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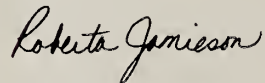
June 7, 1994

The Hon. David Warner, Speaker
Legislative Assembly
Province of Ontario
Queen's Park
Toronto

Dear Mr. Speaker:

I am pleased to submit to you my
Annual Report for the period April 1,
1993 to March 31, 1994, pursuant to
Section 11 of the Ombudsman Act so
that you might cause it to be laid before
the Assembly.

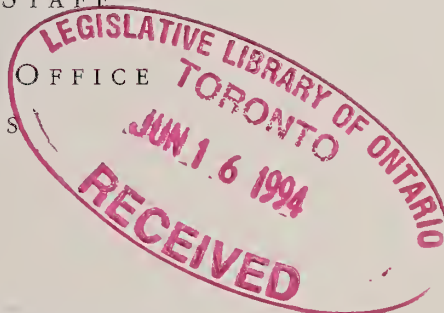
Yours truly,

A handwritten signature in cursive script, reading "Roberta Jamieson".

Roberta L. Jamieson
Ombudsman

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Dear Reader,

To ensure that you receive up-to-date information about Ombudsman Ontario, please complete this form and mail it back to us. Our address is printed on the reverse of this card. Postage is paid.

Name: _____ Organization: _____

Address: _____ City: _____

Province: _____ Country: _____ Postal/Zip Code: _____

My organization would like to have Ombudsman Ontario staff make a presentation about its services: ☐ yes ☐ no

Contact me at: _____ (phone number)

I would like to receive a quarterly newsletter ☐ instead of ☐ in addition to the Annual Report.

Comments about our 1993-94 Annual Report: _____



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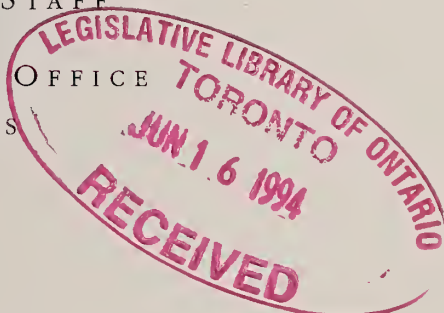
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Communications Department
Ombudsman Ontario
125 Queen's Park
Toronto, Ontario M5S 2C7

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*This Annual Report is
some measure of
where we started,
how far we have
moved along, how
much further we
have to go, and how
we are planning to
get there.*

VISION

Ombudsman Ontario will strive to ensure that people are served justly, equitably, and fairly by Ontario government organizations.

MISSION STATEMENT

In striving to achieve this Vision, we are committed to the following goals for fairness and service:

- Investigate and resolve complaints efficiently;
- Deliver relevant, timely, impartial and accessible services;
- Foster objective standards of government administration;
- Act as a resource to government organizations and the public to prevent future complaints;
- Increase public awareness of our organization;
- Be ethical and accountable;
- Encourage teamwork through joint consultation and communication;
- Monitor and evaluate our organizational performance;
- Realize individual potential through pro-active human resource practices.

THE OMBUDSMAN'S MESSAGE

My mission as Ombudsman has been to provide the people of Ontario with the best possible Ombudsman services. This they deserve, this they demand, and this is what the Legislature intends them to have.

How can this be done in a time of increasing demand for services and fiscal restraint? The question is a familiar one. Perhaps we are tired about hearing of unprecedented change battering our public institutions. We have not fully grasped the impact that government's new realities will have on our lives. We expect government to continue providing comprehensive, high-quality services, accommodating the increasing numbers of persons who seek access to assistance programs, and reducing spending to cut the deficit. The same forces which cause people to seek more government assistance also reduce the government's income. Not only do we expect the government to maintain the status quo on less money — we expect it to initiate necessary changes to provide a strong foundation for our future.

It is little comfort that we are experiencing part of a global phenomenon where the norm is rapid change bordering on chaos. We cannot breathe a sigh of relief that the worst is over — our economic sands are just in the first stages of shifting.

Governments have to make hard choices. Which services are vital and necessary and which are unaffordable left-overs from more prosperous times? Which organizations and institutions are key to the protection and enhancement of strongly held values?

In the Ombudsman sector, there are both overlap and gaps of service. While efforts

we have made mean the people of Ontario will continue to have top quality Ombudsman services, the improvements have not happened without considerable sacrifice and hard work. At the same time, Ontario is experiencing a proliferation of Ombudsman-like agencies and commissions.

It is unfortunate that in the din of debate over these critical questions, the voices of those among us who are the most vulnerable, the most likely to have to interact with government on a day-to-day basis, often go unheard. We know that when governments are pressured to do more with less and employees must make decisions under pressure, the potential for error and unfairness rises. Everyone becomes more vulnerable — it is for this very reason that the services the Ombudsman provides are more essential than ever.

Against this stark landscape, I attempt to fulfill my mandate of investigating and resolving complaints that the public has in their dealings with government. The same landscape that I see outside the door also confronts us inside the Ombudsman offices. We are not immune from either the pressures or the challenges. This year, Ombudsman Ontario had a 13 percent increase in written complaints and inquiries with no real increase in either staff complement or budget.

Tough times can be used as an excuse for inaction, an excuse for a decline in services. An organization can batten down the hatches, become defensive, exhibit a siege mentality, complain about having to do more with less, and chronicle a worsening situation. My staff, however, took the higher road. We are facing tough times with courage and honesty, vigorously accepting

the challenge and creatively designing and implementing practical strategies. Along the way we learned many lessons.

We learned that expecting people to do more with less within the same framework is neither reasonable nor realistic.

We learned that if we were to succeed, every single organizational structure and procedure had to be open to change and improvement.

We learned that we must be open to ideas presented in consultation with members of the public, staff, government officials, and in the results of the recent value for money audit completed by the Provincial Auditor.

We learned through strategic public education initiatives that we are reaching more and more people who represent the diversity of Ontario. We are learning too that internal adjustments are required in order to provide equity of service to all Ontarians.

We changed and are changing the way we do things. We restructured investigative teams, developed a new computer system, streamlined the case management system, and adopted a more decentralized organization so that responsibility is exercised where it is most effective. These and other changes are discussed in greater detail in the Directorate reports which follow.

Has all this change been seamlessly smooth? Absolutely not. There have been snarls and disagreements. It has been the

commitment to succeed which enabled us to courageously and cooperatively find satisfactory resolutions. The hidden benefit in all this is an increasing comfort with change, seeing it as a characteristic of the environment in which we will work for the foreseeable future. We are becoming a learning organization.



This Annual Report, then, is some measure of where we started, how far we have moved along, how much further we have to go, and how we are planning to get there.

I have always considered it essential that our operations be above reproach and set out clear standards of fair service if I am to expect the same

quality of service from government organizations. My belief that this is possible without sacrificing quality, justice, fairness and equity has been reinforced and encouraged by the manner in which our staff has dealt with this challenge. We are happy to share our experience with any government agency which wants to listen.

I hope that the people of Ontario will find our improved operation of value to them. My staff and I stand ready to listen, investigate and resolve problems far into the future.

A handwritten signature in cursive script that reads "Roberta L. Jamieson". The ink is dark and the signature is fluid.

Roberta L. Jamieson
Ombudsman



*Change is now a
constant for both
our managers and
staff. To be useful
and effective, we
must take charge
of this change.*

DIRECTORATE REPORTS

COMMUNITY ACCESS AND INTAKE DIRECTORATE

Community Access & Intake (CAI) is responsible for public education programs, receiving complaints, providing early resolution of those complaints, and providing the public with information and referrals. The Directorate has taken steps to improve and strengthen its links to the community, broaden its audience, implement public education plans, increase its use of plain language and tailor its communications to meet public needs. CAI has also improved its processes, including complaint intake procedures and the development of public education resource materials.

Ombudsman Ontario's Mission Statement commits the organization to an accessible, timely, efficient and culturally appropriate client service. With the Mission Statement in mind, CAI examined how its services are offered and identified barriers to delivery of that service.

The Directorate strives to be responsive to the changing demographics of Ontario; it has had to find appropriate ways to reach diverse communities and has developed strategies for effective outreach to disenfranchised groups.

CAI met with over 11,000 people through approximately 520 planned activities and presentations. CAI staff also attended community fairs, Annual General Meetings and staffed booths at a number of events such as:

- International Plowing Match and Farm Machinery Show where about 6,700 people visited our display;
- A career fair in Sault Ste. Marie involving approximately 960 students;
- A community Health Fair sponsored by General Motors in Windsor with over

1,000 employees and retired employees in attendance;

- and a booth at the N'Amerind Pow-Wow near London attracting approximately 600 people.

Preliminary results of CAI efforts indicate that the audience we reached includes some of the following groups:

- 30 percent were racial minorities, recent immigrants or refugees (in Toronto this figure reached 45 percent)
- 10.3 percent were First Nations people (in Kenora this figure was 33 percent)
- 13 percent were youth (in Kenora this figure was 43 percent; in Thunder Bay 33 percent; and in Sudbury 35 percent)
- 13 percent were seniors (in Sault Ste. Marie this figure was 35 percent)

Forty two public education presentations took place in the Francophone communities of Ontario, predominantly in the Sudbury and Timmins areas. Focus was also given to economically disadvantaged people; CAI staff held 53 different presentations for this group, mostly in the Ottawa, Toronto and Windsor areas.

Three percent of the public education audience was people with disabilities or people providing service to them. In North Bay this figure reached 5.6 percent. In examining provincial demographics, it is clear CAI needs to do a better job of outreach to people with disabilities.

Approximately 57 percent of the public attending Ombudsman Ontario activities have been women. In Ottawa and Timmins, the number of women attending reached 68 percent. These figures drop to 47 percent women attending in Windsor, where a larger male audience can likely be attributed to plant closures and a focus on laid-off workers.

CAI has a large territory to cover and does this with nine District Offices plus a Toronto office. It was a busy year for each location. The following list provides some examples of regional activities conducted by the District Offices.

TORONTO:

The seven staff based in Toronto visited close to 100 community based organizations and made presentations to both workers and clients of these organizations. The range of organizations visited includes mainstream community centres and agencies which serve clients with particular needs, such as people who are economically disadvantaged; people with physical, developmental and psychiatric disabilities; recent immigrants and refugees; youth, seniors, Francophones; and people of colour.

TIMMINS:

The focus in Timmins during the past year was on First Nations and Native communities. Visits were made to Friendship Centres; student groups; the Kunnuwanimano Child and Family Services; and the Misiway Eniniwuk Community Health Centre. Timmins staff also met with the Centre d'accueil, the Centre d'alphabetisation, women's groups and schools.

SAULT STE. MARIE:

Staff in Sault Ste. Marie also gave priority to members of the First Nations and Native communities. Meetings were held with the North Shore Tribal Council, the Niin Sakaan Literacy program and other Native groups.

OTTAWA:

Staff made presentations to ESL teachers; Ottawa Carleton Immigrant Services; Visible Minority Women Against Abuse; service providers from the County of Prescott-Russell; shelters for battered women; a training program for economically disadvantaged women; and two local child care associations. Ottawa staff also set up displays at conferences such as the Success Stories Fair for racial minority women.

NORTH BAY:

Staff in North Bay focused efforts on people with disabilities. Meetings took place with the Physically Handicapped Adults' Rehabilitation Association; Access Muskoka for the Physically Handicapped; the CNIB; the Nipissing District Industrial Training Corporation; and the Easter Seal Society. Discussions also took place with the Muskoka Interagency Group, Information Muskoka and the Seven Arrows Learning and Rehabilitation Centre.

WINDSOR:

District Office staff gave priority to providing services to youth and to people who are economically disadvantaged. Monthly information sessions were also conducted with the Association for Community Living.

SUDBURY:

Staff made presentations to municipal associations; Francophone students at Cambrian College and Laurentian University; seniors in Val Caron and with la Federation des Aînés Francophones de l'Ontario.

Over the next year, the Community Access and Intake Directorate will continue to be challenged in the way it offers service. Those challenges are as much internal as external. CAI examines barriers to delivery of service as part of its daily routine. Delivering appropriate service will include a knowledge of the community, using relevant approaches to it and identifying whose commitment and support is essential.

LONDON:

District Office staff ran an information booth at the International Plowing Match in Bruce County. Staff conducted workshops through London Settlement Services and also toured Grey and Bruce counties to meet with the Chief of the Chippewas of Nawash, Grey County Social Services, South-East Grey Support Services, Ministry of Environment and Energy, Queen's Bush Rural Ministries and Grey, Bruce, and Ontario Federations of Agriculture.

