

Adapting the Ombudsman Idea to the 21st Century:
Fighting Puffery, E-Government, and Forensic Investigations

Stewart Hyson*

University of New Brunswick (Saint John campus)

Paper to be presented at the Annual Meeting of the Canadian Political Science Association, University of British Columbia, Vancouver, British Columbia, June 6, 2008

* I would like to thank Jeremiah B. Miller for his research assistance in compiling this paper's bibliography. In addition, I wish to acknowledge the insights offered by my students in a course – POLS 4211: The Ombudsman Idea in Canada – that I taught at the University of New Brunswick (Saint John campus) during the Winter 2008 semester.

The advent of modern electronic communications technology, particularly the Internet and personal computer, has brought forth great potential for enhanced democratic government. This potential is especially evident in respect to the Ombudsman institution that serves a critically important intermediary role of handling the public's complaints about public administration. But to what extent has this potential been met?

The Ombudsman institution was born in Sweden during the early nineteenth century – initially known as the *Justitieombudsman* in 1809 - but did not spread around the world until the late twentieth century, eventually acquiring its defining attributes of public watchdog of public administration (Rowat 1985; also see Bernt and Owen 2000, Caiden 1983a, Caiden 1983b, Gellhorn 1967, Gregory and Giddings 2000, Lundvik 1981, Reif 2002, Reif et al. 1993, Rowat 1968, and Stacey 1978). Known for its impartiality, confidentiality, fairness, accessibility, efficiency, and effectiveness, the Ombudsman has emerged as a standard component of the modern administrative state in Canada. Whether it be in the classical all-purpose form with responsibility for the whole public service as found in nine provinces and one territory, or in a specialized form with oversight over a single field of administration such as the federal Official Languages Commissioner, the institution is now commonplace. Indeed, due to its popularity, the Ombudsman idea is frequently emulated in the private sector (Rowat 2003: 46-49; Rowat 2007a: 42-52; and Rowat 2007b: 238-56). Nevertheless, there is indication that the institution has begun to change during the early years of the 21st century in order to adapt to changing circumstances.

This paper springs from the work of a research team that investigated the performance of the Ombudsman in Canada during the past forty years as found in nine provinces and Yukon territory (Hyson forthcoming). Members of the Ombudsman Research Project team noted in common how the Ombudsman Office in each of their jurisdictions has changed over the years whether this was due to: alterations of statutory mandate; the individual decision-making styles of the officeholders; or the types of complaints that needed to be addressed. A second source of previous research that inspired this paper was that done for a commissioned research study (Hyson 2007), recommending a RCMP Ombudsman, for the Task Force on Governance and Cultural Change in the RCMP. From these earlier research endeavours, it was evident that the Ombudsman was becoming more proactive than ever before. Although the defining attributes of this institution had set in the late 20th century, it has not been fossilized. The Ombudsman institution has the capacity to evolve in response to the leadership style of its current officeholder and to adjust to other broader circumstances. We are already seeing this more proactive role in the initial years of the 21st century, and, to remain a viable institution, the Ombudsman offices will have to remain on this same path of growth and development.

In what ways can these offices be proactive? Later in this paper, the centre of attention will be a comparative analysis of the provincial and territorial Ombudsman web sites in order to assess the extent to which these Ombudsman offices have adapted Internet technology to their traditional role. Our research question will be specifically focused on the extent to which each Ombudsman office has adapted the potential of e-government to its operations.

Before proceeding, it is appropriate to mention that there are two other ways in which Ombudsman offices are becoming more proactive: by fighting puffery in government and by resorting to forensic techniques to investigate high profile, systemic issues. The term “puffery” was actually used by the Ontario Ombudsman officeholder, André Marin, in his Annual Report of 2006-07, and the Ontario Office is most actively involved with forensic investigations through its Special Ombudsman Response Teams (SORTs). Other Ombudsman officeholders are also becoming outspoken critics of government decisions, and they occasionally initiate intensive investigations of systemic issues. While these tactics are touched upon in the pages that follow, both fighting puffery and forensic investigations are deserving of separate analysis of their own in another forum at another time. This paper will thus focus on the analysis of web sites.

In the following pages, consideration will first be directed to the status of the Ombudsman institution as it has developed in Canada, and the concept of complaining as political participation. This will be followed by an examination of the democratic potential of the Internet and web design in terms of e-government. The third section will deliver a comparative, empirical assessment of the ten provincial and territorial Ombudsman web sites.

The Ombudsman Institution in Canada

Following its adoption in Alberta and New Brunswick in 1967, the Ombudsman institution was eventually established in the other provinces except Prince Edward Island; and, of the three territories, only Yukon has an Ombudsman. These ten Ombudsman offices will later be the basis for our comparative analysis. Meanwhile, although a federal committee (Committee on the Concept of the Ombudsman) recommended in 1977 the establishment of a federal Ombudsman – as had many other observers, the federal government has not appointed an Ombudsman of general jurisdiction; however, there are several specialty Ombudsman offices at the federal level including the Military Ombudsman and the Official Languages Commissioner.

To appreciate fully the role of the Ombudsman, it is necessary to note both the broader context of its origins and its defining attributes. The Swedish connection dating back two hundred years ago was mentioned earlier, but it was not until its adoption by New Zealand in 1962 that the institution spread rapidly to the rest of the world including Canada. The New Zealand example was especially pertinent for the adoption of the Ombudsman idea to Canada. First, it demonstrated that the idea was not just an alien Scandinavian idea but was also compatible with the Westminster model of parliamentary government. Second, the visit in 1964 of New Zealand’s first Ombudsman, Sir Guy Powles, which included an address to the Canadian Bar Association (CBA), was instrumental in introducing the Ombudsman idea to a most influential audience. Indeed, Powles’ article (1966a: 133-57; also see 1966b: 281-306) in *Canadian Public Administration*, linking the search for administrative justice to the Ombudsman idea is still a most worthy read.

