

Images not displaying properly? Add thewatchdog@ombudsman.on.ca to your address book now or view the PDF version [here](#).

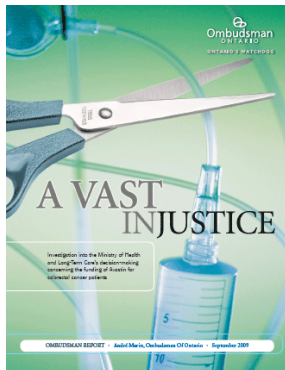


THE Watchdog

VOLUME 8, DECEMBER 2009 [Subscribe to our e-newsletter](#) | [Abonnez-vous à notre e-bulletin](#) [Unsubscribe](#) | [Désabonnez-vous](#)

TOP STORY: AVASTIN UNCAPPED

Avastin funding uncapped in wake of Ombudsman investigation



Two months after Ombudsman André Marin released [A Vast Injustice](#) – his report criticizing the Ministry of Health and Long-Term Care's decision to cap funding for the cancer drug Avastin at 16 cycles – the province has agreed to lift the funding cap.

Minister Deb Matthews announced the change on November 29. Patients with end-stage colon cancer will now be able to get Avastin for up to 24 cycles, and possibly further, if advised by their physicians. Ontario had been the only province that chose to fund Avastin, only to place a "hard cap" on it – a policy Mr. Marin found "verged on cruelty" and was "unsupported by clinical evidence or medical practice."

Mr. Marin said he felt strongly that the Ministry would "do the right thing" and lift the cap, even though it initially rejected his recommendations. He noted that the report was released when Ministry officials were caught up in the eHealth controversy. "It was chaotic over there, and the Avastin report just never got a fair shake," he said. He opted to "let cooler heads prevail" and – for the first time in his tenure as Ombudsman – went to the new minister after her appointment and asked her to reconsider.

The move was praised by the Colorectal Cancer Association of Canada, as well as patients and their families.

"I am absolutely delighted, not just for me, but for the other patients," Robert Anderson told the *Burlington*

Post. Mr. Anderson, 80, was one of the first patients to complain to the Ombudsman about the funding cutoff. He said he hopes to have his next Avastin treatment before Christmas.

TRAINING

'Sharpening Your Teeth' course draws 81 watchdogs



The third annual session of the Ontario Ombudsman's training course for investigators, "Sharpening Your Teeth" wrapped up December 2, with an unprecedented 81 attendees from across Canada and around the world – including South Korea, Brazil, Israel, Ireland, the U.S. and U.K. Highlights of this year's course included an address by public administration expert Gilles Paquet of the University of Ottawa (see story below), and a

reception with two guests of honour: Steve Peters, Speaker of the Ontario Legislature, and Jonathan Dart, Britain's consul general. At the Dec. 1 reception, Speaker Peters praised the Ontario Ombudsman's office for its unique role in investigating and resolving complaints and giving citizens confidence that their government is held to account.

"The public does not always understand how government works, but they are looking for an advocate for them, not someone who's got a political stripe on," he said. "The public is looking for an independent, objective person. And that's the role the Ombudsman plays, and why I'm so proud of the work that the Ombudsman does." Mr. Peters also joked about how the strong, colourful titles of the Ombudsman's special reports, such as *Too Cool For School* or *Oversight Unseen*, sometimes pose a challenge for him when he is called to read them in the Legislature "with a straight face." But he noted that the Ombudsman's reports always get the government's attention.

"As a former cabinet minister, I can tell you your little antennas go off when you start wondering if the Ombudsman is looking at anything within your ministry," he said. "But that's what makes sure, from the premier on down to the parliamentary assistants, that the ministers do their job. It gives the public confidence that the government is being held accountable."

SYT attendees said they gained valuable expertise in interviewing techniques, report writing, systemic investigation planning and even new areas like social media communications. "This training session was the best I have ever attended by a long shot," said David Bridgen. The three-day course, conducted on a complete cost-recovery basis, is the first of its kind in the world, and the Ombudsman and staff have been invited to do similar training on four continents, including at the new headquarters of the International Ombudsman Institute in Vienna in 2010. Customized versions of the course will also be provided to several Ontario investigative agencies. Coming next spring: A French-language version, held in conjunction with the office of the Quebec Ombudsman/Protecteur du citoyen.

IN THIS ISSUE:

- [Top story: Avastin uncapped](#)
- [Training](#)
- [Investigations update and staff news](#)
- [Special event](#)
- [Sunshine law rises again](#)
- [What makes the Ombudsman tweet?](#)
- [Case summary: Overpayment overblown](#)
- [Good Governance Week](#)
- [How to complain](#)

SOCIAL MEDIA

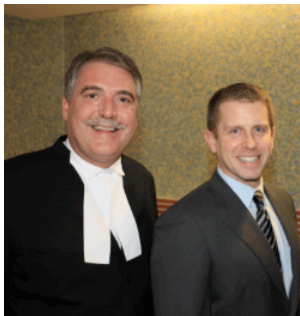
What makes the Ombudsman tweet?