THUNDER BAY:

Providing accessible services to remote communities continued to be a priority for District Office staff in Thunder Bay. Visits were made to: Fort Albany; Kashechewan; Attawapiskat and Peawanuck on the James Bay coast; Nipigon; Geraldton; Pays Plat; Schreiber; Terrace Bay; Marathon; Manitouwadge and Mobert. Presentations were also made to the Francophone community including Accueil Francophone, Association des Francophones du Nord-Ouest de l'Ontario and Feminin Pluri-Elles. Meetings were held with Confederation College, the Thunder Bay Tenants' Association and a number of high school classes.

KENORA:

In addition to making presentations to groups throughout the district, Kenora staff participated in a panel for tenants, facilitated a workshop at a cross-cultural conference in Red Lake and operated a booth in Dryden at the Striving and Thriving Conference for Northwestern Ontario women in trades. Staff also travelled to the First Nations communities of Big Trout Lake, Kingfisher, Pikangikum, Deer Lake and Sandy Lake.



FINANCE, ADMINISTRATION, COMMUNICATIONS AND SYSTEMS DIRECTORATE

The Finance, Administration, Communications and Systems Directorate (FACS) has undergone significant change in its role this year. Since FACS was originally conceived as a support division for other Directorates, its role has been expanded to include the coordination of organizational strategic planning. The Directorate has taken many initiatives on behalf of the organization and became the primary catalyst in revisions to Ombudsman Ontario systems. FACS is committed to a decentralized environment where staff is empowered and encouraged to participate fully in the decision-making process. The challenge next year will be to maintain this forward momentum.

FINANCE DEPARTMENT

The Finance Department manages all fiscal aspects of the organization including: budget estimates and monitoring; accounts payable; payroll preparation and payment; financial planning and analysis; and financial statement preparation. The Department undertook a number of major initiatives this year.

FACS is committed to a decentralized environment where staff is empowered and encouraged to participate in decision-making.

A new computerized Payroll system was implemented with Canadian Automated Data Processing, Inc. (ADP). These payroll services are independent of the payroll services of the provincial government. Using ADP gives greater control over the function and addresses our unique payroll requirements. The conversion went extremely smoothly and everyone is satisfied with the new arrangement.

Budget workshops were held to introduce the budgeting process to new and District Office staff. The workshops were well-received and provided everyone with clear insight into a complicated process. Budget estimates were prepared for the year reflecting commitments to social contract legislation. Financial management and budgetary control were strongly maintained through prudent management of our financial resources.

A comprehensive value for money audit was conducted and the Finance Team managed day-to-day relationships with the audit staff. The audit did not reveal any major problems in the financial management of Ombudsman Ontario and recommendations from it were readily implemented.

ADMINISTRATION DEPARTMENT

The Administration Department provides a variety of support services to the organization including purchasing, word processing, switchboard, records, and maintenance and repair. This "quick response team" is responsible for addressing problems that arise daily and demand immediate attention. In addition to these regular responsibilities, the team completed other major projects during the year.

One major project was a study on the use of existing space in the office. The result was an internal move. Floor space was assigned to each Directorate and 65 staff members were relocated in order to group teams together in common areas of the building.

Another project Administration managed was a study on current telephone needs. A number of problems were corrected and 15 people were added to the voice-mail system to facilitate client access. The study will continue into the 1994-95 fiscal year to ensure that the public has cost-effective access to Ombudsman Ontario's services.

A milestone was achieved in the organization this past year and Administration played a significant role in recording the accomplishment. Over 100,000 case files were documented by Ombudsman Ontario from its 1975 inception to this fiscal year-end and it appears that we are rapidly moving towards our next 100,000 files.

COMMUNICATIONS DEPARTMENT

The Communications Department has only recently become part of the FACS Directorate. It provides a communication service for Ombudsman Ontario that includes provision of internal and external communications; media relations; educational materials and publications; writing services; publication translation services; managing the production and distribution of special reports and the annual report; and advice, guidance and management of communication needs and issues.

A major undertaking of the Communications Department this past year was the development and design of a visual identity for Ombudsman Ontario. The identity is now in place and work has commenced on applying it to all new Ombudsman Ontario publications and reports.

The communications team works closely with other parts of the organization to ensure that external and internal communications contribute to the effective operation of Ombudsman Ontario.

SYSTEMS DEPARTMENT

The Systems Department provides technological training, consulting and maintenance services for the organization. The Department was reorganized to meet the demands of a major project undertaken this year.

The existing computer system utilizing nine year-old technology was replaced by a state-of-the art client server network system. This system represents the best technology available to take our organization into the future. Before installing the new system, a needs analysis was conducted. The system was then designed and implemented in the Toronto and District Offices. The installation of the new system tied over 100 computers into a central server. It incorporates word processing, inquiry and case management, financial accounting, intake and referral, electronic mail, information access, District Office communication, and public education and human resource components.

A comprehensive training program was conducted to ensure computer literacy for all staff. Training courses will continue to keep staff skilled in the use of new software. Through a monthly payroll deduction plan, many staff have purchased identical computers for use at home.

HUMAN RESOURCES DIRECTORATE

The 1993-94 fiscal year has been a year of facilitation and consolidation for the Human Resources Directorate.

Both the economy and the impact of technology on information have redefined public service jobs as we previously knew them. Change is now a constant for both our Managers and Staff. It is no longer enough for each of us to perform a series of linear tasks. Our credibility as an organization is

measured by lateral thinking, teamwork, project management, producing beneficial results and most importantly, by providing client service and satisfaction.

Re-engineering the way we work is not easy. As we move forward we must be committed to the vision, accept scope and autonomy, take risks, embrace new concepts, execute initiatives passionately and boldly, and for all this - be accountable.

In order to survive and continue to be a useful and effective service for the people of this province, we must take charge of the change before us. Our "blueprint for change" is based on our Vision and Mission Statement, the recommendation raised in our 1992 in-house Employee Attitude Survey and in our 1993 value for money audit. Human Resources plays a significant role in implementing those recommendations. How this Directorate contributes is outlined in the next six sections.

RECRUITMENT, SELECTION AND PLACEMENT

As positions become vacant, we review where staff would provide added value. The ratio of internal client service staff to external client service staff is being gradually balanced without increasing the overall staff complement of the organization. This is of particular benefit to our nine district offices across the province; most of these locations have been increased to two person offices. Two staff members at each location allow the district offices to provide more comprehensive intake and outreach services.

Human Resources focuses on a balance between the development and promotion of staff from within our organization and the recruitment of new staff from grassroots community based organizations. This practice helps our organization to be as fully representative of the people of Ontario as possible.

Most positions designated bilingual under the French Language Services Act are now staffed with individuals who have advanced oral and written skills. In addition to providing service in English and French, our staff are also fluent in a number of other languages.

ORIENTATION, TRAINING AND DEVELOPMENT

Staff recruited over the past year participated in a comprehensive "Orientation to Ombudsman Ontario" program which assists them to put their individual mandates into the context of the mandate of the entire organization.

All staff had opportunities to participate in a variety of programs addressing topical issues, short-term skill training and long-term career development. These programs are offered across the organization to directorates, teams and individual employees. External and internal resources are used for the programs. Most notable are the Dispute Resolution Training facilitated by Nathalie Rockhill of St. Stephen's Community House's Conflict Resolution Service and the Windows software computer training facilitated by our organization's Systems Department.

All Directors and Managers are involved in a training program to help them manage more effectively in a period of significant transition and change. Ombudsman Ontario recently initiated a series of strategic planning sessions to better link our vision and mission to our workplans and budget. The strategic planning sessions also provide a

forum for discussing such topical issues as access, accommodation, diversity, equity and outreach.

PERFORMANCE MANAGEMENT

Now that our Vision and Mission Statement is more clearly understood throughout the organization, individual staff members are able to participate more fully in the setting of precise, quantitative individual goals which link into team, directorate and organizational workplans. Our aim is to create an organization of "continuous learners" who think creatively, take risks, propose solutions and accept accountability.

RECOGNITION AND REWARDS

Yet to be addressed is how to more directly relate remuneration to performance; we have come from the practice of automatic step progression based on length of service to the reality of fiscal restraint. We are still working towards solutions to this issue.

STAFF RELATIONS

Ombudsman Ontario continues to negotiate its first collective agreement. The OPEIU applied for conciliation in March, 1994. Once a contract has been finalized, we can complete our systematic review of Human Resource directives and guidelines and draft a comprehensive staff handbook. The Human Resource Directorate will demonstrate its commitment to being "user friendly" and aware of environmental concerns by putting these documents on our computer system.

Ombudsman Ontario also continues to look at ways to make communication more effective and efficient in the office. Some things we do help us to communicate better are, for example: hold team meetings; establish joint staff-management task forces; publish an internal newsletter; plan social activities, and communicate via computer e-mail.

This has been a challenging year for Human Resources. The Directorate will continue to assist Ombudsman Ontario complete a number of initiatives and move towards becoming a more efficient and effective organization.

SPECIAL PROJECTS

Our 1991 Pay Equity project has been reviewed in the context of recent legislation and we are developing a strategy to link it to upcoming Employment and Service Equity initiatives. Under our collective agreement, the proposed joint Labour-Management Relations Committee will play a major role in facilitating such projects.

Significant progress has been made in implementing a Human Resource Information System (HRIS). Benefits and attendance information can be retrieved in a variety of formats as planning and counselling tools. Additional types of information such as salary administration, job evaluation and performance management will be put into the system during the next fiscal year.

INVESTIGATIONS AND LEGAL SERVICES DIRECTORATE

The Investigations and Legal Services Directorate (ILS) has four investigative teams and one legal services team. Each investigative team is responsible for particular issue areas and for relations with government organizations delivering programs and services to the public in those areas. The legal services team provides legal advice to each of the four investigative teams in its area of responsibility.

The Social Benefits Team deals with social services, human rights, social assistance and corrections issues. The Land Use and Resources Team deals with matters involving land, planning, natural resources, utilities, environment and housing. The Finance and Regulation Team deals with issues about licences, regulation, taxes, certificates, finances, insurance, justice and pensions. The Labour, Health and Education



Team handles matters involving labour, employment, health, education and psychiatric institutions.

One goal of the Investigative and Legal Services Directorate is to investigate and resolve complaints efficiently. ILS strives to improve each step of the complaint handling process by continually analyzing its procedures. When the public comes to the Ombudsman, it expects the best service. The Directorate is mindful that it must be on the cutting edge of policy, administrative practices and processes. Resolving a dispute between the public and its government involves a tremendous commitment of resources; keeping this commitment in mind, the Directorate strives to be effective and quick in conducting those investigations.

The number of cases handled by Ombudsman Ontario increased this year. As have many public service agencies, Ombudsman Ontario has had to manage this caseload without an infusion of new staff or resources. Recognizing this shortage, the ILS Directorate contributed by evaluating its effectiveness and making constructive changes to procedures and processes.

When the public comes to the Ombudsman, it expects the best service. ILS knows it must be on the cutting edge of policy, administrative practices and processes.

SYSTEMIC INVESTIGATIONS

Since reviewing and investigating the same complaint repeatedly is not effective, a decision was made to develop a strategic plan for identifying and handling systemic issues early in the investigative process. Systemic investigations are a means of dealing with individual systemic issues or multiple complaints against the same government agency. Crafting systemic remedies is a means of preventing future complaints of the same nature or on the same issue.

To this end, a series of workshops was held where information was shared and ideas gathered on how to identify, investigate and resolve systemic issues effectively. Positive results from these workshops are highlighted in a number of case summaries in this Report. Additional workshops are planned for the next fiscal year in order to continue to improve the systemic investigation process.

TRAINING AND DEVELOPMENT

Public expectations change about what is considered to be good service and what are service delivery standards. To satisfy these changing expectations, the ILS Directorate identified a need for staff development and training.

Information storage has become very sophisticated and computer literacy is essential to conducting effective investigations. Each staff member in the Directorate was provided with a computer terminal and training to use it. Computer training enhances how the information collected by investigators is used. For example, the computer helps staff with the easy identification of systemic issues, useful precedents, and caseload trends. Case summaries and reports can be prepared quickly with computers. As a result of computer access and training, staff are able to serve the public with an increased response time and more efficiency.

Investigative and Legal Services staff are also in the process of receiving advanced training in dispute resolution techniques. The advanced training will enhance their already proficient skills in complaint handling, an essential element in their work.

ILS consciously sets aside funds and time to allow it to keep current on legislative and other changes affecting the services and programs delivered by provincial government agencies. Preparing for change enables the Directorate to effectively handle complaints as they are submitted.

GOVERNMENT COMMUNICATIONS

ILS is taking initiatives to improve communication with government organizations. The Directorate is identifying opportunities to visit government organizations that could benefit from hearing about the role and function of the Ombudsman. Proactive communications with government result in better relationships and quicker resolutions when complaint issues arise.

