsman Association at http://www.ombudsassociation.org/resources/ioa-journal.

What is the Value of an Organizational Ombudsman Office?

OOs are senior professionals within an organization whose role is supporting the conflict management system and all its relevant stakeholders. They are required to be confidential, neutral, informal, and independent. Their role, with these four characteristics taken together, is unique in supporting a conflict management system. OO work includes surfacing, analyzing, referring, resolving, and preventing serious workplace problems and illegal behavior — and helping to illuminate good management practices.

The unusual role of OOs focuses them in many directions:

- They work to identify and provide early warning about new and potentially disruptive problems. They also track patterns of concerns.

- They work with all line and staff managers for continuous improvement of organizational systems.

- They help to reduce financial and human costs by helping to resolve conflicts.

- They assist in protecting the reputations of the employer, and its managers and employees, by helping to build trust and foster an ethical, values-driven work environment.

Ombuds are usually the only manager-level professionals in a company who have regular contact with every office in a conflict management system. Albeit informal and invisible, these daily and weekly contacts assist in coordinating the conflict management system and in communicating good practices — because the work of OOs brings them in contact with all formal channels and informal conflict resources, for example:

- line management
- human resources
- legal
- ethics
- environmental health and safety
- audit
- risk management
- other compliance offices
- security

- employee assistance programs
- training departments
- chaplains
- affinity networks
- family resources
- healthcare providers
- coaches
- mentors

Ombuds work with people in all conflict-related roles: supervisors, senior line and staff managers, individuals and groups in conflict, people who are aggrieved or see themselves as targets, perceived perpetrators and responders, and peers and bystanders. One of the important roles of ombuds is to help people make sense of what is happening *to* them, *by* them and *around* them. Having extensive experience with people in many different roles helps ombuds maintain objectivity. It also helps them assist constituents with developing options for dealing with concerns.

An ombuds can help a constituent see that an apparently small concern could be quite serious for the organization and that some intervention will be important to consider. The

Figure 1: The Ombuds Office in a Conflict Management System

Human Resources/Human Capital	
Human Rights/Civil Rights	
Human Subjects/Animal Care	
Inspection/Inspectors General	
I.P./Patents/Copyrights	
Legal Counsel/General Counsel	
Line Management relevant to issue	
Mediation Program	
Medical/Nursing/Fitness for Duty	
Mentors/Peer Advisors	
Model Workplace	
Mortality/Morbidity	
Ombudsman Office	X X X X X X X X X X X X X X
Patient Ombudsman/Advocate	
Peer Review	
Quality Assurance Circles/Monitors	
Race Relations/Cultural Relations	
Religious Counselors/Chaplains	
Residence Advisors/Managers	
Risk Management	
Safety/EH&S Working Groups	
Security/Campus Police	
Sexual/Racial Harassment Advisors	
Staff Associations	
Undergraduate Dean/Advisors/Council	
Unions, Stewards, Union Officials	
Work/Family/Personal Life Programs	
Working Groups/Councils	

Revised and adapted from a chart by Mary Rowe and Brian Bloch, 14 Harv.Negot.L.Rev. 239 (Winter 2009) and a chart by Mary Rowe and Howard Gadlin in *The Oxford Handbook of Conflict Management in Organizations*. Roche, William, Paul Teague, and Alexander J.S. Cohen, eds. Oxford: Oxford University Press. 2014.

ombuds might be able to offer a generic option for handling such a matter, in a way that would not identify the person who brought the concern. For example, if a staff member reported a safety violation or a financial violation, the OO might be able to supply enough information for the relevant compliance office to do an apparently routine, unannounced "spot check," or departmental audit. If the information was incorrect, nothing is lost. If the information was correct, then the generic option can protect the privacy of the person who took responsible action—and enable the organization to take appropriate action.

An ombuds can also help a constituent understand where a potential concern or wrongdoing might be coming from and how to alleviate it quickly on his or her own. For example, a manager might come in to discuss a possible conflict of interest posed by a colleague falling in love with his or her direct report. The OO might be able to discuss relevant policies, and role-play with that manager a discussion that he or she could undertake with the colleague.

Sometimes the ombuds will be able to help a complainant himself — or herself — behave in a more responsible and effective way. A constituent to the office may come in to complain about a co-worker and to blame that person for a serious problem. The OO may be able to review, with that complainant, the events leading up to the problem, in a way that illuminates a wider and deeper set of root causes. And sometimes the complainant can be helped in a respectful way to take responsibility for part of the problem and to plan steps that will prevent similar problems in the future.

