



Citizens' Representative Message

This has been a particularly busy summer at OCR. On July 30th we tabled our annual report under the **Public Interest Disclosure and Whistleblower Protection Act**, and we have some large investigations ongoing while continuing to provide our regular complaint resolution services to members of the public. In addition, we are working diligently on our other reporting obligations to the House of Assembly and the public under the **Transparency and Accountability Act**, and the **Citizens' Representative Act**. These reports will be tabled in the House of Assembly during the fall.



During August, I had the pleasure to meet virtually with the Taxpayer's Ombudsman of Canada, Mr. François Boileau. Mr. Boileau's mandate involves accepting and resolving service-related complaints from the taxpayers of Canada against the Canada Revenue Agency. Being an Ombudsman can be a lonely job sometimes; confidentiality and the uniqueness of the work leaves us with few people to talk to who have an appreciation of Ombudsman work. We had a very productive discussion on the challenges associated with working in complaints management: personal and staff wellness; compassion fatigue; managing high-profile cases; and the difficult task of navigating, sometimes in a political milieu as an independent, non-partisan statutory officer. In addition, we agreed to continue to provide reciprocal referral services to members of the public who may need our services. Meeting privately and exchanging ideas with a federal counterpart was a treat, and a great way to recharge the batteries a little for what will be an equally busy fall.

I hope you found an opportunity to recharge your batteries this summer as well. 2020-21 has been difficult on all of us, and as we slowly and carefully ease back, and restrictions are gradually lifted, now more than ever, it's important to remember to be kind and compassionate to others, and find ways to help and support your fellow citizens that you know may be struggling.

Bradley Moss

Public Interest Disclosure and Whistleblower Protection Act Annual Report 2020-2021

The OCR released its Annual Report for 2020-2021 on July 31, 2021. 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, including statistics and compliance results. The Act provides a confidential process for public service employees to disclose wrongdoing and to be protected from reprisal for doing so. This report provides useful information including the disclosure process and definitions that may assist in understanding requirements of the program. Additionally, it provides an overview of the services available under the Act and what can be expected when you contact the OCR. Contact is confidential for any employee who may have questions about making a disclosure under this Act, including if the contact may be for advice only.



Please feel free to review [this Report](#) available on our website. Copies can also be produced upon request.

NLCSW Newsletter Article Publication by OCR Investigator

The Newfoundland and Labrador College of Social Workers (NLCSW) recently published an article in its semi-annual newsletter, **Connecting Voices**, entitled *Whistleblowing in the Field of Social Work: Accountability and Professional Practice*. OCR investigator and Registered Social Worker, Rebecca French, prepared and contributed this article. The OCR extends sincere appreciation to both the NLCSW for its publication and to Ms. French for her contribution to the NLCSW newsletter and for her dedication to the mandate of the OCR. This article can be located on [page 13 of the July 2021 issue of Connecting Voices](#).

Seeking Fairness



A public service employee filed a complaint with our Office against the employer, Eastern Health. The employee felt the employer did not adequately respond to their reports of bullying and harassment. All employers owe a duty to employees to ensure workplace bullying is addressed with adequate measures to ensure such behavior is not condoned or perpetuated in any form.

Upon investigation, the OCR made the determination that Eastern Health provided a reasonable response to the reports of bullying and harassment made by the citizen, in an effort to address the incidents and to ensure that bullying and

harassment were prevented in the future. The OCR did not cite a breach of the **Citizens' Representative Act** and found that Eastern Health did have adequate policies to respond to both allegations of harassment and for resolving workplace conflict. We believed, however, that it could improve on how it communicated and trained staff in relation to these policies. Employees must feel confident they can bring forward any work related relationship concerns they may have with a view to resolving issues constructively, and at the earliest possible stage. An intimidating workplace sets the tone for communication breakdown, poor productivity, and absenteeism. Training ensures all employees are aware of what behaviours constitute harassment and bullying and that employees understand what to do if they feel harassed.

Finding Solutions

A citizen alleged unfairness by the Income and Employment Support Appeal Board. The Board is an independent body authorized to hear appeals on decisions regarding income and employment supports and created under the **Income and Employment Support Act**. The citizen, after engaging in the Appeal Board process, alleged the process of appealing to the Board did not follow proper procedure. The citizen appealed a significantly large overpayment applied to her file following an internal investigation. Specifically, the citizen complained the Board lacked communication in relation to responding to procedural questions and failing to provide relevant documents to which they were entitled in a timely manner. The citizen also complained of the perceived unfairness of commencing collection of the overpayment prior to the conclusion of the appeal processes available.

The OCR conducted a comprehensive investigation of the appeal process afforded to the citizen and found the citizen had been treated unfairly for the following reasons:

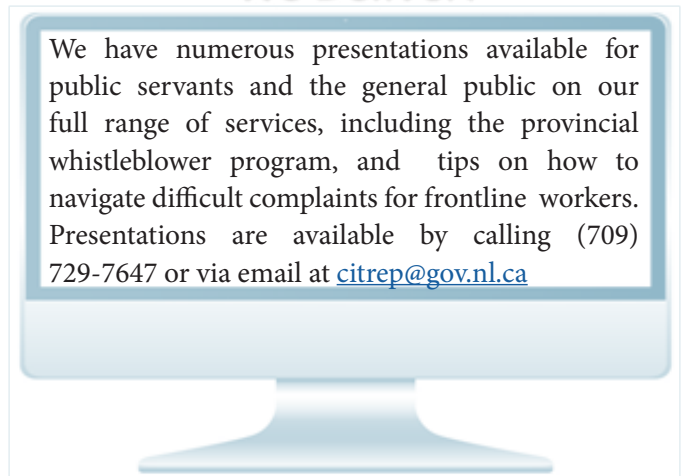
- the citizen should have been provided with a detailed breakdown of the overpayment;
- a manager ought to have been more diligent in returning calls to the citizen to respond to questions and concerns in relation to the overpayment;

- the citizen was not provided with relevant documents in relation to the internal investigation until hours prior to the Appeal Board hearing; and
- procedural fairness was lacking as the Appeal Board did not address the citizen's concern of having adequate opportunity to review the evidence and establish a response to the allegations under investigation prior to the hearing.

The citizen later advised, following a new Appeal Board hearing, that the decision of the overpayment was overturned and a garnished income tax refund was returned to the citizen.

We Deliver!

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 **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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