Some government organizations now refer complainants to the Ombudsman. The Ombudsman is known as the place of last resort on issues and as an information resource for the general public. These referrals are a testament to the spirit of cooperation the Ombudsman strives to achieve with government organizations.

ILS staff also offer to attend the meetings of government officials to explain the investigative process and review with them the types of complaints the Ombudsman has handled involving their agency. This will continue to be a priority in the coming fiscal year. Information sharing assists government organizations to make proactive, constructive changes in their processes and procedures. Improved service to the public is the end result.

STANDARDS

During the past year, the Directorate has taken a lead role in compiling and classifying information from cases about the standards used by the Ombudsman in deciding complaints. Early in the new fiscal year, a document will be prepared outlining the Ombudsman's concept of fairness, equity and justice and the standards used to review the actions of provincial government organizations. The Ombudsman plans to share this document with government and the public.

SPECIAL REPORTS

Five Special Reports were tabled with the Legislature in 1993-94. Four of the Special Reports deal with cases where the government organization refused to implement the Ombudsman's recommendations; the ministries involved in those four cases are the Ministry of Citizenship, Ministry of the Attorney General (Family Support Plan), and the Ministry of Community and Social Services. The other Special Report asks the government to pay special attention to issues affecting the ability of the Ontario Human Rights Commission to effectively enforce human rights in the province. Two cases involving the Ministry of Community and Social Services have been resolved. The Ombudsman hopes to appear before the Standing Committee on the Ombudsman by the 1993-94 fiscal year-end to present the remaining cases for the Committee's consideration.

LEGISLATIVE ISSUES

In the past two Annual Reports, the Ombudsman urged the government and the legislature to take steps to deal with an unfortunate and unintended conflict between the Freedom of Information and Protection of Privacy Act (FIPPA) and the Ombudsman Act. The conflict is about the Ombudsman's ability to obtain information relevant to an investigation and to subsequently protect

that information from unwarranted third party access. Unfortunately, no action has been taken in this matter. The resulting problem causes delay in the investigative process and impacts adversely on the ability of government organizations to comment on Ombudsman findings.

COMMENDATIONS

Each year the Ombudsman and her staff review cases they have investigated and experiences they have had in dealing with provincial government organizations. The purpose of the review is to recommend government organizations which deserve commendation for the provision of excellent or radically improved service to the public of Ontario. Criteria for selection are:

- creativity
- flexibility
- timeliness of responses
- cooperation
- commitment to share information

This year the Ombudsman commends:

- The Office of the Registrar General
- Northern Health Travel Grant

Conversely, some government organizations have been consistently unresponsive. This year the Ombudsman censures:

- *Ministry of the Solicitor General and Correctional Services*
- *Ministry of the Environment and Energy*



*The complaints
brought forward to
the Ombudsman are
quite diverse and
none are considered
insignificant.*

TYPES OF COMPLAINTS

In order of frequency, the most common types of complaints about government action this year were:

- The interpretation of criteria, standards, guidelines, regulations, laws, information or evidence was wrong or unreasonable.
- The decisions made or the policy applied had an adverse impact or discriminatory consequence on an individual or group.
- Processes, policies or guidelines were not followed or were not applied in a consistent manner.
- The actions of a particular government official amounted to harassment, bias, mismanagement or bad faith.
- An inadequate or improper investigation was conducted.
- There was unreasonable delay in taking action or reaching a decision.
- An unfair settlement was imposed or coercion was applied to accept a settlement.
- A service available to the public was denied to the individual or group.
- Insufficient or no reasons were given to support a decision.
- Insufficient or improper notice of an action or decision was provided.
- A proper record was not kept of the actions taken or evidence supporting an action or decision.
- There were not adequate or appropriate communications with the individual or group.
- The actions of an agency were not adequately monitored or managed by the responsible government organization.



*These case summaries
represent common
issues from the thou-
sands of cases that
Ombudsman Ontario
handled during the
past fiscal year.*

SELECTED CASE SUMMARIES

While each one of the cases brought to the Ombudsman during the year is important, there are too many to summarize in the Annual Report. We have selected a few which are highlighted in the following section. These case summaries represent common issues from the thousands of cases that have been handled and describe how the Ombudsman and her staff do their work.

DELAY IN PROVIDING VOCATIONAL

REHABILITATION SERVICES

► An individual who is visually challenged contacted the Ombudsman requesting an investigation into the handling of his request for vocational rehabilitation services by the Ministry of Community and Social Services. He requested assistance through the Ministry's Vocational Rehabilitation Services (VRS) program to purchase specialized computer equipment which he needed to pursue an employment opportunity. He believed the Ministry's delay in processing his application had caused him to lose the position.

The Ombudsman investigated and concluded that the Ministry's handling of the complainant's application for VRS fell below a reasonable standard in a number of ways. The Vocational Rehabilitation counsellor had insisted (contrary to Ministry policy) that the application be made in person at the office and also failed to obtain all the necessary information from the complainant at the outset. The Ministry also neglected to monitor the case following the placement of the equipment order.

An apology and compensation were offered to the complainant as a result of the Ombudsman's recommendations to the Ministry.

RETROACTIVE BENEFITS PROVIDED

► A single mother of a large family attempted to apply for Family Benefits in April, 1989 but did not start receiving them until February, 1991. In the meantime, she received General Welfare Assistance for an amount significantly less than Family Benefits would provide.

Her request was delayed because the social assistance workers responsible for the application process kept losing or misplacing the information she gave them and then requesting it from her again. Social assistance workers are employed by a municipality to administer the Family Benefits application process. The Ombudsman determined that the Ministry of Community and Social Services is responsible for their actions since these workers are appointed by the Ministry to perform a task for which the Ministry is responsible.

The Ministry responded to the Ombudsman's inquiry by agreeing that there was a delay in referring and approving the complainant's application. The Ministry sought an Order-in-Council permitting it to pay the complainant the difference between the amount in General Welfare Assistance and Family Benefits to which she was entitled. She was also provided with retroactive Family Benefits for a four month period during which her application was delayed by the Ministry.

FAMILY BENEFITS TRANSFER DELAY

► A complainant was receiving General Welfare Assistance when she informed her worker that she was pregnant and wished to be transferred to Family Benefits assistance upon the birth of her child.

In early April 1989, employees with the regional municipality which administered General Welfare Assistance in the complainant's area, went on strike until August 1989. In May 1989 the complainant gave birth to her child and contacted the General Welfare Assistance office a number of times to initiate the transfer to Family Benefits. She was told each time that she would have to wait until the labour dispute ended before a transfer could be initiated.

In August 1989, the complainant went to the Ministry of Community and Social Services Family Benefits office to inquire about the transfer. She was informed the labour dispute had just ended and that she would have to return to the General Welfare office for her application to be taken. Her application was finally taken in December 1989 and she was granted assistance in March 1990 with payments retroactive to January 1990, the earliest possible date under the regulations.

The complainant was refused a request that the Ministry consider an Order-in-Council to allow retroactive payments to September 1989 when she would have been eligible to begin receiving Family Benefits had the strike not occurred.

After reviewing the recommendation of the Ombudsman, the Ministry agreed that the complainant's circumstances warranted an Order-in-Council and one was approved.

DISABILITY FUNDING EXTENDED

► A complaint was submitted to a District Ombudsman Office by the Executive Director of the facility in which the complainant resides. As a result of the complainant's disability, she exhibited self-abusive behaviour which was treated with intense one-on-one behaviour modification therapy. The therapy was funded by the Ministry of Community and Social Services and appeared to help her.

When she turned 18 years old, she was transferred from the programs designed for children to the adult system; therefore, she could not continue therapy because funding was no longer provided by the Ministry. The institution asked if the Ministry would obtain an Order-in-Council to provide her with continued funding. The Ministry was reluctant, citing fiscal restraint.

The Ombudsman made inquiries and found that the complainant was a status Indian with no known family. A Residential Placement Review Committee examined her and determined she would be best served if she remained in the facility and continued with therapy. In the interim, the Children's Aid Society extended its wardship over her on a monthly basis and provided her with a per diem to defray the cost of therapy.

The various agencies involved in her case met regularly to establish a plan of care for her. All agreed that she should remain in the facility and would benefit from continued behaviour modification therapy.

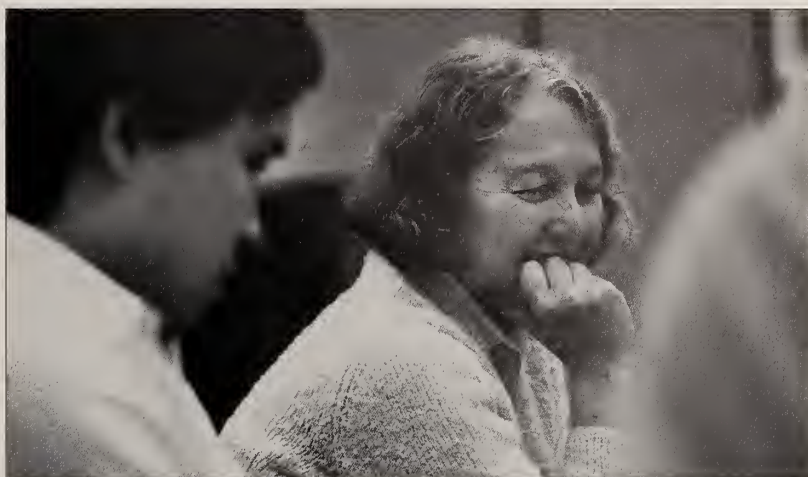
When the Ombudsman contacted the Ministry again, it agreed that all the agencies involved in the complainant's case were attempting to provide the most appropriate care for her and that she would not be likely to live independently in the community since there were no other programs available to provide her with the therapy she needed. The Ministry agreed to request an Order-in-Council to pay for her continued behaviour modification therapy.

INFORMATION PACKAGE FACILITATES SERVICES

► As a result of injuries received in a domestic dispute, the complainant has quadriplegia, depends on a respirator, and needs a customized wheelchair to attain some measure of independent living. Family members and hospital staff attempted to resolve arising issues of care and financial assistance for her, but lacked the resources to network with service agencies. Therefore, the complainant came forward about an apparent delay in obtaining assistive devices and in her transfer to a vocational rehabilitation centre.

With the assistance of her prime caregivers at the hospital, the complainant identified her needs and desire to receive rehabilitation services. The Ombudsman's staff made informal inquiries to service agencies, the Ministry of Health and the Ministry of Community and Social Services to provide the referrals and information needed to access funding sources. The complainant was given an extensive information package which listed the agencies, private service providers and both federal and provincial ministries which addressed issues of disability. She keeps this package with her at all times.

As a result, the complainant made inquiries and received a customized wheelchair, portable respirator and lift. On October 2, 1993 she entered a rehabilitation facility in the United States. On November 18, the Rehabilitation Director telephoned the District Office to express her appreciation that the patient was so well prepared with information. This information was useful for the Rehabilitation Director in discharging and participation programming for the patient. The Director was not aware of Ombudsman Ontario and was very interested in how the organization works. She remarked that the facility receives many Canadians with spinal cord injuries but has never received a patient



*Staff reviewed
the complainant's
circumstances*

so well prepared with access information to Canadian programs. She asked for information regarding Ombudsman Ontario because she was uncertain if her state has an Ombudsman.

CHANGES OF NAME DELAY

► A complainant applied for a change of name certificate for employment purposes and asked the Office of the Registrar General to expedite the processing of her application. She said that her request had been unreasonably denied.

When notified of the Ombudsman's intention to investigate, the staff immediately reviewed the complainant's circumstances and agreed to provide expeditious services. However, the complainant's file was misplaced and could not be processed immediately. Eventually the file was recovered, the application processed and the complainant's certificate issued.

IMPROVEMENT OF SERVICE DELIVERY –
OFFICE OF THE REGISTRAR GENERAL

In response to numerous individual complaints, the Ombudsman initiated an investigation about the level and quality of service provided by the Office of the Registrar General, Ministry of Consumer and Commercial Relations. The investigation focused mainly on complaints concerning difficulties in contacting the Registrar General's office in Thunder Bay by telephone; delays in the delivery of services after cheques for those services were cashed; and the misplacement of documents which were sent to the office, such as birth certificates and change of name applications.

During the investigation, it was found that the Office of the Registrar General converted its records to a new computer imaging system at the same time it moved its operation to Thunder Bay. Backlogs in the processing of service requests had arisen as a result of the move and the conversion. Also, the initial allocation of telephone lines was inadequate.

The Office of the Registrar General recognized and acknowledged the problems and implemented a series of action plans to address the difficulties in each service area in order of priority. Measures included increasing office hours, hiring temporary staff and introducing a system to deal with all genuine emergency applications. However, the remedial measures were slow

to take effect and the reliance on new and inexperienced staff led to an increased incidence of errors and new problems apparently caused by an inattention to detail.

