



Office of the
Citizens' Representative
Newfoundland and Labrador

Annual Report

April 1, 2023

March 31, 2024





Land Acknowledgement

Our Office is located on the ancestral homelands of the Beothuk, whose culture has now been erased forever. We also acknowledge the Island of Ktaqmkuk (Newfoundland) as the unceded, traditional territory of the Beothuk and the Mi'kmaq. And we acknowledge Labrador as the traditional and ancestral homelands of the Innu of Nitassinan, the Inuit of Nunatsiavut, and the Inuit of NunatuKavut on whose lands our work extends. We recognize all First Peoples who were here before us, those who live with us now, and the seven generations to come. As First Peoples have done since time immemorial, we strive to be responsible stewards of the land and to respect the cultures, ceremonies, and traditions of all who call it home. We honour the many territorial keepers of the lands and waters where we work.



Office of the Citizens' Representative
Province of Newfoundland and Labrador

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September 2024

The Honourable Derek Bennett
Speaker
House of Assembly
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Mr. Speaker:

It is my privilege to submit to the House of Assembly and the citizens of Newfoundland and Labrador the Annual Performance Report of the Citizens' Representative for the period April 1, 2023 to March 31, 2024.

This Report was prepared under my direction in accordance with the **Transparency and Accountability Act** for a Category 3 entity. As the Citizens' Representative, I am accountable for the actual results reported in this document.

Respectfully submitted,

Bradley J. Moss
Citizens' Representative



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Seeking fairness...

finding solutions

Message from the Citizens' Representative



Bradley J. Moss

Thank you for taking time to review the OCR Annual Report. Our mission here is to prevent and correct maladministration resulting from acts, errors, omissions and decisions of the Newfoundland and Labrador public service. Acting on behalf of all Newfoundlanders and Labradorians, and the House of Assembly, we work every day to ensure that everyone receives fair and equitable services in keeping with their rights.

This work is even more important when we are striving to correct the imbalance between individuals who do not have the resources or wherewithal to stand up for themselves against a system that has overwhelming resources and powers. This includes seniors, incarcerated individuals, persons experiencing mental health and/or homeless crises, and those who rely on Government for their day-to-day needs.

In 2023-24, I got directly involved with my team to investigate the services and supports available for caregivers with medically fragile children. By directly involved, I mean I did not delegate or designate staff members to look at an issue and report back to me on what they found. I mean that our entire office team came together to sit with and listen to caregivers deliver their firsthand experiences; to do in-depth research on the financial, social, and psychological toll that caregiving extracts from these citizens; and formulate recommendations that we hope will start to make things better. For me, it took me back to my days here as an investigator, hours of reading and writing; deepening my understanding of an issue; seeking workable solutions to difficult problems; drafting and re-drafting. With impartiality the watchword, I went this extra distance over and above the regular expectations of my position after spending nearly 40 hours listening to parents and caregivers tell me in great detail about the daily, hourly, challenges they face.

Our final report (entitled *By a Thread*) has been widely distributed and reported upon in the media. I want to thank the OCR team for the work they did. The Government has accepted all twelve recommendations. Now the real work, that of implementation, begins. Our quarterly meetings on implementation have been scaled up to monthly meetings, and we now have parental representation in these consultations to get the recommendations done. Establishing the necessary conditions for changing the lot of these citizens who care for the most vulnerable people in our society, and thus, the lot of those vulnerable people will be a priority among priorities of this Office moving forward. To quote a former colleague from Quebec, "genuine respect for citizens must manifest itself in concrete actions." While we are not an advocacy office, post-report, we are fully empowered and motivated to advocate for our recommendations.

As you will see in the following pages, we have been quite active in many other areas of government influence over the last fiscal year. Our overall complaint numbers are down slightly over last year; however, we continue to see additional layers of complexity in the complaints we receive, most notably due to mental health and precarious housing issues that are becoming increasingly prevalent. In each case, we continue to seek fairness and find solutions.

About Our Office

Vision

Newfoundlanders and Labradorians that are confident in a public service that is fair and grounded in integrity, fairness, accountability, transparency and respect.

Mission

Through independent investigation and mediation, the Office of the Citizens' Representative strives to achieve high standards of trust in, and accountability by, the Public Service of Newfoundland and Labrador.

Mandate

The Office of the Citizens' Representative (OCR) opened in St. John's, NL, in February 2002. The OCR serves the public in the classical parliamentary ombudsman role. Complaints to our office are confidential and investigations are conducted in private. Our services are free of charge.

Under its primary mandate, the **Citizens' Representative Act**, the OCR provides an ombudsman service to citizens who interact with the Government of Newfoundland and Labrador.

Additional responsibilities are mandated under:

- the **Public Interest Disclosure Act (PIDA)**;
- Part VI of the **House of Assembly Accountability, Integrity and Administration Act (HOAIA)**;
- *Harassment-Free Workplace Policy for Members of the House of Assembly.*

How We Work

As a non-partisan Statutory Office of the House of Assembly, the OCR investigates public bodies based on complaints received from:



- citizens;
- whistleblowers;
- employees of the legislative and executive branch;
- Members of the House of Assembly; and
- the Lieutenant Governor-in-Council.



Citizens who access, or attempt to access any provincial government services under line departments or agencies, boards or corporations, often reach out to the OCR as they navigate government and various administrative processes.



Under part VI of the **House of Assembly Accountability, Integrity and Administration Act**, we are tasked with the investigation of public interest disclosures of wrongdoing made by members and staff of the House of Assembly.



The OCR is also responsible for the government-wide Public Interest Disclosure Program. Under the **Public Interest Disclosure and Whistleblower Protection Act, 2014** (PIDA), government employees have the right to confidentially disclose wrongdoing in their workplace that should be stopped or corrected in the public interest. The PIDA imposes penalties on anyone who commits a reprisal against persons who make disclosures, or who seek advice on the commission of wrongdoing in the public service.



The OCR is also responsible for receiving complaints from employees under the *Harassment-Free Workplace Policy Applicable to Complaints Against Members of the House of Assembly*. Complaints under this policy can be brought forward by another Member of the House of Assembly, or an employee of the legislative, or executive branch of the Provincial Government. It is the role of the OCR in this capacity to provide information and supports to employees to address allegations of harassment and, where appropriate, investigate these allegations and report findings to the House of Assembly.

Who We Can't Investigate

There are a number of statutory restrictions on the OCR's jurisdiction. These are set out in Section 19 of the **Citizens' Representative Act** and include:

- the House of Assembly or a committee thereof;
- the Lieutenant Governor-in-Council;
- Executive Council and its various divisions;¹
- the court, the members of the judiciary, masters of the court, and justices of the peace;
- awards, decisions, recommendations or omissions of arbitrators made pursuant to the **Arbitration Act**;
- matters in respect of which there are existing rights of appeal or objection under another Act until such time as these rights are exhausted or the time to appeal has expired;
- refusals to provide access to information under the **Access to Information and Protection of Privacy Act, 2015**;
- matters falling within the jurisdiction of the Office of the Child and Youth Advocate; and,
- certain matters relating to the administration of the **Personal Health Information Act** or a matter falling within a Commissioner's purview under that Act.

The **Citizens' Representative Act** also does not cover the acts, errors, omissions or decisions of the Government of Canada, or the municipal level of government. Neither does it authorize the investigation of private companies or private citizens.

¹ The Executive Council is exempt from the **Citizens' Representative Act** but is subject to investigation under the **Public Interest Disclosure and Whistleblower Protection Act**.

How We Handle Complaints

The case summaries within this Report will demonstrate examples of the following types of services provided to citizens.

We engage with citizens to determine how best to resolve a particular matter of administration.



Inquiry - Early Resolution

Often, citizens' complaints can be resolved through mediation or facilitation when investigation is not required to resolve, at best, or provide reasons why a matter cannot be resolved to citizens' satisfaction, at least. Public bodies provide the OCR with open lines of communication in the interest of early resolution or settlement of complaints.



Investigation

Citizens' complaints sometimes require formal investigation where there exists a prima facie appearance of unfairness. Formal investigations can, where unfairness is identified, result in recommendations to settle complaints for citizens. Alternately, where it has been found that departments and/or agencies have afforded adequate administrative fairness, the OCR endeavours to provide sound reasoning to citizens for such findings.

The Citizens' Representative is also empowered to launch investigations in his or her own discretion, without a specific named complainant.

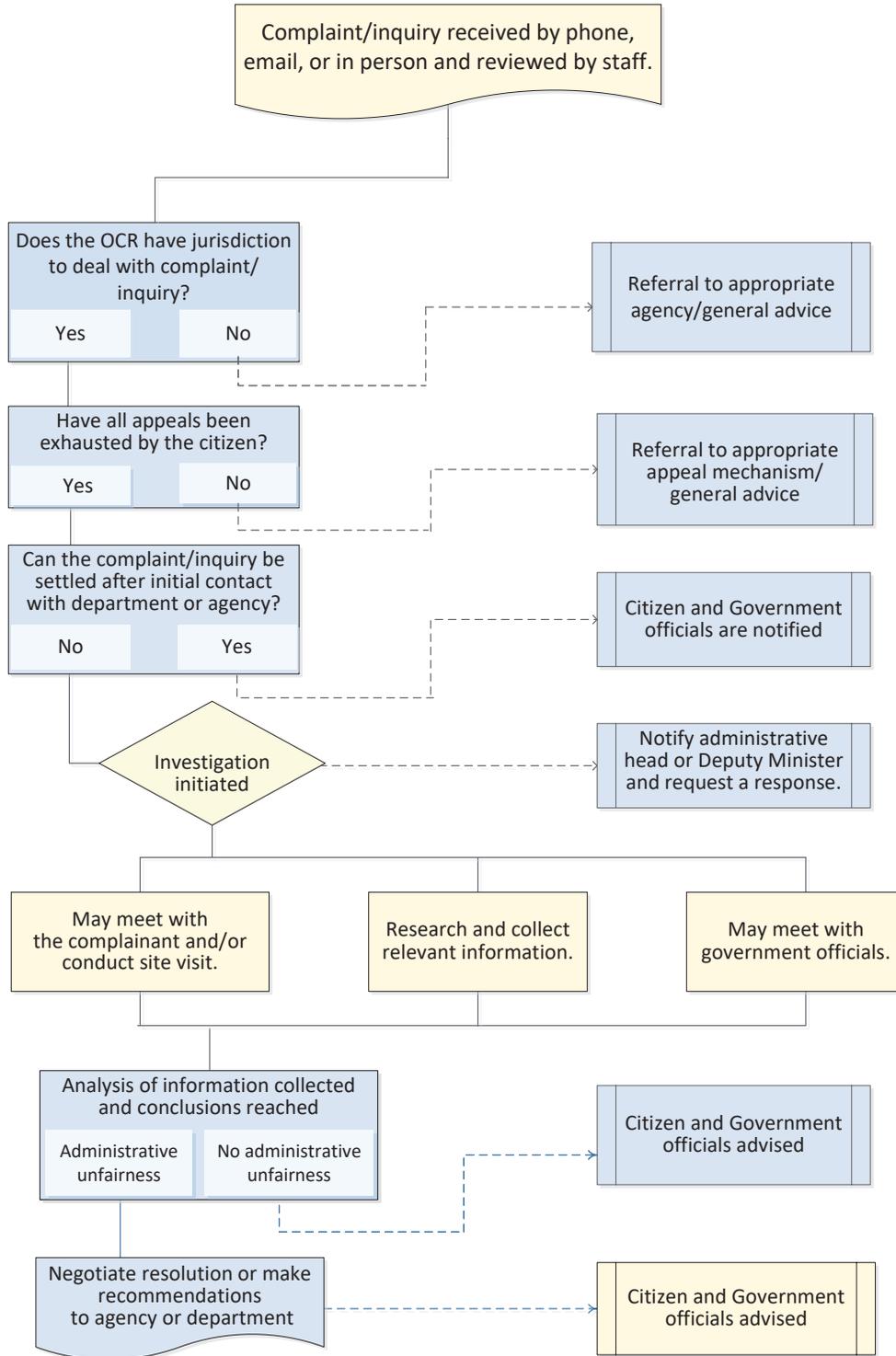


Navigation, Self-Advocacy and Referral

Citizens contact the OCR from all walks of life and with a wide range of interpersonal skills and knowledge. Where appropriate, the OCR will provide support to citizens by referring them to available appeal mechanisms or the appropriate program(s) within government to address their complaints. Sometimes, citizens may prefer to address concerns on their own, but require direction and information to support their self-advocacy. In situations where citizens' complaints are non-jurisdictional, the OCR will refer the complainants to the appropriate agencies to deal with their concerns. In these situations, the OCR can often link the citizens directly with the person(s) they need to speak with or provide forms, telephone numbers, internet links and email addresses to individuals who need alternate avenues of redress.

