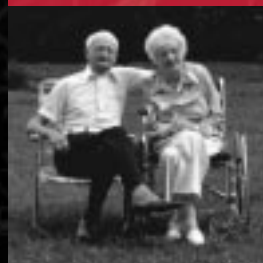


OMBUDSMAN



Ontario



Annual Report 1997/98





June 2, 1998

Hon. Chris Stockwell
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Stockwell:

I am pleased to submit to you my Annual Report for the period of April 1, 1997 to March 31, 1998, pursuant to Section 11 of the Ombudsman Act so that you may table it before the Legislative Assembly.

Yours sincerely,

A handwritten signature in black ink, reading "Roberta L. Jamieson".

Roberta L. Jamieson
Ombudsman

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Ombudsman's Message



ROBERTA L. JAMIESON

These are times of rapid and profound change in the governance of Ontario. As Ombudsman, I am uniquely positioned to observe the impact of change on both the people of Ontario, and on the public service which serves them. Where situations exist in which people believe they have been treated unfairly by government, I have a legislated responsibility to take appropriate action.

The responsibility of acting is not mine alone, however. The people of Ontario who wish to see a high quality of public administration have a responsibility to act. The Legislature collectively, and its Members individually, also have a responsibility to act. This Annual Report calls to the attention of both the public and the Legislature a number of concerns so that we may all work together in improving public administration in Ontario.

The fundamental issue, as I see it, is the challenge of keeping government accountable to the people. In particular, this means ensuring that fair and equitable service is provided by all public institutions, and the right to independent resolution of complaints is preserved and enhanced.

The fiscal year 1997-98 was tumultuous. We are in the midst of what the government itself has described as a revolution, with the stated intention of delivering the highest quality service through the most efficient means. Unfortunately, what sounds like a reasonable goal is too often translated into a single focus on the bottom line of saving dollars and cents.

Through down-sizing, right-sizing, contracting out, privatizing, streamlining, and restructuring, dramatic cutbacks and shifts in resources have occurred. Some of these results have evidently met with public approval. Other consequences are seen as damaging and worrisome by both the public at large, and those who serve us as public servants.

From my vantage point, it is apparent that there is some acceptance by the people of Ontario that our public services will shrink as a result of the focus on achieving cost savings. At the same time, there is a general expectation by individuals that when they come in contact with a government agency, there will continue

to be a high standard of service to which they are entitled. Indeed, the government actively promotes this expectation, with assurances that high quality public service is a priority.

For public servants, there remains a strong dedication to provide the highest standard of service possible, and a continuing pride in their vocation. Increasingly, however, officials are reporting that they do not have the resources required to deliver services at the standard they seek to uphold, and for which the government says they are accountable. There is an urgent need in this situation for a reality check.

An increasingly obvious gap

For everyone working in public service these days, the emphasis is on figuring out how to deliver “core service”. Anything that is not on a list of essential items is relegated to discretion when funds permit, or left to another agency or another level of government to deliver, if at all. Even the list of essentials is often negotiable - public servants are usually looking ahead to those items likely to be lost with the next round of cuts.

Despite their best efforts, public servants have no control over the gap between what the public expects and what the public service can deliver. This increasingly obvious gap threatens to become a gulf. Many agencies and their employees have long since exhausted their ability to do more with less. They are frequently in such short supply of human and other resources that the challenge is not only to maintain minimal standards of service, but to preserve their credibility in an extremely stressful environment.

Coping has become a major pre-occupation. Burnout in the public service is a fact of life.

It is common for public servants to feel that neither the public nor government decision-makers appreciate their work. The continuing departure of colleagues, combined with long hours in an atmosphere of low morale, and a sense of insecurity about their own future, are not conditions that promote productivity. And no organization can easily compensate for the loss of valued institutional memory and expertise.

These circumstances create an unfortunate loop of failure when public servants who strive to deliver results are held back by the limits on their capacity. They may, for example, over-promise, in an effort to placate the demands of a needy member of the public whose day to day well-being depends on a particular program. Failure to deliver, especially on time, then causes anxiety for everyone involved and the pressures continue to increase.

I am frequently advised by government officials of a determination to impress upon the public that customer service is of vital importance. People are told “Your call is important to us,” but messages go unanswered. In other cases, there is a pre-occupation with ensuring phone lines are answered promptly, but to the detriment of discharging other fundamental responsibilities.

I am aware of this prevailing situation because my office is in daily contact with hundreds of members of the public who have complaints, and an equal number of public servants who describe the conditions under which they are working, and which have given rise to the complaints.

Investigations of delay

During this past year I undertook comprehensive investigations into a number of government organizations which have drawn a significant volume of complaints from the public alleging delay in service delivery. The results of these investigations are attached as an appendix to this Annual Report and summarized at the beginning of the section on case stories.

As a means of applying a common tool of analysis, the investigations used a survey designed to assess whether there were problems with timely delivery of service over a period of time. We asked for statistical information that would indicate the agency's timeliness track record over a period of years and any other relevant comments concerning strategies adopted to address service delivery challenges.

In many of the organizations examined there has been a steadily increasing workload, in some cases to overwhelming proportions, coupled with a stable or decreasing level of resources. From the evidence revealed in these investigations, it is demonstrably clear that at the root of the problem of delay is not an inefficient or uncaring public service, but rather insufficient resources to deliver an acceptable level of service. These agencies are quite simply lacking the tools to do their job.

While my investigations found delay at an unacceptable level in the majority of the agencies surveyed, I have not found an unwillingness on the part of the officials responsible to improve. Rather, I found great effort and creativity being applied toward doing the best possible job with the resources available. I also found a strong and admirable devotion to serving the people of Ontario.

The findings of these investigations are particularly relevant in view of the impact of unacceptable delays in service on vulnerable people. Many of the programs surveyed include among their client base significant numbers of individuals for whom timely service is vitally important. In an economy where so many are disadvantaged and left at the margins, the human consequences of poor service delivery of government programs can be disastrous.

Other investigation highlights

There are two other case stories in this Annual Report which highlight particular issues of concern. One of these is an update on the status of the Family Responsibility Office (FRO), formerly the Family Support Plan. As a follow-up to my investigation last year on the re-organization of this program, I have been monitoring the implementation of change at the agency. I found that the FRO continues to experience serious problems in its service delivery and has demonstrated a pattern of only addressing problems in those cases where it was contacted by clients. I found such service to be inequitable and inadequate, and have received an undertaking from the agency of specific measures to improve service.

I am also reporting a case story where it appeared that poor planning by government officials resulted in a situation of adverse impact discrimination for inmates and young offenders of colour at correctional facilities across the province. The announcement by the Ministry of the Solicitor General and Correctional Services of the cancellation of the Canteen Allowance Program triggered a series of events in which the implementation of this decision was inconsistent, resulting in inequitable treatment of inmates.

Recommendations for action on accountability

At a time when there is some uncertainty about what the principle of accountability actually means in practice, the public is rightly making vocal demands of institutions when they do not perform to a standard the public has come to expect. In a parliamentary system of government, it is Cabinet Ministers who are ultimately responsible. But there are other ways in which accountability can be measured.

I am making recommendations for action in five areas where I have identified, from the point of view of an Ombudsman, a critical need to build public confidence in our governmental institutions. These recommendations are set out in detail in separate articles below.

Standards of service. Based on the evidence from my investigations of delay, along with a trends analysis of complaints received this year, I am calling for a system-wide introduction of service standards to be adopted by all government organizations.

The reason for this is simple. If we believe in democracy, it is necessary to confront the view of those who say that because we are in a time of fiscal restraint we cannot always afford to be fair, or just, or to hold governments and institutions accountable to the public.

When public servants are unable to provide an adequate level of service, they have a responsibility to advise the public of two facts. There should be a clear statement of service standards they are able to provide with the resources at their disposal. And there should be reasons given when service does not meet these standards, as for example, insufficient resources. Public servants will be expected to demonstrate they have kept client service in focus when planning and implementing restructuring.

This declaration must be made clearly and publicly. The principle of openness and transparency is a key ingredient in our democracy. It ensures the public has access to information to exercise its responsibility of ensuring service is provided at levels consistent with public expectations. Disclosure of information may be the only way to close the gap between public expectations and service delivery - by encouraging a dialogue that results in either diminished expectations or an increase in resources. In the meantime, public servants should not be held responsible for a situation which is not of their making.

Tribunal appointments. A key area where accountability of public institutions is tested on an ongoing basis is in the appointments process for provincial agencies, boards, commissions and tribunals. It is essential that in all its actions with respect to appointments and re-appointments, government ensure there is no appearance of political or private influence. In part because of concerns which have been brought to my attention, I made a submission on this matter to the government's Agency Reform Commission, recommending a number of measures to preserve public confidence in the impartiality of the administrative justice system.

The right to an independent investigation of complaints. As I have indicated in previous annual reports, I am continuously reminded by people who bring their complaints to my office, that the availability of ombudsman complaint mechanisms is seen by the public as a measure of the willingness of government to hold itself accountable for the day-to-day actions of public servants. It is thus a measure of the health of our democracy.

So confident are the people of Ontario of this right of complaint, that every day they ask the Ombudsman for investigation and resolution

of complaints about their dealings with Children's Aid Societies, about allegations of unfair treatment in hospitals, and about services delivered by municipalities. People are dismayed to find that a right which they hold dear is not available to them in these three sectors of public service, where essential programs are delivered, often to the most vulnerable people in our society. In some cases, for instance consumers of mental health services, this right has already been lost as a result of restructuring. I am calling on the government to provide a remedy for the gap in accountability in these three sectors.

By taking action to implement the above recommendations, the government and all parties in the Legislature will demonstrate a commitment to improve the accountability of our public institutions and to promote public confidence in these institutions. I am ready to assist any and all who are committed to this course of action.

Ombudsman year in review

It is necessary to qualify my report to the Legislature with a reference to the limitations on the capacity of my office to meet its mandate. My concerns about accountability, transparency and adequate service delivery are not only based on complaints and evidence from the public service. Ombudsman Ontario has itself experienced the stresses and strains I have described affecting others.

As the result of a dramatically reduced budget, our staff has been reduced, we have closed four regional offices and our public education efforts are curtailed. When I was told by the Legislature's Board of Internal Economy our budget would be cut, I decided to introduce a system for managing the backlog of complaints I knew would occur.

Although we have not compromised the quality of service for those cases which are active, we make it clear to clients that their waiting time before investigation is a direct result of budget cuts to my office. And we advise them of when they can expect action on their complaint.

There is ample material in this report to show that the staff at Ombudsman Ontario are performing beyond what might be expected of them. We are all carrying a greater workload as complaints increase and we have fewer resources to address them. We restructured to take account of this reality and introduced many new ways of doing business to help us meet the relentless challenges that come our way.

I acknowledge with pride the dedication of the staff I work with. And on their behalf, I express appreciation to the many public servants who make our job easier, and to those members of the public who, in bringing forward their complaints, make an invaluable contribution to the pursuit of accountability in public administration.



Roberta Jamieson, Ombudsman

Recommendations for action on accountability

Standards of Service

All governmental organizations be required to develop clear and concrete standards of service to address issues of accessibility, timeliness and quality. The standards should be publicized, especially at points of service delivery, so that members of the public are given information about how long they should have to wait, what kind of service to expect, and how to complain if services are not delivered fairly in accordance with the published standards.

Appointments

The government take all necessary steps to preserve public confidence in the impartiality of provincial tribunals by ensuring that the process of appointing, re-appointing and removing tribunal members is free of any appearance of political or private influence.

Children's Aid Society

The government provide the Ombudsman with authority to investigate all unresolved complaints by members of the public who believe they have received unfair treatment from a Children's Aid Society.

Municipal Ombudsman

The government revise all relevant legislation to provide access to ombudsman services for individual complaints of unfair treatment by a municipality.

Hospital Ombudsman

As the Ontario hospital and health care system is restructured, the government restore the right of complaint and independent investigation which some have lost in the process, and extend this right to others.

The following recommendations reflect the concerns outlined in the Ombudsman's Message and are made to the government and the Legislature of Ontario.

Standards of service recommendation

All governmental organizations be required to develop clear and concrete standards of service to address issues of accessibility, timeliness and quality. The standards should be publicized, especially at points of service delivery, so that members of the public are given information about how long they should have to wait, what kind of service to expect, and how to complain if services are not delivered fairly in accordance with the published standards.

The broad restructuring of public services underway in Ontario poses a challenge: to maintain public confidence as institutions and services are fundamentally transformed. With this challenge comes the opportunity to provide a system that is transparent and accountable, and that provides a way to close any gaps which may exist between what the public expects and the reality of what the public service is able to deliver.

This requires a system of standards for the delivery of every public service. The standards should be set by the organization responsible for delivering the service on the basis of consultations with stakeholders where appropriate. The standards should be as concrete as possible, and should set out reasonable expectations for:

- how services will be made accessible to people with diverse needs
- waiting times that clients can expect
- consistency in the quality of service that clients will receive

These standards should be publicized, particularly at points of service delivery, along with information about how those personally affected can effectively raise concerns about the service provided, and what further process is available to address unresolved concerns or complaints. Performance against these standards should be reported regularly, and the standards should be periodically reviewed to ensure that they are fair, realistic and appropriate.

Such a system of publicized standards for services, combined with procedures allowing individuals to have service problems addressed fairly and impartially, will help to close any gaps between what the public expects and what the public service is equipped to deliver. This will assist in lowering levels of frustration among service users and stress among service providers, and consequently strengthen public confidence in the newly restructured public service.

Appointments recommendation

The government take all necessary steps to preserve public confidence in the impartiality of provincial tribunals by ensuring that the process of appointing, re-appointing and removing tribunal members is free of any appearance of political or private influence.

As Ombudsman it is my role to provide independent and effective recourse of last resort to persons who complain they have been unfairly treated in the administration of provincial public service. Impartiality is the cornerstone of fairness, particularly in the administration of regulatory and adjudicative tribunals.

In a submission made in November last year to the government's Agency Reform Commission concerning restructuring of provincial agencies,

boards, commissions and tribunals, I emphasized certain basic principles that should guide this review:

“In our system of government, it is accepted that official decisions affecting an individual’s rights and entitlements are to be made impartially and fairly on the basis of objective and relevant criteria. Objective decision-making is key to maintaining public confidence in our administrative justice system.

Of fundamental importance to the impartiality of tribunals are the process and practice for appointing and re-appointing tribunal members. In order for the public to have confidence that the decisions of a tribunal will not be influenced by political pressure, it is necessary to have a clearly articulated and transparent system that ensures appointments and re-appointments are made on objective, relevant and non-political grounds.

This can be achieved partly by ensuring that the chair of a tribunal has a leading role in the process and to ensure that the appointments of tribunal members are made for a defined period of time. Terms should be long enough to provide members with some assurance that their positions will not be affected by their decisions on specific issues. There must also be clear and compelling reasons for removal of tribunal members.”

I have taken note of concerns raised recently in the courts, legal publications and other public discussions regarding the need for the appointments procedure to secure the impartiality of tribunal decision-makers. This is an issue which affects the fundamental integrity of the administrative justice system.

Children’s Aid Society recommendation

The government provide the Ombudsman with authority to investigate all unresolved complaints by members of the public who believe they have received unfair treatment from a Children’s Aid Society.

Every year in my Annual Report there is a significant volume of complaints recorded concerning Children’s Aid Societies. People who come to my office believing their children are in danger, or that they have lost custody unfairly are usually in desperate need of assistance. But Children’s Aid Societies are not organizations which I have the jurisdiction to investigate. My role in relation to children’s aid matters is restricted to review of complaints against government organizations involved in children’s aid matters.

Children’s Aid Societies must establish internal review procedures. There may also be judicial investigation and review of certain serious issues. However, there is a need for a general right of recourse to an independent office of last resort with powers of investigation to act on other complaints.

In its restructuring of programs and services, the government has undertaken to absorb 100% of the funding responsibility for child protection services, up from the previous 80% when this was a shared responsibility with municipalities. The government has also signalled its intention to promote the well being of children by creating a Minister responsible at Cabinet for children’s issues and by its review of the Child and Family Services Act.

In view of the heightened awareness concerning various forms of child abuse and the terrible conditions of child poverty, there

is great public interest in the role and function of Children's Aid Societies. To the extent the government is undertaking to provide increased co-ordination of child protection services, it should recognize the importance of accountability in the system and provide for access to independent investigation of complaints.

To ensure consistent standards of accountability across the province and to provide meaningful access to complaint resolution services, the government should direct that complaints about the operation of all Children's Aid Societies falls within the jurisdiction of my office.

Municipal Ombudsman recommendation

The government revise all relevant legislation to provide access to ombudsman services for individual complaints of unfair treatment by a municipality.

The government's stated intention to bring forward a comprehensive redesign of Ontario's municipal legislation presents a compelling opportunity to ensure that municipal administration is accountable to the public it serves. Financial accountability and general accountability through the electoral process do not replace the need for an independent and impartial review of individual complaints of unfair treatment by a municipal administration.

Complaints about municipal service delivery may be addressed internally, or through the intervention of an elected representative. However, when the department or agency in question deals with a complaint about itself, especially when it finds the complaint unfounded, members of the public will naturally doubt whether the matter was considered fairly and open-mindedly, without bias.

An Ombudsman has legislative powers to investigate all relevant information, to examine persons under oath where necessary, and to make a public report if the matter is not resolved. Councillors often do not have the necessary resources, powers, and perceived impartiality to investigate and resolve public complaints about administrative acts and omissions.

Each year in my Annual Report, I publish the totals of complaints that come to my office over which I have no authority and for which we try to provide referrals. Over the last several years the number of complaints relating to municipal issues, over which my office has no jurisdiction, has ranged annually from 1,825 to 2,736.

Maintaining accountability becomes especially important as municipalities are granted additional powers with more flexibility and fewer restrictions. Furthermore, as certain kinds of services are moved from the provincial to municipal level, as for example, with respect to social housing, the public will lose its existing right of complaint to the Ombudsman unless measures are taken to provide an independent mechanism for review of last resort. At a time of dramatic change in the public service, providing ombudsman services for municipal complaints will help to ensure continuing confidence in our public institutions.

Hospital Ombudsman recommendation

As the Ontario hospital and health care system is restructured, the government restore the right of complaint and independent investigation which some have lost in the process, and extend this right to others.

In order to ensure that the needs of patients come first in the hospital system, there must be a credible and effective process for dealing with complaints from patients and their families, including independent recourse of last resort for investigating and resolving outstanding complaints. At present most Ontario hospitals lack this type of accountability mechanism.

Under the hospital restructuring plans currently being implemented, several provincial psychiatric hospitals will no longer be operated directly by the Ministry of Health, and as a result the patients of these institutions have lost or will lose their right of complaint to Ombudsman Ontario.

The issue of accountability through an independent and impartial complaint review

procedure is crucial for the entire hospital system, not only provincial psychiatric hospitals. It is in the nature of hospital services that the people using such services are often particularly vulnerable, and depend on the service for their health and well-being.

