



Connection

Ombudsman provides global perspective

Unlike persons in many other public positions, such as judges, crown attorneys, deputy ministers or members of a legislative assembly, the Ombudsman does not have the collegial advantage of discussing problems and sharing experience with similarly appointed or elected persons in his or her jurisdiction. In most provinces and countries, there is only one Ombudsman of general jurisdiction. This reality has given rise to a clear need for Ombudsman to engage nationally and internationally with those who perform similar functions for the purpose of learning from their practices and experiences.

Delegations from international Ombudsman offices continue to visit Ombudsman Ontario to seek our advice and, on occasion, to work with our staff for brief periods. We have been pleased to host such groups, not only because we have 27 years of experience which may be of value to interested persons, but also because we recognize that we have a real opportunity of learning from them as well. Since I have been Ombudsman, we have received visitors from Ombudsman offices, or from Legislatures which are interested in the creation of Ombudsman offices, from Germany, the Czech Republic, Japan, New Zealand, Korea, Ethiopia, Malta, Taiwan, Thailand and



Ombudsman Clare Lewis is greeted by members of the Taiwan Control Yuan on his arrival at their offices. Mr. Lewis, who is also the Secretary of the International Ombudsman Institute (IOI) was the invited guest of the Control Yuan. His visit included an address to its members on issues relating to the Ombudsman experience in Canada, and on IOI matters. Dr. Frederick Chien (centre), Control Yuan President, Mr. Meng-ling Chen (far right), Vice-President and Dr. Louis R. Chao (second from the left), Chair of the International Affairs Committee, welcome Mr. Lewis to Taipei.

Namibia. Our office continues to benefit from ongoing consultation with Ombudsman and their staff from across Canada. They are always available to provide needed information and advice.

The International Ombudsman Institute (IOI) was established in 1978 with its Secretariat at the Faculty of Law, University of Alberta, in Edmonton. One hundred and seventy-five Ombudsman offices worldwide hold Voting Membership in the IOI and its Board of Directors is composed of Ombudsman representing 13 countries and all regions of the world. I was appointed

to the position of IOI Secretary in October 2001. French, English and Spanish are the official languages of the IOI and, when possible, its publications are available in each of those languages. Many governments look to the publications and research of the IOI in considering whether and how an office of the Ombudsman ought to be established in their jurisdictions.

During the past several years, many emerging democracies in Latin America, Eastern Europe, Africa, Asia and the Pacific Region have created Ombudsman offices as a means of

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supporting and entrenching democratic principles in their countries. They have typically looked to the international Ombudsman community, as best represented by the International Ombudsman Institute, for advice. Azerbaijan has recently elected its first Ombudsman, and efforts are now underway to seek assistance from Ombudsman offices internationally, including Ombudsman Ontario, in developing the necessary infrastructure of the new office to enable it to perform its functions appropriately.

In late September, a delegation from the Bureau of Letters and Complaints under the State Council of the People's Republic of China who wish to consult on Ombudsman Ontario's organization, function, management systems and operating mechanisms will be visiting our office in Toronto.

Lebanon, having been severely impacted by civil strife, is now considering the establishment of an Ombudsman as one means of providing transparency in its restoration of democracy. In May, the Government of Lebanon invited several Ombudsmen from around the world to attend in Beirut for the purpose of consulting on the possible establishment of an Ombudsman. I was privileged to be invited as a guest of the Lebanese Government for that purpose. The European Union, the Lebanese Bar Association and human rights groups have been pressuring Lebanon to establish an Ombudsman. All invited Ombudsmen provided papers in advance. Our papers were delivered before a very large audience including Ambassadors from the

countries which we represented. Debate was vigorous and conducted in Arabic, French and English. The Minister of State for Administrative Reform of the Government of Lebanon is clearly a committed advocate for the need for an Ombudsman for that country, as evidenced by his convening of this significant consultation.

Taiwan has a unique Ombudsman organization known as the Control Yuan. Unlike most Ombudsman offices, it is collegial in nature, having 29 members, all appointed with the consent of the Legislative Yuan. The Control Yuan is led by a President and Vice-President and in 1994 became a Voting Member of the International Ombudsman Institute. The Control Yuan has been active in reaching out to other Ombudsman offices, both to receive and to provide valuable advice on Ombudsman issues.

In September of this year I was invited as a guest of the Control Yuan to address its members in Taipei on issues relating to the Ombudsman experience in Canada, and on International Ombudsman Institute matters. I am pleased to note that I gained at least as much information and advice from the Control Yuan for the purposes of Ombudsman Ontario as I was able to impart to its members during my visit.

At the request of the International Ombudsman Institute, our office prepared a draft curriculum for Ombudsman investigator training. That curriculum was presented in pilot form at a training session attended by investigators from eight southern African countries in

Namibia in August 2001. It was then provided to the Board of the IOI, together with an evaluation report for its consideration. Regional Vice-Presidents of the IOI distributed the draft curriculum to their regional members for their comments. This was an important process because it is intended that the final product be used internationally for training Ombudsman investigators and it must be both adaptable and useful for local Ombudsmen.

