



**Office of the Citizens'
Representative**

***2020-2023
Activity Plan***



Office of the Citizens' Representative

Province of Newfoundland and Labrador

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October 7, 2020

The Honourable Scott Reid, MHA
Speaker
House of Assembly
Confederation Building, East Block
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Speaker:

I am pleased to submit to you, for tabling in the House of Assembly, my Activity Plan for the fiscal years 2020-21 through 2022-23.

This Plan has been prepared as required by s.7 of the **Transparency and Accountability Act** ("the Act") for a Category 3 entity.

As the Citizens' Representative, I acknowledge my obligations under the Act. As per s. 7(4) I affirm that I am accountable for the preparation of the Plan, and for the achievement of the objectives contained herein.

Yours truly,

Bradley J. Moss
Citizens' Representative

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OVERVIEW

The Office of the Citizens' Representative is one of seven statutory Offices of the House of Assembly. The Office provides a province-wide Ombudsman service for citizens with respect to their interactions with the provincial public service, and in doing so, works to ensure that citizens of the province are treated fairly by acts and decisions of the departments, agencies, boards and commissions of the government scheduled to the **Citizens' Representative Act**. The Office is also responsible for investigating public interest disclosures under both the **House of Assembly Accountability, Integrity and Administration Act**, and the **Public Interest Disclosure and Whistleblower Protection Act**. In addition, the Office is responsible for investigations under the **Harassment-Free Workplace Policy Applicable to Complaints Against Members of the House of Assembly** effective April 1, 2020.

Bradley Moss is the Citizens' Representative and is responsible for the management of the Office and the prosecution of its mandate. The Office has a permanent staff of eight, including:

- an Assistant Citizens' Representative (female)
- two Senior Investigators (one female, one male)
- two Investigators (female)
- one Intake Officer / Investigator (female)
- an Office Administrator, (female) and
- an Executive Secretary (female)

The Office has a budget of \$1,032,900.00 for 2020 - 2021.

Salaries	\$800,500.00
Employee Benefits	7,000.00
Transportation and Communications	34,800.00
Supplies	5,000.00
Professional Services	69,600.00
Purchased Services	108,000.00
Property, Furnishings and Equipment	<u>8,000.00</u>
TOTAL	1,032,900.00

This Office can be contacted by:

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MANDATE

The Office of the Citizens' Representative is established under the **Citizens' Representative Act**, (SNL2001 c. C-14.1), which outlines the role of the Citizens' Representative and establishes the various investigatory powers of the Office. The Office is designated as a Statutory Office of the House of Assembly in Section 2 (r)(v) of the **House of Assembly Accountability, Integrity and Administration Act**, (SNL2007 c. H-10.1). The Office is also granted certain powers of investigation under both the **House of Assembly Accountability, Integrity and Administration Act** and the **Public Interest Disclosure and Whistleblower Protection Act** SNL2014 c. P-37.2 with respect to protected disclosures of wrongdoing. On April 1, 2020 the Office also assumed responsibility for investigations under the **Harassment-Free Workplace Policy Applicable to Complaints Against Members of the House of Assembly**.

Accordingly, these statutes and policy give rise to the following mandates:

The mandate flowing from the **Citizens' Representative Act** includes:

- the receipt and independent investigation of complaints about administrative unfairness from citizens;
- by implication, the mediation of these complaints through early resolution or informal mediation;

- the investigation of matters referred to it by the Lieutenant Governor in Council, the House of Assembly, or matters that are otherwise independently determined by the Citizens' Representative of requiring investigation;
- reporting the results of the investigations to the parties to the complaint and recommending appropriate redress; and,
- in certain circumstances, making public reports on matters considered by the Office.

The mandate flowing from the **House of Assembly Accountability, Integrity and Administration Act** includes:

- the receipt and impartial investigation of complaints relating to public interest disclosures (whistleblowing) from public employees against members and employees of the House of Assembly, its Statutory Officers, Speaker and Clerk.

The mandate flowing from the **Public Interest Disclosure and Whistleblower Protection Act** includes:

- the receipt and impartial investigation of complaints relating to public interest disclosures (whistleblowing) from public employees in all government departments, agencies, boards and commissions.

The mandate flowing from the **Harassment-Free Workplace Policy Applicable to Complaints Against Members of the House of Assembly** includes:

- the receipt of inquiries and of complaints by a Member of the House of Assembly, employees of the Legislative and Executive branches, and by-standers relating to complaints of harassment against Members of the House of Assembly;
- the coordination of informal resolution processes (facilitated discussions or mediations) or an independent investigation under the formal process as determined by the complainant.

LINES OF BUSINESS

The Office of the Citizens' Representative pursues the following lines of business.

1. Investigation and Mediation of Complaints

The Office of the Citizens' Representative ensures that citizens' complaints and matters referred to it by the Lieutenant Governor in Council, the House of Assembly, or on its own motion are:

- a. investigated and mediated in a timely, thorough, and objective manner;
- b. mediated to the satisfaction of all stakeholders if possible;
- c. reported upon in a concise and easily understood format;
- d. when appropriate, subject to recommendations which would ameliorate the cause of the complaint and/or improve the overall provision of public service by departments and agencies.

2. Investigation of Whistleblower Complaints

The Office of the Citizens' Representative accepts complaints of gross mismanagement from government employees under two statutory programs, and ensures that:

- a. subsequent investigations are carried out as expediently and informally as possible;
- b. all parties are treated with procedural fairness;
- c. investigations and subsequent reports are thorough, unbiased and fair.