After the investigation, the Ombudsman concluded that the omission of the Office of the Registrar General to provide a satisfactory level and quality of client service since its move to Thunder Bay was unreasonable.

However, she noted that the Registrar General's office and the Ministry were aware of the problems and she acknowledged the efforts that both were making to remedy the situation. Those efforts, including the provision of counter services from an office in Toronto, began to produce positive results, notably, shorter processing times for services. More improvement was expected in the future. The Ombudsman, therefore, continued to monitor the situation and requested statistical information from the Office of the Registrar General on future service delivery. The information subsequently submitted by the Deputy Registrar General, as well as a noted decrease in the number of complaints made to the Ombudsman, indicated that sufficient improvements had been made. Therefore, the Ombudsman decided that the Office of the Registrar General had adequately and appropriately responded to her recommendations and the systemic investigation was closed.

APPLICATION FEE

REFUNDED

► In October 1990 the complainant applied to the Office of the Registrar General for a birth record for a relative born prior to 1869. In February 1992, the complainant contacted Ombudsman Ontario for assistance, since she had received neither the certificate nor a refund of the \$21.00 fee she had paid.

The Ombudsman's staff inquired informally with staff at the Registrar General's office and learned that vital statistics for the Province of Ontario were not kept prior to July 1869. Therefore, the Registrar General's office was unable to process the complainant's application. It promised to refund the \$21.00 application fee.

In March 1993, the complainant contacted the Ombudsman again because she had still not received the promised refund. The Ombudsman's staff contacted the Registrar General's Office once again and a refund cheque was promised for the following week. On April 15, 1993, the complainant confirmed that she had received her refund.

NOTICE OF CANCELLATION REQUIRED

► A complainant was advised by her optometrist that an OHIP claim for services rendered to her son had been rejected by the Ministry of Health. She called the OHIP Information Office and was advised that her son's Health Card had been cancelled and that she would have to call the OHIP District Office to find out the reasons for the cancellation.

After the Ombudsman inquired, the complainant was advised that the Health Card was cancelled when the claim was processed because the Ministry's computer system showed two different dates of birth for her son. OHIP officials explained that the Ministry was in the process of updating its

computer system to avoid duplication and fraud. The complainant was asked to complete a new application for her son and send it to the attention of a specific OHIP employee, who would ensure that the information on the computer was corrected promptly. OHIP officials assured the complainant that, in the meantime, her son would be covered by OHIP in case of an emergency.

— The Ministry apologized for failing to issue a cancellation notice and notified OHIP officials that all employees should be reminded of the requirement to issue notices when Health Cards are cancelled. The OHIP employee also contacted the complainant when the correction had been made and advised her that she would receive a new Health Card for her son within three weeks.

UNFAIR JOB COMPETITION

► An employee of the Ministry of the Solicitor General and Correctional Services claimed that she was not being hired for jobs for which she believed she was qualified. The complainant was given two job interviews and was not successful in either competition. The Ombudsman's investigation revealed that the complainant's former manager had placed a negative Separation Report on her personnel file, indicating that he would not rehire her.

The Ombudsman was not able to substantiate the information the Ministry used to exclude the complainant from further employment. It was also discovered that the complainant was not provided with a copy of the Separation Report in order to make her own comments on it.

The Ministry agreed to implement the Ombudsman's recommendation to remove the adverse report from the complainant's file and to ensure that in the future, copies



The Ombudsman's jurisdiction is for the most part limited to matters of administration

of these reports are given to the separating employee for comment and signature. The Ministry also agreed to design and implement job competitions that properly evaluate candidates' skills and to ensure compliance with its own job competition guidelines.

OPPORTUNITY TO RESPOND

► A woman was a volunteer at a Ministry since 1986 and was also employed by the same Ministry on two contracts in 1990. She alleged that she was unable to find employment in the field due to unfair recruitment practices.

The Ombudsman's investigation revealed that she was unable to secure further employment with the Ministry because of an adverse Separation Report placed on her personnel file by her former Area Manager.

The Ministry looked into the matter and found that the information upon which the complainant's negative report was made, was unsubstantiated. While the complainant continued to work as a volunteer, the Ministry was able to re-assess her skills. Eventually the Ministry placed a memorandum on her file negating the impact of the earlier adverse Separation Report. The Ministry also stated that it would include the complainant in the next round of hiring (after the end of the

Ontario Government imposed hiring freeze had been lifted).

In addition, the Ministry reviewed its recruitment practices with respect to unclassified staff. A sub-committee of Area Managers developed a central recruitment model to provide a uniform decision-making process for entry level staff positions. Furthermore, the Area Managers in the Region were instructed to adhere to administrative fairness principles when contract staff are terminated or a contract ends.

JOB LOSS SETTLEMENT

► The complainant was a successful candidate for a caretaker position at a Community College. The incumbent caretaker grieved this action which delayed the complainant's date of hire. Unfortunately, the complainant had already given notice at his old job when advised of the delay.

The College settled the grievance with the incumbent caretaker prior to arbitration and he was awarded the job. The complainant was given approximately ten days' notice that he no longer had the job he was just hired for. He then attempted but was unable to return to the job he left in order to join the College.

The Ombudsman noted that the complainant lost two weeks' pay due to his hiring delay. Given the circumstances under which he was released, the notice period may not have been adequate. The Ombudsman asked the College to consider whether the complainant should have been hired in the first place and what possible damage there might be to his reputation as a result of being dismissed. The College's representative proposed a settlement which was acceptable to the complainant including reimbursement for equipment he had purchased to perform his duties as caretaker.

MINISTRY OF HEALTH
REGULATORY CHANGES

A number of individuals and groups contacted the Ombudsman with concerns about Ministry of Health changes to out-of-country payment policies. These changes occurred beginning in October 1991. Some of these concerns were dealt with on an individual basis but a number of issues continued to surface and, as a result, the Ombudsman decided to initiate an investigation on her own motion.

The Ministry of Health was notified of the Ombudsman's intention to investigate various issues concerning changes made to Regulation 452 under the Health Insurance Act. A number of areas were highlighted, principally the question of adequate notice (whether it was provided to the public); legislative and policy change; the preferred providers' process; and concerns about pre-existing and ongoing medical conditions.

The Ombudsman was concerned about the amount of "lead time" and consultation opportunities provided to members of the public regarding proposed policy changes. Investigation revealed that the Ministry took many steps to ensure adequate notification, including public service announcements and advertisements in all English and French newspapers throughout Ontario.

New out-of-country payment policy had come into effect on October 1, 1991, while the actual regulatory change was not finalized until February 1992. The Ombudsman was informed that the new policy went into effect as of October 1, 1991 and out-of-country claims were processed at the new rates from the earlier date.

The system of "preferred providers" was an arrangement whereby the Ministry entered into agreements with certain out-of-country facilities at negotiated lower or "discounted" rates for Ontario patients in order to minimize costs to

the province. The Ministry assured the Ombudsman that lack of preferred provider agreements in certain areas would not affect access to required health treatment. Where a particular treatment was not performed in Ontario, or the waiting period would result in death or irreversible tissue damage, the Ministry of Health would pay for the actual cost outside Ontario, once prior authorization had been obtained.

The Ombudsman also requested information from the Ministry of Health about provisions made for people with chronic conditions and those who were in the process of receiving treatment at the time the policy changes came into effect. She was particularly concerned about patients with brain injury, as well as adolescents suffering from severe psychiatric, emotional or behavioural difficulties who are represented in substantial numbers in United States' facilities. The Ministry provided information regarding the process and new developments in this area as well as details about how these patients were being provided for under the new regulatory change.

Insofar as concerns about coverage for travellers (for example, seniors going south for the winter) the Ministry obtained an undertaking from private health insurance carriers that no changes regarding pre-existing health conditions would come into effect for at least one year.

The Ombudsman's jurisdiction is for the most part limited to matters of administration as opposed to those of fiscal allocation or legislation. Given these legislative provisions and the information collected during this investigation, the Ombudsman concluded that the Ministry had not acted improperly. The information obtained through the investigation was provided to the complainants.

DEDUCTION REFUND PROVIDED

► When his employment was terminated, a complainant filed a claim with the Employment Practices Branch of the Ministry of Labour. The Ministry supported his claim but allowed his employer to deduct, without the complainant's permission, a little over \$800.00 from the termination pay for unemployment insurance and Canada Pension Plan contributions that had not been deducted by the employer two years previously.

The complainant was told by the Ministry that the Employment Standards Act provides that the employer can make deductions from termination pay where it is required by statute. In this case, two statutes, the federal Unemployment Insurance Act and the Canada Pension Plan required the employer to make deductions.

The Ombudsman reviewed the federal and provincial legislation and noted that the Acts require the employer to make the deductions in the ordinary course of events but, if the employer fails to make these deductions at the proper time, the employer then becomes liable for the contributions.

After discussion between the Ombudsman and the Deputy Minister of Labour, the Ministry agreed to repay the complainant the money that had been deducted and to advise Ministry field staff so that in the future, legislation will be properly interpreted.

WORKERS'

COMPENSATION DELAY

► On his third day of employment, a young man suffered chemical burns to both legs, resulting in a compensable injury. Although this injury had occurred three months earlier, the Workers' Compensation Board informed the worker that it would still be several more months before a decision could be made.

The worker felt this delay was unfair and asked the Ombudsman's District Office to look into the matter. Ombudsman staff contacted the Adjudicator and Supervisor at the Workers' Compensation Board and confirmed for the worker that the Board had agreed to give his claim priority. Two weeks later, the worker's claim was approved and he received a cheque in the amount of \$1,020.00.

OVERPAYMENT SCHEDULE ARRANGED

► The worker receives monthly pension benefits from the Workers' Compensation Board (WCB) to recognize her disabilities as a result of two compensable accidents. During a recent period of temporary disability, her claim was overpaid and the Board began to recover the overpayment by withholding her entire monthly pension cheque. Ombudsman staff called the WCB Adjudicator to outline how this was presenting financial hardship to her and to explain that the Board had made no attempt to discuss her financial situation with her prior to recovering the overpayment. The WCB then agreed to deduct 20 percent from the monthly award until the overpayment was recovered.

TRIBUNAL RECONSIDERS EVIDENCE

► A worker, a waitress for three years, complained to the Ombudsman that the Workers' Compensation Appeals Tribunal (WCAT) had wrongly concluded that her shoulder disability was not work-related.

The Ombudsman investigated and found that the original hearing panel did not have sufficient medical evidence about work-related disablement to deny the claim. After the Ombudsman made her tentative conclusions known, WCAT appointed a new

Panel which concluded that the issues did not warrant re-opening the original decision.

After reviewing WCAT's response, the Ombudsman issued a final report, maintaining that WCAT was wrong to deny entitlement based on the medical evidence that was available. The Ombudsman recommended that WCAT reconsider its original decision and obtain more medical evidence.

WCAT agreed and appointed a third Panel to consider the Ombudsman's finding and recommendation. The worker will have another opportunity to present her case to WCAT.

INACCURATE RECORD CORRECTED

► A complainant allowed his licence to expire in 1991. In August 1993, he successfully completed the test and paid the required fees to renew his licence. He received a temporary licence.

The complainant was also successful in securing employment as a driver but the prospective employer required a document from the Ministry of Transportation entitled a "Driver's Abstract." The complainant went to the Ministry office and paid the required fee to obtain the Abstract but it read "unlicensed and unrenovable." The complainant learned that although he renewed his driver's licence, it takes time before the computer is able to produce a "clean" abstract.

The complainant then contacted an Ombudsman Ontario District Office. The District Officer contacted Ministry staff in the area, as well as Toronto staff, to explain the predicament of the complainant. Ministry staff in Toronto offered to manually issue a clean Driver's Abstract to the complainant.



TIME EXTENSION

► The complainant, a senior citizen on a fixed income, was advised by the Ministry of Transportation that his driver's licence would soon be suspended unless he provided a certificate from a driving school. The complainant approached the Ombudsman since he was unable to accumulate enough savings on his fixed income to pay for the certificate from the driving school within the period specified by the Ministry. Ombudsman staff contacted the Ministry of Transportation and it agreed to extend the date of suspension in order to allow him enough time to obtain the certificate. The complainant was fully satisfied with the Ministry's offer.

LICENCE DELAY

► A complainant had several problems with the Ministry of Transportation. She was attempting to upgrade her licence to allow her to drive motorcycles. Since the complainant's original application was lost in the mail, the Ministry of Transportation processed a temporary licence for her which required her to mail her permit, with photographs, to Toronto. The complainant's frustration peaked when the

In addition to providing service in English and French, our staff are also fluent in a number of other languages.

temporary permit lapsed and she was unable to replace it without the identifying photograph.

