

1 [Notes and correspondence, 1 of 2]

circa 1984

1984  
New Questions  
MPR

One of the major purposes of an ombudsman office is to get information back to line management in ways consonant with <sup>the</sup> confidentiality of individual visitors. This "upward feedback" function often serves as an Early Warning System for top management. ~~From time~~

~~to time we~~

Any outsid<sup>e</sup> person who feels ~~if~~ she or he has hold of a New Problem should <sup>(please)</sup> write it up for this column, especially if you have good solutions, but even if you don't.

My new topic is fear of AIDS. Obviously the medical aspects of AIDS are the province of your medical staff or consultants. But fear of AIDS is a ~~major~~ growing human resource problem. Two years ago I had no calls on this subject. Last year I got about one call a ~~week~~ <sup>month</sup> from outside and twice as many inside. For this reason there will be a legal/ombuds/~~new~~ medical information panel at St. Louis, on ~~the~~ handling complaints arising from fear of AIDS.

In the meantime here are some preliminary suggestions for ~~our~~ our profession. You can get up to date medical and epidemiological information from the Center for Disease Control in Atlanta. You may wish to review your company policies and <sup>relevant</sup> state laws on: privacy, right to know, discrimination.

You may wish to get together with your medical, legal and Human Resource colleagues to review the subject and <sup>any</sup> concerns raised to date. In our case, we have formed a ~~small and large~~ internal working Group on this subject.

You will find the general picture roughly as follows. The AIDS virus is apparently very fragile and not known to have been transmitted in any way common to the normal work environment (sneezing, using cups and computers, etc.). But possibly  $\frac{1}{4}$  or  $\frac{1}{2}$  of one percent of your work force may carry the antibodies and this fraction may double within a year. What this means is unknown. Anti-body carriers may be immune or ~~may~~ a small fraction may develop AIDS or the lesser AIDS-associated-complex symptoms (ARC).

In addition you will have (or have had) a few AIDS and ARC victims.

So my early suggestion ~~are~~ is that this is a good subject to check out soon with your company colleagues. And feel free to call if I can help talk over the issues.

May 8, 1985

Dear May, 1986 Planning Committee:

I enclose a xerox copy of the Suggestions from Dallas. I deduce from these that people would like a defined, written schedule that we hold to, with some flexible sessions. I propose the following:

- . that we hold the conference Wednesday noon thru Friday noon, with the possibility of optional visits to our host company ombuds offices beginning early Wednesday morning. This permits some people to come in the night before, for a "three day" meeting. Chris Hamilton and I were absolutely delighted with the chance to have visited Southland. And I learned a lot from the chance to visit A-B last fall and AT&TIS last winter. Do you think this would be possible, St. Louisans?

- . that we have at least one swimming pool (and, if possible, one evening reception in or on it).

After consultation with Carole, Bob, Chris and Martha, I have suggested that the St. Louisans choose a place and dates, negotiate fees via the A-B Conference people and that we then ask Pat Alperti to run all logistics.

Martha suggests more mailings, up to and including, a Newsletter. We could begin, for example, with materials from Tony, on cost-effectiveness, news from the Research Committee, etc., our agreement about intra-Association confidentiality, etc.

One or two companies are working on logos for our further consideration. I also got a warm note from someone who likes the abstract quality of the Southland prototypes. We'll have a hard time choosing.

We will soon have draft By-Laws. Please be thinking about our name? Several people want "Corporate Ombuds(man?)

May, 1986 Planning Committee  
May 8, 1985  
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Association."

Call me if you have suggestions? You can always  
leave any length of machine message, out-of-hours, on (617)  
253-5921.

With warmest affection,

Sincerely,

Mary P. Rowe

MPR:CT

P.S.