Although there are currently procedures in place to deal with individual complaints about a specific physician, nurse, or other health professional, complaints about other hospital services are not addressed through the professional discipline process. For example, there is no recourse for complaints about waiting times in hospital emergency rooms or refusal of service to persons who are marginalized.

At a time of dramatic change in Ontario's hospital and health care system, providing an independent and effective recourse of last resort, whether through a separate office or through Ombudsman Ontario, for persons who are not satisfied with the way their complaint was dealt with by a hospital, provides appropriate accountability, and helps ensure public confidence in the fairness of the entire complaints process.



year IN REVIEW

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Equity outreach • Standing Committee • Global ombudsmanship • Presentations

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YEAR IN REVIEW



Inside Ombudsman Ontario

Public institutions everywhere are facing a huge challenge to meet client expectations and at the same time be publicly accountable for the efficient and equitable delivery of services. Ombudsman Ontario is no different. Because of a severely reduced budget, the challenges for the organization have been acute and immediate over the past year. With a reduced workforce of 77 employees, down from 111 in April, 1995, there has been a tremendous strain on our resources.

We began to restructure the Ombudsman's operations in February 1996. When the Legislature's Board of Internal Economy reduced the Ombudsman's budget by 20% in April that year, restructuring activities were delayed while we downsized and redeployed resources. The major challenge was to continue meeting our mandate by maintaining an effective avenue of last resort for complaints in the context of fewer resources and an increasing volume and complexity of complaints.

We conducted an examination of our business processes and systems in relation to cost efficiencies, standards, service equity and fairness applications. During this process it became clear that the loss of approximately one quarter of the workforce resulted in an increase of elapsed time throughout the complaint-handling process. The number of activities undertaken in our public education program also decreased by over 40%. Stress and burnout among staff had reached levels that were unacceptable.

Early in September 1997, the organization's restructuring was completed. The objectives were to reduce staff burnout, build a fully integrated complaint resolution system, flatten the organization by reducing hierarchy, and

ensure that resources are deployed as effectively as possible, given the budgetary constraints.

The design of the newly restructured organization contained a number of elements, including: a centralized Client Access Centre for all incoming complaints and inquiries; the integrated management of intake and investigation activities; the implementation of a backlog management strategy to enable staff to carry a caseload that would be expedited effectively; and a "triage" management approach to assessing, prioritizing and addressing complaints. To this end, one management layer and a number of positions were deleted. Team leaders were recruited from among staff to lead newly configured Complaint Resolution teams and new positions were created to staff the Client Access Centre. At the same time, the Ombudsman's office in Timmins was closed due to the small number of complaints received there. The Timmins area is now serviced out of the Ombudsman's Sudbury office. Upgraded telephone systems and the introduction of new information technology to integrate the complaint system were major components of the new organizational design.

In November 1997, the Board of Internal Economy denied the Ombudsman's request for a 2.5% increase for the fiscal year 1997/98 and curtailed further access to the Restructuring Fund available to the public service for support in the event of employee layoffs. Absorbing these additional costs so late in the fiscal year translated into the closure of the North Bay, Windsor and Kenora regional offices. To compensate for these closings, there has been an increase in the number of intake clinics in those areas previously served by regional offices. While the public education program has been seriously diminished, specific activities are being targeted to those groups in Ontario least

likely to know about Ombudsman services and most likely to require them.

Greater emphasis is now being placed on systemic and system-wide investigations in an effort to be resource-wise and to emphasize broader and preventative coverage in our investigations. A new system for trends analysis has been developed to enable the organization to identify systemic and system-wide problems as the public service restructures and downsizes. A strategic plan has also been established to address complaints about the Ministry of Correctional Services and the Solicitor General, as these constitute approximately one quarter of the complaints to the Ombudsman.

Training and development for Ombudsman Ontario staff continues on a number of fronts. Investigators and Ombudsman Representatives continue to learn more about changes in governmental services through in-service training, while systems staff keep abreast of information technology developments through external training opportunities. All staff have been receiving training on mental health issues as increasing numbers of the public from this sector of the population come forward to access Ombudsman services. In January 1998, space at the Toronto office premises was reduced to reflect the smaller staff complement and to achieve further savings.

Statement of Expenditures For the Year Ended March 31, 1998

Expenditures	1997/98 Estimates \$ (note 4)	1997/98 Actual \$	1996/97 Actual \$
Salaries and Wages	4,640,200	4,371,298	4,623,035
Employee Benefits (note 3)	1,248,300	1,395,060	1,175,987
Transportation and Communication Services	518,500	437,790	455,267
Supplies and Equipment	1,846,200	1,745,627	1,929,364
	181,800	485,225	262,298
Sub Total	8,435,000	8,435,000	8,445,951
Less Miscellaneous Revenue	0	19,188	6,401
Total Expenditures	8,435,000	8,415,812	8,439,550

See accompanying notes to financial statement.

Approved:



Ombudsman

Notes to Financial Statement

March 31, 1998

1. Accounting Policies

(a) Basis of accounting.

The Office uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional thirty 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 therefore 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 all its full-time employees through participation in the Public Service Pension Fund (PSPF)

established by the Province of Ontario. The Ontario Public Service Employees' Union Pension Act, 1994 provided for a reduction of the employer's contributions to the PSPF which ended March 31, 1997. The Office's contribution related to the PSPF for fiscal year 1997/98 was \$490,783 (96/97 - \$108,409) and is included in employee benefits. As a result, there is a net over contribution of approximately \$94,000, which will be used to offset future contributions to the plan. The Office's contribution related to the PSPF for fiscal year 1997/98 was \$490,783 (96/97 - \$108,409) and is included in employee benefits.

4. Restructuring Costs

Included in the 1997/98 Estimates for Salaries and Wages, Employee Benefits and Services is a restructuring fund totaling \$651,300 (96/97 - \$1,153,200), for the

necessary ongoing restructuring as a result of a 20 per cent budget reduction in 1996/97. The actual restructuring cost for 1997/98 was \$748,787 (96/97 - \$1,084,469).

Salary Disclosure

The following list of those earning \$100,000 or more for the year 1997 is being reported in accordance with the Public Sector Salary Disclosure Act, 1996:

Jamieson, Roberta - Ombudsman

Salary: \$118,078 Benefits: \$2,878

Crean, Fiona - Executive Director

Salary: \$110,000 Benefits: \$422

Lapp, Murray - Director Investigation and Complaint Resolution

Salary: \$100,000 Benefits: \$1,161

Office of the
Provincial Auditor
of Ontario



Bureau du
vérificateur provincial
de l'Ontario

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Auditor's Report

To the Ombudsman

I have audited the statement of expenditures of Ombudsman Ontario for the year ended March 31, 1998. 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, 1998, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario
May 1, 1998

K.W. Leishman, CA
Assistant Provincial Auditor

Ombudsman Ontario standards of service

Ombudsman Ontario is committed to providing service to members of the public in accordance with their diversity, circumstances and individual needs. Telephone inquiries with requests for information and referrals are handled by the Ombudsman's Client Access Centre on the same business day. Telephone messages will be returned within twenty-four hours.

When Ombudsman staff make informal inquiries to seek resolution of complaints, clients can expect the outcome within three weeks of registering a complaint. In those cases where further investigative work is required, clients are advised in writing that their file has been assessed and has been placed in a managed backlog.

When a complaint file is taken from backlog and assigned to an Investigator, it is activated within the following time-line standards, unless there are extenuating circumstances:

- If the complaint is one requiring documentary review and analysis only, the investigation will be completed within three months.
- If the investigation has been identified as straightforward, it will be completed in six months.
- If the investigation has been identified as complex, or is systemic or system wide in nature, it will be completed in nine months.

Complaints and inquiries from persons incarcerated in provincial correctional institutions are being handled under different standards, given their nature and volume. All incoming correspondence and telephone calls are assessed for priority in the context of available resources. Complaints by telephone are handled within two weeks and if the complaint is not resolved, it will be placed in

backlog as a complaint file. All complaints, once assigned from backlog for informal resolution, are also completed in a two-week period. Those complaints requiring a formal investigation will be completed in a three-month period unless extenuating circumstances exist.

These time-line standards have been developed according to current resource levels at Ombudsman Ontario, which include a high level of technological support. A computerized case management system was introduced in 1995 to track the overall case load and all actions taken on complaint files.

Ombudsman Fairness Standards were established a number of years ago as a reference for evaluating the decisions and actions or omissions of governmental organizations. These standards serve as a guide for reviewing complaints and are used to govern internal procedures by Ombudsman staff.

In 1995, practices for the equitable delivery of Ombudsman services were adopted to ensure the removal of systemic barriers in making Ombudsman services fully accessible. In 1996, an Accountability Management Framework was developed which defined the accountabilities of each Ombudsman staff position and the various workplan objectives, responsibilities, timeframes and performance criteria against which to assess outcomes. Performance contracts to ensure that organizational standards are maintained have also been developed with Managers.

All of the above service standards will be monitored, and adjusted as required, to respond effectively to changing circumstances in the public service and any changes in the budgetary allocation to Ombudsman Ontario.

Backlog management system introduced

In last year's Annual Report, Roberta Jamieson indicated that as a result of funding cuts and staff layoffs, there was an increase in the time it takes to respond to complaints. Because timeliness in the handling of complaints is a critical part of fulfilling the Ombudsman's mandate effectively, measures were being taken to restructure the complaint resolution system to address the challenges of delay and backlog.

To ensure the most efficient and effective handling of cases, a number of initiatives have been introduced to stabilize caseloads among staff and to ensure equitable treatment of all complainants.

Specifically, there is a backlog management system which assigns priority status to complaints which are not receiving active attention. Complaint files that are going forward to investigation are given an initial assessment to determine priority according to a number of factors. These include urgency; systemic and adverse impact discrimination; system wide relevance; degree of vulnerability and marginalization; and elapsed time from receipt of the complaint. At the end of this fiscal year, there was a total of 349 complaints in backlog.

When complaint files are removed from backlog and assigned to active investigation, they have defined timelines attached for resolution. All clients will be kept informed of the status of their complaint, both before and after backlog, and the reasons for this status.

This approach to managing backlog and delay is designed to achieve reasonable standards for complaint resolution in the context of fewer resources to do the job. There is an explicit commitment to communicate openly and thoroughly with all clients to

ensure there is no unnecessary gap between expectations and service delivery.

Public education and equity outreach

Because of budget and staff reductions and the closure of four regional offices, it is not possible for Ombudsman Ontario to continue providing our traditional public education activities in communities across the province. As an alternative, we have re-directed our communications strategy to reach as broad an audience as possible with informational materials. Our approach to equity outreach is to be responsive to those communities and sectors of the population least likely to know about our services and most likely to need these services.

This year we produced a short documentary video which was mailed to all community cable TV stations in the province. The video is available on loan through any Ombudsman office. We also launched a newsletter, *Connection*, which will be published three times a year and mailed to an extensive list of community and governmental organizations. Both the video and newsletter were designed to be used in conjunction with intake clinics, which will be held more frequently, particularly in those areas previously serviced by regional offices.

The following is a summary of highlights from this year's public education and equity outreach activities:

- Monthly intake clinics are being held in Timmins, Sturgeon Falls and Kenora, and bi-monthly clinics are now taking place in North Bay and Windsor. Intake clinics are held on a less frequent basis in many other outlying areas of the province, including Hawkesbury, Cornwall, Pembroke, Smith Falls, Perth, Kingston, Sarnia, Kitchener,

Owen Sound, Walkerton, Kincardine, Woodstock, Rainy River, Dryden, Sioux Lookout, Fort Frances, Atikokan, Armstrong, Geraldton, New Liskeard, Mattawa, Parry Sound, Bracebridge, Gravenhurst.

- Intake clinics are now being held about every three months at the Brockville and Kingston Psychiatric Hospitals.
- An Ombudsman representative accompanied by a Cree translator visited the communities of Moose Factory, Moosonee, Fort Albany, Kashechewan, Attawapiskat and Peawanuck. Intake clinics were held in each community and a number of home visits were made.
- Information booth at the Survive and Thrive in Hard Times seminar hosted by the Social Planning Council of North Bay.



- Information booth at the Help Fair in Amherstburg, following the shut-down by a major employer.
- Week-long information booth at the International Plowing Match held this year in Barrie. The Ombudsman participated in the Opening Ceremonies and the Celebrity Plowing.
- Information booth at the Manitoulin Trade Fair.
- Participation by Ombudsman representative at the 25th anniversary celebration of the

Association française du Nord Ouest Ontario held in Thunder Bay in May 1997.

- Visit by the Ombudsman to Sault Ste. Marie, including meetings with First Nations' Chiefs and band members, consumer/survivors and mental health caregivers at the local Canadian Mental Health Association, residents and staff of the Northern Treatment Centre and an open house at the new location of the regional office.
- Outreach trips to the Belleville-Trenton area and Orillia.
- Information exchange session organized at the Toronto Ombudsman office for service providers in the HIV/AIDS community.
- Presentation to the Schizophrenia Program at the Credit Valley Hospital in Mississauga.
- On-site visits and intake clinics at provincial correctional facilities.

Standing Committee on the Ombudsman

One of the ways the Ombudsman is held accountable to the people of Ontario is by her regular reporting to the Legislature. As an Officer of the Legislature, she is independent of both the government and the political process and submits her reports to the Speaker for tabling before the Assembly.

When a governmental organization does not implement her recommendations following a formal investigation, the Ombudsman may present a case report to the Legislature. The Legislature considers these reports through an all party Standing Committee of the Legislature. Over the course of the past year the Ombudsman tabled two case reports with the Legislature, and appeared before the Standing Committee on the Ombudsman to discuss these reports. Further details on the two cases, Mr. H and the

Ministry of Finance and Mr. S and the Ministry of Health, can be found in the Spring edition of the Ombudsman newsletter, *Connection*.

The Standing Committee on the Ombudsman held public hearings last year and tabled a report containing a number of recommendations concerning the functioning of the Ombudsman office and the relationship between the Standing Committee and the Ombudsman. The Legislature did not consider these recommendations prior to the end of the last Session, when the report “died on the order paper” along with other unfinished government business. The Ombudsman had publicly indicated her strong disagreement with many of the report’s recommendations, describing them as a “direct challenge” to the independence and integrity of the Ombudsman office.

Promoting global ombudsmanship

Roberta Jamieson is the North American Regional Vice-President of the International Ombudsman Institute (IOI). As part of her responsibilities, she maintained a busy schedule during the past year of promoting the continued growth of ombudsmanship throughout the international community. These activities included attending a number of important events, including the following:

- *U.S. Ombudsman Association Annual Conference*
Portland, Oregon, May 29 to 31, 1997
The 1997 Conference theme was “The Times They Are Changing”. Ms. Jamieson delivered the keynote address for the Opening Plenary and also participated in a North American Regional Round Table.
- *Fourth International Workshop of National Institutions - Merida Yucatan, Mexico, November 27 to 29, 1997*

In October 1994, a Committee of the Board of the IOI was created to explore ways in which the relationship between the IOI and the United Nations (UN) could be enhanced. Ms. Jamieson is the Chair of this Committee, and has the responsibility of researching and making recommendations to the Board regarding options which might be pursued in seeking and strengthening appropriate status in the UN system. The IOI’s main objective is ensuring that the Ombudsman institution is advanced appropriately in the protection and promotion of human rights in the international community. The fourth International Workshop examined the progress achieved thus far around the world on the creation of these institutions. Ombudsman offices and representatives of Human Rights Commissions from all parts of the world came together for the first time to meet. Ms. Jamieson attended the workshop in her capacity as Chair of the IOI/UN Committee.

- *Commonwealth Regional Workshop: Strengthening National Ombudsman and Human Rights Institutions in the Caribbean March 9 to 12, 1998*

The Office of the Ombudsman of Antigua and Barbuda, in collaboration with the Commonwealth Secretariat and the International Ombudsman Institute (IOI), held a workshop for Ombudsman offices in the Caribbean in St. John’s, Antigua. This was the first time these offices from throughout the Caribbean were brought together with representatives of the IOI to discuss issues such as human rights. The aim of this workshop was to bring together officials in the region to update them on developments in ombudsmanship, discuss problems facing the institution and potential solutions, and review possible support for those countries still considering establishing similar bodies. Ms. Jamieson worked on behalf of

the IOI on the conference organizing committee and presented a paper, “Privatization and the Ombudsman.”

During the past year, the Ombudsman also received a number of visitors and delegations. Several of these meetings included orientation and training sessions with various staff of Ombudsman Ontario. The list of visitors included:

- the Quebec Legislative Interns, including a group of Interns from France
- Mr. Ivan Bizjak, the Ombudsman from Slovenia



- Mr. Dawit Yohannes, the Speaker of the House in Ethiopia
- Mr. Abelardo Aportadera, Assistant Ombudsman in the Philippines

- An investigative reporter from the Czech Republic
- Ms. Basima Sesi and Ms. Stina Santiestevan, both Assistant Ombudsman from the Ombudsman Office in Detroit
- Ms. Marilyn Pintor, a representative of the Human Rights Commissioner of the Philippines
- Mr. Andrew So, the Ombudsman from Hong Kong
- two delegations from Vietnam, the first comprised of members of the Law Department of the National Assembly of Vietnam, and the second comprised of a group of Parliamentarians from the National Assembly of Vietnam
- Dr. Daniel Tarschys, Secretary General of the Council of Europe.

In 1997, Kwasi Frimpong, an Ombudsman Ontario programmer analyst, travelled to Namibia to install a new case management system and train staff at the Office of the Ombudsman in Namibia. This office was established following the first election of a democratic government after the country achieved independence from South Africa in 1989. Kwasi spent three weeks in Namibia and was able to provide extensive support to the development of a computerized case management system.

