



Citizens' Representative Message

Since my appointment by the House of Assembly on May 1 2019, the pace of activity and change here at OCR has been almost frenetic, and the last quarter was no exception. During landlord-funded renovations to our Office we were able to maintain the normal pace of operations while rising to the challenge of protecting the confidentiality that permeates all aspects of our work. On January 8, 2020, we tabled our 2018-2019 Annual Digest, while simultaneously working toward an expansion of our mandate that, as of April 1 2020, includes defined roles under the harassment-free workplace policy applicable to complaints against Members of the House of Assembly. Pair all of that with the preparation of a new strategic plan, budgeting, and ongoing recruiting, and we have been a busy office of eight people. In the face of all of this necessary administrative activity, one obligation that consistently resonated with the staff was continuing to deliver on our core mandate

services: to provide citizens with an outlet to bring forward issues or problems they may have with government programs, policies and personnel; and to provide whistleblowers with an outlet to confidentially bring forward their concerns about potential wrongdoing in their workplace. In the face of all of this activity, during the last three months our complaint levels have been consistent, and our investigative timeframes have stayed the same. This is a credit to the entire staff pitching in, sometimes in an "other duties as required" role. It is also a credit to the outstanding services provided by the House of Assembly Service, whose work in payroll, contracting, HR, budgeting, assisting with the implementation of the new program and other administrative areas has been invaluable. Thanks for your interest in our newsletter. If you have any ideas on what you'd like to see in future editions, please get in touch.

Bradley J. Moss

The OCR Annual Digest



The OCR 2018-19 Annual Digest was tabled in the House of Assembly in January 2020. The Digest relays statistical information on complaint volumes to our Office, and gives us an opportunity to share more about the day-to-day nature of our work. Last year the Office received 702 complaints and inquiries, with 625 of those being jurisdictional. In the

other 77 cases we were still able to provide valuable referral information, conflict coaching, or alternate avenues of redress for the complainant. Access the Digest under the "Publications" tab on our website, www.citizensrep.nl.ca

Seeking Fairness

A family contacted the OCR alleging unfair treatment as the Department of Transportation and Works (TW) had a practice of snow clearing their private driveway. It was the position of the family that the practice of snow clearing caused damage to their property and interfered with their ability to park in their driveway. The family stated they maintain ownership of the driveway; TW had not acquired the property by expropriation or other means. It was the desire of the family to have TW cease snow removal in their driveway.

TW advised the road in question had been in their inventory of maintained roads for many years, but admitted it had not any record of having acquired the land on which the road lies. It was also identified that another resident at the end of the road had been accustomed to receiving snow clearing services and TW did not want to leave that resident stranded.

Following investigation, the OCR found the practice of snow clearing by TW was oppressive to the family who initiated the complaint. The OCR was challenged, however, to offer the recommendations as desired by the family, to cease and abandon its historical practice of snow clearing the driveway. This, and other recommendations considered, had the propensity to create an undesired outcome, such as giving rise to an allegation of unfair treatment by the other resident

benefitting from the practice. The recommendations made to resolve the matter remained broad to provide flexibility for TW to create a strategy for implementation. TW accepted the OCR's recommendations, which involved a commitment to work with both homeowners to provide snow clearing service to the best of their abilities in a manner that is reasonable, efficient and safe. It also involved a commitment to inform citizens of the process to file a claim for damages to property regardless of the amount of time elapsed between the alleged incident and the notification of damages.

Finding Solutions

A tenant of Newfoundland and Labrador Housing (NLH) contacted our Office in frustration after a contractor accidentally punctured a hot water line during renovations to the family's NLH rental unit. The accident resulted in damages to the family's property. The tenant believed that NLH should provide financial compensation for the damages incurred. Upon inquiry, the OCR was advised that NLH strongly recommends tenants obtain insurance for personal property. Such insurance protects tenants from loss of belongings due to theft, fire, flood or other disasters. While the tenant did not have tenant insurance in place, NLH was able to negotiate a settlement with the contractor involved and provided compensation to the tenant.

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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