



**Office of the  
Citizens' Representative**

**2022-23  
ANNUAL PERFORMANCE  
REPORT**

**September 2023**

# TABLE OF CONTENTS

---

Message from the Citizens' Representative.....	3
Overview.....	4
Highlights and Partnerships.....	6
Vision.....	8
Report on Performance.....	8
Strategic Issue.....	8
Goal 1.....	10
Discussion of Results (Goal 1).....	11
Goal 2.....	13
Discussion of Results (Goal 2).....	14
Opportunities and Challenges Ahead.....	15
Financial Statements.....	16

## Message from the Citizens' Representative

The Office of the Citizens' Representative ("OCR") serves those who are aggrieved by acts, errors, omissions or decisions of the public service. It also receives requests for advice and responds to disclosures by whistleblowers. For over 20 years, it has provided free, confidential complaint resolution and investigation services to Newfoundlanders and Labradorians outside of the political process. On any given day at OCR you will find staff who are making inquiries and referrals, or drilling down into the evidence to determine if a citizen has been treated fairly according to policy, law or the dictates of natural justice. This core mandate work is performed against the backdrop of organizational development and improvement pursuant to our three year Activity Plan. That is to say while we are doing our jobs we are consistently looking for ways so do them better, and propel the OCR forward as an institution.

Fiscal 2022-23 was the final year of our 2020-23 plan, and our new 2023-26 plan is now in effect. 2022-23 saw us enhance in-house corporate knowledge and promote increased knowledge and capacity of the staff, and analyze existing supportive resources and practices for designates within the public service who are assigned to respond to our inquiries and investigations. These achievements will now be built upon going forward in concert with our objectives for next three years.

This report was prepared under my direction in accordance with the **Transparency and Accountability Act** for a Category 3 entity. As the Citizens' Representative, I am accountable for the actual results reported in this document.



**Bradley J. Moss**  
Citizens' Representative

## OVERVIEW

The **Citizens' Representative Act** has been in force since December 2001. This statute creates and sets out the duties and obligations of the Citizens' Representative to investigate complaints from members of the public, Members of the House of Assembly, and the provincial Cabinet about matters of administration. The phrase "matters of administration" has been judicially considered and was defined by the Supreme Court of Canada<sup>1</sup> as encompassing everything done by governmental authorities in the implementation of government policy.

On two occasions (2007, 2014), the legislative mandate of the OCR expanded to make the OCR the investigative unit for public interest disclosures made by employees of the House of Assembly and the wider public service. Conventionally known as "whistleblower programs," public interest disclosures contain allegations of wrongdoing in the workplace, including breaking federal or provincial law, gross mismanagement of funds, mismanagement of government assets or threats to public safety or the environment. Reprisals against disclosers or those seeking advice are prohibited by law and punishable by loss of employment and/or fines of up to \$10,000 as determined by the Labour Relations Board.

In December of 2019 the House of Assembly concurred in a report by the Privileges and Elections Committee to establish a stand-alone anti-harassment policy for complaints directed at Members of the House of Assembly. This program took effect on April 1, 2020.

Information and FAQ on all aspects of the OCR mandate can be found on the OCR website [www.citizensrep.nl.ca](http://www.citizensrep.nl.ca) or by contacting the office directly.

Bradley Moss is the Citizens' Representative. As of March 31, 2023, OCR has a permanent staff of nine including:

- an Assistant Citizens' Representative (female)
- two Senior Investigators (one female, one male)
- two Investigators (female)
- one Intake Officer/Investigator (female)
- one Office Manager (female), and
- one Executive Assistant (female)

---

<sup>1</sup> British Columbia Development Corporation v. Friedmann (Ombudsman) [1984] 2 SCR 447

In 2022-23, the OCR received:

- 995 complaints/inquiries under the **Citizens' Representative Act**,
- Seven complaints/inquiries under the **Public Interest Disclosure and Whistleblower Protection Act**<sup>2</sup> and,
- Two complaints/inquiries under the **House of Assembly Accountability, Integrity and Administration Act**<sup>2</sup>

OCR closed 1,012 complaint/inquiry files across all business lines during 2022-23 (including complaints/inquiries from the previous fiscal year).