Ombudsman's presentations

The following is a list of places and events where the Ombudsman spoke or presented papers in 1997-98:

APRIL:

University Of Guelph, Human Rights and Equity Office
Lecture series on "Celebrating Diversity"
Guelph, Ontario
Human Rights Research and Education Centre
Public Accountability Forum
University of Ottawa
Ottawa, Ontario
Canadian Federation Of University Women
Ontario Central Regional Gathering
Scarborough, Ontario
Women's Canadian Club Of London
London, Ontario
Woodland Cultural Centre
Godi'nigoha' (The Woman's Mind) Symposium
Ohsweken, Ontario
Beta Sigma Phi Sorority
Annual Founder's Day Celebration
Brantford, Ontario

MAY:

The Academy For Lifelong Learning
Spring Lecture Series
University of Toronto
Toronto, Ontario
Society For Conflict Resolution In Ontario
Dispute Resolution Open House
Toronto, Ontario
United States Ombudsman Association
1997 Conference
Portland, Oregon

JUNE:

Council Of Canadian Administrative Tribunals, Annual Conference
Ottawa, Ontario
Don Mills Kiwanis Club
Toronto, Ontario
Queen's University
Program for Public Executives
Kingston, Ontario
Canadian Museum Association
Annual Conference - 50th Anniversary
Ottawa, Ontario

TD Bank Access – Ability Day
Annual Celebration
Toronto, Ontario
Canadian International Development Agency
Directors General Workshop
Ottawa, Ontario

JULY:

Brantford Probus Club
Brantford, Ontario
National Association Of Friendship Centres
Toronto, Ontario
Goderich Rotary Club
Goderich, Ontario
Homes First
Toronto, Ontario

SEPTEMBER:

University Of Toronto Faculty Of Law
Faculty of Law's Orientation program
Toronto, Ontario
International Association For Civilian Oversight Of Law Enforcement
Annual Conference
Ottawa, Ontario
Canadian Ombudsman Conference
Annual Conference
Regina, Saskatchewan
International Plowing Match
Thornton, Ontario

OCTOBER:

University Of Western Ontario Faculty Of Law
Annual Law Alumnae Brunch
London, Ontario

NOVEMBER:

Forest Hill Rotary Club
Toronto, Ontario
Scarborough General Hospital
"Celebration of Our Diversity"
Scarborough, Ontario
Conference Of Ontario Boards And Agencies
Annual Conference
Toronto, Ontario
4th World Meeting Of National Institutions For The Promotion And Protection Of Human Rights
Merida, Mexico

DECEMBER:

Ministry Of The Attorney General
Social Justice Services Division
Managers' Conference, "Serving the Public - Enhancing Customer Service"
Toronto, Ontario
United Nations Association In Canada
Greater Toronto Initiative - Celebration of the 50th Anniversary of the UN Declaration of Human Rights
Toronto, Ontario

FEBRUARY:

Rotary Club Of Toronto - Sunrise
Toronto, Ontario
Ministry Of The Solicitor General And Correctional Services
Annual Manager's Meeting of Correctional Services
Hamilton, Ontario
The Linden School
International Women's Day Celebration
Toronto, Ontario
Frontenac-Kingston Council On Aging
Kingston, Ontario

MARCH:

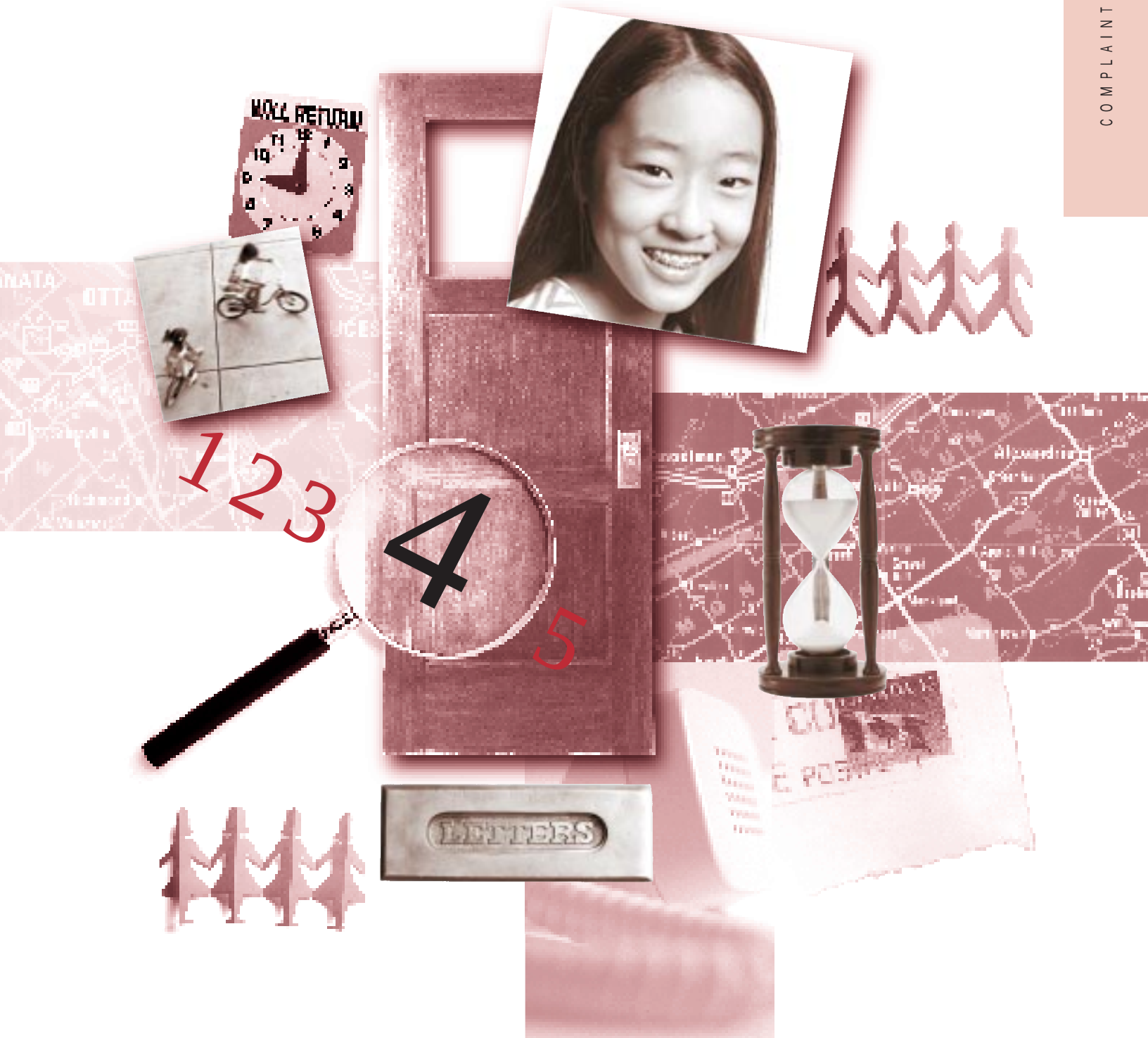
Metropolitan United Church
Annual Time Out Program
London, Ontario
University Of Western Ontario
Meeting of the First Nations Student Association and the Student Council-Equity Office
London, Ontario
International Ombudsman Workshop
Antigua
National Aboriginal Achievement Awards
Toronto, Ontario
Urban Alliance On Race Relations
10th Annual Colour of Freedom Event
Toronto, Ontario
Metro Annual Celebration of the International Day for the Elimination of Racism
Toronto, Ontario
Ombudsman Ontario Regional Visit
Sault Ste. Marie, Ontario

complaints

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COMPLAINTS



The complaint story in numbers

In 1997/98, Ombudsman Ontario handled a total of 29,339 inquiries and complaints, an increase of more than 300 from the previous year, despite a reduction in staffing resources. The majority of these inquiries and complaints were resolved through the provision of information and an appropriate referral within a day of their receipt. This type of contact provides an opportunity to assist the individual and to help the governmental agency involved to correct or respond to the problem.

The vast majority of written complaints made to the Ombudsman are resolved informally. Fifty per cent of such complaints are dealt with by Ombudsman staff within ten days. At all stages of an investigation, whether formal or not, staff pursue every opportunity to resolve complaints. This approach is advantageous to the parties involved and enables us to direct sufficient resources to more complex systemic and system-wide investigations. Those complaints requiring a full formal investigation took an average of sixteen months to complete from

opening to closing. On average, this included four months of time in a managed backlog prior to active investigation.

Written complaints increased by 3% over last year. Of note is the increase by 9% this year of complaints where all other avenues of appeal had been exhausted. There was a decline of about 16% in complaints and inquiries overall against the Ministry of the Solicitor General and Correctional Services this year, which in part is due to a decrease in Ombudsman resources over the past two years resulting in a reduced intake capacity for this area. The number of complaints and inquiries about the Family Responsibility Office increased by 30%.

The proportion of written complaints in which a resolution was facilitated, a referral given or an inquiry made was 71%. In considering all written and verbal complaints and inquiries together, this figure rises to 82%, a decrease of 1% from last year. Of those complaints and inquiries outside the Ombudsman's jurisdiction, there was an increase from last year of more than 7% concerning municipal, federal and private matters.

Complaints and inquiries closed during 1997-98

	Verbal Complaints and Inquiries			Written Complaints and Inquiries			Total		
	97-98	96-97	95-96	97-98	96-97	95-96	97-98	96-97	95-96
Provincial	7,125	7,824	8,024	9,052	8,771	8,505	16,177	16,595	16,529
Municipal	1,951	1,923	1,825	331	354	452	2,282	2,277	2,277
Federal	1,687	1,668	1,603	207	200	252	1,894	1,868	1,855
Private	7,571	6,774	6,714	600	601	553	8,171	7,375	7,267
Courts	544	512	445	100	94	88	644	606	533
Other	139	245	399	32	46	40	171	291	439
Total Non-Provincial	11,892	11,122	10,986	1,270	1,295	1,385	13,162	12,417	12,371
Totals	19,017	18,946	19,010	10,322	10,066	9,890	29,339	29,012	28,900

Outcome of complaints and inquiries closed during 1997-98

		Non Provincial			All Provincial			Provincial Government					
		97-98	96-97	95-96	97-98	96-97	95-96	Ministry of S.G and C.S.			Other Provincial		
Verbal	Resolution facilitated/ Referral given/ Inquiry made	11,811	10,939	10,817	6,768	7,453	7,600	1,528	2,109	3,239	5,240	5,344	4,361
	No action possible	81	183	169	357	371	424	261	222	208	96	149	216
Written	Investigation discontinued by Omb.				1188	857	1374	791	418	715	397	439	659
	Investigation discontinued by client				448	387	360	328	276	242	120	111	118
	Resolved by Omb. in favour of client				576	730	939	382	507	662	194	223	277
	Resolved by Omb. in favour of government				182	177	283	7	2	1	175	175	282
	Resolved by Omb. by other means				63	101	154	45	76	131	18	25	23
	Resolution facilitated/ Referral given/ Inquiry made	1,205	1,244	1,318	6,437	6,390	5,261	853	1423	817	5,584	4,967	4,444
	No action possible	65	51	67	158	129	134	38	22	12	120	107	122
	Totals of all resolutions	13,162	12,417	12,371	16,177	16,595	16,529	4,233	5,055	6,027	11,944	11,540	10,502

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 client.

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 client is anonymous, or it is beyond our capacity to facilitate a resolution.

Discontinued by Ombudsman or client: 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 client does not wish to pursue the matter further for various reasons.

Resolved by Ombudsman in favour of client: The complaint is supported in favour of the client.

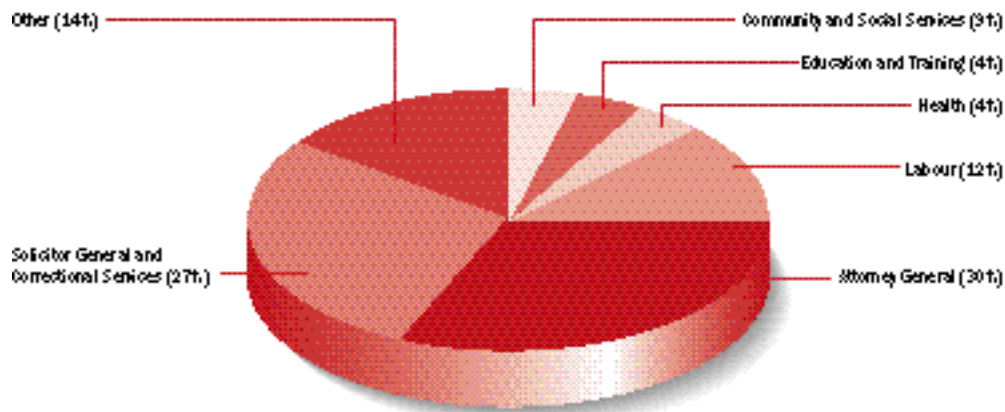
Resolved by Ombudsman in favour of the government: The complaint was not supported. In some cases suggestions for change of policy or systems are recommended to the governmental organization.

Resolved by other means: The complaint is resolved with minimal involvement of the Ombudsman.

Written complaints and inquiries

Provincial Government Organizations

Labour includes the Workplace Safety and Insurance Board, which accounted for 70% of the Ministry's complaints. Attorney General includes the Family Responsibility Office, which accounted for 93% of the Ministry's complaints.



In order of frequency, the most common types of jurisdictional complaints investigated by Ombudsman Ontario this year were:

Types of Complaints	Rank Previous Year
1 Adverse impact or discriminatory consequence of a decision or policy on an individual or group	2
2 Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence	1
3 Inadequate or improper investigation was conducted	4
4 Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner	3
5 Denial of service	8
6 Unreasonable delay	7
7 Harassment by a governmental official; bias; mismanagement; bad faith	6
8 Failure to adequately or appropriately communicate with a client	5
9 Unfair settlement imposed; coercion	9
10 Other	11
11 Insufficient reasons for a decision or no reasons given	12
12 Failure to keep a proper record	10
13 Failure to provide sufficient or proper notice	13
14 Omission to monitor or manage an agency for which the governmental organization is responsible	14

Service equity through the eyes of our clients

For the last four years, we have been asking people (except those incarcerated in provincial correctional facilities) who contact us to identify their status by a number of categories, including age, disability, gender, household income, race, lone parenting and Aboriginal or First Nations. The survey is completely voluntary and is designed to provide an accurate picture of our client base.

Our staff also ask specific questions about how clients heard about the Ombudsman. The responses help us determine which communication



channels are most effective in making people aware of our services, and how to use them most appropriately.

This past year, over 75% of the complaints and inquiries we received against all provincial organizations involved four Ministries: the Solicitor General and Correctional Services; the Attorney General; Labour; and Community and Social Services. This is an increase from last year, when just over 70% of the complaints were against these same ministries.

These ministries accounted for 87% of the complaints and inquiries by people identified as lone parents, 81% by those identified as having disabilities, 76% by women, 74% by those

identified as low income, and 70% of contacts from Aboriginal and First Nations people.

Thirty-six percent of our overall complaints and inquiries involved the Family Responsibility Office (18.7%), the Workplace and Safety Insurance Board (9%) and the Ministry of Community and Social Services (8%).

Overall this year, except for youth and persons with disabilities, all groups complained most about the Family Responsibility Office. The second agency most complained about was the Workplace and Safety Insurance Board. Of the complaints against the Ministry of Community and Social Services, Aboriginal and First Nations and people self-identified as economically disadvantaged complained most frequently.

Except for complaints against the Attorney General, it appears that persons of colour and racial minorities are complaining less. The complaints against the Attorney General by racial minorities were specifically against the Family Responsibility Office: 17.1%, up from 9.1% the year before; 22.4% of racial minorities complained about the Attorney General, up from 14.4% in the previous year. However, complaints against the Ministry of Community and Social Services decreased from 13.3% to 12.2% and decreased from 22.5% to 20.6% against the Ministry of Labour. The decrease in complaints against the Ministry of Labour is due to the decrease in complaints about the Workplace Safety and Insurance Board. The majority of complaints from youth were against the Ontario Student Awards Program. Over 32% of youth complained about this program, up from 19.6% the previous year.

Ministry of the Attorney General

Except for youth, complaints against the Ministry of the Attorney General increased in all categories: the largest volume of

complaints came from people self-identified as lone parents and women. Sixty-two percent of lone parents brought forward complaints, an increase over last year of 5% and complaints from women went up by 8% to 46.3%. It is worth noting that complaints from seniors also rose by 7% to 17% this year.

Among our identified complainants, except for youth which dropped by 1%, there was a steady increase this year in complaints against the Family Responsibility Office across groups. Of those who self-identified, 59.8% of lone parents complained, 41.5% were women, 40.2% were people with low income, 17.1% were racial minorities and 10.5% were seniors. Increases over last year were at a rate of between 5% and 8%, except for people reporting low or no income, where the increase doubled over last year.



Ministry of Labour

The majority of complaints against the Ministry of Labour were made by individuals self-identified as having disabilities (38.4%). Women, racial minorities and youth complained less than in the previous year, and complaints from people who are economically disadvantaged remained constant. The largest decrease in complaints this year came from youth, a decrease of 5% down to 6.6%.

Thirty-one percent of the complaints about the Workplace Safety and Insurance Board came from people with disabilities. Except for people identified as lone parents, all groups complained less about this agency. The biggest reduction came from racial minorities at 11.7%, a decrease of one third over last year.

Ministry of Community and Social Services

The largest number of complaints against the Ministry of Community and Social Services came from individuals with disabilities, Aboriginal and First Nations, and people who are economically disadvantaged. Twenty-nine percent of persons with disabilities, 23.2% of Aboriginal and First Nations people and 22.7% of people identified as poor complained about this Ministry. For each group, the increase over last year was minimal.



In 1997-1998, people with disabilities (11.5%) and Aboriginal and First Nations people (10.5%) were most likely to complain about the Ministry of Community and Social Services. This is somewhat different from the previous year, where people with disabilities (22.2%) and youth (21.2%) were the most likely to complain about the Ministry of Community and Social Services. Youth who self identified this year only constituted 6.4%, a decrease of 15%.

There was an overall decrease in complaints across all groups against this Ministry. Complaints from people with low or no incomes were 9.7%, down from 18.5% in the previous year; 8.1% of women complained, a decrease of 8% from the previous year; 7.7% of lone parents complained, down from 18.3%. Racial minorities (6.9%) decreased from 11.6% in the previous year, and seniors (2.8%) were down from 5.7% in 1996-1997.

Ombudsman Ontario will continue to use the client data survey to gather essential information to help us achieve our goal of delivering equitable services to the people of Ontario.

