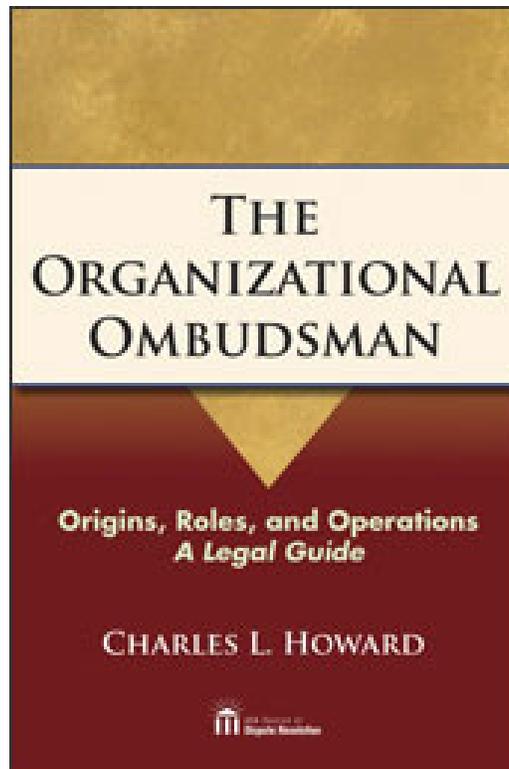


# Actual Ombuds Examples

## Dispute Resolution in Companies and Other Organizations: The Role of an Organizational Ombuds



### Asia Pacific International Mediation Summit

New Delhi, India  
February 14, 2015

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## ACTUAL OMBUDS EXAMPLE

### **Where does a vice president go with concerns about the president?**

The ombuds of a multinational organization received a call from a regional vice president with concerns about an international region president. The inquirer expressed concerns that the regional president was acting strangely and making improper comments about people at an off-site meeting where over a dozen other vice president-level organization officials were present, together with several outside counsel, professionals, and other consultants to the organization. The inquirer was concerned that the regional president could have a drug problem, as the strange behavior had been evident for at least the preceding few months. The vice president making the call, however, was also obviously concerned that he may be wrong and was worried about the possible impact on his own career.

The ombuds discussed various ways this issue could be surfaced and investigated. The inquirer gave the ombuds permission to convey information about the regional president's conduct (but not the inquirer's identity) at the off-site meeting to the top levels of the organization at its international headquarters. When this information was relayed to the president of the entire organization and the head of HR, they instigated an investigation almost immediately by having many of the attendees of the off-site meeting interviewed. The regional president was also interviewed. As a result of this investigation, they made the decision to remove the regional president from his position and announced that he was relocating back to the organization headquarters. He retired from the organization not long thereafter.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 237.

## ACTUAL OMBUDS EXAMPLE

### **Ombuds arranges for an anonymous call to a formal channel.**

Multiple employees on a regional sales team had been talking among themselves about the disrespectful, abusive, unsupportive behavior of their mutual supervisor. The employees all worked in different states and were connected only by way of a virtual network, so that their interaction with each other, their supervisor, and potential resources was entirely by phone and e-mail. They expressed great fear of retribution from the supervisor if they spoke up. They also did not trust other resources in the organization. With frustration mounting and many of them finding it increasingly difficult to focus on their jobs, a representative of the employees contacted the ombuds in search of a way to anonymously raise their concerns.

After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options. The option selected was for the ombuds to contact HR to arrange for an anonymous telephone call between a regional HR director and some of the employees. The understanding was that the ombuds would coordinate the conference call and that four employees would participate in it with the HR director but that the employees would not identify themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off so as not to be part of a formal, but unusual, teleconference.

As a result of the conversation, an investigation was begun into the leadership behavior of the supervisor in question. In the end, the supervisor was switched to a non-leadership role in the organization.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 257.

## ACTUAL OMBUDS EXAMPLE

### **First a test, and then the real issue.**

An ombuds who works outside of the United States received a call from an inquirer who lived in a Middle Eastern country and worked for a unit of the organization located in that country. The ombuds and the inquirer were of different nationalities and worked in different countries. The inquirer, who wished to remain anonymous, presented the ombuds with what appeared to be a relatively minor issue dealing with a business process within the organization. The ombuds was given permission to raise the issue, which the ombuds did. The issue was resolved and that appeared to be the end of the matter.

Approximately three months later, the same inquirer called the ombuds again, but this time it was with a concern over what later was determined to be a major fraud. In the course of dealing with the inquirer on the second matter, the inquirer disclosed his identity and it came out that he had been the person who had raised the first issue. The inquirer indicated that while his real concern all along had been the fraud issue, he raised the first issue to test the ombuds office to make sure that his identity would be protected and to see if there would be any attempt by management to identify him and retaliate against him. He said that since the handling of the minor matter had shown that the ombuds could be trusted to keep information confidential, he felt comfortable raising the fraud issue with the ombuds.

After discussing options on how to deal with the fraud issue, the inquirer had a greater understanding of the process and indicated that he would be willing to disclose his identity to and meet with investigators for the organization. The fraud was investigated, uncovered, and resolved.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 296.

## ACTUAL OMBUDS EXAMPLE

### **Local management misconduct and the fear of retaliation.**

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were members of the local management. As a result, employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds office because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds at their request facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 590.

