

Citizens' Representative Message



Coming Soon....A New Avenue of Justice for Indigenous Peoples

Earlier this year the federal Minister of Crown-Indigenous Relations announced the appointment of Ms. Jennifer Moore Rattray as the Ministerial Special Representative who will provide advice and

recommendations, through engagement with families, survivors, partners and organizations in support of the *National Inquiry into Missing and Murdered Indigenous Women and Girls Call for Justice 1.7: Call for Justice 1.7* reads:

We call upon the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsperson, with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal. The ombudsperson and tribunal must be independent of governments and have the authority to receive complaints from Indigenous individuals as well as Indigenous communities in relation to Indigenous and human rights violations, and to conduct thorough and independent evaluations of government services for First Nations, Inuit, and Métis people and communities to determine compliance with human and Indigenous rights laws. The ombudsperson and the tribunal must be given sufficient resources to fulfill their mandates and must be permanent.

Ms. Rattray is a former Assistant Deputy Minister in the government of Manitoba and the former Executive Director of the National Inquiry, which delivered its final report and 231 Calls for Justice to the Prime Minister and Premiers in June of 2019.

In the immediate aftermath of the release of the Inquiry's report, my provincial and territorial colleagues and I, all wrote our respective Ministers of Justice to offer our advice and support in helping make *Call for Justice 1.7* happen.

Over the past few months, the members of the Canadian Council of Parliamentary Ombudsman have gathered online with Ms. Rattray and offered our assistance as she moves forward with her terms of reference. She has been quite interested in our work. She has asked many good questions and, as a by-product of our meetings, caused all of us to reflect on how we offer our services in an inclusive and informed way to our indigenous citizens.

We fully support the establishment of an Indigenous and Human Rights Ombudsperson for Canada. We look forward to reading Ms. Rattray's report when it is made public, and we look forward to working with this new federal office when it opens.

Bradley Moss

Managing Unreasonable Complainant Conduct

As public servants, we recognize the value of establishing respectful relationships in our day-to-day work. We all have daily relations with our colleagues and our managers, community collaborators and most importantly, with the citizens that seek access to the services provided by our respective public bodies. Respectful and trusting relationships enable us to provide our best service and ensure transparency of our organizations. When we are not able to operate within these positive relationships, there are bound to be negative repercussions which will have an impact on the quality of service being available to the public and the ability to provide an effective service. In some situations, this has significant impacts on the safety of our workplaces.

As our society circumstances shift, conversations shift towards acknowledging the prevalence of unreasonable complainant conduct in our work environments. Despite our training and experience in creating respectful relationships, we may find ourselves lacking in knowledge and skills to support the psychological safety of public servants in these situations. Without adequate support to manage such conduct, the risk of harm to our public servants is vast. This conduct can present in our public service offices, hospitals, constituency offices, schools, etc., and can result in unwarranted stress to front-line employees, valuable resources being shifted from service management to situation management, and an overall sense of job dissatisfaction from the employees affected. ▶

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To better support all public employees, the following list of resources is offered:

- Occupational Health and Safety Regulations- require risk assessments in our workplaces with consideration to violence prevention - <https://workplacenl.ca/event/564/reducing-workplace-violence-risk-assessment/>
- The Centre for Learning and Development offers training for provincial employees specific to psychological health and safety - PSAccess.ca
- OCR Navigating Public Complaints- <https://www.citizensrep.nl.ca/pdfs/NavigatingPublicComplaintsGuide.pdf>
- Ombudsman New South Wales Managing Unreasonable Complainant Conduct- https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/125756/Managing-unreasonable-conduct-by-a-complainant-manual.pdf
- BC Ombudsperson Office Fairness in Practice: Why Relationships Matter in Public Service Delivery- <https://www.youtube.com/watch?v=ImUPUaqFu6I>

Our Office is available to have a further conversation with all public bodies in relation to managing unreasonable complainant conduct at your convenience.

Seeking Fairness

The OCR received a call from a group of citizens in an adult correctional facility alleging they did not have access to an on-site classification officer. Classification officers are not only responsible for assessments related to the placement and programming for incarcerated citizens, but they also support them during their incarceration with personal matters, such as family issues, discharge planning, and the like. The lack of an on-site classification officer indicated citizens did not have efficient access to classification.


The correctional facility confirmed the vacancy of the classification officer position and the available access for citizens to a classification officer at another institution until the vacant position was being filled. Following our inquiry, the Assistant Superintendent met with several citizens and provided an update that the process was in place to fill the vacant position and reviewed the process for citizens to access the support of an off-site classification officer (in the interim).

What We Offer

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

Finding Solutions

A tenant of Newfoundland and Labrador Housing (NLH) who lived with a family member contacted the OCR. They had received a letter from NLH addressing rental arrears accrued by the tenant. The tenant took full responsibility for the arrears and repayment, but was unsure how to navigate repayment given exceptional life circumstances at the time of the letter. The tenant was previously employed; however, was without income from employment or otherwise. The family member with whom they lived was experiencing a serious and life-altering medical situation which required the tenant to become a caregiver during the exceptional circumstances. The tenant was concerned that the arrears would leave them both homeless during a very vulnerable time.



Upon inquiry, NLH acknowledged the citizens as long-term tenants who had a good record of rent payment. NLH advised they work from an eviction prevention model and as long as the tenant remained engaged and were open to a reasonable repayment plan, the tenant would be provided with the time needed to resolve the matter and maintain their housing.

The tenant was able to work out a repayment plan with NLH and was able to avoid eviction.

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

 www.citizensrep.nl.ca

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