



STATUTORY OR PRIVATE SECTOR OMBUDSMAN

A Difference Without a Distinction?

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Models of Practice

- Classical Ombudsman
 - Hybrid Ombudsman
- Organizational Ombudsman



Classical Ombudsman

- Legislative authority to investigate complaints/resolve disputes
- Ombudsman reports to Parliament and no functional control from a Minister or Committee
- Appointed by Parliament by representatives of all political parties for a specific term



Hybrid Ombudsman

- Terms of reference, charter or detailed policy describing role of Ombudsman
- Many have investigative/own-motion capacity
- Many required to publish annual reports
- Many have authority to publish special reports



Organizational Ombudsman

- Ombudsman employed by organization and mandated by policy or terms of reference; reports to the highest level in the organization (e.g. CEO or President)
- Administrative independence, impartiality, confidentiality, informality
- Does not have investigative capacity and may not publish reports
- Some have 'fact-finding' capacity



Typical Characteristics

- Independence (financial, administrative, tenure)
- Adherence to principles of administrative fairness
- Inquisitorial not adversarial
- Power of recommendation
- Confidentiality
- Accessibility
- Impartiality
- Ability to determine own procedures



Powers of Investigation for Some

- Investigation as an office of last resort
- Individual complaints
- Systemic issues
- Own motion capacity



Universal Attributes

- Making inquiries
- Clarifying expectations and understanding
- Shuttle diplomacy
- Mediation
- Education of decision-makers, stakeholders, and the public
- Advice and prevention



Governance Models: Their Implications

- Appointing the Ombudsman
- Reporting relationships
- Independence and accountability
- Making Ombudsman reports public
- Powers of investigation
- Making recommendations



Protections of the Law

- Ombudsman tenure
- The issue of independence
- Powers of reporting



Fundamental Requirements to be an Ombudsman

- Impartiality and independence
- Determination of own procedures
- Contribution to fairness
- Preventative approaches
- Accessibility
- Confidentiality



How to contact us

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