Ombuds serve all stakeholders by helping them "sift" and examine their concerns. This helps the organization, as well as the stakeholders who are directly affected. The ombuds office serves the conflict management system by supporting a "triage" of the steady flow of problematic issues that arise in every organization. That is, some perceived problems disappear with thoughtful consideration. Some perceived problems need to get to managers on an urgent basis. And many other problems can be handled by the person who brings them in.

Issue Identification across the Entire Organization

Ombuds "see" and hear from people all over the organization; so they can and do receive the widest range of issues of any conflict manager. The entire gamut of employees, trainees, and managers reach out to them. They can, therefore, help to address a serious gap identified in the 2011 Ethics Resource Center Survey.[3] In that survey 45 percent of employees and managers reported that they had observed misconduct, and 35 percent said they had not reported it.

Ombuds provide a zero barrier office — a safe, accessible place for anyone to discuss options for any kind of workplace problem. Ombuds provide guidance to all, in developing responsible and effective options. Ombuds offices frequently hear about issues for which there

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[3] Ethics Resource Center, 2345 Crystal Drive, Suite 201, Arlington, VA 22202. 2011. 2011 *National Business Ethics Survey.* 12.

is not (yet) an organizational policy or procedure, while also helping constituents learn about policies and procedures of which the constituents were unaware. OOs often receive calls from employees and managers who do not know where else to go in the organization.

Typically, ombuds would not intervene as a third party on any matter covered by a bargaining unit contract, but they can and do listen to everyone. They assist unionized workers who are engaged in peer-to-peer conflicts and those who have concerns not covered by contract. They can help a union member think about how to deal responsibly with an issue on his or her own. Ombuds can pick up serious concerns from unionized workers deep in the organization who otherwise might not come forward with a problem.

In this century, OOs may be contacted for complex, multi-ethnic, cross-gender, multi-generational, multi-issue, multi-cohort problems that reach across organizational and policy boundaries. They are often the only manager-level personnel to hear from the whole organization. They may be the only professionals who know all the policies and procedures relevant to a complex case, and who can refer issues to all managers relevant to that case. After a top-level problem has been addressed, OOs are also sometimes able to help with serious secondary issues, and systems issues, in a multi-issue case.

Resolution of Concerns

Ombuds are not advocates for any party in a dispute; instead, they support fair processes and options. They can do this in many different ways. Ombuds help managers and employees who wish to deal with their concerns directly, to help themselves, promptly and effectively. Learning how to deal directly with a concern is often the first option chosen by someone who contacts the office. Frequently, the first step is simply to help people learn about and understand a policy or procedure with which they were not familiar. In some organizations OOs answer quick questions about policies on a daily basis.

Ombuds provide shuttle diplomacy and informal mediation between and among managers and employees. They deal with peers, with those in supervisory relationships, and with bystanders. They regularly help develop and assess options for taking concerns to formal channels, and they help people who wish to put the organization on notice about a particular issue.

Ombuds frequently work with line and staff managers on systems change and generic approaches. An ombuds may work on a generic approach for a delicate problem in order to provide a safe option for someone who wants to be anonymous. For example, the ombuds might ask a department head to discuss an issue in a department meeting — apparently routinely. The issue might be about uncompensated over-time, or requiring personal work from a subordinate, or harassment. In this way, the Ombuds can help a manager address an *issue* rather than the people involved.

Ombuds can save time and resources for managers.[4] This is especially important where timeliness is essential in achieving good solutions:

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[4] A number of studies have focused on the value of ombuds in a variety of different organizations. Some are effectiveness studies, some look at return on investment, and others look at a wide variety of qualitative and quantitative measures. For more detail, *see* http://www.ombudsassociation.org/node/244.

- Ombuds are able to start on problem resolution in a responsive and timely manner. Many offices acknowledge contacts within 12 to 24 hours. Many also follow up after resolution to see if a problem really is resolved, and has elicited no perceived retaliation.

- Ombuds are constantly teaching people "just in time," one on one, the conflict management skills they need.

- Ombuds serve an invisible triage role, defusing some issues immediately, and helping constituents see all sides to a question — including their own need to be accountable. At the other end of the spectrum, ombuds can help to get an immediate response to serious questions requiring urgent action. This last point can be particularly important where an organization is concerned about safety, security, malfeasance, and unethical behavior, and is asking peers and bystanders to report their observations.

