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Ombudsmen in Canada 1965 • 2015



FORUM OF CANADIAN
OMBUDSMAN
FORUM CANADIEN DES
OMBUDSMANS



accuo
Association of Canadian
College and University
Ombudspersons

aoucc
Association des
ombudsmans des universités
et collèges du Canada

What is an Ombudsman?

A specialist in dispute resolution who assists with the resolution of complaints in a fair manner and operates independently, impartially, and confidentially with a high degree of accountability.

A common and current definition of a parliamentary ombudsman is described as “a public official appointed by the legislature to receive and investigate citizen complaints against administrative acts of government”.

Also known as public, legislative or classical Ombuds.

Other types of Ombuds include: executive (public or private sector); organizational (can be in public and private sector); academic; or hybrid.

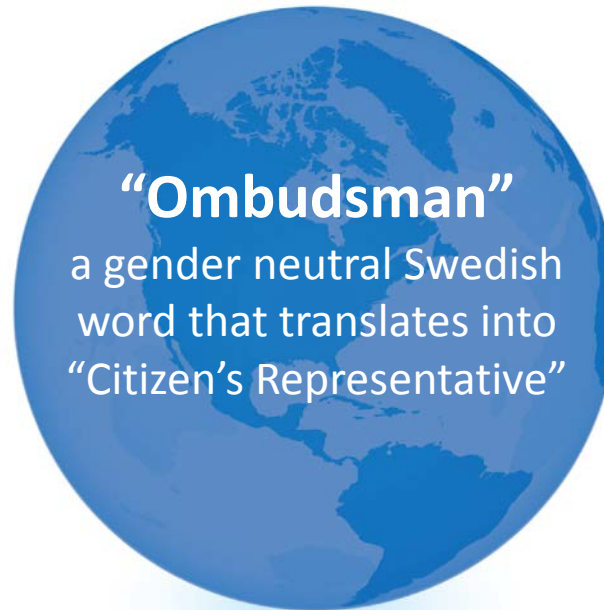
What's in a name?

Provedor de Justica
PORTUGAL

Médiateur de la République
FRANCE, GABON, MAURITANIA, SENEGAL

Volksanwaltschaft
AUSTRIA

Wafaqi Mohtasib
PAKISTAN



Control Yuan
CHINA

Ouvidor
BRAZIL

Lokayukta
INDIA

Chancellor of Justice
ESTONIA

The People’s Advocate
ALBANIA

Public Protector
SOUTH AFRICA

Investigator-General
ZAMBIA

Public Complaints Commissioner
NIGERIA

Difensore Civico
ITALY

Defensor del Pueblo
LATIN AMERICA

Classical / Legislative / Citizen's Representative

Investigate complaints against various government agencies:

- Provincial
- Municipal
- Territorial
- Corrections
- Specialty areas, e.g. language rights

Did you know?

The Forum of Canadian Ombudsman (FCO) was formed in 2000 and has over 450 members providing a national network for all Ombudsmen sectors.



Academic Ombudsmen:

Provide confidential and independent assistance to students and faculty with concerns affecting studies and workplace.

- Universities
- Colleges

Did you know?



The Association of Canadian Colleges and Universities Ombudspersons (ACCUO) was formed in 1983 and has 45 members representing 25 universities and 8 colleges across Canada.

Organizational / Corporate Ombudsman

Offer employees/consumers access to a fair, impartial confidential process for addressing workplace/consumer concerns.

- Banking
- Health
- Telecom
- Insurance
- Utilities
- Retail



In the beginning...

King Charles the XII of Sweden was appointed in 1697. Concerned that his subjects wouldn't be treated fairly when he went off to war, he created the "King's Highest Ombudsman".



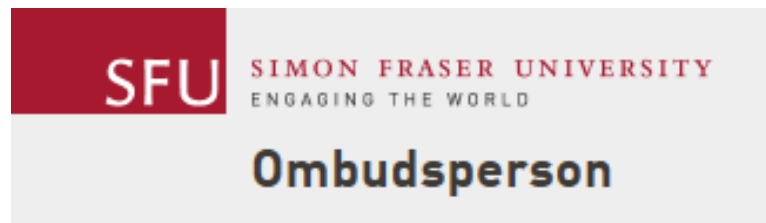
Fast forward to 1809...

Lars Augustin Mannerheim was appointed as Sweden's first parliamentary Ombudsman.



Meanwhile in Canada...

In 1965, Simon Fraser University appointed their first university Ombudsman



The Office of the Ombudsperson is jointly funded by the Simon Fraser Student Society (SFSS), Graduate Student Society at Simon Fraser University (GSS), and Simon Fraser University (SFU).

