

40TH ANNUAL REPORT 2018/2019



The Office of the
Ombudsperson
B.C.'s Independent Voice for Fairness

ABOUT OUR OFFICE

As an independent officer of the Legislature, the Ombudsperson investigates complaints of unfair or unreasonable treatment by provincial and local public bodies and provides general oversight of the administrative fairness of government processes. It conducts three types of investigations: investigations into individual complaints; investigations that are commenced on the Ombudsperson's own initiative; and investigations referred to the Ombudsperson by the Legislative Assembly or one of its Committees.

The Ombudsperson has a broad mandate to investigate complaints involving provincial ministries; provincial boards and commissions; crown corporations; local governments; health authorities; colleges and universities; schools and school boards; and self-regulating professions and occupations. The Office of the Ombudsperson responds to over 7,000 enquiries and complaints annually.

For more information about the BC Office of the Ombudsperson and for copies of published reports visit www.bcombudsperson.ca.



July 2019

The Honourable Darryl Plecas
Speaker of the Legislative Assembly
Parliament Buildings
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the Office of the Ombudsperson's 2018/2019 Annual Report to the Legislative Assembly.

The report covers the period April 1, 2018 to March 31, 2019 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia

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FROM THE OMBUDSPERSON

This year has been a very important one for the BC Office of the Ombudsperson as we reflect on our rich and varied 40-year history and look forward to the upcoming change to the mandate of our office. For the first time in our history, the legislature has added a material new function to our mandate beyond the *Ombudsperson Act*. With the passage of the *Public Interest Disclosure Act*, anticipated to come into force later this year, we will take on the role of investigating disclosures of wrongdoing in public sector workplaces, beginning with provincial government ministries. Being assigned this additional statutory duty underscores that legislators have confidence in what we stand for – our independence, our impartiality and our investigative rigour. Over the past 40 years we have demonstrated that the impact of our work has made public sector organizations more fair, open, ethical and accountable and in the process, hundreds of thousands of British Columbians have been treated more fairly.

As we do our work today, it is critical to carry with us the words that created our office in the beginning. When former Attorney General Garde Gardom introduced the *Ombudsman Act* in 1977 he said in the Legislative Assembly that the Ombudsman would be “the conscience of the state”. We would “move aside bureaucratic roadblocks, wade through red tape, and approach the unapproachable.” In the courts the role of the Ombudsman was endorsed as a key democratic pillar that would “bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds.”

Those of us fortunate to now be part of the Office of the Ombudsperson owe our predecessors a debt of gratitude. In the early days the idea of fairness and what the public could and should expect from government in terms of fair treatment was much less evident than it is today. Complaint handling mechanisms in government that many of us take for granted now were simply non-existent. Over the years we came up against government and its agencies questioning our role and jurisdiction. We had challenges getting access to the information we needed to conduct our investigations. We had to educate the public sector about the meaning of what often seemed like a new and foreign concept – administrative fairness, what’s that?

But gradually, public bodies started to put their own mechanisms in place to ensure rules were being followed as they should be – strengthening policies, establishing new administrative review processes including tribunals, and putting in place additional checks and balances. This is positive progress, but we have deepening challenges. As these processes are strengthened, the confidence the public has in government and bureaucracy in general is being increasingly tested. Reports of misconduct, mismanagement, corruption and collusion here at home, south of the border and worldwide are fueling a widespread cynicism toward our politicians and public institutions. We hear this frustration and distrust in the voices of the people who call our office every day. But we also hear the optimism that by bringing their voices forward, through our investigations, things will be made right.

“Moving aside bureaucratic roadblocks, approaching the unapproachable and bringing the lamp of scrutiny to injustice are not just aspirational goals, they are things we do in practice every day.”

Moving aside bureaucratic roadblocks, approaching the unapproachable and bringing the lamp of scrutiny to injustice are not just aspirational goals, they are things we do in practice every day. This past year, with over 7,000 enquiries and complaints coming to our office, individual stories contained in this report highlight how we were able to right a number of wrongs, from helping a new immigrant get translation services to ensuring an inmate had access to the information he needed to represent himself in court, to assisting a grandparent caring for his grandchild to obtain a subsidy he was previously denied that resulted in a widespread policy change.

In the course of our systemic investigations this past year, we were able to approach those who would be unapproachable for some of BC’s more vulnerable citizens. Income assistance recipients were the focus of two of our public reports. In one public report, we called for improvements to unreasonably lengthy telephone wait-times at government call centres that serve income and disability assistance recipients. In the second, after a complainant came forward, we found an error in how income assistance calculations were being made that was contrary to law and impacted thousands of individuals. This meant they were short-changed money that was crucial to their daily lives – totalling more than \$650,000 over five years.

In March of this year, we released a report of our systemic investigation into the treatment of mentally ill patients who had been involuntarily detained in psychiatric facilities. We focused our

investigation on legal safeguards that are supposed to be in place that protect the rights of those who have had their liberty removed by the state. We found these safeguards, legally required forms that outline reasons for detention, document legal authority for treatment, advise patients of their legal rights and inform family members of a patient’s detention were often not completed. Our report highlighted serious gaps in the protection of patients’ rights and the lack of priority that has been given to patients’ civil rights.

In our fairness education work, we continued to work with a wide range of public sector organizations sharing best practices in how to ensure fairness is at the centre of public service delivery. The fact that our workshops and training sessions continuously have waiting lists is an encouraging sign that treating people fairly, and upgrading public servants’ skills to do so, is seen as a priority.

As we look to the future, we will continue to be inspired by members of the public who for 40 years have brought their concerns to us. Going forward our commitment is to be unrelenting in our goal of making government better and promoting the just and fair treatment to which we are all entitled.



Jay Chalke
Ombudsperson
Province of British Columbia

THE ROLE OF THE

OUR VISION

British Columbia's Independent Voice for Fairness

OUR PURPOSE

- Ensure that the people of British Columbia are treated fairly in the provision of public services
- Promote and foster fairness and accountability in public administration
- Provide an independent avenue of last resort for individuals with complaints about government services

OUR GUIDING PRINCIPLES

- We are fair and impartial (we are not advocates for individuals, nor are we advocates for public bodies, rather we are advocates for fairness)
- We are professional and thorough
- We listen with respect
- We seek resolutions that are principled and practical

WHAT WE DO

- Listen and respond to enquiries from the public
- Educate citizens and public authorities on issues of administrative fairness
- Conduct thorough, impartial and independent investigations of complaints
- Facilitate complaint resolutions and improve the administration of public policy through consultation and recommendations
- Report to the Legislative Assembly and the people of British Columbia to bring attention to matters of administrative unfairness and the work of the office

OUR GOALS

- People who need us are aware of our services and can access them
- Complaints are addressed efficiently
- Thorough and impartial investigations promote fair public administration
- Public authorities are supported in improving administration
- Staff are recognized for their expertise

OMBUDSPERSON

A VIEW FROM THE BENCH

Over the past half century, there have been a number of court decisions in Canada where judges have had to consider the role, powers and duties of the Ombudsman. Most recently, the Nova Scotia Court of Appeal had this to say about the Ombudsman's role:

ENSURING TRANSPARENCY

"The authority of the Ombudsman to investigate and report on the actions or inactions of elected or unelected government officials serves as a potent tool for citizens with cause to doubt the claims of "transparency" and "accountability" from those whose hands control the levers of power."

IMPARTIALITY AND INDEPENDENCE

"The legislative purpose of the *Ombudsman Act* is remedial; meant to oversee the workings of government by providing an independent and impartial review of provincial and municipal departments. This is achieved by applying a broad, purposive interpretation to the Ombudsman's statutorily defined jurisdiction, informed by the special, important and unique role the Ombudsman plays in our constitutional democracy."

PROMOTING ACCOUNTABILITY

"The Ombudsman's authority is a potent force, acting as a part of a system of legislative checks and balances on the proper functioning of our democratic institutions. The Ombudsman's oversight reminds both government and its bureaucracy that they – like the citizens they serve – are bound by the Rule of Law and will be held to account for its breach."

OUR IMPACT OVER FORTY YEARS

How we made public administration better

425,000+ complaints & enquiries

133 reports covering a wide range of issues impacting the people of British Columbia

OUR WORK STRIVES TO MAKE PUBLIC ADMINISTRATION BETTER. WHEN WE FIND UNFAIRNESS OUR INVESTIGATIONS CAN MAKE A SIGNIFICANT DIFFERENCE. HERE ARE SOME OF OUR SUCCESS STORIES OVER THE PAST 40 YEARS:

“With the establishment of an Ombudsman in British Columbia, we will have a person who can represent the conscience of the state.”

– Attorney General Garde Gardom, 1977

POLICIES AND PRACTICES HAVE BECOME MORE FAIR AND LAWS HAVE BEEN CREATED

Our work has resulted in changes to policies that have been found to be unfair, and in the creation of new laws that strengthen fairness across the public sector. Key policy and legislative changes that have resulted from our work include:

- The passage of Public Interest Disclosure legislation that will protect whistleblowers who report wrongdoing in the workplace.
- The establishment of regulatory and legislative amendments aimed at improving the adult guardianship process and establishing minimum legally binding requirements.
- The creation of professional practice guidelines for those who are conducting environmental assessments.

FINANCIAL BENEFITS RECEIVED

Through our investigations individuals have received millions of dollars in benefits owed to them. Significant reimbursements have included:

- After our 1993 investigation into the sexual and physical abuse of children at the Jericho Hill School for the Deaf, 344 former students received \$12.7 million in compensation and a formal apology.
- Due to an administrative error, forest workers who were displaced were taxed unfairly – 8,000 workers were compensated in excess of \$20 million.
- Following our investigation into a miscalculation of income assistance payments, hundreds of income assistance recipients were found to be eligible for benefits totalling nearly \$1 million, that had previously been withheld from them.
- An Ombudsperson investigation found that, as a result of the law being changed, victims of crime were not receiving cost of living adjustments to their pension that had been awarded under the former law. As a result of our report, 390 victims of crime were compensated.

PEOPLE HAVE HAD AN OPPORTUNITY TO BE HEARD

When people come to our office, they often tell us that their issues have not been adequately acknowledged or heard. Anyone impacted by a decision should be provided with the opportunity to tell their side of the story and present their case. They should also have a chance to challenge or question how a decision was made. Through our investigations, we have provided many with the opportunity for their voice to be heard, to be taken seriously, and to tell their side of the story. Examples include:

- A review of Riverview Hospital resulted in improvements in safeguarding patients' rights and allocating an adequate budget to support patient advocacy.

"The Ombudsman can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds."

– Chief Justice Milvain, of the Supreme Court of Alberta Re: Ombudsman Act (1970)
72 W.W.R. 176, 190-193

- An investigation into Willingdon Detention Centre resulted in sweeping changes to ensure children were treated fairly from providing adequate access to education and physical activity to providing the right opportunities for growth and development of youth at the centre.

APOLOGIES HAVE BEEN MADE

In many instances of unfair treatment, people are seeking apologies. Our investigations have resulted in thousands of formal apologies to individuals.

- Following a recommendation from the Ombudsman, legislation was enacted that would permit public officials to apologize for wrongful acts or mistakes without fear of litigation on the grounds that an apology is an admission of fault. The government of the day enacted the *Apology Act*, which has become a model for similar legislation elsewhere in Canada.

KEY HIGHLIGHTS IN OUR HISTORY

REPORTS

1981

The Garibaldi Case.
Office's first special report issued. The report found a government land acquisition program was unfair and recommended compensation. (p.63)

1987

Skytrain Report.
Several complaints about the negative impact of the Skytrain development led to recommendations focused on ensuring the fair treatment of individuals and communities. (p.68)

1993

Abuse of Deaf Students at Jericho Hill School.
Our investigation focused on several disclosures of abuse and lack of action by those trusted by students. (p.38)

1996

Regulation of Newport Realty Incorporated by Superintendent of Brokers.
This investigation was initiated in response to investors who had purchased mortgages sold by Newport Realty Inc. and lost their investments when the company went bankrupt. (p.44)

1994

An investigation of a complaint to the College of Physicians and Surgeons of British Columbia.
The investigation resulted in several recommendations to improve the College's investigative procedures and processes to be more fair. (p.35)

1980

1990

ORGANIZATIONAL DEVELOPMENTS

July 1979

BC's *Ombudsman Act* comes into force and Karl Friedmann becomes the first Ombudsman.

October 1979

A temporary office opened at the Vancouver courthouse. At 8:30am, the office's first complainant arrived. There was so much on his mind, he stayed until the end of the day.

1984

After years of legal wrangling which pitted a small seafood restaurant against the large BC Development Corporation, the Supreme Court of Canada decided that the Ombudsman has the ability to investigate virtually all actions of government that aggrieve an individual.

1994

Intake Team established to respond to the large volume of calls received by the Ombudsman daily and triage complaints to where they can best be addressed.

1992-1995

In November 1992, the provincial government extended the Ombudsman's jurisdiction to include public schools and school boards. During 1993, hospitals, colleges, universities and self-regulating professional and occupational organizations came onboard, and in early 1995, all forms of local government, including municipalities, regional districts and the Islands Trust were added.

2001

An Investigation of Forest Renewal BC.
This report resulted in displaced forestry workers, who were unfairly taxed, being compensated more than \$20 million. (p.40)

2012

Best of Care.

An extensive two-part investigation into seniors' care in BC came to conclusion with a total of 176 recommendations to improve home support, assisted living and residential care. (p.29)

2016

Under Inspection.

An investigation into a 10-year hiatus of a legally required regular inspection program at BC correctional centres. (p.36)

2008

Fit to Drink.

An investigation into complaints about drinking water from across the province identified several deficiencies, resulting in 39 recommendations to ensure the safety of drinking water in BC. (p.44)

2017

Misfire.

A report into the 2012 firings of Ministry of Health staff that arose from the first ever referral to investigate a matter from the Legislative Assembly. (p.42)

2000

2010

2007

Systemic Investigations Team established. Although the office had been issuing public reports for many years, a small team was put into place that can focus on systemic investigations into issues that impact not just one person, but many.

2018

Mandate of the office is added to with the enactment of Public Interest Disclosure legislation. When it comes into force, this legislation will give public sector employees the ability to report allegations of wrongdoing to the Ombudsperson.

2017

Three-year pilot program begins to assist public bodies proactively identify and resolve issues of unfairness.

2008

Early Resolution Program began. Recognizing that not all complaints require a full and sometimes lengthy investigation, the office dedicated staff with quick response skills to resolve issues.

2009

The legislature changes name from Ombudsman to Ombudsperson.

REFLECTIONS FROM THE PAST

Over the past 40 years, six people have been appointed as Ombudsman/Ombudsperson. We asked the five former Ombuds to reflect on their challenges and successes in the role as well as how the role has evolved over time. Here are a few of their thoughts:

What do you consider to be your most significant contribution while you were in office?

“Any successes in an organization such as the Ombudsperson’s Office are always the result of a team effort and so invariably the greatest contribution is the hiring and the retention of competent, enthusiastic, and dedicated people.”

Some positive developments during my time as Ombudsperson were the creation of a dedicated outreach and education position, the establishment of a systemic investigation team, the development of an early resolution process, and the expansion of the administrative and technical support provided by the shared services team.”

– Kim Carter (2006-2015)

Why should the public care about fairness?

“The extension and concentration of government power over the lives and activities of citizens is one of the most pervasive tendencies in modern industrial societies. Large organized groups are usually well-equipped to pursue their interests and to protect their rights. However, many individuals and some groups often lack the resources of time and money to realize their interest or to protect their rights in the face of the complex mass of rules, regulations, programs and agencies which make up modern government. It can be an unequal struggle at every stage. The appointment of an Ombudsman represents one effort to restore the balance.”

– Karl Friedmann (1979-1985)

“The Office plays a vital role in humanizing government and ensuring that the actions of public authorities are fair and just.”

– Howard Kushner (1999-2006)

“During my term as Ombudsman, I saw how truly devastating the consequences can be to a person’s well-being when denied access to a fair and just investigative process.”

– Dulcie McCallum (1992-1999)

“It is a fundamental strength of the office that the Ombudsman cannot order change. The recommendation process demands thorough investigation of all information and perspectives, careful analysis and reasonable recommendations. Forced change resulting from the weight of reason is a more powerful force because it can change the way decision-makers approach situations.”

– Stephen Owen (1986-1992)

"I do not ask for or expect blind acceptance of my recommendations by authorities but I hope for reasoned argument and informed consent."

– Karl Friedmann (1979-1985)

Is there a particular case that stands out for you?