Recognized for his enthusiastic use of Twitter, Ontario Ombudsman André Marin was the lead speaker at a conference on social media in Toronto on Oct. 27. Mr. Marin, who tweets personally as

Ont_Ombudsman, praised Twitter as "the ultimate people connector," which allows him to engage directly with Ontarians in a personal but efficient way.

Citing his "five reasons why I like Twitter," Mr. Marin detailed his experiences in using the social networking tool for almost a year, and mused about how he hopes to be able to employ it in investigations in future.

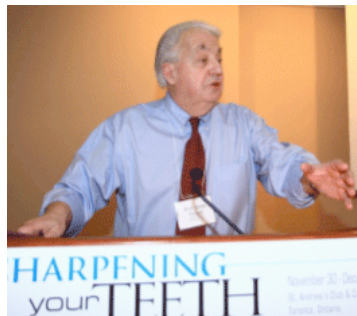
"How much trouble can you really get into in 140 characters?" he joked, advocating that more ombudsmen, CEOs and other executives use the tool. Mr. Marin's five reasons for embracing Twitter are: Speed (it relays news instantly);



Speaker of the Legislature the Honourable Steve Peters, MPP for Elgin-Middlesex-London, with Ombudsman André Marin, right.



Sharpening Your Teeth III students.



Gilles Paquet, SYT III keynote speaker - Professor Emeritus, School of Management and Senior Research Fellow, Centre on Governance, University of Ottawa.

and Speed (it gets news instantly); Efficiency (it allows a small organization to reach large numbers of people); Low Overhead (it's free); Connecting People (it combines technology and a personal touch); and Bang for the Buck (it provides value well in excess of the effort invested).

Ont_Ombudsman now has more than 1,500 followers. Go to twitter.com/Ont_Ombudsman to join the conversation.



Investigators urged to “scheme virtuously”

Self-described “contrarian” and University of Ottawa public administration expert Gilles Paquet called on attendees at the Sharpening Your Teeth course on Dec. 3 to “scheme virtuously” and use their investigative skills to become “social engineers” who effect lasting change.

Following up on his speech to the joint ombudsman conference in Montreal this past spring and his Optimum.ca article “[Ombudspersons as Producers of Governance](#),” Prof. Paquet praised the Ontario Ombudsman’s SORT (Special Ombudsman Response Team) investigations model.

Ombudsmen should confront problems in government and become effective “organizational designers” when they recommend fixes, he said.

His keynote speech identified two pitfalls for ombudsmen: The tendency to seek gratification from the resolution of individual, emotional cases, and the tendency to behave like a judge. “It’s too easy to restrict investigations to individual cases – there are social workers to do that,” he cautioned – adding that ombudsmen must not pretend to be judges, either.

Prof. Paquet also said an ombudsman’s mandate is best when it is “vague” and ill-defined – because it offers boundless opportunities: “Ask yourself what it is that you currently do not do, that only you are preventing yourself from doing.”

In today’s world, “where power, resources and information are widely distributed,” ombudsmen can bring about big institutional change through small adjustments, he said. He said an ombudsman should see him/herself not as a hedgehog “with all his spikes turned out,” but as a fox with many ideas and tactics – some of which may actually help government look better, not worse.

INVESTIGATIONS UPDATE AND STAFF NEWS

Investigations: Updates coming soon on HNHB LHIN and Long-Term Care

The Special Ombudsman Response Team has two pending cases that will be updated soon: The investigation into the decision-making by the Hamilton-Niagara-Haldimand-Brant Local Health Integration Network, and the investigation into the province’s monitoring of long-term care facilities. Watch for more information in the new year – and in the next edition of *The Watchdog*.

Ombudsman team runs for the cure

For the second straight year, Ombudsman staff raised money for breast cancer and honoured friends and colleagues by running/walking in the CICB Run for the Cure on Oct. 4. The team was started in memory of former Media Relations Advisor Barbara Theobalds, who died last year. This year’s “Ombudsman Watchdogs” contributed \$2,265 toward the Toronto run’s total of more than \$4 million.

CASE SUMMARY

Overpayment Overblown

A woman complained to the Ombudsman after fighting with **Ontario Disability Support Program (ODSP)** officials for six years over their calculation that they had overpaid her and she owed them more than \$10,000. The woman disputed this amount, but the ODSP had continued to collect monthly payments from her on the debt, while denying her request for an internal review.