3. Intake and Investigation of Harassment Complaints against MHAs

The Office of the Citizens' Representative provides independent confidential advice, and accepts complaints of harassment against Members of the House of Assembly from government employees and other Members of the House, ensuring that:

- a. employees are aware of and have access to the external Independent Support Advisor;
- b. employees are aware of and have access to the informal and formal resolution processes available;
- c. all parties are treated with procedural fairness;
- d. investigations are carried out in accordance with timelines established by the policy;
- e. investigations are thorough, unbiased and fair.

VALUES

The following values are fundamental to all interactions and communications between the Office of the Citizens' Representative, citizens, and public officials.

Value	Action Statement
Fairness	Each individual undertakes to perform his or her duties in an open, unbiased and independent manner.
Respect	Each individual considers, weighs and appreciates the circumstances and contributions of others and communicates in a manner that enhances the working environment.

Ingenuity	Each individual respects the importance of precedent and corporate history, but looks for new ways to enhance the Office's mandate. All suggestions are respected, considered, analyzed and discussed to ascertain their effectiveness in meeting stakeholders' needs.
Courage	While appreciating the vulnerability of citizens and the power of various government offices, each individual exercises his or her duties emboldened by the principle of truth to power and the recognition that ultimately everyone strives for, and benefits from, excellence in the public service.

PRIMARY CLIENTS

The primary clients of the Office of the Citizens' Representative are:

1. citizens who allege they have been treated unfairly when pursuing or receiving access to public services;
2. whistleblowers who allege gross mismanagement that is contrary to the public interest;
3. Members of the House of Assembly, Legislative and Executive branch employees who allege harassment by Members of the House of Assembly.

Secondary clients include:

1. the House of Assembly;
2. the Lieutenant Governor in Council;
3. the Public Service.

VISION

A citizenry confident in a public service that is fair and grounded in integrity and good governance.

ISSUE

The Office of the Citizens' Representative is a statutory office of the House of Assembly, and as an Ombudsman office promoting principles of administrative fairness, we strive to support a well-organized and effective public sector workforce to serve the people of our province. This includes our own staff complement.

The following issue, goals and objectives reflect intended results in the interest of ensuring that our Office can strengthen its internal capacity to resolve matters faster through adopting best practices from other jurisdictions, and more effective liaison with key contacts in the public service to resolve matters for citizens in a timelier fashion.

Issue 1: Strengthening our capacity to respond to citizen complaints with improved efficiency.

ACTIVITIES

Since opening in 2002, the Office of the Citizens' Representative has established internal processes to support staff in carrying out the various roles and mandates assigned to the Office. Since its inception, the Office of the Citizens' Representative has created policies, investigative procedures, and provided mentorship for the members of staff. It has also identified and supported formal and informal educational/training opportunities to support the ability of staff to better perform their respective roles.

The Office of the Citizens' Representative has also completed thousands of informal inquiries and formal investigations during its lifespan. A naturally-occurring aspect of long term complaint management is the overlap or repetition of issues where in-house corporate knowledge of existing government policies, procedures and practices prove immensely valuable in timely complaint resolution. Likewise, existing in-house corporate knowledge extends to the hundreds of recommendations that have resulted from past investigations, which goes on to inform future investigations. Continual improvement of that in-house knowledge is fundamental.

In addition to the vast knowledge of referral sources within the community sector, key contacts or "designates" in the provincial public service are a source of corporate knowledge that enhance the ability of the Office to respond efficiently and practically to citizens seeking support.

During this planning cycle, the Office will pursue two goals.

Goal 1: By March 31, 2023, the Office of the Citizens' Representative will have undertaken measures to enhance in-house corporate knowledge and to promote increased knowledge and capacity of staff in the interest of more efficient complaint resolution.

Objectives Pursuant to Goal 1:

Objective 1: By March 31, 2021, the Office of the Citizens' Representative will have reviewed and analyzed existing supportive resources and practices for staff.

Indicator: Consulted with staff and other jurisdictions on methods to improve the sharing of corporate knowledge and resources.

Indicator: Consulted with staff and other jurisdictions on areas of improvement of existing policies, investigative techniques, resource documents, and training opportunities.

Objective 2: By March 31, 2022, the Office of the Citizens' Representative will have undertaken measures designed to improve efficacy of access to supporting information and the ongoing compilation of corporate knowledge.

Objective 3: By March 31, 2023, the Office of the Citizens' Representative will have analyzed the results of the measures undertaken and internally discussed further areas of improvement.

The Office of the Citizens' Representative has established pragmatic relationships with a network of contacts in the public service with delegated authority by Deputy Ministers and CEOs of departments, agencies and all entities scheduled to the Citizens' Representative Act. These contacts are known internally as "designates." Having quick access to designates enables investigators to provide efficient outcomes to citizens, whether through informal or formal investigations. These relationships are highly valued, respected and appreciated, as inquiries and investigations could not be assessed efficiently without this support.

In an effort to further enhance the existing relationship, particularly in recognition of periodic turnover in staffing in these designate roles, the Office of the Citizens' Representative will survey designates with a desire to identify aspects of the relationship that are perceived as being valuable and indications of how they can be better supported in their roles.

Goal 2: By March 31, 2023, the Office of the Citizens' Representative will have reviewed existing protocols involving interactions with designates within the public service.

Objectives Pursuant to Goal 2:

Objective 1: By March 31, 2021, the Office of the Citizens' Representative will have reviewed and analyzed existing supportive resources and practices for designates within the public service.

Indicator: Completed a survey with public service designates on methods to improve the efficiency of the relationship with the Office of the Citizens' Representative.

Objective 2: By March 31, 2022, the Office of the Citizens' Representative will have undertaken measures designed to facilitate and support the acquisition of information and policies from the designate network.

Objective 3: By March 31, 2023, the Office of the Citizens' Representative will have analyzed the results of the measures undertaken and internally discussed further areas of improvement.