Written complaints and inquiries by provincial riding

FISCAL YEAR				FISCAL YEAR				FISCAL YEAR				FISCAL YEAR			
RIDING	97/98	96/97	95/96	RIDING	97/98	96/97	95/96	RIDING	97/98	96/97	95/96	RIDING	97/98	96/97	95/96
Algoma	220	227	217	Hamilton Centre	27	11	23	Oakwood	8	17	20	Stormont Dundas-Glengarry and E. Grenville	84	31	29
Algoma-Manitoulin	67	97	73	Hamilton East	15	13	8	Oriole	12	4	15	Sudbury	240	193	274
Beaches-Woodbine	30	15	24	Hamilton General Area	11	22	8	Oshawa	26	21	35	Sudbury East	82	102	123
Brampton North	8	26	20	Hamilton Mountain	12	9	13	Oshawa General Area	3	3	0	Thunder Bay General Area	31	4	0
Brampton South	106	116	96	Hamilton West	176	148	144	Ottawa Centre	57	45	57	Timiskaming	98	83	103
Brant-Haldimand	19	17	34	Hastings-Peterborough	38	25	28	Ottawa East	49	73	64	Toronto General Area	99	128	34
Brantford	126	113	90	High Park-Swansea	20	25	23	Ottawa General Area	30	49	34	Victoria-Haliburton	26	30	50
Bruce	77	80	72	Huron	55	54	91	Ottawa South	45	47	45	Waterloo North	31	30	21
Burlington South	25	24	16	Kenora	335	345	321	Ottawa West	45	24	48	Welland-Thorold	78	79	78
Cambridge	62	49	36	Kingston & Islands	100	81	71	Ottawa-Rideau	22	24	14	Wellington	17	8	18
Carleton	118	97	119	Kitchener	62	68	47	Out Of Province/International	254	187	188	Wentworth East	14	15	17
Carleton East	155	240	235	Kitchener General Area	5	2	1	Oxford	48	47	67	Wentworth North	8	13	9
Chatham-Kent	180	123	123	Kitchener-Wilmont	56	44	28	Parkdale	14	19	22	Willowdale	24	15	34
Cochrane North	117	95	85	Lake Nipigon	55	69	113	Parry Sound	94	116	94	Wilson Heights	14	4	13
Cochrane South	206	269	183	Lambton	63	52	45	Perth	49	47	61	Windsor General Area	26	16	16
Cornwall	35	17	21	Lanark-Renfrew	67	70	54	Peterborough	227	255	219	Windsor-Riverside	199	126	118
Don Mills	22	32	19	Lawrence	7	15	9	Port Arthur	221	314	234	Windsor-Sandwich	281	264	146
Dovercourt	27	28	24	Leeds-Grenville	71	84	62	Prescott-Russell	48	82	46	Windsor-Walkerville	176	160	153
Downsview	16	10	18	Lincoln	23	21	9	Prince Edward-Lennox - South Hastings	86	108	117	York Centre	40	29	21
Dufferin Peel	27	15	17	London Centre	123	127	125	Quinte	38	34	40	York East	14	15	21
Durham Centre	11	10	14	London General Area	17	8	6	Rainy River	101	96	54	York MacKenzie	14	23	27
Durham East	24	21	24	London North	93	103	107	Renfrew North	70	90	91	York Mills	5	9	9
Durham West	58	96	99	London South	235	279	344	Riverdale	143	108	112	York South	43	17	20
Durham-York	35	26	22	Markham	20	20	24	Sarnia	158	113	113	Yorkview	11	10	15
Eglinton	19	19	33	Middlesex	44	35	65	Sault Ste. Marie	702	598	556	Unknown	89	61	251
Elgin	58	64	92	Mississauga East	16	13	21	Scarborough Centre	48	50	53				
Essex Kent	57	108	71	Mississauga General Area	8	16	9	Scarborough East	27	14	33				
Essex South	90	80	94	Mississauga North	19	14	26	Scarborough North	7	11	23				
Etobicoke West	18	16	19	Mississauga South	13	11	20	Scarborough West	106	156	141				
Etobicoke-Humber	13	19	13	Mississauga West	15	18	25	Scarborough-Agincourt	11	4	15				
Etobicoke-Lakeshore	63	77	107	Muskoka-Georgian Bay	110	28	54	Scarborough-Ellesmere	15	6	4				
Etobicoke-Rexdale	156	185	166	Nepean	39	57	51	Simcoe Centre	99	92	72				
Fort William	95	84	86	Niagara Falls	26	24	35	Simcoe East	59	57	58				
Fort York	36	39	42	Niagara South	21	18	15	Simcoe West	29	18	37				
Frontenac-Addington	37	39	44	Nickle Belt	67	55	80	St. Andrew-St. Patrick	34	32	30				
Grey-Owen Sound	120	145	95	Nipissing	200	204	218	St. Catharines	52	24	43				
Guelph	318	191	238	Norfolk	29	37	56	St. Catharines-Brock	11	11	7				
Halton Centre	212	176	127	Northumberland	73	70	60	St. George-St. David	68	3	60				
Halton North	7	7	9	Oakville South	26	18	12								
												Total			
												10,322 10,046 9,890			

Written complaints and inquiries against provincial government organizations by final resolution

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COMPLAINTS

Organization	Complaint resolved by Ombudsman in favour of:				Investigation Discontinued		Resolution Facilitated/ Referral Given/ Inquiry Made	No Action Possible	Total
	Client	Gov't Org.	Gov't Org. with Suggest	By Other Means	By Client	By Omb..			
Management Board Secretariat									
Management Board Secretariat	2	1			1	5	9		18
Ontario Pension Board	1	2				2	8		13
Ontario Realty Corporation					2	1	9		12
Minister Responsible For Native Affairs									
Native Affairs - Other							1		1
Ministry of Agriculture, Food, and Rural Affairs									
Ontario Drainage Tribunal						3	3		6
Agriculture, Food and Rural Affairs - Other							2		2
Ministry of Citizenship, Culture and Recreation									
Ontario Advisory Council on Disability Issues							1		1
Ontario Arts Council							1		1
Ontario Heritage Foundation			3						3
Ontario Human Rights Commission	4	18	13		9	45	68	4	161
Citizenship, Culture and Recreation - Other						1	3		4
Ministry of Community and Social Services									
Adult Occupation Centre - Edgar							3		3
Comsoc Young Offenders Open Custody/Detention Facilities - Other					1		2		3
Comsoc Young Offenders Secure Custody/Detention Facilities - Other					2	1			3
Developmental Services Branch							2		2
Family Benefits	2			2	2	7	324	5	342
Medical Advisory Board - Family Benefits Act							2		2
Nipissing Regional Centre							1		1
Office of Child and Family Service Advocacy							3		3
Rideau Regional Centre						1	2		3
Social Assistance Review Board	5	1		1	2	17	74	2	102
Southwestern Regional Centre							1		1
Syl Apps Youth Centre	1				1	1			3
Community and Social Services - Other	11	2	1		13	8	315	7	357
Ministry of Consumer and Commercial Relations									
Business Practices Division					1				1
Commercial Registration Appeal Tribunal							2		2
Gaming Control Commission	1	1				2	15		19
Liquor Control Board of Ontario		5	1			2	3		11
Liquor Licence Board of Ontario	2	2				2	6		12
Motor Vehicle Dealers							1		1
Real Estate and Business Brokers		3		1	1	3	2		10
Registrar General	1					1	44	1	47
Travel Industry							1		1
Consumer and Commercial Relations - Other	1	2	1		1	1	24		30
Ministry of Economic Development, Trade and Tourism									
Ontario Development Corporation							1		1
Ontario Lottery Corporation	1				1		1		3
Economic Development and Trade - Other							1		1
Ministry of Education and Training									
Boards of Governors of Colleges of Applied Arts and Technology							2		2
Colleges of Applied Arts and Technology					4	3	26		33
Education Relations Commission							4		4
Ontario Council of Regents For Colleges of Applied and Technology							1		1
Ontario Institute For Studies In Education							1		1
Ontario Student Awards Program	5				2	11	170	3	191
Ontario Teachers' Pension Plan Board							3		3
Provincial Schools Authority						1	2		3
Special Education Tribunal							1		1
Education and Training - Other	3	2	1	1	1	2	97	2	109
Ministry of Energy, Science and Technology									
Ontario Hydro	4	1			2	3	59	2	71
Ministry of Environment									
Environmental Appeal Board							1		1
Environmental Assessment Board							2		2
Environment - Other	3	5	2	2	3	5	26	3	49
Ministry of Finance									
Land Transfer Tax						1	3		4
Motor Vehicle Accident Claims Fund							4		4
Ontario Insurance Commission		3				3	10		16
Ontario Securities Commission					1	1	2		4
Pension Commission of Ontario	1	1			1		17		20
Property Assessment Program							1		1
Registrar of Mortgage Brokers						4			4
Retail Sales Tax	2					2	16	1	21
Superintendent of Insurance						1			1
Finance - Other	3	1				9	31	1	45
Ministry of Health									
Alcoholism and Drug Addiction Research Foundation							1		1
Assistive Devices Program / Branch	1						5		6
Health Professions Board	1		1		2	5	8	1	21
Health Services Appeal Board		1				2	2		5

Written complaints and inquiries against provincial government organizations by final resolution (continued)

Organization	Complaint resolved by Ombudsman in favour of:				Investigation Discontinued		Resolution Facilitated/ Referral Given/ Inquiry Made	No Action Possible	Total
	Client	Gov't Org.	Gov't Org. with Suggest	By Other Means	By Client	By Omb..			
Ministry of Health (continued)									
Long Term Care Branch							2		2
Mental Health Centres		1			1	3	11	1	17
Northern Health Travel Grant	5	1				1	25		32
Ontario Health Insurance Plan	1						73	1	75
Psychiatric Hospitals					2	6	50	5	63
Psychiatric Patient Advocates							8		8
Trillium Drug Program	3					4	56		63
Health - Other	8	1	3		2	11	64	5	94
Ministry of Labour									
Employment Practices Branch	1		3		3	6	54	3	70
Employment Standards Referees					1		2		3
Grievance Settlement Board							3		3
Office of The Employer Adviser							1		1
Office of The Worker Adviser						2	19	1	22
Ontario Labour Relations Board	1	1			4	16	19		41
Public Service Grievance Board					1		1		2
Workplace Safety and Insurance Appeals Tribunal	5	29	2		7	47	52	2	144
Workplace Safety and Insurance Board	2			2	2	10	729	20	765
Labour - Other	1	1			2	5	31		40
Ministry of Municipal Affairs and Housing									
Building Code Commission						1			1
Line Fences Referee						1	1		2
Local Housing Authorities	3				3	10	85	2	103
Ontario Housing Corporation						2	4		6
Ontario Municipal Board		1			4	10	16	2	33
Ontario Municipal Employees Retirement Board							3		3
Rent Control Programs		1			2	5	6	1	15
Rent Review Hearings Board							2		2
Municipal Affairs and Housing - Other	1	1	2		1	9	26	2	42
Ministry of Natural Resources									
Crown Timber Boards of Examiners		1					3		4
Moose Allocation Advisory Committee							1		1
Niagara Escarpment Commission			1						1
Natural Resources - Other	13	17	19	1	8	18	62	2	140
Ministry of Northern Development and Mines									
Northern Development and Mines - Other		1					2		3
Ministry of The Attorney General									
Assessment Review Board						4	12		16
Children's Lawyer							7		7
Criminal Injuries Compensation Board	3	1	1			9	34		48
Crown Attorneys							9		9
Family Responsibility Office	82	6	1	5	17	19	2,330	16	2,476
Metfors (Metro Toronto Forensic Service)	1						1		2
Police Complaints Commissioner							3	2	5
Public Guardian and Trustee	3			1	1	2	57	2	66
Attorney General - Other	1		1	1	1	2	29	7	42
Ministry of The Solicitor General and Correctional Services									
Animal Care Review Board							2		2
Boards of Commissioners of Police							1		1
Community Resource Centres						1			1
Coroners' Council							1		1
Coroners' Office						2	4		6
Office of The Fire Marshal					1		1		2
Ontario Board of Parole	1				1	4	2		8
Ontario Provincial Police		2	2		3	2	16		25
Probation and Parole Services	2					1	1		4
Solicitor General and Correctional Services - Other	4	2			5	10	21	1	43
Correctional Centres	121			10	72	333	207	9	752
Detention Centres	144	1		20	97	221	284	8	775
Jails	96			13	128	189	283	17	726
Young Offender Centres	14			2	12	21	13	2	64
Young Offenders Open Custody/Detention Facilities - Other					8	4	14	1	27
Young Offenders Secure Custody/Detention Facilities - Other					1	3	3		7
Ministry of Transportation									
Licence Suspension Appeal Board - MTO							6		6
Ontario Highway Transport Board						1	1		2
Toronto Area Transit Operating Authority						1			1
Transportation - Other	5	1	1	1	5	24	206	4	247
Ontario Government Other									
Cabinet Office							16	2	18
Commission on Election Finances							1		1
Information and Privacy Commissioner - Other							2		2
Legislative Offices - Other							6	1	7
Lieutenant Governor's Office								1	1
Office of The Premier & Cabinet Office							1	2	3
Ontario Government - Other						2	8		10

Verbal and written complaints and inquiries against the Ministry of the Solicitor General and Correctional Services*

By Subject Matter	97/98	96/97**	95/96**	By Subject Matter	97/98	96/97**	95/96**
Health Care - Inadequate or denied	608	661	642	Visiting privileges	40	56	48
Classification or transfer				Living conditions - overcrowding	38	50	74
within the provincial system	398	395	375	Institutional discipline-			
Staff conduct	383	393	423	other than inmate misconduct	35	14	74
Living conditions -				Mental health care	35	37	31
canteen allowance program	267	119	302	Religious or life style diet	32	36	33
Administration in general	210	224	82	Pre-release	30	48	92
Living conditions in general	195	244	327	Immigration	26	23	20
Living conditions - food/diet	167	206	279	Charter of Rights/Human Rights	24	30	39
Inmate misconduct	162	166	245	Inmate assault	22	3	0
Administrative segregation	146	220	156	Searches	22	31	32
Prescription request denied	146	113	86	Freedom of information/			
Personal/inmate property	139	182	193	protection of privacy	21	21	17
No response to request	138	101	93	Glasses, eye care	20	21	40
Classification - other	134	108	114	Intermittent sentence	17	14	22
Temporary absence pass				Living conditions - smoking	15	36	35
discretionary program	112	161	193	Medical segregation	14	19	10
Correspondence	110	98	153	Protective custody	12	18	36
Dental	109	118	104	Ombudsman letter denial	11	22	18
Discretionary program decisions/				Probation	10	7	2
access to program	88	78	89	Transfer-federal institution	10	16	13
Yard	65	99	85	Resident In Treatment Unit/			
Policy/practice	63	35	67	Special Needs Unit	7	23	0
Telephone access/use	59	48	72	Second opinion denied	7	13	12
Lost earned remission				Aids, Hepatitis	6	4	20
punitive segregation	57	29	35	Secure facility	6	0	6
Parole	56	81	111	French language services	5	24	0
Committal/sentence calculation	52	56	59	Electronic monitoring	4	16	2
Medical diet	51	48	42	Bailiffs	3	1	8
Living conditions - segregation	50	57	75	Lieutenant- Governor's warrant	3	0	0
Living conditions -				Open facility	3	2	0
clothing size, condition, etc.	46	79	96	Psychiatric institutions - restraint	3	0	0
Staff misconduct - assault	45	65	50	Meals at court	2	0	0
Inmate trust account	44	50	28	Methadone program	1	0	0
Medical appliance/							
device request or denial	42	9	20				
Living conditions -							
HVA, heating, ventilation, air	41	62	78				

* As any given complaint may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints.

** Totals from previous fiscal years have been modified to reflect new system changes effective September/97.

Complaints about us

In June 1996, the Ombudsman established a system for reviewing complaints from the public or government employees who are dissatisfied with the manner in which a complaint is handled by staff at Ombudsman Ontario. The policy encourages a client who is dissatisfied to first raise the issue with the staff person involved. If it cannot be resolved at this level, then the client is encouraged to speak to the individual's manager. If this does not produce a resolution, the Executive Director is contacted. Where individuals remain dissatisfied, the Ombudsman will refer such complaints to a Legal Advisor for review and recommendations who does not have direct managerial responsibility for complaint handling and are therefore able to conduct an independent evaluation of the process. We received 18 complaints during this mechanism's first year of inception. In 1997/98, we addressed 44 complaints about our service.

Twenty-six complaints concerned clients' dissatisfaction with the outcome of our investigation of their complaint. In one case, further investigation was warranted. In the other 25 complaints, after reconsideration of the cases, it was found that further investigation was not required.

Five complaints were about delay in communication, or alleged lack of contact from our staff. In three instances, staff immediately contacted the individuals and provided a status update on their cases; in one of these three complaints, although the case was out of the Ombudsman's jurisdiction, an apology was extended for the length of time it took to contact the client. In one complaint, the case was expedited and a decision was rendered. An apology was extended to another individual because of the additional time required.

Seven complaints involved staff conduct, five of which were unsubstantiated. Two individuals complained that staff audiotaped telephone conferences without their express consent. Upon review, it was found that staff had audiotaped two meetings because of the complexity of the case. Staff verbally notified the individuals that a "recording" was being made. While staff used the word "recording" synonymously with audiotaping, such notice was not construed as a consent. This misunderstanding resulted in the development of a policy requiring written authorization in the event audiotaping is necessary.

Three complaints concerned delay in reporting the outcome of the Ombudsman's investigation. Apologies were extended to the individuals in all three cases. In two cases, we required more time to complete the investigation than the original timeframe projected to the clients. In the third case, staff was counselled because it was found that the length of time taken to report the outcome of the investigation was unreasonable.

One complaint involved alleged conflict of interest by staff. In this case, we apologized for not notifying the individual that her former supervisor was employed by the Ombudsman. The complainant was assured, however, that the staff person was never involved with the handling of her file, nor did the staff person know that the complainant had lodged a complaint with our office.

One complaint was about our file-handling process, which was addressed by providing a detailed explanation about our intake and investigation process. Another complaint was dismissed as frivolous.

case STORIES

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CASE STORIES

Ombudsman's highlights • Formal investigation findings • Non-support and various outcomes • Informal resolution and government co-operation



Every year in our Annual Report the Ombudsman presents a collection of case stories to illustrate in a concrete way the type of work we do on a daily basis. These stories were written by our staff to offer a representative sample while protecting the anonymity of clients. This first section includes this year's case story highlights, as outlined in the Ombudsman's Message.

Investigation of delay reveals inadequate service

The Ombudsman conducted comprehensive investigations this past year into eight government organizations which have been the subject of recurring complaints from the public alleging delay in service delivery.

Each organization was sent a survey and a detailed questionnaire designed to assess whether there were problems with timely delivery of service over a period of time. As a common tool of analysis, the survey allowed the Ombudsman to analyze performance across the organizations in reaching conclusions about the standards of service being offered. The organizations were asked to provide both quantitative and qualitative information, including strategies being applied to address any problems that were identified.

Of the eight organizations surveyed, five were found to be providing inadequate service to the public. These included: the Adoption Disclosure Register program of the Ministry of Community and Social Services; the Health Professions Board; the Ontario Human Rights Commission; the Social Assistance Review Board; and the Workplace Safety and Insurance Appeals Tribunal.

In each of these cases the Ombudsman recommended that the organization and the government Ministry involved take all necessary steps, including the securing of

adequate resources, to enable the timely delivery of service to the public. Based on the responses, and commitments provided by the organizations and their Ministries to implement these recommendations, the Ombudsman concluded each investigation with notice that she will continue to monitor the organization's progress. Highlights of the investigation results are outlined below.

Other investigations found that three government organizations which have been the subject of complaint are taking adequate measures to address issues of timeliness in their service delivery. These included the Employment Practices Branch of the Ministry of Labour, the Ontario Student Assistance Program and the Trillium Drug Program. In each of these cases, the Ombudsman identified a number of concerns with program delivery during the investigation and received satisfactory assurances from the organization that her concerns were being addressed.

Adoption Disclosure Register, Ministry of Community and Social Services

> The Ombudsman investigated and reported on issues relating to the timeliness of birth relative searches in 1994-95. At the time of the current investigation there was a backlog of over 16,000 registrants requesting birth relative searches. During the five years surveyed, the median age of requests to search for a birth

relative at the time the search began was seven years. As of December 31, 1997 this median age had increased to 7.25 years.