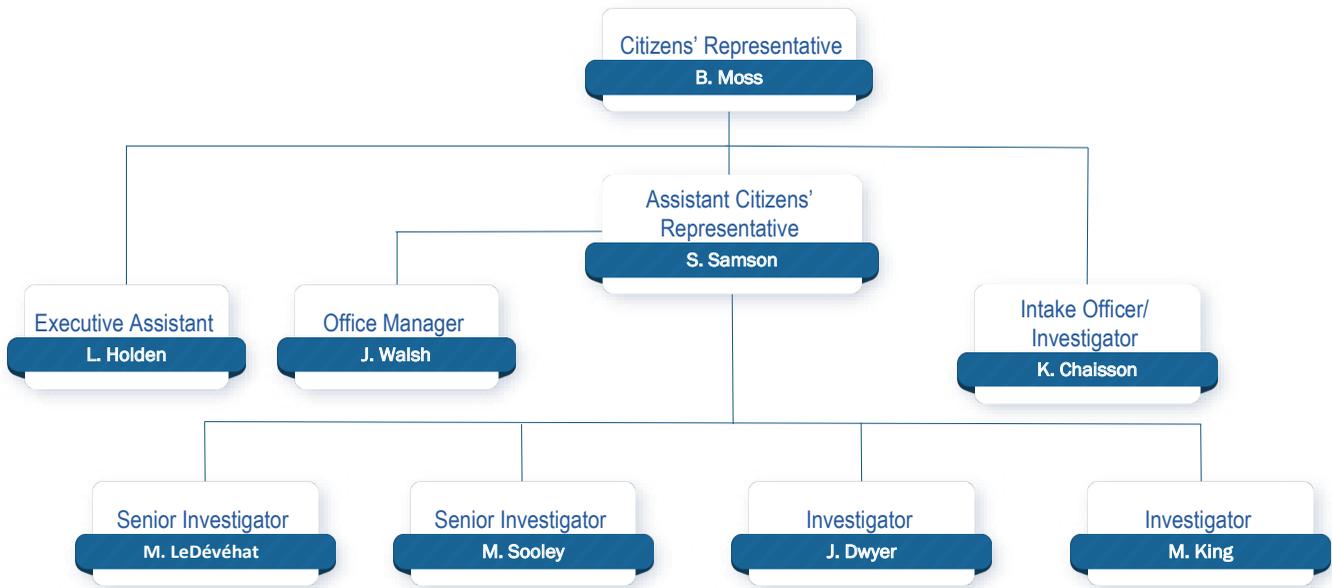
Our Complaint Process

It is important for citizens to know what to expect with respect to the complaint process used by our Office. The following chart helps to illustrate how complaints and inquiries are processed.



Who We Are

OCR Organizational Chart



Highlights and Partnerships

A Month in Review

Intake is an extremely important function in any complaint handling organization. It covers a wide array of topics each month. To inform readers of the nature and volume of complaints at our intake stage, we select one month from the fiscal year to furnish examples of what we hear. The following is a cross section of allegations and issues raised by citizens in February 2024.

ALLEGATION	DEPARTMENT
Delayed access to a dentist. (3) *	Justice and Public Safety – Adult Corrections
Request for support for an international student with cancer diagnosis.	Out of jurisdiction
Missing personal belongings.	Justice and Public Safety – Adult Corrections
Concerns with tenant activities.	NL Housing
Inadequate access to telephone system.	Justice and Public Safety – Adult Corrections
Unfair criminal charges.	Royal Newfoundland Constabulary (RNC) – referred to RNC Public Complaints Commission
Lack of access to books purchased via Amazon.	Justice and Public Safety – Adult Corrections
Inadequate access to information regarding parent in acute care.	NL Health Services, Western Zone – referred to Client Relations
Unfair placement in segregation.	Justice and Public Safety – Adult Corrections
Inadequate access to lawyer. (4) *	NL Legal Aid Commission
Request for medical attention.	NL Health Services – Correctional Health Services
Lack of access to hobby shop.	Justice and Public Safety – Adult Corrections
Inadequate amount income support. (2) *	Children, Seniors and Social Development - Income Support Division
Lack of access to medical attention. (2) *	NL Health Services – Correctional Health Services
Access to only cold water in shower.	Justice and Public Safety – Adult Corrections
Lack of action taken by medical unit.	NL Health Services – Correctional Health Services
Inadequate investigation by Occupational Health and Safety.	Digital Government and Service NL
Delay in transfer from lock-up. (3) *	Justice and Public Safety – Adult Corrections
Delay in access to file information.	Children, Seniors and Social Development - Child Protection and Youth Services
Inadequate access to classification officer. (2) *	Justice and Public Safety – Adult Corrections

* This number represents the number of times this issue was raised.

A Month in Review (cont'd)

ALLEGATION	DEPARTMENT
Concern for minor child.	Out of jurisdiction – referred to the Office of the Child and Youth Advocate
Youth detention in adult correctional facility.	Justice and Public Safety – referral to Office of the Child and Youth Advocate
Inadequate amount of fuel subsidy.	NL Housing
Unit lockdown due to staff shortage.	Justice and Public Safety – Adult Corrections
Delay in obtaining electrical inspection.	Digital Government and Service NL
Unsanitary condition of segregation and lack of access to shower. (2) *	Justice and Public Safety – Adult Corrections
Navigation by landlord following order to evict tenant by Residential Tenancies Board.	Out of jurisdiction – referred to Office of the High Sheriff
Unit lockdown with no explanation.	Justice and Public Safety – Adult Corrections
Alleged privacy breach by employee.	NL Health Services - Eastern Rural
Inadequate outcome under respectful workplace policy.	Memorial University
Unit lockdown, excessive hot water and mold in shower, unsanitary conditions in cell.	Justice and Public Safety – Adult Corrections
Termination of ABE funding by indigenous organization.	Out of jurisdiction – referred to community organizations
Extended period of rotating recreation.	Justice and Public Safety – Adult Corrections
Delay accessing x-ray.	Justice and Public Safety – Adult Corrections
Failure to remove roadside suspension from driver's abstract.	Digital Government and Service NL – Motor Registration
Excessive hot water in shower. (2) *	Justice and Public Safety – Adult Corrections
Delay in access to medical attention.	NL Health Services – Correctional Health Services
Vehicle used for transport of incarcerated individuals without heat.	Justice and Public Safety – Adult Corrections
Denied services impacting custody and access of children.	Children, Seniors and Social Development - Child Protection and Youth Services
Denied transfer to another correctional institution.	Justice and Public Safety – Adult Corrections
Termination of medication.	NL Health Services – Correctional Health Services
Inadequate response to allegations of harassment by a tenant.	NL Housing
Allegations of MRSA infection of individuals incarcerated.	NL Health Services – Correctional Health Services
Failure to acquire non-driving photo identification card	Digital Government and Service NL – Motor Registration
Inadequate access to institutional clothing.	Justice and Public Safety – Adult Corrections
Denial of grant application.	Municipal and Provincial Affairs

* This number represents the number of times this issue was raised.

A Month in Review (cont'd)

ALLEGATION	DEPARTMENT
Delay in receiving medication. (2) *	NL Health Services – Correctional Health Services
Delay in receiving mail.	Justice and Public Safety – Adult Corrections
Inappropriate detainment under the Mental Health Care and Treatment Act.	NL Health Services – Eastern Urban
Inappropriate treatment by correctional officers. (2) *	Justice and Public Safety – Adult Corrections
Lack of accessibility within Her Majesty's Penitentiary.	Justice and Public Safety – Adult Corrections
Request for audit of support enforcement file.	Justice and Public Safety – Support Enforcement
Interference with peaceful enjoyment and privacy and lengthy wait for transfer application.	NL Housing
Unable to reach private lawyer and delay in scheduling court date.	Justice and Public Safety – Adult Corrections
Individual required to isolate in accordance with public health guidelines.	NL Health Services – Correctional Health Services

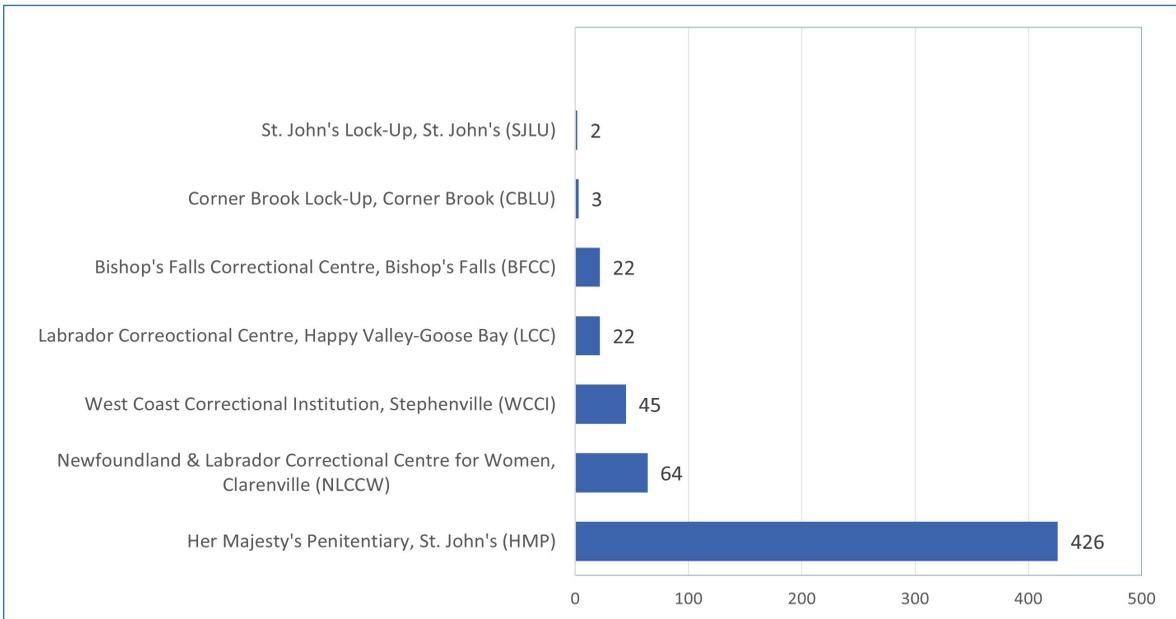
* This number represents the number of times this issue was raised.

