



## The Fairness Principles

The Office of the Citizens' Representative ("OCR"), like all other parliamentary ombudsman offices in Canada, accepts, investigates, and attempts to settle complaints from citizens alleging they have been treated unfairly by the provincial public service. While undertaking outreach sessions or conducting public presentations throughout the Province, we are often asked about how we determine what is fair.

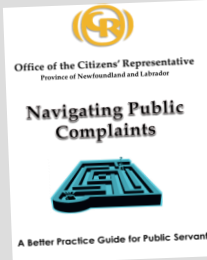
Fairness can often be a pliable concept; configured based upon a person's experience, training and perceptions. What may be fair for one person can be seen by others to be indulgent or draconian. To the extent possible, ombudsmen try to take a principled approach to determining what constitutes fairness. Once all relevant information has been gathered, an ombudsman will assess the evidence against certain fairness principles. If we determine that one of these principles has been breached, we can make a recommendation to a government body to help address a citizen's concern. The fairness principles, as set out in section 37 of the *Citizens' Representative Act*, permit us to make a recommendation if we determine that a government department, agency, board or commission has acted:

- 1) contrary to law;
- 2) unreasonably;
- 3) unjustly;
- 4) oppressively;
- 5) improperly discriminatory;
- 6) based wholly or partly on a mistake of fact and law; or
- 7) wrongly.



Over the next several editions of *OCR Insights* we will examine each of these fairness principles in more detail and provide examples of how they may be breached.

## OCR Releases "Navigating Public Complaints: A Better Practice Guide for Public Servants"



In March 2013, as part of our obligations under the 2011-2014 OCR Business Plan, we drafted and disseminated a complaint handling manual entitled "Navigating Public Complaints: A Better Practice Guide for Public Servants". The Guide was designed to inform and assist public servants who handle citizens' complaints.

It describes what we believe to be the four key components of complaint handling: philosophy, people, procedure and progress. It also discusses the idea that citizens' complaints, properly handled, can enhance program efficiency. The Guide also provides helpful tips on how to handle unreasonable citizen behavior. Because the public service is so diverse, the Guide is a general statement on how to handle complaints. It is meant to be an aid as public bodies formulate or reassess their complaint handling procedures.

In May, Barry gave a presentation on complaint handling to a team from the Newfoundland and Labrador Housing Corporation. While the Guide was designed for public servants, it may be of use to non-government agencies as well. All those wishing to obtain a copy of the Guide, or who would like to arrange for a presentation, are encouraged to contact the OCR.



Paul Abbott, Regional Director, NL Housing Corporation, and Barry Fleming

## Did you know?



The International Ombudsman Institute, located in Vienna, was established in 1978 and has over 150 member organizations. The OCR's institutional membership provides the office with a source for international exchange, research and cooperation from offices around the world.

## Seeking Fairness



When an inmate is taken into custody, all clothing and possessions on his or her person are documented on a property sheet and the items are placed in a personal property receptacle in the inmate's name. An inmate called the OCR upset that after his admission to Her Majesty's Penitentiary, correctional officials lost his

coat and sneakers. The OCR inquired and was later informed that the Adult Corrections Division had reviewed surveillance footage from the day the inmate was admitted. The Division confirmed that the inmate was wearing the articles he said he was wearing on admission. Despite a search of the property room, the Division could not locate the inmate's property. A claim for the loss was submitted by the inmate and was paid by the Department of Justice.

## Finding Solutions

Among the duties of the new Department of Advanced Education and Skills ("AES") is the administration of programming to assist clients with entering or re-entering the workforce. The mother of a son with complex medical needs contacted the OCR regarding the amount of financial support he was receiving from AES, which was subsidizing his continued education as a plumber. The student was alleged to be having difficulty

meeting his dietary needs which resulted in the aggravation of a medical problem. The combination of poor diet and declining health was rapidly deteriorating his ability to attend school and study his trade effectively. There were legitimate concerns about the student's ability to continue. Working with AES, a check of the student's medical conditions, place of schooling, and eligibility for assistance revealed he was entitled to

special needs rent. The provision of the rental assistance funding freed up nearly \$200 per month and enabled the young man to stabilize himself to a point where he could complete his program of study in good health.



## 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 *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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