**Standards of Practice for**

**Organizational Ombuds of the Federal Public Service**

A healthy, productive and inclusive workplace is fundamental to ensuring that public servants are able to do their best for Canadians and for the Government. In his [24th Annual Report to the Prime Minister on the Public Service of Canada](https://www.canada.ca/en/privy-council/corporate/clerk/publications/2017-annual-report-landing-page/report.html), the Clerk of the Privy Council stated: *“We have to keep listening to what employees are saying in all areas, particularly as it relates to their work environment*.” In this same report, he acknowledged the success of the ombuds[[1]](#footnote-1) model (already in place for some time in some organizations), recognizing it as a robust approach that provided a trusted, safe space where managers and employees could address a range of issues and express their needs. Subsequently, the Clerk’s [Safe Workspaces](https://www.canada.ca/en/privy-council/corporate/clerk/publications/safe-workspaces.html) report recommended that organizations put in place an Ombuds-type function to support safe and healthy workplaces.

Given the strong endorsement of the ombuds model, there has been a significant expansion of the function in the Public Service. Standards of practice, common to all organizational ombuds offices of the *Public Service* would support this quickly developing function, ensure a minimal level of consistency across organizations, and contribute to the credibility of the community. The **Interdepartmental Committee of Organizational Ombuds** (ICOO) therefore recommends the following Standards of Practice, consistent with those of the *International Ombudsman Association* (IOA) and the *Coalition of the Federal Ombudsman of the United States* to guide the organizational ombuds practice within the Federal Public Service.

**PART I: Carrying out the Function**

1. **Ethical Principles**
   1. The Ombuds adheres to the ethical principles of **independence, confidentiality, impartiality and informality**. These four ethical principles dictate the context for the *Federal Public Service Organizational Ombuds Standards of Practice*.
2. **Services**
   1. The Ombuds should not have duties that might create a conflict with their responsibilities (e.g., delivering programs for the employer) and should remain removed from managerial decision-making (apart from his or her own unit), or from compliance or policy-making functions.
   2. The Ombuds office must have clear terms of reference that specify the mandate, ethical principles, and operational requirements, so that others in the organization are aware of the office’s responsibilities and how it functions.
   3. Existing positions with the Ombuds title that do not adhere to these standards should be modified.
3. **Roles**
   1. The Ombuds provides a safe space where employees can raise their workplace issues without fear of reprisal and explore options to resolve them.
   2. The Ombuds helps employees navigate existing systems, services and resources.
   3. The Ombuds promotes fair and transparent practices, raises organizational awareness of systemic issues and trends, and helps effect change.
   4. The Ombuds has the ability to propose recommendations to senior management to address systemic issues.
4. **Independence**
   1. The Ombuds reports only to the head of the organization (e.g., the Deputy Head) and has direct access to other senior officials.
   2. The Ombuds operates independently from the governance structure or chain of command.
   3. The Ombuds should have access to information and records pertinent to their responsibilities as permitted by law.
   4. The Ombuds exercises sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time. The Ombuds may also initiate action on a concern identified through the Ombuds’ direct observation.
   5. The Ombuds must be protected from retaliation for looking into issues and raising them with the appropriate office.
5. **Confidentiality and Privacy Protection**
   1. Subject to the *Privacy Act*, the Ombuds holds all communications with individuals seeking assistance in strict confidence and takes all reasonable steps to safeguard their identity and the information provided in confidence, unless the individual provides explicit consent to disclose.
   2. Confidentiality may be lifted where there appears to be an imminent risk of serious harm to the individual or to another person, and where there is no other reasonable option. Whether this risk exists is a determination made by the Ombuds.
   3. As per the *Privacy Act*, where an individual has expressed a personal opinion, view, or accusation regarding another individual and where this other individual makes a request for access to their own personal information*,* that opinion or view**, if documented in a record,** will be disclosed to the other individual. This disclosure will also include the name of the individual who expressed the opinion or view, as required by law.
   4. The Ombuds office treats personal information[[2]](#footnote-2) provided to them as transitory and only uses and maintains it in the provision of guidance to these individuals.
   5. When the Ombuds pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombuds does so in a way that safeguards the identity of individuals.
   6. The Ombuds does not testify in any formal process inside the organization, and resists testifying in any formal process outside of the organization regarding an individual’s contact with, or confidential information communicated to the Ombuds.
6. **Impartiality**
   1. The Ombuds advocates for fair and equitably administered processes and conducts inquiries in an impartial manner, free from conflicts of interest.
   2. The Ombuds does not advocate on behalf of an individual or of management.
7. **Informality[[3]](#footnote-3)**
   1. The Ombuds operates on an informal basis and assists individuals by listening, providing and receiving information, identifying and reframing issues, developing a range of options, and, with permission of the parties and at the Ombuds’ discretion, facilitating resolution.
   2. The Ombuds does not make binding decisions, mandate policies, or formally adjudicate issues.
   3. The Ombuds complements, but does not replace, any formal channels. Use of the Ombuds Office should be voluntary, and should not be a required step in any formal process.
   4. The Ombuds does not take an active role in any formal procedure related to concerns brought to the Ombuds’ attention, including formal investigations.
   5. The Ombuds is an internal resource. It is not a representative of and does not act on behalf of the employer. Communications made to the Ombuds do not constitute notice to the organization. The Ombuds refers individuals to the appropriate place where official notice can be made.
8. **Recordkeeping and Reporting**
   1. The Ombuds office keeps no records containing identifying information on behalf of the organization.
   2. The Ombuds office may maintain records regarding discussions or issues, and does so in a manner that safeguards confidentiality and privacy.
   3. The Ombuds office maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
   4. The Ombuds office destroys transitory personal information provided to them from employees when it is no longer required.
   5. The Ombuds office prepares any data and reports in a manner that protects confidentiality.
9. **Outreach and Collaboration**
   1. The Ombuds undertakes outreach and education activities to build effective relationships with those affected by their work.
   2. The Ombuds office works proactively with other stakeholders to ensure mutual understanding of respective roles and responsibilities, to establish protocols for referrals and overlap and to build cooperative relationships.