A Closer Look...

Statistically, the OCR receives a high percentage of complaints from incarcerated individuals regarding their experiences accessing provincial government services. The majority of the complaints received involve, but are not limited to, the Department of Justice and Public Safety, Adult Corrections Division (Adult Corrections) and Newfoundland and Labrador Health Services, Correctional Health Services Division. The total number of complaints arising from incarcerated individuals involving these two public bodies from April 1, 2023 to March 31, 2024 is 584, 65% of the total number of complaints received by our Office.

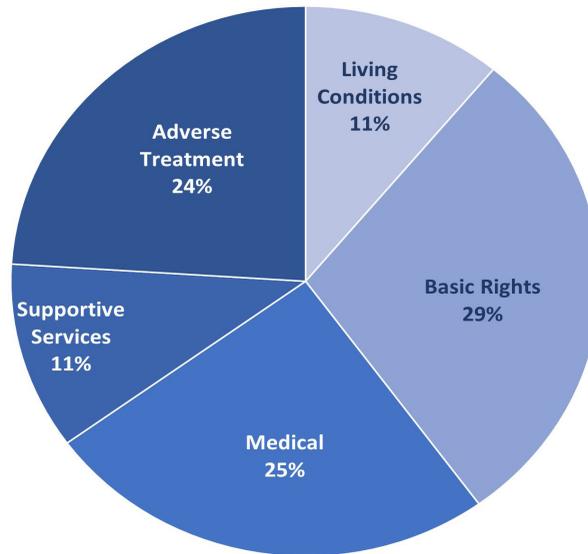
The information in this section is intended to provide an overview of issues identified in our daily work that draw attention to concerns experienced by incarcerated individuals. Each complaint brought forward is explored by staff for jurisdiction, accuracy, resolution, and investigation, as required. Our staff work closely with staff of both Adult Corrections and Correctional Health Services to resolve issues arising from these complaints. Where complaints have been determined to be contrary to the principles of administrative unfairness, formal investigations will be initiated. It is important to acknowledge that the public bodies involved are often found to be adhering to relevant legislation, policies, and best practice, often within a challenging environment. Therefore, not every complaint received has resulted in an adverse finding against the public bodies. Both Adult Corrections and Correctional Health Services have often demonstrated a willingness to address issues of administrative fairness as they arise.

Of the 584 complaints received for this fiscal year, the following indicates the number of complaints from each provincial correctional facility:



Often, when a citizen makes a complaint to our Office, there are several issues identified that pose concern for the citizen within the one complaint. This is the situation with complaints received from inmates. Of the 584 complaints received by our Office, the identification of multiple concerns within the complaint resulted in 676 issues reported to the OCR. The following categories provide a breakdown of the 676 issues reported to the OCR during this fiscal year.

At a Glance...



The issues presented reflect allegations of: (1) inadequate infrastructure (living conditions); (2) access to services (basic rights, medical, and supportive services); and (3) adverse treatment.

A Detailed View...

(1) INADEQUATE INFRASTRUCTURE	
Living Conditions - Infrastructure: 72 Complaints (11%)	
Mold	18
Rodents	14
Toilet	9
Kitchen sanitation	9
Temperature of shower	7
Double-bunking	4
Excessive heat	3
Air quality	3
Running water	2
Sewage back-up	1
Inhumane living conditions	1
Condition of transport vehicle	1

A Detailed View...(cont'd)

(2) ACCESS TO SERVICES	
Basic Rights: 194 Complaints (29%)	
Visits	26
Laundry	24
Portion size/quality of food	22
Recreation	19
Medically required diet	13
Mail	11
Shower	10
Institutional clothing	9
Personal belongings	8
Account/canteen	7
Television	6
Coffee/tea	6
Telephone system	5
Attend funeral	4
Library	4
Razors	3
Drinking water	3
Vegetarian diet	2
Haircuts	2
Bedding	2
Inmate handbook	2
Payment for employment	2
Hobby shop	1
Toothbrush	1
Cleaning supplies	1
Light in cell	1

Medical: 168 Complaints (25%)	
Medical Unit	94
Medication	25
Dental	21
Diagnostic testing	15
Medical equipment (orthotics, shower aid, etc.)	5
Psychiatry/psychology	4
Vision care	4
Supportive Services: 77 Complaints (11%)	
Classification	24
Release Planning	15
Lawyer	16
Office of the Citizens' Representative	9
Rehabilitative programming	8
Pastoral care	3
Minister of Justice and Public Safety	2

(3) ADVERSE TREATMENT	
165 Complaints (24%)	
Lockdowns	48
Institutional placement	33
Concerns for safety and security	26
Institutional discipline (charge, process, appeal)	20
Conduct of correctional officers	11
Conditions of segregation	10
Use of force	9
Institutional/federal transfer	8

Report on Investigations - Recommendations 2023-2024

The **Citizens' Representative Act** requires our Office to report the findings resulting from a formal investigation. Formal investigations are typically undertaken following complaints received from citizens where the presenting issue cannot be resolved through informal communication with the relevant public body.

The Act further provides the OCR with authority to make recommendations to provincial public bodies following formal investigations. Recommendations will flow from investigations where there has been a finding that a citizen has not been afforded administrative fairness. Any recommendations offered to public bodies will either suggest individual remedies to affected citizens or systemic change to improve the public service for the benefit of all citizens of the province. Generally, our recommendations are accepted. It is our goal to provide reasonable and responsible recommendations, but mostly, recommendations that are achievable. We appreciate the willingness of all public bodies to give respectful consideration to all recommendations and provide available updates on the implementation of the recommendations that have been accepted.

For the fiscal year 2023-2024, **12** recommendations were offered to provincial public bodies following completion of a systemic investigation entitled *By a Thread, a Report About the Challenges of Parents and Caregivers of Medically Complex Children*. This investigation was completed under the own initiative provisions of the **Citizens' Representative Act**.



Respondent Public Bodies: Department of Health and Community Services; the Department of Children, Seniors and Social Development; and the four Regional Health Authorities, now integrated to NL Health Services.

The investigation considered the issue of available provincial supports and programs that exist for caregivers of medically complex children and the accessibility to these supports and programs.

Issue

Our Office was contacted by the caregiver of a medically complex child who shared their personal account of the circumstances experienced by her family and the similar circumstances of other families while caring for medically complex children. The circumstances outlined the challenges faced by families that step outside the typical societal expectations of a parent. Additional families providing care to medically complex children who were so gracious to spend some time with our staff during the investigation shared the onerous responsibility of being a caregiver; the impact the responsibility has on caregivers and the family system, in addition to the lack of support available to families. This support would enable an equitable parenting experience for a population of caregivers that generously sacrifice their personal, financial and family wellbeing to ensure an optimal quality of life for their medically complex children.

Investigation Findings

1. Silos exist in the provision of services and programs.
2. Parents and caregivers are often confused about, or unaware of eligibility for federal and/or provincial government assistance.
3. Parents and caregivers are relying on social media to learn about services and connect with each other.
4. There is no discernable central contact point to access support.
5. There are extremely limited programming options with long waitlists, especially after the child reaches adulthood.
6. Some parents and caregivers are experiencing extreme financial hardship.
7. Parents and caregivers assume significant medical care responsibilities.
8. Parents and caregivers have a general lack of respite hours.
9. Parents and caregivers toil even harder in crisis situations, such as acute care stays involving their medically complex children, their spouse or other children in the home.
10. Private insurance coverage, especially for equipment, is expensive and problematic to obtain. These costs may require one parent to be out of the home to maintain employee coverage, thus reducing the amount of care the parent or caregiver can provide.
11. There is a lack of supportive housing or residential accommodation for more functional adults.
12. There is an impending lack of supportive housing or residential assisted living arrangements for a generation of children whose parents are aging and will no longer be able to physically take care of them.

Recommendations Offered

It was identified that the recommendations were most appropriately made to the Department of Health and Community Services (HCS) and the Department of Education (Education).

1. (HCS) Develop policy for acute care admissions of medically complex children (adult children included) that requires a family consult as soon as practicable. This consult would identify the specific needs and required supports of the child to ensure a continuity of care; consider all available support; and mitigate additional care burden for the caregiver.
2. (HCS) That home support workers be introduced to acute care admissions to provide optimal support for the family. While Personal Care Attendants in acute care settings are indeed valuable members of the health care team, home support workers bring instant familiarity and a significant parental trust factor to the acute care admission. This provides respite to families who have to manage issues outside of the hospital; get adequate rest to continue to provide care and tend to sibling and household needs; and allow Personal Care Attendants to be deployed elsewhere as needed.
3. (HCS) Respite care should be based on the needs of the child and not family income. Developing a standard criteria for assessing each medically complex child for symptoms and medical needs, (including those with undiagnosed or rare diseases), and funding based on needs, not income, would make this support system more equitable.
4. (Education) Engage with post-secondary institutions on the potential to review and develop curriculum to professionalize respite work in the area of medically complex citizens. This training exists in Canada in the form of Developmental Service Workers, a two-year program at Algonquin College in Ontario. Graduates of this program bring skills to families in areas such as basic pharmacology, awareness of psychological, social and cultural issues, physiology and recreational supports.
5. (HCS/Education) Engage with Memorial University on the existence and/or potential development of a co-operative program that would provide a work term for students to work with families who have children with complex needs. Faculties/programs to consider could include Social Work, Psychology, Kinesiology and/or Music.
6. (HCS) Report to OCR semi-annually on its study of the upcoming residential support needs for medically complex children and adults, together with results on cross-jurisdictional research on innovative models that exist elsewhere.
7. (HCS) Conduct consultations with those affected by rare disorders to work toward better standardization of eligibility criteria to include persons without diagnoses and who have rare disorders, in order to promote inclusion and better serve this population.
8. (HCS) Facilitate the creation of a Ministerial Advisory Committee with significant parental/caregiver representation to establish clearer lines of communication between parents, caregivers and policymakers.

Recommendations Offered (cont'd)

9. (HCS) Undertake a meaningful study and develop an action plan on programming options for medically complex adults and increase support for the community sector to develop and deliver enhanced programming. Likewise, the provincial government should look favourably on any other existing or emerging community-based or business organizations that can fill these existing gaps in services to medically complex children and adults.
10. (HCS) Resources need to be found and allocated to increase the availability for therapeutic counselling and referral options for parents and caregivers who are facing burnout.
11. (HCS) To augment Recommendation 8, HCS should develop a central internet hub for information for this subset of our populations. A provincial care and special needs support system where all resources and links for all associations and organizations that offer programs and supports for medically complex children, their parents, and caregivers, can be found.
12. (HCS) Work to draft and sponsor Caregiver Recognition Act legislation that raises awareness and recognition of caregivers and to support them in their role. We regard Quebec's "Act to Recognize and Support Caregivers" as the current national benchmark legislation.

