



**University of Regina  
Justice 230**

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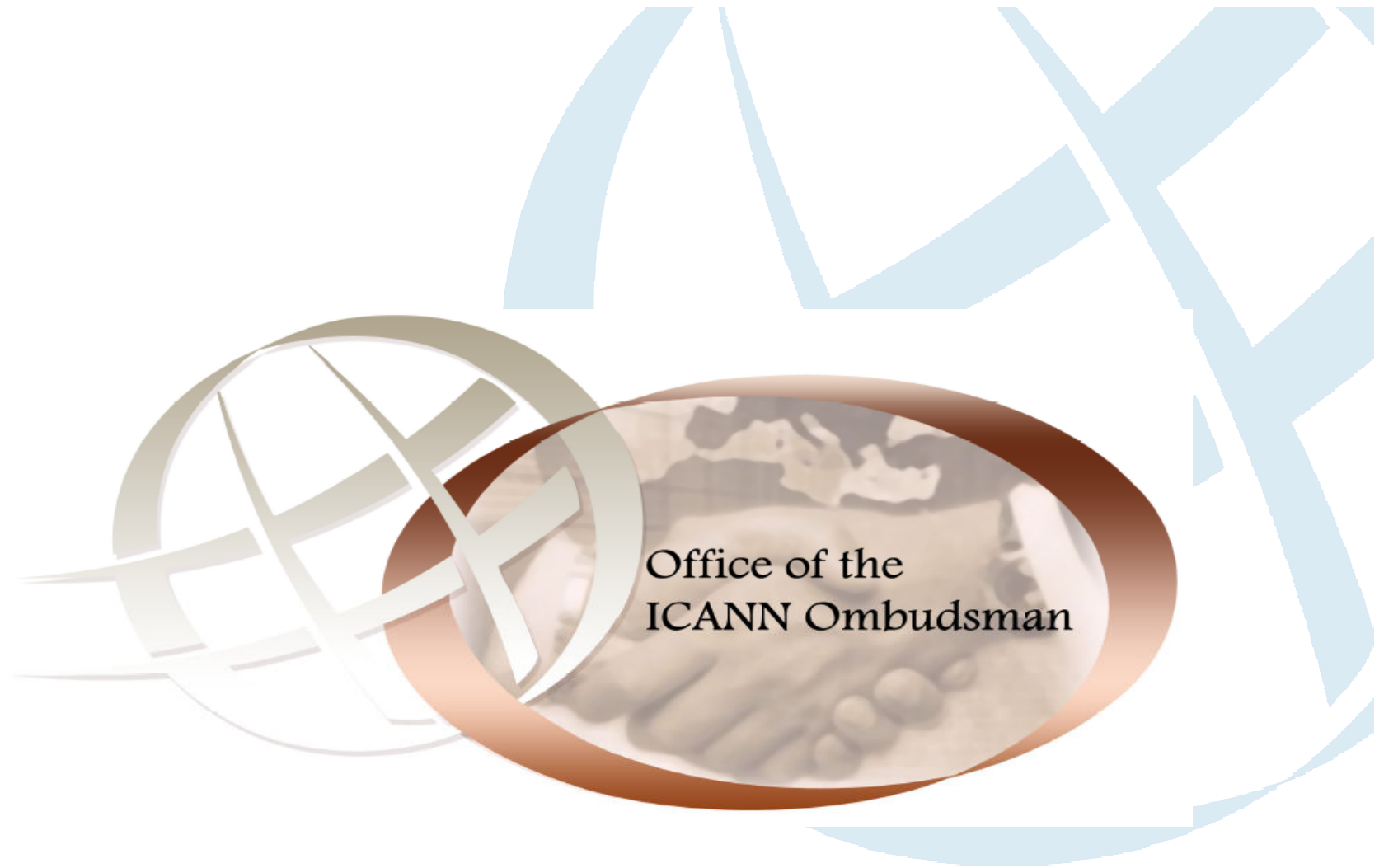


# The Role of the Ombudsman in Canadian Institutions

for

Justice and the Law in Canada





Office of the  
ICANN Ombudsman



# 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
- Otherwisely 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.icannombudsman.org)
- [http://www.ombudsmanforum.ca/whatis\\_e.asp](http://www.ombudsmanforum.ca/whatis_e.asp)
- <http://www.usombudsman.org/>

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