But what precisely were the conditions that necessitated the establishment of an Ombudsman office? What were the hopes and expectations held by the advocates of this institution? The Committee on the Concept of the Ombudsman (1977: 5) probably stated

the situation most succinctly when it observed that, although the public had “gained access to a wide range of government services and support systems” with the growth of government over the decades following the Great Depression, they had “also become increasingly vulnerable to the decisions of civil servants.” Gregory J. Levine (2007: 56) has also noted that Justice Dickson (as he then was) of the Supreme Court of Canada had similarly observed in 1984 in the *British Columbia Corp. v Friedmann* decision of the Supreme Court of Canada that the rise of the Ombudsman idea was a direct response to the growing size and complexity of government of the modern welfare state. Furthermore, in the absence of an accessible and effective complaint-handling mechanism through which to seek redress for their complaints, as professor Donald C. Rowat depicted in 1982 (33), some victims of administrative errors were resorting to extreme forms of protest.

Advocates of the Ombudsman idea, like Rowat, emphasized the institution’s attributes. First, the fact that the Ombudsman was an independent officer of the legislature, rather than being part of the public service subject to the executive chain of command, meant that the institution had greater impartiality in operation. The office would thus possess legitimacy in the eyes of the general public to deal with allegations of administrative unfairness or wrong-doing. A second attribute that has been stressed is that the Ombudsman is able to handle a wider range of complaints rather than being limited to issues concerning illegal behaviour or malfeasance which traditionally have only been dealt with through the judicial system.

Perhaps the strongest reasons for adopting the Ombudsman related to how the institution conducts its investigation of complaints. First, the Ombudsman is able to weed-out complaints about matters falling outside the government’s jurisdiction as well as those arising from simple misunderstandings. Second, in respect to legitimate complaints, the office of Ombudsman has the advantage of being able to conduct its investigation quickly. Usually, within a few days of having received a complaint, the Ombudsman is able to start by requesting the public servant who had made the decision in dispute for an explanation, which then may be followed by an examination of the file documents and possibly even the initiation of a more formal investigation. Moreover, the Ombudsman offices in many jurisdictions possess the authority to initiate an enquiry, rather than having to wait for a complaint to be officially lodged by an individual. The fact that the Ombudsman conducts its investigations outside the public spotlight, with access *in camera* to officials and documents, not only ensures quickness but also avoids unnecessary embarrassment of officials that is often the case when allegations are made public. Another advantage frequently cited is the fact that the cost of the investigation is borne by the office of Ombudsman and not by the person lodging the complaint, which facilitates greater accessibility than would otherwise be the case. On the other hand, critics have argued that the practice of the Ombudsman bearing the full cost of investigating complaints encourages a greater number of trivial complaints.

Larry Hill (1974, 1077) has identified a useful ten-point list of structural and procedural attributes that exhaustively defines the Ombudsman institution:

... the classical ombudsman is (1) legally established, (2) functionally autonomous, (3) external to the administration, (4) operationally independent of

both the legislature and the executive, (5) specialist, (6) expert, (7) nonpartisan, (8) normatively universalistic, (9) client-centered but not anti-administration, and (10) both popularly accessible and visible.

These points are consistent with the accounts of other scholars including Gregory J. Levine (2007: 47-72, and 2004: 239-54). The office must be established and mandated by statutory law in order to have the authority as well as the legitimacy to fulfill its tasks; above all, it must not be structured or based upon discretionary whim. Points 2, 3, and 4 in the above Hill quotation serve to ensure the Ombudsman's independence, while point 10 ensures recognition, acceptance, and trust by the public. The Ombudsman and staff are able to specialize within their field of jurisdiction, are experts in handling complaints, and assume their duties from a nonpartisan perspective. To handle effectively a wide variety of complaints, the Ombudsman needs to be appreciative of the different situational circumstances that give rise to complaints and must be well aware of diverse imperatives and norms that come into play. Finally, point 9 about not being anti-administration is critically important if only because many public officials are immediately suspicious if not defensive about coming under the monitoring of a watchdog.

These then are the essential attributes of the modern Ombudsman institution as a complaint-handling mechanism, which leaves us to clarify the concept of a "complaint" (and the act of complaining). The word *per se* is perhaps unfortunate because it often carries negative or pejorative connotations, as in "whining" without legitimate reason by a perceived "trouble-maker". But such a connotation would be a very limited interpretation. Rather than prejudging and automatically dismissing a complaint as negative whining, it is necessary to see that the act of complaining can be, and often is, for quite legitimate reasons in order to express a grievance. Indeed, viewed as a basic human trait, there has been a lengthy history of societies having various means to accommodate grievances.

To view complaints as grievances, we find that expressing grievances tends to carry a more positive connotation especially within liberal-democratic societies. More specifically, whether we reflect back to the Magna Carta of 1215 or to the rights and freedoms documents of the 18th century, the notion of the right to petition for the redress of grievances has a rich political history that places the subject in a totally different light. Indeed, John Milton wrote the following words about the significant link between the right to express grievances and the attainment of liberty in *Areopagitica*:

For this is not the liberty which wee can hope, that no grievance ever should arise in the Commonwealth, that let no man in this World expect; but when complaints are freely heard, deeply consider'd, and speedily reform'd, then is the utmost of civill liberty attain'd, that wise men looke for (Milton 1961 [1644]: 1-2).

Actually, this same passage was quoted by Sir Guy Powles (1966a: 157) to close his explanation of the intended role of the Ombudsman in the modern welfare state to handle public complaints in order to provide administrative justice. So, let us proceed to take a closer look at the concept of complaining.