*Strathmore*  
*Alexandra Brilliant*  
100% COTTON FIBER USA

INTRA-CORPORATE CONFLICT MANAGEMENT

CT  
copy

10-12

This session will locate the issues of internal conflict resolution within the field of innovative Human Resource Management. We will discuss what people actually do and think of doing, when they feel unjustly treated, as contrasted with what management would wish to happen. We will discuss major reasons why constructive options frequently are not used by workers and by managers. These points suggest that a successful complaint system must be designed to deal with how managers and workers actually behave. We will therefore lay out the characteristics and functions of successful conflict management systems in this context. We will then focus these issues with a case that illustrates the wide variety of approaches to conflicts that managers actually employ.

2:00-3:30

We will meet in two groups, one to discuss recent developments in conflict management in unionized settings, the other to look at developments in non-unionized settings. We will talk about innovative approaches to worker-co-worker conflict, and to problems that managers and professional staff experience themselves as employees. We will discuss new structures to facilitate communication and problem-solving and the need to provide in-house dispute resolution consultation for managers. The non-union group will also look at a new design for extending complaint handling capabilities in individual plants, district offices, and/or small companies.

1985 COA  
Conference  
Evaluations

### SUGGESTIONS FOR 1986

1. More mini lectures on subjects similar to what Mary Rowe did, (i.e. conflict resolution, counseling, etc.)
2. Workshops and an agenda (printed) list of attendees.
3. More time for lectures. Focus on specific subjects (i.e. discipline procedures, sexual harassment, etc.). Formalize agenda. Reduce introduction time.
4. Before attending (perhaps with registration) have participants: (1) show their model (simple flow diagram--few words); (2) their expectation and/or goals relative to the conference; (3) specific concerns they would like to see addressed; and (4) concentrated follow-on segments to legal and ethical consideration. Looseness of flow (timeliness, late start, changed start time), detracted from quality of organization.
5. Preconference material needs to clearly state purpose and supporting agenda. Gathering expectations and issues from participants before conference would provide impetus to preconference material.
6. Introductions could be more efficient in order to ensure high attention and interest level through this activity. The activity itself is extremely important; time is a problem, however. (40 people at 5 min./per person= 3'20"). Maybe a structured format or small group method could help.
7. Research people could use more time. Especially at this conference, I think they were "squeezed in." We've tried to maintain a strong research, data gathering base. Let's show that it's important on the agenda!
8. Agree with previous respondent concerning looseness of conference structure: e.g. start time late and arbitrarily changed, switches in agenda. Ombuds practitioners are also good business people; that needs to be reflected in our conference structure.
9. Last but really first! Great conference. Issues are emerging. Excellent input from all presentors. Lots of participation on timely issues.

10. Check with Human Resource entities on time scheduled for meetings so that we can have one or more areas presented at our meetings based on appropriate time.

11. Have people circulate info on courses; one might get insight of margin between EEO, Union, Human Resources cases and teach us to recognize these borders and functions and how we fit in between them.

12. Consider if conference should be longer.

13. Get out more bibliographies and written materials.

14. Keep to the schedule.

15. Don't over-schedule.

16. Case examples--more of them.

17. Written schedule distributed with announcement.

18. Provide name of attendees on first day.

19. Have smaller group sessions on specific interest issues.

20. List (flip-chart) expectations of members; allow more flexibility in schedule to address these expectations.

21. Tell people format and length for self-introductions in advance. Worthwhile to do introductions, but could have been more concise. Also, have latecomers introduce themselves.

22. Plan for the meeting at least six months in advance and request experts (members) to write conference paper for us at the annual meeting and distribute them in advance of the meeting or make them available at the conference.