Outcome

Following release of the final report, the Department of Health and Community Services indicated its acceptance of all recommendations within their mandate and committed to quarterly meetings with a departmental representative dedicated to working towards the implementation of the recommendations.

The Department of Education also accepted the two recommendations where its contributions will support the quality of respite care. One of these recommendations has shared responsibility with HCS (#5).

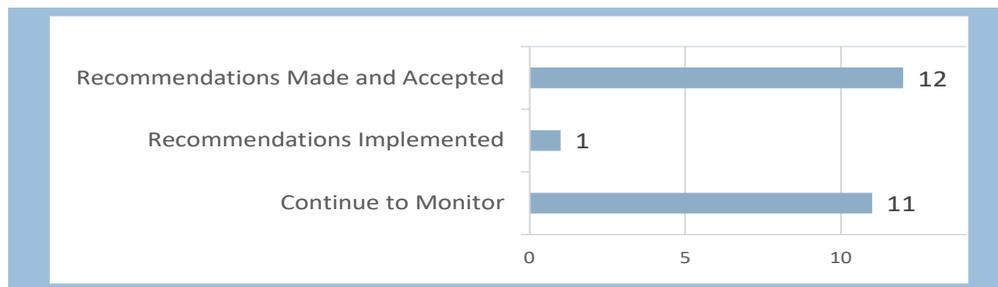
HCS has reported that the implementation of most recommendations remain a work in progress and have demonstrated indicators towards implementation at various stages. The only recommendation that is not currently in progress, is one identified as complete. HCS has confirmed that home support workers may be introduced into acute care settings to provide support to individuals and families following assessment of various factors, including the care needs of the individual and family, staff availability in acute and community settings, scope of work, and labour relations considerations. Exceptions to existing policies and procedures can be approved by a Director of the Community Supports Program within NL Health Services.

"I commend the report and am delighted to see it. If I can help in any way going forward, please let me!"

Education has reported that the decision to develop and/or offer new programming remains an area of post-secondary institutional autonomy. Further, it does engage with post-secondary institutions on priority areas of programming and reiterates its support for the OCR report. “As MUN and CNA continue to identify priorities for future programming, EDU will emphasize the recommendations of the OCR for their consideration.

The OCR will continue to monitor the implementation of the remaining ten recommendations involving HCS and the two recommendations involving Education (one with shared responsibility with HCS).

Recommendations 2023-2024

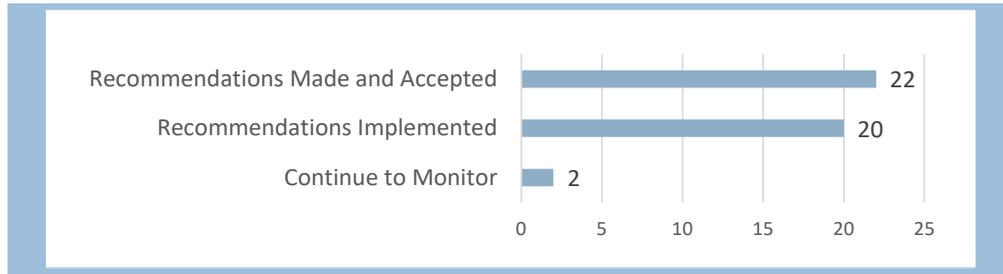


Update on Recommendations from Previous Reports

Commencing in the fiscal year 2020-2021, the OCR began a process of actively monitoring the implementation of accepted recommendations. Once we determine public bodies have satisfactorily demonstrated implementation of recommendations made, the OCR will no longer formally monitor their implementation. The OCR will continue to monitor on an informal basis via ongoing inquiries with citizens who share their concerns with our Office.

In light of our commitment to monitor recommendations yet to be implemented, we continue to request updates from public bodies that have occurred since the previous reporting period.

Recommendations 2022-2023



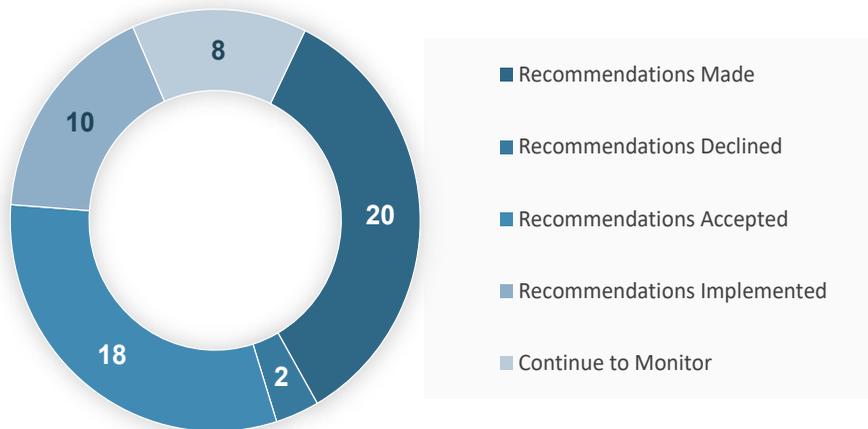
For the fiscal year 2022-2023, Digital Government and Service NL has demonstrated implementation of three outstanding recommendations, thereby confirming implementation of all four recommendations.

Similarly, the Department of Fisheries, Forestry and Agriculture have demonstrated implementation of three outstanding recommendations, thereby confirming implementation of all four recommendations.

The OCR will continue to monitor the complete implementation of 2 outstanding and accepted recommendations with the Department of Justice and Public Safety.

Details of these recommendations can be found on pages 10 through 16 of our 2022-2023 Annual Digest at <https://www.citizensrep.nl.ca/pdfs/OCRAnnualDigest2022-2023.pdf>

Recommendations 2021-2022



For the fiscal year 2021-2022, the Department of Children, Seniors and Social Development has demonstrated implementation of one outstanding recommendation, thereby confirming the implementation of all three recommendations.

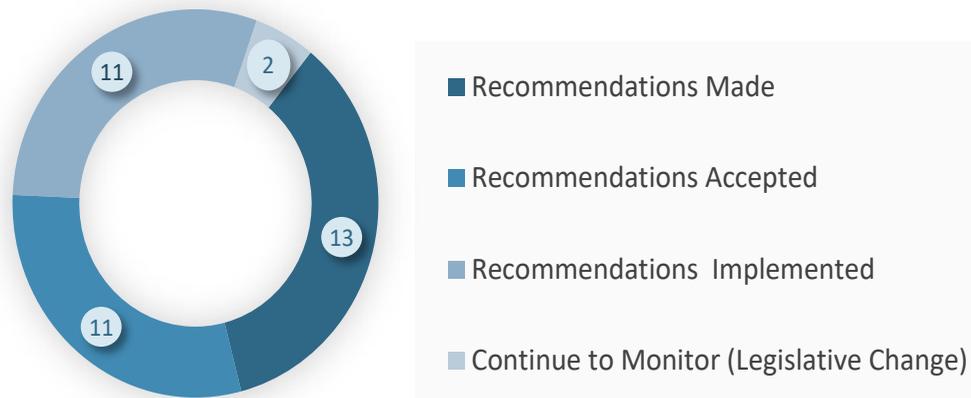
The Department of Fisheries, Forestry and Agriculture has also demonstrated implementation of two outstanding recommendations, thereby confirming implementation of both.

The OCR will continue to monitor the complete implementation of 8 outstanding accepted recommendations with the following public bodies:

- Department of Justice and Public Safety (7 recommendations);
- Environment and Climate Change (1 recommendation).

Details of these recommendations can be found on pages 9 through 16 of our 2021-2022 Annual Digest at <https://www.citizensrep.nl.ca/pdfs/OCRAnnualDigest2021-2022.pdf>

Recommendations 2020-2021



Two remaining recommendations will continue to be monitored from 2020-2021 that involve amendments to the **Citizens' Representative Act** through the House of Assembly. Details of these recommendations can be found on page 12 of our 2020-2021 Annual Digest at <https://www.citizensrep.nl.ca/pdfs/OCRAnnualDigest2020-2021.pdf>

Public Interest Disclosure

PIDA - 2023-2024

The OCR is responsible for investigating allegations of wrongdoing under the following two pieces of public interest disclosure legislation:

1. Part VI of the **House of Assembly Accountability, Integrity and Administration Act** (“HOAAIA”).

Part VI serves as a portal for employees and Members of the House of Assembly to disclose potential wrongdoing at the House of Assembly that they believe should be investigated in the public interest.

2. The **Public Interest Disclosure and Whistleblower Protection Act** (“PIDA”):

A report to the House of Assembly under Section 20 of the PIDA is required annually. The report covering the period April 1, 2023 to March 31, 2024, was tabled on May 30, 2024. This report can be accessed electronically at <https://www.citizensrep.nl.ca/pdfs/PIDARepor2023-2024.pdf>

During 2023-24, the OCR received one disclosure under HOAAIA.

The OCR handled four inquiries under PIDA during 2023-24.



Individual Case Summaries

Case summaries allow us to expand on the specific course certain complaint files have taken through our complaint-handling system. In this section, we highlight examples of repaired communication between citizens and public bodies, in addition to the government's ability to be flexible and responsive when it can. The cases are representative of our daily work. Some complaints are easily resolved with the provision of information to the citizen or contact with a public body to share missing information, or a request to consider a flexible approach to unique circumstances. Many cases involve a level of complexity that requires a more intensive, while still informal approach and some cases will require formal investigation. We acknowledge the dedication, commitment and professionalism of our staff and the people we contact in the public service, who try to help those who reach out to us.

The following cases, selected by staff, outline a cross-section of the complaints referred, mediated and investigated during 2023-24. Please refer to the section on recommendations for investigations during this fiscal year that resulted in recommendations being made to public bodies.

Provincial Government Departments

Children, Seniors and Social Development

Income Support Division

Best Practice to Support Decision-Making



The Income Support Division (the Division) provides financial benefits and other services to eligible low-income people and families to assist in meeting daily living expenses.

A citizen complained to our Office about a decision by the Division concerning eligibility for income support benefits. At the time of the citizen's application for benefits, eligibility was denied based on receipt of alternate sources of income. Having submitted an application for internal review, the Division determined the application was beyond the 60-day time period after the initial assessment of the application, and therefore, declined to consider the request for review. The citizen indicated the application for review was initially submitted within the required timeframe, by a third party, but did not have any confirmation of submission or receipt by the Division.

Our investigation focused on an administrative review of the specific policies relied on in the decision-making process resulting in denial of benefits and on the appeal process. Our review also focused on the value of providing sufficient explanation to individuals of decisions made, particularly in accordance with relevant legislation, policy, and any other decision-making criteria.