- Despite the agency's efforts to address its chronic delay and backlog, it was the Ombudsman's view that further steps are needed to ensure that a timely search process is achieved.
- The Ombudsman concluded that the Ministry's omission to initiate searches for birth relatives in a timely manner is unreasonable and recommended that the Ministry take all necessary steps to ensure that the Adoption Disclosure Register program is provided adequate resources to enable it to process its birth relative searches in a timely manner.

Health Professions Board, Ministry of Health

- In 1993 the Ombudsman investigated a complaint about the length of time taken by the Health Professions Board (HPB) to process a request for review of a decision by a college of a health profession. As a result, the HPB took a number of steps to reduce the waiting period for complaint reviews. The current investigation revealed that over the last five years, the volume of complaint reviews received and carried over each year has increased substantially. The median time to process complaint reviews is now approaching two years.
- The HPB has repeatedly apprised the Ministry of Health in annual reports of concerns about its level of resources. It appeared the HPB had not received adequate resources to cope with the volume of complaint reviews which followed legislative changes in 1993.
- The evidence in this investigation showed that adequate staffing and stable membership are crucial for the HPB to exercise control over the complaint review process. There has been continuous turnover of Board members for the

last three years and the HPB has been without its vice-chair for over two years. This instability has been disruptive to the Board's operations.

- Despite the efforts of the HPB to address its difficulties, the Ombudsman found the time taken to process complaint reviews is unacceptable and concluded that the omission to process complaint reviews in a timely manner is unreasonable.
- The Ombudsman recommended that the HPB take all necessary steps, including requesting additional resources, to ensure it is able to process complaint reviews in a timely manner. She also recommended that the Ministry of Health take all necessary steps to ensure that the HPB is provided with adequate resources to enable it to process complaint reviews in a timely manner.

Ontario Human Rights Commission, Ministry of Citizenship, Culture and Recreation

- The Ombudsman completed investigations into timeliness at the Ontario Human Rights Commission (OHRC) in 1991 and 1993. She made a Special Report to the Legislature regarding problems at the OHRC in July, 1993. The current investigation focused on the timeliness of the OHRC's investigative process.
- The investigation revealed a large number of cases - 1,209 - two years and older that have been assigned for investigation but not yet referred to the Commissioners for a decision. The Ombudsman noted the passage of such time may have negative consequences for complainants and expressed the view that if human rights are to be preserved and protected, a timely and efficient system for managing complaints concerning violations of the Human Rights Code is essential.
- Despite the Commission's efforts over the last five years to address its workload, the



Ombudsman found that the time taken to complete the investigation of complaints of discrimination is unacceptable. The OHRC is evaluating the impact of its recent initiatives on the timeliness of the processing of complaints. Statistical analysis indicated that the resources available to the OHRC have an impact on the capacity of the Commission to complete investigations in a timely manner. The OHRC suggested that additional resources would assist it in achieving a more manageable caseload before the year 2000.

> The Ombudsman concluded that the OHRC's omission to investigate complaints in a timely manner is unreasonable, and recommended that it take all necessary steps, including requesting additional resources, to ensure that it is able to investigate complaints in a timely manner. The Ombudsman also recommended that the Ministry of Citizenship, Culture and Recreation take all necessary steps to ensure that the OHRC is provided adequate resources to enable it to investigate complaints in a timely manner. As the OHRC is currently evaluating recent efforts toward improvement, it was also recommended that the OHRC report back to the Ombudsman in six months and one year's time regarding its progress.

Social Assistance Review Board, Ministry of Community and Social Services

> The Ombudsman investigated the Social Assistance Review Board (SARB) because of recurring complaints that reflect the fundamental importance of the program to those who depend on it, and the necessity of expeditious adjudication of appeals. While time frames for processing interim assistance applications have recently been reduced, the Ombudsman did not consider the availability of

interim assistance to be a substitute for an efficient and timely appeal process.

> As of January 26, 1998 there were 6,742 outstanding open appeal files. SARB's clients are vulnerable and in many cases the appellant's livelihood is at stake. Despite improvements in its processing of appeals, the Ombudsman found that SARB's average processing time of seven months is unacceptable.

> The investigation revealed that the present resources available to SARB are not sufficient to enable it to deal with its appeals in a timely manner. The Ombudsman expressed concern that the human costs of untimely processing of social assistance appeals are not being adequately taken into account and that SARB does not advise appellants and respondents at an early stage about anticipated time frames.

> The Ombudsman concluded SARB's omission to process appeals in a timely manner and its omission to effectively communicate time frames for processing appeals to appellants and respondents is unreasonable. She recommended that SARB take all necessary steps, including requesting additional resources, to ensure that it is able to process appeals in a timely manner. The Ombudsman also recommended that the Ministry of Community and Social Services take all necessary steps to ensure that SARB is provided adequate resources to enable it to process its appeals in a timely manner. In addition, the Ombudsman recommended that SARB provide notice to appellants and respondents of the expected time frames for processing an appeal.



Workplace Safety and Insurance Appeals Tribunal, Ministry of Labour

> In 1994/95, the Ombudsman reported on difficulties experienced by the former Workers'

Compensation Appeals Tribunal (now known as the Workplace Safety and Insurance Appeals Tribunal, WSIAT) in processing appeals in a timely manner. The current investigation revealed that the resources available to WSIAT have a direct impact on its capacity to process appeals in a timely manner.

➤ During the five-year period surveyed, the median time taken to close a file doubled from 170 days to 340 days. In 1997, 5,085 appeals were received and another 3,519 were carried over from previous years, while only 3,042 appeals were decided. For 1998, WSIAT originally projected that it would receive 5,500 appeals. However, by February 1998, it had already received 2,700 appeals, which can be attributed to a recently legislated six-month time limit scheduled to take effect at the end of June, 1998.

➤ Despite numerous efforts the agency has made to address the timeliness of its appeals process, it was the Ombudsman's view that the time taken to process appeals is unacceptable. In these circumstances, it does not appear the backlog will be reduced in the near future. WSIAT advised the Ombudsman that it has requested a budget increase to address these issues.

➤ The Ombudsman concluded that WSIAT's omission to process appeals in a timely manner is unreasonable. She recommended that WSIAT take all necessary steps, including requesting additional resources, to ensure that it is able to process appeals in a timely manner. She also recommended that the Ministry of Labour take all necessary steps to ensure that WSIAT is provided adequate resources to enable it to process its appeals in a timely manner. In addition, she recommended that the agency report back in six months and one year's time on its progress.

Family Responsibility Office service inequitable, inadequate

The Ombudsman conducted an own-motion investigation of the Family Support Plan (FSP) following its re-organization in August, 1996 and reported the results of that investigation in last year's Annual Report. In October, 1997, the Ombudsman initiated a follow-up investigation as a result of the large volume of complaints she continued to receive regarding what is now known as the Family Responsibility Office (FRO). While the Ombudsman continued to resolve individual complaints, she used this broader investigation to examine whether a system-wide problem existed at the FRO.

During this investigation the Ombudsman found a number of cases indicating problems with the FRO's administration of support enforcement. There were cases with substantial outstanding arrears, where no payments were being made and no enforcement action had been taken. In one case, despite the support recipient's contact with FRO over a nine month period, no action had been taken to enforce arrears exceeding \$30,000. The procedure for a default hearing was only commenced after the Ombudsman became involved. There were also cases where FRO had taken no action to follow up with delinquent income sources, or to return overpayments. In one such case a credit balance of \$8,000 had accumulated as a result of an overpayment. FRO was not aware of the problem until contacted by the support recipient's lawyer. There were other cases where FRO failed to remove writs of seizure and sale, although the arrears had been satisfied. In these cases, corrective action was only taken by FRO after it was prompted by its clients or the Ombudsman's office.

The Ombudsman concluded that the underlying reason for the delays and inactivity found in these cases was indeed a system-wide one: FRO's failure to monitor its caseload. For a period of 16 months after its re-organization, FRO had not used its computerized reports to identify those cases requiring follow-up. Instead, it had relied on recipients, payors and others to tell it when action was needed. It was only after the Ombudsman's investigation commenced that FRO began to make some use of computerized monitoring reports. The reason given for the failure to initially make use of these reports was a lack of resources.

In a report issued to the Attorney General in December, 1997 the Ombudsman concluded that FRO's omission to fulfill its mandate through proactive and timely enforcement of support orders and monitoring of its caseload was unreasonable. The Ombudsman recommended that FRO use system-generated information to effectively enforce support orders and maintain its caseload. She also recommended that the Ministry of the Attorney General take all appropriate steps to enable FRO to carry out its mandate.

The Ministry, while disputing the Ombudsman's conclusion, accepted her recommendations. It also noted a number of improvements to support enforcement that had been made since the re-organization had taken place, and that it was now using computerized reports on an ad hoc basis. FRO also advised that it was developing new and more useful monitoring reports that would be available in May, 1998.

The Ombudsman was particularly concerned about the human cost of FRO's failure to actively monitor its caseload. Those people who did not or were not able to contact FRO regarding support problems did not get service.

There was no way of determining whether those most in need were the ones who called. It was the Ombudsman's view that by only taking action on cases where it was contacted, FRO was providing inequitable and inadequate service.

As a result of the Ombudsman's investigation, FRO has undertaken to incorporate revised monitoring reports into its work commencing in May, 1998, and to complete a review of its caseload by the summer. In addition, FRO has undertaken to provide an update on the implementation of its technological initiatives in July, 1998 and at the end of this calendar year. The Ombudsman is continuing to monitor the situation with FRO and to take action to resolve individual complaints.

Poor planning in Corrections program cancellation

A Canteen Allowance Program (CAP) was introduced in the provincial correctional system in January, 1989. On October 1, 1997, the Government eliminated the allowance program, prompting inmates from across the province to complain to the Ombudsman.

The Ombudsman received over 180 letters from inmates at various provincial correctional facilities. The inmates complained that without the weekly \$5.00 canteen allowance, they would not be able to buy certain basic personal items which they required. They also complained that there was no longer any incentive for them to work in the institution. As a result of not receiving the allowance, a number of inmates stated that they would refuse to work. At three correctional institutions, inmates stopped working after the discontinuation of the canteen allowance. At two of the three facilities, the work stoppage lasted for a few days, while at the

third, it lasted approximately ten days and ended when 121 inmates were transferred.

Because the decision to eliminate the CAP was a Cabinet decision, it is not something the Ombudsman can investigate. The Ombudsman, did however, investigate the effect of this decision on the inmates and young offender population. Her investigation focused on the extent to which the Ministry planned and prepared for the implementation of the decision to eliminate the program.

In a tentative report the Ombudsman found that the Ministry's implementation of its planning was inadequate. The Ministry's policy review included a 1995 survey that revealed a number of other provinces do not have a canteen allowance program. Another survey was conducted to determine what other provinces were providing in the way of basic hygiene and other products, free of charge, to inmates and young offenders. The Ombudsman found the Ministry's consultation with institutional staff was very limited and did not include discussions about the effect of eliminating the allowance on the inmate and young offender population. Staff and inmates were made aware of the cancellation decision at the same time it was announced publicly.

The Ombudsman's investigation found that the Ministry did not consult with institutional staff regarding alternative means of providing work incentives in the absence of this program. The facilities were left on their own to deal with a situation where the removal of the CAP resulted in increased complaints, internal tension and unrest, and ultimately culminated in a work stoppage at three facilities.

The Ombudsman also found that there appeared to be a discrepancy in the quality of the hygiene products provided free of charge to inmates across institutions and that the

discontinuation of the allowance resulted in greater disadvantage for those inmates and young offenders of colour. The Ministry only supplies hair picks and depilatory solution free of charge to inmates and young offenders of colour. Other culturally appropriate hygiene products such as skin creams and hair products must be purchased by the inmate unless required for medical reasons. As a result of the discontinuation of the CAP, some inmates and young offenders of colour no longer have the means to purchase these products.

The Ombudsman suggested that individuals requiring basic hygiene products that are culturally specific should have access to them free of charge. Consequently, the Ombudsman found the Ministry's omission to include these products on the free issue list created a situation of adverse impact discrimination for inmates and young offenders of colour.

In response to the Ombudsman's conclusions and recommendations in the tentative report, the Ministry advised that it was implementing a procedure to facilitate feedback from front line administrators and other Ministry staff for the purpose of

evaluating how policies and procedures are working. The Ministry is also reviewing, as part of its Program Rationalization Project, the incentives available to inmates across the system. As well, it will review the quality of the hygiene products provided and the availability of a broader selection of culturally appropriate products. The Ombudsman is continuing to monitor the Ministry's progress with these initiatives.



The following cases were resolved following an investigation in which the Ombudsman reported tentative findings and recommendations to the government organization involved. In each case the Ombudsman was satisfied with the responses of the government organization and its undertakings to provide a remedy for the problems identified.

Ministries join efforts for residential funding

Ms. W contacted the Ombudsman when she learned that neither the Ministry of Health (MOH) nor the Ministry of Community and Social Services (MCSS) would provide funding for the residential placement of her adolescent step-daughter, who has severe physical disabilities. Despite community resources that had been made available, Ms. W found that the services were not enough to relieve the stress experienced by the family in caring for her step-daughter. A senior psychometrist strongly recommended residential placement for the step-daughter in light of Ms. W's depression and physical exhaustion, but when Ms. W sought residential placement, she found the costs were prohibitive. Ms. W contended that the lack of funding for residential placement of children with physical disabilities was unreasonable, particularly since such funding is available for children with developmental disabilities.

In response to the Ombudsman's notice of her intention to investigate Ms. W's concerns, the MOH stated that the responsibility for residential services for children rested with the MCSS. The MCSS, in turn, advised the Ombudsman that the MOH had responsibility for children's treatment centres and specialized residential programs.

On the basis of the information obtained in the investigation, the Ombudsman found that it was not acceptable for the MOH and the MCSS to avoid the system-wide issue of funding for the residential placement of children with physical disabilities by pointing to the other as the responsible party. Accordingly, the Ombudsman notified the two Ministries that she was considering issuing a report with a conclusion that the omission of the Ministries to address the issue was unreasonable. She also notified the Ministries that she was considering a recommendation that the two Ministries work together to resolve the issue of specialized funding for the placement of children with physical disabilities where such a need is identified.

The Ministries responded jointly to the Ombudsman's findings. They reported that a case conference had been held with Ms. W, representatives of both Ministries and several community-based agencies. As a result of the case conference, three possible placements outside the family home were being investigated and the family was, in the interim, being provided with increased services including weekend respite. The Ministries also explained that it was their desire to provide appropriate services to children with physical disabilities in the family home whenever possible. The Ministries acknowledged, however, that there are some clients who require other approaches and they undertook to develop methods to improve the response to such requests for services.

The Ombudsman's follow-up with Ms. W confirmed that her step-daughter had received a temporary placement in a group home. Ms. W also confirmed that arrangements were underway for her step-daughter to move to more suitable housing closer to the family and that funding would be available for attendant care, supplies, respite and rent. The Ombudsman found, as a



result of these initiatives, the Ministries had responded appropriately to the concerns raised by Ms. W. Before closing the file, the Ombudsman asked the Ministries to advise her of the outcome of their discussions and the details of the methods they adopt to address similar cases which may arise in the future.

Failure to supervise public ramp causes distress

Mr. and Ms. T contacted Ombudsman Ontario because they were dissatisfied with the Ministry of Natural Resources' failure to resolve problems caused by the Ministry's operation of a boat ramp. The ramp is situated beside the family cottage, which was purchased in 1959. In 1988, despite the objections from area cottagers, the Ministry upgraded the ramp to accommodate an individual who could not afford launch fees at privately-owned marinas or at a nearby provincial park. Mr. and Ms. T complained that the Ministry's 1988 decision to upgrade the boat ramp was a mistake which compounded existing problems and adversely affected their enjoyment and the value of the property.

In 1988, in response to a petition signed by 72 area cottagers, the Ministry developed an Operating Plan with input from the various interest groups: cottage residents; fishers; the local marina operator and the police. The Operating Plan established that the launch would be open 24 hours for the first 16 days of the bass season, and from that point the gate would be open daily from 6:00 a. m. to 10:00 p. m. until Labour Day, when the gate would remain open 24 hours a day. The Ministry erected signs advising users of the hours of operation and prohibited activities. The Ministry also agreed to look after basic maintenance by

setting up temporary washroom facilities in the summer months, cutting the grass, and picking up the garbage. The police were not in favor of the free ramp because they were concerned with parking and alcohol offenses, and their inability to adequately supervise the access point. The Ministry confirmed that it did not have the resources to provide full-time supervision at the ramp.

As a result of the 1988 upgrades, larger pleasure crafts started to take advantage of the free ramp, and vehicular traffic quadrupled. The O.P.P. confirmed that during the summer season with the arrival of the recreational anglers at the free ramp, there were major problems involving alcohol, loud noise, trespassing, traffic congestion, rowdiness and an increase in property damage sustained by cottagers and parking. The O.P.P. also confirmed that it only provided full-time supervision on the opening day of the bass season and the Ministry of Natural Resources acknowledged that they did not have the staff or resources to supervise operation of the ramp. Despite the problems experienced by Mr. and Ms. T and other cottagers, and the ready availability of private and public ramps with superior facilities, there was support for the free ramp from the local municipality which considered it an aid to tourism, and a group of area cottagers who did not have waterfront access or a local marina operator.

The Ombudsman's investigation report recognized that the Ministry's 1988 decision to assist anglers with less economic resources was made with the best intentions. As well, she recognized the Ministry's efforts to be fair to all the concerned parties when it implemented the Operating Plan. However, there was evidence that the Operating Plan had indeed failed, since the cottagers continued to experience loud

noise, traffic congestion and boisterous behaviour resulting from fights between those waiting to use the ramp. The Ombudsman noted the circumstances were particularly difficult for cottage owners located near the ramp, who had few options to reduce their exposure to a noisy and sometimes abusive environment, except perhaps to sell their cottages and move elsewhere.

The Ombudsman's report concluded that the Ministry's 1988 decision to upgrade the boat ramp to allow free public access without providing adequate Ministry supervision during the fishing season to ensure that public access did not destroy Mr. and Ms. T's enjoyment of their property was unreasonable. The Ombudsman recommended that the Ministry review the effect that the upgrade has had on the surrounding cottagers and develop a new Operating Plan which addressed Mr. and Ms. T's concerns, in consultation with the affected parties.

In its response to the Ombudsman's report, the Ministry agreed that the status quo was no longer sustainable. It also noted that the Ministry was not in a position to devote more resources to regulate the use of the access point. Therefore, the Ministry would pursue options of either privatization with user fees and regular operation hours, or the permanent closure of the facility. The Deputy Minister noted that in either case the Ministry has an obligation under its Class Environmental Assessment for Access Points to provide public notification and input. The Ministry was hopeful that a compromise solution could be reached for the satisfaction of all parties. The Ministry advised the Ombudsman that in mid January 1998, letters to individuals and organizations were sent to seek the potential for privatization of the access/ramp parking facility. A Request for Proposals would be

finalized and any parties showing interest in operating the facility would be required to indicate an operating schedule that would be reasonable to all parties. If there is no expression of interest, an "Intent to Close" notice will be issued.