After three months of delays, the complainant asked Ombudsman Ontario to help her get her licence back. An Ombudsman Ontario District Officer contacted the Ministry of Transportation requesting a status update on the complainant's licence upgrade. The Ministry could not explain why it was taking so long to process the upgraded licence but reviewed the matter and agreed to process the licence upgrade manually and deliver it to the complainant within ten days.

EQUIVALENT EXPERIENCE CONSIDERED

► The Ministry of Consumer and Commercial Relations refused to grant a complainant a certificate as a fourth class stationary engineer on the grounds that he did not have the three month training under the direction of a Chief Engineer or Shift Engineer as specified in the legislation.

During the course of the Ombudsman's investigation, it was pointed out to the Ministry that it is possible for an applicant, such as a Professional Engineer of Ontario, to have other experience which would qualify the applicant to perform the work required, but which may not include the specified three month training under a Chief Engineer or a Shift Engineer.

The Ministry agreed to review the complainant's application to determine whether his work experience was an acceptable alternative to the training specified in the legislation. This was accepted as a satisfactory resolution of the complaint.

PROPER NOTICE GIVEN

► The Ombudsman received complaints from some real estate agents who, because of changes made in 1988 to a Regulation under the Real Estate and Business Brokers Act, were required to take three additional educational courses within two years of being registered as agents. Without the courses, their real estate licences would not be renewed. The complainants did not believe they had received proper notice of the changes to the Regulation.

The Ministry of Consumer and Commercial Relations, in consultation with the real estate professional body, had initiated changes to the Regulation to better protect the public interest. The Regulation provided that any agent who registered after September 15, 1988 had to take three additional courses within two years of receiving a licence.

The Ombudsman found that the Ministry acted within its authority in making the regulatory change. Notices were put in some newspapers which are distributed across the province and were also put in the Ontario Gazette. It was also well known in the industry that the changes were coming.

The complainants had failed to take or pass the additional courses within the two year period and as a result, their licences simply expired. The Ombudsman found that the Ministry had not been unreasonable.

TENDERING SYSTEM IMPROVED

► A company submitted a bid for a Ministry of Government Services (MGS) contract by facsimile transmission to a fax number printed on the Invitation to Tender letter. The transmission was sent just prior to the closing deadline. The original documents followed by mail; however, these documents were returned to the com-

plainant, unopened, with the notation that his bid had been received after the deadline.

The complainant was told that his facsimile transmission had never arrived in the Public Tenders Office, since the fax number he had used was for a different MGS office. Although the complainant accepted the Ministry's position that it could not consider his company's bid, he asked the Ombudsman to investigate the circumstances in order to ensure that a similar incident would not occur again.

Ombudsman staff met and discussed the matter with officials from the MGS. On review of the Invitation to Tender documents, it was apparent that there were references to certain information (e.g., telephone and fax numbers) which did not need to appear in the package. This non-essential information was misleading and confusing. Accordingly, MGS agreed to delete the unnecessary information and make the instructions clearer. The complainant was satisfied that the improvements had been made.

PENSION PLAN PROCESSING

► A complainant came to the Ombudsman about the length of time the Pension Commission of Ontario had taken to approve the wind up of his pension plan. His funds had been moved to a short term account when his plan administrator had notified the Pension Commission of his application to discontinue the plan. As a result, the funds accrued interest at a lower rate than they had earned in the Guaranteed Income Certificate account where they were previously invested.

The Ombudsman, upon investigating, found that there is nothing in the Pension Benefits Act that specifies the length of time in which submissions must be processed by the Commission's staff. The Commission does not direct how pension money is to be



invested. The Ombudsman concluded that the amount of time it had taken the Commission to process the complainant's pension plan wind up was within its normal time frame.

Often the complainant and Ministry resolve their problems once the Ombudsman brings them together.

CHARITY OBTAINS SALES TAX REFUND

► A representative of a charitable organization contacted the Ombudsman with a complaint regarding the payment of provincial retail sales tax. The organization had been advised by the local tax office that it would have to remit retail sales tax on handicraft items that it sold at fund-raising events. The charity did not think that this was fair because it is a non-profit organization. It did not have the capability to calculate retail sales tax on the various items at the time of sale. To remit the tax later would substantially lower the amount of the funds raised.

A member of the Ombudsman's staff contacted an official at the Ministry of Finance. Arrangements were made for the Ministry's official to discuss the matter directly with the complainant.

Soon afterwards, both the Ministry and the complainant advised that the problem had been resolved. Apparently, there had been a misunderstanding at the local tax office. It was thought that the people who had given their

articles to the charity for sale on consignment had not paid retail sales tax on the materials used to make the items. The tax office was concerned that, if no sales tax was charged when the items were sold, no tax at all would have been collected. The charity was able to provide the Ministry with clarification and assurance that sales tax had been paid when the materials were purchased. The Ministry was satisfied that appropriate taxes were being paid and decided that the charity would not have to remit additional sales tax. A reimbursement of the amount already paid from the last fund-raising event was also provided to the charity.

INVESTIGATION RESULTS SHARED

► A complainant contended that the investigation conducted by the Registrar, Travel Industry Act, into his complaint against a travel service company had been inadequate. He believed that the investigation had not addressed his specific concerns and, therefore, the Registrar's conclusions were unreasonable.

The Ombudsman found that the investigation conducted by the Registrar's office had been satisfactory. However, the final letter sent to the complainant by the Ministry of Culture, Tourism and Recreation outlining the results of its investigation, contained inaccurate information and did not reflect the full extent of the Registrar's investigation into the complaint. This information was clarified for the complainant. Although the Ombudsman concluded that the Registrar had thoroughly reviewed the complainant's concerns, the Ministry was made aware of the importance of providing a clear and accurate explanation to members of the public.

FAMILY SUPPORT PLAN RESPONDS TO DELAY

► A complainant contended that the Family Support Plan had been unreasonable in failing to collect support payments for her children for a three week period; failing to index the support payments; and failing to respond to her correspondence.

The Ombudsman found that the Family Support Plan had no authority to collect support payments for the three week period in question because the interim order giving the complainant this support effectively ceased when the final divorce judgment was made.

With respect to the complainant's other concerns, the Ombudsman was able to ensure that the Family Support Plan acknowledged the delay in applying the cost of living index and made the adjustment to the arrears owing to the complainant. An apology was also offered to the complainant for failing to respond to her correspondence.

ACCESS TO FAMILY SUPPORT PLAN

► A woman complained that she had been unable to reach the regional Family Support Plan (FSP) office by phone. The Plan had asked her to contact the local FSP office. Her daughter was in town visiting and tried to schedule an appointment for her since she uses a wheelchair.

Since the daughter was in town for two days only, she was anxious to help her mother respond to FSP's request and tried to set up an appointment where she would bring her mother to that office. However, she had been unable to reach the FSP to ensure that the person responsible for her mother's file would be available when they came to the office. She contacted Ombudsman Ontario's District Office and

asked for help. The District Officer was able to reach FSP and arranged for staff there to phone the client so that an appointment could be set.

ENFORCEMENT TRAINING ENHANCED

► The Family Support Plan failed to intercept a support payor's inheritance even though the recipient provided the Plan with advance notice of the potential asset.

The complainant regularly contacted the Family Support Plan by letter, telephone and personal visits to the Toronto office to provide information about the support payor whose mother recently passed away leaving him an inheritance. This information was given to the Plan well in advance of the distribution of the inheritance but it failed to take any action or fully explore the available enforcement initiatives.

A problem identified by the Ombudsman was that staff lacked training and exposure to cases involving estates. Another problem was that the Plan thought the case should be handled by an out-of-province authority because the support payor resided in another province. Consequently, the Family Support Plan failed to recover the outstanding child support arrears owing to the complainant.

The Ombudsman determined that even though the support payor lived out-of-province, the asset was located in Ontario and, therefore, enforcement action was the responsibility of the Family Support Plan in Ontario. The Ombudsman recommended staff training initiatives be taken by the Family Support Plan and that the Plan compensate the complainant the amount she lost as a result of the Plan's omission. All recommendations were implemented.

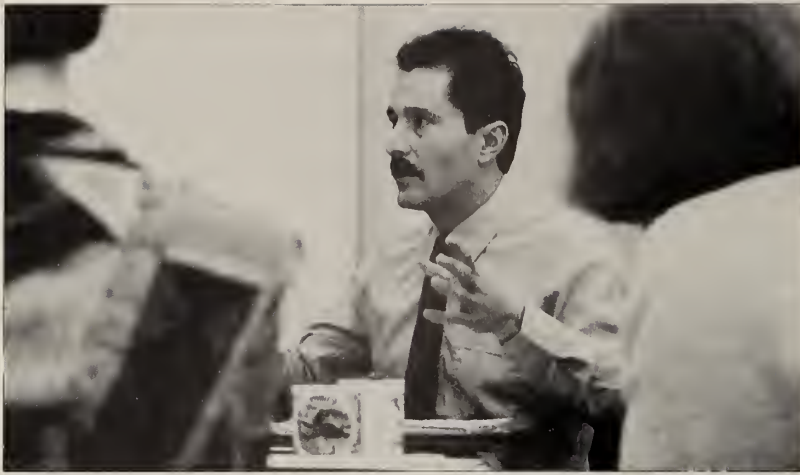
INADEQUATE REVIEW OF COMPLAINT

► A psychiatrically challenged individual complained that the Ontario Human Rights Commission had declined to investigate his complaint about the Ministry of Housing's Ontario Home Renewal Program for the Disabled (OHRP-D). He was told by the Ontario Human Rights Commission that his complaint was "frivolous, vexatious or made in bad faith."

During the course of the Ombudsman's investigation, it became apparent that the Ministry of Housing might be administering the OHRP-D program in a way not based on legislation or official policy. While the mandate of the program was not actually set out in legislation, any material describing the program did not limit it to people with physical disabilities. It appeared that the program was established to provide applicants with access to their homes.

The medical documentation provided by the complainant in application to the program was not highly supportive. However, the Ombudsman found that the Commission's officer might have been more thorough in initially determining exactly what the real mandate of OHRP-D was and if it coincided with the stated mandate and policy expressed in the Ministry's correspondence to the complainant and the Commission. The Program staff's repeated statements that it could only provide funding to applicants with physical disabilities should have been followed up in more detail by the Human Rights Commission.

As a result of the investigation by the Ombudsman, the Human Rights Commission wrote to the complainant expressing regret about his dissatisfaction with the Commission's decision not to investigate his concern; not obtaining a release form before approaching the complainant's doctor or psychiatrist; and the length of time it took for the Commission to deal with this case.



After investigating, the Ombudsman expressed concern about procedural fairness.

STUDENT FINANCIAL AID REVIEWED

► A first year Metis law student at the University of Ottawa was required to attend and successfully complete a program in Legal Studies for Native People. When she applied for financial assistance from the Ontario Student Assistance Program (OSAP) she was given oral confirmation from the Financial Aid Office at the University of Ottawa that she would receive funding. Halfway through the course, she was advised in writing by OSAP that she would not receive financial assistance. The complainant appealed the decision but was unsuccessful.

During the Ombudsman's investigation, it was found that OSAP was presently under review. The Ministry said this matter should be considered within the context of that review and any program changes which could result from it. As a result of the review, it was determined that Ontario residents registered in the program of Legal Studies for Native People would now be eligible to apply for financial assistance under the Ontario Special Bursary Plan.

IMPROPER INTERPRETATION OF LEGISLATION

► A tenant contacted Ombudsman Ontario because she believed a Housing Authority had improperly interpreted the Landlord and Tenant Act. She had personally submitted 60-day written notice that she was vacating the unit to the Manager of the Housing Authority.

A problem developed when the new apartment which she rented was not ready for occupancy. She contacted the Housing Authority immediately and asked the Manager if she could remain in her unit for one additional week. She said she would be willing to pay rent for the extra week. The Manager stated that it would not be necessary because she had been a good tenant and had always paid her rent on time.

Several months after moving out of the unit, the tenant was served with papers to appear in Small Claims Court. The Housing Authority was claiming rental arrears in the amount of \$651.04. She was unable to appear in court that day because she was a probationary nurse. Judgement was therefore entered against her.

Since she was unable to pay the bill immediately, her name was forwarded to the Credit Bureau. She was frustrated because she believed she had followed the proper procedures. She contacted the Ombudsman for help.

The Ombudsman's staff contacted the Housing Authority, which agreed to forgive the one month's rent. The Housing Authority also agreed to contact the Credit Bureau to have the matter resolved.

TRUSTEE JURISDICTION QUESTIONED

► A patient, while hospitalized in a provincial psychiatric hospital, was declared incompetent to manage his finances, so the Public Trustee assumed management of his affairs. Before he

was discharged, his physician issued a notice of continuance because he believed that the patient was still unable to manage his affairs.