23. Skill building workshops.

24. Continued update on legal implications.

25. Consider larger conference/2 conferences year.

26. More free time to meet with folks individually.

27. Discuss specifically how to avoid getting called into court. What if we are called into court--how to resist?

28. More discussion of techniques that work followed by case studies in which we might apply them.

29. Better agenda--published earlier.

30. Avoid later agenda changes. (Don't need 2 hour lunches.)
31. Keep extra name tags handy for latecomers (first day).
32. Three full days--firm agenda distributed prior to meeting.
33. Keep flexible agenda.
34. I.D. speakers on agenda sheet.
35. Stick to time schedule.
36. Discuss personal experiences as ombudsman.
37. No repeat of previous speeches (lawyers).
38. Format great--the informal participation was particularly good, lot of group interaction, information from researcher was really interesting; Lee in particular.
39. Information on facility before meeting; i.e. services available; more research information.
40. Need to spend more time on examining organizational issues. Do we need to have more structured formal org.?
41. Liked the format!
42. Jim Lakus' briefing on the evolutionary Program at Polaroid was extremely interesting. In addition, the research report was one of the highlights of the conference. Based on the interest expressed on these "historical" briefings, I believe that "historical" data based on findings of existing Programs would be valuable.
43. Need to establish a clearing house for use as an information resource for feedback. Have a newsletter.
44. Jim's talk was helpful because Polaroid in news recently and because of their down-sizing program but you can't always predict when news will break. However, if one of our members is in the news around the time of our meeting, I'd like some "background info"... Mary's presentation, esp. letter technique, informative, amusing & helpful.... lawyers presentations redundant. Next time could be helpful to have a panel that answers questions about current specific issues, and covers recent news cases that are landmark... research data helpful... need to grapple with issue of confidentiality and protection... more "technique" workshops helpful and group case work... stay on schedule... great convention center!

45. Stick to agenda; limit introduction times a bit; build attendance, provide resource materials and attendees list; continue showcase presentation of a sample program (e.g. Polaroid) great conference center-transport convenient/nice hospitality. Once again--terrific conference.

46. Generally well-done. Liked the opportunity for discussion. Legal contribution was good. A brief update at each session would be helpful. More discussion about values--using Robbins' statements.

PERSONAL INTERVIEW QUESTIONS

1. In general, what types of experience, training, or inherent abilities do you think needed by ombuds?
  
  
  
  
  
  
  
  
  
  
2. If you were to consult to a large corporation starting an ombuds program, how would you suggest that they go about first finding candidates for and then selecting an ombuds?
  
  
  
  
  
  
  
  
  
  
3. Are there certain types of problems for which you have developed a reputation of being good at (sic)? What are these? What proportion of your caseload comprises problems of this type?
  
  
  
  
  
  
  
  
  
  
4. Of your cases, roughly what proportion involve worker-supervisor (inferior-superior) conflicts as compared to worker-worker and manager-manager conflicts? Has this changed during the existence of the ombuds function?
  
  
  
  
  
  
  
  
  
  
5. How do people in your organization know when you are doing a good job? What formal procedures, if any, exist for evaluation of the ombuds role, of your own work? Do you have any data on satisfaction with case results by clients? By other parties to your cases?
  
  
  
  
  
  
  
  
  
  
6. What power or influence do you have in the organization? What provides it? Would more or less be an improvement?

PERSONAL INTERVIEW QUESTIONS

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7. If you had the choice, would you change the location of the ombuds function in your organizational structure? In what way?
  
  
  
  
  
  
  
  
  
  
8. In your company, what alternative sources of assistance are potentially available to your clients?
  
  
  
  
  
  
  
  
  
  
9. What are the most important factors which determine a corporate ombuds' effectiveness?
  
  
  
  
  
  
  
  
  
  
10. What happens in instances where a client isn't satisfied with the outcome of a case?
  
  
  
  
  
  
  
  
  
  
11. What would you like to be doing as a job three years from now? Ten years from now?
  
  
  
  
  
  
  
  
  
  
12. Would you be willing to provide up a 3-10 (double-spaced) write-up of a case example and how it was handled either with attribution to yourself or anonymously? We would like to use some of these for discussion at the St. Louis Conference and for a future Reader and Guide to Corporate Ombuds Practice, as well as a source of research data for analysis. The case selected may be a typical, one indicative of best practice, or even one where an error was made (with a suggestion of how to avoid similar errors).

PERSONAL INTERVIEW QUESTIONS

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In our follow-up questionnaire we will also be requesting a brief description of your last five cases but this detailed write-up is for the different purpose of illustrating actual ombuds cases.

