

In our January newsletter: Ombudsman receives more than 1,200 complaints about COVID-19 policy changes; a new tool for evaluating French language services; municipal meetings matter – and more

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Ombudsman receives more than 1,200 COVID-19 related complaints about government policy changes

A new video introduces the French Language Services Commissioner's Compass

Municipal meetings matter

Here, there and (virtually) everywhere

How we help: Case Summaries

Work with us! Openings for Early Resolution Officers and more

OMBUDSMAN RECEIVES MORE THAN 1,200 COVID-19 RELATED COMPLAINTS ABOUT GOVERNMENT POLICY CHANGES



In early January, our Office received a large volume of complaints – more than 1,200 – after a provincial government announcement on Dec. 30, 2021 about changes to COVID-19 reporting requirements for schools and child care, and new limitations on PCR testing.

While we acknowledge the desire of some parents to express their profound disagreement with these changes, politicians are elected to set policy; the Ombudsman [cannot overturn or investigate these policy decisions](#). Despite the fact that the Ombudsman does not have the authority to investigate elected officials or the broad public policy decisions they are mandated to make, we can, and do, address administrative issues that arise when such policies are implemented.

In response to these complaints, our Office contacted officials within the Ministry of Education and Ministry of Health. As we have done throughout the pandemic, we made Ministry officials aware of the common issues raised in the complaints. We also asked them for background information and updates regarding the implementation of these decisions.

We were told by provincial officials that these changes were based on directives from the Chief Medical Officer of Health (including that the Omicron variant of COVID-19 was spreading faster than PCR tests could be processed, and these changes to PCR testing eligibility were intended to ensure that publicly funded testing would be available for the highest-risk settings). Officials also told us that government's decision to suspend case reporting was a result of the changes to limit PCR testing eligibility, as school boards would be unable to reliably determine the number of confirmed COVID-19 cases.

Our Office is monitoring developments closely as these policies and new measures are implemented, and will continue to bring relevant complaints and issues to the attention of officials within both ministries.

And, as we do with all cases we receive, we will continue to assess each individual case to determine if there is a service or fairness issue we can address, and follow up in all cases when warranted.

[You can read more here about what the Ombudsman can – and can't – investigate.](#)

Do you have a complaint or question, and think we might be able to help? [Contact us today.](#)

A NEW VIDEO INTRODUCES THE FRENCH LANGUAGE SERVICES COMMISSIONER'S COMPASS



In her second Annual Report, released in December 2021, French Language Services Commissioner Kelly Burke introduced the French Language Services Commissioner's Compass (FLSC Compass), designed to help government in planning and evaluating the provision of French language services.

This practical assessment tool is a crucial step in applying a Francophone lens. It measures the quality of services in French using four criteria – Fairness, Logistics, Satisfaction and Communication. It aims to guide government towards providing equivalent services without delay, by underlying where the specific needs of Francophones are met, and where improvements are needed.

[Watch the FLSC Compass video to find out more about this tool.](#)

You can also read these articles about the French Language Services Commissioner's 2020-2021 Annual Report and the FLSC Compass:

- [Ontario Ombudsman's French Language Services Unit develops tool to assess French-language services](#) (Law Times)
- [Language Commissioner proposes tool to assess availability, quality of French services](#) (QP Briefing)

ICYMI: [Read the 2020-2021 Annual Report of the French Language Services Commissioner of Ontario](#)

MUNICIPAL MEETINGS MATTER



Municipal meetings have been a hot topic for our Office so far this winter, with the Ombudsman releasing findings on 10 open meeting reviews since early December. As the closed meeting investigator for most Ontario municipalities, the Ombudsman's reviews help them follow the open meeting requirements in the *Municipal Act, 2001* to ensure they remain open and accessible to the public.

For example, in a recent review of a virtual meeting held by the [Saugeen Municipal Airport Commission](#), the Ombudsman found that unclear instructions resulted in the commission unintentionally preventing the public from being readmitted to the open portion of the discussion following a closed session. The Ombudsman commended the Commission for working quickly to amend its procedures to keep the same issue from reoccurring.

