

Citizens' Representative Message



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In every organization, trust is both a foundation and an outcome. It is built when people feel heard, respected, and safe to raise concerns, especially when something is not right. As the Citizens' Representative, I have witnessed firsthand how vital it is to foster environments where individuals can speak up without fear of retaliation. This is why robust whistleblower programs are not merely compliance tools; they are essential components of ensuring ethical and accountable public bodies.

Whistleblower programs serve as an early warning system. They bring forward issues that might otherwise remain hidden, ranging from procedural inefficiencies to serious misconduct. When designed effectively, these programs empower individuals to report concerns confidentially, knowing their voices will be taken seriously and addressed promptly. They help organizations correct course, protect stakeholders, protect taxpayers, and uphold their values.

However, the effectiveness of any whistleblower framework depends on more than policy. It requires a culture that actively encourages openness, transparency, and fairness. Employees and stakeholders must trust that reporting mechanisms are accessible, impartial, and free from

interference and reprisal. Leadership plays a critical role in setting this tone, demonstrating through action that speaking up is both welcomed and valued.

A recent decision out of the Alberta Court of Appeal, an appeal brought by my colleague the Public Sector Integrity Commissioner, has bolstered the strength of Canadian whistleblower schemes and effectively overturned some problematic opinions that exist in the public domain. The decision confirms that, in the whistleblower context, procedural fairness does not necessarily require full disclosure of witness identities, particularly where doing so could undermine the legislative goal of protecting those who report wrongdoing. In practical terms, the ruling affirms that confidentiality can be preserved, even in the face of fairness challenges where appropriate safeguards are in place. At the same time, it highlights the ongoing need to carefully balance the rights of respondents with the protections afforded to whistleblowers.

As we move forward, I encourage the Government to uphold and even strengthen the systems we have in the Province of Newfoundland and Labrador. Whether by raising awareness, improving legislation, or supporting those who come forward at the departmental or agency level, we each contribute to a more accountable and resilient public service. Together, we can ensure that integrity is not only expected, but protected.

The Value of an Internal Review Process

When a citizen contacts the OCR with a complaint about their experience accessing provincial government services, investigators are responsible for assessing the situation presented within the lens of administrative fairness. One very important component of administrative fairness is the availability of internal complaint mechanisms within public bodies. Many public bodies within the NL Government have some sort of internal complaint mechanism that provides effective opportunities for citizens to elevate concerns related to decisions made or treatment received. When internal complaint mechanisms exist, they provide an opportunity for the respective public body to review the circumstances of a complaint with a lens to consider extenuating circumstances for resolve, and potential errors in decision-making can be corrected without the citizen having to access an outside agency, such as the OCR.

A key consideration for determining any role for our Office is whether there is an opportunity for a complaint to be reviewed internally. In some situations, there are well-known and accessible processes for citizens to access such a mechanism. In other situations, there are processes of elevating complaints through management structures within a public body. Some public bodies are without internal review mechanisms but are open to consideration of a review once becoming aware of a citizen's contact with the OCR. In either situation, respectfully, the OCR endeavours to provide an opportunity to the respective public body to consider the facts of the complaint prior to our external review. Furthermore, the **Citizens' Representative Act** limits any investigation until such time that internal processes of review have been exhausted.

There is great value to both citizens and public bodies to creating and promoting internal complaint mechanisms:

- Complaints/appeals can be addressed in a timely and efficient manner.
- Consideration can be given to ensure that a decision was made in accordance with relevant practice, policy and/or legislative provisions.
- Consideration can be given to exceptional circumstances that may not have been considered in the initial decision-making process.

There is an opportunity for relationship building as the citizen is more likely to feel that their complaint has been heard and fairly assessed by the public body if provided with a review mechanism.

Additionally, when opportunities for internal review exist, it provides a forum for public bodies to track data in relation to specific service provision to identify the existence of any systemic issues that may require redress. It allows for the consideration of the service provided, the effectiveness of its guiding policy, and how service delivery can be improved. Finally, allowing an opportunity of further review in an engaging manner by a public body increases a citizen's confidence and trust in the public body that decisions are not arbitrarily made.

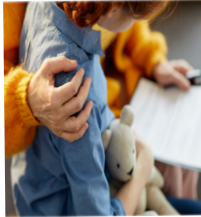
Our Office is always available to have conversations with public bodies in relation to existing internal complaint mechanisms or the creation of same. There are resources available publicly to promote and support an effective internal complaint mechanism. British Columbia's Office of the Ombudsperson has a publication *Developing an Internal Complaint Mechanism* that provides the fundamental elements of an effective internal complaint mechanism and a checklist to ensure such a mechanism is created with optimal administrative fairness: <https://bcombudsperson.ca/wp-content/uploads/2025/07/Public-Report-No-40-Developing-an-Internal-Complaint-Mechanism.pdf>



Seeking Fairness

NLSchools is an entity of the Government of NL tasked with the education of all English-speaking students in K to 12 public schools in the province.

A parent of a child with complex needs contacted the OCR with concern about how the child was being treated by staff in the classroom. The parent attempted to speak with the teacher and the principal but had not been able to find the answers to resolve the concern.



When determining an appropriate role for our Office, it is common practice to explore efforts to resolve complaints internally between the citizen and the public body. In this situation, the parent did not know how to adequately

escalate their concern. In exploration with NLSchools, the OCR was advised of an internal process for filing such complaints. Following our contact, NLSchools committed to contact the parent to discuss the concern presented.

NLSchools advised a few days later that a staff member had a lengthy conversation with the citizen to hear the issues of concern with the intention to work through them. At that time, some issues had already been resolved and the administrative team at the school reported that the relationship had improved with the citizen since this intervention. This position was confirmed by the citizen who was appreciative of having made this connection internally and efficiently.

Finding Solutions

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.



A citizen was referred to the OCR by a community organization who was supporting the citizen with their attempt to gain MCP coverage. The citizen was homeless and did not have any identification as all documents had been lost in previous moves. The circumstances were more complex as the citizen was born outside Canada and immigrated as a youth. While a Canadian citizen, they had resided in a different province before moving to NL several years previous and had not applied for MCP upon their return. Upon application, MCP advised a birth certificate or passport would complete the application. The citizen was not able to provide this documentation and the file at MCP became inactive.

Upon inquiry, MCP agreed to issue temporary coverage if the citizen could submit documentation that they had

applied to receive a replacement citizenship document. It was required that they provide a receipt to show the application was paid for and submitted. Upon submission, the OCR was advised that the MCP card would be mailed to the citizen.

Successfully, MCP was able to backdate three months from the citizen's application, giving them one year of coverage based on the demonstration they had applied to get a copy of the citizenship documentation. Once the citizen received their Canadian citizenship documentation,



they could submit it to MCP and the coverage would be updated accordingly. If at the time of renewal, the citizen did not have the updated document,

they could fill out the renewal form and attach a copy of the receipt. MCP could then consider granting an additional six months of coverage until the document was received.

Questions / Comments?

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

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