13. Is there anything that went particularly well in your work this year that you can share with us?

14. Would you give us some idea of your salary? \_\_\_\_\_ 20-30,000, \_\_\_\_\_ 30-40,000,  
\_\_\_\_\_ 40-50,000, \_\_\_\_\_ 50-60,000, \_\_\_\_\_ 60-70,000, \_\_\_\_\_ over 70,000

15. Would you be willing to fill out a follow-up questionnaire?

MAIL QUESTIONNAIRE

1. We would appreciate the following descriptive data:  
What is your title?
  
2. How many years in the ombuds position?
  
3. What prior positions in the company have you held?
  
4. What is your educational background (degrees, major, other professional training)?
  
5. We would like to know what types of cases are typically handled in your organization and how important their successful solution is to both the client and to the company.

Using the following scales, please fill in (for each of the listed types of cases and any other categories which you think significant).

|                        | <u>Never</u> | <u>Rarely</u> | <u>Fairly<br/>Frequent</u> | <u>Frequent</u> | <u>Very<br/>Frequent</u> |
|------------------------|--------------|---------------|----------------------------|-----------------|--------------------------|
|                        | <u>1</u>     | <u>3</u>      | <u>5</u>                   | <u>7</u>        | <u>9</u>                 |
| Salaries               | _____        | _____         | _____                      | _____           | _____                    |
| Terminations           | _____        | _____         | _____                      | _____           | _____                    |
| Sexual harassment      | _____        | _____         | _____                      | _____           | _____                    |
| Racial harassment      | _____        | _____         | _____                      | _____           | _____                    |
| Performance evaluation | _____        | _____         | _____                      | _____           | _____                    |
| Safety                 | _____        | _____         | _____                      | _____           | _____                    |
| Hours of work          | _____        | _____         | _____                      | _____           | _____                    |
| Location of work       | _____        | _____         | _____                      | _____           | _____                    |
| General "meanness"     | _____        | _____         | _____                      | _____           | _____                    |
| A.I.D.s concerns       | _____        | _____         | _____                      | _____           | _____                    |
| Transfers              | _____        | _____         | _____                      | _____           | _____                    |
| Other (listed below)   | _____        | _____         | _____                      | _____           | _____                    |

6. Do you use any unusual techniques in case handling, publicizing your office, or in other areas which you can share with others? Please describe.

7. During the course of a year, how do your clients contact you by phone, mail, or in person (percent each)?

8. What types of records on cases do you keep?

9. How is this data utilized?

10. To whom do you provide information? In what form? How often?

11. We would like to know the frequency of use of various intervention techniques. Please use the scales (circle number)

|   | <u>Never</u> | <u>Occasionally</u> | <u>About<br/>Half<br/>Time</u> | <u>Usually</u> | <u>Always</u> |
|---|--------------|---------------------|--------------------------------|----------------|---------------|
| a) Defusing rage, providing sympathy;   | 1            | 3                   | 5                              | 7              | 9             |
| b) Active listening (listening to the client's concern and assisting the client to formulate the problem clear);  | 1            | 3                   | 5                              | 7              | 9             |
| c) Giving advice about the general approach to be followed;   | 1            | 3                   | 5                              | 7              | 9             |
| d) Giving advice as to specific individuals to contact (i.e., a person rather than a title) to contact;           | 1            | 3                   | 5                              | 7              | 9             |
| e) Coaching (training in the use of company rules or procedures and/or role-playing a situation with the client); | 1            | 3                   | 5                              | 7              | 9             |
| f) Mediation (acting as an intermediary agent between the client and other parties);                              | 1            | 3                   | 5                              | 7              | 9             |
| g) Conciliation (working with both parties to encourage a friendly dissolution of the problem);                   | 1            | 3                   | 5                              | 7              | 9             |