Some of our Office's most recent meeting reviews also include:

- A ground-breaking ceremony for a new recreation centre in the [Town of Wasaga Beach](#) wasn't a closed meeting; even though the ceremony was by invitation only, councillors did not discuss council matters or materially advance municipal business.
- A series of individual phone calls between councillors in [Loyalist Township](#) did not contravene the open meeting rules – the council member who made the calls was merely inquiring about other councillors' positions on a matter and did not materially advance council decision-making.
- The board of directors for the [Hamilton Farmers' Market](#) is not subject to the open meeting rules in the *Municipal Act*, but the Ombudsman nonetheless urged the board to bolster its existing procedures to ensure the public consistently receives notice of its meetings.

Find more best practices for open meetings on our [municipalities webpage](#) or browse by topic in our [digest of open meetings cases](#).

If you think a meeting in your municipality was closed improperly, [find your closed meeting investigator](#).

HERE, THERE AND (VIRTUALLY) EVERYWHERE

Tomorrow's leaders: A discussion with the 2021-2022 OLIP Interns



On Dec. 17, 2021, Ombudsman Paul Dubé, Deputy Ombudsman Barbara Finlay, and French Language Services Commissioner Kelly Burke presented virtually to the 2021-2022 Ontario Legislature Internship Programme (OLIP) interns. The discussion centered around the roles of the Ombudsman and Commissioner in promoting fairness and accountability in Ontario's government and public sector bodies, and highlighted the importance of complaints to continually improve governance. The OLIP interns provided their own engaging insights about the value of independent oversight in maintaining a healthy and functioning democracy.

The Ontario Legislature Internship Programme is a 10-month, non-partisan programme that allows recent graduates of Canadian universities to work with Members of Provincial Parliament.

Meeting with, and answering questions from, future community workers



On January 17, 2022, staff from the Children and Youth Unit provided a virtual presentation to approximately 40 students from Centennial College's Community and Justice Services program, which prepares students to work in settings with youth and adults who are at-risk, including those involved with the criminal justice system or involved in rehabilitation programs.

Questions from attendees included the timeline for the Ombudsman to resolve individual complaints, and whether our Office can assist individuals experiencing a problem with a police service.

While the Ombudsman's Office does not take complaints about local police services, it [maintains oversight](#) over other police bodies, such as the Ontario Civilian Police Commission (OCPD), the Special Investigations Unit (SIU) and the Ontario Provincial Police (OPP). Complaints about municipal, regional or provincial police services should be made to the [Office of the Independent Police Review Director](#) (OIPRD).

Attendees were also informed that while the Ombudsman attempts to resolve most individual complaints as quickly as possible, all complaints are reviewed according to their own facts and circumstances, and timelines for resolution are therefore relative to each case.

To learn more about the Ombudsman and our work with children and youth, please visit our [Children and Youth Unit](#) information page.

Local learning: Our latest outreach to school board trustees



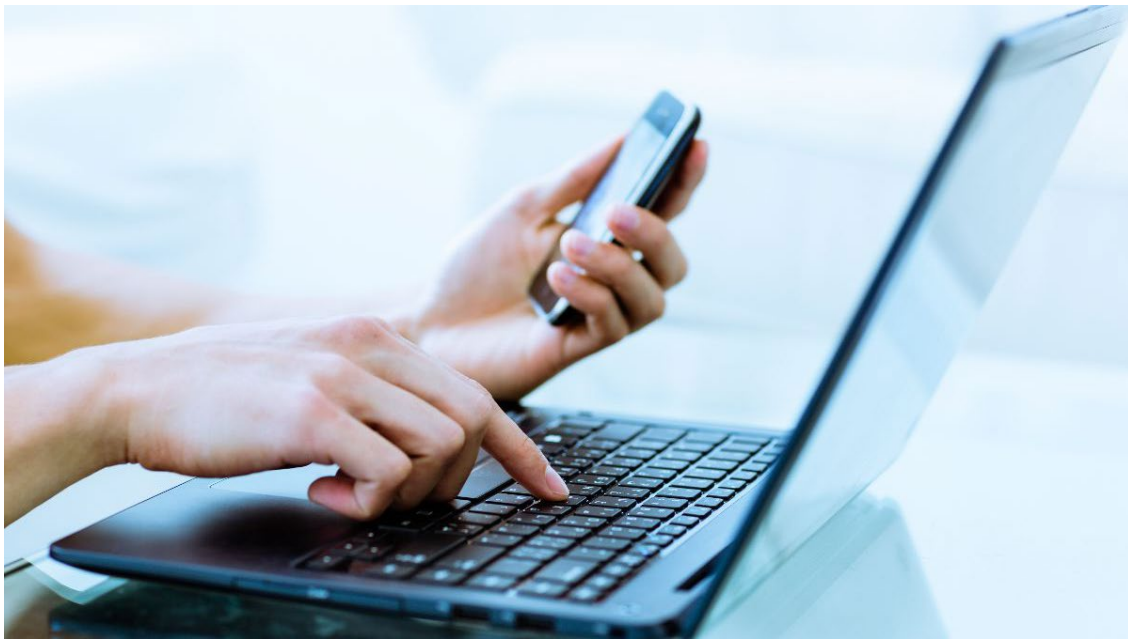
Earlier this month, two senior Ombudsman staff delivered a presentation to Toronto District School Board (TDSB) Trustees, to provide insight into how our Office works collaboratively with boards to resolve issues, and discuss some recent examples of administrative problems we've resolved.