In light of the advice and all other recommendations received, our office has now completed a thorough revision of the draft curriculum and it has been provided to the President and the Regional Vice-Presidents of the IOI for their further consideration and, if appropriate, approval. It is intended that the IOI have an approved Ombudsman Investigation "Train the Trainers" Manual available for the use of its members internationally. This office has been pleased to undertake this project both as a contribution to the work of Ombudsman internationally and as a means of enhancing our own capacity to fulfil our mandate.

As the understanding and need of an Ombudsman's function continues to gain momentum around the world, I have found these information sharing opportunities to be of considerable value in promoting Ombudsman learning and development both here at home and abroad.



Clare Lewis, Q.C., Ombudsman

Case summaries

Ontario Human Rights Commission

Ms Y contacted our office to complain about the Ontario Human Rights Commission. Following a review of the Commission's file, it appeared that Ms Y may have made a submission to the Commission that was not considered by the Commissioners when making their decisions on her case. Our office contacted the Commission to discuss this matter. As a result, the Commission advised the parties that it may have breached its duty of procedural fairness and indicated that the matter would be returned to the Commissioners with a recommendation that its original decision be declared invalid.

Family Responsibility Office

Mr. D complained that he no longer owed child support and that he had been trying to get his FRO file closed for six months. When an Ombudsman staff contacted the FRO it acknowledged that support should have ended six months previously. Mr. D was mailed a credit balance of \$600.

Ministry of Health and Long-Term Care

Ms W had recently undergone surgery, which was unsuccessful. She complained that the Ministry of Health and Long-Term Care denied her coverage for corrective surgery

under the Ontario Health Insurance Plan on the basis that the surgery had already been paid for. Ms W was also advised that if the second surgery was approved, it would have to be performed by the same doctor. Ms W was concerned about this since she did not want to have the second surgery done by the same doctor who had operated initially. After a number of months of dealing with the Ministry and her doctor, Ms W contacted our office. An Ombudsman Representative spoke with a Ministry medical consultant. As a result, Ms W's file was reviewed and the surgery approved on the same day.

Ministry of Correctional Services

The Ombudsman considered the appropriateness of Ms D's placement and treatment while in a correctional facility. Ms D suffers from a mental illness and severe hearing loss. A third party wrote to the Ombudsman expressing concern that Ms D was placed in a segregation cell located behind two heavy doors and could be heard yelling and screaming throughout the night.

Our investigation revealed that Ms D was placed in a single segregation cell for most of the two months she spent at the facility. She did not receive regular access to showers or daily fresh air required under Ministry of Correctional Services' policy. The facility had attempted unsuccessfully to have Ms D transferred to an institution that could more appropriately accommodate her needs.

The Ombudsman tentatively concluded that the Ministry had failed to provide Ms D with a proper placement and recommended that the Ministry should ensure that inmates with special needs are placed in appropriate facilities. The Ombudsman tentatively recommended that the Ministry take steps to ensure that staff comply with Ministry policies relating to administrative segregation. The Ombudsman also expressed concern regarding the adequacy of the facility's transfer documentation.

In response, the Ministry acknowledged that the conditions of Ms D's confinement had not met expected levels of care and agreed to implement the Ombudsman's recommendations. In future, superintendents and health care coordinators will assess inmates identified as having special needs upon admission and determine whether they can accommodate the individual. If not, a properly documented transfer request will be submitted to an appropriate facility. In order to ensure that inmates receive their proper entitlement to showers and exercise while in segregation, and that record-keeping is satisfactory, superintendents will be instructed to conduct annual audits. Deficiencies will be followed up by the Ministry's Audit Branch.

These cases are taken from Ombudsman Ontario's 2001-2002 Annual Report. A complete copy of the Annual Report can be found on our website at: www.ombudsman.on.ca. To have a copy or CD version mailed to you please call 416-586-3353.

mission

STATEMENT

Working to ensure fair and accountable provincial government service

We Believe

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

Fairness: treating everyone in a reasonable, equitable and impartial manner

Accountability: providing quality services, taking responsibility, evaluating and improving through innovation

Integrity: demonstrating transparent, honest and ethical practices

Respect: understanding individual differences and valuing diversity

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Who We Are

Ombudsman Ontario helps people resolve problems by investigating complaints they have with provincial government ministries, agencies, boards, commissions and tribunals. The office cannot deal with matters regarding federal or municipal government, the courts, and the private sector. Ombudsman Ontario is independent of the government and is a place of last resort when other approaches to resolve complaints have been tried. Services provided are confidential.

About our logo

This is the symbol for Ombudsman Ontario. The "O" stands for our name. Inside, three sets of arms come together: one each for the public, the government and our office.



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