Our review found that the Division had acted reasonably according to applicable legislation and policies in relation to both the decision to deny income support eligibility and to deny the internal review process. We did, however, make two suggestions that would inform best practice with the Division as it relates to administrative processes. First, that the Division cite applicable policy when communicating decisions so that individuals understand the reasoning behind an administrative decision. Second, it was suggested that the Division include a statement on the Application for Review (internal review) form advising individuals to verify with the Division that their documents have been received, particularly in respect of the legislative timeframes that guide the appeal process. The Division acknowledged and accepted both suggestions and committed to modifying the appeal form and the process involving notification of decisions.

Best Practice to Support Decision-Making (cont'd)

The Department of Digital Government and Service NL (DGSNL) provides accessible, responsive services in the area of public health and safety, environmental protection, occupational health and safety, consumer protection, and in the preservation of vital events and commercial transactions. This includes the Motor Registration Division (MRD).

Digital Government and Service NL

Motor Vehicle Registration Division

A citizen contacted our Office with a complaint regarding a roadside suspension on their driver's abstract. It was alleged that the citizen was wrongly charged with impaired driving by the police during a roadside stop which resulted in a 24-hour suspension of their driver's licence. It was indicated that the charges were eventually dropped due to a lack of evidence, however, the roadside suspension still appears on their driver's abstract. The citizen presented that the roadside suspension was unfair and since the charges had been dropped, the suspension should be removed. The citizen had made this representation directly to MRD, and was advised there was no ability to remove the suspension.

Mitigating the Impact



Our Office contacted MRD to request clarification. The inquiry resulted in MRD acquiring a legal opinion which confirmed that there is no discretion under the **Highway Traffic Act** to remove an administrative suspension following an acquittal of a Criminal Code charge. The citizen has a right of Judicial Review before the Supreme Court.

Mitigating the Impact (cont'd)

MRD suggested that although there is no authority to remove the suspension, there is an ability to provide a letter to confirm the citizen has a driving record without convictions, despite the roadside suspension if it was needed for employment or insurance purposes. As MRD was complying with legislation and was offering a resolution to mitigate the impact of the suspension on the driver's abstract, this resolution was found to be reasonable.

Health and Community Services

Newfoundland Medical Care Plan

The Newfoundland and Labrador Medical Care Plan (MCP) is a publicly administered comprehensive plan of public medical care insurance. MCP covers the costs of insured physician services and offers coverage of insured medical services received in a hospital for residents of the province who have met eligibility criteria to register as MCP beneficiaries.

Better to Seek Approval



A citizen complained to the OCR having been denied reimbursement from MCP for cataract surgery. The citizen advised that the surgery was needed to avoid losing their driver's licence. The citizen opted to attend a private clinic for the procedure to avoid a long waitlist in the public system. The citizen believed that there was entitlement to compensation, such as reimbursement for the procedure since the Department of Health and Community Services had announced in 2020 that individuals who paid out-of-pocket for insured cataract surgery in the province before June 15, 2018, would be reimbursed for the insured portion of the procedure. Admittedly, the citizen was aware that he opted for surgery outside the provisions of policy which would not allow for reimbursement under these provisions.

Upon inquiry to MCP, it was confirmed that there was no authority or discretionary ability to provide reimbursement in the circumstances as presented. MCP also questioned the billing by the service provider direct to the citizen instead of MCP if the procedure was medically necessary and thereby may have been insurable and eligible for payment by MCP. It was suggested that the citizen contact the College of Physicians and Surgeons to make a formal complaint. This case was referred by MCP to the Canada Health Act Division which regulates the financial transfers to the provinces. Provinces are required to report these situations and money is withheld by the federal government until a policy is put in place to fix it.

The Department of Justice and Public Safety ensures the impartial administration of justice and the protection of the public interest through the dual offices of the Attorney General and Minister of Justice and Public Safety.

Adult Corrections is a Division of the Corrections Branch of the Department of Justice and Public Safety (JPS). Adult Custody in the province is comprised of five correctional facilities and two detention centres that provide services and programs for sentenced, remanded and detained offenders. Programs and services are delivered to assist offenders in reintegrating into the community following release from custody.

The OCR received calls from fifteen individuals from the Newfoundland and Labrador Correctional Centre for Women (NLCCW). The individuals complained about the frequency of lockdowns in the institution which resulted in them being locked in cells for a minimum of eleven hours during the day. The individuals identified the concerning impact of the lockdowns on their well-being. For example, they had limited access to fresh air, showers, exercise, recreation, telephone calls, visits with family, programming and services, medical and dental appointments, court appearances, etc. The limited time out of cell resulted in a high level of frustration and agitation.

Unfortunately, these situations can arise in adult corrections and are often compounded by the facility being at maximum capacity, staff shortages and the complex needs and behaviours of those incarcerated. Additionally, institutions for women have policy requirements to ensure there is a female officer presence, and being the only women's correctional facility in the province, the options for managing these complexities are limited. For example, other facilities are often able to transfer high risk individuals to other facilities better suited for them.

These concerns were raised with administration of the NLCCW and the evidence confirmed that everything possible was being done during this challenging time for both incarcerated individuals and staff. Administration was also working with Correctional Health Services, frontline staff and managers to address the concerns and offer support. Frequent lockdowns at adult correctional facilities are a concern our Office continues to monitor.

Justice and Public Safety

Adult Corrections

Unfavourable Conditions are Difficult to Manage



A Commitment to Quality Service



A citizen at Her Majesty's Penitentiary (HMP) contacted the OCR with a complaint around the lack of variety in their meals. It was medically documented that the citizen had a fish and egg allergy. It was alleged that the meals received were mostly bread and oatmeal, with sandwiches provided often twice per day, repeatedly consisting of cheese, lettuce and tomato.

Our Office receives many allegations that are difficult to evaluate without having documented incidents of deficiencies. In this, and similar situations, our staff will request that citizens document each individual incident, noting the date, time and the details of the incident so that an inquiry will be supported with the most specific information. The citizen was able to keep a record of the meals received. Simultaneously, a trend was identified within our Office wherein there were several complaints about a lack of variety in meals. Our Office had completed an own motion investigation several years prior in which HMP committed to run five different menus on a four-week rotational basis. Upon inquiring on this commitment, HMP informed that a staff person would be assigned to monitor meals for quality control purposes.

Several weeks later, the citizen reported a significant change in the variety of meals provided overall, with sandwiches being provided only twice per week.

Ensuring the Right to Telephone Access



It is a basic right that individuals in correctional facilities have access to telephones so that family and community ties can be maintained. Individuals also will need to make contact with lawyers and public offices, such as the OCR. There is an external service provider that is under contract with the Department to provide telephone services.

The OCR received multiple calls from a unit at HMP concerning the telephone system and access to calls to our Office. It was reported that the telephone system had been down for several days, with access to only one phone line between multiple individuals. With the Father's Day weekend ahead, individuals expressed upset and concern for the alleged lack of action and lack of communication concerning the issue. Several individuals expressed concern about accessing lawyers and family members with various medical situations, including pregnancy.

An inquiry of the matter confirmed that the phone system was inoperable, with the contractor working to resolve the system issue. Corrections staff had been instructed to give individuals access to the control room telephone lines for calls to enable contact with families until the system was repaired. The issue was eventually resolved. This complaint highlights the importance of the telephone as a lifeline for families to connect with their loved ones in adult correctional facilities.

Ensuring the Right to Telephone Access (cont'd)

A citizen from the west coast of the island contacted our Office in anticipation of their release from HMP the following day. It was alleged that they were being released in St. John's without the financial ability or transportation to return to their home several hours away. It was further indicated that the citizen didn't have any family supports in St. John's and was unable to avail of emergency housing with the local shelters due to conditions of a court order. The citizen felt it was unfair not to provide transportation to return to their home.

A Flexible Approach to Mitigate Risk



Upon inquiry, the OCR was advised of the obligation of Adult Corrections to release an individual in the same community in which they were charged; hence, the citizen was being released in St. John's. Adult Corrections, however, will consider a flexible approach when there are identified supports in another area of the province, such as housing and family supports. Reasonably, this flexible approach typically reduces barriers that contribute to the risk of homelessness and to re-offend.

Promptly, in review of the circumstances of the citizen, the OCR was advised that the citizen was being provided with support to return to their home.

The Department of Transportation and Infrastructure (the Department) is responsible for the construction and maintenance of the provincial highways; the provision of the provincial ferry services; management of the provincial government fleet of light vehicles and heavy equipment; operation and maintenance of the provincial government air ambulances and water bombers; and construction and management of provincial government buildings.

Transportation and Infrastructure

It Pays to Mitigate Process Deficiencies



It Pays to Mitigate Process Deficiencies (cont'd)

A citizen contacted our Office concerning the Department's handling of a request for compensation for damage to their vehicle that occurred on a provincial ferry. It was alleged that the damage was due to actions/inactions of the employees on the ferry, deficiencies with the ferry itself and the procedures followed when boarding the ferry. There were also allegations that the process of investigating the incident was not followed in accordance with policy.

Upon inquiry to the Department, it was verified that the claim of damages by the citizen was investigated and sent to an "insurer" who offered 50% compensation towards the cost of damages. In review of all the evidence provided, the OCR identified deficiencies in the investigative process as completed by the Department, with the ferry infrastructure and with the process employed in loading the ferry. The Department acknowledged these deficiencies; however, it was not willing to offer any additional compensation to the citizen, citing that decision was made by an external service provider, the "insurer". The OCR recognized that jurisdiction was lacking over the "insurer"; however, the deficiencies in the Departmental processes were concerning and gave rise to a formal investigation.

Once a formal investigation was launched, further discussions with the Department resulted in a decision to fully compensate the citizen as a resolution. This investigation was ceased and considered resolved.

Boards and Agencies

Newfoundland and Labrador Health Services

Eastern-Urban

Newfoundland and Labrador (NL) Health Services brings together four former regional health authorities and the Newfoundland and Labrador Centre for Health Information. NL Health Services provides a broad range of programs and services to citizens of the province through a large suite of facilities, clinics, and community services, overseen by five zones: Eastern-Rural, Eastern-Urban, Central, Labrador-Grenfell and Western.

Proactive Measures to Ensure Success



A citizen contacted our Office stating they were concerned that a family member was going to be released from the Waterford Hospital, despite the individual being homeless. The Waterford Hospital primarily provides support and services to people living and working each day with mental illness, addictions and mental health issues. The citizen alleged the family member was providing false information to staff to allow for their release. Concerned family members were experiencing additional frustration as they were unable to acquire any information about the patient due to privacy rights under the **Public Health Information Act**.

The citizen was advised there was no role for our Office in relation to clinical decisions resulting in a medical discharge from a hospital. In light of the concern of the family, the OCR made contact with a staff person at the Waterford Hospital who supports the navigation of programs and services. Family members were encouraged to contact the hospital unit of the patient to provide any relevant information to assist staff with discharge planning. This information would be carefully considered in the decision-making process. The OCR was assured that social workers would be taking steps to confirm the address identified by the patient and ensure the patient would not be homeless upon discharge.

Proactive Measures to Ensure Success (cont'd)

A citizen contacted our Office regarding a complaint they had filed with a Client Relations Office (CRO) of NL Health Services. The citizen had filed a formal complaint with the CRO some months previous and alleged an excessive delay in the processing and the responsiveness to their complaint.