OCR made 22 formal recommendations to various departments, agencies, boards and commissions. Formal recommendations flow from statutory investigations initiated under Section 15 of the **Citizens' Representative Act**, and are designed to remedy cases of unfairness or error, and help prevent circumstances connected to the complaint from reoccurring.

There were zero recommendations made to government under the **Public Interest Disclosure and Whistleblower Protection Act**.

There were zero recommendations made under Part VI of the **House of Assembly Accountability, Integrity and Administration Act**.

OCR can be contacted by:

Telephone: (709) 729-7647  
(800) 559-0079

Address: 4<sup>th</sup> Floor, Beothuck Building  
20 Crosbie Place  
P.O. Box 8400  
St. John's, NL A1B 3N7

Email: [citrep@gov.nl.ca](mailto:citrep@gov.nl.ca) Website: [www.citizensrep.nl.ca](http://www.citizensrep.nl.ca)

Total operational expenditures of the OCR for 2022-23 were \$910,504. Further information on budgeting and expenditures can be found on page 16.

---

<sup>2</sup> Details on OCR activities pursuant to the **Public Interest Disclosure and Whistleblower Protection Act** require stand-alone reporting to the House of Assembly. Disclosures received under Part VI of the **House of Assembly Accountability, Integrity and Administration Act** are reported in the Citizens' Representative's Digest.

# HIGHLIGHTS AND PARTNERSHIPS

In addition to prosecuting its core mandate services of complaint investigation and mediation, some key highlights and accomplishments of the OCR during 2022-23 include:

- Providing instruction on trends analysis at “Ombuds Essentials”, a joint offering of the Forum of Canadian Ombudsman / Osgoode Hall Law School Professional Development program.
- Membership on the House of Assembly Classification Review Committee.
- Participation in annual Federal / Provincial / Territorial public interest disclosure meetings.
- Participation on National Public Interest Disclosure Awareness Day.
- Ongoing membership and participation in the Canadian Council of Parliamentary Ombudsman (CCPO).
- Participation in CCPO “Raise the Bar” training with attendance and facilitation of sessions designed for a higher level of training for experienced investigators.
- CCPO Communications group teleconference.
- CCPO participation in provincial webinars highlighting unique issues for parliamentary ombuds.
- Presentation to the CCPO: How We Navigated a Systemic Investigation.
- Information sharing meeting with the Office of the Procurement Ombudsman.
- Continuing to produce our Office newsletter - “OCR Insights” - a quarterly update on the OCR’s activities.
- Participation by one investigator in a two-day training offered by the Gardiner Centre entitled The S.I.M.P.L.E Approach to Investigating Workplace Incidents.
- Participation by webinar in Ethics Practitioners’ Association of Canada session on Whistleblowing.

- Participation by webinar in Professional Self-Care: an Ethical Imperative (Newfoundland and Labrador College of Social Workers).
- Participation by webinar on Disability Related Advocacy through Empower Services (Newfoundland and Labrador College of Social Workers).
- Participation by webinar on Social Work in Community-Based Palliative Care (Newfoundland and Labrador College of Social Workers).
- Participation by webinar on Ageism – Individual and Collective Opportunities (Newfoundland and Labrador College of Social Workers).
- Participation by webinar on Cyber Security Awareness Session (Office of the Chief Information Officer).
- Participation in various PSEAccess courses, including Conflict Resolution, Dealing with Difficult People and Services with Dignity, Fairness and Respect.
- Meeting with Medical Services, Eastern Health (currently NL Health Services) to support the transition of medical services within Adult Corrections from the Department of Justice and Public Safety.
- Monthly meetings with Adult Corrections, Department of Justice and Public Safety.
- Tour of Her Majesty's Penitentiary, Adult Corrections.
- Community Stakeholder Information Session (new prison planning), Department of Justice and Public Safety.
- Information sharing meeting with Client Relations, Eastern Health (currently NL Health Services).
- Information sharing meeting with the Human Rights Commission, particularly navigating public complaints.
- Information sharing with Office of the Seniors' Advocate identifying intersecting roles and supporting issues of seniors.
- Provided Bachelor of Social Work field practicum opportunity to 4<sup>th</sup> year student in conjunction with Memorial University of Newfoundland, School of Social Work.
- Presentation of the Citizens' Representative Office mandate and administrative fairness to students of the School of Social Work, Memorial University of Newfoundland.