When a notice of continuation is received, the Mental Health Act states that the Public Trustee ceases to have authority to manage a case after six months has passed since the discharge of a patient from the hospital. However, the Public Trustee can apply to the Ontario Court for an order to continue to manage the affairs of a person who is deemed incompetent.

Five months after the notice of continuance expired, the complainant unsuccessfully tried to have his assets returned to him. Since his only source of income was his pension benefits from Health and Welfare Canada, the Public Trustee decided not to proceed with a court application because the cost would be chargeable to the complainant. The Public Trustee continued to manage the complainant's affairs by writing to Health and Welfare Canada requesting that the Trustee be appointed under the Old Age Security Act. The complainant was not notified of this action nor was he told of his rights when he contacted the Public Trustee. He was only told that his assets would be returned to him if he obtained a letter from a physician confirming that he was competent. He did eventually obtain such a letter.

The Ombudsman concluded that the Public Trustee's actions were unreasonable and that the Public Trustee's omission to notify the complainant of the steps it had taken was unjust.

The Public Trustee altered its practices so that all clients would be notified of any action it plans to take in order to continue managing their affairs. It also agreed to advise its clients of their rights to object. As a result of the investigation, the complainant had his assets returned, along with a letter of apology from the Office of the Public Trustee for its actions in this matter.



The complainant was provided with an apology.

UNREASONABLE COMMUNICATIONS

► A complainant asked the Ombudsman to investigate the Ontario Human Rights Commission's refusal to deal with his case on the grounds that he had delayed in bringing it to the Commission.

The complainant contacted the Commission to register a complaint against his former employer for failure to hire him after he had recovered from a work-related injury. His 13 year-old daughter acted as an interpreter since he was not proficient in English. He understood from the meeting that the Commission would initiate an investigation into his complaint but when he returned to the Commission office 14 months later, he discovered that he was supposed to return with more information before his complaint would be formally registered. The Commission refused to deal with his complaint since 14 months had elapsed.

The Ombudsman found that the Commission had acted unreasonably in refusing to deal with the complaint. The Commission had not ascertained if the complainant required an interpreter and failed to properly advise him of the six-month statutory limitation period.

The complainant was provided with an apology and compensation from the Commission in response to the Ombudsman's recommendation.

PUBLIC CONSULTATION PROCESS REVIEWED

► In 1991, the Minister of Natural Resources signed a Statement of Intent with the Algonquins of Golden Lake to negotiate their outstanding land claim. This agreement acknowledged the Band's right to fish and hunt for food in Algonquin Park.

Tourist operators in the area were dissatisfied with that decision because they contended that a consultation period allowed them was unreasonably brief and had not allowed real public input. They also maintained that it was unreasonable to allow hunting in a park which had served as a wildlife sanctuary for almost a century.

The Ombudsman investigated the operators' complaint and concluded that the Ministry had adhered to the principles of good public consultation and that a procedure was in place to ensure this process continued. However, it was noted that the consultation period started at a relatively late stage, giving an impression that the decision had already been made. The Ministry was cautioned to be aware of this factor in future consultations.

The Ombudsman found that hunting in the Park was being closely monitored by the Ministry and commented that the issue of aboriginal hunting rights could be appropriately addressed in the negotiating process.

WILD RICE HARVESTING APPLICATION DENIED

► A harvester's application to the Ministry of Natural Resources for a licence to harvest wild rice was denied on the grounds that there was a 15 year moratorium on licence issuances to non-native people in Northwestern Ontario.

The Ombudsman investigated and found that the moratorium boundaries had been determined for administrative reasons. The Ministry was awaiting the outcome of negotiations with a First Nation before deciding whether to lift the moratorium. However, in this case, the First Nation was located some distance from where the harvester had wanted to harvest the rice. The Ombudsman found the Ministry's rationale for denying the licence to be unreasonable and recommended that the application be reviewed.

The Ministry explained that because an Interim Measures Agreement was in effect in the area in question, local First Nations were to be notified whenever proposals for resource-related projects were to be carried out in their area. The Ministry suggested that the application be reviewed by the local Treaty Council and that their views be considered before it making a final decision on the application. The Ombudsman agreed that this would be satisfactory.

ACCESS TO LOGGING ROAD ARRANGED

► A complainant came to the Ombudsman because the Ministry of Natural Resources had denied him vehicle access to a logging road in order to carry out his commercial bear hunt. The complainant had been operating bear hunts along that road prior to the creation of Bear Management Areas (BMA) in 1988. He contended that no one had advised him that access to the road would be restricted at the time he was awarded his BMA.

The Ombudsman investigated and found that although the road was restricted to unauthorized vehicles, the Ministry did grant vehicle access to two operators in the area, a mining operation and a logging firm. The Ombudsman believed it was unreasonable for the Ministry to provide access for some commercial operations and not others and recommended that the complainant should have limited vehicle access to the road in the spring and fall to carry out his bear hunt. The Ministry agreed.

CONFISCATED FISHING NETS

► A Native woman complained that her fishing nets had been confiscated by the Ministry of Natural Resources on two occasions. On the first occasion, the nets were found to be outside the area authorized for Band use. She identified the nets to Ministry staff over the telephone but did not claim them in person. The Chief of her Band was assured the nets would be stored until the owner came forward to claim them. When the Chief contacted the Ministry about the nets the following year, he was advised they had been discarded.

After investigating, the Ombudsman found that the Ministry and the Band had an understanding that the nets would be claimed but that they were disposed of due to an oversight on the part of the Ministry. The Ministry agreed to compensate her for the lost nets.

On the second occasion, Ministry employees confiscated a length of gill net from her son. After storing the nets for three weeks, the Ministry decided not to lay charges and to return the nets. However, she claimed that the nets which she received were unusable due to improper storage and that she had to discard them.

The Ombudsman found on this occasion that the nylon nets could not have deterio-

rated in three weeks and that the Ministry's only duty was to ensure the nets were in the same condition when returned as they were when confiscated.

PROCEDURAL FAIRNESS REVIEWED

► A couple came forward to the Ombudsman with concerns about the Niagara Escarpment Commission (NEC) decision to reconsider and withdraw its support for their proposed rural subdivision plan. They were dissatisfied with the way the Commission adopted an internal retroactive subdivision low density policy which did not go through the amendment process.

After investigating, the Ombudsman expressed concern about procedural fairness at Commission meetings. The Commission agreed with the Ombudsman's findings and introduced new Rules of Procedure to respond to those concerns.

The Ombudsman also concluded that the Commission was unreasonable in adopting a new low density subdivision/lot policy without obtaining an amendment to the Niagara Escarpment Plan. The Ombudsman notified the Ministry of Environment and Energy that a Plan Amendment was necessary and suggested to the Commission that policy guidelines about policy interpretation and plan amendments be developed.

The Commission agreed that it must comply with the Niagara Escarpment Planning and Development Act in requiring amendments to the Niagara Escarpment Plan.

INCONSISTENT DECISIONS AND INADEQUATE REASONS

A property owner contacted the Ombudsman when the Ministry of Environment and Energy did not include his property in its septic and well improvement program. He said that the Ministry made additions to the program outside the original study area and asked that his property be given similar consideration.

The Ministry advised the Ombudsman that assistance through the program had not been extended to areas outside the original study area. However, the Manager of the Branch overseeing the project advised the owner that he would be added to the program. It was later discovered that the owner's property was not situated within the limits of the original study area so the offer to include him in the program was withdrawn.

During investigation, it was discovered that there had been many extensions outside the original study area. A request was made to the Ministry for a list of the properties that were added to the program and the criteria used in selecting those homes. After some delay, the Ministry explained that add-ons to the project were not restricted solely to

homes already in the survey but no information concerning the location or the number of additions was provided.

Some time after the investigation began, Ombudsman staff attended an on-site meeting with Ministry representatives and the chair of a voluntary committee involved in the administration of this project at the local level. During the meeting, it became apparent that the Ministry had failed to request available information concerning funding for extensions of this project. Throughout the remainder of this investigation, new information continued to surface that called into question the Ministry's capacity to make effective funding decisions for this project.

The Ombudsman made a number of recommended improvements to the program. The Ministry was also asked to apologize to the owner for its treatment of him. The Ombudsman was satisfied that the steps that the Ministry had taken to review and evaluate program policy, administrative procedures and program delivery were sufficient. Unfortunately, it took another six months and a number of meetings for the Ombudsman to convince the Ministry that a simple apology was in order.

SHARED DRAINAGE COSTS

► A cottager contacted the Ombudsman because he was unable to make any progress in discussions with the Ministry of Transportation about a drainage problem near his cottage.

The Ombudsman contacted Ministry staff and was able to determine that the Ministry would consider sharing some of the costs to fix the drainage problem but not all, since

the Ministry of Natural Resources, as well as private owners and the local roads board were also involved. The cottager was advised to obtain several quotes from local contractors and submit them to Ministry staff for consideration. The Ministry indicated its willingness to assist and work further with other involved bodies in order to resolve this problem.

The cottager was satisfied with this assistance.

ISSUE ADDRESSED WITH TRAINING INITIATIVES

An individual came to the Ombudsman with concerns about the Ministry of Environment and Energy's handling of her complaint about noise being emitted from a plant near her home.

The Ombudsman found that technical errors were committed by the Ministry's staff member who had reviewed her concerns. The Ombudsman asked for clarification of the Ministry's quality control system for noise complaint investigations and made a further request about the mechanism that the Ministry has in place to monitor and, if necessary, correct noise complaint investigations.

The response provided no information about the Ministry's quality control system for noise complaint investigations. Two meetings with senior Ministry officials and frequent telephone calls over the summer of 1993 did not elicit the information.

In October 1993 the Ministry's response to the Ombudsman again failed to provide any information. In January 1994, a fifth meeting of senior staff took place and the direct intervention of an Assistant Deputy Minister was required to provide the answer.

Late in February, nearly one year later, the Ombudsman was advised that a training program has been developed for environmental officers to ensure that they are properly trained to handle investigations of noise complaints. At least two individuals for each Region will be fully trained and kept up-to-date on the use of the equipment. By taking these initiatives, the Ministry will ensure that responses to noise complaints are carried out in a professional and accurate manner, the purpose of the Ombudsman's initial inquiry.

UTILITY NOT LIABLE FOR DAMAGES

► The Ombudsman is often asked to determine if a provincial organization should be held liable for damages to private property that occurred during the course of providing services to the public.

About 70 Ontario Hydro customers were not reimbursed when their electrical appli-

ances were damaged due to a power surge in their area. A tree situated on private property had fallen on a 44,000 volt line and consequently discharged high voltage into the 4,800 volt line supplying the suburb. Direct contact between the power lines totally destroyed the protective equipment installed by Hydro to stop such surges. Ontario Hydro said it was a "one of a kind occurrence" which had

never happened before and the surges were caused by the forces of nature, not by negligence on Hydro's part.

The Ombudsman looked into the complaint and found that Ontario Hydro had taken the appropriate measures to prevent power surges; its forestry crews maintained the right-of-way in an appropriate manner and installed proper equipment.

REASONS FOR DECISION PROVIDED

► In Northern Ontario, a group of individuals formed a committee to advise the Ministry of Transportation of their concerns about construction of a highway by the Ministry. The construction project was carried out without notifying or consulting the individuals affected by it. The Committee complained to the Ombudsman that the Ministry had refused to pay compensation for damages sustained by Committee members because of the highway construction.

The Ombudsman found that the Ministry had acted unreasonably when it failed to notify the individuals prior to construction. The Ombudsman was uncertain if the Ministry had applied the same criteria on all claim submissions as it had to the Committee Chair's claim. The investigation did not reveal evidence as to how the specific claim amount for the Committee Chair was determined or show any evidence from the Ministry or insurance adjuster for refusing the other claims. There was also no reason given for the Committee Chair's claim being settled for less than she had submitted.

The Ministry agreed to provide the Committee Chair with specific reasons why it paid her less and also provide the other claimants with specific criteria used to evaluate their claims. The Ministry promised to review all other claims to ensure that no extenuating circumstances existed which

may have been missed in the original review of claims. The Ministry also advised the Ombudsman that it would develop a province-wide communications policy regarding public notification for similar highway construction projects.

UTILITY RESTORES SERVICE

► The complainant contacted the Ombudsman for assistance when his municipal hydro service was cut off. He was unable to pay the outstanding \$900.00 utility bill because he was unemployed and his spouse was on a disability pension.

The complainant originally participated in the hydro company equal billing plan. His hydro costs were based on estimates from previous consumption. The company took a reading of his meter and found the estimates were too low and adjusted the billing accordingly. The complainant was unable to pay off the balance each month because of the increase in his bill but did continue to pay the amount on his monthly bill before the increase.