The act of complaining to an Ombudsman may be viewed as a form of political

participation intended to ensure democratic accountability. Contacting an Ombudsman, of course, is quite different from most other forms of political participation such as voting or lobbying that are oriented mainly to the input side of government. Rather than trying to shape the development and content of public policy through the democratic-representative process, a person who resorts to the Ombudsman is reacting to the administrative decisions made during the implementation stage of the policy process (Hill 1982: 405-33). Complaining is also a very demanding form of participation in terms of time, effort, self-confidence, and perseverance because it normally relies upon a single individual stepping forward alone to initiate contact with the Ombudsman. By its very nature, complaining to the Ombudsman office tends to be a more specific, immediate, and personal form of political participation; and, as noted by Miewald and Comer (1986: 486), unlike voting which tends to be “supportive” and “affirmative” in nature, resorting to an Ombudsman “is attempting to rectify a situation perceived to be a problem.”

Before proceeding, it is appropriate at this juncture to interject that many contacts with an Ombudsman are not “formal complaints” but are only enquiries whereby a person seeks information or clarification as to the proper complaint-handling mechanism. Brenda Danet (1978: 347), for example, has emphasized this distinction between formal complaints and other types of contacts as an initial step in the methodology of evaluating the Ombudsman’s role. This distinction may appear to be obvious once the point has been made, but different Ombudspersons in their annual reports over the years have not always separated the data according to the nature of a contact. Needless to say, variations in the classification of data have complicated the analysis of Ombudsman performance, as members of the Ombudsman Research Project team discovered (Hyson forthcoming). Second, if we only consider formal (i.e., actual) complaints, we find that an Ombudsman will often refer a complainant to an appropriate appeal body because all existing appeal mechanisms must first be exhausted before an Ombudsman will take on a case. Similarly, in other instances, especially given Canada’s federal division of powers, the subject matter of a contact may be outside the Ombudsman’s jurisdiction. For example, the complaint may be about a matter within federal jurisdiction, beyond a provincial Ombudsman’s jurisdiction; or, in other cases, the Ombudsman is statutorily prohibited from handling complaints about decisions made by a judicial court and by the Executive Council (cabinet). In these situations, the Ombudsman simply informs the complainant of the jurisdictional limitations. We thus see that an Ombudsman office devotes much of its time as a “traffic director” or “clearing-house”, and only a portion of its resources are directed to the handling of valid complaints.

By recognizing the act of contacting the ombudsman as a form of political participation, it is possible to draw upon general knowledge about the nature and dynamics of political participation to understand why some people rather than others are more likely to contact specifically the ombudsman. Notions such as socio-economic status, regionalism, political efficacy, gender, and a host of other independent variables may be employed. For example, in their study, Miewald and Comer (1986: 482) did just this by asking the questions, “what sort of person is likely to complain?” and “what effect does complaining have on the attitude of the citizen toward government?”

Unfortunately, and this is a limitation with this paper, analyzing the contents of

Ombudsman web sites does not reveal who accesses the sites. Looking at the number of “hits” on a web site is aggregative in nature, and does not alert us to who is doing the hitting – members of the general public or a smaller community of journalists, academics, and other ombudspersons? As well, several scholars (see for example Norris 2001, and Moll and Shade 2001) have cautioned about digital gaps among societal groupings in terms of Internet usage. More specifically, Catherine Frost (2008: 189) has observed, “the Internet is plagued with significant inequalities in access based on race, disability, age, income, location, and so forth.” Statistics appear regularly, for example, revealing that there are still notable demographic variations as to which Canadians have access to a computer and use the Internet. In this respect, the Canadian Internet Use Survey of 2005 as to who uses government information and services online is very pertinent (see Underhill and Ladds 2007: online). On the other hand, optimists have argued with the passage of time and effort – on a learning curve – a higher percentage of the population will become more familiar with the Internet and personal computer and will use these devices? Indeed, as observed by Underhill and Ladds (2007: 6), the critical issue today is no longer the digital divide but the variation in individual skill level among those who are connected and using the Internet. It is thus an interesting debate as to the place of the Internet within Canadian society that we must be aware of but is too peripheral to be probed in this forum. Before we get too far ahead, we need to develop some perspective of e-government and web sites.

Potential of E-Government and Web Site Design

Implicit with the foregoing discussion of the Ombudsman concept is the need to be in contact (or interactive) with the public, and, at times, this means not just standing still like a sign-post waiting to receive complaints via mail and telephone or from “walk-in” personal visits at the office. It has also traditionally meant reaching out to touch the public through speeches, open-line radio and television programmes, printed brochures, advertisements, press conferences, regional offices, and mobile offices. Ombudspersons in Canada, thus, have had a wide arsenal of methods to broaden and facilitate their engagement with the public, although each officeholder has variously selected and used these methods. Likewise, it is not surprising that current Ombudsman offices should take advantage of modern electronic technology to better connect with and serve the public.

The advent of this new information communication technology brought major implications not just for government but also for commerce, entertainment, and every other sector of society. Commentators were not far behind, either emphasizing the positive spin-offs of the new technology or questioning what the results would be; as Pippa Norris (2001, 112) observed in respect to e-government:

Cyber-optimists are hopeful that the development on interactive services, new channels of communication, and efficiency gains from digital technologies will contribute to revitalizing the role of government executives on representative democracies, facilitating communications between citizen and the state. In contrast, cyber-pessimists express doubts about the capacity of governments to adapt to the new environment.

Yet another observer, Andrew Chadwick (2006: 177-203), was able to draw upon five additional years of experience with e-government in practice to describe what actually had happened. He observed that e-government had taken two directions: (1) the managerial, more efficient delivery of government services orientation associated with New Public Management thinking; and (2) the “e-government as democratization” orientation to facilitate greater consultation with and input from the public who are viewed more as citizens than customers. Chadwick’s point is of critical importance and “reveals one of the major tensions within the field of e-government: is it about better government or better democracy?” (Chadwick 2006: 184; also see Fountain 2001: 3-30 and 44-63).