**PART II: Enabling the Function and the Community**

1. **Leadership Support**
   1. The organization’s leadership provides visible support, renewed as leadership changes.
   2. The organization’s leadership should carefully consider any specific pulse checks, observations, and recommendations provided by the Ombuds.
   3. The organization’s leadership ensures appropriate financial and human resources to provide Ombuds services and to allow the active promotion of services within the organization.
2. **Classification and Staffing**
   1. The ICOO should explore with the Office of the Chief Human Resources Officer (OCHRO) the option of a common classification for the Ombuds function.
   2. The organization reinforces the credibility of the Ombuds function by appointing an Ombuds with sufficient professional stature, who possesses the requisite knowledge, skills, and abilities and is sufficiently independent from the management cadre.
3. **Physical and Virtual Facilities**
   1. The organization, to the fullest extent possible and consistent with resources, ensures that the Ombuds office’s physical space, its telephone and online communications systems, and information management systems enable discreet meetings and conversations and create a safe space for employees to be able to speak candidly without fear of reprisal.
4. **Learning and Development**
   1. Organizations should support training for the Ombuds with regard to standards of practice to promote accountability and professionalism.
   2. The Ombuds and employees of the Ombuds’ office should participate in relevant professional working groups or Ombuds training programs to support and develop their skills and competencies.
5. **Access to Counsel**
   1. The Ombuds should have access to legal counsel for matters within the purview of the Ombuds role to protect the independence and confidentiality of the office. Such counsel should be free of conflicts of interest.
6. **Performance Review**
   1. The Ombuds should ensure the periodic assessment of both Ombuds office management and program effectiveness for the purposes of continual improvement and accountability.
   2. The Deputy Head should be solely responsible for the annual performance review of   
      the Ombuds.
7. **Interdepartmental Coordination**
   1. The ICOO should be recognized as the central body designated to raise matters of common Ombuds’ concern across organizations in the Federal Public Service.

1. In the absence of consensus on the appropriate title in French and English, and while further terminology reviews and discussions are undertaken, the term “Ombuds” is used in this document. [↑](#footnote-ref-1)
2. Individuals seeking access to personal information pertaining to themselves and maintained by the Ombuds may request the information as per section 7 of the Privacy Act. [↑](#footnote-ref-2)
3. International Ombuds Association, Standards of Practice, October 2008 [↑](#footnote-ref-3)