



**Office of the Citizens'
Representative**

***2017-2020
Activity Plan***

June 29, 2017

The Honourable Tom Osborne
Speaker
House of Assembly
Confederation Building, East Block
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Sir:

I am pleased to submit to you, for transmission to the House of Assembly, my Activity Plan for the upcoming three fiscal years: 2017-18; 2018-19; 2019-20.

As the Citizens' Representative, I recognize my obligation under the Act and I am accountable for the preparation of the Plan and for the achievement of the objectives contained herein.

Yours truly,

A handwritten signature in cursive script that reads "Barry G. Fleming".

Barry G. Fleming, Q.C.
Citizens' Representative

encl

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OVERVIEW

The Office of the Citizens' Representative is one of six statutory Offices of the House of Assembly. The Office provides a province-wide ombudsman service for citizens with respect to their dealings with the provincial public service, and in doing so, works to ensure that citizens of the province are treated fairly by acts and decisions of the departments, agencies, boards and commissions of the government scheduled to the *Citizens' Representative Act*. The Office is also responsible for investigating public interest disclosures under both the *House of Assembly Accountability, Integrity and Administration Act*, and the *Public Interest Disclosure and Whistleblower Protection Act*.

Barry Fleming, QC, is the Citizens' Representative and is responsible for the management of the Office and coordination of its work. The Office has a permanent staff of seven including:

- an Assistant Citizens' Representative (male)
- two Senior Investigators (female)
- two Investigators (one female, one male)
- an Office Administrator, (female) and
- an Executive Secretary (female)

To accomplish its work, pursuant to the 2017-18 Estimates of the Program Expenditure and Revenue of the Consolidated Revenue Fund, the Office has a budget of \$826,200.

Salaries	\$677,000
Employee Benefits	8,000
Transportation and Communications	34,800
Supplies	5,000
Professional Services	12,000
Purchased Services	85,400
Property, Furnishings and Equipment	<u>4,000</u>
TOTAL	<u>\$826,200</u>

This Office can be contacted by:

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Website: www.citizensrep.nl.ca

MANDATE

The Office of the Citizens' Representative is established under the *Citizens' Representative Act*, 2001 c. C-14.1, which delineates the role of the Citizens' Representative and establishes the various powers of the Office. The Office is designated as a Statutory Office of the House of Assembly in Section 2 (r)(v) the *House of Assembly Accountability, Integrity and Administration Act*. The Office also granted certain powers under the *House of Assembly Accountability, Integrity and Administration Act* and the *Public Interest Disclosure and Whistleblower Protection Act*. These statutes give rise to the following mandates:

The mandate flowing from the *Citizens' Representative Act* includes:

- the receipt and independent investigation of complaints of unfairness from citizens;
- by implication, the mediation of citizens' complaints when possible;
- the investigation of matters referred to it by the Lieutenant Governor in Council, the House of Assembly, or otherwise determined by the Citizens' Representative of requiring investigation; and,
- reporting the results of the investigations and recommending responses when appropriate.

The mandate flowing from the *House of Assembly Accountability, Integrity and Administration Act* includes:

- the receipt and independent investigation of complaints relating to public interest disclosures (whistleblowing) from public employees against members and employees of the House of Assembly, its Statutory Officers, Speaker and Clerk.

The mandate flowing from the *Public Interest Disclosure and Whistleblower Protection Act* includes:

- the receipt and independent investigation of complaints relating to public interest disclosures (whistleblowing) from public employees in all government departments, agencies, boards and commissions.

LINES OF BUSINESS

The Office of the Citizens' Representative controls the following lines of business.

1. Investigation and Mediation of Complaints

The Office of the Citizens' Representative ensures that citizens' complaints and matters referred to it by the Lieutenant Governor in Council, the House of Assembly, or on its own motion are:

- a. investigated and mediated in a timely, thorough, and objective manner;
- b. mediated to the satisfaction of all stakeholders if possible;
- c. reported upon in a concise and easily understood format;
- d. when appropriate, are subject to recommendations which would ameliorate the cause of the complaint and/or improve the overall provision of public service by departments and agencies.

2. Investigation of Whistleblower Complaints

The Office of the Citizens' Representative accepts complaints of gross mismanagement from government employees, and ensures that:

- a. subsequent investigations are carried out as expediently and informally as possible;
- b. all parties are treated with procedural fairness;
- c. investigations and subsequent reports are thorough, unbiased and fair.

VALUES

The following values are fundamental to all interactions and communications between the Office of the Citizens' Representative, citizens, and public officials.

<i>Value</i>	<i>Action Statement</i>
Fairness	Each individual undertakes to perform his or her duties in an open, unbiased and independent manner.
Respect	Each individual considers, weighs and appreciates the circumstances and contributions of others and communicates in a manner that enhances the working environment.
Ingenuity	Each individual respects the importance of precedent and corporate history, but looks for new ways to enhance the Office's mandate. All suggestions are respected, considered, analyzed and discussed to ascertain their effectiveness in meeting stakeholders' needs.
Courage	While appreciating the vulnerability of citizens and the power of various government offices, each individual exercises his or her duties emboldened by the principal of truth to power and the recognition that ultimately everyone strives for, and benefits from, excellence in the public service.

PRIMARY CLIENTS

The primary clients of the Office of the Citizens' Representative are:

1. citizens who allege they have been treated unfairly when pursuing or receiving access to public services;
2. whistleblowers who complain about gross mismanagement.

Secondary clients include:

1. the House of Assembly and its Members;
2. the Lieutenant Governor in Council;
3. the Public Service.

VISION

A citizenry confident in a public service that is fair and grounded in integrity and good governance.

ISSUE

Entering its 16th year of service to the House of Assembly and the public, The Office of the Citizens' Representative still encounters members of the public, and areas of the public service that are unfamiliar with its role and mandate, including the provision of public interest disclosure programs. While it strives to provide confidential services and undertake private investigations, there are no legislative impediments to the promotion of these services. Wider recognition of the Office would not only provide enhanced service in mediating and investigating public complaints, but would also provide a wider measure of defence against wrongdoing. Therefore, the strategic issue the Office of the Citizens' Representative will pursue over the three years encapsulated in this Activity Plan is:

Issue 1: Heightening awareness of services available to members of the public and government employees, with an emphasis on the whistleblowing program.

ACTIVITIES

Goal: By March 31, 2020, the Office of the Citizens' Representative will have undertaken measures to promote increased awareness of the Ombudsman services it offers to citizens, with an emphasis on awareness of the whistleblowing program within the Government of Newfoundland Labrador as employer.

Objectives Pursuant to Goal

Objective 1: By March 31, 2018, the Office of the Citizens' Representative will have assessed real or perceived barriers existing for citizens and employees to access its programs.

Indicator: Consulted with other jurisdictions and staff on real or perceived barriers and access to programs, notably the whistleblowing program.

Objective 2: By March 31, 2019, the Office of the Citizens' Representative will have undertaken measures designed to raise awareness and availability of existing services, notably the whistleblower programs.

Objective 3: By March 31, 2020, the Office of the Citizens' Representative will have analyzed the results of the measures undertaken and internally discussed further areas of improvement.