From Mountie to Provincial Ombudsman

April 7, 1967, George B. McClellan, commissioner of the Royal Canadian Mounted Police, was selected as Alberta's first Ombudsman by a special committee reporting to the legislature. The \$20k a-year job, made Mr. McClellan the first provincial Ombudsman in Canada.



Parliamentary Ombudsman expand from sea to sea to sea...

1967 Alberta and New Brunswick

1968 Québec (Le Protecteur du Citoyen)

1970 Manitoba

1971 Nova Scotia

1973 Saskatchewan

Parliamentary Ombudsman expand from sea to sea to sea...

1975 Ontario, Newfoundland and Labrador

1979 British Columbia

1996 Yukon

2014 the Northwest Territories legislative assembly voted in favour of drafting legislation for a Provincial Ombudsman

To date, Prince Edward Island and Nunavut do not have an Ombudsman

More Modern Times... (to name just a few)

1970 Office of the Commissioner
of Official Languages

1975 University of Toronto
Ombudsperson

1992 Office of the Correctional
Investigator

1997 Ryerson University
Ombudsperson

1997 Canadian Ski Patrol
Association (Ontario Division)

1999 Canadian Franchise
Ombudsman

2003 York University

2006 407 ETR

2007 Veteran's Ombudsman

2007 Office of the Federal Ombudsman
for Victims of Crime

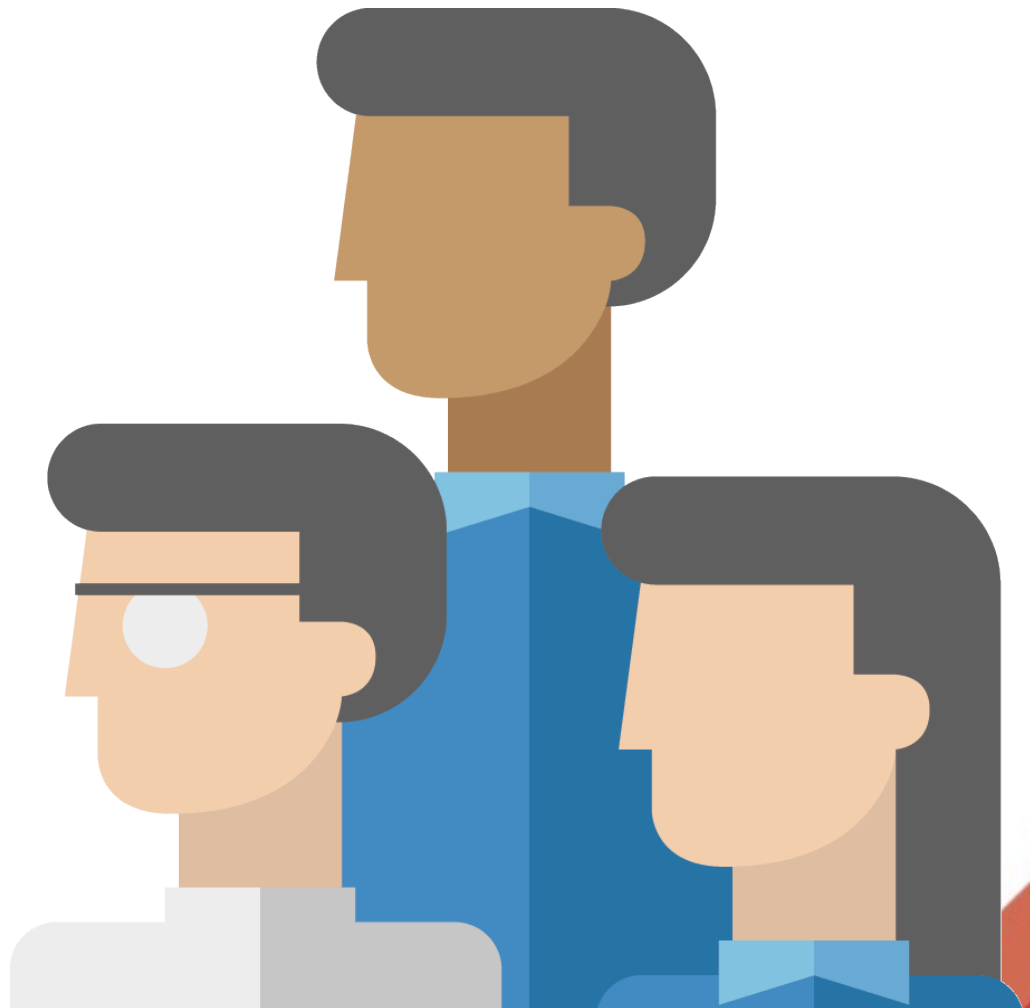
2008 University of British Columbia

2008 Tarion Ombudsperson

...what does the future hold? Beer Ombudsman?