Early Warning about New and Disruptive Issues

Because OOs can pick up little bits of information, unobtrusively, from many sources, they can help to identify "new" issues. Ombuds programs can thus provide early alerts to managers. Managers and employees across the entire organization are likely to go to an Ombuds:

- if they do not know how to handle or where to report a concern and seek support and coaching

- if they are concerned about "not having enough evidence of a problem"

- if they do not understand the context, relevant policies, or the implications of a problem

- if they want to have an informal conversation with a neutral party to understand policies and procedures, before taking action

- if they want to avoid loss of relationships or retaliation from management or co-workers

- if they are concerned that no action or too much action will be taken

- if they are concerned that they might get tangled up in a bad situation

- if they want to maintain anonymity

Organizational surveys regularly show that without an ombuds program, significant numbers of managers and employees would not have raised their concerns at all, or at least not as early.

Compliance with Myriad Laws and Regulations

Ombuds programs support compliance with myriad laws and regulations, including the U.S. Sentencing Guidelines, Sarbanes Oxley, and Dodd Frank.[5] The U.S. Sentencing Guidelines

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[5] US Sentencing Guidelines; USSG Manual 8B2.1 (b)(5); Sarbanes Oxley Act 2002, Pub L, No. 107-204, 116 Stat 745: Dodd Frank; Comments to US Securities Exchange Commission of the Dodd Frank Wall Street Reform and Consumer Protection Act by Charles L. Howard, Esq. October 11, 2010.

require employers "to have and publicize a system ... whereby the organization's employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation."[6] In 2012, the Ethics Resource Center recommended that the Guidelines "should explicitly recognize that an Ombuds ... may be an appropriate means of meeting the requirement about the statement to have and publicize a system ... whereby the organization's employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation."[7]

Ombuds programs help issues get addressed internally, reducing potentially adversarial relationships between leadership and employees and avoiding costly lawsuits and use of outside counsel. They can help avoid the bounties that are now available to certain whistle-blowers. Surveys show that without an ombuds program, more managers and employees would have taken their concerns to outside counsel.

Systems Improvements

On a daily basis, an ombuds program provides information and recommendations to help keep serious problems from recurring. While maintaining the confidentiality of those who contact the office, the ombuds provide information to line and staff managers. A high percentage of both managers and employees report in surveys that they are better able to handle future problems after going to the ombuds office.

Ombuds report regularly to the board of directors and key stakeholders. They offer aggregate data about potential problems, patterns of problems, and areas of vulnerability. They help to identify root causes and link patterns of concerns to business outcomes and risk management.

Ombuds help with system improvement. They share best practices among business units, provide training, write articles, and provide daily informal input to task forces and those who are reviewing policy.

Fostering a Respectful, Ethical and Values-Driven Work Environment

An Ombuds program fosters and supports a respectful, ethical, values-driven work environment that builds trust and protects reputation — a key matter in attracting and retaining stakeholders (investors, customers, and employees).

LRN's 2012 How Report surveyed over 36,000 employees in 18 countries and concluded the following, about self-governing organizations that are values based—where the organization's purpose and values inform all decision making and guide all employee and company behavior ... and people act on the basis of a set of core principles. ... "In all 18 countries in this study [these organizations] outperform other types of organizations across every important performance outcome, including: higher levels of innovation, employee loyalty, and customer satisfaction; lower levels of misconduct; and superior overall financial performance."[8]

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[6] Ibid.

[7] Ethics Resource Center, 2345 Crystal Drive, Suite 201, Arlington, VA 22202. *The Federal Sentencing Guidelines at Twenty Years*: 82.

[8] LRN's *2012 How Report:* 5 at http://www.lrn.com/howmetrics/.

The Ethics Resource Center 2010 Supplement research concludes:

Culture: Misconduct — especially misconduct that management is unaware of, and therefore can't address — puts the company at risk. It can lead to a damaged reputation; deteriorating relationships with customers and clients; loss of valued employees; prosecution; fines and even debarment.

Reporting: Management can and should do what it can to encourage ethical conduct in employees and to reduce the amount of wrongdoing that occurs. But its next best line of defense is to know what is happening when it happens. Reporting of observed misconduct reduces ethics risk by ensuring that management is aware of and able to address problems instead of being vulnerable to lurking issues.[9]

Establishing an Ombuds Office

In establishing an effective—and sustainably successful—ombuds office, it is important to have strong, visible, and continuous sponsorship of key stakeholders including the CEO or president and board of directors. The office needs trained professional staff who meet the position requirements and who practice to the IOA's Standards of Practice and Code of Ethics.[10] The office needs a charter or terms of reference that clearly articulate the office mission and role, in alignment with the IOA Standards of Practice. The ombuds should report directly to the CEO or board of directors or have direct access to them and other key stakeholders. Ombuds should have access to all data held by the organization except for data that are specifically protected by laws and regulations (as with HIPPA.)

