




## Citizens' Representative Message



Recently, we were invited to a joint staff meeting with the folks at the Human Rights Commission (HRC). This was a great opportunity to discuss our respective roles and mandates for new employees, and to establish some informal protocols for referrals between our

respective organizations. The discussion quickly switched to the level of frustration directed toward complaint management offices in recent years. Both the HRC and OCR are staffed by seasoned investigators, some with decades of experience in complaint handling, augmented by extensive training in de-escalation and conflict resolution. It's important to underscore this was not a "blame the public" session by any means; it was more of an exploration of how we can better serve citizens who have multi-layered frustrations while keeping our own mental health intact while our employees remain at risk of vicarious trauma and compassion fatigue on a year-round basis. One key conclusion was that we cannot serve the public effectively if we don't embrace strategies of self-care, confide in our co-workers, and try to find the good inside and outside our workplaces.

 The Holiday Season is a good time to do that. So, my message to you for this December's Edition of *Insights* is to "find the good". Always be on the lookout for the opportunity to make someone's day, week, or month better, and don't quit doing that on January 1<sup>st</sup> because the "season of giving" is over. We are surrounded by these opportunities but don't often recognize them as we go about our daily lives. If we all give a little, together we can accomplish a lot.

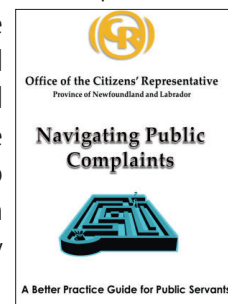
*Bradley Moss*

*Season's Greetings*

## Navigating Public Complaints

The OCR has been accepting, informally mediating, and investigating complaints from citizens for more than 20 years. Over this span of time, our investigators have placed an increased emphasis on the informal mediation, or early resolution of complaints that come our way. The reasons vary, but the constant outcome upon successful resolution allows for a more timely resolution for a citizen, and an efficient use of OCR resources and that of the respondent public bodies. A formal investigation, while sometimes necessary, takes considerably longer to complete and requires a greater concentration of resources over a longer period of time. Our increased emphasis on early resolution requires exploration with the citizen of the matter being complained about and the respective public body from whom the citizen is accessing programs and services.

Our exploration of citizens' complaints has raised our awareness of the increasing complexities of the nature of the issues being faced by citizens. We are realizing that a citizen's social location, in addition to the structure of programs and services within our communities, often give rise to this level of complexity. As a result, the actual navigation of complaints can be cumbersome for all of us as public servants, even more so for citizens. Many of the complaints that we manage include engagement with more than one public body, and on occasion, entities for which the OCR does not have jurisdiction. As our staff navigate the complexity of complaints to our Office, we refer to a document created by the OCR to support public servants. *Navigating Public Complaints* sets forth the foundational principles and best practice guidelines of how to administer effective procedural fairness to support all of us to continue to have respectful and positive relationships with the citizens of our province. We believe that implementation of these best practices also improves efficiencies within our respective organizations. This document is available in print form from our Office. Our staff are available to share best practice to support all those in the public service via informal discussion or a group presentation. We invite you to reach out to our Office to obtain a copy and start a conversation to support one another, particularly the citizens we serve.



The following case summaries will demonstrate examples of the complexity of complaints navigated by the OCR and the positive outcomes that are achievable.



## Seeking Fairness

During the winter months, a citizen contacted the OCR stating they had been without electricity since the previous week due to a disconnection for arrears owing the utility company. As a result, the citizen was without heat. As a recipient of income support benefits, Income and Employment Support policy allows for the consideration of various options to assist recipients in resolving disconnection of electricity, including entering into an equal payment plan and re-directing income support benefits to the utility.

Upon inquiry, it was determined that the citizen was receiving individual benefits, including the individual rate of rent. The citizen had negotiated an equal payment plan for an amount that exceeded their monthly income support eligibility. As re-directing payment to the company to meet the monthly payment was not possible, and in consideration of their personal circumstances, the citizen was asked to provide a medical note to confirm their need to live alone for medical reasons. This would

allow for approval of a higher rate of rent, increasing their income support eligibility. An increase in income support eligibility would allow for payment to be sent to the utility to satisfy the equal payment plan and reconnect the electricity. As the citizen did not have a family physician, and was not able to provide the requested documentation, the additional special needs rent was not approved.

During review of the policy directing special needs rent approval, it was identified that, in the citizen's situation, a letter from a social worker or counsellor was appropriate to satisfy the criteria for approval of special needs rent. The citizen was engaged in a program under Mental Health and Addictions that permitted an opportunity for a social worker to consider a letter of support for further assessment of special needs rent. The citizen was able to obtain a letter of support from Mental Health and Addictions, enabling approval of special needs rent and fulfillment of the equal payment plan with the utility. Through this process, their electricity was restored.

## Finding Solutions

An employee of a Provincial Government department contacted the OCR with concern in relation to the alleged inactions of the employer as ordered following an arbitration process. The OCR confirmed there had been a significant timeframe since the date of the arbitration order requiring specific actions by the employer; actions the citizen alleged had not been undertaken.

Any employee-employer matters of the Provincial Government fall under the Treasury Board Secretariat (TBS). It provides leadership and support in the development and management of human resource policies, programs and services that support the overall effectiveness of government. The OCR does not have jurisdiction over the TBS as it exists under the Executive Council. Despite lacking jurisdiction, the OCR consulted with the HR Policy and Planning Division of the TBS to get

a sense of the general process relating to compliance with arbitration orders. It was confirmed that an employee is entitled to information about action taken by an employer in response to an arbitration order. The employer is required to share the information through the TBS.

With guidance from the TBS, the OCR was able to recommend that the employee make a formal request of their union's Labour Relations Officer to contact TBS about the outcome of the order and to ask for a meeting on their behalf. The citizen was provided with contact information for the appropriate Staff Relations Specialist and the Labour Relations Officer with their union, and encouraged to follow up with the union to arrange for the sharing of information with respect to the arbitration order in question.



### 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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