"One case, at the start of my term, most clearly illustrated the value of the Ombudsperson Office. The case illustrated how a person, through no fault of their own, can get caught up in a dispute between two bureaucracies, the Insurance Corporation of BC (ICBC) and the Worker's Compensation Board (WCB). Ms. D was injured in a car accident in 1992, through no fault of her own. The only issue was the value of her claim. She was caught in a war between the two agencies, both of which provided financial aid to persons injured in an accident, but didn't receive any compensation from either. Ultimately, through our intervention, Ms. D was able to obtain WCB benefits from 1995 forward and was not required to repay ICBC for the benefits she received from them prior to 1995. This was an early introduction into the value and importance of having an independent third party investigate complaints of unfairness."

– Howard Kushner (1999-2006)

"Perhaps because of the term "Ombudsman", the impression is sometimes left that this office operates under the force of one person. Nothing could be less true."

– Stephen Owen (1986-1992)

"The role of the Ombudsperson in British Columbia, across Canada and in other countries, is of increasing importance. In a world that is increasingly divided and distrustful of authority, the Ombudsperson's Office is a refuge for the powerless and a beacon for those seeking accountability. Its mandate is to be independent, impartial, thoughtful, reasonable and even-handed. It is willing to speak to truth and power. As a result, it makes an indispensable contribution to effective democratic governance."

– Kim Carter (2006-2015)

"Everyone is entitled to be treated with dignity and respect. People are not prepared to let government dominate their lives and ignore their interests. People who have complaints about how they have been treated by a government agency are often angry, confused and isolated."

– Dulcie McCallum (1992-1999)

The background consists of several overlapping, semi-transparent shapes in various shades of teal and blue. The shapes are organic and flowing, creating a sense of movement and depth. The colors range from a light, airy teal to a deep, vibrant blue.

HOW WE DO OUR WORK

How we Approach our Work

When people come to our office, they bring a wide range of concerns about how they have been treated by public sector organizations, as well as many questions about how to get their issues resolved. Our job when each call, query or complaint comes in is to determine how best to help. Sometimes this means our Intake and Early Resolution Team can get to the bottom of a complaint and find a solution quickly. When a complaint is more complex we assign it to one of our three investigative teams that specialize in three areas – regulatory programs, social programs and health and local services. These teams have specific expertise that enables them to fully analyze the complaint and determine if unfairness has occurred. When we see trends and clusters of complaints we consider whether there may be a systemic issue at play and consider whether a systemic investigation is warranted. Through all of this work, we also look for areas where our Prevention Team may be able to help public sector organizations proactively strengthen administrative fairness in the work they do.

“Often when we start an investigation, it’s not easy to know what exactly happened. It’s my job to fill in those gaps and that’s something our complainants deeply appreciate.”

– Investigator

Our Investigations

Our investigations are based on the parameters of the *Ombudsperson Act*, the law that defines what unfairness means and the scope of information we are able to access. This Act gives us the authority to get all the information that we decide we need to understand what happened, whether it be documents, interviews with people under oath or other evidence. Our investigations can take days or several months depending on the circumstances. All of our work involves a high degree of rigour and impartiality and always underscores that we are not advocates for individuals or government, but rather advocates for fairness.

“It’s extremely rewarding to be able to give someone an opportunity to be heard and explain their whole story, when nobody else has.”

– Investigator

Intake and Early Resolution

Our Intake and Early Resolution Team plays an integral role in our office. They field every complaint and enquiry that we receive: by answering the phone, assessing complaints received in writing, meeting in-person at our office, or while we are touring the province.

On any given day our Intake and Early Resolution Officers listen to an incredibly diverse range of complaints from equally diverse people. They determine whether complaints are within our

jurisdiction and if not, they work to connect people to those who can more appropriately help.

In their early resolution capacity, our staff are frequently able to find resolutions by accessing their extensive network of contacts within public bodies. Whether it's a reimbursement of funds or an explanation of why a decision was made, often files can be closed quickly after an expedited investigation.

A Month at a Glance for Intake and Early Resolution

IN AUGUST 2018 ALONE,
WE RECEIVED **497** COMPLAINTS ABOUT
65 DIFFERENT PUBLIC
SECTOR ORGANIZATIONS

“So often when people come to us they feel they have no idea where to go to have their concerns listened to. It’s a great feeling to be that person who will take the time to listen to them and help them find their way through what can be a maze of often very complicated bureaucratic systems.”

– Early Resolution Officer

Why won't someone tell me why I haven't been reimbursed for my prescription?

What steps is the city taking to address the issue?

There's No Wrong Door

Depending on the type of complaint and who it is about, there are many avenues people can take. Before coming to us, we recommend going through the organization's internal complaint process. Dealing with those directly involved can often resolve issues more efficiently and effectively. If a person has not tried this avenue when they reach out to us we will often refer them to the applicable complaint process and invite them to contact us again if that process was not effective.

Here are the most common referrals we make to organizations under our jurisdiction:



The Ministry of Children and Family Development

Complaint Process



The Ministry of Social Development and Poverty Reduction

Service Quality Manager or Reconsideration and Appeals



Workers' Compensation Board

Review Division



BC Hydro

Customer Service



Health Authorities

Patient Care Quality Offices



ICBC

Customer Relations

Even when the organization doesn't fall under our jurisdiction, we still make every effort to connect people to the best complaint avenue. Here are the most common non-jurisdictional referrals we make:



Municipal Police

Police Complaint Commissioner



Federal Government

*RCMP: Civilian Review and Complaints Commission
Canada Revenue Agency: Taxpayers' Ombudsman*



Banks

Ombudsman for Banking Services and Investments or Financial Consumer Agency of Canada

Why is the school district denying my children access to public education?

Why can't my disability be accommodated at my upcoming hearing?

A DAY IN THE LIFE OF THE OFFICE

8:30 AM

The Intake Team's phones open. First call of the day, a mother with two children with acute medical needs, is complaining that BC Housing has put her on a waitlist. She says she can't wait any longer and is now at risk of homelessness.

Investigators on the Office's three investigative teams begin to dig into their respective case lists. From complaints from inmates and youth in custody to concerns about local governments, school districts and government ministries, they dive into their daily work of reviewing evidence and talking with both complainants and staff at public bodies to find answers.

9:00 AM

Ombudsperson Jay Chalke attends a meeting with several senior government officials in regard to a systemic investigation into involuntary detention of mentally ill patients. He has made draft recommendations that if implemented would significantly improve a patient's knowledge of their legal rights. Government officials want to understand the recommendations better in order to decide whether to accept them. Chalke explains the findings of the investigation, the legal principles involved, and the rationale for the change.

10:00 AM

A frustrated and angry complainant arrives at our office's reception area. He says he receives disability assistance but has not received his cheque this month. He is a single dad with 3 kids and doesn't know how he will be able to afford rent and food. He tried to track down someone to talk to at the ministry but has not been able to make contact. He is immediately triaged to our Social Programs Team who starts to make some calls.

11:00 AM

Investigators from the Regulatory Programs Team arrive at Prince George Correctional Centre for one of their regular site visits. They are there to make sure policies and procedures are being implemented fairly and complaints from inmates are being dealt with effectively.

1:00 PM

Staff from the Prevention Initiatives Team begin an afternoon Fairness in Practice workshop held at our office. Public sector employees representing more than 30 public bodies are participating to share challenges they face in being fair in the work they do and to get information and tips.

OF THE BC OMBUDSPERSON

The Communications and Outreach Team is hard at work planning the office's next mobile intake and outreach tour. The Ombudsperson will be focusing on liaising with Indigenous leaders and youth organizations – connections are being made with key community contacts.

2:00 PM

In the past three hours the Social Programs Team made good headway on the earlier disability assistance complaint. The ministry informed them that in order to release the cheque, they needed to update the dad's current address. We advised the dad to visit the ministry's office and provide the information. He called us to let us know he had visited the ministry office, provided the information and received the cheque.

2:30 PM

Three co-op students from the University of Victoria's Law School are working on legal research for investigators delving into statutes, bylaws and cases from around the globe. They are also fielding calls from complainants, answering any questions they may have and updating them on the status of their files.

3:00 PM

The Systemic Investigations Team has spent the day liaising with a number of ministries as they do their work of monitoring the status of recommendations made in past reports. They are about to release a public update on a sweeping investigation of seniors' care in the province and have found that less than half of the recommendations have been implemented. The Team is working with the Ombudsperson to prioritize which of the outstanding recommendations should be highlighted.

4:00 PM

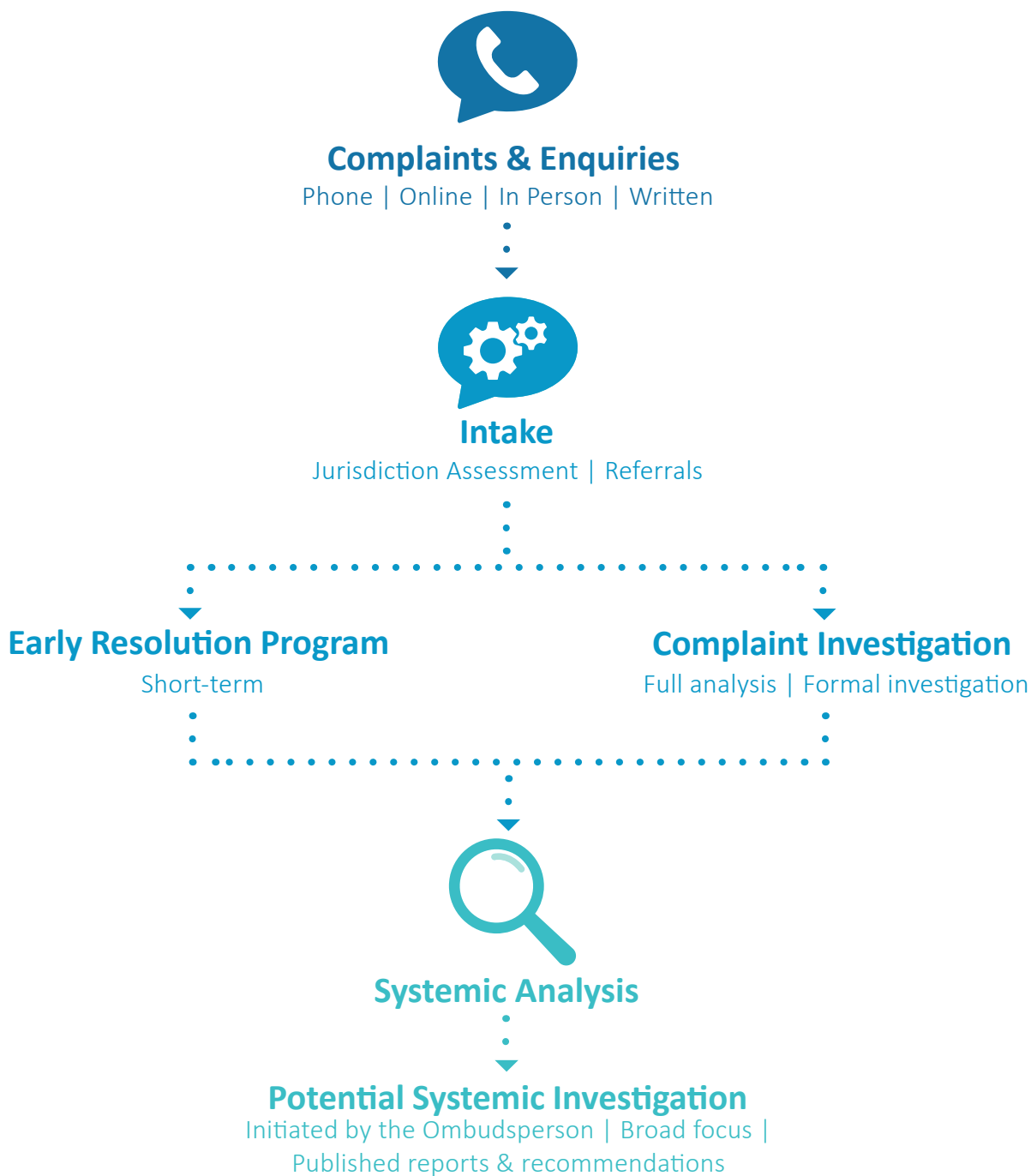
The 60th and final call of the day comes in to the Intake Team – a man living in a small rural community is having some problems with a neighbour and doesn't feel the local noise bylaw is being properly enforced. The file is assigned to the Health and Local Services Team to investigate further.

4:30 PM

Our Process

This past year we received more than 7,000 complaints and enquiries from the public.

We listened to their stories. Some we referred to an organization who could better assist, and some were promptly helped through our early resolution process. In some cases, complaints required a more thorough investigation. With each story we heard, we strived to work collaboratively with complainants and public bodies to make improvements and to underscore the importance of fairness in all aspects of public service delivery.



WHO WE CAN INVESTIGATE

Complaints of unfair actions and decisions by:

- Provincial ministries
- Provincial agencies, boards and commissions
- Crown corporations
- Local governments
- Health authorities
- School boards, colleges and universities
- Self-regulating professions and public pension boards of trustees

The full list of authorities can be found in the Schedule to the *Ombudsperson Act*

FINDINGS WE CAN MAKE

Whether an action/decision/recommendation/omission is:

- Contrary to law
- Unjust, oppressive, improperly discriminatory
- Done pursuant to a statute or common law rule that is improperly discriminatory
- Based on a mistake of law or fact
- Based on arbitrary, unreasonable, or unfair procedures
- Done for an improper purpose
- Not explained with adequate and appropriate reasons
- Based on irrelevant considerations
- Improper
- Negligent
- Otherwise wrong

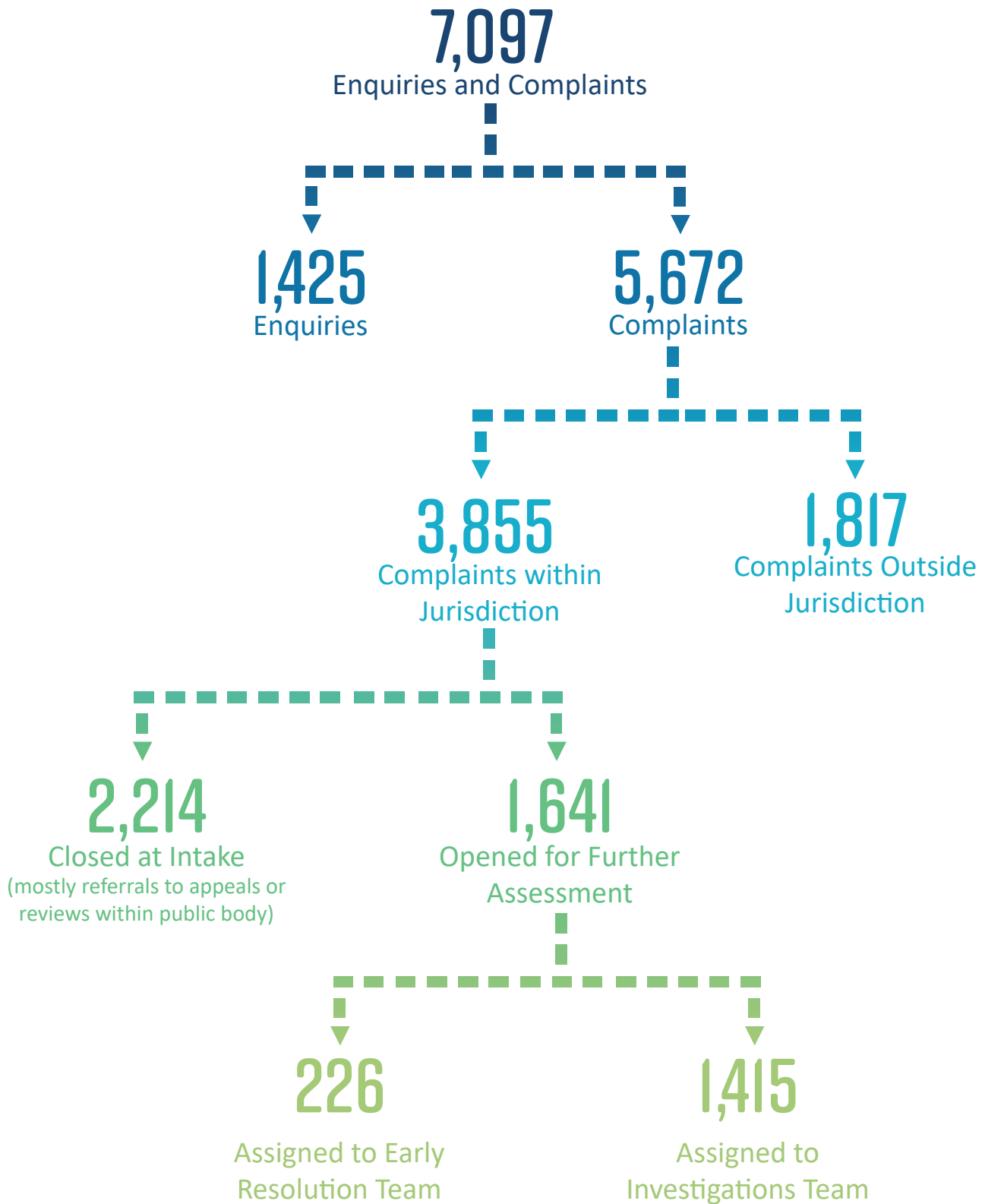
RECOMMENDATIONS WE CAN MAKE

- A matter be referred for further consideration
- An act be remedied
- A decision or recommendation be cancelled or changed
- Reasons be given
- A practice, procedure or course of conduct be altered
- An enactment or other rule of law be reconsidered
- Any other step be taken

OUR APPROACH

- Independent
- Impartial
- Consultative
- Resolution-oriented

Handling Complaints in 2018/2019:





EDUCATION & OUTREACH

Increasing Awareness of Our Office and the Work We Do

Through our outreach work, we strive to ensure that the general public understands what we do and what kinds of complaints they can bring to us. Our strategic priority is also to ensure that the people who may need our services the most know we are here to serve them. To achieve these goals, we engaged in a number of activities this year, from travelling to different corners of the province meeting with community groups and key

stakeholders to sitting down with complainants face to face to hear what’s on their minds. In all of this work our goal is to help people understand the important role an Ombudsperson plays in society, as well as underscoring the meaning of administrative fairness and how people can be impacted when public sector organizations act unfairly.