The complainant was advised that his service would be cut off if he did not pay the outstanding amount in full. He could not pay and the power was cut off. The Ombudsman made informal inquiries and the utility agreed to meet with the complainant to resolve the dispute. The utility advised him that he did not need to pay the outstanding balance in full before power was restored but could pay over a period of time. The complainant agreed and power was restored.

COMPENSATION FOR LOST PROPERTY

► An inmate contacted the Ombudsman after he was unable to reach an agreement with a Detention Centre to compensate him for misplaced property.

Without notice, the inmate was transferred from one Detention Centre to another and he was unable to secure the property left in his cell. Although most of his property was returned to him, one of the missing items was a textbook for a course that he was taking by correspondence.

The Centre decided to replace the textbook rather than provide him with cash compensation. After Ombudsman staff reviewed the facts of the case with the institution, it was agreed that the earlier resolution was unsatisfactory to the inmate because he had completed the course before he received the replacement textbook.

The inmate and institution were then able to agree on what was considered fair compensation.

INMATE MEDICAL

CONCERNS ADDRESSED

► An inmate contacted Ombudsman Ontario concerning his medical status and the denial of his request for the Temporary Absence Program (TAP). He was diagnosed HIV positive after undergoing blood work and tests at a nearby hospital. He questioned the length of time the hospital and the institution took to assess his medical status so he could be placed on a medication program. He applied to his institution for the Temporary Absence Program on compassionate and employment grounds. He wanted to be closer to his spouse and children because of the stress his family was experiencing and claimed that he was not allowed to present himself to the TAP Committee with his request.

The Ombudsman made an informal inquiry with the institution about the inmate's concerns. The Superintendent of the institution was unaware that the results of the hospital tests had not been received and that a medical program had not been implemented. He agreed to have the Health Unit make inquiries. The Superintendent verified that



Complainants sometimes call to express their thanks for our help.

although there were other circumstances concerning the denial of the inmate's request for TAP, he did have an appeal process available to him and would be able to present himself to the TAP Committee. He contacted Ombudsman Ontario to advise us that the institution made arrangements for him to see an HIV specialist at the hospital and counselling would be provided to him and his family. He also has a TAP hearing scheduled, at which time the institution will review his concerns.

INCONSISTENT POLICIES

► An inmate contacted the Ombudsman about his right to wear religious apparel. Upon investigation, it became apparent that there was no province-wide policy with respect to the wearing of religious apparel by inmates. The lack of a Ministerial policy allowed each institution to determine its own policy on what is considered to be permissible attire.

The information gathered by Ombudsman staff on this issue was discussed with the Ministry which acknowledged the apparent lack of consistency. It has undertaken a comprehensive consultation with representatives of a variety of groups in order to draft a policy that will respond appropriately to this type of issue.



*Ombudsman Ontario
is called upon from
time to time to sup-
port other jurisdictions
in their efforts to
establish or improve
Ombudsman services.*

ACTIVITIES OF THE OMBUDSMAN

OMBUDSMAN PRESENTATIONS

The Ombudsman spoke and/or presented papers at these venues during 1993-94:

YWCA Annual Meeting

Toronto
April 14, 1993

Haldimand Board of Education

Newstart Alternative Education Program
Six Nations of the Grand River
April 16, 1993

National Appellate Court Seminar

Montreal, Quebec
April 20, 1993

Haldimand Women's Committee

Ontario Federation of Agriculture
Annual Daffodil Luncheon
Dunnville, Ontario
April 21, 1993

North Shore Board of Education

Elliot Lake, Ontario
April 27, 1993

Renaissance Seniors' Centre

Elliot Lake, Ontario
April 27, 1993

W.H. Collins Centre

Elliot Lake, Ontario
April 27, 1993

Roberta Bondar Place

Sault Ste. Marie
April 28, 1993

Sault College

Sault Ste. Marie
April 28, 1993

Carrefour Francophone

Sudbury
May 19, 1993

St. Andrew's Place

Sudbury
May 19, 1993

Science North Cavern

Sudbury
May 19, 1993

United Way of Greater Toronto

AGM & Volunteer Recognition Luncheon
Toronto
May 25, 1993

University Women's Club of Brantford

Annual Banquet
Brantford, Ontario
May 26, 1993

University of Wilfrid Laurier

Convocation Address
Waterloo, Ontario
May 29, 1993

Council of Canadian Administrative Tribunals

Ottawa
May 31, 1993

International Ombudsman Institute

Board of Directors Meeting
Wellington, New Zealand
October 4 - 8, 1993

University of Western Ontario

Convocation Address
London, Ontario
October 21, 1993

Society of Professionals in Dispute Resolution (SPIDR)

21st Annual Conference
Toronto
October 21 - 24, 1993

National Ombudsman Conference

Toronto
November 2 - 4, 1993

L'Arche Association of Calgary

Calgary
November 19, 1993

Provincial Association of Senior Managers

Sixth Annual General Meeting
Toronto
February 4, 1994

Elizabeth Fry

"Rebels for a Cause" Fundraiser
Toronto
February 8, 1994

United States Association of Ombudsman

Annual Conference
Keynote Address
Phoenix, Arizona
February 9 - 12, 1994

Six Nations of the Grand River Band Council

Band Council Meeting
Brantford, Ontario
February 28, 1994

London Board of Education

Symposium on Equity
London, Ontario
March 3, 1994

Bahá'í Community of Canada

Annual Race Unity Awards Presentation
Ottawa, Ontario
March 21, 1994

NATIONAL AND INTERNATIONAL ACTIVITIES

As democracy has spread around the world, so has the Ombudsman institution. Today, about 150 institutions performing Ombudsman functions have been established in over 60 countries. In the past year Ombudsman offices were created in Costa Rica, Argentina, Ghana, Lesotho, Gambia and the Seychelles. A number of other countries are considering this step as are some jurisdictions closer to home. In Arizona, for example, there is a Bill before the state legislature to create a state level Ombudsman.

Ombudsman Ontario is called upon from time to time to support other jurisdictions in their efforts to establish or improve Ombudsman services by providing moral support, sharing case management and investigative techniques, systems and other administrative expertise and strategies to enhance public awareness and access. Over the past year Ombudsman Ontario welcomed delegations to our office from Thailand, New Zealand, Belgium, Austria, Sri Lanka, Uganda, Alaska and Michigan. The Ombudsman also responded to a number of written requests for assistance.

The International Ombudsman Institute is located in Alberta. As a member of the Board of Directors of the Institute, the Ombudsman attended the annual board meeting held last October in New Zealand. The Ombudsman also delivered the keynote address at the annual conference of the United States Association of Ombudsman and attended meetings with members of the Arizona Legislature in Phoenix where the conference was held.

NATIONAL OMBUDSMAN CONFERENCE

Each year all provincial Ombudsman and federal Ombudsman-like offices meet to discuss issues of mutual interest and concern. It was Ontario's honour to host the conference this year and delegates from Alberta, British Columbia, Manitoba, Nova Scotia, Saskatchewan, Quebec, the Northwest Territories, Ottawa and the United States were in attendance. These meetings provide each Ombudsman with a valuable opportunity to discuss common challenges and to debate approaches and strategies they can use in the future.

There were several guest speakers at the Conference and opportunity for discussion with them on topics of mutual interest, including: Ombudsmanship in a Time of Fiscal Restraint; Challenges on the International Horizon; Recent Trends in Canada - Challenges to Ombudsmanship; Accountability vs Independence of the Ombudsman; and Ombudsman as Mediator. During the two day conference, the Lieutenant Governor hosted a reception for the delegates and provincial Members of Parliament, and the Speaker, David Warner hosted a luncheon.



RECENT TRENDS IN CANADA-
CHALLENGES TO OMBUDSMANSHIP
Akua Benjamin Professor and
Community Activist

ACCOUNTABILITY VS
INDEPENDENCE OF
THE OMBUDSMAN
Daniel Jacoby Protecteur
du citoyen du Québec



John P. Bell Partner,
Shibley, Righton



OMBUDSMAN AS MEDIATOR
Dulcie McCallum Ombudsman
of British Columbia



Nathalie Rockhill Manager,
Conflict Resolution Service
St. Stephens Community House



OMBUDSMAN IN A
TIME OF FISCAL RESTRAINT
Glenna Carr Vice President,
Corporate Affairs Laidlaw Inc.



CHALLENGES ON THE
INTERNATIONAL HORIZON
Stephen Lewis former
Ambassador for Canada to
the United Nations



Mary-Woo Sims Human Rights and
Employment Equity Program Manager,
Metro Toronto

STATISTICAL DATA

STATISTICAL INFORMATION SUMMARY

- During the year the Ombudsman dealt with 36,144 inquiries and complaints (33,920 in 1992-93).
- Complaints increased 13% to 9,273 (8,237 in 1992-93) while inquiries increased 5% to 26,871 (25,683 in 1992-93).
- In 25,536 or 71% of the cases (23,842 or 70% in 1992-93) no further action was required or possible beyond giving of a referral or making an inquiry on behalf of the complainant.
- In 1,595 or 4% of the cases (1,827 or 5% in 1992-93) even though the complaint was not within the Ombudsman's investigative jurisdiction, the Ombudsman was able to facilitate a satisfactory resolution of the matter.
- There were 1,809 or 5% cases discontinued (1,953 or 6% in 1992-93). Of these, 1,412 were discontinued by the Ombudsman because an adequate alternative remedy was available to the complainant, or no further involvement was required.

Statistics Highlights

fiscal 1993-94 compared to 1992-93

	1993-94	92-93
Increase in written complaints and inquiries	13%	4%
Increase in verbal complaints and inquiries	5%	1%
Average days to resolve written complaints and inquiries	13	19
Number of days required to resolve 90% of written complaints and inquiries	72	107

Verbal and Written Complaints and Inquiries

by final resolution

	Verbal and written complaints and inquiries		
	1993-94	92-93	91-92
Complaint resolved by Ombudsman	907	886	1,095
Investigation discontinued	1,809	1,953	2,040
No action possible	880	1,202	1,321
Resolution facilitated/Referral given/Inquiry made	32,548	29,879	28,805
Totals	36,144	33,920	33,261

GLOSSARY

VERBAL COMPLAINT OR INQUIRY

Complaint or inquiry usually received over the telephone.

WRITTEN COMPLAINT OR INQUIRY

Complaint or inquiry received by note or letter with signature of complainant.

RESOLUTION FACILITATED/REFERRAL GIVEN/INQUIRY MADE

Assistance given to resolve a problem through discussion, inquiries of the organization complained about, information shared or other tangible methods of resolution; by giving name and phone number of appropriate jurisdictional organization; or actually calling the organization to confirm jurisdiction to handle the matter and make inquiries.

NO ACTION POSSIBLE

No assistance can be given as the problem cannot either adequately be defined, the information given does not require the Ombudsman to take action, the complaint is anonymous, or it is beyond our capacity to facilitate a resolution.

DISCONTINUED BY OMBUDSMAN OR COMPLAINANT

The investigation is discontinued because either receipt of additional information indicating further investigation is unnecessary, the agency has taken immediate steps to resolve the problem, the Ombudsman has previously investigated the case, or the complainant does not wish to pursue the matter further for various reasons.

RESOLVED BY OMBUDSMAN IN FAVOUR OF COMPLAINANT

The complaint is supported in favour of the complainant.

RESOLVED BY THE OMBUDSMAN IN FAVOUR OF THE GOVERNMENT ORGANIZATION

The complaint is not substantiated and therefore not supported.

RESOLVED IN FAVOUR OF GOVERNMENT ORGANIZATION WITH SUGGESTIONS

The complaint was not supported but suggestions for change of policy or systems is recommended to the Government organization.

RESOLVED BY OTHER MEANS

The complaint is resolved with minimal involvement of the Ombudsman.