The ombuds need to develop and maintain strong and respectful working relationships with individuals throughout the organization. This is especially important with respect to individuals who are responsible for addressing issues of concern and making changes. Line management and staff offices, including compliance offices, will be especially important to the ombuds. Both the role and informal functions of the ombuds office must be clear to all from the outset.

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[9] Ethics Resource Center, 2345 Crystal Drive, Suite 201, Arlington, VA 22202. Supplemental Research Brief from *2009 National Business Ethics Survey; Reporting*: 1.

[10] http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf 2009.

Figure 2. OO Programs Complement the Roles of Other Conflict Management Channels

Roles and Responsibilities of Various Offices	Formal Channel Hotline	Other Formal Channels: Ethics, HR*, Compliance	Informal Ombuds
Designated as a neutral	NO	NO	YES
Configured to be independent of ordinary line and staff management structures and operates as an informal entity reporting to top management and/or board; may report to various board members	NO	NO	YES
Makes management decisions; sets and enforces policy	NO	YES	NO
Performs formal investigations, acts an advocate, accepts appeals	NO	YES	NO
Provides a channel to give the organization notice of claims against it	YES	YES	NO
Maintains business records for the organization	YES	YES	NO
Provides internal and external compliance reports for the organization	YES	YES	NO
Accepts anonymous calls; provides anonymity	LIMITED	LIMITED	YES
Provides data from a neutral viewpoint to the Board and senior executives	LIMITED	LIMITED	YES
Acts as proactive change catalyst to help prevent problems	NO	YES	YES
Provides a channel for employees and managers to seek confidential guidance, based on assertion of a privilege under Federal Rule of Evidence 501 and based on the terms under which the ombuds program is made available	NO	NO	YES
Allows employees to maintain control and determine resolution options (except for cases with imminent threat of serious harm)	NO	NO	YES
Provides off-the-record coaching for options to resolve problems and guidance to get information to the most appropriate channel in a timely manner	NO	NO	YES
Provides guidance and options for all cohorts, throughout the entire organization, on all types of work-related issues	NO	NO	YES

*Also includes Corporate Secretary, Legal, Line Management, Audit, Security, and Finance.

There are five tasks that are essential in setting up an office and ensuring its continuous value to the organization.

Office Organization

An effective ombuds office is aligned with the organization's culture, mission, and values. The charter or terms of reference, ombuds office mission statement, and selection of staff should reflect this fact. There should be training and continuing education plans for each staff member, first, to ensure an effective transition to the ombuds role and, second, for continuous professional development.[11]

The office needs to specify its work goals and evaluation methods. It needs to establish a budget. It should designate outside counsel. It must implement office accessibility methods that protect confidentiality (toll-free numbers, acoustic protection, and restricted use of the organizational intranet and laptops, for example). It should take steps to ensure the privacy and security of the physical office and of its equipment.

Outreach and Education

All constituents of the organization should know about the office; this is essential for building support and trust for the role of the ombuds. A comprehensive outreach and education plan should be developed. This plan can include announcements from the CEO, a website, brochures, presentations to employees, attendance at staff meetings, individual meetings with key stakeholders/decision makers, and so forth. Elements of the communications plan need to be customized for each audience: members of the board, senior management, department heads, all compliance officers, and all constituents (including constituents in different locales and affinity groups).

Elements of the communications plan should include both major steps and small elements. Adherence to the IOA Standards of Practice should be on the website and the door of the office, for example, and elements of the Standards should be attached below the signature line on email that comes from the office.

Case Management

By the time constituents begin coming to the office, the ombuds needs to ensure that case handling conforms to IOA Standards of Practice and Code of Ethics. All ombuds staff should have ombuds professional training, with IOA Certification as early as possible. "Preambles" or introductions that describe the ombuds role should be available to give or discuss with every constituent coming to the office. Office information should be made available to each resource person (or responder) who will be addressing an ombuds issue. Clear procedures are needed for email, document handling (and shredding), and other elements of case handling and office coverage.

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[11] Continuous professional development is a standard of practice for organizational ombudsmen (*see* http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf 2009: Standard 4.7

The case management database should include the types of issues that are brought to the office. Issues should be described rather broadly, in terms relevant to the specific employer: examples include interpersonal relationship issues, company policy issues, safety issues, or financial issues.[12] There could also be a space to indicate whether the issue is a local, division-level, or company-wide problem.