Since taking on oversight of school boards in September 2015, the Ombudsman has received close to 5,000 complaints and inquiries regarding school boards; more than 98% of these have been resolved, and the Ombudsman has only conducted two official investigations related to school board issues.

As noted during the discussion, public sector bodies like school boards can help ensure fairness by building it into their policies and procedures right from the start. "Fairness by Design," a guide developed by Canada's provincial and territorial ombudsmen, is a useful tool to help organizations ensure that their policies and practices are fair and equitable. [You can read more about "Fairness by Design" on our website.](#)

Our Office meets frequently with school board officials to provide information on how we work with them to resolve issues. Would you like us to provide a virtual presentation to your school board? You can [email us](#) a request.

HOW WE HELPED – CASE SUMMARIES



[Find us online](#)

Several people who work as title searchers complained to us about the province's decision to end in-person services at all 54 of its Land Registry Offices in October 2020. Our staff made inquiries with senior officials at the Ministry of Government and Consumer Services to learn more about the potential impact of this change. We confirmed that the offices would continue to be staffed and directly reachable by email and by telephone, and we let the complainants know how they could continue to access documents and escalate their concerns if necessary.

[**Click here to learn more about how we helped Ontarians with their problems**](#)



Overcoming obstacles

A youth in care sought our help with her difficulties in filing a complaint about staff at her residential placement. She complained about the required forms not being made available, staff lacking knowledge about the complaints process, and not receiving a response in a timely manner. After we reached out to its director, the residence committed to ensuring the youth received the necessary forms, as well as assistance from staff. She was able to file her complaint, but told us it went unanswered for two and a half weeks, so we contacted the director again. The youth later confirmed to us that her issues had been addressed, and she was happy with the outcome.

All young people in care have rights, including the right to have service providers respond to complaints and help them try to resolve it. If a young person feels their rights aren't being met or respected, they have a right to make a complaint to us.

Click here to learn more about how we helped with issues or problems concerning children and youth



[For a follow-up call in French, please press 2](#)

A man contacted the provincial COVID-19 vaccine online system by phone and chose the "French" option to request his proof of vaccination by mail. He contacted us to point out that the follow-up call from the Ministry of Health to verify that he had received his proof of immunization was in English. As a result of our intervention, the Ministry of Health added a question to the initial call to ask whether people wanted to be called back in French.

[**Click here to learn more about how we helped with issues or problems concerning French language services**](#)

[**WORK WITH US: JOB OPENINGS**](#)



We continue to hire new staff. Check out all of our open positions in the [Careers](#) section of our website.

- [Early Resolution Officer](#)
- [Early Resolution Officer \(French Language Services Unit\)](#)
- [Early Resolution Officer \(Children and Youth Unit\)](#)
- [Investigator \(Children and Youth Unit\)](#)
- [Legal Counsel \(French Language Services\)](#)

File a complaint or contact us here



The Ombudsman is an independent officer of the Ontario legislature who conducts oversight of provincial government agencies and municipalities, universities and school boards, as well as child protection services and French language services. Ombudsman Paul Dubé was reappointed for a second five-year term, beginning on April 1, 2021.

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