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[ORGANIZATIONAL OMBUDS - I]
HISTORY

1985-1997

Many, Please comment connect add. Ombuds History 1985

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NOV 8 1985
File

Proposal: Reader and Guide to the Corporate Ombuds Function

This happened after 1982 + 84 meetings of COA resulting in two iterations of a Handbook

The proposal which follows request support for a Reader and Guide to the Corporate Ombuds Function to be published under the aegis of the Corporate Ombus Association. The two major goals of this Guide which would include a statement of ethical principles, original and reprinted articles on best practice, case studies, and alternative designs for the function are:

- to spread the use of corporate ombuds ^{programs} and related corporate structures
- ~~programs~~ for employee dispute resolution
- to improve the practice of existing ombuds ^{offices} and provide a source of expert support for "best practice".

During the past three years the corporate ombuds movement has gone from obscurity to a rapidly growing and hopeful alternative for employee dispute resolution and workplace welfare. Following establishment of this Scandinavian transplant in the sixties in leading corporations such as Xerox, ~~Control Data~~ and Polaroid and articles on its usefulness in widely read management publications such as Business Week and the Wall Street Journal, corporate ombuds ^{programs} largely disappeared from view. Research on the topic languished and

^{Practitioners}
 corporate ombuds failed to establish means of keeping in contact with each other and developing the profession, ^{although similar structures continued} ~~in~~ ^{in many companies, e.g. IBM and Chemical Bank,}

^{However}
 Established ~~corporate~~ ^{like structures} ombuds continued to be quietly successful ^{in companies like IBM and Chemical Bank} and their work was well placed to mesh with the movement towards participative management. Increasing costs of litigation and the ease with which disgruntled employees or former employees could sabotage high ^{Corporate activities?} technology products placed further pressure on management to come up with innovative and less authoritarian ways to dissolve internal disputes. The "open door" concept of access to higher level management ^{open} looked better in employee manuals than it worked in practice, while EEO and EAP left many gaps, and ^{formal} grievance procedures were ^{usually} available only for unionized employees and remained largely restricted to contract issues. In the seventies ^{usually only} existing corporate ombuds positions were continued, a few new official positions were created, and informal ombuds work expanded in many large corporations.

In 1983 a research project conducted for a corporate ombuds resulted in bringing ~~the~~ researchers and a half dozen of the practitioners together for a meeting in Cambridge, Massachusetts. These practitioners decided to

establish themselves as an informal committee to see if other corporate ombuds would meet and form an organization. The first meeting was held on Cape Cod in April of 1984. The second national meeting took place in Dallas in May of 1985 where the name, Corporate Ombudsmen Association, was adopted. The Executive Committee and the Research Committee now meet frequently, and the third national meeting is scheduled for St. Louis in May, 1986. The Association has over 100 members and associate members at least half of whom function as official ombuds in large and medium size corporations.

Several books - Many articles in Personnel Journals
Two One article^s on the function has been published in Alternatives to the High Cost of Litigation by the Center for Public Resources *and two more* while another article will appear in the Negotiation Journal published by the Harvard Law School Negotiation Project in January, 1986. The function has received discussion in more general articles on dispute resolution in publications including the Harvard Business Review, many corporate ombuds now attend meetings of such other related organizations as S.P.I.D.R., and such publications as the New York Times, the Wall Street Journal, and the American Management Review have expressed a desire to do stories and conduct interviews on the functions *of internal ombudsmen*

We think that the ground has now been prepared for major development of this workplace conflict resolution alternative. It has a proven track record in leading corporations (to our knowledge only three programs have ever been terminated), it fits the gradual shift towards concepts of collaborative participative management, and an association now exists to spread the word.

Still greatly needed is research, publicity, and legitimization of the ^{teaching} ~~the~~ ^{this} work. We think that the proposed Guide would serve all three needs and produce a major impetus towards development of the ombuds function. In our observation ombuds in major corporations not only handle internal disputes well but introduce such improvements in employee welfare as flextime schedules, mediation programs, and interactive planning by employees at all levels.

" Workplace welfare is important in itself for the third of our population who spend a major portion of their lives at ^{paid} work in any given year; of equal importance to our society is the potential for committing corporate leaders to non adversarial dispute resolution. If it is true that, in the United States, a

great deal of power resides in corporations, then successful internal experience with the nature and effectiveness of alternative dispute resolution techniques can be an important force in the wider movement towards these methods. Because the very nature of the function (and the existing structure of all existing ombuds offices) requires a reporting relation to very high level management, often the Chief Executive Officer, the internal ombuds experience is likely to have particularly strong impact on the views of corporate leadership and the programs corporations support.

We visualize the Guide as containing the following:

a statement of principles by the Association

descriptive articles and research reports on corporate

ombuds and related alternative dispute resolution programs

a series of ~~brief~~ case studies

a longer series of case examples organized by type of problem

discussions of alternative dispute resolution techniques (and

sources of further information)

descriptions of
two or more alternative designs for the function

sources of assistance for existing ombuds and for organizations

interested in establishing an ombuds office

The Guide would include both original articles by researchers and

practicioners (e.g., "Answers to Ten Critical Questions by Practising Ombuds") and reprints of relevant material. While the exact length is difficult to determine, we currently visualize a length around 200 pages.