What do all Ombudsmen have in common?

- Independence
- Impartiality
- Fairness
- Confidentiality
- Credibility



What do all Ombudsmen have in common?

Independence

Visibly independent in purpose, administration and decision-making, from the institution / organization / government administration about which it has the mandate to receive complaints.

Serves only in this one capacity within the institution / organization / government administration and should not have any decision making role therein.

Information regarding the Ombudsman's mandate, sources of funding, method of appointment and reporting rules are publicly available.

What do all Ombudsmen have in common?

Impartiality

Reviews all information in an objective manner and without bias. Remains impartial and unaligned, in fact and perception and acts only to identify and address fairness concerns.

Shall not engage in any activity which could possibly lead to a possible conflict of interest. If any such situation arises, the Ombudsman shall immediately declare it and refrain from intervening in any way with regard to the situation or file.

What do all Ombudsmen have in common?

Fairness

Ombudsman's conduct is rooted in the principles of fairness and natural justice and acts accordingly.

Fairness is considered to be a factor of process, interpersonal relations and outcome.

Ombudsman pursues resolution of conflict using the approach that is appropriate to the circumstances, taking into account the relevant law and regulations, the general principles of good administration and good practice, professional standards and any relevant Code of conduct that may apply.

What do all Ombudsmen have in common?

Confidentiality

Ombudsmen holds in confidence all private communications, documents and other information received in the course of his/her interventions subject, however, to the needs of the investigation/intervention and the requirements of the law.

The extent and limits of his/her confidentiality duty shall be clearly explained.

Shall take all reasonable steps to safeguard confidentiality and vigorously resist attempts to compel disclosure of such information, in any judicial or administrative hearing or inquiry.

What do all Ombudsmen have in common?

Credibility

Ombudsman shall act in good faith, his/her behaviour and mode of operation shall be such as to strengthen the integrity and effectiveness of the Ombudsman process.

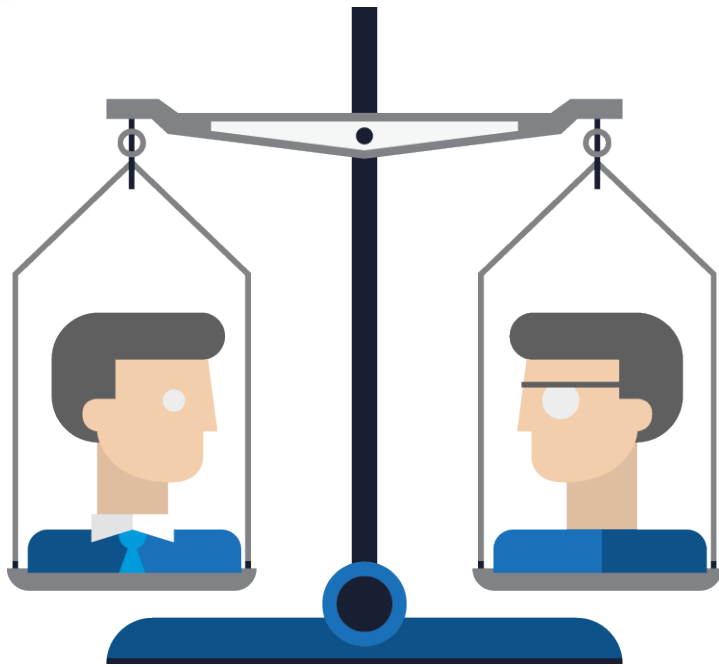
Shall act so as to be recognized and respected by other members of the Ombudsman community and by the constituents who are served.

The Ombudsman reports on its activities and on how the resolution of disputes is undertaken in whatever forum is appropriate given the circumstances, so as to promote transparency and accountability.

FCO Statement of Ethical Principles

- All of the foregoing definitions are taken from the FCO Statement of Ethical Principles (2014)
- Online at:
http://www.ombudsmanforum.ca/en/?page_id=157/

In closing...



Regardless of title or sector Ombudsmen promote and protect fairness in the design and delivery of the services they offer.

It is not always simple and it does not always mean that everyone gets the exact same thing.

Although there is no single answer, the Ombudsman role can contribute to a high level of administrative fairness irrespective of how the role is founded as long as the prerequisites of independence, impartiality, confidentiality and commitment to contributing to an ethos of fairness are explicit in its design.

Thank you to our hosts...



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... looking forward to the next 50 years!

Sources of information

- Forum of Canadian Ombudsman (FCO)
- Association of Canadian College and University Organization (ACCUO)
- International Ombudsman Institute (IOI)
- International Ombudsman Association (IOA)
- The Nature of Inquisitorial Processes in Administrative Regimes Global Perspectives (Jacobs and Baglay 2013)
- www.wikipedia.org