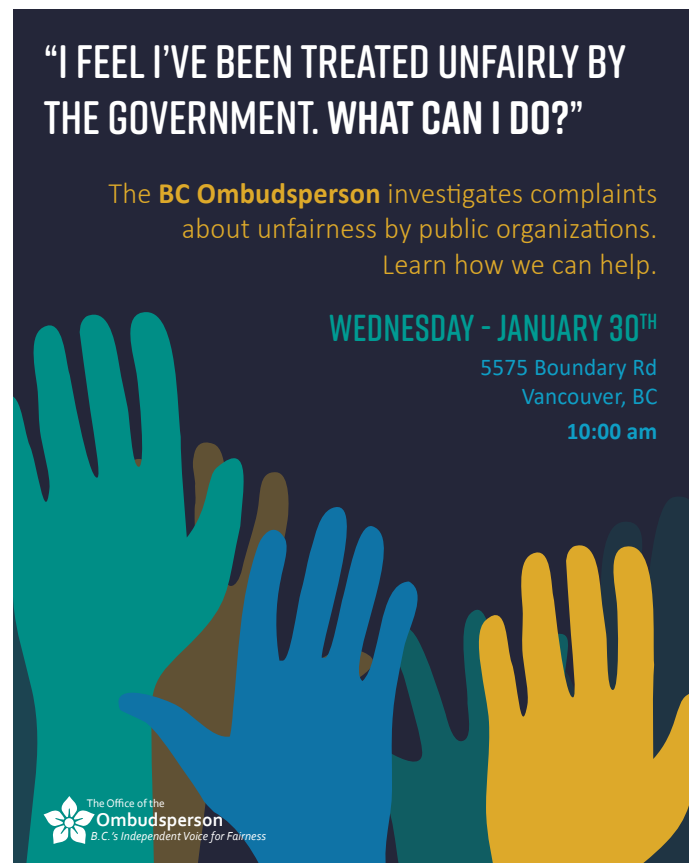
“I didn’t know anything about the Ombudsperson before they came to tell us about what they do. I’ve had some issues with my social worker and now I know if I need to complain, this is somewhere I can go.”

– Complainant

Mobile Complaint Tours

We carried out two week-long mobile complaint tours this past year. In the fall, we travelled to communities in BC’s northwest, including Smithers, Hazelton, Terrace, Kitimat, and Prince Rupert. We met with a broad cross section of residents, Indigenous leaders, community support organizations, and MLA staff. We heard a range of complaints that we brought back to the office for further analysis and investigation.

In late January, we were back on the road to the Lower Mainland visiting Burnaby, North Vancouver, Vancouver and Richmond, and again had a full slate of complainants come to meet with us. During the week-long tours, the Ombudsperson did more than a dozen public presentations with a specific focus on seniors and youth organizations. During both tours the opportunity to meet face to face with complainants was an important way to provide education on the role of our office and to have in-depth discussions with people about their concerns.



2019 tour poster

Education & Outreach by the Numbers

25

BC communities
visited

22

public presentations

45

stakeholder/public
authority meetings

10

conferences & events
attended by staff

9

site visits

SPEAK UP. YOUR VOICE MATTERS.



Have you been treated **unfairly** by a provincial or local government organization?

We want to hear your complaints.

Call us to schedule a meeting **1-800-567-FAIR**


The Office of the
Ombudsperson
B.C.'s Independent Voice for Fairness
www.bcombudsperson.ca

2019 tour advertisement

Public Outreach

Our outreach efforts to the public this past year focused on ensuring that those who may need our services the most know what kinds of complaints they can bring to us and how our process works. We focused on three key groups; Indigenous individuals and communities, youth and isolated seniors.

Indigenous Outreach

While the office receives complaints from Indigenous individuals on an ongoing basis, this past year we wanted to begin to reach out to Indigenous communities more proactively. While the federal government is outside of our jurisdiction, we are able to take complaints from individuals living on and off reserve who may have a range of complaints – from concerns about ICBC, BC Hydro or the Workers’ Compensation Board to complaints about hospitals or public schools. We used Indigenous-run advertising channels to raise awareness of our services and met with a number of Indigenous support and service delivery

organizations. The Ombudsperson also met directly with several Indigenous leaders who were interested in discussing administrative fairness and how it applies in the context of reconciliation.

Youth Outreach

Youth were another outreach audience this past year. Our goal is to ensure that young people know that they have the right to be treated fairly and that we are a resource for them if they want to raise a complaint.

We attended a number of youth events and met with youth organizations and youth directly to let them know of the kinds of concerns they can bring to us including complaints about schools, social workers, foster parent placements, health and mental health services to name a few.



Youth in care advocates pushing for policy change visited our office and took part in a rally at the BC Legislature

Seniors Outreach

As BC's population continues to age, we continue to receive a number of complaints about seniors' services from the quality and consistency of home support to complaints about medical coverage and transportation services. We connected with a variety of groups this past year that work with seniors who are experiencing barriers to being actively engaged in their communities whether it be language or mobility challenges.

After issuing our final update on the status of recommendations from our 2012 report, *Best of Care: Part 2* (a wide-ranging investigation into seniors' care in BC), we received a number of presentation requests from seniors' organizations to highlight the report's key findings.



Report from the Past 40 Years

The Best of Care: Getting it Right for Seniors in British Columbia (Parts 1 and 2), 2009 and 2012

In December 2009, the Ombudsperson issued *The Best of Care: Getting it Right for Seniors in British Columbia (Part 1)*, the first of two reports on the Ombudsperson's systemic investigation into the care of seniors in BC. The first report included ten recommendations made to the then Ministry of Health Services and Ministry of Healthy Living and Sport in the following areas: rights for seniors in residential care; access to information about residential care; and the role of resident and family councils.

The Best of Care: Getting it Right for Seniors in British Columbia (Part 2) is a two-volume report released in February 2012. The report's 176 recommendations were designed to improve home and community care, home support, assisted living and residential care services for seniors. Key implemented recommendations include improvements for complaints received by health authorities, public reporting by the Seniors Advocate of key home and community care data, enhanced protections in relation to large scale staff replacements and a review of the use of anti-psychotic drugs in residential care.

40
years
1978-2018



**PREVENTION
INITIATIVES
PILOT PROGRAM**

Prevention Initiatives Pilot Program

As we continue to work with public sector organizations in the province, it is becoming increasingly clear that there is a strong appetite to learn how to better embed fairness in front-line service delivery, policy development and decision-making. Our Prevention Initiatives Pilot Program is a three-year initiative (2018/2019 was year two), involving staff who offer a number of training and education resources to support fairness and continuous improvement across the public sector. The team has investigators with deep experience in the application of administrative fairness principles who are able to share their expertise outside of the setting of formal investigations. In this second year of the pilot program, the team carried out a number of initiatives in the following areas:

Voluntary Consultation

The Prevention Initiatives Team engaged with a number of public bodies to provide feedback and assistance in developing new processes and enhancing complaint handling procedures. Some of the organizations that requested consultations included the BC Coroners Service, Court Services, Land Title Survey Authority, Ministry of Public Safety and Solicitor General Community Safety Unit, Ministry of Advanced Education, Community Living BC, the Provincial Health Services Authority and the Office of the Superintendent of Real Estate. Many public sector bodies are viewing our office as a resource and asking for assistance and advice as they establish new policies and processes – one of the key objectives of the pilot program.

Education and Training

The Prevention Initiatives Team produced four webinars on topics relating to administrative fairness. The Team also published several print resources including a Fairness in Practice Guide as well as several Quick Tips fairness resources. This coming fiscal year the Team will be releasing two publications: A Fairness Self-Assessment Guide for public bodies to use when developing and designing programs, and an update to our complaints handling guide. We will also be launching our online training program Fairness 101, a one-hour course for new public servants.



Photo from Prevention Initiatives workshop

“The information provided has clarified hunches about what we should be doing and made it explicit...Helped me and the team to understand we serve the public and need a fair complaints process.”

– a Public Authority Workshop Participant

THE KEY DIMENSIONS OF FAIRNESS:



Following a fair decision making process

Following the relevant rules

Treating people fairly



Photo from Prevention Initiatives workshop

Fairness Workshops for Public Servants

Our face-to-face workshops during the year were always full. Our training program has been tailored and delivered across the province to various organizations such as WorkSafeBC, BC Coroners Service, Public Guardian and Trustee, BC Hydro, the Agricultural Land Commission, BC Housing, Liquor Cannabis Regulation Branch and the Mental Health Review Board. We continue to receive many requests for this kind of training support.

Issue Identification

Our enhanced electronic tracking and reporting has enabled us to provide public bodies with useful information about complaints and enquiries. We are now providing greater details about the issues identified in complaints we receive. This enhanced reporting is intended to help public sector organizations identify trends or broader service issues.

Prevention Initiatives Pilot Program by the Numbers

1,300

employees of public bodies
attended training from our
Prevention Initiatives Team

8

**new educational
publications**

13


**voluntary
consultations** to
support and assist
public authorities
in the delivery of
fair service

3,600

people have watched our **four
webinars** highlighting how to
be more fair in service delivery,
complaint handling and decision-
making.



Still from a Prevention Initiatives webinar on making fair decisions



SYSTEMIC INVESTIGATIONS

Systemic Reports

In addition to individual complaint investigations, we also release public reports on issues that impact many people. Systemic investigations and the resulting reports aim to improve public administration and ensure people are treated fairly by issuing recommendations for change.

This past year, we tabled three public reports to the legislature focusing on some of the province's most vulnerable citizens – income assistance and disability recipients and individuals with severe mental illness who are involuntarily detained in psychiatric facilities. These reports made recommendations that will result in significant legislative, program and policy changes.

Report from the Past 40 Years

An investigation of a Complaint to the College of Physicians and Surgeons of British Columbia. (1994)

After Ms. M's sexual assault allegation against her family physician aired publicly, the then Minister of Health voiced his concerns to the Ombudsman about how the College of Physicians and Surgeons handled the complaint. The Ombudsman approached Ms. M to see if she would consent to, and participate in, an investigation into how the College of Physicians and Surgeons handled her allegation.

Our investigation found that, at the time, the College relied on an informal case-by-case investigative approach. There were no clear written investigative policies or procedures in place. We issued six recommendations meant to improve the College's investigative process from developing policies to clarify the investigator's role and standards for interviewing complainants to providing clear and relevant resources about their complaint handling process and giving effective notice to the public about restrictions placed on a physician's practice.

The family physician was charged by the RCMP and found guilty of one count of sexual assault and his medical license was subsequently revoked.

40
years
1979-2019

Report from the Past 40 Years

Under Inspection: The Hiatus in BC Correctional Centre Inspections (2016)

Released in June 2016, findings in this report included a 10-year lapse of legally required regular inspections of BC correctional centres between 2001 and 2012. The report also found the inspection framework put in place following the hiatus was not in compliance with international standards and that there was a lack of training for inspectors. In addition, the Ombudsperson’s investigation found that inspection teams were insufficiently independent from the centres they were investigating.

As a result of our recommendations, the new Corrections Branch policy outlines that inspections must be continuously managed, reviewed and updated. Inspections must be focused on ensuring the safe, secure and humane treatment of inmates and they must be timely and consistent across correctional centres. Individuals conducting inspections must also be adequately trained. The government has accepted the recommendation to implement new United Nations prison inspection standards known as the Mandela Rules. Implementation of this recommendation is still ongoing.



Monitoring

A key function of the Ombudsperson’s Systemic Investigations Team is to monitor the implementation of the Ombudsperson’s recommendations. We monitor the implementation of our recommendations that public bodies have accepted to ensure that adequate and appropriate action is being taken to remedy instances of unfairness identified in our reports. Monitoring holds public bodies accountable for their commitments to correct unfairness issues.

Under the Ombudsperson’s monitoring framework, the Systemic Investigations Team regularly engages with public bodies to determine whether they have fully implemented the Ombudsperson’s recommendations within the specified timelines. We rigorously analyze the steps public bodies

have taken to implement recommendations and regularly report on the progress.

We continue this process until we are satisfied all accepted recommendations are implemented or, if not, that so much time has passed that the recommendation is no longer relevant or it is apparent that implementation work is no longer taking place. This outer time period is typically five years, although with some larger reports we have monitored implementation for longer.

Currently, we are monitoring government’s implementation of nine of our past reports. To see our report updates visit www.bcombudsperson.ca.

Reports Completed in 2018/2019



Holding Pattern

Ombudsperson urges government to improve chronically slow telephone service for income and disability assistance recipients

On April 17, 2018, Special Report No. 40 *Holding Pattern: Call Wait Times for Income and Disability Assistance* was released. *Holding Pattern* details our investigation into the Ministry of Social Development and Poverty Reduction's chronically slow centralized telephone system and its impact on the applicants and recipients of income and disability assistance. We initiated this investigation in response to a range of complaints about long wait times, disconnected calls, call time limits and other challenges recipients of income and disability assistance faced when calling the ministry.

Findings

The investigation found **five** issues of unfairness. An overall finding was that the ministry was not providing a reasonable level of service via its centralized telephone system because it did not employ a sufficient number of workers, call wait times were unreasonably long, and it did not provide callers with information they needed to

resolve their service requests. The investigation also found that the ministry failed to monitor and set service delivery standards for in-person wait times at local offices.

Recommendations

The Ombudsperson made **nine** recommendations aimed at improving the ministry's service delivery. The ministry fully accepted **six**:

1. Report the daily average speed of answer and the daily longest call wait time statistics on its website for each day in the previous month.
2. Announce on its telephone line and website when the provincial contact centre is operating in a mode where they only will action phone inquiries that can be addressed in under five minutes.

SYSTEMIC INVESTIGATIONS

3. Cease using call-sweeping strategies for reducing call wait times that result in reduced service levels, except in unforeseen and extraordinary circumstances.
4. Phase out its practice of resolving only one request per call when people call with multiple issues.
5. Establish standards for timeliness of service delivery and monitor wait times at local offices.
6. For the next three years, make public the report of an annual independent performance audit of the ministry's public reporting of the performance information.

The Ministry did not fully accept the following recommendations:

1. The Ministry hire sufficient additional employment and assistance workers to ensure that it has a minimum of 220 full-time staff dedicated to answering calls to the centralized telephone line. The incremental staffing is not to be offset from elsewhere in the ministry's income and disability assistance programs.
2. For 95% of the days of each month, the ministry answer calls to the centralized telephone line at a daily average speed of answer of 10 minutes or less and attain a longest call wait time for each day of 30 minutes or less.
3. The Ministry report on its website the average daily individual wait times for in person service at every local office for the previous month.

