



## Citizens' Representative Message



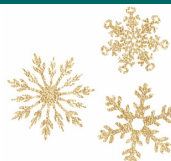
Since our last newsletter was released in September, and in addition to their other duties, staff have been busy helping prepare for our Annual Digest which will be released for tabling in the House of Assembly this month. This fall has also seen the continuation of the Canadian Council of Parliamentary Ombudsman (CCPO) monthly webinar series. Each month, a different provincial Ombudsman office volunteers to educate and interact with their colleagues across the country on various topics of interest to Ombudsman investigators. We look forward to hosting the January webinar on the topic of administrative investigations following deaths in custody.

Also this fall, it was announced that Prince Edward Island will open an Ombudsman office early in 2022. Congratulations to Sandy Hermiston on her appointment. Sandy previously served as the Cayman Islands Ombudsman and worked for a time as general counsel to the Alberta Ombudsman. With Sandy's appointment confirmed, all provinces in Canada now have provincial Ombudsman in place.

This month we are bidding a temporary farewell to OCR Investigator Rebecca French, who has taken a leave of absence to work as liaison between the Department of Children, Seniors and Social Development and the Office of the Child and Youth Advocate. Best of luck Rebecca!

Best wishes from all of us also go out to retiring Child and Youth Advocate Jackie Lake-Kavanagh. Jackie and I have had many conversations over the past years on issues that intersect our respective Offices. As a rookie statutory officer I appreciated her counsel and encouragement since I was appointed Citizens' Representative.

*Bradley Moss*



## Fairness Tips – Implementing the Principles of Administrative Fairness

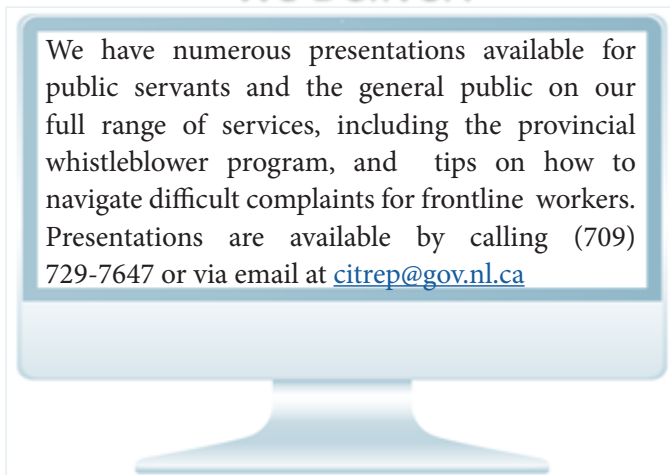
Citizens accessing government services anticipate and are entitled to receive courteous, timely, honest and confidential service flowing from procedures that are thorough, fair, impartial, accessible and engaging. Interpersonal conflict and complaints from the public can be avoided by keeping the fundamental components of administrative fairness in mind:

- Procedural fairness – advising citizens when a decision will be made; giving them a meaningful opportunity to state their case; impartially reviewing evidence; taking proper notes; avoiding long delays; communicating decisions in terms that are easily understood; and advising of available appeal processes.
- Proper application of process – ensuring that the person making the decision is authorized under law to do so; providing adequate reasoning; ensuring decisions are not prohibited under human rights or constitutional law; and ensuring decisions do not overburden the person, creating unnecessary hardship.
- People skills – being approachable; apologizing for an error; not creating false hope or impressions about what you can do for someone; being honest; respecting confidentiality; and taking the time to listen.

All interactions between public employees and citizens are subject to the principles of administrative fairness. These principles are invaluable and benchmarks for good decision-making and good governance.

## We Deliver!

We have numerous presentations available for public servants and the general public on our full range of services, including the provincial whistleblower program, and tips on how to navigate difficult complaints for frontline workers. Presentations are available by calling (709) 729-7647 or via email at [citrep@gov.nl.ca](mailto:citrep@gov.nl.ca)





## Seeking Fairness

A citizen contacted our Office upon receiving notification that the Income Support Program had discontinued benefits due to an increase in the citizen's Canada Pension Plan (CPP) benefits. The increase was less than two dollars. This change placed the citizen over the threshold for income support benefits. As a result of the marginal change in income and ineligibility for income support, the citizen also was no longer eligible for financial support for municipal taxes, drug card benefits, or vision care. The citizen also noted that he was in need of a special diet.

The Income and Employment Support Regulations under the **Income and Employment Support Act** states that CPP benefits are "non-exempt" income and are therefore, to be deducted from income support eligibility. In this case, the benefits were being deducted all along; however, the

small increase was adequate to terminate eligibility for the above benefits associated with income support eligibility.

Upon inquiry, the Income Support Program thoroughly reviewed the citizen's file. The citizen had not been considered and approved for a special diet; however, if there was a medically documented special diet requirement, there may be eligibility for a supplement to the CPP income, which would also indicate eligibility for payment of municipal taxes, drug card and vision care expenses.

The citizen was appreciative of the assistance of our Office in clarifying the matter and scheduled an appointment with the family doctor to obtain medical documentation supporting the special diet requirement.

## Finding Solutions

The OCR received a complaint related to parking concerns which were impacting the safe bus transportation to school for children of a neighbourhood. The properties in the neighbourhood were owned by NLH. The citizen explained that for a period of time, the school bus stopped picking up children in the neighbourhood, and changed the stop to what was believed to be a less safe location. The place of the bus stop had changed again to the original stop in the neighbourhood; however, the manner in which people were parking vehicles caused concerns, and parents were worried that the bus would once again stop picking up the children in the neighbourhood.

The matter of parking vehicles crosses into a law enforcement issue with responsibility to the local municipality and



the local police. The location of the bus stop also falls within the jurisdiction of the Newfoundland and Labrador English School District. Since the neighbourhood was comprised of NLH properties, initial contact was made with NLH to determine whether they had knowledge of the concern of their tenants and whether there was any role for them to ensure a safe school bus stop for the neighbourhood children.

NLH acknowledged the safety concern and agreed to install signage in the area to remind people when parking vehicles, not to impede the traffic flow. In addition, NLH staff would ensure that a garbage dumpster placed in the neighbourhood was not impeding the bus from safely entering and exiting the area. The citizen was satisfied with this outcome and was encouraged to contact the OCR in the event the matter was not adequately resolved.

# Happy Holidays!

### Questions / Comments?

Is your department, agency or community group interested in learning more about the OCR, its services and processes? Do you have a suggestion or question to be addressed in a future edition of **OCR Insights**? Call us at 1-800-559-0079 or (709) 729-7647, or e-mail [citrep@gov.nl.ca](mailto:citrep@gov.nl.ca)

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