Governments in Canada, as elsewhere, have generally favoured the managerial orientation with the view of the public as customers, and with departments, crown corporations, and regulatory agencies turning to the Internet to deliver their services with reduced costs and greater efficiency. Among others, Nathalie Des Rosiers (2003: online) has suggested that the tendency for governments to rely more upon e-government to deliver programmes coupled with the public’s sense of empowerment via the use of their own personal computers have reduced the practice of complaining to Ombudsman offices. Yet another dimension of the managerial orientation is the use of modern electronic technology to make internal decision-making more efficient within the public bureaucracy. The democratization orientation, however, although being a lesser priority with politicians and administrators, broaches our interest as to how modern electronic technology can be adapted to facilitate a better – that is, more democratic, interactive, and responsive – connection between the Ombudsman and the general public in respect to the handling of grievances.

What precisely does “e-government as democratization” entail? Our concern here is not with the technologist’s perspective of how to design a web site (Bauer and Scharl 2000: 31-43), but with the public’s perspective as to whether a web site “works” for them (Day 1997: 109-15). In his account of e-government, Andrew Chadwick (2006: 196-201) focused in large part on how public officials are using the new technology to consult with the public in respect to the designing and delivery of government services. In addition to focusing on the practices of public bureaucracies, we can observe heuristically the mechanisms used by non-governmental political actors including political parties and pressure groups in their efforts to cultivate links with the public. Tamara Small (2004: 203-34, and 2007: 639-57), for example, has assessed the web sites of Canadian political parties during election campaigns and, in doing so, provides us with a valuable reminder as to the defining attributes of the Internet as a medium of communication: its capacity for interactivity; its being a storehouse of information (archival); its integration of print and electronic information (multimedia); its capacity to target niche segments of the population (narrowcasting); and its lack of centralized and mediated control (Small 2004: 207). We thus have some inkling as to what the Internet and personal computer can provide. At the same time, however, we must not lose sight of the Ombudsman’s unique attributes - specifically being clientele-centered, accessible, and visible, as well as being focused on the output side of government in the handling of public complaints.

These and other examples indicate how the Ombudsman can potentially use web sites to better inform and educate the public of its services and to be interactive in the processing of complaints. At the same time in the following section, our comparative observations will allow us to identify what is to be found in some Ombudsman web sites and the lacunae in other web sites, as well as what is effective and what is in need of reform. (By the way, it is worth mentioning here that there is an umbrella organization – Forum of Canadian Ombudsman – composed of public and private sector officeholders, staff, and people interested in the Ombudsman idea, and its web site is listed in the Works Cited section at the end of this paper.)

Ombudsman Web Sites in Canada: A Comparative Overview

(For the discussion that follows, the several Ombudsman web sites were accessed during late April and early May 2008; their URL citations are listed in Appendix A.)

What constitutes a good web site is often a matter of individual perception, as was evident when this author's POLS 4211 students for their writing assignment compared three different Ombudsman web sites (Ontario, British Columbia, and New Brunswick). Initial appearances when opening a web site are important whether it be the colour scheme, the choice of languages, or the clarity of layout (versus clutter) of the items that are available. For example, while one of my students noted with pleasure the "relaxing" impact of the pale blue background of the Ontario Ombudsman's web site, another student found it to be stale and boring. With a growing percentage of the population who are Internet savvy, aesthetics is a factor that needs to be taken into account when designing a web site. Nevertheless, beyond aesthetics and personal likes and dislikes, there are certain basics of web design consistent with the expectations of e-democracy.

a) Location (or where to find an Ombudsman web site):

How does a person find an Ombudsman's web site? This simple question is more difficult than it may first appear, especially given the presence of thousands of sites on the Internet. Also, there is the narrowcasting phenomenon in terms of how the Internet is actually used – namely, the tendency for people to access only a small number of similar web sites repeatedly rather than to spend hours idly "surfing" eclectically every available site. No doubt, members of the relatively small Ombudsman community are acquainted with the various Ombudsman web sites. But what about members of the public who need to contact an Ombudsman for the first time, and decide to do so by accessing the web site rather than using the telephone or postal mail? In most jurisdictions, there would be no difficulty by "googling" the familiar "Ombudsman" word along with the name of their province or territory. But there is a problem in the provinces of Newfoundland and Labrador and Quebec where the position of Ombudsman is officially known by a different title – Citizens' Representative in the former and Public Protector (or more specifically, Le Protecteur du Citoyen) in the latter. Actually, to google "Ombudsman" in Quebec takes people to the Ministry of Revenue where there is then redirection to take taxation complaints to the Public Protector

Not only is it difficult to find the Ombudsman site in these two provinces, the

choice of title for the Newfoundland and Labrador Ombudsman is particularly irksome. Use of the word “Citizens” gives the false impression that only citizens may take their complaints to this authority when in fact all members of the public can do so. In a similar way in Quebec, use of “Citoyen” in the French title is problematic but the English title - Public Protector – causes no such confusion. Furthermore, it seems that the Swedish word “Ombudsman” is interchangeable and acceptable in French because it is used in the French title of the New Brunswick’s Ombudsman (Canada’s only officially bilingual province), and in the French title of the Forum of Canadian Ombudsman (2008: Online).

A second concern relates to the Ombudsman being an independent officer: ideally, the Ombudsman web site should be a stand-alone site rather than being accessible through a government web site. In respect to this criterion, both the Newfoundland and Labrador Citizen Representative and the New Brunswick Ombudsman are deficient. As the URL for the Citizens’ Representative indicates (as listed in Appendix A), its web site is found by accessing the House of Assembly site where it is grouped with the Assembly’s various Statutory Offices. Meanwhile, the New Brunswick Ombudsman is found on the government’s main web site where it is necessary to open a keyword search in order to find the organization. Admittedly, this may only be a matter of appearance, but, in terms of building public trust as an independent officer, a stand alone web site is the preferred choice. An Ombudsman must be seen as well as be an independent and impartial complaint-handling body, which was emphasized earlier in our discussion of the Ombudsman concept.