Initial Contacts

Written, verbal or personal visit

36,144

33,920

33,261

Verbal Complaints and Inquiries

26,871

25,683

25,323

Against Provincial Government

11,798

12,521

11,997

Against Non-Provincial Organization

15,073

13,162

13,326

Provincial Ministry of S.G. & C.S.*

7,078

6,237

5,981

Other Provincial Ministry or Organization

4,720

6,284

6,016

Federal Municipal Private Courts Other

2,573

2,736

7,974

885

905

2,595

2,338

6,615

775

839

2,761

2,087

6,945

668

865

Provincial Ministry of S.G. & C.S.*

6,995

6,066

5,659

83

171

322

7,078

6,237

5,981

Other Provincial Ministry or Organization

4,438

5,909

5,665

282

375

351

4,720

6,284

6,016

Against Non-Provincial Organization

14,780

12,764

12,860

293

398

466

15,073

13,162

13,326

◀ Resolution facilitated/
Referral given/Inquiry made

◀ No action possible

◀ Totals of all resolutions

Verbal and Written Complaints and Inquiries

by organization or agency

	Verbal complaints and inquiries			Written complaints and inquiries			Totals		
	1993-94	92-93	91-92	1993-94	92-93	91-92	1993-94	92-93	91-92
Provincial	11,798	12,521	11,997	7,509	6,987	6,960	19,307	19,508	18,957
Non-Provincial:									
Federal	2,573	2,595	2,761	318	204	143	2,891	2,799	2,904
Municipal	2,736	2,338	2,087	525	387	294	3,261	2,725	2,381
Private	7,974	6,615	6,945	786	538	421	8,760	7,153	7,366
Courts	885	775	668	94	76	81	979	851	749
Other	905	839	865	41	45	39	946	884	904
	15,073	13,162	13,326	1,764	1,250	978	16,837	14,412	14,304
Totals	26,871	25,683	25,323	9,273	8,237	7,938	36,144	33,920	33,261

*Provincial Ministry of the Solicitor
General and Correctional Services

LEGEND

●
Fiscal 1993-94
Fiscal 1992-93
Fiscal 1991-92

Written Complaints and Inquiries

9,273
8,237
7,938

Against Provincial Government

7,509
6,987
6,960

Provincial Ministry of S.G. & C.S.*

1,721
1,658
1,951

Other Provincial Ministry or Organization

5,788
5,329
5,009

Provincial Ministry of S.G. & C.S.*

853
887
1,033
243
273
386
266
186
167
11
10
26
59
54
95
271
220
226
18
28
18
1,721
1,658
1,951

Other Provincial Ministry or Organization

559
596
419
154
197
202
335
339
450
199
262
324
37
35
33
4,378
3,749
3,471
126
151
110
5,788
5,329
5,009

Against Non-Provincial Organization

1,764
1,250
978

Federal	Municipal	Private	Courts	Other
318	525	786	94	41
204	387	538	76	45
143	294	421	81	39

Against Non-Provincial Organization

0
0
0
0
0
0
0
0
0
0
0
0
0
0
0
1,686
1,171
924
78
79
54
1,764
1,250
978

◀ Investigation discontinued
by Ombudsman

◀ Investigation discontinued
by complainant

◀ Resolved by Ombudsman
in favour of complainant

◀ Resolved by Ombudsman
in favour of Government

◀ Resolved by Ombudsman
by other means

◀ Resolution facilitated/
Referral given/Inquiry made

◀ No action possible

◀ Totals of all resolutions

Verbal and Written Complaints and Inquiries Against Provincial Government Organizations
by final resolution

	Verbal complaints and inquiries			Written complaints and inquiries			Totals		
	1993-94	92-93	91-92	1993-94	92-93	91-92	1993-94	92-93	91-92
Complaint resolved by Ombudsman									
in favour of complainant				601	525	617	601	525	617
in favour of Government organization				181	227	295	181	227	295
in favour of Government organization with suggestions				29	45	55	29	45	55
by other means				96	89	128	96	89	128
Investigation discontinued									
by complainant				397	470	588	397	470	588
by Ombudsman				1,412	1,483	1,452	1,412	1,483	1,452
Resolution facilitated/									
Referral given/Inquiry made	11,433	11,975	11,324	4,649	3,969	3,697	16,082	15,944	15,021
No action possible	365	546	673	144	179	128	509	725	801
Totals	11,798	12,521	11,997	7,509	6,987	6,960	19,307	19,508	18,957

Verbal and Written Complaints and Inquiries Against the Ministry of Solicitor General and Correctional Services
by subject matter

	1993-94	92-93	91-92				
Classification/Transfer/Committal	1,259	1,381	1,041	Prescription requests denied	59	59	134
Health care inadequate or denied	1,211	1,085	1,328	Glasses, eye care	56	139	72
Other	655	280	378	Transfer federal institution	56	57	29
Living conditions in general	623	490	490	Living conditions-overcrowding	55	36	73
Inmate misconduct	477	395	273	Charter of Rights	54	27	36
Personal/Inmate property	387	588	384	Telephone access/Use	53	76	73
Staff conduct	377	384	403	Temporary absence pass discretionary program	50	474	337
Living conditions-canteen allowance program	337	298	308	Community Resource Center	50	25	43
Discretionary program decisions	261	245	322	Second opinion denied	43	45	19
Living conditions-food/diet	239	175	280	Ombudsman letter denial	39	13	20
Parole	208	151	195	Secure facility	39	11	15
No response to request	171	79	65	Religious or lifestyle diet	37	63	65
Administrative segregation	169	106	9	Searches	31	13	11
Dental	147	157	167	Living conditions smoking	29	39	48
Correspondance	143	148	134	Mental health care	26	40	40
Medical Diet	120	114	102	Freedom of Information/Protection of Privacy	26	26	27
Yord	119	78	69	AIDS, hepatitis	18	28	40
Protective custody	100	66	57	Ombudsman	18	12	21
Living conditions-segregation	99	128	152	Bailiffs	17	0	0
Pre-release	94	38	33	Medical segregation	15	24	30
Health-other	91	54	73	Probation	14	0	3
Institutional discipline other than inmate misconduct	83	86	76	Open facility	4	4	6
Lost earned remission punitive segregation	82	58	36	Intermittent sentence	2	7	4
Staff misconduct-assault	79	96	118	Electronic Monitoring	1	0	0
Classification other	70	36	43	Policy/Practice	0	100	209
Visiting privileges	68	60	74	French	0	0	6

AUDITED STATEMENT FOR 1993-94

NOTES TO FINANCIAL
STATEMENT
MARCH 31, 1994

1. ACCOUNTING POLICIES

A. *Basis of accounting.* The Office uses a modified cash basis of accounting which allows an additional 30 days to pay for goods and services pertaining to the fiscal year just ended.

B. *Furniture, equipment and leasehold improvements.* Expenditures on furniture, equipment and leasehold improvements are expensed at the time of purchase.

2. EXPENDITURE AND MISCELLANEOUS REVENUE

Expenditures are made out of moneys appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

3. PENSION PLAN

The Office provides pension benefits for its permanent employees through participation in the Public Service Pension Fund, established by the Province of Ontario. The Office's share of contributions to the Fund during the year was \$557,586 (1993 - \$536,454) and is included in employee benefits. This amount includes current contributions and additional payments required to cover the Office's share of the Fund's unfunded liabilities on January 1, 1990. These additional payments commenced in 1990 and will continue over forty years.

Statement of Expenditures for the year ended March 31, 1994

	1994	1993
	\$	\$
Expenditures		
Salaries and wages	5,824,221	5,596,322
Employee benefits	1,207,883	1,196,516
Transportation and communication	465,186	454,891
Services	1,831,926	1,834,852
Supplies and equipment	363,373	346,067
	<u>9,692,589</u>	<u>9,428,648</u>
Less miscellaneous revenue	12,963	3,774
Total expenditures	<u>9,679,626</u>	<u>9,424,874</u>

See accompanying notes to financial statement.

Approved:

Roberta Jamieson
Ombudsman

Auditor's Report

To the Ombudsman

I have audited the statement of expenditures of Ombudsman Ontario for the year ended March 31, 1994. This financial statement is the responsibility of that Office's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material respects, the expenditures of Ombudsman Ontario for the year ended March 31, 1994, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario
May 12, 1994

Erik Peters
Erik Peters, FCA
Provincial Auditor

OMBUDSMAN ONTARIO STAFF

The Ombudsman has been assisted this year by the following permanent staff of professionals:

ADDO, Kwame	CRAWFORD, Jackie	HOLMES, Jackie	OLASO-PEZESHKIAN, Rachel
AHMED, Safia	CREAL, Mari	HUTCHINSON, Esla	ORR, Michael
AIKMAN-SPRINGER, Judy	CREAN, Fiona	IRONS, Alison	ORTVED, Janet
ALLAN, John	CUMMINGS, Penny	IRVINE, Thomas	PARADISO, David
ANDERSON, Lee	DEAR, Rosie	JOHNSON, Gini	PEASE, Irv
ANDERSON, Marney	DELISLE, Gerard	KALISZ, Eva	PENFOLD, Kathy
ANG, Jeanne	DENNIE, Jean	KANG, Mary	PETTIGREW, Laura
ANGUS-JONES, Christine	DEODAT, Zalina	KERSHAW, Janet	POPA, Manuela
ARKELL, Tim	DIXON, Millicent	KIESECKER, Barbara	PRESNER, Matilda
BAKER, Betty	DRAWBELL, Steven	KING, Dianne	RAY, Wendy
BAPTISTA, Sherry	DURJANCIK, Ellen	LA ROSA, George	ROBERT, D'Arcy
BEATTIE, Karen	ETHIER, Hannalie	LAWRENCE, Jane	ROBINSON, Linda
BERNIER, Suzanne	EVANS, Cathy	LEE, Allan	RODGERS, Faye
BERTRAND, Julie	EYLER, Paula	LEE, Barbara	ROSE, Janet
BLACKWOOD, Calvin	FARNCOMBE, Peter	LEE, Judith	SANSONETTI, Josie
BOSWORTH, Robin	FARRELL, Nora	LEGARDO, Lourdes	SCHULZ, Wolfgang
BOUCHER, Lorraine	FENTON, Mary Jane	LEIGH, Adam	SEMENCIW, Joe
BOURNS, Maureen	FERA, Jack	LEONARD, Joyce	SILVA, Madalena
BRINDLE, Ginette	FRASER, Simon	LUCAS, Lourine	SIMPSON, David
BRYANT, Dale	FRIMPONG, Kwasi	MARCUZ, Vic	SOLOMON, Naomi
CARL, Mary	GAGNE, Micheline	MAY, Laurel	TAYLOR, Michael
CARLINO, Gerry	GELAUDE, Inez	MEZIN, Eric	TERRENCE, Jo-Ann
CASSON-ROBIN, Barbara	GLASIER, Anita	MONETTE, LaVerne	THOMPSON, Reid
CHAMBERS, Sharon	GRIFFIN, Dianne	MORRA, Dean	VIRC, Elizabeth
CHEFF, Don	HART, Anne	MORRIS, Kim	WESTON, Elizabeth
COOLMAN, Joyce	HASLAM, Sue	NICHOLAS, James	WILCOX, Shelly
CORBEIL, Lise	HEDDEN-JENSEN, Alison	NICHOLSON, Sherrie	WONG, Jennifer
CORREIA, Jackie	HIRST, Barbara	NUGENT, Mary Elizabeth	WORTHINGTON, Barbara
			YOUNG, Pam

The Ombudsman also wants to recognize the contributions of a number of temporary staff who have assisted with a variety of projects over the past year.

THE OMBUDSMAN'S DISTRICT OFFICES

Please feel free to make collect calls to any of the locations listed below.

1 Kenora Office
12-308 Second Street S.
Kenora, Ontario
P9N 1G4
(807) 468-2851
468-2853 (fax)
468-2972 (TDD)

2 London Office
920 Commissioners Road E.
London, Ontario
N5Z 3J1
(519) 668-0511
668-7187 (fax)
668-7182 (TDD)

3 North Bay Office
450 Main Street W.
Unit #2
North Bay, Ontario
P1B 2V2
(705) 476-5800
497-9931 (fax)
476-4156 (TDD)

4 Ottawa Office
151 Slater St., Unit #308
Ottawa, Ontario
K1P 5H3
(613) 239-1487
239-1489 (fax)
232-8569 (TDD)

7 Thunder Bay Office
213 Red River Rd.
Thunder Bay, Ontario
P7B 1A5
(807) 345-9235
345-0378 (fax)
346-9130 (TDD)

5 Sault Ste. Marie Office
148 Great Northern Rd.
Unit #2
Sault Ste. Marie, Ontario
P6B 4Y9
(705) 945-6914
945-6916 (fax)
945-6884 (TDD)

8 Timmins Office
85 Pine Street St.,
Suite 108
Timmins, Ontario
P4N 2K1
(705) 268-2161
268-8377 (fax)
268-2885 (TDD)

6 Sudbury Office
66 Elm Street
Suite 108
Sudbury, Ontario
P3C 1R8
(705) 688-3116
688-3084 (fax)
670-0328 (TDD)

9 Windsor Office
224 Erie Street W.
Main Floor
Windsor, Ontario
N9A 6B5
(519) 973-1314
973-1317 (fax)
973-1401 (TDD)



If you would like more information about
Ombudsman Ontario or would like to file a
complaint, please write to or call any of the
District Offices as listed on the previous
page or contact the Toronto office:

Ombudsman Ontario
125 Queen's Park
Toronto, Ontario
M5S 2C7

English toll free line: 1-800-263-1830
French toll free line: 1-800-387-2620
TTY line : 1-416-586-3510

This Annual Report is available in English,
French and on audio-cassette.



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