



The Fairness Principles - The Fairness Test in S.37: "Unjust"

Parliamentary Ombudsman throughout Canada have a series of principles which assist them when assessing evidence to determine if citizens have been treated fairly. In Newfoundland and Labrador, these principles can be found in section 37 of the *Citizens' Representative Act*. In this edition of OCR Insights we will explore the requirement that government actions and policies must be just.



Jacob Kimball, Intern Investigator,
and Citizens' Representative
Barry Fleming

To be just, a government action or policy must be impartial, equitable and fair. In the last edition of our Annual Digest we reported on the complaint of an inmate at Her Majesty's Penitentiary who was being transferred to a federal penitentiary and was fearful for his safety. He was aware that he had an inaccurate internal disciplinary charge for sexual assault. He knew the inmates of the federal penitentiary would view a sexual assault charge differently than the actual common assault charge he received. This error was causing him undue stress and anxiety as he awaited his move. He complained to our Office and the Department of Justice conducted a further review and expunged the matter from his disciplinary record and advised the Correctional Services of Canada accordingly. Our intervention assisted in correcting what would otherwise have been an unjust government action, incorrectly characterizing the internal discipline record of an inmate who was in the process of being transferred.

Institutional Memberships Assist the OCR

The OCR holds institutional memberships in two larger Ombudsman organizations, both of which are committed to upholding and contributing to the ideals of the Ombudsman in society.

The International Ombudsman Institute was established in 1978. Headquartered in Vienna, it encourages the creation and development of the Ombudsman as a democratic institution. It provides training, supports academic research and promotes the exchange of information around the Ombudsman world.

The Forum of Canadian Ombudsman (FCO) was created as an umbrella group for Ombudsman offices in 2001. It is active in the promotion and furtherance of the Ombudsman concept in Canada and provides periodic networking and training opportunities for Ombudsman and their staff. It counts among its members not only provincial and federal Ombudsman offices, but those from the corporate, organizational and academic sectors as well. OCR staff have chaired and served on its various committees, and Barry Fleming is currently a member of the FCO Board.



Did you know?

A *prototype* of the Ombudsman existed during the Korean Joseon Dynasty (1392-1897). The Secret Royal Inspector was an undercover official appointed by the monarch, who traveled around the provinces monitoring government personnel in the public interest.

Seeking Fairness

As the agency responsible for the provision of affordable housing, Newfoundland and Labrador Housing Corporation (NLHC) deals with complex needs in the community on a daily basis. To help manage its priorities, it classifies applicants under codes used to identify those most in need of help.

A woman referred to the OCR by the Community Sector Council presented with a constellation of personal and medical problems. A victim of spousal abuse with a mental illness who has difficulty walking, the woman was “couch surfing” in St. John’s when she applied for an NLHC unit. The OCR discovered the problem lay in the lack of the amount of information in the application she filled out, which led to her being coded differently than she would have been if NLHC was fully aware of her situation. Based on the new information, a vacancy was found and approved.

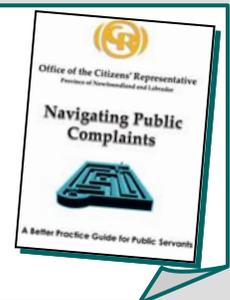


Finding Solutions

A young woman completing a work term contacted the OCR looking for assistance in finding any government program that would pay for a hearing aid. She was finding it increasingly difficult to hear and she was desperate for help. After taking some basic information, the OCR contacted the Department of Advanced Education and Skills (AE&S) and was advised that she may qualify for assistance, but would have to make a more detailed application. Directing her to the appropriate person in the system, our Investigator monitored her path until she received her hearing aid from the Janeway Hospital approximately 60 days later.

We deliver!

Our Navigating Complaints Guide, together with a presentation on its content, is available by calling (709) 729-7647 or via email at citrep@gov.nl.ca.



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.

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