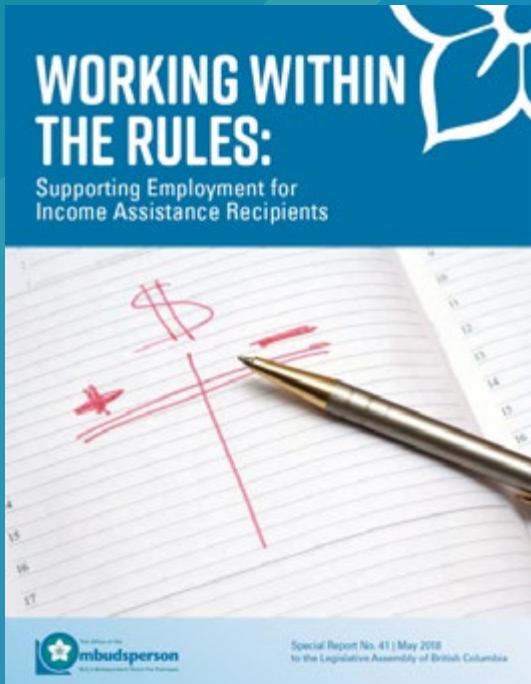
Report from the Past 40 Years

Abuse of Deaf Students at Jericho Hill School (1993)

The investigation into disclosures of sexual and physical abuse of children by dormitory staff at the Jericho Hill School for the Deaf focused on the lack of action by those in positions of trust and authority. When allegations were made to those in charge, the process followed was inadequate to explore their truth, to confirm their validity and to protect the children residing at the school.

Our office made 11 recommendations to accommodate the communication needs of deaf students; to develop a protocol for police and Crown Counsel when dealing with victims with unique communication needs; to develop a uniform approach of care; to contact and compensate victims; and to remove the residential program from under the Ministry of Education because it lacked the necessary experience and infrastructure.

40
years
1979-2019



Working Within the Rules

Ministry of Social Development and Poverty Reduction to reimburse funds to income assistance recipients following investigation by BC Ombudsperson

On May 15, 2018, we released Special Report No. 41 *Working within the Rules: Supporting Employment for Income Assistance Recipients*.

Findings

This special report arose from an investigation into a complaint about how the Ministry of Social Development and Poverty Reduction (MSDPR) calculated the amount of income assistance the complainant was eligible for. We found the ministry's policy contravened the law in a way that had impacted the rights of an estimated 3,700 people since 2012.

Under the income assistance framework, generally any income that a recipient earns from employment is considered "earned income" and deducted from the amount of income assistance that the person is otherwise eligible for. An earnings exemption creates an exception to the general rule that for every dollar a person earns through employment, a dollar is deducted from the person's income assistance rate. People who are eligible for the earnings exemption are permitted

to keep some of the money they earn from employment, with no corresponding deduction from their rate of assistance, up to a prescribed limit.

However, where an individual earned sufficient income that they received no income assistance, the ministry policy imposed a one-month hiatus of the earning exemption. The Ombudsperson determined that this policy contravened the law. Our investigation found that even though the ministry was aware that the policy was inconsistent with the law, it continued to apply it. The policy had widespread impact, resulting in over 500 instances a year of individuals being denied up to \$700 since 2012.

"It is fundamental to public administration that when law and policy collide, law prevails."

— Jay Chalke, Ombudsperson

Recommendations

The Ombudsperson made the following **four** recommendations, all of which were accepted by the Ministry:

1. Immediately begin making eligibility decisions about the earnings exemption that are consistent with the *Employment and Assistance Regulation* and cease finding recipients ineligible for the earnings exemption because they did not receive income assistance in the previous month.
2. Immediately revise the section of the *BC Employment and Assistance (BCEA) Policy and Procedure Manual* that relates to the earnings exemption to accord with and give effect to the language in the *Employment and Assistance Regulation*.
3. By October 1, 2018, identify all recipients who, from October 1, 2012, onward, were wrongly denied the earnings exemption because they did not receive income assistance in the previous month, and to reimburse them for the amount of income assistance they were entitled to under the *Employment and Assistance Regulation*.

4. By October 1, 2018, develop guidelines for responding to systemic and/or repetitive legal errors that the Reconsideration Branch identifies regarding the Ministry's application of its income and disability assistance legislation.

On January 17, 2019 we released an update about the Ministry's progress of implementing the 4 recommendations. We found that roughly two-thirds of those impacted had been reimbursed. However, nearly 1,000 individuals who were entitled to payments, totalling just over \$225,000, had yet to receive money owed. The Ministry is continuing its work to ensure all those impacted are properly compensated and we continue to monitor its progress. The Ombudsperson found that the ministry had implemented the other three recommendations:

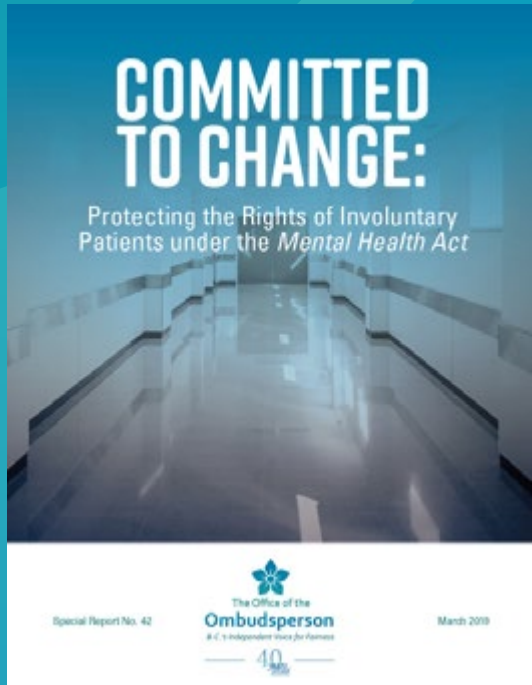
1. Changing its policy to be consistent with the law.
2. Making eligibility decisions in accordance with the law.
3. Developing guidelines to respond to systemic and/or repetitive legal errors.

Report from the Past 40 Years

An Investigation of Forest Renewal BC (2001)

This report focused on Forest Renewal BC's (FRBC) program to provide funds for income and training support for displaced forest workers who were looking to find new jobs. The tax status of such support was not properly communicated by FRBC to the recipients of the program resulting in significant tax liability for them. We recommended that FRBC pay all taxes, both provincial and federal, and all interest charges levied against participants in the program. There were over 8,000 participants and the tax owed totalled in excess of \$20 million. Although the recommendation was not initially accepted, it was subsequently implemented.

40
years
1979-2019



Committed to Change

Hospitals failing to follow legal safeguards for mentally ill patients involuntarily detained

On March 7, 2019, we released Special Report No. 42 *Committed to Change: Protecting the Rights of Involuntary Patients under the Mental Health Act*.

Findings

The report is the result of an investigation that reviewed records of every involuntary patient admitted in British Columbia under the *Mental Health Act* for a one month period. We made 20 findings highlighting the lack of compliance with the legal documentation required on involuntary admission to designated psychiatric facilities in the province. We found legally required admission documents were missing, late or improperly completed, including forms outlining reasons for detention, consent to and description of treatment, notification of a patient’s rights and notification to relatives. In some cases, facilities used rubber stamps to generally authorize treatment for individual patients instead of describing the specific treatment proposed. In other cases, physicians failed to explain why a person met the criteria for involuntary admission yet they were nonetheless admitted. Some forms lacked the

necessary signatures or dates, and all the required documentation was completed in only 28% of admissions.

“This report sheds really important light on a very important issue affecting people with severe mental health issues in British Columbia. People with mental health issues deserve to be treated with dignity and respect – anything less is unacceptable.”

– Judy Darcy, Minister of Mental Health and Addictions

Recommendations

The Ombudsperson made **24** recommendations directed at health authorities, and the ministries of Health, Mental Health and Addictions and Attorney General. All recommendations have been accepted in principle by government and the health authorities and focus on three key areas:

1. Increasing oversight and accountability by conducting regular compliance audits, setting 100 percent compliance targets and

SYSTEMIC INVESTIGATIONS

- increasing public reporting about involuntary admissions.
2. Training staff and physicians regarding the necessity of form completion and the codification of standards for compliance with the *Mental Health Act*.
3. Developing an independent rights advisor service that would operate in psychiatric facilities and provide advice to patients about the circumstances of their detention and their options if they disagree with the detention or a related decision.

Report from the Past 40 Years

Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters (2017)

Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters was the result of the most resource-intensive investigation in the 40-year history of the Office. After receiving over 4 million records and interviewing 130 witnesses, the investigation found that government had acted wrongly in firing seven Ministry of Health employees, suspending or terminating contracts and access to data, and announcing that the fired employees were under investigation by the RCMP.

The report made 41 recommendations, all accepted by government, that addressed both individual harms and broader systemic issues. As a result, apologies and payments to those impacted were made; new or amended policies have been developed in relation to conflict of interest and human resource investigations. Two new pieces of legislation were passed by the Legislative Assembly in 2018. Public Interest Disclosure legislation will provide “whistleblowers” with a legally safe framework to make their disclosures and will ensure any resulting investigations are conducted in a fair manner. In addition, just cause dismissal practices will be independently and regularly reviewed by the Merit Commissioner to ensure government complies with the applicable law and policy.



40
years
1979-2019

COMMITTED TO CHANGE: REPORT HIGHLIGHTS

MENTAL HEALTH ACT INVOLUNTARY ADMISSIONS

WHAT WE EXAMINED: WERE LEGAL SAFEGUARDS FOLLOWED UPON ADMISSION?

2016/2017

15,000^{approx.}
**INVOLUNTARILY
ADMITTED & TREATED
PATIENTS
IN BC FACILITIES**

**70% INCREASE IN
LAST 10 YEARS**

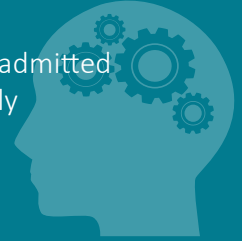
HOW PATIENT RIGHTS ARE PROTECTED

Facilities are required to complete a set of legal forms on admission that show:

- Detention criteria met
- Consent to treatment obtained
- Notification of rights given
- Relatives notified

DETENTION CRITERIA

- Mental disorder & require treatment
- Substantial deterioration or risk of harm to self or others
- Can't be admitted voluntarily



WHAT WE FOUND

HIGH LEVELS OF NON-COMPLIANCE



**EXTRAORDINARY
STATE POWER WITH
LITTLE OVERSIGHT OR
ACCOUNTABILITY**

No Consent for
Treatment form on
24%
of patient files

No Notification of
Rights form on
51%
of patient files

FACILITIES COMPLETED ALL 5 REQUIRED FORMS

**ONLY
28%
OF THE TIME**

WE RECOMMEND

- 1 Regular auditing, annual performance targets, improved records management, and increased public reporting
- 2 Provincial standards and guidance with mandatory training
- 3 Independent rights advice service

**ALL 24
RECOMMENDATIONS
ACCEPTED**



Report from the Past 40 Years

Regulation of Newport Realty Incorporated by Superintendent of Brokers (1996)

This investigation was initiated in response to investors who had purchased mortgages sold by Newport Realty Inc. and lost their investments when the company went bankrupt. Investors maintained the government regulator, the Superintendent of Brokers, had been aware of the financial trouble the company was experiencing and the fact it was operating illegally, but failed to protect the public. The report recommended better mechanisms for communicating the status of companies and the role of the regulator. We also recommended compensation for investors. Those impacted received 25% of their mortgage investments.




Report from the Past 40 Years

Fit to Drink (2008)

After receiving complaints about drinking water from across the province, we launched an investigation into drinking water safety, with a particular emphasis on small water systems. Involving eight public authorities, our review focused on drinking water complaints processes, how the public is notified of drinking water safety issues and how information about drinking water is collected and used. We identified several deficiencies in water sampling, inspections, operator training and monitoring and enforcement, and made 39 recommendations to improve the processes that ensure the safety of drinking water across the province.





PUBLIC INTEREST DISCLOSURE

About Public Interest Disclosure

On May 17, 2018, Bill 28, the *Public Interest Disclosure Act* (PIDA), received Royal Assent in the BC Legislature and is expected to be brought into force later this year. PIDA legally protects public sector employees who report serious wrongdoing within their organizations and establishes effective pathways for managing and investigating those disclosures. Under PIDA, it is an offence to commit or direct reprisal against employees who make a disclosure or cooperate with a PIDA investigation. One of the objectives of PIDA is to promote a positive culture that encourages public sector employees to feel safe speaking up about wrongdoing and establishing safe and confidential ways to make disclosures.

Currently, our PIDA implementation team is developing policies and procedures to manage and investigate disclosures based on best practices from across Canada and internationally. We are also developing educational materials about how employees can make allegations of wrongdoing

as well as resources to support public bodies that have responsibilities under PIDA.

The launch of PIDA will mark a historic milestone. This will be the first time in the Ombudsperson’s 40-year history that our office has been assigned a new material role beyond our mandate under the *Ombudsperson Act*.

“Government has introduced this important legislation to ensure that public service employees are safe to report serious wrongdoing without fear of reprisal. This is a critical step forward to enhance the accountability, transparency and higher standards of public administration here in BC that all employees and citizens reasonably expect.”

– David Eby, Attorney General

The new law assigns specific tasks to the Ombudsperson:

- **Providing advice** to employees who are considering reporting a wrongdoing
- **Providing assistance** to public bodies who are conducting internal PIDA investigations
- **Analyzing** disclosures to determine whether the definition of wrongdoing under the Act is met and **investigating** allegations that meet the definition of wrongdoing
- Investigating **reprisal** complaints from employees who believe they have been retaliated against for seeking advice, reporting wrongdoing or cooperating with an investigation under the Act
- **Reporting** any findings and recommendations for corrective action to public bodies, and where it is in the **public interest**, reporting **publicly** on the outcome

Public Interest Disclosure: What the Law Will Mean

What is a wrongdoing?

PIDA defines wrongdoing as:

- a serious act or omission that, if proven, would constitute an offence under BC or Canadian law
- an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions
- a serious misuse of public funds or public assets
- gross or systemic mismanagement
- knowingly directing or counselling a person to commit any of the above

Where can employees make a disclosure of wrongdoing?

There are two clear pathways to report a wrongdoing. It is the employee's choice. Employees may report:

1. Internally to their supervisor or designated officer
2. Externally to the Ombudsperson

Regardless of the choice made, the law requires that the disclosure of wrongdoing is managed in an expeditious and proportionate manner.

What is reprisal and Who can make a complaint about it?

A reprisal is any adverse employment action taken against an employee as a result of seeking advice, making a disclosure, or cooperating with an investigation under PIDA. Reprisal can include any measure that affects the employee's employment or work condition, such as a change in work hours, location, reprimand, suspension, layoff or dismissal.

Reprisal in any form is an offence under the Act.

Employees who believe that they have experienced adverse consequences at work because they sought advice, made a disclosure, or cooperated with a PIDA investigation may make a reprisal complaint to the Ombudsperson.

Who can report allegations of wrongdoing?

Current and former employees of BC government ministries as well as employees of the independent offices of the legislature can bring their concerns forward under PIDA.

Former employees can come forward if the wrongdoing occurred or was discovered during the course of their employment. Allegations can be brought forward about events that took place before PIDA was in force.

Over the next five years, the application of PIDA is expected to expand to include the broader provincial and local public sector.

Why is this legislation necessary?

Unlike other jurisdictions in Canada, BC did not have a comprehensive framework in place that protects whistleblowers. This legislation ensures allegations of wrongdoing are thoroughly investigated and if substantiated, steps are taken to address and prevent it from reoccurring.



CASE SUMMARIES

Overview

Case summaries help tell the story of our investigations. They provide a lens into understanding the kinds of individual complaints that come to us and highlight what happens when we find that a public body has indeed acted unfairly.

Case summaries also serve to enhance the transparency around our investigative process and the steps we take when we are determining whether or not administrative unfairness has occurred. Our investigations are independent and impartial. As can be seen from this

year's summaries, complaints are not always substantiated – sometimes after looking at all the evidence our investigators determine policies and procedures are being applied fairly by public bodies.

This year's case summaries include investigations that are completed quickly by our Early Resolutions Team, as well as those that require more extensive investigations and are handled by our three Investigative teams. The cases presented reflect the types of matters we deal with on a daily basis but they are only a small fraction of the work we do.

It is important to note that names have been changed to protect the privacy of complainants. Photos are for illustrative purposes only.



1,415

Cases were assigned to investigations

Outcomes of our investigations last year:

- Policy defining who is a parent in relation to income assistance benefits broadened
- Repayments to many individuals of funds previously denied as a result of administrative errors
- Improved language accessibility for those seeking legal aid in a language other than English
- Municipal government encouraged to improve its practices for open and transparent meetings
- Eligibility criteria for a major university's program amended to be more fair

REIMBURSEMENTS ISSUED

Administrative errors can mean that members of the public do not receive financial benefits they are entitled to. A common outcome of our investigations is that individuals receive money that is owed to them.

Second opinion stalled

Interior Health Authority

When a bureaucratic process gets in the way of a patient's needs.

Beth's daughter was referred to Interior Health to be assessed for autism spectrum disorder. The initial assessment was completed, but the second part of the assessment, which includes an interview with the parent, was postponed due to concerns Beth had regarding the initial results.

Several months later, a second assessment was started, but the team was unable to complete the assessment at the time. Following the partial assessment, Beth's daughter was referred to another assessment team for a second opinion and further testing.

