

Effective watchdogs bark: The role of communications at the Office of the Ombudsman of Ontario

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ABSTRACT

This commentary piece describes the role of communications at the Office of the Ombudsman of Ontario. Seven practices are described that the Office of the Ombudsman has developed to effectively build appropriate relationships with key publics. Also described is the role of the ombudsman first, detailing how it is an Office of Legislature, appointed by an all-party committee and that the office has oversight of more than 500 provincial ministries, corporations, agencies, boards, commissions and tribunals. Finally, the evolving jurisdiction and growing influence of the Ombudsman is discussed in relation to the effect of strategic communications management.

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The word Ombudsman sounds like something you would buy from IKEA. In fact, like IKEA, it is a Swedish invention that has been adopted all over the world since the establishment of the first parliamentary Ombudsman in Sweden, in 1809. Canadian provinces, however, didn't start setting up ombudsman offices until the late 1960s. In Ontario's 1975 Speech from the Throne, the William Davis government said it was creating an Ombudsman office "as a safeguard against the growing complexity of government and its relationship with the individual citizen," and "to ensure the protection of our citizens against arbitrary judgments and practices" (Ombudsman Ontario, 2010).

The Ombudsman is an independent Officer of the Legislature, appointed by an all-party committee. The Ombudsman Act, gives the person occupying the office oversight of more than 500 provincial ministries, corporations, agencies, boards, commissions and tribunals.

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The Ombudsman can investigate anything “unreasonable unjust, oppressive, discriminatory [or]... wrong,” according to the Ombudsman Act (2014), and the provincial government must co-operate with the Ombudsman’s investigation. The Ombudsman can issue witnesses summons, enter and inspect premises with no warning, and obtain documents deemed necessary to an investigation. Investigations are private and confidential. The Ombudsman’s office doesn’t fall under the Freedom of Information Act. The identities of complainants and whistleblowers and any details of ongoing investigations must be kept confidential. When the Ombudsman completes an investigation, he or she must report back to the Legislature and issue recommendations.

While the Ombudsman’s investigative powers are strong and robust, this watchdog does not bite: the Ombudsman’s recommendations are not legally binding. The only way to enforce recommendations the office puts forth is to invoke the powers of moral suasion—or, in other words: communicate to convince and to persuade.

The current Ontario Ombudsman, André Marin, has reinvigorated the office, which, as he later found out, was about to be cutback at the time in an effort to find cost savings (Marin, 2007). The office was busy resolving thousands of individual complaints. The Ombudsman saw an opportunity to do investigations to bring about systemic change. His first systemic investigation was into newborn screening practices by the province, which at the time only tested for a couple of diseases. In Ontario, newborn screening is centralized, so a change would affect babies across the province. Marin’s report (2005) on the small number of diseases screened for affected practices in hospitals around the province that perform newborn screening. Today, the tests cover over 30 diseases, saving lives of babies as more diseases get identified and treated early. That report set a tone for the office’s approach to communications.

Communications as key to moral suasion

As previously noted, the Ombudsman’s recommendations are not legally binding, meaning the government of the day doesn’t have a duty to comply and make any kind of systemic change. How, then, can the Ombudsman help to improve governance? The Ombudsman must first become an impartial, apolitical and independent investigator, gathering and reviewing the evidence to arrive to logical conclusions. Then the Ombudsman must persuade the government and the public, communicating the findings clearly and concisely to advocate for change. The Ombudsman’s office, uses almost every

tool available to communicate with Ontarians.

Over the years, the Ombudsman perfected the Office's communications model and developed good communications habits, to ensure consistency of the Ombudsman's voice and brand.

Seven communications habits of the Ontario Ombudsman

1. Plain language. The Ombudsman uses plain, accessible language to communicate findings in his reports, and explain to the public how a complaint process works and how the Ombudsman can help. We put a great deal of thought into how the reports are written and edit them for clarity, leaving out as much bureaucratic, dry and legal jargon as possible. The Ombudsman's reports communicate our findings, but they also tell a story much like a news report would do, in order to put a human face on the systemic problems we tackle. Here are a few examples of titles of the Ombudsman's reports of systemic investigations; note how all of them use copy to amplify the message: "The Right To Be Impatient," "A Vast Injustice" (Marin, 2009), and "Caught in the Act" (Marin, 2010).

2. Illustrations. We routinely commission original illustrations for the Annual Report (Ombudsman Ontario, 2014), the Ombudsman's main report that always generates a lot of media attention. Often, the illustrations are worth a thousand words. While this practice started with the printed reports, as websites demand more visuals, we may commission more illustrations for various purposes to use online.

3. Media relations. Even though we write reports in accessible, plain language that's easy enough to follow, our reports can easily be more than 50 pages long and too detailed for journalists on a deadline. Whenever possible, we send the reporters a copy of a report to be released a few hours ahead of the official release, under embargo. We put together media briefings and summarize the findings of the report, pulling out interesting numbers, stories, quotes and trends that we think might be useful.

4. Humanizing government. The Ombudsman's office and our work becomes much less obscure and abstract when there's a human face people

come to associate with it. The current Ombudsman André Marin uses colourful quotes and plain, direct language when speaking to the media and the public – he doesn't mince words and has long been known as a proverbial "skunk at a garden party to heartless bureaucrats and bumbling politicians" and as a "breath of fresh air" for "the little guy fighting Queen's Park" (Blizzard, 2010).