Eastern-Urban

The Value of Internal Complaint Handling



NL Health Services verified the timelines of the complaint filed by the citizen and provided their policy relevant to the complaint process. The citizen did eventually receive a response to the CRO complaint, although it was unsatisfactory to them. An aggrieved citizen is required to exhaust all available administrative processes of redress before making a complaint to the OCR. NL Health Services policy recognizes there are occasions where a complainant is not satisfied with the findings of a review of the complaint by the CRO and provides a further process for complaint escalation. In such cases, the CRO may request that a complaint be escalated to a director or a representative of the executive team for an additional review process.

Our Office successfully collaborated with both NL Health Services and the citizen to avail of the complaint escalation process available as per NL Health Services policy.

Newfoundland and Labrador Housing (NLH) is a Crown corporation whose mandate is to develop and administer housing assistance policy and programs for the benefit of low to moderate income households throughout the province.

Newfoundland and Labrador Housing

When a Minor Problem Becomes a Safety Concern

A citizen contacted the OCR while waiting for repairs to be made to the NLH unit. Since moving into the unit approximately seven years previous, the citizen began to rely on a wheelchair to support their mobility. As the unit was not wheelchair accessible, the citizen was using a smaller chair on wheels to move around within the unit. It had been reported to NLH



When a Minor Problem Becomes a Safety Concern (cont'd)

that the wheels were causing the tile flooring to crack, and a commitment was received to have an employee visit the unit and assess the extent of the damage. Some four months later, while still waiting for a visit from NLH staff, the condition of the floor had deteriorated such that the sub-floor was exposed and posed a safety hazard.

An inquiry to NLH advised that requests for maintenance repairs are responded to based on urgency. Upon initial contact with NLH, a work order was opened, but classified as lower priority, given that the repairs appeared to be minor at the time of reporting. Even though the citizen had made follow-up calls to NLH to provide updates on the deterioration, the work order had not been assigned to the maintenance team. The OCR relayed the report that the damage had progressed, and an appointment was set to have NLH staff visit the unit as soon as possible to assess the condition of the floor.

Following the site visit, NLH determined the flooring in the entire unit required replacement. While the citizen was pleased that the flooring was being repaired, they were concerned as they were unable to move their belongings given their mobility limitations. NLH was open to further discussion in relation to the citizen's concerns, including the timing of the repairs, ensuring the flooring would be adequate for the chair, and to have staff assist in moving the furniture.

NLH replaced all the flooring in the unit in a timely and efficient manner with minor disruption to the citizen. The OCR further connected the citizen with the Seniors Navigator (NLH) to explore a potential transfer to a wheelchair accessible unit in the future.

Improving the Response for All



NLH operates an emergency shelter line to support individuals who are experiencing homelessness. Working with community partners, NLH will assess for the ability to support individuals with temporary accommodations with efforts to secure more permanent housing options.

A citizen contacted the OCR seeking support having been denied shelter by NLH's Emergency Housing Line. The citizen had been granted bail and released from custody. A condition of bail is to secure a permanent address to provide to the court. Emergency accommodations were needed until a long-term housing solution could be identified. Given the citizen was released on bail, there was no release planning in place while in custody. It was alleged upon assessment by the Emergency Housing Line,

they were not eligible for emergency shelter. Having no other informal or formal support systems, the citizen did not know where to turn for assistance to meet bail conditions.

Improving the Response for All (cont'd)

The citizen was provided with contact information for local shelters to support the search for short-term emergency accommodations. An inquiry to NLH advised that the citizen did call back to the Emergency Housing Line and was subsequently provided with emergency shelter and was working with housing support staff to secure permanent housing. This situation provided understanding to the OCR of the challenges faced by the Emergency Housing Line and being appropriately responsive to the needs of individuals being released from custody. It also provided for a review of NLH practice in these situations, with a commitment to provide a more supportive and consistent response to individuals being released from custody.

A citizen contacted our Office with concerns about access to affordable housing. The citizen had been living in a one-bedroom apartment in a privately-owned building for several years. The monthly rent was always consistent until the building came under new ownership and the monthly rent was increased significantly.

Flexible Approach to Respond to Housing Needs



The citizen, who identified as a person with disabilities and had maintained part-time employment for more than 30 years, recently had their hours of work reduced. Reduced hours and a rental increase resulted in a struggle to make ends meet. The citizen advised that an application was submitted to NLH in 2022; however, they were unsure of the status of the application. It was further indicated that the citizen was content in his current rental and preferred not to move, but felt there were no other options available to mitigate the increased financial pressure.

The citizen consented to an inquiry to NLH to seek an update on the status of their application. NLH advised the application had been approved and the citizen was on their waitlist. The waitlist, however, for a one-bedroom unit in the area was long and it appeared the wait may be two years before an appropriate unit became available. NLH was open to considering the citizen's circumstances, acknowledging that they were adequately housed and did not require a new accommodation.

NLH advised that with this change in the citizen's circumstances as provided by the OCR, a housing subsidy could be considered under the

Flexible Approach to Respond to Housing Needs (cont'd)

new Canada-Newfoundland and Labrador Housing Benefit to assist with the increased rental costs. This benefit was approved for the citizen which enabled them to affordably remain in their current rental accommodation. This decision prevented potential homelessness of the citizen and demonstrated responsible management of a high-demand waitlist.

Newfoundland and Labrador Hydro

Mediating the Best Solution



Newfoundland and Labrador Hydro (NL Hydro) is a Crown corporation that manages Newfoundland and Labrador's electricity system, generating and transmitting the vast majority of electricity used by people in the province every day.

A citizen contacted the OCR, having received a notice to disconnect electricity from NL Hydro. A few years prior, a loan subsidy was acquired from NL Hydro to assist with the installation of a heat pump. Following the passing of their spouse, the citizen, who was on a fixed income, continued to make monthly payments for the electrical charges, but not on the heat pump loan portion. The citizen made several attempts to prevent a disconnect of electricity to the home. They could not afford to pay the balance required by NL Hydro to avoid disconnection, but also could not risk being disconnected as they required specific medical equipment which required a power source.

NL Hydro was willing to negotiate a new payment plan; however, if this option was not agreeable to the citizen, they would proceed within their authority to disconnect the service to the home based on the circumstances of non-payment.

Our Office reviewed the loan agreement, the financing application and NL Hydro's relevant policy on disconnection of service. We noticed that it was not explicitly stated in the loan agreement that disconnection was possible and NL Hydro agreed that the language could be more clear. A billing error was also uncovered during this review that the citizen had not been billed for several months following the heat pump installation, as per the loan agreement. The actual amount owing was significantly higher given this billing discrepancy.

In consideration of the errors made, NL Hydro offered a repayment plan with a 50% credit on the loan balance, as well as resetting the term of the loan to a new 60-month period to enable the citizen to commence repayment and avoid a disconnection of service. The citizen ultimately agreed to the offer.

Navigation, Self-Advocacy and Referral

A citizen contacted the OCR when faced with homelessness due to a recent eviction by a private landlord. As the OCR does not have jurisdiction over private landlords, in situations where a risk of homelessness is evident, the OCR would typically refer the citizen to the Emergency Housing Line operated by Newfoundland and Labrador Housing (NLH). The first line of response would be to assess the situation and offer emergency shelter. The citizen disclosed that a previous experience at a shelter did not meet their needs and was not an option to be considered. The citizen was also dependent on a wheelchair for mobility because of a physical disability.

With the consent of the citizen, the OCR contacted a manager at the shelter to determine the accessibility and support available to an individual using a wheelchair and with specific housing needs. Evidence showed that when the citizen had previously been at the shelter, case management was not involved to provide support. The shelter offered a case manager to meet with the citizen to determine the specific needs and how to best support those needs to avoid a situation of homelessness. As the shelter does not do outreach in the community, the citizen would have to attend the shelter for this support. With support from NLH and approval of transportation for the citizen to attend the shelter, a connection was made with a case manager who committed to working with the citizen to avoid a homelessness situation.

A citizen made a complaint to the OCR against their local municipality, alleging that council members had acted in a conflict of interest. The mandate of the OCR is to accept, mediate and investigate complaints from citizens who feel they have been treated unfairly by a provincial government department or agency. The OCR does not have jurisdiction over municipalities or local service districts.

The citizen was provided with information about the new **Municipal Conduct Act** which sets out guidelines for councils to establish their respective codes of conduct. The Department of Municipal and Provincial Affairs (MAPA) also provided guidance and training to municipalities and councillors to establish a complaint mechanism to address issues such as conflict of interest, bullying and harassment in the workplace.

Collaboration is Key to Reducing Barriers



A Better Option Exists



A Better Option Exists (cont'd)

The citizen was advised that this process with the municipality was best suited to hear the complaint. The contact information for the Manager of Legislation, Local Governance and Planning Division of MAPA was also provided in case additional information was required about the **Municipal Conduct Act** and the processes within.

Working Together to Ensure Respect for the Rights of All



A parent contacted the OCR with concern that their child was detained in an adult holding cell while awaiting a court hearing. The parent stated that the conditions of an adult holding cell were developmentally inappropriate and potentially physically and emotionally unsafe for a young person.

Considering the perspective and concern of the parent, the OCR contacted the Department of Justice and Public Safety (JPS) to share the parent's concern. We asked that the circumstances of the situation be reviewed. It was also requested that JPS connect directly with the parent to hear and be responsive to the concerns identified. JPS advised the decision of detainment rests with the Royal Newfoundland Constabulary (RNC); therefore, the RNC Public Complaints Commission was contacted to confirm the appropriateness of a referral regarding the conduct/decision-making of the RNC. Additionally, since the matter was directly about the experience of a youth, the Office of the Child and Youth Advocate (OCYA) was contacted regarding the matter. The OCYA agreed to consider the complaint from the parent. As both JPS and the OCYA would review the incident and further consult with the parent, there was no further role for the OCR.

Community Support and Connection



A citizen contacted our Office on behalf of an older adult who was seeking assistance with accessing banking services. Upon direct contact with the older adult, it was reported that a friend had assisted them with online banking but was no longer able to provide that support. Their partner had passed away and there were no other family members to provide support. The older adult disclosed diagnoses of Dyslexia and Post Traumatic Stress Disorder which impacted their confidence to access online banking without support. The older adult resided in a rural community without access to transportation to visit a banking institution. To complicate the situation further, English was not their first language which resulted in further isolation for the older adult.

Various options were explored with them, such as computer skills learning opportunities and setting automatic payments. With consent, the older adult was connected with Seniors NL who further facilitated a referral to Connections for Seniors to provide support with banking going forward. Seniors NL offered further connection with the older adult for any future supports required.