Frustrated by the delay, Beth complained to the Patient Care Quality Office (PCQO). Unsatisfied with the response received from the PCQO's review of her daughter's case, Beth escalated her complaint to the PCQO Review Board. At that time,

Beth was informed that her daughter's assessment would be postponed until her complaints with the PCQO and the PCQO Review Board were resolved.

Due to the delays and feeling like she had no other choice, Beth paid for a private assessment for her daughter, which cost \$2,600. She then reached out to us because she felt she was being treated unfairly.

We investigated Beth's situation and determined that the PCQO Review Board should not cause a delay when a patient requires a necessary clinical assessment. We asked the health authority to write Beth a formal apology and to reimburse her for the cost of the private assessment. The health authority agreed to our recommendations and Beth received a written apology as well as reimbursement of the cost of the private assessment.

Parenthood redefined

Ministry of Social Development and Poverty Reduction

A policy that was narrower than the law caused an unfair result.

When Jeremy contacted our office, he and his wife were not sure what to do after the Ministry of Social Development and Poverty Reduction (MSDPR) would not add their grandson to their file as a dependent, even though they were now responsible for his care.

Jeremy told us he and his wife had agreed to become their grandson's caregivers, after learning the Ministry of Children and Family Development (MCFD) was concerned about his safety. Although Jeremy and his wife did not have legal custody, they did have a letter from the mother explaining the care agreement, which they provided to MSDPR with their request to add their grandson to their existing assistance file. However, MSDPR told Jeremy that without a legal order, they were not eligible for any additional supports. This was because according to MSDPR's policy, Jeremy and his wife did not meet the definition of a "parent".

When Jeremy called our office he felt out of options and was deeply concerned about how he and his wife would be able to afford to care for their grandson on their disability assistance income. They were not eligible for funding from MCFD, and the process of getting an order for legal guardianship through the courts was proving to be more difficult and lengthy than anticipated.

In our investigation we reviewed the policy definition of "parent" MSDPR relied on to deny Jeremy's request, and compared it to the legislation, which sets out when a client is eligible for assistance for a dependent in their care. We identified an inconsistency that raised questions about the overall fairness of the ministry's policy.

Although according to the policy a client could only be considered a parent if they were a child's biological or adoptive parent or legal guardian, the wording of the legislation did not appear to limit eligibility to only these specific relationships. By telling Jeremy he needed proof of legal custody before they could add his grandson, MSDPR was applying an eligibility criteria that was more restrictive than the legislation. Fairness means ensuring policies do not make it impossible for a person to receive a benefit they may be eligible for according to the legislation. Fair policies are flexible enough to reflect the full scope of decision-making power the ministry has under the legislation.

In response to our investigation, MSDPR agreed that the policy should be changed and shared their proposed revisions with us for our input to ensure that both the policy and the process for staff reviewing and assessing requests to add a dependent met best practices for administrative fairness.

By the time the policy was changed, Jeremy had obtained legal custody of his grandson. The ministry agreed to apply the new policy criteria retroactively to his case and as a result issued Jeremy an underpayment reimbursement of nearly \$2,000. As a result of our investigation ministry staff can now determine if a client is a "parent" to a child by looking beyond the legal status of the relationship, a change that will impact many British Columbians who find themselves in a similar situation to Jeremy's.

A pattern overlooked

ICBC

Key evidence that was not obtained resulted in an unfair liability determination.

Sam's parents were in a car accident and his father, who was driving, was found to be 50% at fault by ICBC. While one witness explained that the driver of the other vehicle had run a red light and Sam's father had been turning on a green light, another witness came forward saying it was Sam's father who ran the red light. In light of this contradictory evidence ICBC made the decision to find each driver equally at fault for the accident.

Sam questioned ICBC's decision. He believed it was based on an incorrect understanding of the traffic light pattern at the intersection. Sam provided ICBC with a video that he had taken of the traffic light pattern at the intersection. The adjuster promised to investigate the matter within a month, but several months passed with no response. After trying repeatedly, Sam was finally informed that ICBC did not investigate the matter as promised and confirmed their decision: 50/50 liability.

Frustrated, Sam came to us.

We investigated whether ICBC followed a reasonable process when determining who was at fault. Through our review, we learned that ICBC was concerned that Sam's video of the intersection's traffic pattern may not have been the same as on the date and time of the accident so they did not change their liability assessment. To clarify the issue, we contacted the City of Vancouver who precisely records traffic light patterns. This evidence supported Sam's position that his father had indeed turned on the green light, not a red light.

As ICBC had failed to verify a key piece of evidence in relation to Sam's parents' accident, we proposed that ICBC reverse their decision and find Sam's father not at fault. We also asked ICBC to write a letter of apology. Lastly, we asked ICBC to consider adjusting their insurance premiums and refund the money paid on the accident claim. ICBC agreed with all of our recommendations.



Refund granted

Ministry of Energy, Mines and Petroleum Resources

Misinformation and an unfair decision resulted in an updated policy and an application fee refund.

Gary applied to the Ministry of Energy, Mines and Petroleum Resources to renew his mining permit and paid the \$4,000 permit fee. A month later, the ministry requested additional information from Gary to process his application and at around the same time, Gary decided to withdraw his application. A ministry employee informed Gary that he would receive a full refund within 30 to 60 days. A few months passed and Gary had yet to receive his refund. Gary called the ministry to find out what the delay was and was told that permit fees were non-refundable.

Upset, Gary reached out to us for assistance.

We investigated whether the ministry's decision to not refund Gary's permit fee was fair and reasonable.

The ministry's "*Guide to Mines Fee Regulation: Pits and Quarries*" stated that the Regulation does not allow for a refund of the permit fee. However, the actual *Mines Fee Regulation* did not include any reference to fee refund and we were unable to find any language that would prevent the ministry from issuing it. Ministry staff eventually acknowledged that the Regulation did not prevent a permit refund; however they did explain the purpose of the fee and the circumstances for when a refund may not be available. These circumstances did not apply in Gary's case.

As a result of our investigation, we asked the ministry to consider revising their policy as well as reconsidering Gary's refund. The ministry agreed and updated its policy regarding refunds of permit fee applications. They also decided to refund Gary his \$4,000 permit fee.

APOLOGIES MADE

In delivering public services, mistakes can happen. When they do, they may have lasting consequences for clients and service users. Delivering a sincere apology at the right time is one of the most important steps an organization can take to restore trust and resolve conflict when a mistake has been made.

A matter of communication

Community Living BC

Providing an opportunity for someone with a concern to be heard is a key pillar of fairness.

Chris was living in a group home, run by Community Living BC (CLBC) and was upset when he was told that he was being moved to a new home run by a different provider. Chris voiced his concerns about the upcoming move with staff at CLBC and never received a response. He was concerned that the level of care he received would decrease and he felt it was unfair that CLBC did not discuss the change with him before making its decision.

Upset, Chris called us for help.

We investigated whether CLBC followed a fair process in responding to the concerns Chris raised about his pending move.

Our review identified concerns about the process CLBC followed. While staff had informed Chris's

family about the plan to transition him to another facility, including sending a letter confirming the change and how it would occur, they failed to speak to Chris about the pending changes. Chris was also never provided with the opportunity to ask questions and address any concerns he may have had.

In response, CLBC met with Chris in person to talk about his transition and continued to do so weekly to help make the transition easier. Chris's concerns regarding supports and services were also discussed and he was told that he would be cared for by the same staff as at his previous group home.

The Director of Regional Operations also wrote to Chris and apologized for his negative experience and how the move was communicated.

A matter of confidence

Law Society of BC

When an individual has multiple concerns with a decision, fairness means all the issues are addressed, not just some.

Alice believed her lawyer had breached confidentiality by sharing details about her legal matter with a mutual friend. Upset, Alice complained to the Law Society of BC about her lawyer's conduct. The Law Society reviewed her complaint and declined to investigate on the basis that Alice's complaints were outside its jurisdiction because they had already been heard during a fee review and subsequent appeal.

Alice pointed out that her concern about the confidentiality breach was not part of the fee review and appeal and provided a transcript to support her claim. Her request was again denied.

Alice asked for this decision to be reconsidered, in writing, but was again denied.

Frustrated, Alice contacted us for help.

We investigated whether the Law Society's refusal to consider Alice's concerns was reasonable. We found it was not. In response, the Law Society acknowledged its oversight and offered to investigate her breach of confidentiality allegation. The Law Society also agreed to apologize to Alice in writing.





No notice

Village of Chase

Providing proper notice is a key step in ensuring participation before a decision is made.

Brad was concerned because he didn't receive a notification about an application for a Development Variance Permit (DVP) for a building to be built on a property near his. Believing this was contrary to the village's notification requirements, Brad contacted us for assistance.

We contacted the village to determine whether it provided adequate notice to residents regarding the application for a DVP. The village's Development Approval Process guide required the village to notify residents within 50 metres of the land in question, by mail, at least 10 days before the adoption of the resolution by council. The village

acknowledged that Brad wasn't sent a notification letter due to an unintentional error in the regional district's mapping system. Brad's property was not shown as having a civic address, therefore he was not notified.

The village took steps to rectify its error by contacting the regional district to ensure Brad's address was correctly entered into its mapping system. It also agreed to write a letter to Brad accepting responsibility for its error and explaining what had happened.

PROCESS AND PROCEDURES CHANGED

Through the course of our investigations, we often find specific processes and procedures are not fair in practice. Key elements of procedural fairness include a right to be heard, giving clear reasons for decisions and making sure people know where they can go if they disagree with a decision. Changing procedures to include elements of fairness can result in improvements that benefit future users.

A bid for information

Capital Regional District

Maximizing transparency even where decisions are made in a closed meeting can preserve trust in decision making.

Kyle was concerned about the closure of a ‘special meeting’ by the Capital Regional District (CRD) regarding a bid to host the 2020 Commonwealth Games. Kyle felt strongly that the topic should be debated and decided in an open meeting given the potential cost of submitting a bid to host the games. He also thought the ‘special meeting’ agenda posted on the CRD’s website did not adequately outline the matter nor did it include a record of the debate which led to the meeting being closed. Immediately after the meeting, the CRD issued a press release but Kyle felt it too lacked detail about the debate vote. He believed the process followed contravened the principles in the *Community Charter*.

Trying to get some answers, Kyle wrote to the CRD but his request was denied and he was informed that legislation required that closed meeting minutes be confidential.

Unsatisfied, Kyle reached out to us.

We investigated the procedure followed to close the meeting. The CRD indicated their practice was to circulate an agenda in advance to allow directors to review a meeting’s topics. During the open portion of the meeting, the relevant sections in the *Community Charter* were cited and a motion was passed to close the meeting. The closed

meeting agenda was then reviewed and passed, by motion, by the Board. The Procedures Bylaw authorized the Board to consider a resolution to share the minutes; however, their practice was to share decisions via a press release issued as soon as possible after the meeting ended.

Our Office’s 2014 guide *Open Meetings Best Practices Guide for Local Governments* as well as recommendations from the province and other experts, highlight that local governments should give as much detail as possible to outline why a meeting is closed. In order to demonstrate transparency, it is also recommended that closed meeting minutes be as detailed as open meeting minutes.

We asked the CRD to release accurate meeting minutes with more detail than in the press release, acknowledging that some of the information should remain confidential. We also asked the CRD to commit to specifying in notices, agendas, and minutes which agenda items are being closed and under which sub-section of the *Community Charter*; to confirm changes to procedures regarding the review and release of closed meeting minutes; and to pass two resolutions when considering going *in camera* – to qualify the agenda item and to close the meeting. The CRD agreed to all our recommendations.

A case of mistaken identity

Provincial Health Services Authority

Due to an administrative error, Daniel was receiving collections notices meant for his deceased brother.

Daniel was receiving bills for his deceased brother’s ambulance fees. He had reached out to Health Insurance BC (HIBC) and found out that his and his brother’s MSP account information had been accidentally merged. HIBC updated the information after Daniel pointed out the error, but he was unable to resolve the issue with BC Emergency Health Services. His brother’s ambulance bill was in collections and Daniel was receiving notices from the collection agency.

We looked into the matter on Daniel’s behalf and spoke to the Client Services Administrator at BC Emergency Health Services. After discussing Daniel’s situation, the administrator confirmed the ambulance fees were for Daniel’s brother. Realizing the error, she pulled the ambulance debt owed out of collections and marked Daniel’s brother’s account as being “deceased” as they do not collect on deceased files. Daniel was told he would not receive any further notices.



No entiendo (I don't understand)

Legal Services Society

An immigrant's inability to understand English revealed an unfair process and resulted in a simple change that would help many.

Luis, an immigration and refugee detainee who did not speak English, connected with our office after trying to reach a lawyer through Legal Aid. He had been given an information booklet by the Canadian Border Services Agency while he was in detention, which included a number for the Legal Services Society of BC. The issue for Luis was that when he tried the number, there were no language prompts and he could not understand how to get through.

listen to options recorded in English and make a number selection, before being able to ask for the assistance of an interpreter in speaking to a Legal Aid assistant.

As a result of our investigation, the Legal Services Society re-recorded the message on its immigration line to include a number of language prompts, including Spanish, Luis's native language.

We investigated and found that callers like Luis who called the immigration line were required to

Outed on trial

North Fraser Pretrial Centre

Our investigation resulted in a change to better protect the personal health information of inmates.

While detained at North Fraser Pretrial Centre (NFPC), an HIV awareness outreach group visited with Steve on his living unit. This visit inadvertently revealed Steve as being HIV positive and he became the target of bullying and harassment by other inmates. As the conflicts escalated, Steve was placed in seclusion as a protective measure as concerns for his safety intensified.

Through the course of our investigation, we learned that the practice of bringing HIV outreach workers to visit inmates on their living units was not unusual but the conflicts that Steve experienced had not occurred in the past. His case, however, highlighted the potential risks that this practice posed.

Scared, angry and feeling like he was being treated unfairly, Steve reached out to us for help.

As a preventative measure, we asked NFPC to consider making some operational changes to decrease the risk of disclosing sensitive personal or medical information. NFPC agreed to implement changes and arranged for inmates to meet with outreach workers outside of living units in a private setting going forward.

Our investigation focused on whether NFPC followed a fair process when they allowed the outreach workers to visit Steve on his unit and when they placed him in seclusion.

What’s in a name? – Part One

ICBC

When making decisions, exercising discretion reasonably is an important way of acting fairly.

When Mary immigrated to Canada in 1980 she was married and her married name was recorded on her landing document. Mary and her husband divorced shortly after and she returned to using her maiden name.

When Mary applied for a Photo BC Services Card she was told it would be issued in the name on her landing document (her married name). Mary provided ICBC with several provincial and federal pieces of identification in her maiden name, including her expired BCID, her American birth certificate and her marriage certificate. Additionally, she noted her landing document included her maiden name in a “name flag” field which she felt linked her married name to her maiden name. ICBC still refused to issue Mary’s identification in her maiden name because their policy required identification to be issued in an individual’s “foundation name” – either the name on a provincial or territorial birth certificate or an immigration document.

Upset and frustrated, Mary reached out to us.

Our investigation focused on whether ICBC followed a fair procedure in determining if Mary could use her maiden name on her identification. ICBC informed us that the “name flag” field is interpreted by Immigration, Refugees and Citizenship

Canada, and ICBC, as being an individual’s alternative name, including a married name but also a nickname or shortened first name. As such, ICBC’s policy is not to accept names in this field as proof of identity.

Not satisfied with this response, we looked into the matter further and questioned whether Mary was entitled to use her maiden name per section 3 of the *BC Name Act*, which clearly allows individuals to use either a maiden or married name. We also questioned whether ICBC doubted Mary’s maiden name given the information she had provided.

As a result of our investigation, ICBC agreed to exercise their discretion and issue Mary’s identification using her maiden name.



What's in a name? – Part Two

ICBC

When making decisions, exercising discretion reasonably is an important way of acting fairly.

Bo immigrated to Canada in the 1980s and received a two-sided Canadian citizenship card. The names on each side of her citizenship card were slightly different. For years, Bo held a BC Driver's Licence, and other identification, in the name on the "picture side" of her citizenship card. However, when Bo went to renew her driver's licence she was told that she was required to use the name on the "coat of arms" side of her citizenship card, a different name than the one she had been using since coming to Canada in the 1980s.

Feeling like she was being treated unfairly, Bo contacted us.

We investigated whether ICBC followed a reasonable procedure when they denied Bo a licence in her current name.

During our investigation, ICBC advised that they received new direction from the provincial government regarding the name policy for ICBC-issued identification. The new direction would allow the use of the name on the picture side of the citizenship card. ICBC indicated the policy was not retroactive but they agreed to apply the new policy in Bo's case and issued her driver's licence in the name she had used since coming to Canada.

