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.