To do the job as described above would, we believe, require a grant of \$20,000. Of this approximately \$12,000 would be for one third time for a qualified professional Project Director to design, collect, select, and reformulate material for the Guide. This individual would also be responsible for determining what materials would be of most interest to the prospective audience. They would also have the responsibility of working with a publisher (such as University Press of America) and for methods of publicizing and disseminating the work. We expect that methods would include tied arrangement with such Associations as the U.S. Chamber of Commerce, the American Management Association, EAP and EEO organizations and similar bodies for lower cost copies in exchange for publicizing the work. The remaining \$8,000 would be used for secretarial and office expenses and for necessary communication and travel. While it might be possible to produce the volume at lower cost, we believe that this funding is required for a professional quality job having the greatest impact in the shortest period on major U.S. corporations.

N 1985

NOTES ON THE OMBUDSMAN IN THE U.S.

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Why Think About Ombudsmanry?

- Ombuds practitioners play all the roles and have all the functions possible for complaint handlers and dispute resolution specialists, including even arbitration in a few instances;

- They can help to "change the system" as well as helping with individual problems;

- They may work within the context of a given contract, or set of policies and procedures, or set of rules and statutes; they also often work in contexts where "which rules do govern here?" is the first question to address;

- They work with the widest possible distribution of problems and disputes;

- They appear in many different milieux, with very different purviews;

- It is a field where almost all rules of thumb have exceptions: for example, many ombuds practitioners work in a non-union context,....but some work with union people. Most do not arbitrate,....but a few do. Most are designated (or see themselves) as impartial or neutral, but a few are designated to have a tilt toward advocacy; some are designated to "begin as advocates" though they are meant to be objective third parties;

- It is a growing profession;

- Practitioners mirror the US population, making this a highly integrated profession;

- The field has wonderful colleagues, compellingly interesting research problems, and fascinating ethical dilemmas.

What Kinds Of Jobs Do Ombuds Practitioners Have?

- Classic or pure ombuds practitioners, created by statute for city, province, state or nation;
- Variants exist for school systems, counties, mayor's and governor's offices, prisons, professional associations, etc.
- There are many hundreds of part-time and full-time volunteer and paid practitioners with oversight over long-term care and nursing homes;
- There are hundreds of "quasi-ombuds" practitioners who work within institutions: corporations, colleges, and universities, government agencies, foundations, international bodies, etc.; most are full-time; many also have other duties;
- There are thousands of client (or patient) ombuds practitioners who serve at newspapers, hospitals, HMO's, government agencies (like IRS), public utilities, radio and tv stations, etc.;
- Many businesses have consumer ombuds offices.

What Are The Functions Of An Ombudsman?

- To give a personal and confidential hearing, to defuse rage, to provide a caring presence to those in grief about a dispute;
- To provide (and sometimes to receive) information on a confidential one-to-one basis;
- To counsel people (confidentially) on how to help themselves, by helping to develop new options, by problem-solving, by role-playing;
- To conciliate (as in shuttle diplomacy);
- To mediate (bringing people together face-to-face);
- To investigate formally or informally, either with or without presenting recommendations to a formal, adjudicatory person or committee;
- To arbitrate or adjudicate; (this is a rare function);
- To facilitate systems change, by recommending "generic" solutions, by upward feedback, internal memos and

"management consulting" within institutions, by public reports, by recommendation to legislatures, by supporting education and training.

The classic phrase describing most ombuds practitioners is: "They may not make, or change, or set aside any law or policy or management decision; theirs is the power of reason and persuasion."

Can an OO be a "Fair witness"?

-1985 query

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Robert A. Heinlein

Oliver Cavendish, in case you follow such things."

"I don't, I'm afraid."

"No matter. The fact that Ben retained Cavendish shows how serious he was; you don't hunt rabbits with elephant guns. They were taken to see the 'Man from Mars'—"

Gillian gasped, then said, "That's impossible!"

"Jill, you're disputing a Fair Witness... and not just any Fair Witness. If Cavendish says it, it's gospel."

"I don't care if he's the Twelve Apostles! He wasn't on my floor last Thursday morning!"

"You didn't listen. I didn't say that they were taken to see Mike—I said they were taken to the 'Man from Mars.' The phony one, obviously—that fellow they stereovised."

"Oh. Of course. And Ben caught them!"

Jubal looked pained. "Little girl, Ben did not catch them. Even Cavendish did not—at least he won't say so. You know how Fair Witnesses behave."

"Well... no, I don't. I've never met one."

"So? Anne!"

Anne was on the springboard; she turned her head. Jubal called out, "That house on the hilltop—can you see what color they've painted it?"

Anne looked, then answered, "It's white on this side."

Jubal went on to Jill, "You see? It doesn't occur to Anne to infer that the other side is white, too. All the King's horses couldn't force her to commit herself... unless she went there and looked—and even then she wouldn't assume that it stayed white after she left."

"Anne is a Fair Witness?"

"Graduate, unlimited license, admitted to testify before the High Court. Sometime ask her why she gave up public practice. But don't plan anything else that day—the wench will recite the whole truth and nothing but the truth, which takes time. Back to Mr. Cavendish—Ben retained him for open witnessing, full disclosure, without enjoining privacy. So when Cavendish was questioned, he answered, in boring detail. The interesting part is what he does *not* say. He never states that the man they saw was *not* the Man from Mars... but not one word indicates that Cavendish accepted the exhibit as being the Man from Mars. If you knew Cavendish, this would be conclusive. If Cavendish had seen Mike, he would have reported with such exactness that you and I would *know* that he had seen Mike. For example, Cavendish reports the shape of

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Stranger in a Strange Land, p 100



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