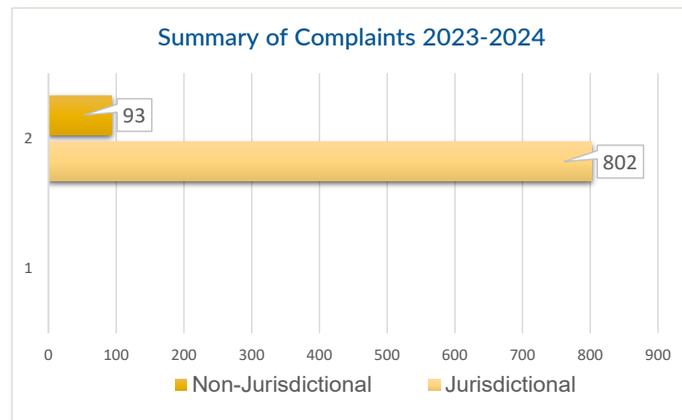
Community Support and Connection (cont'd)



*You have
done more
for me than
anyone
since 2018.*

Statistics

During 2023-2024, the OCR received 895 complaints and inquiries and closed 876 files.



The following tables illustrate the origin of the complaints we received and which government departments and agencies were concerned.

Complaints and Inquiries by Department April 1, 2023—March 31, 2024			
Departments	2023-2024	2022-2023	2021-2022
Children, Seniors and Social Development	15	17	15
Income Support Division	15	18	21
Digital Government and Service NL	13	9	16
Education	1	3	2
Environment and Climate Change	0	2	4
Finance	3	1	0
Fisheries, Forestry and Agriculture	7	13	19
Health and Community Services	9	12	49
Immigration, Population Growth and Skills	5	6	1
Industry, Energy and Technology	0	4	0
Justice and Public Safety	19	7	18
Correctional Facilities	454	489	380
RNC Public Complaints Commission	0	1	1
Labrador Affairs	0	10	0
ISMT (Medical Transportation Benefits for Income Support Clients)	2	0	0
MTAP (Medical Transportation Assistance Program)	5	0	0
Municipal and Provincial Affairs	3	1	5
Tourism, Culture, Arts and Recreation	1	0	1
Transportation and Infrastructure	0	9	4
Total Complaints and Inquiries	552	602	536

Complaints and Inquiries by Agencies, Boards and Commissions

April 1, 2023—March 31, 2024

AGENCIES/ BOARDS	2023-2024	2022-2023	2021-2022
College of the North Atlantic	1	1	2
Conseil Scolaire Francophone Provincial de Terre-Neuve-et Labrador	0	0	2
Farm Industry Review Board	0	1	0
Human Rights Commission	3	2	2
Labour Relations Board	1	0	0
Memorial University	2	1	5
Multi-Materials Stewardship Board	0	0	1
Municipal Assessment Agency	0	1	1
Newfoundland and Labrador Medical Care Plan - MCP	4	1	2
Newfoundland and Labrador Housing Corporation	33	23	25
Newfoundland and Labrador Hydro	1	1	0
Newfoundland and Labrador Legal Aid Commission	14	19	11
Newfoundland and Labrador Liquor Corporation	2	0	2
NL Health Services			
Central Zone	5	8	12
Eastern Zone	31	43	45
Labrador-Grenfell Zone	2	3	5
Western Zone	4	7	7
NL Health Services - Correctional Health			
Central Zone	6	0	0
Eastern - Rural Zone	10	44	0
Eastern - Urban Zone	108	129	0
Labrador-Grenfell Zone	0	3	0
Western Zone	6	3	0
NL Schools	5	2	2
Public Procurement Agency	0	0	1
Public Service Commission	0	0	1
WorkplaceNL	12	11	15
Workers' Compensation Independent Review Board	0	1	3
Total Complaints and Inquiries	250	304	144

Complaints/Inquiries by Electoral District April 1, 2023 - March 31, 2024

Electoral Districts	2023-2024
Baie Verte - Green Bay	1
Burin - Grand Bank	2
Cape St. Francis	6
Carbonear - Trinity - Bay de Verde	4
Conception Bay East - Bell Island	4
Conception Bay South	5
Corner Brook	9
Exploits *1	24
Ferryland	3
Fogo Island - Cape Freels	8
Fortune Bay - Cape La Hune	1
Gander	4
Grand Falls - Windsor - Buchans	8
Harbour Grace - Port de Grave	2
Harbour Main	3
Humber - Bay of Islands	2
Humber - Gros Morne	2
Lake Melville *2	28
Lewisporte - Twillingate	1

Electoral Districts	2023-2024
Mount Pearl - North	7
Mount Pearl - Southlands	6
Mount Scio	10
Other Provinces	9
Placentia - St. Mary's	4
Placentia West - Bellevue	2
St. Barbe - L'Anse Aux Meadows	2
St. George's - Humber	1
St. John's Centre	7
St. John's East - Quidi Vidi *3	445
St. John's West	6
Stephenville - Port au Port *4	53
Terra Nova *5	72
Topsail - Paradise	1
Unknown *6	138
Virginia Waters - Pleasantville	4
Waterford Valley	10
Windsor Lake	1
Total Complaints & Inquiries	895

Note 1: The volume of complaints emanating from the District of Exploits is a result of the location of the Bishop Falls Correctional Centre (BFCC).

Note 2: The volume of complaints emanating from the District of Lake Melville is a result of the location of the Labrador Correctional Centre (LCC).

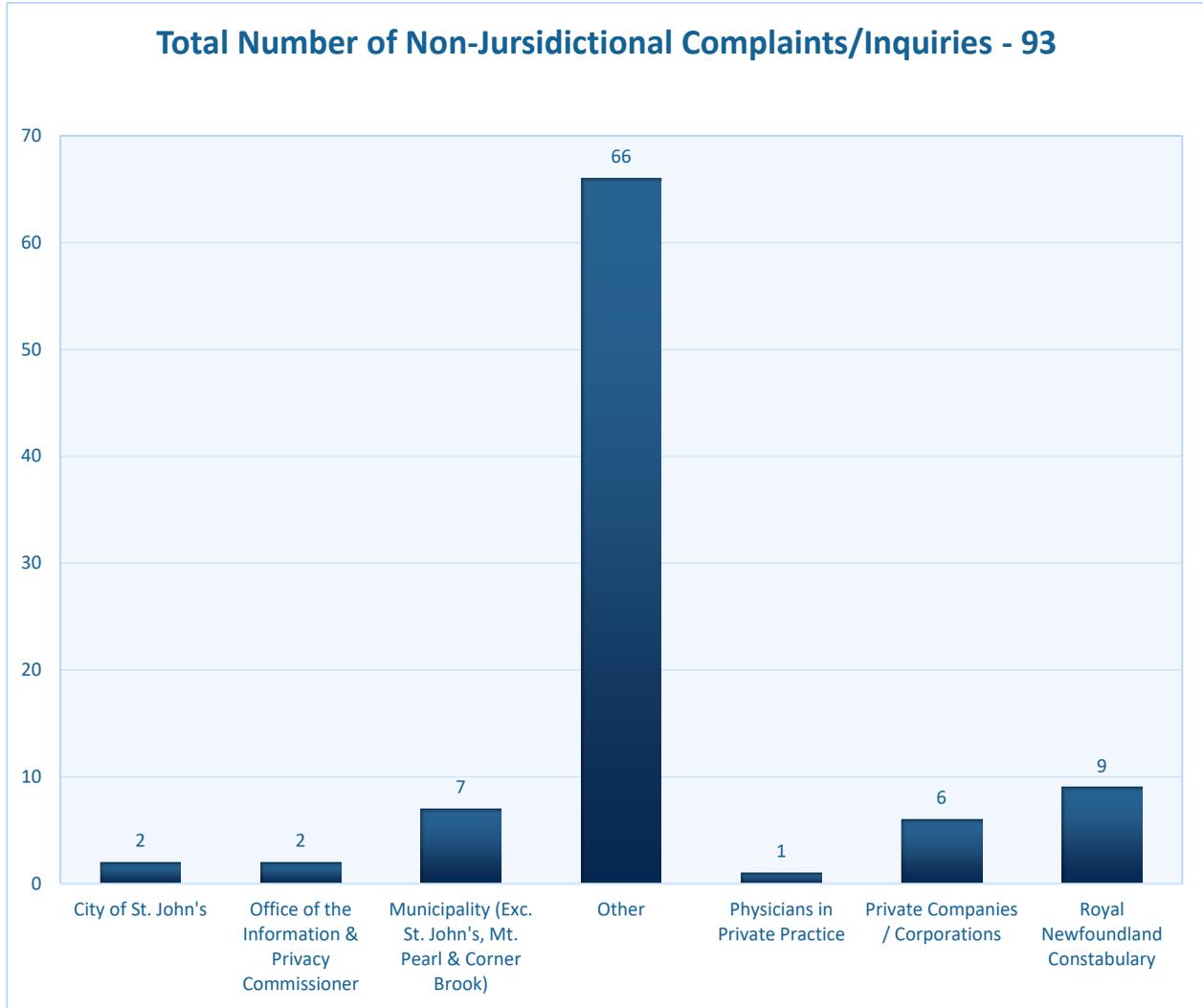
Note 3: The higher volume of complaints emanating from the District of St. John's East - Quidi Vidi is a result of the location of Her Majesty's Penitentiary (HMP).

Note 4: The higher volume of complaints emanating from the District of Stephenville - Port au Port is a result of the location of the West Coast Correctional Institution (WCCI).

Note 5: The volume of complaints emanating from the District of Terra Nova is a result of the location of the Newfoundland and Labrador Correctional Centre for Women (NLCCW).

Note 6: This section includes complaints received from individuals who reside out-of-country or out-of-province who launch complaints about attempts to access services while visiting the province, or on behalf of citizens who currently reside in the province. It would also include systemic complaints involving more than one electoral district and situations whereby a citizen's address is not available.

Complaints/Inquiries
Non-Jurisdictional
April 1, 2023 - March 31, 2024



Accomplishments

In addition to prosecuting its core mandate services of complaint investigation and mediation, during 2023-2024, the OCR actively engaged in opportunities to acquire and share knowledge, learning and experiences with citizens, communities, public bodies and colleagues on a national scale.

Community Outreach

The citizens of the province are the drivers of the work that is completed by our Office. It is always important to connect with citizens and the community to heighten awareness of the services of our office and increase their confidence and understanding of when and how to make contact. Opportunities for community outreach this year included:

- Presentation of the Citizens' Representative Office mandate and administrative fairness to *Youth the Future*, Canadian Council on Rehabilitation and Work.
- Participation in *World Elder Abuse Awareness Day* with a booth presenting OCR resources.
- Attendance at *SeniorsNL Annual General Meeting*.
- Participation in *National AccessAbility Week Global Café and Resource Fair*.



OCR staff attending our booth at the *National AccessAbility Week Global Café and Resource Fair* in June 2024.

“A very big thank you for attending the National AccessAbility Week resource fair held on June 1st. It was an amazing opportunity to come together in celebration of all things accessibility and we hope to see you all next year for NAAW. Again, CCRW is so grateful for the community network we have in St. John’s, and we look forward to more opportunities to collaborate.”



The OCR also seeks opportunities for the mutual exchange of information with community organizations. The more knowledge that we have about services provided at a community level, the better equipped our staff are to make appropriate referrals to support citizens. During this fiscal year, our staff met with the leadership of **Amal Youth and Family Centre Inc.** From this meeting, a mutual understanding was acquired of the supports and services provided under our respective organizations.

The OCR continues to produce the newsletter *OCR Insights*, a quarterly update on the OCR activities.