Policies adopted for complaints

The complainant, Mr. L, was terminated from his fixed term contract with the Liquor Control Board of Ontario as a result of an altercation he had with a co-worker during which he was verbally abusive to the co-worker. The altercation was overheard by a customer who complained about the incident. An investigation was conducted by the acting district manager. The complainant did not deny the fact that he used abusive language to his co-worker. The district manager determined that the complainant's conduct was incompatible with his duties and terminated his contract. A short time later a number of other staff who were not on duty at the time of the incident, came forward and asked that the complainant be given a second chance as they believed he may have been provoked by the co-worker. Because there was only a short time left in his contract and as a result of the information from other staff, the complainant was reinstated with no loss in pay.

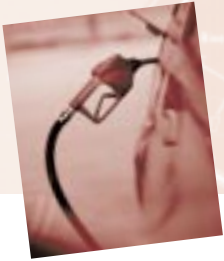
During the Ombudsman's investigation, Mr. L claimed that his termination was unfair because he had been provoked by the co-worker. He further contended that since there was no record of a customer complaint, it was not clear whether a customer had actually complained about his conduct. The Ombudsman determined that the agency's decisions regarding the complainant's termination and reinstatement were not unreasonable. However, she was

concerned that the agency did not have written policies governing the recording and handling of customer complaints about staff behaviour. She was also concerned that no record of the investigation conducted by the district manager could be found.

As a consequence, the Ombudsman suggested to the agency that there should be a complaint mechanism for the public to lodge complaints about service provided, that the public should be provided with information on how to use this mechanism, and that steps should be taken to raise awareness of this policy. The agency expressed appreciation to the Ombudsman for bringing these issues to its attention and proceeded to act on her suggestions.

Tax rebate program improved

Over the course of a number of months, the Ombudsman was contacted by several First Nations gas retailers, each of whom raised concerns about the Ministry of Finance's administration of the tax rebate program for tax exempt gasoline sales to First Nations people. In Ontario, First Nations people registered under the federal Indian Act are entitled to purchase tax-exempt gasoline for their personal use when they purchase from a service station located on a reserve. First Nations consumers are required to present their Certificate of Exemption issued by the Ministry as proof of their entitlement. As all retailers of gasoline must purchase their fuel from bulk suppliers on a tax-included basis, First Nations gas retailers located on reserves must obtain a rebate of tax for sales made on a tax-exempt basis to First Nations consumers. First Nations gas retailers obtain rebates by submitting vouchers to the Ministry of Finance confirming the sale of gas to a First Nations consumer.



While the Ombudsman attempted to informally resolve the specific concerns of each retailer, she decided to initiate an investigation on her own motion into potential system-wide issues related to complaints about delay in processing rebate applications, inadequate communication, unreasonable requirements for information for tax-exempt sales and the rejection of vouchers. In the course of this investigation, the Ombudsman was advised that a committee, known as the Gas Refund Review Committee, had been established and included representatives of the Ministry and the First Nations gas retailers located on reserves.

The committee proceeded to successfully address many of the concerns of the retailers. For example, the Ministry exceeded the expectations of the First Nations gas retailers on the committee, and had improved service to process rebate claims in less than six weeks. Communication had also improved with the assignment of Ministry staff to specific retailers, provision of a toll-free telephone number and the development of new information bulletins. The Ministry adopted a practice of not rejecting vouchers when they were incomplete without first contacting the retailer to discuss the problem identified. A sub-committee was also established to pursue with the Federal government the possibility of modifying the federally issued Indian Status Card as an alternative to the Certificate of Exemption issued by the Ministry as proof of entitlement.

Follow-up with the retailers who initially contacted the Ombudsman confirmed they were satisfied with the improvements the Ministry had made to the administration of the program. In view of the improvements to the rebate program, the positive feed back from the retailers, and the continuing work of the Gas Refund Review Committee, the Ombudsman decided that further investigation was not necessary.

In her closing letter the Ombudsman encouraged the Ministry to continue to support the work of the committee to address any further concerns of the First Nations gas retailers.

Northern health travel grant reviewed

Due to the volume of complaints received about of the Ministry of Health's Northern Health Travel Grant program, the Ombudsman decided to conduct an own-motion review of the program's administrative practices, as well as specific issues that had been raised frequently by complainants.

The program provides residents of Northern Ontario with financial assistance for transportation costs necessitated by medical treatment. Northern Ontario residents have complained that their transportation costs for referrals to specialists and repeat visits were being denied by the Ministry. Our review determined this was primarily the result of insufficient information being provided by the referring physician. Program staff advised that the application form has been rewritten to specifically elicit the necessary information from referring doctors, and a quarterly newsletter being sent to doctors contains up to date information on how to properly complete an application. Additional documents may now be attached to the application to explain the referral, and assessment clerks are now able to contact the referring doctor and the patient to clarify information. The Ombudsman found that these measures resolved her concerns in this area. The program only allows for one repeat visit within a six-month period to ensure that newly-situated physicians in Northern Ontario are not bypassed by patients continuing to receive treatment in Southern Ontario or



outside of their community. The Ombudsman did not find this restriction to be unreasonable.

Another recurring complaint concerned the procedure used to determine who and where the nearest specialist is for referral. The Ombudsman's review revealed that the Ministry updates a list of specialists quarterly, and this list only contains those doctors that are certified by the Royal College of Physicians and Surgeons of Canada. The Ministry believes that only doctors certified by the College can guarantee a consistent standard of service. It was noted that many physicians call themselves specialists, but without the certification of the College there is no assurance of standards. The Ombudsman agreed that accreditation by the

college ensures a level of medical knowledge and consistency of treatment, and that this was a reasonable criterion to establish specialist status. The program is now also capable of verifying the accuracy of the nearest specialist's referral.

Complaints were also received regarding the rejection letter issued by the program, in that it did not provide full explanation for decisions. As a result of inquiries on this matter, the Ministry has now modified all rejection letters to provide more detailed reasons, and all requests for review of a decision now result in a written response. Various administrative practices were also reviewed by the Ombudsman and revealed that the key-punching of applications has now been moved from Kingston to the Sudbury head office, resulting in a reduction of time taken to process applications. As well, files under review are now logged on the computer allowing for more accurate responses to status inquiries.

Another concern of the Ombudsman's review was the grant program's refusal to provide advance payment to clients. The program advised there were a number of

community agencies throughout Northern Ontario that would provide patients with an advance towards travel costs and be reimbursed by the patient once the Travel Grant was received. The Ombudsman noted there may be communities that do not have a community agency to provide this service, and suggested the Ministry provide the name of a contact at the program office when a complainant is unable to access a community agency for this purpose. The Ministry agreed and the Ombudsman concluded the investigation.

Notice process revised

Mr. A contended that the Ministry of Natural Resources had acted unreasonably when it issued him a notice requiring fill material be removed from an area the Ministry considered to be part of a stream. The Ombudsman investigated and found that the Ministry had sufficient reason to issue the notice to Mr. A.

However, the Ombudsman found that the Ministry did not have an adequate process in place to ensure that a review takes place prior to the issuance of such notices. The Ombudsman also found the Ministry had not properly documented public complaints it had received concerning the impact of the placement of the material in the waterway on surrounding properties. In response to recommendations on these matters, the Ministry agreed to develop criteria for when to issue such notices and to develop a process to ensure that public complaints are properly documented.

Racial tension, misconduct investigated

Mr. F and Mr. W were incarcerated at a large metropolitan detention centre. An incident occurred in the institution during which a number of inmates were involved in an altercation. Allegations of racial tension were made as the cause of the incident.

The institution enforced a number of security measures on the day of the altercation in an effort to contain the problem and to isolate the inmates. Both Mr. F and Mr. W were placed in segregation and subsequently had a number of misconduct charges placed against them. These misconduct charges were then adjudicated by different staff members. These and other inmates subsequently received different penalties, although their charges and participation in the events was said to be the same or similar in nature and degree. Some of the inmates were transferred out of the institution without any misconduct charges pending.

Following an investigation, the Ombudsman made a recommendation that when several misconducts result from the same or related incidents they should, where possible, be reviewed by the same staff member. This would help to ensure that misconducts are adjudicated as fairly as possible, and that decisions and penalties would be based on a common or related set of facts. The Ministry subsequently issued a memo to all superintendents to address the adjudication of misconducts and the Ombudsman's concerns.

The other issue investigated was the allegation of racial tension behind the altercation between the inmates. In reports submitted by the facility staff the altercation was described as a fight over gambling debts. The Ombudsman was concerned that incidents potentially

involving racial conflict should be reported to the Anti-Racism Coordinator for the Ministry of the Solicitor General and Correctional Services so that the Ministry is aware of any potential issues involving racism. Following the Ombudsman's investigation, a memo was issued to superintendents and area managers entitled "Reporting of Incidents and Serious Occurrences to the Anti-Racism Coordinator".

The Ombudsman followed up the investigation with further discussions with the Ministry and continues to monitor the role and function of the Office of the Anti-Racism Coordinator in responding to complaints of racism.

Ministry seeks better way

Ms. L complained to the Ombudsman that the Ministry of Natural Resources had acted unreasonably with respect to road access across her property. The road, which extends from a provincial highway, is used as a driveway by Ms. L to gain access to her property. The same road is used by others occupying Crown land and private lands near her property. The road is located in such close proximity to her residence that open public access had caused serious health and safety concerns for her family.

The Ombudsman investigated and found the Ministry had in the past taken certain actions, including having discussions about alternative access for the other users of the road, and making a proposal to resolve the problem that was later withdrawn. These efforts created a reasonable expectation the Ministry would play a role to resolve this dispute. Eventually, the Ministry conducted a mediation of the dispute involving all affected parties in an attempt to find a solution to a long-standing problem. The Ministry apologized to Ms. L for making an earlier offer which it

could not fulfill, and agreed to find a better way of informing land use permit holders that those individuals are responsible for obtaining access to Crown lands.

Support payments compensated

Mr. M not only lost his job when his employer went bankrupt, he also learned that the Family Responsibility Office (FRO) was holding him responsible for several weeks of family support payments which his employer had deducted from his pay but failed to remit to the FRO. Mr. M contacted the Ombudsman to raise several concerns about the actions and decisions of the FRO.

Following an investigation of Mr. M's concerns, the Ombudsman concluded that the FRO had properly applied the relevant legislation and was not unreasonable in holding Mr. M responsible for the support payments and to have directed him to apply to the Employee Wage Protection Program of the Ministry of Labour for compensation for the missing support payments. As Mr. M had failed to enter into a Voluntary Arrears Payment Schedule which would have enabled him to continue making support payments in accordance with his reduced income, the Ombudsman concluded that FRO was not unreasonable in garnishing 50% of his employment insurance benefits. The Ombudsman could not agree with Mr. M's contention that the FRO had failed to monitor his employer to ensure that it was remitting support payments on a regular basis. She did inform the FRO, however, that it was her opinion that the system used by the FRO to monitor payments made by employers needed to be improved. She recommended that the FRO develop an effective early warning system to identify employers which are late in remitting.

The Ombudsman accepted the FRO's response that it would undertake to develop a more effective monitoring system.

In the course of the investigation, Mr. M learned that the Employee Wage Protection Program of the Ministry of Labour had denied his application for compensation for the lost support payments. The Ombudsman conducted an investigation and concluded that the Ministry's decision was unreasonable. She recommended that the Ministry should adopt an interpretation of the relevant sections of the Employment Standards Act which considers wages deducted but not remitted to the FRO as unpaid wages, and consider applications for compensation under the Employee Wage Protection Program for family support deductions which an employer has failed to remit to the FRO. She also recommended that the Ministry compensate Mr. M for the support deductions, plus interest, which his employer failed to remit to the FRO.

The Ministry acknowledged the validity of the Ombudsman's concerns. Although it did not agree that the Employment Standards Act could be interpreted in the manner suggested by the Ombudsman, it made a payment to Mr. M on a "without prejudice" basis. The Ministry agreed to address the question of whether the legislation should be amended so as to deal with remittance issues as part of a proposed Employment Standards Review. The Ministry reported that the review is scheduled to begin in the Spring of 1998, and amendments to the legislation are expected to be presented to the legislature in the Fall of the same year. The Ombudsman accepted the Ministry's commitment to review the legislation and will monitor the outcome of this review.

Protective custody designation unfair

Mr. G was incarcerated at a Ministry facility and classified as a general population inmate. Immediately prior to being transferred from the institution, he was involved in an altercation with several other inmates.

During that transfer, while being transported from the institution on the bailiff's bus, he was kept segregated from the other inmates in what is referred to as the "cage", a separate section of the bus. Inmates may be separated from one another for a variety of reasons, but there is often a resulting perception that an inmate has been classified to protective custody status and needs to be separated from the other inmates for reasons of safety and security.

In this case, the decision to place the inmate in the segregated section of the bus had the effect of labelling the individual in the eyes of other inmates as a protective custody inmate. When the bus arrived at the receiving institution he was placed without any explanation in segregation and designated, although not formally classified, in protective custody status. Protective custody involves fewer privileges and liberties for the affected inmates.

During the course of the Ombudsman's investigation into a complaint about this treatment, the Ministry contracted for the purchase of new buses and redesigned others so that some of the problems identified in this case were resolved by a change in the design of the interior seating arrangements in the buses. All inmates are now 'segregated' from one another so there is no means by which inmates can be identified as general population or protective custody inmates based on where they sit in the bus. The Ministry also introduced several safety improvements related to the transportation of inmates.



Support to care-giving families

Ms. K has a daughter with a developmental disability. She had been receiving funding from the Ministry of Community and Social Services to assist in providing care, but this was eliminated when her daughter graduated from high school. Because both parents are working, this meant there was no support for the daughter, who could not be left at home unattended. Ms. K appealed to the Ministry but was told to seek help from other sources in the community. No appropriate levels of support suitable to meet the daughter's unique needs could be found in the community, and the family was left on its own to provide care in extremely difficult circumstances.

Ms. K complained to the Ombudsman about her circumstances and the lack of available funding from the Ministry. Following an investigation of the needs of this family and the Ministry's programming in this area, the Ombudsman recommended that the Ministry provide additional funding in this particular case and undertake to review their policies to provide greater flexibility in meeting the care-giving needs of families in similar situations. The Ministry agreed to make additional funding available to provide day support for the family of Ms. K. In response to the Ombudsman's policy concerns, the Ministry later forwarded a document, "Making Services Work for People", which it indicated would lead to implementation of new service delivery that would meet the goals outlined by the Ombudsman. The Ombudsman indicated she would monitor this implementation and would continue to provide the Ministry with advice about its programming and service to individuals with developmental disabilities based on complaints received from affected families.

Attendance permitted at tribunal office

Mr. T, a senior citizen, approached the Ombudsman after receiving a letter from the Workers' Compensation Appeals Tribunal advising him that he was being barred from attending the Tribunal offices. The complainant indicated that although other members of his family had received similar letters, he felt the Tribunal was being unreasonable to bar him as well since his behaviour had not warranted such action and he should not be penalized for the behaviour of other members of his family.

The Ombudsman conducted a full investigation of the matter after notifying the Tribunal of the complaint. The Tribunal initially offered the explanation that since the family had a tendency to travel as a group, it was necessary to bar all members. After a review of all the available information, including interviews with the parties, the Ombudsman issued a recommendation to the Tribunal asking that they review the decision to bar the complainant on the grounds that the record of his behaviour did not justify their action. The Tribunal accepted the Ombudsman's recommendation and removed the "no trespass" letter from the complainant's file.



The following cases represent investigations where the complaint was resolved with the assistance of the Ombudsman, or the outcome was non-support of the complaint. The cases resolved were the result of a variety of complaint resolution techniques employed by Ombudsman staff.

Procedures need flexibility

Ms. M had applied to the Criminal Injuries Compensation Board for compensation for herself and her daughter following injuries resulting from crimes committed by her ex-husband. She contacted the Ombudsman when she learned that although the Board had reached a decision in her application, it could not be released until the decision in her daughter's application had been completed. She was dissatisfied with the Board's insistence that the decisions be released together. She also contended that the Board was unreasonable in responding to her request for interim assistance. The Ombudsman investigated and learned that the Board had held oral hearings in both cases at the same time. The Board acknowledged that the decision in the daughter's application was taking longer than the usual three month time frame. While it noted that the delay was in part because it was waiting for additional medical information which Ms. M wanted the Board to consider, it agreed to issue an apology to Ms. M.

In the course of the investigation, the Board explained that when related matters are heard together, it prefers not to release one decision before another for two reasons: it may create false expectations, and the process of making decisions in related cases can have repercussions in light of evidence that may be received at a later date. The Ombudsman concluded that

this practice was, in general, not unreasonable. While in the circumstances of this case she did not find the decision to release the decisions together to be unreasonable, the Ombudsman suggested to the Board that in other circumstances greater flexibility may be needed in making this determination.

The Ombudsman could not conclude that the Board was unreasonable in denying Ms. M's request for interim assistance as Ms. M had failed to provide information showing a financial need. The Ombudsman did advise the Board that she had two concerns about the manner in which applications for interim assistance are processed. Prior to her hearing, Ms. M had applied for interim funding in order to receive therapy. The Board provided her with a standard application form which required her to submit financial information and a report from a therapist/counsellor to support the need for therapy. The application specified that the cost of the therapist's report would not be paid by the Board. Ms. M maintained that she did not submit a therapist's report as she could not afford it. The Ombudsman believed that the cost of the report may be an impediment for individuals who are in need of immediate therapy, but who cannot afford to pay for such a report. The Board implemented the Ombudsman's suggestion and revised its information package to explain that the cost of a therapist's report will be paid by the Board in cases where there is financial need.

The Ombudsman was also concerned that the Board did not respond to Ms. M's request for interim funding because her hearing was to be held in eight weeks. The Ombudsman suggested that in cases such as this, where a decision will not be made with respect to interim funding due to the proximity of a hearing, that a written explanation be given to applicants.

The Board responded to this suggestion noting that it was reviewing and revising its procedures, and with improved procedures this oversight would not recur. Follow-up with the Board confirmed that all applications for interim funding are reviewed by the Chair of the Board. Applicants are informed of the Chair's decision. If the Chair is uncertain as to whether the criteria for interim funding have been met, steps will be taken to schedule a hearing as soon as possible.

Tenant's penalty reduced

Ms. L, a tenant of a District Housing Authority, contacted the Ombudsman and indicated that the Housing Authority's request for payment of \$590 for failing to give 60-day notice of intent to vacate her apartment was unreasonable. Although she was aware that she was in violation of her lease agreement by only giving 30 days notice, the complainant felt this was justified because the apartment had been in a state of disarray when she moved in. She also stated that she understood from an employee of the Housing Authority that she would not be penalized for giving short notice.