The database should include information relating to those issues. It should include high-level demographics and geographics for complainants and responders, while protecting individual identities. There should be no information in the database that could identify any person contacting the office and no way to identify any person who was perceived to have caused a problem.

In this way there would be generic information for those who visit the office — and for persons perceived to have caused concern — in relationship to the issues that are raised. The database would also include options offered by the ombuds, for example:

- helping a constituent learn how to deal directly with a concern,
- referring someone to one or more additional resources,
- coaching an individual where and how to take an issue forward in a formal channel,
- providing shuttle diplomacy or mediation at the request of all parties,
- working with managers for a generic approach to the issues,
- working with managers on systems changes,
- providing informal facilitation among the parties involved.

It would indicate any formal or informal channels selected by the person to address his or her concern, such as line management, HR, legal, an affinity group, or health care providers. If possible the database would indicate if a change took place in the organization once the issue was surfaced.

The database should be comprehensive enough to identify new issues, patterns, and opportunities for systems improvements.

Problem Prevention

As the ombuds office gathers case data, an important role for the ombuds is to help prevent future problems. The ombuds assists the organization in systems change, so serious problems do not recur or so they become less likely. It is important for the ombuds to analyze the data to identify new problems, patterns, and root causes. While maintaining confidentiality the ombuds provides feedback that answers three important questions:

(1) What the office is hearing — new problems, continuing and emerging patterns, and key messages;

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[12] The IOA has specific recommendations about database categories that are available to members: http://www.ombudsassociation.org/resource-library/uniform-data-reporting-categories-task-force.

(2) Why these data are important—why management should care—linking the issues to major business goals and showing their impact on risk and reputation;

(3) What might management do—with recommendations for skill development, processes, policies, or other changes needed to address root causes of problems.

Some of the other ways that ombuds help prevent issues from recurring are to identify and share best practices among units, provide training, and give informal input into creating or revising policy.

Continuous Improvement

To ensure that the program and profession evolve, grow, and become more relevant, the ombuds should work to enhance their skills, expertise, and processes. They attend conferences, workshops, and training; participate on committees; write articles; share best practices with other ombuds; and serve on professional panels.

Continuous outreach and relationship building within the organization are critical so that all constituents remain aware of and have trust in the program, and so that the ombuds is current on the organization's strategies, major changes, and potential risks. Periodic evaluation of the office is important. It can include satisfaction surveys of the constituents and major stakeholders, a review of the most serious issues handled, and progress toward attainment of the goals set for the office.

Summary of Special Features of Organizational Ombudsmen

To our knowledge there are no other senior professionals in organizations worldwide who serve in the same way as organizational ombuds. It appears that the unique set of characteristics of this profession help the ombuds to appear — and be — *safe, accessible and credible* in conflict management. (These three characteristics of complaint systems appear to be vitally important to the success of systems.)[13]

- The ombuds office is designated as:

  o neutral—ombuds do not advocate for the organization or any other stakeholder in an intra-organizational conflict;

  o confidential—ombuds keep no case records for the organization, and breach confidence only in cases of imminent risk of serious harm, where there is no other responsible option;

  o independent—ombuds function in a manner that is separate from all ordinary line and staff offices;

  o informal—ombuds have no managerial decision-making power; they help to develop options for the choice of those who contact the office.

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13 *See*, for example, Mary Rowe and Michael Baker, "Are You hearing Enough Employee Concerns?" *Harvard Business Review*, 62 (3), (May-June, 1984): 127–36.

- The ombuds office supports the full spectrum of *appropriate* dispute resolution options for those who contact the office, including formal channels, as well as informal, off the record, conflict management options.

- The ombuds office hears from and serves the entire organization. It hears about all work-related issues from all cohorts and all divisions. It accepts individuals and groups. It accepts anonymous concerns. It hears concerns from and about any stage of a conflict—but never engages in any formal, on-the-record process, such as investigation, appeals, advocacy for individuals, or providing testimony.

- The ombuds office operates in accordance with the International Ombudsman Association Standards of Practice and Code of Ethics. The ombuds office has three special charges in addition to routine conflict management:

  o to be alert to any problem that is new to the organization, to provide "early warning" of problems of which the organization or its managers may be unaware or not yet prepared;

  o to provide a "zero barrier" office for those who wish to discuss any kind of unacceptable behavior in the organization; and

  o to help prevent serious problems from recurring by providing appropriate information, options, and recommendations to employees and managers — in a fashion that is both timely and completely consonant with the confidentiality of those who contact the office.