An Ombudsman staff member contacted ODSP staff and after a thorough review of the woman’s file, they admitted their calculations were wrong – in fact, the overpayment had only been about \$7,200 and the woman had already more than repaid it. **She was actually owed \$580.** ODSP officials met with the woman and ensured she received a refund.

SPECIAL EVENT

Ombudsman compares government ABCs to “Frankenstein” monsters

Addressing the Economic Club of Canada on Oct. 15, Ontario Ombudsman André Marin warned that, without proper oversight, unwieldy government creations like arm’s-length agencies boards and commissions (ABCs) can often take on monstrous tendencies.

“They begin life just as Frankenstein’s monster did, as a volatile combination of parts that don’t always work together, and sometimes if governments aren’t careful their creations can rise up and wreak untold havoc,” Mr. Marin said in [his speech](#).

Citing examples from his office’s investigations of the Ontario Lottery and Gaming Corporation (OLG) and the Criminal Injuries Compensation Board (CICB), Mr. Marin said there are two



ways ABCs can go wrong: Large, money-making operations like OLG forget their role is to serve the public, not make profit; while smaller, cash-starved ones like CICB become so dependent on government they lose their independence. "When malformed or mutated ABCs start running our governments, destroying the quality of service and sending costs spiralling, we are all in trouble," he said. The challenge for the province, he said, is to conduct a "culture audit" to enforce rules and remind all ABC employees that they are public servants. Agencies should be held to the same standard of transparency and oversight as government.

Mr. Marin said he was honoured to speak at the Economic Club as part of Good Governance Week in Ontario. The club has hosted numerous newsmakers including federal and provincial cabinet ministers, prime ministers, premiers and international leaders. Speaking to journalists afterwards, Mr. Marin said the government needs to take a more pro-active, "holistic" approach to oversight if it wants to avert further scandals. "The risk right now is that we fall into a finger-in-the-dyke approach. We rush from one scandal to the next."

SUNSHINE LAW

New edition: Sunshine Law Handbook rises again



Sarnia Mayor Mike Bradley (left) receives the new edition of the "Sunshine Law Handbook" from Ontario Ombudsman André Marin.

A new edition of the *Sunshine Law Handbook* – the Ombudsman's guide to the rules requiring municipalities to hold open meetings – is now available. Ontario Ombudsman André Marin unveiled the second edition of the guide during Good Governance Week (Oct. 13-16) in a ceremonial presentation to Sarnia Mayor Mike Bradley – a longtime proponent of open meetings and municipal transparency.

It's been almost two years since changes to the *Municipal Act* enabled members of the public to complain about municipal council and committee meetings held behind closed doors. The Ombudsman is the investigator for such complaints, except in municipalities that have appointed their own investigators. The Ombudsman's Open Meetings Law Enforcement Team (OMLET) has handled about 150 complaints and inquiries about closed meetings to date and completed about a dozen investigations.

"A lot has happened since January '08," Mr. Marin said. "When this law first came in, a lot of mayors and councillors were concerned about frivolous complaints and onerous investigations. But our experience has been that – with a few exceptions – most municipalities

are keen to respect the law and embrace openness."

Mayor Bradley said: "I want to acknowledge the Ombudsman's role and would urge all municipalities to understand that openness is good government. I would also like to see the Ontario government put penalties, apart from embarrassment, in place for those who violate the open meetings provisions."

The new edition of the Handbook has been sent to every municipal councillor and clerk in all of Ontario's 444 municipalities. It is also online at www.ombudsman.on.ca (under Publications) and hard copies are available upon request.

Office of the Ombudsman of Ontario | Bureau de l'Ombudsman de l'Ontario
1-800-263-1830 - Complaints Line | Ligne des plaintes | 1-866-411-4211 - TTY | ATS
www.ombudsman.on.ca



-- Annual Report 2008-2009

GOOD GOVERNANCE WEEK

As part of a cross-Canada celebration of the role of ombudsmen and the 200th anniversary of the establishment of the first parliamentary ombudsman in Sweden in 1809, October 12-16 was declared "Good Governance Week" in the Ontario Legislature. If you missed it, all the events of the week and related articles are [here](#).

HOW TO COMPLAIN

The Ombudsman's Office oversees and investigates close to 500 provincial ministries, agencies, tribunals, and Crown corporations.

[File a complaint online](#)

Phone: 1-800-263-1830, Fax: 416-586-3485 / TTY 1-866-411-4211

Email: info@ombudsman.on.ca

Write: Ombudsman Ontario, Bell Trinity Square, 483 Bay St., 10th Floor, South Tower, Toronto, ON M5G 2C9.

Please note that an appointment is recommended for in-person complaints. **Office hours** are from Monday to Friday, 9 a.m. to 4:30 p.m.