The Ombudsman's office contacted the Housing Authority and was advised that the complainant's unit had not been rented until March 1, 1997. The tenant had vacated the apartment on February 1, 1997. After exploring the possibility of a negotiated settlement, the Housing Manager agreed to refer the matter to the Board of Directors. The Ombudsman was subsequently advised that the Board agreed to reduce the penalty by half to \$295. This was the amount of one month's rent for which the Housing Authority was out of pocket for the month of February. The complainant agreed to the Housing Authority's request that the amount be paid within a year and the matter was resolved.

Student eligible for funding

Mr. M complained that the Ministry of Education and Training unfairly denied funding under the Territorial Student program to allow his daughter to enroll in advanced Grade 10 courses in Thunder Bay. The Ministry provides funding to students who must live outside their smaller communities to attend high school. Although the local school board wrote a letter to the Ministry confirming that the student's high school did not offer the advanced high school stream, the local Ministry office refused to provide funding.

Mr. M paid for his daughter to attend the advanced high school stream in Thunder Bay, and asked the Ombudsman to investigate. After receiving the Ombudsman's letter of intent to investigate Mr. M's concerns, Ministry officials in Toronto reviewed Mr. M's case. This review confirmed that Mr. M's daughter was eligible to receive Territorial Student funding to pursue advanced Grade 10 courses in Thunder Bay, as these courses were not available in her local community. The Ministry offered to reimburse Mr. M for his expenses, in accordance with Ministry policy. Mr. M accepted the offer.

Funeral pass allowed

A parent, Mr. D, called the Ombudsman on behalf of his son, who was detained at a provincial detention centre on a 90 day sentence for trespassing. He was upset because the institution would not let his son attend the funeral of his brother, who had died suddenly. The funeral was the following day.

When Ombudsman staff contacted the detention centre we were advised that he was initially permitted to attend a private viewing with an escort, but would not be allowed to

attend the funeral. He was then denied attendance at the private viewing because he was “verbally abusive” with correctional officials after being told that he could not attend the funeral. He was placed in isolation in a segregation cell as a result of this behaviour. The decision to deny the inmate an escorted pass to the funeral was based on a number of factors: a risk assessment score which was high, information from an inmate informant about a potential drug drop and the possibility that drugs would be brought back to the institution upon his return from the funeral, and poor behaviour while in the institution.

Our review indicated that the risk assessment was not current as it had been completed two years ago. It did not take into consideration the current circumstances of his incarceration (that he was detained on a 90 day sentence for trespassing and was due for release in eight days) or his recent institutional behaviour. Further, while the information from the inmate informant about a drug drop ought to be taken into consideration, there are procedures (such as a strip search and short term isolation from the inmate population) to safeguard and prevent drugs from entering the facility. We suggested that a further review by officials was necessary and they agreed. Following this review and further consultation, we were advised by correctional officials that two correctional officers would escort the inmate to both the wake and the funeral.

Trapline practices revised

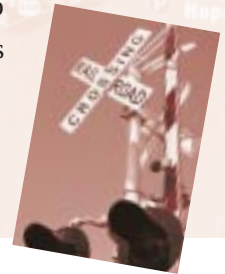
An M.P.P. contacted the Ombudsman on behalf of two constituents, Mr. H and Mr. R, both of whom have traplines on Crown land in Northern Ontario. Mr. R also has a Black Bear Management Area (BMA) on Crown land. The

M.P.P. suggested that the de-commissioning of a CN railway crossing, by which Mr. H and Mr. R had access to their traplines and the BMA, had adversely impacted their businesses. She noted that Mr. H and Mr. R paid the Crown for permits to hunt black bear and to trap but they no longer had access to the Crown land. She asked the Ombudsman to rule on whether the CN railway crossing is public or private property.

Ombudsman staff made informal inquiries to the Ministry of Transportation (MTO) and Management Board Secretariat, as both Ministries had advised CN that they did not object to the de-commissioning of the railway crossing. The railway crossing in the past had served a provincial correctional facility that had since been de-commissioned and demolished.

Because the Ministry of Natural Resources (MNR) issues the permits to trap and to hunt black bear, inquiries were made to MNR to determine if they were aware of the intent to de-commission the railway crossing and if consideration was given to notify Mr. H and Mr. R. MNR advised that it is the responsibility of the operators of traplines and BMAs to obtain their own access. It could not be determined whether MNR was aware of the intent to de-commission the railway crossing.

As a result of the investigation, the Ombudsman suggested to the Ministry that it explicitly advise BMA operators and trappers that permits and licenses for these activities do not come with a guarantee of access. She also suggested that if MNR is aware of the closing of any existing access to a BMA or a trapline, it should provide the affected parties with notice before they renew their annual BMA agreement or annual trapping licence. MNR agreed to include a statement in BMA agreements and



trapline licenses that the Ministry does not guarantee access to the land covered by these agreements. MNR also agreed to instruct its staff to notify trappers and BMA operators if they become aware of roads that are closed in their area of interest. With regard to the M.P.P.'s request to have the Ombudsman rule on the public or private nature of the CN railway crossing, the Ombudsman advised that she is not in a position to make a finding as to whether the crossing is public or private. This can only be done by the courts.

Exemption to “novice” drivers

Mr. D. has 37 years of driving experience and a clean driving record. He contacted the Ombudsman because he felt it was unreasonable for the Ministry of Transportation (MTO) to treat him like a novice driver.

Mr. D and his spouse had been licensed drivers in Ontario from 1977 to 1993, when they left to live in the United Kingdom on the Isle of Sark, where driving is prohibited because of environmental concerns. Not having use of a vehicle, they never obtained UK driving licenses. Their licenses expired in 1993.

In 1997, they returned to live permanently in Ontario. When they went to the local MTO Driver Examination Centre, they were advised by Ministry staff that because it had been longer than three years since they had been licensed drivers, they would be treated like novice drivers. As a result, it would be two years before they would be fully licensed again.

Ombudsman staff reviewed the relevant legislation and found that Mr. D and his spouse were in fact eligible for an exemption. Because it had been three years since they had been licensed, they had to take the written and vision tests and if successful, they could take

the exit exams immediately, without waiting two years to become fully licensed drivers. Ombudsman staff confirmed this exemption with the manager of the examination centre, where incorrect information had been provided to the couple. The manager contacted the couple immediately and all the necessary tests were scheduled.

Waste removal policy upheld

Ms. M owns property in Northern Ontario. Her spouse accepted waste material, primarily from demolished buildings, on this property to fill in a low-lying area. Upon receipt of a complaint from the public, the Ministry of the Environment (MOE) investigated. As a result of its investigation, MOE asked Ms. M to remove the waste material.

Correspondence was exchanged and meetings between MOE staff and Ms. M took place. Eventually, MOE issued a Director's Order to Ms. M and her spouse requiring them, among other things, to remove all of the waste from the property.

Mr. and Ms. M appealed the Director's Order to the Environmental Appeal Board (EAB). As a result of the hearing before the EAB, the couple was ordered to remove all waste from the property and to retain a qualified consultant to provide written confirmation to MOE that all waste had been removed, and the basis for this confirmation.

Ms. M hired a consultant who had attended at the property before, during and after the waste removal. After the consultant's report was submitted, MOE asked for a supplementary report from the consultant because the initial report did not clearly indicate that all the waste had been removed. Ms. M submitted a



supplementary report. MOE still was not satisfied with the information provided by the consultant because it felt that the confirmation of the waste removal had been based primarily on information that the couple had provided to the consultant and not upon independent evidence.

Ms. M contacted the Ombudsman because she felt it was unreasonable for MOE to require her to provide a further consultant's report. She also felt that the Ministry had treated her and her spouse unfairly.

Following an investigation, the Ombudsman did not support the complaint. Ms. M had advised the Ombudsman that she could only afford three site visits from the consultant. MOE maintained that three visits could have been adequate if, during one of the visits, the consultant had observed the edges of the excavation to confirm that it had been continued until clean fill was reached. Although the Ombudsman sympathized with the financial strain the situation may have caused Ms. M, she did not find MOE's position to be unreasonable. The Ombudsman noted that Ms. M directed the consultant not to test the soil and not to take fill samples during the removal process. The Ombudsman did not find MOE's position that it had not received sufficient independent evidence to confirm all waste had been removed to be unreasonable. As well, she could not conclude that the Ministry's staff had treated Ms. M and her spouse unfairly.

Making policy from practice

Mr. C resigned after eight months as a probationary officer with the Ontario Provincial Police (O.P.P.), and after a period of time following his resignation, complained to our office that his leaving was directly related to a personality conflict he had with his coach officer. Prior to his resignation, he had requested a re-assignment which was denied. Mr. C also believed that the O.P.P. was providing negative references to prospective employers. The Ombudsman's review of Mr. C's probationary employment documents revealed that he had been asked to resign on the basis of his perceived inability to adjust to the rigours of police life. The reports indicated that there was more involved than any personality conflict which might have existed between Mr. C and his coach officer.

During discussions with the O.P.P., the Ombudsman was advised that it is their practice to attempt to accommodate all requests for changes in a coach officer relationship. The Ombudsman suggested that a written policy be developed to reflect this practice and to avoid complaints such as the one brought by Mr. C. With regard to the issue of references, the O.P.P. stated that its forwarding practice was in accordance with Freedom of Information legislation, and it would issue a written reminder to all O.P.P. staff that this is the case. The Ombudsman accepted the proposal for the O.P.P. to issue the reminder and also suggested that a written policy be developed to reflect its practice. The O.P.P. agreed and forwarded copies of newly written policy on both references and re-assignment to the Ombudsman.

Reasons must be provided

Ms. A, a retired farmer, was granted a severance from her property by the Niagara Escarpment Commission to allow her to construct a retirement home. However, the decision was overturned on an appeal made by neighbours to the Ministry of Environment (MOE) on the grounds that it would contravene the New Lots Policy. Three years later, Ms. A submitted another application to the Commission for a development permit but this was denied. Ms. A then appealed both this decision and the conditions of a Planning Approvals Committee decision, which resulted in the convening of a Joint Board with authority to hear the matter.

The Joint Board determined that the subject matter of the hearing was not sufficiently different from the earlier hearing and the appeal was dismissed. Ms. A alleged to the Ombudsman that NEC planning staff had acted inappropriately in dealing with her application and that she should be reimbursed for her expenses. She also claimed that the Joint Board's decision not to hear the appeal was unreasonable. Following an investigation, the Ombudsman found the complaints to be unfounded. However, she suggested that the Commission should have included reasons in its Notice of Decision and that the Joint Board should also have included reasons with its decision on the appeal. Both organizations agreed with these suggestions and made an undertaking to follow this practice in the future.

Letter of counsel sends fair treatment message

A number of inmates at a provincial jail complained to the Ombudsman about the

behaviour of an acting operational manager, alleging that he was intimidating inmates, treating them unfairly and using inappropriate language in his interactions with them. Ombudsman staff investigated by interviewing a number of complainants and reviewing files, logs and other documents in an attempt to confirm whether such incidents had occurred.

As a result of preliminary evidence gathered, the superintendent of the facility decided to conduct an internal investigation, during which the staff member in question was re-assigned. As a result of this investigation, a formal letter of counsel concerning unprofessional behaviour was placed in the manager's personnel file. By this action, the inmates were assured their concerns were addressed, namely that staff are required to follow professional standards of fair treatment of inmates at all times.

Drawdown rules clarified

Six near-north lakefront cottagers contacted the Ombudsman when the Ministry of Natural Resources (MNR) brought forward by five weeks the start of the annual fall drawdown of their lake. The cottagers believed it was unreasonable of MNR to manage the lake as a coldwater trout lake because trout catches had declined drastically since the 1950s, and the lake was well-known for very good bass fishing. They were concerned that the lower lake levels in the early fall would make getting to and from the lakeside marina and their cottages more hazardous. The cottagers also felt that MNR's lake trout protection program should be evaluated to determine if it was successful and that the program should be modified to either make the drawdown later, reduce the amount of drawdown, or close the lake to winter fishing.

The results of the Ombudsman's investigation revealed a number of findings. Trout are a sensitive, "indicator" species and if a lake is managed to protect them, other heartier species such as bass will also flourish. The Ministry had written to all cottagers on the lake before the first earlier drawdown to advise them to be on the lookout for new hazards. The amount of the fall drawdown had remained the same, enough necessary to prevent excessive spring flooding. As trout spawn in mid-October in shallow water, the former October - November drawdown had damaged trout eggs left exposed to the air or frozen in the ice. MNR had carried out two studies and intends to undertake a larger assessment and monitoring program

when funds permit. The

Ministry has, after extensive public consultation, introduced new harvest restriction measures and recent scientific findings indicate the lake is sufficiently large to withstand winter fishing, provided harvest control measures are in place.

Based on these findings, the Ombudsman was unable to conclude that the decision and actions of the Ministry were unreasonable. However, the Ombudsman did suggest that MNR should ask Canadian Coast Guard officials to make an inspection after the next fall drawdown to determine if there are any potential access, navigation or safety concerns on the lake generally, or at the marina site and, if any such problems are identified, to suggest steps which might be taken by the Ministry, or others, to avoid them. The Ministry agreed with this suggestion. MNR undertook to write to the individual cottagers who contacted the Ombudsman with the results of the Coast Guard inspection, and all cottagers generally through their association's annual newsletter, and also to keep the Ombudsman informed.

The case stories in this section involve the successful application of informal resolution strategies employed by the staff of Ombudsman Ontario. These cases are a sample of the day-to-day work involving complaints which do not reach the formal investigation stage. In each of these cases a successful outcome resulted from cooperation by the governmental organization involved which produced benefits for all parties in avoiding a lengthy investigation process.

Double billing eliminated

Mr. B contacted a regional Ombudsman's Office to explain that he was caught in a catch-22 situation between the Ministry of Natural Resources and the Ministry of Finance, Assessment Branch. Mr. B owned a cottage lot, which because of its small size and rockiness, could not accommodate a garage. He obtained a land use permit from the Ministry of Natural Resources to place a garage on a small parcel of Crown land immediately adjacent to his cottage lot.

The Assessment Branch of Finance entered this garage parcel as a separate taxable parcel because the land use permit was in Mr. B's name only, and his cottage lot was in both his name and his spouse's name. The Ministry of Natural Resources, however, would not add his spouse's name to the land use permit, citing Ministry policy. The result of the two separate taxation parcels was that Mr. B was being billed twice for local roads board fees. After making informal inquiries, an Ombudsman representative was informed by the Ministry of Natural Resources that it would add Ms. B's name to the land use permit, allowing the Assessment Branch to combine the tax parcels for the private cottage lot and Crown garage site, thereby reducing his roads board fee to one charge.

System error corrected

Mr. H, a recipient of family benefits as a senior, contacted the Ombudsman to complain that he was in need of dental work but his Income Maintenance Worker informed him he did not qualify for this type of supplementary assistance.

The Ombudsman's staff contacted officials at the Ministry of Community and Social Services who reviewed the file and noticed that Mr. H had been classified as a senior and not as a permanently unemployable person. The Ministry supervisor indicated that the medical certificate was indeed on file and that at the time of the grant application the wrong case class had been inadvertently placed on the system. Within days, the appropriate case class change was entered and Mr. H received a call from the Ministry informing him that his dental card was available to be picked up.

OHIP coverage reinstated

Mr. Y called an Ombudsman regional office because he believed his local OHIP office was unfair to impose a three month waiting period for OHIP coverage. Mr. Y had permanently left Canada, but his plans changed and Mr. Y returned to Ontario after being away only six months. He complained because he believed OHIP was being unreasonable, especially when he had initially made the effort to inform them of his departure.

An Ombudsman representative contacted OHIP staff who asked for information on the exact dates of departure and return. When it was clear that Mr. Y had been absent less than 182 days, OHIP offered to reinstate his coverage without the waiting period, providing

he had proof of his travel dates. Mr. Y went to the OHIP office with his identification and his dated airplane ticket and was granted OHIP coverage without any waiting period.

Phone line hang up

Ms. P, whose first language is not English or French, called an Ombudsman regional office because she was unable to get through to the Ontario Human Rights Commission by telephone. Each time she tried to connect with a live OHRC staff, the telephone system disconnected. Ms. P was upset that she could not reach a human rights officer to make her complaint.

An Ombudsman representative called the OHRC general inquiry line and confirmed that the telephone system did hang up when an attempt was made to connect to a human rights officer. However, there was also an alternate menu choice which did not hang up. The Ombudsman representative called Ms. P and explained how she could reach the Human Rights Commission. Contact was also made with a representative of the OHRC to advise of the glitch in their phone system and an undertaking was given to have the problem fixed quickly.



Financial pressure alleviated

Ms. R came to a regional office to complain about a delay in the processing of her Trillium prescription coverage. However, during an interview with Ombudsman staff she also identified a number of other concerns. Ms. R was in an advanced stage of cancer, and her illness was causing economic difficulties for her family and a diminished ability to deal with these problems because of poor health.

In addition to assisting Ms. R in obtaining Trillium coverage for prescriptions, some of which the Trillium Drug Plan had originally denied, Ombudsman staff also referred her to the Ministry of Community and Social Services, where she could qualify for disability benefits, and to her MPP's office for advocacy in applying for a waiver of her municipal taxes. As a result of success with these referrals, Ms. R's financial situation and that of her family was alleviated prior to her passing away several months later.

Disability benefit approved

Ms. S visited a regional office with concerns about her disability benefits from the Ministry of Community and Social Services. She has both hearing and speech impediments, and communicated with the local Ombudsman representative in writing.

Ms. S had relocated from Ottawa several months earlier to attend to her mother who was gravely ill. Her benefits file still had not arrived at the local MCSS office, and as a result she was being paid at the general welfare rate rather than the disability rate. In response to an informal inquiry by an Ombudsman representative, the MCSS staff acquired the necessary documentation from the Ottawa office, Ms. S's medical disability was confirmed, and disability benefits were approved retroactive to her arrival in the community nine months earlier.

Erroneous driver suspension

Mr. P contended that the driver's licence suspension which appeared on his driver's abstract was unreasonable because he has never defaulted in his payments to the Motor

Vehicle Accident Claim Fund (the Fund). Mr. P contacted a regional Ombudsman office when he was advised by the Fund that it would take eight weeks to remove the erroneous suspension from his record. Mr. P could not wait this long as he was finalizing prospective employment and needed a clear driving record immediately.

An Ombudsman representative called the Fund and confirmed that the request to remove the suspension would be signed off by the Fund's Director the next day. The Fund offered to contact Mr. P's employer to confirm this and also faxed a copy of Mr. P's driving record to present to his employer as proof that his driver's licence was in good standing.

