

Citizens' Representative Message

It honestly seems like yesterday I penned the opening message for the *OCR Insights* newsletter for June. Over the summer, our Office continued to be busy while we worked remotely, and the fast pace continued after our 100% return to staff complement on July 14th. It was great to get the team back together again, once we made the necessary preparations for sanitation and distancing. Staff buy-in was key, and once again they all stepped up to help propel OCR forward.

Back in June, the annual national meetings of the Canadian Council of Parliamentary Ombudsman (CCPO), which were scheduled to take place in Regina, moved online. Saskatchewan did a terrific job hosting the event over two days and it was a great opportunity to hear the perspectives and updates from my national colleagues who are managing offices in provinces with varying levels of public health alert.

In addition, we discussed the various responses received from the provincial and territorial governments in response to our request to be consulted in discussions and decisions concerning the review and implementation of *Call to Action 1.7 of the National Inquiry into Murdered and Missing Indigenous Women and Girls* (a call for an National Indigenous and Human Rights Ombudsperson with authority over all jurisdictions). This request from the CCPO does not involve a jurisdictional struggle or an attempt to dictate

terms, or hijack processes. It is rooted firmly in offering our assistance and established best practices in Ombudsman work to help create a robust and successful office at the federal level, that can truly act in the interests of, and provide meaningful assistance to first nations peoples from coast to coast to coast. All of the provincial and territorial Ombudsman will also undergo training this fall from former Yukon Ombudsman Hank Moorlag on the topic of fairness in the first nations context. Hank has worked extensively with the Carcross/Tagish First Nation in the Yukon to develop policy around the creation of an Ombudsman-like official who assists the Band Council in resolving administrative complaints in their community and will share his perspectives with us. I also had the opportunity this summer to attend the virtual symposium called *Maw-lukutinej, / Let's Work Together: Indigenous Studies in Collaboration*, hosted by the Bay St. George Mi'kmaq Cultural Revival Committee, Grenfell Campus Office of Research and Graduate Studies and the Grenfell Indigenous Resource Centre. Speakers included respected Mi'kmaq lawyers Tuma Young, QC, and Judy White, QC, and Member of the Order of Canada, Elder Calvin White from Flat Bay. Congratulations to Kelly Anne Butler and Brady Reid on putting together such an informative program. I look forward to taking this event in again next year.

Bradley J. Moss

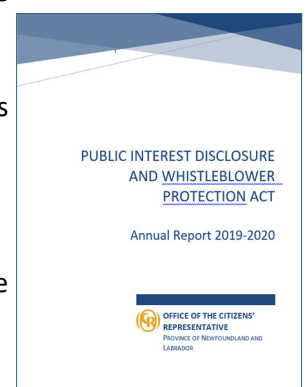
Public Interest Disclosure and Whistleblower Protection Act Annual Report 2019-2020

The OCR released its Annual Report for 2019-2020 on July 31, 2020. This Report highlights the progress and activities in carrying out our mandate under the **Public Interest Disclosure and Whistleblower Protection Act** (the Act) for the fiscal year. Since 2014, employees of the public service have been able to come forward to disclose wrongdoing within their organization in a confidential manner, with the right to be protected from reprisal for doing so. Not only does the report include statistics and compliance results for the fiscal year, it also provides an overview of the Act, its definitions and the disclosure process to support both inquiries and disclosures made under the Act, irrespective of whether an investigation ensues. Our Office continues to

welcome confidential contact from public servants who have questions about wrongdoing in their work environment and the process of making a disclosure, including those who may be seeking advice only.

Please feel free to view this Report on our website:
<https://www.citizensrep.nl.ca/pdfs/PIDAreport2019-2020.pdf>

Copies of the Report can also be made available upon request.



Seeking Fairness

A citizen contacted our Office with questions relating to a complaint made to the Human Rights Commission (the Commission) that was rejected five months after the complaint was lodged. Having provided feedback following the completion of a complaint form by the Commission, the citizen was advised there was no basis to accept the complaint. The citizen believed that the complaint had been previously accepted and alleged the process leading to acceptance of the complaint was flawed. The citizen was seeking answers as to why the complaint was rejected, an opportunity to submit additional information to support the complaint, and ultimately, that the complaint be accepted by the Commission.

The Commission indicated it only became clear there was no reasonable basis to accept the complaint after

completion of the complaint form and resulting feedback. It was acknowledged the citizen was not provided with proper reasons for the non-acceptance of the complaint, and a commitment was made to provide this in writing accompanied by an apology. Further, the Commission indicated it would be clearer in communications with complainants and provide reasons when a complaint is not accepted.

The citizen made contact with the Commission and both parties notified the OCR the complaint had been accepted for investigation, following provision of additional information by the citizen. The complaint was eventually settled with the citizen receiving general damages and a letter of reference from the employer. The employer was also provided with Human Rights training.

Finding Solutions

A senior citizen contacted our Office seeking assistance acquiring coverage for medication under the Newfoundland and Labrador Prescription Drug Program (NLPDP). The citizen was denied coverage for a prescribed medication that required special authorization by NLPDP. The OCR initiated communication with the NLPDP and found that important medical information was missing to support the approval of the medication under the provisions of the Program. A review of the file was completed by NLPDP and a pharmacist within the Program reached out to the citizen to discuss what was required. With consent from the citizen, the pharmacist was able to facilitate a process to ensure availability of the required medical information to further assess the request for special authorization.

DID YOU KNOW...

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



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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Office of the Citizens' Representative
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