5. Social media. The Ombudsman was an early adopter of social media tools. While governments at all levels were slow to adopt these new tools to communicate directly with the public, the Ombudsman embraced them wholeheartedly. As the media landscape continues to shrink, news conferences can often be reduced to a short clip in the news, because there are fewer reporters to cover all the stories. The Ombudsman's office hired a communications officer responsible for digital communications in 2009 to build the Ombudsman's online profile and increase the office's reach to connect with new audiences. There was an obvious fit between social media and the Ombudsman's approach to communications that favoured directness, clarity and personal connection.

Twitter. We created a corporate account on Twitter – @ont_ombudsman with the hope that one day, the Ombudsman would take it over and manage in a similar way to how former mayor of Toronto David Miller was managing his Twitter account in 2009. We wanted the account to be engaging and fun to follow and we wanted to use it in a way that would help us build the image of the office as accessible, trustworthy and results-driven, an office that can help resolve people's complaints. We saw social media as an ideal way to augment a great media profile that the Ombudsman has built over the years, connect with Ontarians directly and use it as an investigative tool. Social media is one of the main pillars to support the overall communications strategy and it helps us connect the dots and fill the gaps for the public, media and politicians alike.

The Ombudsman "tweets as himself, unless otherwise noted" and has a strong and diverse following that keeps growing, with more than 27,000 followers. When you follow the Ombudsman, you can be sure it's really him. Every day on Twitter, he answers questions, offers commentary on the news of the day, talks about his role, encourages people to come to us with complaints, and also jokes, shares pictures of his dogs, details of his workouts and tips on healthy eating. It's this mix of personal and professional that helps people relate to the Ombudsman the way they wouldn't and couldn't if the account was managed by a

nameless bureaucrat or, even worse, just spewing out press releases. Social media is inherently social, and to be successful in that space means that, before press releases and investigation details get unleashed online, the followers are there and engaged, and that, ideally, they know who the Ombudsman is and that they care to hear from us. Over the years, there has been almost unanimous praise for the way Ombudsman's Twitter account has been built and it has grown in popularity, enough to drive our media coverage on more than a few occasions.

Facebook. The Ombudsman has a Facebook page with 3,240 fans and while these numbers are by no means staggering, Facebook and Twitter account for thousands of visits in website traffic and remain an excellent way to reach hundreds of people whenever we have important news to share, such as when a new investigation gets launched or a new report is about to be released. We find it increasingly necessary to promote posts that do well organically, to reach more of our fans through Facebook, because of recent changes Facebook made to the news feed algorithm. On Facebook, we post news stories about our office, interesting statistics, images and video from behind-the-scenes, job postings and every piece of information that we think would raise awareness of the Ombudsman's work and help people understand what we do and how we can help.

YouTube. We use YouTube to post news conferences and occasional video summaries of the reports, or investigation updates. It's a great way for the media, the public, politicians and even new staff we hire to get a condensed version of the Ombudsman's investigations and recommendations. YouTube also helps the Ombudsman establish and strengthen his position as a human face of the office.

6. Website. We have redesigned our site to make it easier for people to find information and direct the traffic flow in a more focused way, based on Google Analytics and organizational goals. We looked at the behavior of people coming to the site and found that most people were there to submit a complaint and find out more about our investigations. We redesigned the site to highlight results of the Ombudsman's investigations, positive feedback we receive from complainants, make it easier to find the complaint form and start a complaint process, and make it accessible. We receive thousands of complaints online as a result and just recently set a new record as far as traffic numbers go, with the announcement of the Hydro One investigation. We livestream news conferences on our site and make recordings available directly afterward. The Ombudsman has

has recently started using ScribbleLive to engage with people who may not be on social media, or may just not be comfortable using their accounts to talk with the Ombudsman about his findings and reports. We keep archives of these conversations on our site, as well.

7. Transparency. The Ombudsman has long been a proponent of open government and transparency, and joined the movement early. The Ombudsman and his staff deliver training for other administrative watchdogs and investigators on how to conduct systemic investigations, triage complaints, communicate findings and convince decision makers to do the right thing. This annual training called *Sharpening Your Teeth* has attracted attendees from all over the world. In a way, we're exporting the Ontario model of Ombudsmanship, in the best traditions of Sweden and IKEA, hoping our approach and lessons learned can be useful to others.

To sustain this approach to communications, the Ombudsman kept the communications team small but mighty – all are given training on the latest photo and video editing software, work on state-of-the-art Mac computers and the latest apps on our iPhones and iPads. The office buys its own cameras, tripods and lights to best be able to shoot video, livestream if necessary, as well as produce and edit almost every piece of digital footage in-house. We haven't advertised for years, excluding an occasional promoted post on Facebook and have never once worked with a PR agency. Instead, we invest resources in hiring people with solid communications and journalism backgrounds, deep understanding of digital communications and the Ombudsman's mission, who have an aptitude for new technologies and creative ways to use the power of communications to form opinions and influence change.

Expanding jurisdiction and growing influence

The Ombudsman's communications strategy has contributed to several important developments in the history of the Office. Earlier this year, the Province moved to introduce new legislation to expand the Office's oversight. Bill 8, which will give the Ombudsman oversight of municipalities, universities, and school boards, will be debated in November. The Ombudsman has been re-appointed to extend his term with the Office, and recently named one of Canada's Top 25 Lawyers, for the second consecutive year. The number of complaints increased by 37% in 2014, to a record high, reflecting

increased awareness of the Ombudsman's work. Having a clear communications strategy has contributed to this success and will continue to be a critical tool in the Ombudsman's toolbox in the future.

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