Health coverage confirmed

The client, a 60 year old male, came to the Ombudsman in August 1997 seeking information concerning his continuing access to OHIP. He is a landed immigrant and has been for the past 20 years. His permanent domicile during this period has been Ontario. OHIP had recently requested proof of his landed status, as well as his continuing employment record, both of which were provided by the client. He indicated that his spouse, a Canadian, resides in the United States for professional reasons, they own a home there, and he in turn holds American citizenship. He was concerned that he could not afford to lose access to OHIP because he suffers from cancer and was about to undergo a series of operations. He was advised to return to our office if he was dropped from the OHIP registry and found himself unable to reach a solution through his discussions with OHIP.

In late November, the client returned and indicated that his OHIP coverage had been rescinded. His first operation had been

scheduled for the near future, and he had run up a considerable medical bill for the required pre-operative examinations. The financial strain and uncertainty had increased his anxiety tremendously. Ombudsman staff were able to confirm the client's continuous residence and employment in Ontario and this information, together with the client's condition, was conveyed to the local OHIP office in his area. Acting immediately on the information provided, OHIP reinstated his coverage and arranged to cover those medical expenses already incurred by the client.

Truck license approved

Ms. F came to the Ombudsman with a complaint against the Ministry of Transportation. Ms. F had been allowed to write a test for her class A truck driver's license. She obtained a copy of the MTO drivers' guide for truck licensees and passed the written test. Prior to her road test, she borrowed several thousand dollars to take a truck driving course so she could be a safe and competent driver. Ms. F indicated she had left an abusive relationship and was trying to turn her life around. When she arrived at the MTO local office for her scheduled test, the examiner would not allow her to take the test and referred her to the Area Office.

MTO had apparently not been enforcing graduated licensing (GLS) requirements consistently. The GLS requires drivers of special licenses to have had a current G license for three years. Some MTO offices had not been following this procedure and the print information from MTO did not disclose this restriction. Ms. F learned from MTO that different offices had been allowing some specialized licenses to drivers without three

years experience but that the Ministry had recently sent out a clarifying memo to ensure consistent application. Ms. F said this put her in a difficult position - she had been allowed to write and passed the written test. MTO had accepted the fee for her road test, she borrowed the money for the course and she was now unable to start confirmed employment which required her to pass the road test. As a result, she was out, she said, many thousands of dollars and her future earnings were also at stake.

The Ombudsman's office made informal inquiries locally and to MTO head office and as a result, the issue ended up with the Special Policies Branch of MTO. The Ministry decided to conduct a provincial review and to consider changes to the regulations for GLS. In the meantime, Ms. F wrote the Deputy Minister to complain and to request that either she be allowed to do the test or to be reimbursed for the costs she incurred and lost wages as a result of MTO's failure to properly administer her application for A class license. Ms. F did not initially hear back from MTO so she asked the Ombudsman's office to make sure her letter had been received. Following assurance that a response was pending, the Ombudsman's office closed its file. Ms. F later called to say MTO had agreed to allow her to do the road test and that she believed the Ministry's reversal was because of the Ombudsman's inquiry and potential for investigation if MTO did not resolve the issue.

Hydro re-connected

Mr. H, a First Nations individual residing on a Northern Ontario reserve, had been having difficulties with Ontario Hydro. They refused to connect electrical service to his residence, stating that the previous resident,

Mr. H's mother, had an unpaid bill of \$3000. Mr. H's mother had not been residing on the reserve for the past fifteen months. However, Ontario Hydro believed she was still residing with her son, so they were refusing to reconnect his service. Mr. H felt that Ontario Hydro was being unfair as he had no arrears in his name and he was willing to pay the security deposit. He also believed that Ontario Hydro was being unreasonable to penalize him for his mother's arrears.

After the initial complaint received in a regional office, the file was assigned to an

Ombudsman investigator. The investigator contacted Ontario Hydro who advised that if Mr. H could supply them with proof that his mother no longer resided with him, and therefore would not be receiving any of his power, the utility would be prepared to reconnect. The investigator and the regional Ombudsman representative worked together to assist Mr. H and his mother in identifying what documents were required. Mr. H then submitted the necessary documents to Ontario Hydro and a few days later service was reconnected to Mr. H's residence.



Thank-you letters

"Just a quick note to say thank you! If it weren't for your help, my case would still be "pending" with family support services. It's great to know that there is someone to turn to, when the government is being less than co-operative. Again, thank you!"

"I am in receipt of your letter to me dated October 30, 1997. I must say at the outset, I was really flabbergasted to arrive home the other evening to see your envelope with enclosed correspondence sitting on my kitchen table. I say that as a compliment because I have found in the past that responses are rarely delivered in a timely manner. At any rate, I was delighted and impressed by your quick response."

"Just a short note to let you know that we have received your reply to our concerns. Though the result fell short of our expectations, we wish to convey the fact that we are grateful for the efforts of your office. We are well aware of the volume and complexity of the duties of your staff. The speed and care put into our complaint was truly professional and our organization would like to extend our heartfelt thanks. We wish you and your staff good health and continued success."

"First, let me thank you for your help. Without it, I would still be at square one where I was until you and your staff began the inquiry on my behalf. You have not only reconfirmed my faith in the system and in particular your office, but you have proved to many doubting Thomas's here that you can fight "City Hall" and win, unbelievable as it may seem."

"I would like to express my appreciation to the Ombudsman's office for the excellent assistance I received from (staff member's) calm approach to my predicament. His assurance that he would straighten things out

renewed my spirits. After only one day, he contacted me with the news that the problem had been corrected. Without his help I may have waited many months before this obvious error would have been corrected."

"It is gratifying to know that a provincial body such as the Ombudsman is there to turn to in cases such as mine. Again many thanks for your time, patience, and perseverance and 'lending an ear' to my domestic woes."

"I wish to commend the efficiency of your office and especially (staff member) in particular. Starting April 16, 1997, I called weekly enquiring about the cheque and each time was told it was being investigated. Early in June, 1997, on my son's advice, I addressed your office and was duly informed about the whole situation. The following week the cheque was received. Thank you very much."

"Prior to the involvement of the Ombudsman's office, there was less accountability and no apparent cohesion between those involved. I must say this experience has given us considerable respect for your office and in particular for (staff member). We feel that the matter was thoroughly researched and given a very unbiased investigation. We now have a better insight into the matter and we are not disappointed. We just wanted some answers, some accountability and an opportunity to present our views. We feel that all of this has been accomplished."

"I am writing this letter to let you know of the great job done by one of your staff. I meant to send this letter some time ago, so please accept my apologies for the delay. I am very grateful for everything you and your staff have done for me, and a very special thank you to (staff member) for the very personal and caring way in which she handled this matter."



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

Ombudsman Ontario Staff List – March, 1998

Ombudsman

Roberta Jamieson

Executive Assistant

Laurie Hall

Executive Director

Fiona Crean

Executive Assistant

Rachel Olaso-Pezeshkian

Administrative Secretary

Dora Gimenez-Dixon

Complaints Resolution Teams

Manager:

Alison Irons

Team Leaders:

Tim Arkell

Eva Kalisz

Administrative Secretary:

Zalina Deodat

Client Access

Representatives:

Michelle Amaral

Marc Despatie

Paulette Gauthier-Roy

Marie-Claire Muamba

Ombudsman

Representatives:

Calvin Blackwood

Robin Bosworth

Sharon Layton

Mike Sauer

Jo-Ann Terrence

Pamela Young

Investigators:

Christine Angus-Jones

Mary Jane Fenton

Jim Nicholas

Manager:

Lise Corbeil

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Mary Elizabeth Nugent

Administrative Secretary:

Annick Laflèche

Ombudsman

Representatives:

Kwame Addo

Danielle Barbeau-Rodrigue

Kim Barclay

Julie Bertrand

Jean Dennie

Lira Hugh

Lourine Lucas

Investigators:

Gerry Carlino

Kathy Penfold

Elizabeth Weston

Barbara Worthington

Manager:

Nora Farrell

Team Leaders:

Sue Haslam

Tom Irvine

Administrative

Secretaries:

Betty Baker

Lourdes Legardo

Ombudsman

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Millicent Dixon

Hannalie Ethier

Jack Fera

Micheline Gagné

Pauline Gignac

Esla Hutchinson

George LaRosa

Joe Semenciw

Investigators:

Anita Glasier

Barbara Hirst

Barbara Kiesecker

Matilda Presner

Cathy Rea

Elizabeth Virc

Finance Administration, Systems

Manager:

John Allan

Administrative Assistant:

Janet Rose

Accounting Analyst:

Judith Lee

Client Services

Representative:

Wolfgang Schulz

Closed File Analyst:

Joyce Coolman

Data Technician:

Suzanne Bernier

Programmer Analysts:

Kwasi Frimpong

Dianne King

Records Analyst:

Jackie Correia

Word Processing Operators:

Maureen Bourns

Jackie Holmes

Policy, Legal, Research & Communications

Communications

Coordinator:

Gene Long

Administrative Secretary:

Dean Morra

Legal Advisors:

Laura Pettigrew

Wendy Ray

Analyst/Investigator:

Lorraine Boucher

Policy Advisor:

Michael Orr

Research Assistant:

Sherrie Nicholson

Human Resources

Human Resources

Coordinator:

Joyce Leonard

mission

STATEMENT

In striving to achieve our Vision, Ombudsman Ontario is 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 governmental administration
- Act as a resource to governmental organizations and the public to prevent future complaints
- Increase public awareness of Ombudsman Ontario's services
- Be ethical and accountable
- Encourage teamwork through consultation and communication
- Monitor and evaluate our organizational performance
- Realize individual potential through proactive human resource practices

Ombudsman Ontario is committed to the creation of equity in service provision, compensation and employment.

Ombudsman Ontario Regional Offices

- | | |
|--|---|
| 1 London Office
920 Commissioners Road E.
London, Ontario N5Z 3J1 | 4 Sudbury Office
66 Elm Street, Suite #108
Sudbury, Ontario P3C 1R8 |
| 2 Ottawa Office
227 Rideau Street
Ottawa, Ontario K1N 5X8 | 5 Thunder Bay Office
125 North Cumberland St.
Thunder Bay, Ontario P7A 4M4 |
| 3 Sault Ste. Marie Office
111 Great Northern Rd., Unit #2
Sault Ste. Marie, Ontario P6B 4Y9 | 6 Toronto Office
125 Queen's Park
Toronto, Ontario M5S 2C7 |

Contact Information

1-800-263-1830 – English
1-800-387-2620 – Français
**1-800-586-3510 – TTY, hard of hearing
and deaf**
Website: www.ombudsman.on.ca

This Annual Report is available in French and alternative formats by request. For general information, or mailing address changes please call our Communications office at **416-586-3353**.







**OMBUDSMAN
ONTARIO**

**APPENDIX
to the
1997-98 Annual Report
Own Motion Investigations
of Timeliness in Service Delivery**

June 2, 1998

EXECUTIVE SUMMARY

OWN MOTION INVESTIGATIONS OF TIMELINESS IN SERVICE DELIVERY

The Ombudsman conducted comprehensive investigations this past year into eight government organizations which have been the subject of recurring complaints from the public alleging delay in service delivery.

Each organization was sent a survey and a detailed questionnaire designed to assess whether there were problems with timely delivery of service over a period of time. As a common tool of analysis, the survey allowed the Ombudsman to analyze performance across the organizations in reaching conclusions about the standards of service being offered. The organizations were asked to provide both quantitative and qualitative information, including strategies being applied to address any problems that were identified.

Of the eight organizations surveyed, five were found to be providing inadequate service to the public. These included: the Adoption Disclosure Register program of the Ministry of Community and Social Services; the Health Professions Board; the Ontario Human Rights Commission; the Social Assistance Review Board; and the Workplace Safety and Insurance Appeals Tribunal.

In each of these cases the Ombudsman recommended that the organization and the government Ministry involved take all necessary steps, including the securing of adequate resources, to enable the timely delivery of service to the public. Based on the responses, and commitments provided by the organizations and their Ministries to implement these recommendations, the Ombudsman concluded each investigation with notice that she will continue to monitor the organizations' progress. Highlights of the investigation results are outlined below.

Other investigations found that three government organizations which have been the subject of complaint are taking adequate measures to address issues of timeliness in their service delivery. These included the Employment Practices Branch of the Ministry of Labour, the Ontario Student Assistance Program and the Trillium Drug Program. In each of these cases, the Ombudsman identified a number of concerns with program delivery during the investigation and received satisfactory assurances from the organization that her concerns were being addressed.

Adoption Disclosure Register

Ministry of Community and Social Services

- The Ombudsman investigated and reported on issues relating to the timeliness of birth relative searches in 1994-95. At the time of the current investigation there was a backlog of over 16,000 registrants requesting birth relative searches. During the five years surveyed, the median age of requests to search for a birth relative at the time the search began was seven years. As of December 31, 1997 this median age had increased to 7.25 years.
- Despite the agency's efforts to address its chronic delay and backlog, it was the Ombudsman's view that further steps are needed to ensure that a timely search process is achieved.
- The Ombudsman concluded that the Ministry's omission to initiate searches for birth relatives in a timely manner is unreasonable and recommended that the Ministry take all necessary steps to ensure that the Adoption Disclosure Register program is provided adequate resources to enable it to process its birth relative searches in a timely manner.

Health Professions Board

Ministry of Health

- In 1993 the Ombudsman investigated a complaint about the length of time taken by the Health Professions Board (HPB) to process a request for review of a decision by a college of a health profession. As a result, the HPB took a number of steps to reduce the waiting period for complaint reviews. The current investigation revealed that over the last five years, the volume of complaint reviews received and carried over each year has increased substantially. The median time to process complaint reviews is now approaching two years.
- The HPB has repeatedly apprised the Ministry of Health in annual reports of concerns about its level of resources. It appeared the HPB had not received adequate resources to cope with the volume of complaint reviews which followed legislative changes in 1993.
- The evidence in this investigation showed that adequate staffing and stable membership are crucial for the HPB to exercise control over the complaint review process. There has been continuous turnover of Board members for the last three years and the HPB has been without its vice-chair for over two years. This instability has been disruptive to the Board's operations.
- Despite the efforts of the HPB to address its difficulties, the Ombudsman found the time taken to process complaint reviews is unacceptable and concluded that the omission to process complaint reviews in a timely manner is unreasonable.

- The Ombudsman recommended that the HPB take all necessary steps, including requesting additional resources, to ensure it is able to process complaint reviews in a timely manner. She also recommended that the Ministry of Health take all necessary steps to ensure that the HPB is provided with adequate resources to enable it to process complaint reviews in a timely manner.

Ontario Human Rights Commission Ministry of Citizenship, Culture and Recreation

- The Ombudsman completed investigations into timeliness at the Ontario Human Rights Commission (OHRC) in 1991 and 1993. She made a Special Report to the Legislature regarding problems at the OHRC in July, 1993. The current investigation focused on the timeliness of the OHRC's investigative process.
- The investigation revealed a large number of cases - 1,209 - two years and older that have been assigned for investigation but not yet referred to the Commissioners for a decision. The Ombudsman noted the passage of such time may have negative consequences for complainants and expressed the view that if human rights are to be preserved and protected, a timely and efficient system for managing complaints concerning violations of the *Human Rights Code* is essential.
- Despite the Commission's efforts over the last five years to address its workload, the Ombudsman found that the time taken to complete the investigation of complaints of discrimination is unacceptable. The OHRC is evaluating the impact of its recent initiatives on the timeliness of the processing of complaints. Statistical analysis indicated that the resources available to the OHRC have an impact on the capacity of the Commission to complete investigations in a timely manner. The OHRC suggested that additional resources would assist it in achieving a more manageable caseload before the year 2000.
- The Ombudsman concluded that the OHRC's omission to investigate complaints in a timely manner is unreasonable, and recommended that it take all necessary steps, including requesting additional resources, to ensure that it is able to investigate complaints in a timely manner. The Ombudsman also recommended that the Ministry of Citizenship, Culture and Recreation take all necessary steps to ensure that the OHRC is provided adequate resources to enable it to investigate complaints in a timely manner. As the OHRC is currently evaluating recent efforts toward improvement, it was also recommended that the OHRC report back to the Ombudsman in six months time and one year's time regarding its progress.

Social Assistance Review Board's Appeal Process Ministry of Community and Social Services

- The Ombudsman investigated the Social Assistance Review Board (SARB) because of recurring complaints that reflect the fundamental importance of the program to those who depend on it, and the necessity of expeditious adjudication of appeals. While time frames for processing interim assistance applications have recently been reduced, the Ombudsman did not consider the availability of interim assistance to be a substitute for an efficient and timely appeal process.
- As of January 26, 1998 there were 6,742 outstanding open appeal files. SARB's clients are vulnerable and in many cases the appellant's livelihood is at stake. Despite improvements in its processing of appeals, the Ombudsman found that SARB's average processing time of seven months is unacceptable.
- The investigation revealed that the present resources available to SARB are not sufficient to enable it to deal with its appeals in a timely manner. The Ombudsman expressed concern that the human costs of untimely processing of social assistance appeals are not being adequately taken into account and that SARB does not advise appellants and respondents at an early stage about anticipated time frames.
- The Ombudsman concluded SARB's omission to process appeals in a timely manner and its omission to effectively communicate time frames for processing appeals to appellants and respondents is unreasonable. She recommended that SARB take all necessary steps, including requesting additional resources, to ensure that it is able to process appeals in a timely manner. The Ombudsman also recommended that the Ministry of Community and Social Services take all necessary steps to ensure that SARB is provided adequate resources to enable it to process its appeals in a timely manner. In addition, the Ombudsman recommended that SARB provide notice to appellants and respondents of the expected time frames for processing an appeal.

Workplace Safety and Insurance Appeals Tribunal's Appeals Process Ministry of Labour

- In 1994/95, the Ombudsman reported on difficulties experienced by the former Workers' Compensation Appeals Tribunal (now known as the Workplace Safety and Insurance Appeals Tribunal, WSIAT) in processing appeals in a timely manner. The current investigation revealed that the resources available to WSIAT have a direct impact on its capacity to process appeals in a timely manner.
- During the five-year period surveyed, the median time taken to close a file doubled from 170 days to 340 days. In 1997, 5,085 appeals were received and another 3,519 were carried over from previous years, while only 3,042 appeals were decided. For 1998, WSIAT originally projected that it would receive 5,500 appeals. However, by February 1998, it had already received 2,700 appeals, which can be attributed to a recently legislated six-month time limit scheduled to take effect at the end of June, 1998.

- Despite numerous efforts the agency has made to address the timeliness of its appeals process, it was the Ombudsman's view that the time taken to process appeals is unacceptable. In these circumstances, it does not appear the backlog will be reduced in the near future. WSIAT advised the Ombudsman that it has requested a budget increase to address these issues.
- The Ombudsman concluded that WSIAT's omission to process appeals in a timely manner is unreasonable. She recommended that WSIAT take all necessary steps, including requesting additional resources, to ensure that it is able to process appeals in a timely manner. She also recommended that the Ministry of Labour take all necessary steps to ensure that WSIAT is provided adequate resources to enable it to process its appeals in a timely manner. In addition, she recommended that the agency report back in six months' time and one year's time on its progress.