MAIL QUESTIONNAIRE

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|   | <u>Never</u> | <u>Occasionally</u> | <u>About<br/>Half<br/>Time</u> | <u>Usually</u> | <u>Always</u> |
|---|--------------|---------------------|--------------------------------|----------------|---------------|
| h) Negotiation (to work with both parties to "trade-off" their conflicting objectives and thus resolve the issue);  | 1            | 3                   | 5                              | 7              | 9             |
| i) Arbitration/adjudication (making a decision about a dispute which is binding on the parties concerned);  | 1            | 3                   | 5                              | 7              | 9             |
| j) Turning the case over to higher authority;   | 1            | 3                   | 5                              | 7              | 9             |
| k) Suggesting arbitration/adjudication by others;   | 1            | 3                   | 5                              | 7              | 9             |
| l) Fact-finding (investigating to determine the material facts of the case);  | 1            | 3                   | 5                              | 7              | 9             |
| m) Generic intervention (intervening with regard to a class of cases rather than the specific case thus providing anonymity for the client; eg.g., showing a film about sexual harassment in the section in which the case occurred); | 1            | 3                   | 5                              | 7              | 9             |
| n) Providing upward feedback about issues which may lead to policy changes in the organization;   | 1            | 3                   | 5                              | 7              | 9             |
| o) Providing education/training for groups other than as the result of a specific case (as in generic intervention);  | 1            | 3                   | 5                              | 7              | 9             |
| p) Providing education/training for managers;   | 1            | 3                   | 5                              | 7              | 9             |
| q) Providing education/training for other corporate helping personnel;  | 1            | 3                   | 5                              | 7              | 9             |
| r) Writing articles for company newsletters or similar media;   | 1            | 3                   | 5                              | 7              | 9             |
| s) Referrals.   | 1            | 3                   | 5                              | 7              | 9             |

12. Please briefly describe each of the last three cases you handled. Factors of interest include, though they are not limited to, the following: (The attached sheets are for this purpose.)

- nature of the complaint
- job category (including union or non-union) and worksite of client
- job category and worksite (including union or non-union) of others directly involved in the case
- how the client knew of your services
- why the client came to you rather than seeking other available aid
- steps followed in handling the case
- outcome
- any available indication of how both the client and other affected parties felt/feel about the outcome and process
- time spent by you on the case; by phone, with the client, with other parties, in other ways (please specify)

Note: Our purpose in asking this question is to obtain a composite picture of the work of corporate ombuds. No individual clients, practitioners, or companies will be identified. Please simply use the last three cases even if you think them atypical as any editing will throw off the validity of our results. Use either the five one-page forms enclosed or use whatever form of write-up you find convenient.

13. Do you know of any other individual doing work similar to your own, officially or unofficially, in your own or other companies? Please provide any available contact information unless you know them to already be on the mailing list of the Corporate Ombudsmen Association.

Harassment, inequities, safety concerns, disciplinary grievances are commonplace. Managers and foremen, secretaries and scientists and assembly-line workers are all likely to experience problems, although the sources of frustration and rage may be different for different people. In actual practice, what do most non-union people do? What do they see as their options? In the actual experience of one of the authors this past year, the following kinds of behavior were reported repeatedly.

- . Doing nothing. Bottling it up inside. Apathy.
- . Taking it out on family and friends.
- . Taking it out on people at work; harassing people.
- . Absenteeism, lateness, long lunch hours, extensive socializing.
- . Depression, extensive weeping, angry outbursts, insomnia, exhaustion.
- . Sickness, accidents. Drugs and drinking. Eating disorders.
- . "Going slow: That's not in my job description."  
Urging others not to work so hard.
- . Quitting abruptly.
- . Petty sabotage. Rudeness to clients. Destructive gossip and trouble making, inside and outside of the company. Anonymous harassment.
- . Waste. Theft. Theft of company secrets. Fraudulent presentation of data; plagiarism.
- . Polarized union activities in and out of the company.

- . Complaints to regulatory agencies, newspapers, courts, with no attempt to change things inside the company.