A halal diet required

Ministry of Children and Family Development

Sometimes a clear conversation is all that is needed to answer questions and alleviate concerns.

Mansur was being held at Burnaby Youth Custody Services Centre (the Centre) and was concerned that the food he was being served was not certified halal, a requirement of his religion. Mansur spoke to staff at the Centre about his dietary requirements. While he was being served food marked as being halal, he had some questions about how the food was prepared and his questions were met with unclear answers.

Concerned and unsure if he should be eating the food, Mansur connected with us during a site visit to the Centre.

While Mansur had raised concerns with staff members on his living unit, he had not spoken to the Centre's Director of Operations, nor had he made a formal complaint.

We spoke to the Director of Operations on Mansur's behalf to discuss his concerns and were provided with the policy regarding special diets and procedures for preparing halal food to avoid cross-contamination. To alleviate Mansur's concerns, the Director offered to have the Centre's Supervisor of Dietary Services meet with him. Mansur met with the supervisor who explained the steps kitchen staff take regarding halal food preparation and answered the questions he had. Mansur was reassured that the food had been prepared in a way that met his religious requirements.



A lesson learned

School District 68 (Nanaimo-Ladysmith)

Sometimes a decision is reasonable but the reasons provided are inadequate.

Ryan’s children went to a school slated for closure at the end of the school year. The school district informed Ryan that the following year his children would attend another local elementary school, which was about four kilometres from their home. Ryan requested a district transfer to a school that was walking distance from home but his request was denied.

Ryan escalated the issue to the school district superintendent but was told that he would not overturn the decision because staff had appropriately applied the district’s catchment policy. He also denied Ryan’s request for the Board to consider changing its catchment boundaries. The letter he received from the Board denying his appeal did not provide him with adequate reasons for their decision.

Frustrated, Ryan called us for assistance.

We investigated whether the Board provided adequate reasons for its appeal decision.

The written explanation of the Board’s decision should include the information it relied on to make its decision and to connect the decision with that information.

In Ryan’s situation, the reasons and information provided by the Board were not sufficient. As such, we raised our concerns about the adequacy of the Board’s decision.

The concerns raised were passed on to the Board which resulted in Ryan receiving a second letter. This letter acknowledged his concerns, referenced the evidence considered, and explained how the Board arrived at its decision based on the evidence provided. The Board also clarified that the information Ryan provided did not demonstrate that the school decision would have affected the health, safety or education of his children.

As the steps the Board took were adequate to settle the fairness issues identified, and as this new information established that the underlying decision was reasonable, we concluded our investigation.

ICBC's review process put into question

ICBC

Overly restrictive interpretation of a review process can prevent reconsideration.

Ron contacted our office after he was found 100% liable for an accident he had. He told us he sought a review of the decision via ICBC's Claims Assessment Review (CAR) process where the liability determination was confirmed by a CAR arbiter. Unsatisfied, Ron asked ICBC's Fairness Commissioner to review his dealings with ICBC. The Commissioner's role is to provide an opportunity to be heard if an issue hasn't been resolved through a manager or the customer relations team.

Ron told us he was surprised to learn that the Fairness Commissioner refused to look into his complaint stating the review that CAR had conducted was technically an arbitration so was

outside of its jurisdiction. Ron argued that CAR is different from an arbitration under the provincial *Arbitration Act*.

We investigated and found that Ron's position was in fact accurate. The definition of arbitration did not appear to capture CAR as described by ICBC.

As a result of our investigation ICBC agreed to no longer interpret the Claims Assessment Review process as a type of arbitration that is outside of its jurisdiction. Instead, the Fairness Commissioner agreed to review applications, including Ron's based on the specific circumstances of the case.

Report from the Past 40 Years

The Garibaldi Case (1981)

The office's first public report originated from a property owner's complaint about a government-imposed deadline to sell their property. Their property, and many others, were at risk of a potential landslide due to an imposing cliff that acted as a barrier to a nearby reservoir and dam. In an effort to mitigate a natural disaster, the government developed a poorly planned and unfair acquisition program. Our investigation substantiated the property owner's complaints resulting in several recommendations to the acquisition program such as removing the deadline for property acquisition, providing compensation based on fair market value in the area, reassessing properties already sold, and providing copies of written appraisals to all owners and previous owners.



40
years
1979-2019

Letter to the editor

Workers' Compensation Board

When public bodies provide the public with online methods of accessing of a service, care needs to be exercised to prevent unfairness arising from confusing technology.

Liam worked his entire career in the newspaper printing industry in a noisy environment surrounded by printers and industrial machinery. When he began experiencing hearing loss, he assumed it was due to his long-term exposure to the noise at work and so filed a claim with the Workers' Compensation Board (WCB). Upon learning that his claim was denied, Liam explained to his claim manager that he would be requesting a review of the decision by WCB's Review Division and promptly went online to create and submit his appeal. Three months passed and Liam still had not heard from WCB in response to his appeal. He called WCB to ask for an update and was informed that his appeal was never received by the Review Division and that the time period for submitting his request had expired. Liam was told he could submit an Application for an Extension of Time to appeal the decision and did so. Liam's extension of time application was denied with the explanation that there were no exceptional circumstances that prevented him from appealing the original decision on time.

Feeling like he was being treated unfairly, Liam contacted us.

We investigated whether WCB followed a fair process when handling Liam's hearing loss claim. WCB had records of Liam telling his claim manager

that he intended to appeal the decision. It also had a digital record of Liam logging into their online portal and creating an appeal application, however there was no record of his application finally being submitted. Liam should have seen a confirmation screen after submitting his request but he was unfamiliar with the online review application process and did not know to look for one when he clicked the submit button.

Based on our investigation, we proposed that WCB allow Liam an extension of time to appeal the denial of his hearing loss claim. WCB explained to us that it understood our concerns and welcomed Liam to submit an appeal of the denial of the extension of time request, which he subsequently did. We also proposed that the WCB consider amending their online application system to ensure applicants are aware that they should look for a confirmation screen after submitting a claim.

WCB agreed to our recommendations and committed to revising their online application system. Liam was successful in his application for reconsideration of the denial of his extension of time request, enabling him to appeal the WCB's initial hearing loss decision as he had always intended.

POLICIES CREATED OR REVISED

Our investigations often centre around whether policies are being applied fairly. We look at whether they are being applied evenly to all people they apply to and ensure they are not improperly discriminatory, oppressive or burdensome in their application. Changes to policy are often the outcome.

No funds, no transportation, no school

Vancouver Island University

Inconsistent process and policy about grant funding resulted in a student being treated unfairly.

Sonia was a student who wanted to take a course at Vancouver Island University (VIU), but needed financial assistance for transportation. She applied for an Adult Upgrading Grant (AUG), but she was denied. Sonia requested a reconsideration, which resulted in her being eligible for the grant, but not in time for the start of the course. Sonia had to miss several classes, and even though she had informed her instructor, she was withdrawn from the course according to the university's "No Show Policy". Feeling this was unfair, Sonia came to us.

Through our investigation we learned that Sonia had indeed followed the "No Show Policy" rules in terms of notifying her instructor. However, we

found several gaps in how information was being provided to students accessing the AUG in relation to guidelines and restrictions of the program.

As a result, we asked the university to develop a policy that clearly articulates when and how the university provides AUG funding. We also asked that an information package for students about the grant be developed. The university agreed to take these steps and also agreed to extend Sonia's grant if she wished to take the course the following term.

Access denied

Fraser Regional Correctional Centre

An inmate's complaint about an unreasonable decision led to a policy revision.

James was detained at the Fraser Regional Correctional Centre (FRCC). He had chosen to represent himself in court. As he was preparing his legal arguments, FRCC denied him access to incoming mail. James complained to the centre and was informed that it was their policy to not allow inmates to receive any photocopied or printed internet materials by mail. James felt that the reasons provided were unclear and knew that other correctional centres allowed this type of material to be sent, by mail, to inmates.

As a self-represented inmate, James felt this policy would have a negative impact on his ability to defend himself in court, and he felt that the centre's policy was unreasonable and unfair.

We investigated whether the FRCC was following a reasonable process by preventing James from receiving printed materials.

The FRCC explained to us that they had experienced illegal drug smuggling into the centre in the past through drug-infused ink on printed materials. In order to ensure safe operation at the centre, they decided to restrict inmates from receiving these types of documents. We questioned whether internet and photocopied materials posed a higher or more specific risk than other printed materials that the centre permitted inmates to receive.

As a result of our investigation, the centre reviewed its policy and concluded that it would no longer restrict inmates from receiving printed or photocopied materials from the internet. However, to ensure safe operation, these materials will be screened for contraband or other inappropriate material in the same manner as other non-privileged communication material.

Report from the Past 40 Years

Listening: A Review of Riverview Hospital (1994)

A landmark investigation into administrative practices at Riverview, a major psychiatric hospital. Following interviews with more than 100 patients, it was found that Riverview did not have a comprehensive or fair process in place for responding to concerns about its services. The patients' stories, and our subsequent investigation, resulted in 94 recommendations and a number of improvements for mentally ill patients, including the development of a Patient Bill of Rights.



An investment in answers

Society of Notaries Public

How an unfair application process and decision almost cost a student their dream of being a notary.

Omar applied to the Society of Notaries Public (the Society) to be admitted to the Master of Arts program in Applied Legal Studies at Simon Fraser University (SFU). His application was denied despite his education, experience and background meeting the minimum requirements for admission. He wrote to the Society asking them to reconsider his application and was never provided with detailed information outlining reasons for his application being denied.

Frustrated with his experience, the lack of information and delays he was experiencing, Omar called our office for help.

We investigated whether the Society followed a reasonable procedure in considering Omar's application to the notary program at SFU. We found three areas of concern in their process for vetting applicants:

1. The Society did not have a set of criteria to judge applicants.
2. The Society did not keep any written record of how their decision was made or what specific

criteria were considered and weighed when choosing applicants.

3. The Society did not provide reasons why applicants were unsuccessful. Given the importance of the decision, applicants should be provided with clear reasons for being denied. Those reasons can be used as a basis to decide whether there are grounds to appeal the decision.

We consulted with the Society and asked if they would consider taking steps to remedy the fairness issues identified in the application process. The Society agreed and implemented a more objective and transparent decision-making process for screening program applicants, including recording rationale for decisions. They also implemented an evaluation framework and changed their policy guidelines to provide applicants who are denied admission to the program with reasons for their decision.

Omar has since been admitted to the Applied Legal Studies program at SFU.

No policy, no fair

Fraser Health Authority

When a policy is changed it's important to ensure all those impacted know about the revision.

While detained at the Forensic Psychiatric Hospital, Joe requested to see a new psychiatrist. Joe completed and submitted the required form but he never heard back.

Feeling like he was being treated unfairly and not knowing where to turn, Joe called us.

We looked into whether the Forensic Psychiatric Hospital provided a satisfactory response to Joe's request to see a new psychiatrist. Our investigation revealed that the model of care had changed, meaning that psychiatrists were now assigned to a specific unit. There was no way to change psychiatrists without changing units. The form Joe was provided with, and the associated policy, was outdated and therefore irrelevant. For Joe to request to see a new psychiatrist and change units,

he would have to make a request via the Program and Privilege Committee. However, it appeared that the Committee's policy did not clearly address the transfer of patients between units when requested by patients.

Because of Joe's complaint and the results of our investigation, the Forensic Psychiatric Hospital amended its policy to address the transfer of patients between units when requested by patients. We also asked that all patients have access to current information on the process available to them for requesting a transfer or new psychiatrist. The hospital agreed to our recommendations.

Report from the Past 40 Years

Skytrain Report (1987)

The Ombudsman received several complaints about the negative impact of the Skytrain development on the enjoyment of private property and community – from noise to loss of privacy and reduced property values – costs that were not fully addressed by BC Transit. These complaints led to a series of recommendations focused on ensuring the fair treatment of individuals and communities, including fair compensation to those whose property was expropriated.

40
years
1979-2019

DECISIONS REVERSED

Every day public servants make decisions that can have a tremendous impact on people's lives. Fair decisions have to be based on rules and legislation and be considerate of individual needs. When we investigate complaints, we often find decisions are unfair and through the course of our work we are successful in having these decisions changed.

An eviction prevented

Ministry of Social Development and Poverty Reduction

An unfair decision was reversed just in time to prevent a woman from being evicted.

Marianne, who receives Persons With Disability (PWD), was moving and provided her landlord with one month's notice to end her tenancy, as required. She also called the Ministry of Social Development and Poverty Reduction (MSDPR) to put a stop on her rent payments to her previous landlord and update her information so payments from the ministry would go to her new landlord at the beginning of the following month.

Marianne was surprised to learn that her new landlord didn't receive her rent payment from the ministry as arranged. She called MSDPR to find out what happened and was told that her stop payment had not been processed and the rent was sent to her former landlord. She was told to ask her former landlord to return the rent and if she couldn't get the rent back, then she could apply for a crisis supplement for her shelter.

Marianne tried to get her former landlord to return her rent but was denied. She was also denied a crisis supplement.

Not knowing where else to turn for help and facing eviction, Marianne reached out to us.

We contacted the ministry to assess if they acted reasonably in denying Marianne's application for a crisis supplement to pay her rent because it seemed that Marianne had provided the ministry with proper notification about her change in landlord and the ministry had not processed the information correctly.

In response, the ministry reviewed her request and agreed that Marianne's request for a crisis supplement for her rent should be approved.

Overlooking key information

School District 23 (Central Okanagan)

This unfair decision led to the discovery of missed information and a decision was overturned.

Isabella was helping friends who had recently immigrated to Canada and had attempted to register their three children in school. The family was told by the school district that their children were ineligible for enrolment because they did not fall within the definition of “ordinarily resident” as outlined in the *School Act*. The family was told that they would have to enroll as international students and pay a fee of \$12,000 per child.

Isabella felt strongly that her friends’ circumstances met the criteria for “ordinarily resident” under the Ministry of Education’s *Eligibility of Students for Operating Grant Funding* policy and reported this issue to the district’s assistant superintendent, but was unsatisfied with the response she received.

Believing the school district’s decision to be unfair, Isabella contacted us for help.

We investigated whether the school district followed a reasonable procedure for determining that Isabella’s friends’ circumstances did not fall within the definition of “ordinarily resident”.

The *School Act* states that a board must provide free of charge to every student of school age resident in British Columbia and enrolled in an educational program in a school operated by the board, instruction in an educational program. The Act goes on to say that a student is a resident in British Columbia if the student and the guardian of the student are ordinarily resident in British Columbia.

While the Act does not define the term “ordinarily resident”, the ministry states in the policy that boards of education must determine, in a fair and even-handed manner, whether an applicant falls within the common law meaning of “ordinarily resident”.

Based on the information Isabella provided to the district in support of the family’s enrolment application, it appeared that the criteria applied. We contacted the Superintendent to ask for more information about how the district made its decision in determining that the family did not fall within the definition of “ordinarily resident” and were therefore not eligible for operating grant funding. The district had over-weighted the family’s immigration status in its determination of “ordinarily resident”.

The district Superintendent informed us that they reviewed the information Isabella had provided on behalf of her friends. He also admitted that that the district discovered it had missed an additional submission Isabella had provided. Due to the error, the district reconsidered the family’s enrolment application, including reviewing the new information Isabella had provided that was missed, and determined that they met the definition of “ordinarily resident”.

The Superintendent indicated that the district contacted both Isabella and her friends to let them know what had happened and to confirm the children’s enrolment in the school.

Whose policy is it anyway?

Ministry of Social Development and Poverty Reduction

Sometimes, when more than one organization is involved, it is unclear who is responsible for a decision.

Alison was approved by WorkBC to participate in a training program. However, she had to complete the first two weeks of the program before she would qualify for living expense funds. She was also told that it could take an extra week to receive the funds due to direct deposit processing time.

Alison reached out to her case manager and the supervisor about the delay in issuing payment but was informed that they were required to follow WorkBC policy and there was nothing they could do to expedite payment.

Concerned that the delays would put her ability to successfully complete her training program in jeopardy, Alison called us for help.

We investigated whether the WorkBC service provider followed a reasonable process for determining the payment schedule for Alison's living expenses as outlined in the WorkBC training program.

We spoke with a WorkBC staff member who was responsible for overseeing the WorkBC service provider. We also requested and reviewed records related to Alison's complaint.

Our review showed that it was the WorkBC service provider's practice to require clients to complete two weeks of their training program before they were eligible for living expense funds, but that this was not a WorkBC policy requirement. As such, we asked WorkBC to review Alison's file and they confirmed that their policy did not require clients to complete two weeks of their training program before they are eligible for living expense funds. However, we also learned that each WorkBC service provider can establish its own administrative procedures for paying living expenses as long as it complies with the policy and mitigates financial hardship.