There is yet another issue in respect to web site location that needs to be raised, namely to what extent should an Ombudsman be required to advertise its web site? Should the Ombudsman’s web site be displayed at every government office, and printed on every government publication and form? This would not be an impossible requirement in order to make the public more fully aware of their right to complain to the Ombudsman. In fact, an interesting parallel can be made in the province of New Brunswick as the only officially bilingual province in the country, where an effort has to be made to inform the public through signage or spoken word of the availability of government services in both English and French. (Failure to do so can result in complaints being made to the province’s Commissioner of Official Languages.) Given the fact, as noted in several studies, that many Canadians are not aware of the Ombudsman’s role, an argument could be made that there is an obligation for each Ombudsman to advertise its web site. Although the cost of publicizing the Ombudsman’s web site would be relatively minor, it may result in a greater caseload of complaints requiring a substantial increase in Ombudsman budget and staff.

b. Contents (What pieces of information are provided?)

Our purpose in this section is to describe and contrast the contents of the ten web sites as outlined in Table 1. That is, assuming that a person has a complaint, then what is to be found when s/he goes to the Ombudsman’s web site? Are the web sites achieving the potential of e-government to allow the Ombudsman offices to fulfill effectively their intended role of serving the public? What kind of information is found online to inform and assist the complainant? Can the complaint be made online, and, if so, is privacy

guaranteed to ensure anonymity? To what extent does the web site deliver information to specific population groupings? Are multi-media incorporated into the web site? Table 1 depicts a composite of the categories of information found after examining the several Ombudsman web sites; our focus is essentially “what do we immediately see when we open an Ombudsman web site?”

Initially, we find three styles for the opening first page of an Ombudsman web site in Canada. Newfoundland and Labrador opens with a dry, uninviting Main Page that is purely functional in nature that presents a directory of only a small number of items with no drop-down boxes that would allow immediate scrutiny of sub-topics. (Instead of drop-down boxes, it is necessary to click on a major heading in order to gain access.) An alternative to this functional design is found with a couple of sites that open with a Welcome Page – it is then possible to click on a detailed Main Page. The Manitoba Ombudsman is a prime example as its welcome page contains a picture of that province’s well-known Golden Boy statue with torch raised high in hand symbolically shining a light onto the path ahead; the remainder of this welcome page is uncluttered in appearance and is designed to connect immediately with the public in two ways: 1) providing click-on buttons to access three options to access more detailed information about the Ombudsman; and allowing choice of language (English or French). Of course, not every jurisdiction has an inspirational logo like that of Manitoba that can be adapted to represent symbolically its role. Ontario’s welcome page, for example, is dominated by unused white background with vague bluish images of people and with the symbolic words “Ontario’s Watchdog” in English and “Chien de Garde de l’Ontario” in French; in addition, a visitor is provided the option of entering the site in either English or French. Yukon’s welcome page is dominated by a picture of a non-descript mountain with the word “Welcome” to the office’s dual role as Ombudsman and as Information and Privacy Commissioner.

Between these two extremes – a functional Main Page or a Welcome Page – is the more typical pattern where an effort is made to combine both features. The combination varies greatly from one jurisdiction to another. In both Alberta and Saskatchewan, the opening Main Page contains photographs of diverse, unnamed people apparently implying the Ombudsman’s role is to serve all people; a directory of information options that may be accessed with a click of the mouse accompanies these pictures. A few jurisdictions, such as Quebec, list key symbolic (or emotive) words or a phrase instead of human visages to indicate those ideals associated with the Ombudsman’s role. The word “fairness” is on Quebec’s list and appears on other Ombudsman web sites such as in the slogan found on British Columbia’s site: “Ombudsman: B.C.’s Independent Voice for Fairness.” New Brunswick’s site also includes an inspirational phrase with the word fairness but the phrase is lost in the clutter of other information. Some jurisdictions accompany their directory with a logo of the office; for instance, the Nova Scotia Ombudsman depicts its logo but it is so obscure that the Ombudsman apparently (or pathetically?) decided to include a description that the logo was its logo. A few sites provide on the Welcome or Main Page a choice of language option (English or French) by which to access the site, although British Columbia seems to limit this option only to a few documents rather than the whole site. Interestingly, Ontario also provides an option

by which to enlarge the print.

If we move on now to look at what categories of information are to be found on a typical Ombudsman Main Page, Table 1 lists both the major topics and sub-topics. We should quickly note, however, that some sub-topics are listed as major topics on some sites and vice versa on other sites. Second, the directory is better designed on some sites than on others, and, on a few sites, information is randomly splashed across the page making it difficult to find an item except by accident. There is thus great variation among the web sites as to what categories are included and how the categories are presented and labeled. For example, some sites contain a photograph and biography of the current officeholder; list the enabling statute and/or major decisions; outline the Ombudsman's organizational chart; describe the Ombudsman's origins and/or current role; target population niches; cover frequently asked questions; list press releases; and provide several contact channels and a complaint form. But there is no standard as to what is included. Equally important, as was noted earlier in the paper, some web sites are much cluttered which makes it difficult, especially for a first-time user, to find an appropriate category of information that s/he is searching.

To avoid the clutter problem yet to remain informative, some of the more sophisticated sites (like Ontario) use a drop-down menu box of sub-topics when the cursor is dragged over each major topic category. This allows a person quickly and easily to see and contrast each major category until the appropriate sub-topic is found. The sub-topic can then be opened for detailed information. The significance of this point can be demonstrated if we were to place ourselves in the position of a first-time visitor who has a complaint. No doubt, three basic questions would be uppermost in this person's mind (as shown in Table 1) including who is the Ombudsman (?), how can the Ombudsman help (?), and how can the Ombudsman be contacted?

