The Role of the Ombudsman in Canadian Institutions

for

Justice and the Law in Canada
What we will cover

• What is an Ombudsman?
• What are the various types of Ombudsmen found in Canada?
• What sorts of issues do Ombudsmen handle?
• What types of skills do Ombudsmen use (is a Justice degree relevant to this career)?
• What do I do?
About ICANN

- Internet Corporation for Assigned Names and Numbers
- Co-ordinates the Domain Name System DNS
- .com. net. .org etc (Generic Top Level domains)
- .biz .travel .aero etc (sponsored tld)
- .ca .uk .tv etc (country code tld)
More ICANN Info

- $65 million budget based on registrations
- Around 140 staff and a team of consultants
- Head office in Marina del Rey, California
- Office in Brussels, Washington, Palo Alto and Sydney
- Staff in Canada, Mexico, Italy, Egypt, Bulgaria, Niger, Netherlands, France, Australia
- Staff represent about 20 countries and 29 languages
- On the verge of “opening the top level”
What is an Ombudsman?

• The Forum of Canadian Ombudsman says:

An ombudsman is an independent, objective investigator of people’s complaints against government agencies and other organisations, both public and private sectors. After a fair, thorough review, the ombudsman decides if the complaint is justified and makes recommendations to the organisation in order to resolve the problem.
Basic role of the Ombudsman

- Fairness related
- Independent
- Impartial
- Neutral
- Last step of administrative review
- Cedes jurisdiction to courts
What is Fairness

• Deals with process, not necessarily outcome

• Principles of Natural Justice apply:
  – The right to be heard by an neutral party
  – The right to be fully informed of the against you
Examples of Fairness

- Unreasonable delay
- Biased decision maker
- Oppressive, unjust or contrary to law
- Discriminatory
- Inadequate or inappropriate reasons
- Unreasonable or unfair procedures
- Otherwise wrong
3 types of Ombudsmen

- Classical
- Organizational
- Executive
Types of Ombudsmen

• Classical
  – Appointed by a legislature
  – Independent officer
  – Long term appointment
  – General jurisdiction over governmental activity
  – Public reports
  – Own motion investigations
  – In all provinces except PEI
Types of Ombudsmen

• Organizational
  – Appointed within an organization
  – For complaints within the organization
  – Counsels, coaches
  – Does not investigate, report or recommend
  – Universities, corporations, groups
  – Facilitates and empowers
Types of Ombudsmen

• Executive
  – This is my role
  – Appointed by statutory mechanism for a single entity
  – Has a specific and “not” general jurisdiction
  – Acts like a classical Ombudsman
    • Investigates
    • Reports
    • Recommends
Executive Ombudsman role cont’d

• Becoming a major role in Canadian law
  – Local Governments
  – School Boards
  – Bank, Insurance, Trust Ombudsmen
  – Corporations
    • Hydro,
  – Federal Government departments
    • National Defense, Veterans’ Affairs, Taxpayers, Victims of Crime
ICANN Ombudsman

- Ombudsman’s jurisdiction as defined by Bylaw V relates to actions, decisions, or inactions by ICANN staff, board, or supporting structures.
- Ombudsman’s latent role is to provide a single portal for all consumer issues brought to his attention.
ICANN Ombudsman

- Executive Ombudsman role
- Appointed by Bylaw
- Services global audience
- 24/7
- Multi-lingual, Multi-cultural
- Online
- Largest potential client base in the world
ICANN Ombudsman Value Statement

The Values of this Office are:

• Respect for Diversity;
• Excellence in Ombudsmanship;
• Professionalism;
• Confidentiality;
• Impartiality;
• and Independence.
Ombudsman toolbox

• Investigation
• Interviewing
• Mediation
• Negotiation
• Shuttle Diplomacy
• Creative win-win
• Recommendations
• Reporting
Reports and Annual Reports

- Saskatchewan and ICANN reports
- Report on trends
- Report on issues and cases
Did we?

• Define what an Ombudsman is?
• Define 3 types of Ombudsmen?
• Consider what my Office does and what usually falls in Ombudsmen jurisdictions?
• Identify a skill set for Ombudsmen and Ombudsman officers?
Questions?
Thank you

- Links:
  - www.icannombudsman.org
  - http://www.ombudsmanforum.ca/whatis_e.asp
  - http://www.usombudsman.org/
The Values of this Office are:
- Respect for Diversity;
- Excellence in Ombudsmanship;
- Professionalism;
- Confidentiality;
- Impartiality;
- and Independence.