



Citizens' Representative's Message

Section 24 of the *Citizens' Representative Act* gives me the discretion to refuse to investigate a complaint where the law or an existing administrative procedure provides an adequate remedy for the citizen who has filed a complaint with the OCR. Occasionally, public bodies will ask me to exercise that discretion because they have internal administrative mechanisms that could or did handle the citizen's concerns.

There are a number of factors we consider when determining whether to exercise this discretion on any particular file. The most important factor is whether the administrative mechanism provides the citizen with procedural fairness. Simply put, that entails giving the citizen a clear understanding of what he or she has to address and an opportunity to make a case before an independent and unbiased decision-maker. Another factor we consider is the time frame in which the administrative mechanism can provide an answer to the citizen's concerns. We are more likely to proceed with an investigation when the administrative mechanism takes years to produce a result. Finally, we will not use this discretion if the administrative mechanism is costly, burdensome, or needlessly technical.

It is helpful for public bodies to periodically review the efficiency and fairness of their internal administrative mechanisms for handling citizens' concerns.

Highlights and Statistics for 2015-16

In our latest OCR Digest, tabled in the House of Assembly in November, we reported a total of 740 complaints received in the last fiscal year. Six hundred and seventy (670) of those involved 27 jurisdictional line departments, agencies, boards, commissions and post-secondary educational institutions, while the balance were non-jurisdictional and referred, wherever possible, to the proper agencies for consideration. The report included a section dedicated to Adult Corrections where we reported investigative results in the areas of use of force and bedding at Her Majesty's Penitentiary, sanitary conditions, and our work with the family of a man who died while in custody at the St. John's Lockup. The OCR continues to work daily with corrections management and correctional officers themselves to resolve complaints and ensure that corrections policies are followed in the interest of inmate and staff safety.

We have numerous presentations available for public servants and the general public, ranging from public interest disclosure, to our overall mandate, to navigating difficult complaints. Presentations are available by calling (709) 729-7647 or via email at citrep@gov.nl.ca.



Seeking Fairness

A citizen contacted the OCR after receiving what he believed was unfair treatment and negative commentary from Eastern Health employees during the admission of a loved one to hospital. In addition, there were several concerns raised with respect to the loved one's residency in a personal care home. In response to us bringing the complaint forward, the health authority conducted an investigation and acknowledged a number of concerns they had, as well. They had already apologized to the citizen and committed to address the specific concerns and the staff involved. They also committed to make several policy changes and improvements to how they deliver their services in these areas. As the authority had already taken responsibility, we opted not to formally investigate, but followed up with the authority to ensure it had followed through on its commitments to the citizen, and received confirmation that it had.

Finding Solutions

A woman dealing with a recent cancer diagnosis who had become estranged from her spouse, came home to NL to seek treatment. When her financial and housing status bottomed out she was forced to move in with her 80 year old mother. She contacted the OCR for help with navigation of the income support system after not receiving a timely reply on the status of her application. An inquiry to the Income Support Division of the Department of Advanced Education, Skills and Labour revealed that additional information regarding her marital separation was required. After providing this information on the woman's behalf, a benefit cheque was issued that allowed her to move into a place of her own.



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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