Inclusion of a photograph of the officeholder with a brief biography can go a long way to place a person at ease when first meeting an authority figure like the Ombudsman. Likewise, information stressing the official's independence and the history of the office can serve to establish credibility and ensure confidentiality in the public's mind. The average first-time user of the site probably would not bother to probe the last four sub-topics under "Who is the Ombudsman?" but their inclusion serves to enhance public awareness of the office and thereby its accountability and legitimacy. But if we focus only on the first four sub-topics, although a couple of officeholders is a bit camera shy, most of the Ombudsman web sites do effectively identify themselves as to their role.

The next major category – How can we help? – establishes whether or not the Ombudsman can deal with the subject matter of the complaint. Ombudsman sites usually identify what the Ombudsman can do – both the institution's scope of jurisdiction and any exceptions. The Saskatchewan site is no doubt the most informative by providing a long list of subjects that are the more common targets of complaints; and by indicating where to complain prior to resorting to the Ombudsman. In respect to this last point as discussed earlier in the paper, all existing complaint-handling mechanisms must be used before an Ombudsman will consider a complaint. This is an extremely useful tool that could be added to other Ombudsman web sites. In a similar fashion, a few Ombudsman web sites strive to connect with niche population groupings (for example, youth, seniors,

and Aboriginals) and the particular problems that they have experienced. Given the fact that the New Brunswick Ombudsman is also the province's Child and Youth Advocate, it is not surprising that his site includes items specifically on children and youth.

The third major category – contact information – is rather obvious and is found on every web site. Ideally, however, the web site designer must be cognizant of the fact that many people who use the site to find information about the Ombudsman will still prefer to articulate their complaint by telephone or by letter or in person. Actually, in regard to telephone number, it is normal for Ombudsman offices to have a toll free number in order to be more accessible to the public, and, for the same reason, a telephone service for the hard of hearing is sometimes offered. Therefore, the web site should include the different contact channels as illustrated in Table 1. Finally, if an Ombudsman uses them, reference will be made to the availability of regional offices or mobility offices (where the Ombudsman and/or “intake” officers travel to communities to hear specific complaints).

Besides these three major categories of information that can be found on an Ombudsman's web site albeit with minor variations, the last four major categories and sub-topics are not always found. Certainly, inclusion of the “Frequently asked questions” category can serve to supplement understanding of who is the Ombudsman and how the Ombudsman can help. Furthermore, Internet users in general are so used to this category that they automatically look for the “Frequently asked questions” category - or the acronym “FAQ” as it is more commonly known - whenever they enter any web site. Similarly, the “Making a complaint” category may be supplemental in nature but, for reasons of clarity and specificity, deserves to be emphasized as a separate category. Indeed, connecting with the public in this fashion is essentially the interactive quality of the Internet at work. As well, even if a person decides not to express a complaint via the online complaint form, the form can still serve as a guide that may be emulated when the complainant uses another channel of communication. Fundamental to the complaint category is the need to guarantee privacy of the complaint form; in fact, the word “privacy” is sometimes even stated at the top of the Main Page covering the whole web site.

A small audience that desires greater understanding of the Ombudsman's role would probably access both the “Communication or media room” and “Links” categories – academics, lawyers, and journalists. Nevertheless, we should not prejudice who accesses a web site or why they do so. Rather, to meet democratic expectations of governance, the intended role of the Ombudsman, and the potential of modern electronic communication technology, this sort of more detailed and/or archival information needs to be included on an Ombudsman's web site. This is where we see another of the Internet's defining qualities – the incorporation of multimedia. Printed documents can be easily be accessed online; in addition, an Ombudsman can just as easily use modern technology (audio- and video-conferencing, as well as the Internet and personal computers) to hold press conferences with the media and/or “question-and-answer” sessions with members of the general public (or specific community groups) located across the province. So, we begin to see here with these last two major categories that, although the users may be small in number, they are key players who as intermediaries assist the Ombudsman connect with the broader public in general. More proactive

Ombudsman officeholders, like Ontario's André Marin, have developed communication policies that incorporate modern technologies in these exact ways to connect better with the public.

c. Navigation (How easy is it to use a web site to find items?), and d. Interactivity (To what extent is the site responsive to the public input?)

Navigation is a criterion that is difficult to generalize about because the level of technology comes into play – for example, the technological level of one's computer and whether there is access to high-speed Internet service. Another factor is how skill a person is in respect to using the Internet. Thus, we are restricted to commenting upon the design of web sites as to whether the site's structure facilitates the examination of the site's contents. Observations have already been made such as that clutter can undermine a site's effectiveness as a tool of communication, while inclusion of drop menus may facilitate the navigation (and examination) of a site's contents.

Interactivity goes to the heart of Chadwick's idea of "e-government as democratization" as covered in our earlier discussion. Certainly, public officials in general are the ones who determine the contents of a government web site, but in doing so have a fiduciary responsibility to consult the public as to what types of information they desire or need. Furthermore, in the specific case of an Ombudsman, the matter is not just that of consultation. Instead, the Ombudsman must also be reactive by providing avenues for complaints to be registered and proactive by taking the lead to educate the public and to conduct investigations of systemic problems.

Concluding Reflections

This paper is a first effort on the topic on adapting the Ombudsman idea to the 21st century by incorporating e-government technology. It springs from previous research on the more traditional subject matter of the role played by this institution in Canada. All ten of the classical, all-purpose Ombudsman currently have web sites that vary greatly in their design as well as to the extent that they are used by the Ombudsman to fulfill its role.