## ACTUAL OMBUDS EXAMPLE

### **Access to all levels of the organization.**

A person whose employment had been terminated after 28 years of service contacted the ombuds office with concerns that his termination was unfair and unjustified. His attempts to appeal to HR and management had been unsuccessful and he was prepared to take his case to an attorney and the media.

The ombuds discussed options with the former employee that he had not yet considered. He decided that the option he wanted to pursue was writing a letter directly to the CEO of the company. The ombuds served as a sounding board for the former employee as he crafted the letter. The ombuds also facilitated getting the letter directly to the CEO.

The CEO responded to the letter with a phone call to and an in-depth conversation with the former employee. The termination was not overturned, but the process of talking to the ombuds and the CEO satisfied many of the concerns the former employee had expressed and allowed him to move forward with a better feeling toward the organization. It also had the effect of avoiding the potential expense and embarrassment of a lawsuit and media involvement.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 222.

## ACTUAL OMBUDS EXAMPLE

### **Limited disclosure solves the problem and protects the informant.**

An employee came to the ombuds to report that he suspected that one of the subcontractors working on plant renovations at the facility where he worked was not doing the work to code. The employee felt that this should be brought to the attention of the company for safety reasons but because he was a union member in the same trade as the subcontractor, he was unwilling to be the one to raise the issue with a formal channel. He was certain that he would suffer retaliation by other members of the union if it became known that he had been the person who reported the issue.

After discussing various options, the employee agreed to permit the ombuds to contact the facility manager to advise him that it would be advisable to have an inspection of the construction work by the local building inspector, but no other information was revealed. The manager arranged for the inspection, which uncovered the defective work, and the company required the subcontractor to correct it. Since the inspection appeared to be a routine inspection by the building inspector, the identity of the employee who came to the ombuds office was protected.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 228.

## ACTUAL OMBUDS EXAMPLE

### **An alert from the ombuds helps the organization avoid committing illegal acts.**

Information was conveyed to the ombuds that the organization may have been skirting the law in hiring foreign nationals, but the source of this information was unwilling to come forward directly or to permit disclosure of his identity. The inquirer was willing, however, to permit the ombuds to alert the COO of the organization that this type of activity might be occurring.

With the alert from the ombuds, policies and procedures were tightened to eliminate the potential for misconduct. In the process, the COO was able to reinforce to those responsible for hiring what the law and the organization required and that violations would not be tolerated.

No further concerns on this issue have been brought to the ombuds.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 232.

## ACTUAL OMBUDS EXAMPLE

### **The ombuds can provide assistance to a manager without breaching confidentiality.**

Several employees in a country other than the United States came to the ombuds to express concern about a new country manager for their organization. He was an expatriate American, and his communication style and approach were different from and clashed with their local culture. To the locals, he was “rough, rude and loud.” They also found him unapproachable. That country’s team morale started to fall and absenteeism spiked.

Before any action was taken on the concerns expressed by the several employees, the country manager himself also contacted the ombuds office, asking for help and guidance on how to become a better leader in that culture. Without revealing that any employees had raised concerns about him, the ombuds was able to provide suggestions to the manager, such as changing his style of communication and advising him on how to participate in various activities to better understand the local culture.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 246.

## ACTUAL OMBUDS EXAMPLE

### **When the supervisor and HR are part of the perceived problem.**

A mid-level manager had concerns about how she was being treated by both her direct supervisor and her local HR representative. She felt that both were undermining her and not supporting her as she attempted to correct employee behaviors and improve the morale and production of the team she supervised. She felt very unsafe raising her concerns to anyone within the formal structure and reached out to the ombuds office so she could have confidential conversations there. She had repeated conversations with the ombuds regarding options and strategies.

Conversations with this manager continued over the course of approximately three months, after which time she had built up enough confidence and trust to reach out to her VP of HR with the assistance of the ombuds. As a result, a personal visit was made to her supervisor by the VP of HR, and changes were made in the HR department that addressed the concerns of the manager, as well as similar concerns of other employees that had surfaced through discussions with the ombuds.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 284.

## ACTUAL OMBUDS EXAMPLE

### **Cooperation between audit and the ombuds office.**

Internal audit received a report that a member of the research and development staff of 20 had been conducting a personal real estate business from his office computer. Two auditors arrived at the department one morning. They announced to the entire department that they were there to conduct an audit and then began at the office at the south end of the corridor.

An employee in the department, who may or may not have been the whistleblower, realized that the office of the person with the personal business was on the north end and that the auditors would not get there for several hours, giving the employee plenty of time to erase files. He immediately called the ombuds to describe the situation and gave only the office number of the suspected employee. He never disclosed who he was or any other individual information. It then took the ombuds less than a minute to reach the chief of audit to relay the information. The chief of audit then immediately called the auditors in the field to inform them that they should begin in office number 20 at the north end of the corridor.

The audit discovered evidence of the employee's personal business on the company computer. Both the audit chief and the ombuds felt that the cooperation between the ombuds and audit worked well. Doubtless the employee making the call to the ombuds would agree.

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From *The Organizational Ombudsman: Origins, Roles, and Operations - A Legal Guide* by Charles L. Howard, page 607.