

MC-709

Box 36

Folder 1

Corporate Ombudsman Association -- description of
ombudsman function

1989

Corporate Ombudsman

A S S O C I A T I O N

1989

The ombudsman function has a long and honorable tradition as a means to protect against abuses, malpractice, or error by officials designated to administer the laws. Although it is relatively new to the corporate setting, the numbers of ombudsmen and the numbers of firms employing them have grown quite rapidly in recent years. Until the founding of the Corporate Ombudsman Association in 1984, there was no ready means by which corporate ombudsmen could learn from the experience of others. Because the role of ombudsman requires that he or she deal with clients in a way which ensures the confidentiality of the matters discussed between them, an ombudsman cannot readily share experiences and ideas with others in his or her own work place. A major function of the Association has therefore been to provide a forum in which those serving in the capacity of ombudsman could come together and exchange their experience, their ideas, and their different approaches to the resolution of problems. The principal means for doing this has been the Annual Conference. This not only provides the opportunity to share views, but also brings in skilled professionals in areas such as law and mediation to talk about topics of interest and relevance to ombudsmen. Another means of education is through the publication of a Newsletter at least twice a year.

A second major function of the Association is the conduct of research. The Research Committee of the Association conducts surveys to study the functions of corporate ombuds practitioners, their reporting relationships, their cost effectiveness and their contributions to employees, managers, employers and society. These surveys have resulted in the publication of a number of academic and professional articles and other materials, as well as an Ombudsman Handbook that is distributed solely by the Association.

The primary objectives of the Association, achieved through the activities of a number of specialized Board Committees, are (a) to educate practicing ombudsmen with respect to the latest developments in the profession, (b) to conduct research regarding the ombudsman function in order to assess how that function is actually growing and evolving in the corporate environment and how it might better serve the public, (c) to set standards of excellence for practitioners, (d) to develop and disseminate ethical guidelines for the profession, and (e) to enhance the quality and value of the ombudsman function.

To become a member of the Association, one must be acting as a neutral party in resolving complaints within his or her organization, and must subscribe to the Association's Code of Ethics. Current members come from a large number of major corporations in the U.S. and Canada, as well as from public sector organizations, educational institutions and health care facilities. All members receive a copy of the Ombudsman Handbook as part of the initial membership fee, as well as the Newsletter, a membership Certificate, and a wallet-sized membership card. A brochure enclosed herewith contains the Association's Code of Ethics, and indicates whom to contact for further information.

ombudsman\öm-bodz-men\One skilled in dealing with reported complaints to help achieve equitable settlements

Sample Description of the Ombudsman's Function in a Corporation

The Ombudspeople in this corporation are designated neutrals. They are impartial resources who take into account the rights of every person who may be involved in any given case or concern, as well as the welfare of the company.

The offices of the ombudspeople are completely confidential; they keep no formal written case records.* They do not act without the permission of the complainant, except for the very rare situation where there is reason to believe a life or property is at stake, and there appear to be no other options except to act without permission. (The Ombudspeople diligently work with each complainant to design acceptable options for surfacing delicate problems.) The Ombudspeople do not answer questions about whom they may or may not have seen.

Ombudspeople have no power to make, change or set aside administrative decisions or company policy. In the classic phrase, "theirs is the power of reason and of persuasion." The Ombudspeople listen to people, offer information about company policies and procedures, accept suggestions and data, surface concerns to management, help employees generate options for dealing with their situations, refer employees to other company resources, and when appropriate, intervene or informally investigate complaints. They may be asked to consult with employee committees or local management discussions on current topics. The Ombudspeople may also serve as shuttle diplomats or mediators.

The Ombudspeople do not adjudicate or arbitrate. They may help or accompany employees in informal dispute resolution, but do not accompany disputants in formal hearings. The Ombudspeople do not serve as witnesses in formal grievance processes either in-house or out of house. The company does not call the Ombudspeople on the company's behalf in proceedings outside the company and has consistently sought to protect its Ombudspeople from subpoena by others. The only exception to this general rule would be in very rare cases where an Ombudsperson has been asked and agreed to make a formal finding of fact which was later called into a public forum, or where the Ombudsperson was himself or herself witness to a felony, in which cases, the Ombudsperson would testify like anyone else.

*Some offices may differ in their procedures.

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