Given Alison's financial circumstances, which she had shared with the WorkBC service provider, we asked WorkBC to consider whether the service provider's procedure should have been questioned. WorkBC directed the service provider to connect with Alison to develop a plan to address her concerns about the delay in receiving living expense funds. Additionally, WorkBC clarified its expectations about mitigating financial hardship.

The WorkBC service provider followed up with Alison and she was able to receive her living expense funds during the first week of her training program.

A second look

BC Hydro

How a review of a decision can lead to a more fair outcome.

While BC Hydro was replacing a pole located on public property, they accidentally damaged Kurt’s driveway. Kurt called BC Hydro about the damage and later noticed that loose gravel had been laid over the area. When it rained, the area turned into a “mud pit”. Kurt contacted BC Hydro and was advised that he could have the area fixed and file a claim to be reimbursed. Accordingly, Kurt rented equipment and purchased the required supplies to repair his driveway. He then filed a claim to be reimbursed, which was denied.

Feeling like he was being treated unfairly, Kurt reached out to us for help.

We investigated whether BC Hydro followed a reasonable procedure in responding to Kurt’s claim to be reimbursed for the damage caused to his driveway. After we served notice of our investigation, BC Hydro decided to have a second look at his claim and reimbursed Kurt for a portion of the cost to repair his driveway.

A grandfathered arrangement

Community Living BC

Determining eligibility for service when a program changes is an important element of fairness.

Siobhan was a recipient of ongoing counselling services funded by Community Living BC (CLBC). She received a letter from CLBC informing her that her counselling sessions were being reduced to ten a year. Surprised by this information (she always had access to unlimited sessions), Siobhan contacted her facilitator as well as the Integrated Services Manager to find out how and why this change was happening but she never received a response.

Not getting answers to her questions, Siobhan reached out for assistance.

We investigated whether CLBC followed a reasonable procedure for responding to Siobhan’s concerns.

We contacted the manager about the reduction in Siobhan’s counselling sessions who promptly reviewed her file and found a note from a past facilitator that Siobhan had received approval for ongoing counselling sessions. The manager confirmed that this arrangement was grandfathered and that Siobhan was entitled to on-going counselling services. The manager wrote Siobhan a letter apologizing for the error and confirmed that her counselling supports had been reinstated.

FAIR DECISIONS

Sometimes through the course of our investigations we find that public bodies are actually following the rules appropriately and fairly. It's important to remember that we're not just interested in where administrative gaps exist, but also where public bodies are doing things well. This helps us highlight best practices in our outreach and education work.

A sound process

Ministry of Social Development and Poverty Reduction

An example of a fair and reasonable process being followed.

While waiting on the outcome of her Long-Term Disability benefits application, Jane applied for and received one month of assistance from the Ministry of Social Development and Poverty Reduction (MSDPR) after she had exhausted her Employment Insurance Benefits. The following month her LTD benefits kicked in. Jane then received a notice of pending collection from both MSDPR and Revenue Services BC. Not understanding why she was receiving collection notices, Jane contacted us for help.

We investigated whether the MSDPR followed a reasonable process in determining Jane's eligibility for repayable hardship assistance.

We reached out to the ministry and were advised that, based on the information Jane provided, she was ineligible for regular income assistance. Jane did however meet the criteria for hardship assistance, a type of assistance that is repayable. As a condition to issuing assistance, the ministry required Jane to sign a "Promise to Pay" form, which details the repayment obligation and the ministry's repayment terms.

Based on our review, we found the steps taken by the ministry were consistent with legislation, sound and reasonable.

Safety of stove questioned

Technical Safety BC


Asking questions is important in ensuring processes are followed properly.

A woman contacted our office with a complaint that her previous stove had issues. She had been concerned that it could cause a fire, as she believed that brand of stove had caused many fires in Canada. At the woman's request, the landlord replaced that stove. However, as the replacement stove was the same brand as her previous stove, the woman was concerned it could also be defective. She contacted Technical Safety BC (TSBC) to request that the stove be inspected. She also advised TSBC that her kitchen lights were flickering. TSBC sent an Electrical Safety Officer (ESO) to the woman's residence where he inspected the replacement stove. The woman had concerns that the ESO did not inspect her original stove or thoroughly inspect the replacement stove. She questioned the ESO's credentials.

We investigated whether TSBC followed a reasonable procedure when it responded to the woman's concerns about the safety of her current stove. A review of the material provided by TSBC indicated that the ESO had attended on site, inspected both the woman's original and the replacement stoves, and found both stoves to be safe. In addition, the ESO required the landlord to have a qualified electrical company inspect the electrical wiring at the woman's home to confirm to TSBC that compliance had been met with the wiring and the stove. Compliance was confirmed. TSBC's records confirmed that the ESO's credentials met the requirements of the relevant legislation.

We were satisfied that TSBC followed a fair process in responding to the woman's concerns.





YEAR IN NUMBERS

Work at a Glance

Complaints and Enquiries Received

2018/2019	
Enquiries	1,425
Complaints	5,672
<hr/>	
Total	7,097

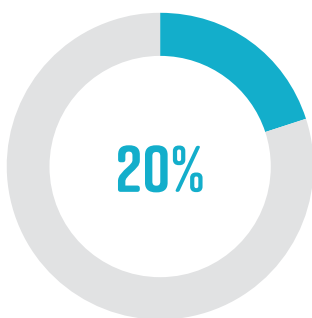
Files Closed

2018/2019	
Closed at Intake	5,442
Closed at Early Resolution	211
Closed at Investigation	1,478
<hr/>	
Total	7,131

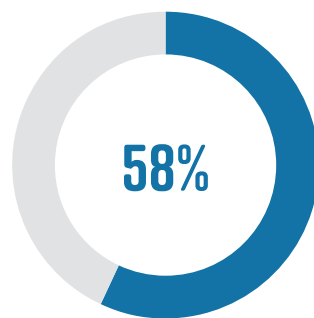
How we Received Complaints and Enquiries in 2018/19

COMPLAINTS AND ENQUIRIES RECEIVED

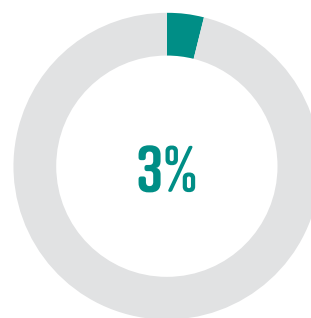
5,001 phone calls
 1,555 online forms
 453 letters
 88 in person



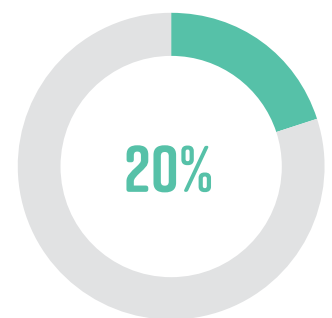
Enquiries



Complaints addressed and closed by intake



Complaints assigned to an early resolution officer



Complaints assigned to investigation

Note: These numbers add to 101% due to rounding

Top Complaints and Enquiries by Public Body



63% of the top 20 complaints and enquiries received were about provincial government ministries

Top Ministry Complaints and Enquiries

641 Ministry of Social Development and Poverty Reduction

564 Ministry of Children and Family Development

318 Ministry of Public Safety and Solicitor General

Top Non-Ministry Complaints and Enquiries



425

Health Authorities



332

ICBC



196

Workers' Compensation Board



171

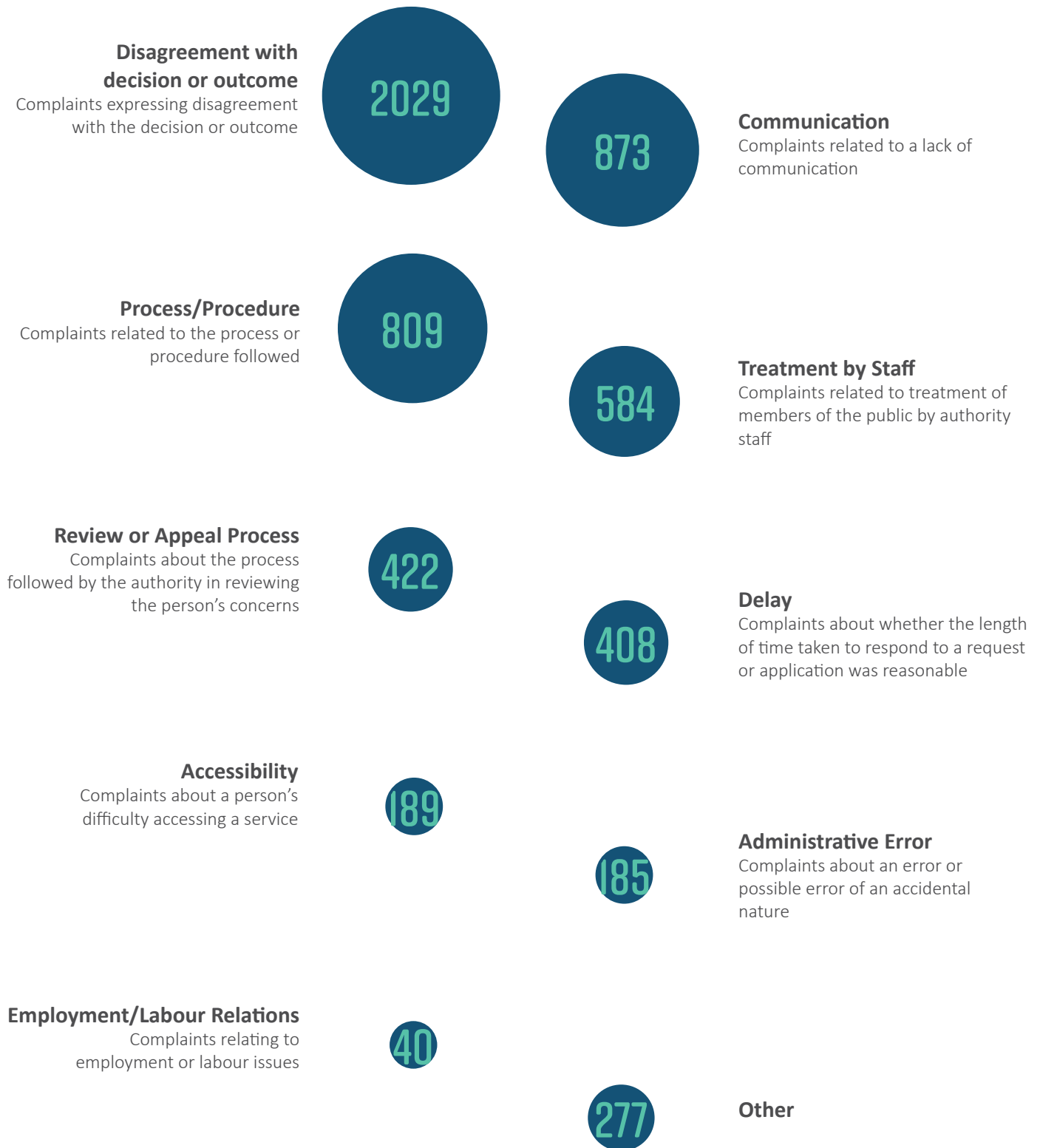
BC Hydro



94

BC Housing

What did People Complain About?



Complaints and Enquiries Received - By Electoral District

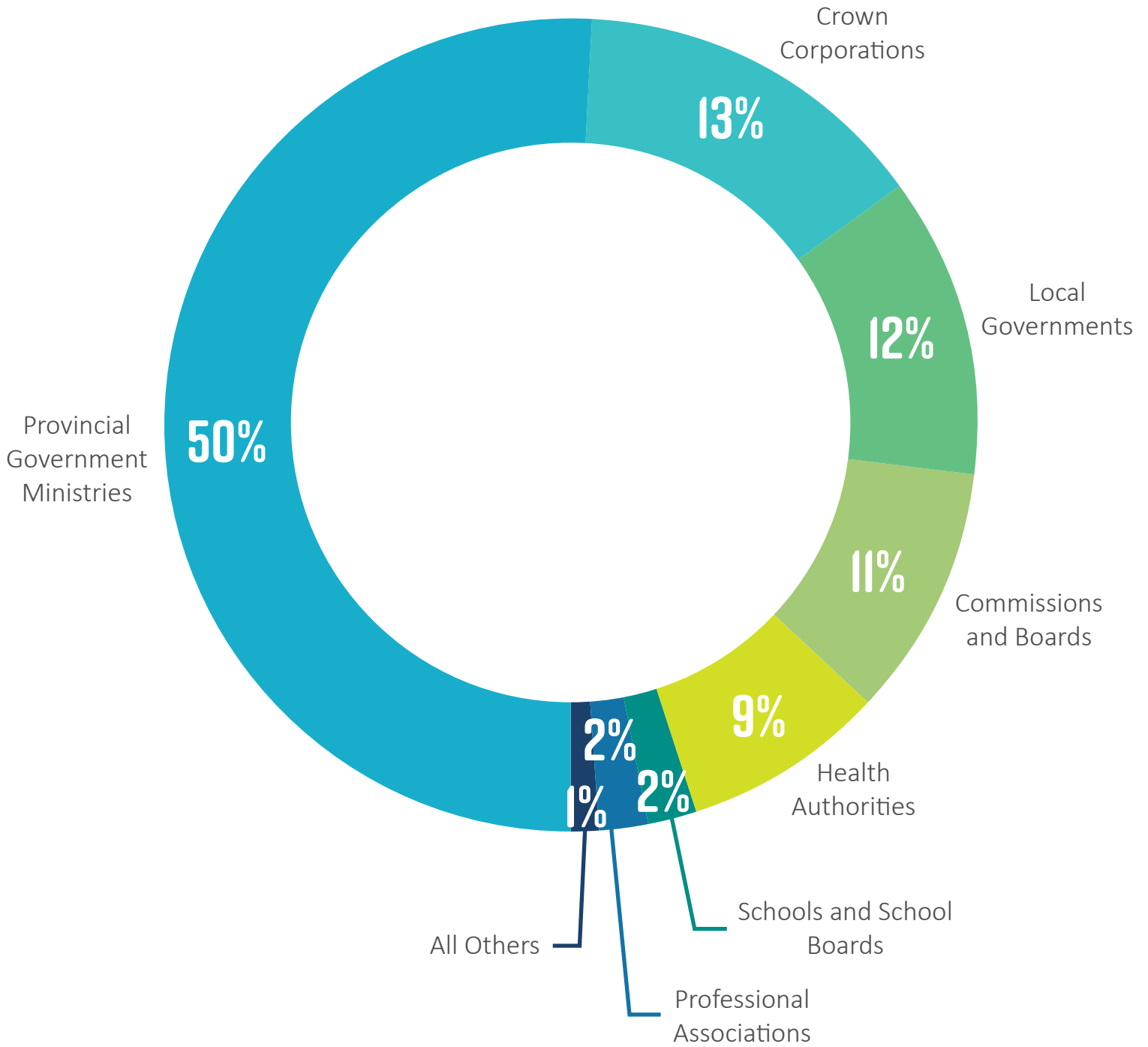
#	Electoral District	Received	#	Electoral District	Received
1	Abbotsford-Mission	54	45	Parksville-Qualicum	63
2	Abbotsford South	26	46	Peace River North	31
3	Abbotsford West	46	47	Peace River South	36
4	Boundary-Similkameen	119	48	Penticton	54
5	Burnaby-Deer Lake	20	49	Port Coquitlam	94
6	Burnaby-Edmonds	32	50	Port Moody-Coquitlam	19
7	Burnaby-Lougheed	58	51	Powell River-Sunshine Coast	69
8	Burnaby North	19	52	Prince George-Mackenzie	61
9	Cariboo-Chilcotin	43	53	Prince George-Valemount	52
10	Cariboo North	20	54	Richmond North Centre	20
11	Chilliwack	46	55	Richmond-Queensborough	18
12	Chilliwack-Kent	45	56	Richmond South Centre	15
13	Columbia River-Revelstoke	39	57	Richmond-Steveston	11
14	Coquitlam-Burke Mountain	19	58	Saanich North and the Islands	75
15	Coquitlam-Maillardville	44	59	Saanich South	77
16	Courtenay-Comox	71	60	Shuswap	48
17	Cowichan Valley	77	61	Skeena	48
18	Delta North	24	62	Stikine	25
19	Delta South	32	63	Surrey-Cloverdale	36
20	Esquimalt-Metchosin	53	64	Surrey-Fleetwood	44
21	Fraser-Nicola	39	65	Surrey-Green Timbers	12
22	Kamloops-North Thompson	52	66	Surrey-Guildford	28
23	Kamloops-South Thompson	61	67	Surrey-Newton	40
24	Kelowna-Lake Country	39	68	Surrey-Panorama	25
25	Kelowna-Mission	43	69	Surrey South	60
26	Kelowna West	82	70	Surrey-Whalley	77
27	Kootenay East	45	71	Surrey-White Rock	32
28	Kootenay West	58	72	Vancouver-Fairview	23
29	Langford-Juan de Fuca	64	73	Vancouver-False Creek	51
30	Langley	38	74	Vancouver-Fraserview	33
31	Langley East	31	75	Vancouver-Hastings	28
32	Maple Ridge-Mission	47	76	Vancouver-Kensington	30
33	Maple Ridge-Pitt Meadows	73	77	Vancouver-Kingsway	21
34	Mid Island-Pacific Rim	68	78	Vancouver-Langara	23
35	Nanaimo	66	79	Vancouver-Mount Pleasant	105
36	Nanaimo-North Cowichan	55	80	Vancouver-Point Grey	17
37	Nechako Lakes	34	81	Vancouver-Quilchena	12
38	Nelson-Creston	63	82	Vancouver-West End	56
39	New Westminster	45	83	Vernon-Monashee	63
40	North Coast	24	84	Victoria-Beacon Hill	74
41	North Island	70	85	Victoria-Swan Lake	69
42	North Vancouver-Lonsdale	38	86	West Vancouver-Capilano	19
43	North Vancouver-Seymour	11	87	West Vancouver-Sea to Sky	47
44	Oak Bay-Gordon Head	38			
			Total	3,912	

Note: These numbers do not include complaints and enquiries where the electoral district could not be obtained.

