

Citizens' Representative Message

May 1 marked one year since my appointment as Citizens' Representative for Newfoundland and Labrador. To say the time went quickly is an understatement. In a recent note to staff I commended them on their support through some pretty major files, an interior renovation of our office space, extensive preparations and hiring to take on our new mandate as investigative unit for harassment allegations within the House of Assembly, my first budget process, Snowmageddon, and then a quick and seamless change in service delivery in light of Covid-19. All while investigating and mediating nearly 700 complaints from citizens across our province. Each one of them have demonstrated they are willing to go the extra distance for our organization, and the people who call on us daily for help.

Since the public health measures have been implemented we have ceased face to face meetings with citizens in our office and have shifted our operations remotely while having one staff member in the office during regular operating hours to ensure we are running at peak efficiency for the times. Their cooperation in working abbreviated solo shifts every second day in the office, while working from home every second day is greatly appreciated.

During the COVID period, I have taken particular interest in the well-being of our most vulnerable populations: inmates, the under-housed and those who were already economically marginalized before this all started. The staff are in daily contact with inmates and our colleagues in Adult Corrections, and I have been updating the Deputy Minister of Justice and Public Safety periodically on what we are hearing in our correctional facilities. We've been impressed by the response of the Department to ensure all staff and inmates are protected against the virus. In addition, I am in regular contact with my Ombudsman colleagues at the provincial and federal levels, sharing best practices on how to run our unique operations in a time of national crisis.

I truly hope the next edition of OCR Insights will speak to an improvement in our overall well-being as a province, and a return to "new normal" operations at OCR. We tip our hat to our courageous health workers, government workers, first responders and frontline retail workers who place themselves at risk each day for the citizens of Newfoundland and Labrador. For now, in the words of our esteemed Chief Medical Officer of Health, Dr. Janice Fitzgerald, for the good of the province "stay in your bubble and don't burst anyone else's."

Bradley J. Moss

Harassment-Free Workplace Policy Applicable to Complaints Against Members of the House of Assembly

On April 1, 2020, the Harassment-Free Workplace Policy Applicable to Complaints Against Members of the House of Assembly (the Policy) came into effect. The Policy applies to interactions that a Member of the House of Assembly (MHA) has with other MHAs and employees in the context of carrying out that MHA's duties as an elected official. Under the Policy, complaints of harassment can be brought against an MHA by:

- Another Member of the House of Assembly;
- An employee of the Legislative branch (employees of the House of Assembly Service and Statutory Offices; constituency assistants of MHAs, political support employees in the caucus offices and of independent MHAs);
- An employee of the Executive branch (employees of the Departments created under the **Executive Council Act**, or a branch of the Executive government of the Province, executive assistants of Ministers, and political support employees, including those in the Premier's Office.

The Office of the Citizens' Representative (OCR) has the responsibility for the oversight of this Policy, including intake of complaints and coordination of the resolution process. There are options for both informal and formal

resolution for any employee wishing to make a complaint to consider.

Support and Advice

The Independent Support Advisor provides support, advice, and guidance to individuals involved in dealing with and resolving issues of harassment. Contact with the Independent Support Advisor is completely confidential and is available to anyone involved in the process.

Inquiries/Submitting Complaints

The Intake Officer is the main point of contact within the OCR for inquiries and submitting a formal complaint. Contact with the Intake Officer does not mean that a formal complaint must be filed at that point. Individuals may ask questions with respect to the process and options available, and seek advice on a particular situation before making a decision to proceed with a formal complaint under the Policy.

The Policy and an informational brochure are available on our website at www.citizensrep.nl.ca. For additional information, please feel free to contact our Office directly.

Seeking Fairness

A citizen made a complaint about being charged a waste management fee for a travel trailer that was parked on land not owned by the citizen, but was considered by the Eastern Regional Service Board (ERSB) to be a permanent structure on the land. The citizen stated the trailer was being stored on the property and was not used for habitation and applied for an exemption. This application was denied by the ERSB, noting the governing legislation provides the authority to charge fees to “persons who occupy real property, either as owners or tenants of the property.”

During investigation, the ERSB could not provide evidence that the waste collective service for which it was charging, was actually available to the property.

Finding Solutions

An inmate at Her Majesty’s Penitentiary (HMP) complained to the OCR that he was a recipient of unfair treatment as his request to use a voice recorder for therapeutic purposes had been denied by administration. The citizen had a speech impairment and he felt the voice recorder would support his articulation, speech and communication. The inmate alleged similar recorders were being used by other inmates to record music. Upon investigation, the Department of Justice and Public Safety reconsidered the previous decision and permitted the use of the voice recorder for use by the citizen. The citizen, however, was released from custody prior to the change in decision. The Department committed that it would work to develop a policy for similar requests to

The OCR agreed the ERSB had the authority to charge a fee to the citizen, however, found that it should not be charging a fee to this citizen if no curbside collection service was being provided to the property. The OCR recommended the ERSB waive all fees charged to the citizen and that it only start billing when there is confirmation that the property is being serviced with the curbside pickup.

The ERSB maintained the overall approach was to implement a system that everyone needs to pay his or her fair share and has a responsibility for the environment. It further maintained there is no requirement to prove use of the services in order to charge a user fee. The ERSB disputed our findings and would not waive the fees. Pursuant to the **Citizens’ Representative Act**, we reported this refusal to the House of Assembly.

ensure fairness and consistency in decision-making, while maintaining its responsibility to ensure safety and security in the prison environment.

Presentations

We have numerous presentations available for public servants and the general public on our full range of services, including the Provincial Whistleblower Program, and tips on how to navigate difficult complaints for frontline workers. Presentations are available by calling (709) 729-7647 or via email at citrep@gov.nl.ca



Questions? Comments?

Is your department, agency or community group interested in learning more about the OCR, its services and processes? Do you have a suggestion or question to be addressed in a future edition of *Insights*? Call us at 1-800-559-0079 or (709) 729-7647, or e-mail citrep@gov.nl.ca.

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