- . Conscious or unconscious "ambushes;" the setting up of a colleague or oneself for serious mistakes or accidents on the job, or project failure.

- . Threats of violence, violence.

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- . Talking it over with trusted others.

- . Redirection of frustration toward sports or other creative activity after work.

- . Finding another position in an orderly manner; going back to school.

- . Direct discussion with the source of the problem.

- . Work with a responsible "network" inside the company, for orderly change.

- . Discussion with supervisor and line management.

- . Discussion with Personnel.

- . Appeal to other designated, complaint procedures such as a hot line or ombudsman or employee council.

- . Appeal to the ceo or company directors.

From the employer's point of view, only the latter group of options are constructive and, at that, having good employees leave may be undesirable. No one actually knows how often each set of options is chosen at work. But there is considerable evidence for the following points:

- Many and perhaps most people would rather be able to act in a way they consider effective, on their own, rather than turn to

others;

- many people know, or believe, that they have "too little evidence on their side," and are reluctant to get into a "his word against mine" confrontation, especially with problems like harassment;

- many people do not know how to be effective, in seeking a constructive option, or believe it is impossible to be effective;

- most people want very much to guard their own privacy and will do almost anything rather than risk exposure to public notice;

- many people greatly fear retaliation;

- nearly everyone finds unconstructive options very easy to use, and nearly everyone uses them at one time or another.

If these points are correct, what would be the attributes of a successful complaints system?

#### Specifications for a Successful System

- . Most people are effectively helped to deal with their problems, responsibly and successfully, on their own;

- . The complaints system is creative enough to develop ways of dealing with difficult kinds of problems, and to develop a reputation for inventive problem-solving;

- . The complaints system is widely believed to be truly confidential and "consumer-driven," so that employees do not ordinarily lose control of their own issues;

- . The company, especially top management, jealously guards its reputation both for preventing supervisory retaliation and for protecting the rights of anyone against whom complaints are made;

- . Most of the time, complaints handlers improve communications

and find win-win solutions, so that most managers come to trust that the system will back them up, or help them save face, in some appropriate way, or make sure they get credit for eliminating the problem;

. Various channels in the complaints system appear to be more accessible than unconstructive options.

In the context of widespread concern about employee morale, productivity, damage and cost control, and the need for good suggestions from workers and managers, to improve productivity, what do most companies actually now do?

Our experience indicates that many companies still expect non-union employees not to complain, especially if they are managers. If one absolutely has to talk, one is expected to use the supervisory chain. Going beyond one's supervisor or even to one's supervisor however is often seen as either suspect or useless. In this traditional view, subordinates, especially white collar workers, are expected always to back their supervisors loyally, and managers always to back their submanagers as a matter of principle (up until the moment of firing them). Many companies also have no public, comprehensive set of personnel policies and procedures appropriate for and available to non-union employees and managers.

The message from the employee's side is different. Older people, young people, minorities, high-tech professionals, and women are now likely to feel they have a right to be heard. At least as important are the white males who see others with special protection and are beginning to want due process for themselves.\* "You mean Suzie Jones has some recourse if she just gets her bottom pinched, and

\*See Ewing, David, HBR (Nov.-Dec. 1982); Westin, Alan in ILR Report, Fall 1982; Mark Schreiber, Mass. Law Review, Spring 1983.

I can't do anything about it if my boss shouts obscenities at me and expects me to be here every goddamn weekend because he can't plan ahead?"

Foremen and middle level administrative officers, who feel harassed from every side, are particularly likely to feel they need, but have no place, to go to seek support and advice.

Complicating this picture in high-tech industries is that fact that many technical supervisors are promoted for their technical competence, know little if anything about managing people and greatly resent having to learn. They don't want to be complaint handlers in the chain of command, don't know how to do it, and often feel they don't know how to handle their own concerns. Another major question in such companies is how to capture creative suggestions where group leaders don't know how to deal with conflict and diversity. (Example here?) All in all, the supervisory chain is no longer enough, even though most supervisors most of the time do an excellent job.



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