Most likely, however, as Ombudsman officeholders and staffs continue to be more proactive such as in the examples of Marin in Ontario and Richard in New Brunswick (Hyson forthcoming), greater use of e-government technology will be made. As discussed earlier, John Milton noted the importance of the right to petition in the 1600s, the first Ombudsman was established in Sweden about 200 hundred years ago, the Ombudsman institution took hold in Canada during the late 20th century. Now, with the advent of the Internet and personal computer, and their rapid advancement in government in Canada, it is natural to assume that the Ombudsman offices across Canada to fall in line. How will this be done? No doubt, some of the leading Ombudsman will set the pace and others will emulate the best practices of other jurisdictions – a common practice found in Canada (Gow 1994).

Still, we are left with unanswered questions that will deserve watching, such as the direction and pace of change. As well, is it correct to assume that there will eventually be one standard format for an Ombudsman web site – a "one size fits all" model? Will

the managerial orientation of e-government dominate over the democratic orientation, as discussed earlier? Are there unforeseen consequences on the horizon by increased usage of web sites – such as increased and strained budgets? Finally, we must not forget the digital gap problem when it comes to access to and use of the Internet.

Table 1: Information Categories on Ombudsman Web Sites in Canada, 2008.

Information Categories	Alb.	B. C.	Man.	N. B.	N& L	N. S.	Ont.	Que.	Sask.	Yuk.
<i>Welcome Page or Main Page</i>	M	M	W	M	M	M	W	M	M	W
• Logo		X	X			X	X	X		X
• Symbolic Words	X	X		X			X	X	X	X
• Language Options		X	X	X		X	X	X		
• Task Options	X	X	X	X		X				X
<i>Who We Are</i>										
• Photograph	X	X		X			X	X	X	X
• Biography	X	X		X		X	X	X	X	
• History			X	X			X	X	X	
• Enabling Statute	X	X	X	X	X	X	X	X	X	X
• Organizational Chart	X			X			X	X		
• Budget or Expenditures	X	X		X						
<i>How Can We Help?</i>										
• Role or Mission	X	X	X	X	X	X	X	X	X	X
• Jurisdiction	X	X	X	X				X	X	X
• Specific Groups			X	X		X			X	
• Specific Problems	X	X	X	X				X	X	

Contact Us										
• Street Address	X	X	X	X	X	X	X	X	X	X
• Postal Address	X	X	X	X	X	X	X	X	X	X
• Telephone Number	X	X	X	X	X	X	X	X	X	X
• Fax Number	X	X	X	X	X	X	X	X	X	X
• E-mail Address	X			X	X	X	X	X	X	
• Regional & Mobility Offices	X	X	X						X	
Frequently Asked Questions	X	X	X						X	X
Making a Complaint										
• How	X	X	X			X	X	X	X	X
• Form		X			X		X	X		X
Communication / Media Room										
• Press Releases / Conferences	X	X	X		X	X	X	X		
• Annual Reports	X	X	X	X	X	X	X	X	X	X
• Specific Reports		X	X	X	X		X	X	X	
Links										
• Other Canadian Ombudsman Web Sites	X	X	X	X	X	X	X		X	X

Appendix A
Provincial and Territorial Ombudsman Web Sites in Canada:
(All were last accessed for this paper on May 5, 2008)

Alberta – www.ombudsman.ab.ca

British Columbia – www.ombudsman.bc.ca

Manitoba – www.ombudsman.mb.ca

New Brunswick – www.gnb.ca/0073/index-e.asp

Newfoundland and Labrador – www.assembly.nl.ca/links/Citrep/citizen.html

Nova Scotia – www.gov.ns.ca/ombu/

Ontario – www.ombudsman.on.ca

Quebec – <http://www.protecteurducitoyen.qc.ca/en/index.asp>

Saskatchewan – www.ombudsman.sk.ca

Yukon – www.ombudsman.yk.ca

Works Cited

- Bauer, Christian and Arno Scharl, 2000. "Quantitative Evaluation of Web Site Content and Structure." *Internet Research: Networking Applications and Policy* 10, 1: 31-43. Online. www.emerald-library.com (May 13, 2008).
- Bernt, Wendy and Stephen Owen. 2000. "The Ombudsmen in Canada." In *Righting Wrongs: The Ombudsman in Six Continents*, edited by Roy Gregory, and Philip Giddings. International Institute of Administrative Sciences, Vol. 13. Amsterdam, The Netherlands: IOS Press.127-41.
- Caiden, Gerald E., ed. 1983a. *International Handbook of the Ombudsman: v.1. Evolution and Present Function*. Westport, Connecticut: Greenwood Press.
- _____. 1983b. *International Handbook of the Ombudsman: v.2. Country Surveys*. Westport, Connecticut: Greenwood Press.
- Canada. Committee on the Concept of the Ombudsman. 1977. *Report of the Committee on the Concept of the Ombudsman*. Ottawa, Ontario, Canada.
- Chadwick, Andrew. 2006. *Internet Politics: States, Citizens, and New Communication Technologies*. New York: Oxford University Press.
- Danet, Brenda. 1978. "Toward a Method to Evaluate the Ombudsman Role," *Administration & Society* 10, 3 (November): 335-70.
- Day, Abby. 1997. "A Model for Monitoring Web Site Effectiveness." *Internet Research: Networking Applications and Policy* 7, 2: 109-15. Online. www.emerald-library.com (May 13, 2008).
- Des Rosiers, Nathalie. 2003. "Balance and Values - The Many Roles of an Ombudsman." Speech delivered at the Annual Conference of the Forum of Canadian Ombudsman, in Ottawa, Ontario, on April 1, 2003. Forum of Canadian Ombudsman. Online. www.ombudsmanforum.ca/events/2003_conference/nathalie_desrosiers_speech_2_e.asp (May 1, 2008).
- Forum of Canadian Ombudsman. 2008. Online. www.ombudsmanforum.ca (May 15, 2008).
- Fountain, Jane E. 2001. *Building the Virtual State: Information Technology and Institutional Change*. Washington, D. C.: Brookings Institution Press.
- Frost, Catherine. 2008. "Deserving Democracy: Technology Was Never the Problem, and

