



Office of the Citizens' Representative

For more information on the content of this brochure, or for more information on the OCR's role and mandate, please contact us at 709-729-7647, 1-800-559-0079, via email at citrep@gov.nl.ca, or visit our website at www.citizensrep.nl.ca.

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A Guide for OCR Designates

Seeking fairness...
finding solutions

The Office of the Citizens' Representative (the "OCR") is an Office of the House of Assembly empowered by the *Citizens' Representative Act* ("the Act") to conduct impartial and confidential investigations of public complaints about provincial government programs and services.

With the cooperation of the public service, the OCR has developed a list of key contacts in government departments and agencies to facilitate interactions between the OCR and departments who are the subject of complaints. Normally appointed by Deputy Ministers or CEOs, these "designates" become the regular point of contact in OCR investigations and lower-level inquiries. Often, designates are called upon to clear miscommunications, elaborate on policy, respond to complaints, and generally assist in complaint management for their department.

The OCR developed this brochure to provide designates with a list of frequently asked questions to assist in their deliberations. We regard our relationship with designates as open and respectful, and we value their input. The OCR will support your role as designate. The Assistant Citizens' Representative is available to provide an orientation to the role and respond to any questions about process and the OCR/designate relationship at any time.

What are the roles in the complaint process?

- The complainant provides the OCR with details about the complaint and copies of any relevant documents. He/she is obliged to cooperate throughout the process.
- The department's role is to respond to a complaint in a thorough and timely manner and to seek clarification of any issues that are not clearly understood.

- The OCR addresses complaints in an unbiased and objective manner. This is done by ensuring that both the complainant and the government body are given the opportunity to provide the office with information and feedback concerning the complaint.

What are my obligations as a designate?

Designates are most often called upon to provide information in a timely fashion. Whether the OCR seeks background information to establish whether or not it has jurisdiction, requires general policy information, or is involved in a formal investigation, we rely on designates to facilitate the flow of information to our Office. Designates are the primary contact in the disclosure of documents and will often make arrangements for OCR investigators to visit their workplace, review files, and speak with witnesses involved in investigations.

Under the *Act*, departments and agencies involved in formal OCR investigations are required to provide all information deemed by the Citizens' Representative to be relevant to the complaint.

How is information requested?

In lower-level complaints or policy inquiries, we may contact you by telephone or via e-mail. In formal investigations, the Deputy/CEO is given written notice, together with a request for documents. In some cases, we may write back to ask for additional information.

What about the ATIPPA?

The OCR is exempt from the normal rules governing the release of documents. With few exceptions, for example cabinet documents or legal opinions, all documents and emails surrounding a complaint must be disclosed to OCR

investigators upon request. There are penalties, including fines or imprisonment, for misleading or obstructing OCR investigations.

In turn, the OCR is exempt from releasing records connected with its investigatory functions, for example, documents or witness statements under Section 41.(c) of the ATIPPA. A person cannot obtain government documents through this Office.

While the OCR is authorized to share information necessary to satisfy a complaint, we will take care to protect information that is sensitive in nature, particularly if it does not serve a clear purpose to share.

How long does an investigation take?

Complaints are dealt with as quickly as possible. Some complaints can be handled in hours or in a matter of days. Complex complaints require interviewing a number of witnesses and reviewing a large number of documents. Complex complaints can take several months to complete.

Will I be notified of outcomes?

In the vast majority of cases, the answer is yes. Under Section 15 of the *Act*, the legal reporting obligation that exists is between the Citizens' Representative and the Deputy Minister/CEO. Deputies and CEOs usually share the results of investigations with designates.

Are there any resources on complaint handling available?

There are a number of resources on complaint handling available online. In 2013, the OCR released a practice guide called "Navigating Complaints". The guide was developed to assist public bodies in complaint handling and is available on request.