Top 20 Authorities in 2018/2019 – By Complaint and Enquiry Volume

Authorities	Complaints and Enquiries Received
Ministry of Social Development and Poverty Reduction	641
Ministry of Children and Family Development	564
ICBC	332
Ministry of Public Safety and Solicitor General	318
Ministry of Attorney General	248
Ministry of Health	216
Workers' Compensation Board	196
BC Hydro	171
Ministry of Municipal Affairs and Housing	156
Ministry of Finance	128
Fraser Health	114
BC Housing	94
Island Health	89
Provincial Health Services Authority	86
City of Vancouver	81
Vancouver Coastal Health	77
Public Guardian and Trustee	70
Interior Health	59
Ministry of Forests, Lands, Natural Resource Operations and Rural Development	51
Ministry of Transportation and Infrastructure	51
Total	3739

Complaints and Enquiries Received – By Authority Category



Complaints and Enquiries Received – By Authority Category

Provincial Government Ministries (50%)

Social Development and Poverty Reduction	26%	641
Children and Family Development	23%	564
Public Safety and Solicitor General	13%	318
Attorney General	10%	248
Health	9%	216
Municipal Affairs and Housing	6%	156
Finance	5%	128
Forests, Lands, Natural Resource Operations and Rural Development	2%	51
Transportation and Infrastructure	2%	51
Other Ministries	5%	124

Crown Corporations (13%)

ICBC	49%	332
BC Hydro	25%	171
BC Housing	14%	94
Community Living BC	5%	33
BC Assessment	3%	19
Other Crown Corporations	4%	25

Local Governments (12%)

City of Vancouver	14%	81
City of Victoria	4%	24
City of Surrey	4%	22
City of Powell River	3%	15
Corporation of Delta	2%	11
Regional District of Okanagan-Similkameen	2%	11
Regional District of Nanaimo	2%	11
Other Local Government	70%	405

Commissions and Boards (11%)

Workers' Compensation Board	37%	196
Public Guardian and Trustee	13%	70
Human Rights Tribunal	6%	30
TransLink	5%	24
Legal Services Society	4%	21
Workers' Compensation Appeal Tribunal	4%	19
BC Utilities Commission	3%	18
Real Estate Council	3%	16
Other Commissions and Boards	25%	133

Health Authorities (9%)

Fraser Health	26%	114
Island Health	20%	89
Provincial Health Services Authority	20%	86
Vancouver Coastal Health	18%	77
Interior Health	13%	59
Northern Health	3%	13

Schools and School Boards (2%)

School District 61 (Greater Victoria)	12%	11
School District 39 (Vancouver)	10%	9
School District 33 (Chilliwack)	8%	7
School District 36 (Surrey)	8%	7
Other Schools and School Boards	63%	57

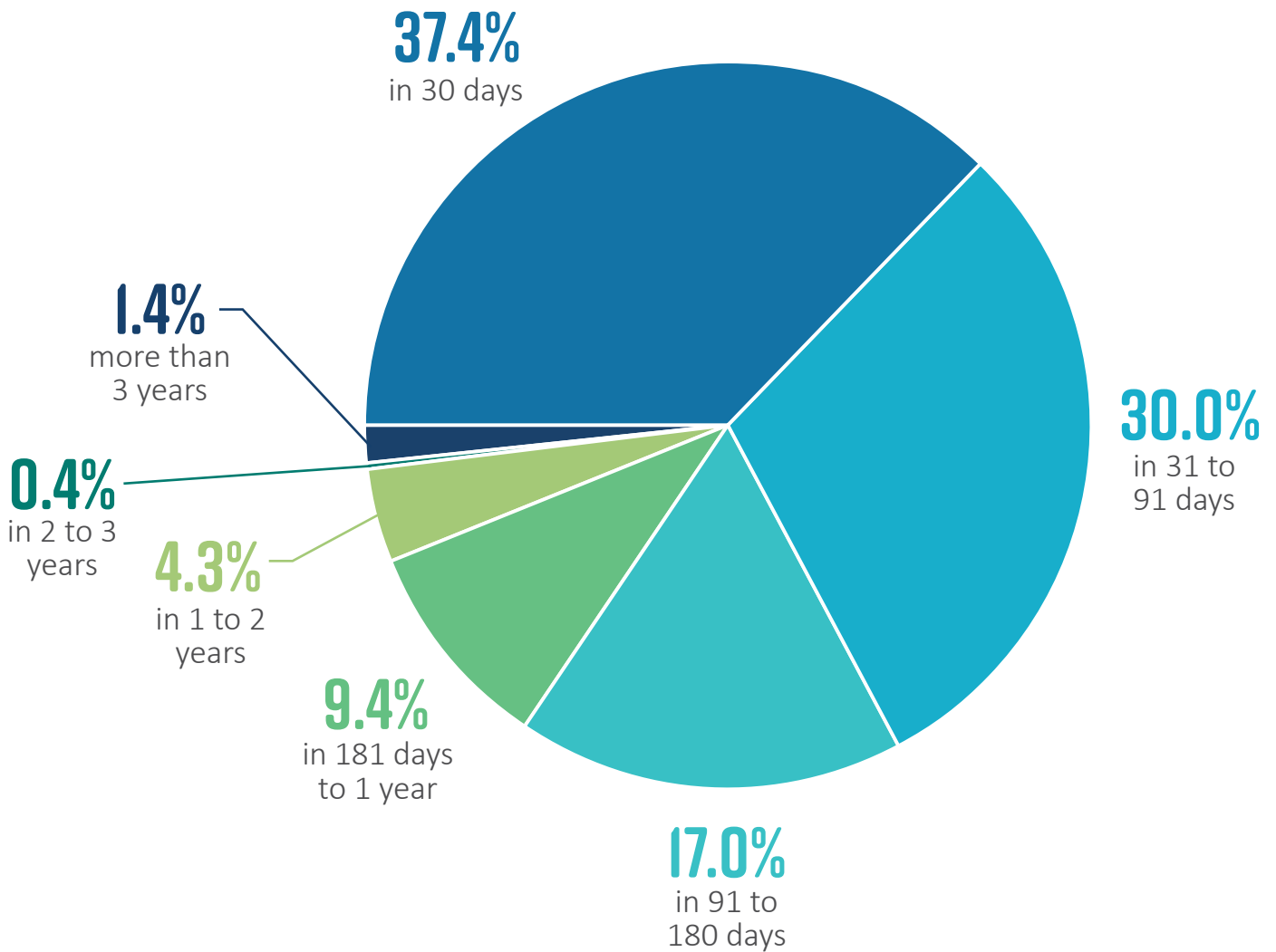
Professional Associations (2%)

Law Society of British Columbia	38%	33
College of Physicians and Surgeons of BC	20%	18
BC College of Nursing Professionals	7%	6
Other Professional Associations	35%	31

All Others (1%)

Universities	52%	38
Colleges	37%	27
Libraries	7%	5
Parks Boards	4%	3

Length of Time to Close Investigative Files



	2018/2019*	Cumulative Closures %	Performance Objectives**
Closed in 30 Days	554 37.4%	37%	—
Closed in 31 to 90 Days	444 30.0%	67%	70%
Closed in 91 to 180 Days	252 17.0%	84%	85%
Closed in 181 days to 1 Year	139 9.4%	94%	90%
Closed in 1 to 2 Years	64 4.3%	98%	95%
Closed in 2 to 3 Years	6 0.4%	99%	100%
Closed in more than 3 Years	21 1.4%	100%	—

* Elapsed time does not include time before a matter is assigned to an investigator (e.g. while on Files Awaiting Assignment list).
 ** These performance objectives apply to files closed by investigators. Files closed at intake are not included in these numbers, nor are files associated with systemic investigations.

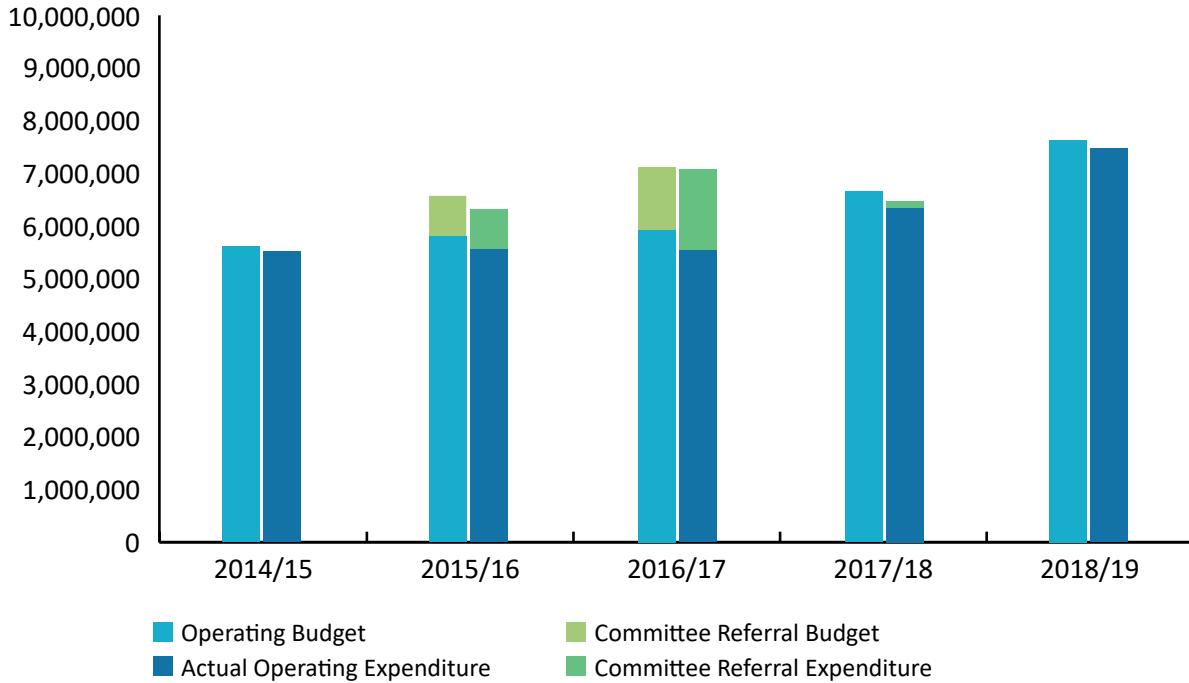


STAFF & BUDGET

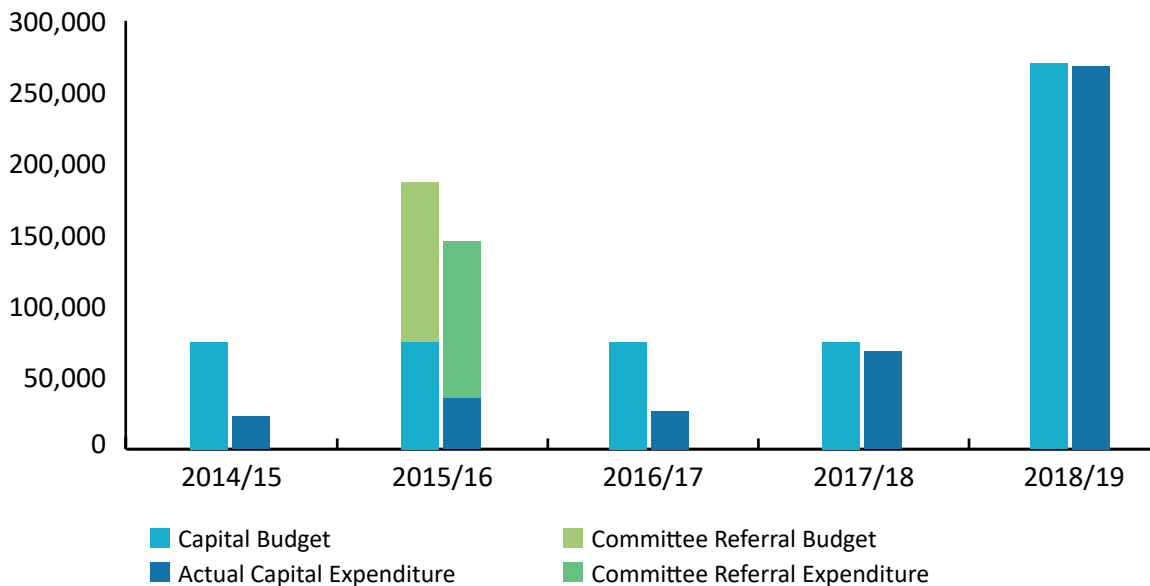
Our Finances

The 2018/2019 annual operating budget for the Office of the Ombudsperson was \$7,637,000.

Operating Budget to Actual Expenditures by Fiscal Year



Capital Budget to Actual Expenditures by Fiscal Year*



* The increase in the 2018/19 budget and expenditure is due to tenant improvements related to the introduction of the Public Interest Disclosure Act.

Our Staff



Ombudsperson's Long Service Awards

The Ombudsperson recognizes dedication to the Office each year for staff who reach five year milestones of service with the Office of the Ombudsperson. This year, the following staff members were recognized by the Ombudsperson with long service awards for achieving milestones during this year.

5 years

- Nathan Paul

10 years

- Lisa Evans

20 years

- Christina McMillan

List of Staff

The following were employed by the Office of the Ombudsperson as of March 31, 2019.

Addis, Stephanie
Apland, Trisha
Barlow, Ross
Bertram, Keir
Bertsch, Jennifer
Biscoe, Chris
Blackman, Linda
Blakeman, Candie
Bockus-Vanin, Alycia
Booth, Jennifer
Brown, Rhonda
Burgar, Taryn
Burley, Teri
Byrne, Wendy
Cambrey, Brad
Cavers, Stewart
Chalke, Jay
Chapman, Matthew
Chunick, Carly
Clarke, Bruce
Closson, Yvette
Cote, Courtney
Darling, Sara
Davis, Harrison
Downs, Dustin
Evans, Lisa
Gardner, Victor
Garnett, Julia
Giarraputo, Charisse
Gingras, Leoni
Graham, Rebecca
Green, Jaime
Greschner, John
Henderson, Mark
Hintz, Elissa
Horan, Anne
Jackson, Zoë
Jeakins, Katherine
Jones, Jennifer
Lapthorne, Jonathan
Macmillan, Zoë
Malan, Sarah
Matheson, Deidre

May, Andrea
McCarthy, Jill
McMillan, Christina
McPherson, Colin
Milligan, Sarah
Morgan, Glenn
Morgan, Keira
Morris, Christine
Morrison, Kate
Moss, Michael
Murray, Dave
Ogroske, Sue
Olsen-Maier, Meredith
Paradiso, David
Paul, Nathan
Perkey, Debora
Phillips, Lisa
Pollock, Julie
Presnail, Megan
Rahman, Zara
Siroski, Shaleen
Slanina, Sarah
Stewart, Megan
Trahan, Stacy
Van Swieten, Dave
Vossen, Julia
Warren, Rachel
Webber, Katie

Co-op Students

Co-op students joined the Office for four-month terms between April 1, 2018 and March 31, 2019.

Cunliffe, Matthew
Evans-Voigt, Morgane
Fryer, Tessa
Gillespie, Spencer
Kendon, Will
Raymond, Merissa
Rutledge, Jarrod
Starodub, Samuel
Vasseur, Daphnee



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Toll Free: 1.800.567.3247


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250.387.0198

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