- It Won't Be the Solution." In *Communication in Question: Competing Perspectives on Controversial Issues in Communication Studies*, edited by Josh Greenberg and Charles D. Elliott. Toronto: Nelson, Thomson Canada Limited: 188-94.
- Gellhorn, Walter. 1967. *Ombudsmen and Others: Citizen's Protectors in Nine Countries*. Cambridge, Massachusetts: Harvard University Press.
- Gow, James Iain. 1994. *Learning from Others: Administrative Innovations among Canadian Governments*. Monographs on Canadian Public Administration – No. 16. Toronto: The Institute of Public Administration of Canada.
- Gregory, Roy and Philip Giddings, eds. 2000. *Righting Wrongs: The Ombudsman in Six Continents*. International Institute of Administrative Sciences, Vol. 13. Amsterdam, The Netherlands: IOS Press.
- Hill, Larry B. 1974. "Institutionalization, the Ombudsman, and Bureaucracy." *American Political Science Review* 68, 3 (September): 1075-85.
- _____. 1982. "The Citizen Participation-Representation Roles of American Ombudsmen." *Administration & Society* 13, 4 (February): 405-33.
- Hyson, Stewart, ed. Forthcoming. *Provincial and Territorial Ombudsman Offices in Canada: an Appraisal of an Institution after Forty Years of Righting Administrative Wrongs*. Toronto: University of Toronto Press.
- _____. 2007. "RCMP Ombudsman Model." Report prepared for the Task Force on Governance and Cultural Change in the RCMP/Groupe de travail sur la gouvernance et la changement culturel à la GRC, Ottawa, Ontario. Online. www.publicsafety.gc.ca/rcmp-grc/fl/eng/ombudsmanmodel.pdf (May 7, 2008).
- Levine, Gregory J. 2004. "Administrative Justice and the Ombudsman - Concepts and Codes in British Columbia and Ontario." *Canadian Journal of Administrative Law and Practice* 17, 3 (October): 239-54.
- _____. 2007. *The Law of Government Ethics: Federal, Ontario and British Columbia*. Aurora, Ontario: Canada Law Book.
- Lundvik, Ulf. 1981. *The Ombudsmen in the Provinces of Canada*. Edmonton, Alberta: International Ombudsman Institute.
- Miewald, Robert D. and John C. Comer. 1986. "Complaining as Participation: The Case of the Ombudsman." *Administration and Society* 17, 4 (February): 481-99.

- Milton, John. 1961 [1644]. *Areopagitica*, Edited with Introduction and Notes by John W. Hales. Oxford, United Kingdom: Oxford University Press.
- Moll, Marita and Leslie Regan Shade, eds. 2001. *e-commerce vs e-commons: Communications in the Public Interest*. Ottawa: Canadian Centre for Policy Alternatives.
- Norris, Pippa. 2001. *Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide*. Cambridge: Cambridge University Press.
- Powles, Sir Guy. 1966a. "Aspects of the Search for Administrative Justice with Particular Reference to the New Zealand Ombudsman." *Canadian Public Administration* 9, 2 (June): 133-57.
- _____. 1966b. "L'Ombudsman en Nouvelle-Zelande: Sa Mission sociale et sa jurisdiction." *Canadian Public Administration* 9, 3 (September): 281-306.
- Reif, Linda C. 2002. *The Ombudsman, Good Governance and the International Human Rights System*, International Studies in Human Rights, Vol. 79. Leiden, The Netherlands: Martinus Nijhoff Publishers.
- Reif, Linda, Mary A. Marshall, and Charles Ferris, eds. 1993. *The Ombudsman: Diversity and Development*. Edmonton, Alberta: International Ombudsman Institute, 1993.
- Rowat, Donald C., 1968. ed. *The Ombudsman: Citizen's Defender*. Second Edition. Toronto: University of Toronto Press.
- _____. 1982. "A Public Complaints Commission." *Policy Options* 3, 2 (March/April): 33-35.
- _____. 1985. *The Ombudsman Plan: Essays on the Worldwide Spread of an Idea*. Revised Second Edition. Lanham, Maryland, USA: University Press of America.
- _____. 2003. "The New Private-Sector Ombudsmen." *Policy Options* 24, 10 (November): 46-48.
- _____. 2004. "Federal Ombudsman Would Reduce Democratic Deficit." *Policy Options* 25, 5 (May): 46-47.
- _____. 2007a. "The American Distortion of the Ombudsman Concept and its Influence on Canada." *Canadian Public Administration* 50, 1 (Spring): pp. 42-52.

- _____. 2007b. "The Dilution and Distortion of the Ombudsman Concept." In *Public Administration in Transition: Essays in Honor of Gerald Caiden*, edited by Dimitrios Argyriades, O. P. Dwivedi, and Joseph Jabbra. London, England: Vallentine Mitchel: 238-56.
- Small, Tamara A. 2004. "parties@canada: The Internet and the 2004 Cyber-Campaign." In *The Canadian General Election of 2004*, edited by Jon H. Pammett and Christopher Dornan. Toronto: Dundurn Press: 203-34.
- _____. 2007. "Canadian Cyberparties: Reflections on Internet-Based Campaigning and Party Systems." *Canadian Journal of Political Science* 40, 3 (September): 639-57.
- Stacey, Frank. 1978. *Ombudsmen Compared*. Oxford, England: Clarendon Press.
- Underhill, Cathy and Cathy Ladds. 2007. "Connecting with Canadians: Assessing the Use of Government On-Line." Research Paper, Connectedness Series. Science, Innovation and Electronic Information Division, Statistics Canada. Ottawa: Online. www.statcan.ca/english/research/56F004MIE/56F004MIE2007015.pdf (May 7, 2008).