Indigenous Awareness

In the spirit of acquiring education, greater cultural competency and working towards truth and reconciliation, the OCR participated in an Inuit Culture presentation by the Nunatsiavut Government and in a **2023 Education Session to Give Meaning to Call to Action #57, National Truth and Reconciliation.**

Information Sharing with Public Bodies

The OCR has more than one hundred public bodies within its jurisdiction. While carrying out the traditional work of an ombudsman office, it is useful to both OCR staff and that of public bodies to convene and share information about our respective mandates. We discuss how our work can intersect to provide efficiencies to accessing provincial government services and how to increase the provision of services with optimal administrative fairness. During this fiscal year, the OCR met with the following public bodies:

- Community Supports Program, NL Health Services.
- Department of Health and Community Services (quarterly meetings).
- Correctional Health Services, NL Health Services (quarterly meetings).
- Adult Corrections, Department of Justice and Public Safety (monthly meetings).
- Adult Corrections, Department of Justice and Public Safety (Manager of Institutional Programs).
- Tour of Her Majesty's Penitentiary.
- Office of the Chief Information Officer on amendments to the **Management of Information Act.**
- Human Rights Commission on navigating public complaints.
- Municipal and Provincial Affairs on the new **Municipal Conduct Act.**
- Office of the Seniors' Advocate identifying intersecting roles and supporting issues of seniors.
- Office of the Auditor General Information session for all staff on the role and mandate of the OCR.

Professional Development

OCR staff and leadership are committed to building skill sets to enhance our delivery of services to the public. OCR staff have participated in the following training opportunities:

- *Information Gathering Using Professional Investigating and Interviewing Techniques* – Gardiner Centre.
- *Mental Health First Aid (Seniors)* – Canadian Mental Health Association.
- *The Neurobiology of Trauma* – Dr. Lori Haskell (Facilitated by Ontario Ombudsman).
- *Privacy Training Refresher* – Access to Information and Protection of Privacy Coordinator, House of Assembly.
- *Navigating Neurodiversity* – Newfoundland and Labrador College of Social Workers.
- Various PSAccess courses including *Conflict Resolution, Dealing with Difficult People and Services with Dignity, Fairness and Respect*.

The OCR is also committed to providing professional development opportunities to students. During this fiscal year, the OCR provided a Bachelor of Social Work field practicum opportunity to a 4th year student in conjunction with Memorial University of Newfoundland, School of Social Work.

House of Assembly

As an independent office of the House of Assembly, the OCR welcomes opportunities to provide support to the operations of statutory offices. During this fiscal year, the OCR provided membership on the House of Assembly Classification Review Committee, and provided a site visit and interview for the Review of Statutory Offices of the House of Assembly reported on in October 2023.

Canadian Council of Parliamentary Ombudsman

The Canadian Council of Parliamentary Ombudsman (CCPO) is a council comprised of provincial and territorial Ombudsman. The CCPO serves as a network for Parliamentary Ombudsman and their offices to facilitate the exchange of best practices; share knowledge through professional development opportunities; and advance principles of fairness and good administration in the public sector.

As a member of the CCPO, the OCR participates in annual meetings with Provincial and Territorial Ombudsman. It also participates in monthly webinars hosted by its members which highlight unique topics and issues for Parliamentary Ombudsman. During this reporting period, the OCR facilitated its webinar to the CCPO: *How We Use a Designate Network with Public Bodies: Building Relationships and Creating Efficiencies in Ombuds Work*. The OCR also contributed to the CCPO's *Making it Fair* podcast series. The OCR contribution discussed the publicly released report, *By a Thread and the Challenges of Family Caregivers Providing Care to Medically Complex Children*; <https://ccpo-ccop.ca/ccpo-podcast-episode-8-nl/>

Forum of Canadian Ombudsman

The Forum of Canadian Ombudsman (FCO) is comprised of representatives in the ombudsman profession, including representatives working in government, private industry, colleges and universities. It includes members from the classical to the organizational ombudsman. The FCO provides a global network for ombudsman offices from all sectors and all types to meet and exchange information. The OCR has provided instruction on trends analysis at *Ombuds Essentials*, a joint offering of the FCO and Osgoode Hall Law School Professional Development Program.

Public Interest Disclosure

The OCR has the responsibility of Public Interest Disclosure Programs under two separate pieces of legislation within the province, the **Public Interest Disclosure and Whistleblower Act** and the **House of Assembly Accountability, Integrity and Administration Act**. The OCR participated in the annual Federal/Provincial/Territorial public interest disclosure meetings to share information and learning. In addition, the OCR acknowledged via social media *National Public Interest Disclosure Awareness Day* on March 24, 2023.

Report on Performance

Fiscal year 2023-2024 is the first year of OCR's 2023-2026 Category 3 Activity Plan, which was tabled in the House of Assembly on June 30, 2023. The issue, goal and objectives of the Activity Plan are reported here.

Strategic Issue: Increasing the awareness, understanding and access of our services for citizens when they are experiencing difficulty accessing provincial government services.

The 2023-2026 Activity Plan identified OCR's intent to place a renewed emphasis to provide information about our office with a wide reach to all areas of the province. Since the global pandemic in March 2020 and its impact on outreach efforts for the OCR, we recognized a need to alter our outreach efforts from the traditional in-person opportunities in urban and rural areas of the province.

The OCR promotes its services through its website and with the use of printed and electronic brochures, pamphlets, and posters. These documents provide information to citizens of the province regarding the OCR's role and mandate, including the process of receiving and responding to complaints. There are also publicly available brochures to support public servants relating to navigating public complaints and whistleblower complaints. As societal issues and methods of engagement change, our organizational processes can be altered to meet the changes in our environment. As organizational processes adjust, existing public documents must be reviewed to ensure accuracy and reflection of activities undertaken by the OCR to respond to citizen complaints.

The Citizens' Representative set the following goal in 2023:

Goal 1: By March 31, 2026, the Office of the Citizens' Representative will have reviewed and analyzed processes and publicly available resources to ensure the accurate reflection of the values and the mission under its mandate.

Objectives Pursuant to Goal 1:

Objective 1: By March 31, 2024, the Office of the Citizens' Representative will have reviewed and analyzed processes and publicly available resources to ensure the accurate reflection of the values and the mission under its mandate.

Indicator: Consulted with staff and designates on methods to improve educational resources to most accurately reflect information relevant to OCR services and processes.

Indicator: Planned with the Economic and Statistics Branch of the Department of Finance to administer a survey of a sample of the population of Newfoundland and Labrador to understand the familiarity and perception of OCR services.

Our activities to meet this objective are as follows:

Planned	Actual
<p>1. Compilation and review of existing OCR promotional material for accuracy and relevance of information in the current environment.</p> <p>2. Consult with staff regarding existing promotional material in relation to how relevant the material remains; how it is being used to promote OCR services and opportunities to increase distribution.</p> <p>3. Consult with designates to acquire feedback regarding the information within promotional material disseminated by public bodies.</p> <p>4. Commence the planning process with the Economic and Statistics Branch (ESB) of the Department of Finance to develop a survey to be administered to citizens of the province to acquire data that will be useful to inform a future outreach plan.</p>	<p>1. Review and analysis of existing OCR promotional material for relevancy considering environment and organizational changes since the global pandemic. Analysis and identification of changes required prior to further dissemination of promotional material specific to adult corrections.</p> <p>Review and analysis of the OCR vision, mission, and mandate statements to ensure relevancy.</p> <p>2. Consult with staff regarding OCR organizational changes and that of public bodies. Determine that OCR would benefit from further review of internal processes to ensure consistent application of processes prior to the distribution of updated promotional materials.</p> <p>3. Consulted with staff of Justice and Public Safety, Adult Corrections, regarding posters and pamphlets displayed in correctional institutions. These documents will be updated to encourage participation in internal complaint processes.</p> <p>4. Planned with the ESB to create a framework for a survey to be administered provincially to a representative sample of the citizens of the province. The survey will seek data from citizens regarding knowledge and understanding of the services of the OCR, accessibility of services and how to effectively acquire this knowledge transfer.</p>

Discussion of Results

The promotion of the OCR to all citizens of Newfoundland and Labrador is an important aspect of ensuring equitable access to the services of our office. Citizens contacting our Office will often indicate they were not aware of its existence. Outreach in the province’s communities remains

a priority, which competes with the resource demands of providing a timely and thorough service to those citizens who do make contact. With our limited resources, by partnering with the Economic and Statistics Branch (ESB) of the Department of Finance, we anticipate the survey will assist in identifying target areas and approaches to sharing information of OCR services. The aim is to learn from a demographic that is aware of the OCR, their understanding of its services, and how to optimally provide this education to citizens. The expertise of the ESB has assisted this process to be as efficient as possible in acquiring the required data in the most efficient, representative, and meaningful manner to inform the development of an outreach plan to meet our performance goal by 2026.

Updating OCR promotional material is a valuable piece to coincide with the implementation of an outreach plan. To better analyze OCR practice, which will better inform important changes to OCR promotional material, staff are committed to a deeper review of organizational practice to ensure our practice and procedures are consistent, trauma-informed and continue to adhere to the OCR mandate, while serving the citizens of the province with minimal barriers.

Outlook: Objective 2:

By March 31, 2025, the Office of the Citizens' Representative will have undertaken a survey of a representative sample of the citizens of the province to inform the most efficient efforts for outreach and education to ensure equitable access to the services of the Office.

Indicator: Continue to work with the Economic and Statistics Branch of the Department of Finance to complete the survey created during this fiscal reporting year and analyze data retrieved.

Indicator: Meet with staff to review and acquire consensus on current OCR practice and procedures.

Opportunities and Challenges

The opportunities available to, and the challenges confronting OCR for fiscal year 2024-2025 are:

- Strengthening consistent internal practices amongst staff to optimally support the citizens of Newfoundland and Labrador.
- Learning the reach and limitations of the awareness of the OCR amongst the citizens served by the OCR.
- Documenting best OCR practice and procedure and assessing data collection from the citizen survey while managing efficiencies with OCR core mandate.

Financial Statement

2023-2024

4.1.01. OFFICE OF THE CITIZENS' REPRESENTATIVE

CURRENT

	Actual	Amended	Original
01. Salaries	867,046	867,100	830,200
Operating Accounts:			
<i>Employee Benefits</i>	338	7,000	7,000
<i>Transportation and Communications</i>	13,027	34,100	34,800
<i>Supplies</i>	5,431	5,700	5,000
<i>Professional Services</i>	14,557	69,600	69,600
<i>Purchased Services</i>	83,906	108,000	108,000
<i>Property, Furnishings and Equipment</i>	769	8,000	8,000
02. Operating Accounts	<u>118,028</u>	<u>232,400</u>	<u>232,400</u>
Total: Office of the Citizens' Representative	<u>985,074</u>	<u>1,099,500</u>	<u>1,062,600</u>
TOTAL: OFFICE OF THE CITIZENS' REPRESENTATIVE	<u>985,074</u>	<u>1,099,500</u>	<u>1,062,600</u>

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f Office of the Citizens' Representative – Newfoundland and Labrador

x @NLCitizensrep



Office of the Citizens' Representative
Province of Newfoundland and Labrador



Cover photo: iStock.com

Printed by:
The King's Printer
Government of Newfoundland and Labrador

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