- Presentation of the Citizens' Representative Office mandate and administrative fairness to Rabbittown and Froude Avenue Community Centers.
- Information sharing meeting with SeniorsNL – Collective Impact Project supporting individuals with complex needs navigate government and community systems.
- Participation in World Elder Abuse Awareness Day with a booth presenting OCR resources.

## **VISION**

A citizenry confident in a public service that is fair and grounded in integrity and good governance.

## **REPORT ON PERFORMANCE**

Fiscal year 2022-23 is the third year of OCR's 2020-23 Category 3 Activity Plan, which was tabled in the House of Assembly on 7 October 2020. The issue, goal and objectives of the Activity Plan are as follows:

### **Strategic Issue**

The Activity Plan focused on the issue of strengthening OCR capacity to respond to citizen complaints with improved efficiency.

Two goals were identified in relation to this issue, with three objectives identified to fulfill both goals. A full discussion of results follows the report on the annual objective.



## **Issue: Strengthen OCR Capacity to Respond to Citizen Complaints with Improved Efficiency**

The 2020-23 Activity Plan identified OCR's intent to strengthen the capacity of investigators to accept and conduct formal and informal inquiries with improved efficiency. The impetus to improve efficiency was based on the acknowledgement that a naturally occurring aspect of long term complaint management is the overlap or repetition of issues presented. Further acknowledgment of corporate knowledge accumulated by staff of existing government policies, procedures and practice prove immensely valuable in complaint resolution. Likewise, this knowledge extends to the vast number of recommendations flowing from previous investigations since OCR existence (2002) and informs future investigations.

The 2020-23 Activity Plan further identified that key contacts or "designates" in the provincial public service are a source of corporate knowledge that enhances the ability of the Office to respond efficiently and practically to citizens seeking support.

The Citizens' Representative set the following two goals in 2020:

**Goal 1:** By March 31, 2023, the Office of the Citizens' Representative will have undertaken measures to enhance in-house corporate knowledge and to promote increased knowledge and capacity of staff in the interest of more efficient complaint resolution.

**Goal 2:** By March 31, 2023, the Office of the Citizens' Representative will have reviewed and analyzed existing supportive resources and practices for designates within the public service.

As indicated in OCR's 2020-21 and 2021-22 Annual Performance Reports we planned and implemented ideas to address improvements within our existing operational framework to meet both these goals.

To achieve **Goal 1**, assessment of the needs of staff, available corporate knowledge, methods of storing and maintaining corporate knowledge and encouraging the transfer of corporate knowledge were examined. This led to the reorganization of OCR shared directory and the presentation of a more accessible body of information available to staff. An updated electronic version of Investigator's Manual was made available to reflect a more current approach to investigative techniques and the values of our organization. The OCR encouraged the identification and participation of staff in relevant training opportunities and set forth a commitment to seek out and make available such opportunities to increase competencies and efficiencies.

To achieve **Goal 2**, a survey was designed and implemented for OCR designates to assist in the assessment of the existing knowledge of OCR mandate, mutual roles and responsibilities and to assess perceptions of the existing relationship between designates and OCR. The existing designate list was reviewed, updated

for accuracy and expanded to include a wider breath of public bodies for which OCR has jurisdiction. Outreach was conducted with forty-two designates of public bodies via email, with additional in-person or virtual meetings with twelve of these designates. With input from designates and OCR staff, the designate brochure was updated to strengthen the understanding of the mandate of the OCR for the benefit of designates.

**Objectives Pursuant to Goal 1:**

**Goal 1:** By March 31, 2023, the Office of the Citizens’ Representative will have undertaken measures to enhance in-house corporate knowledge and to promote increased knowledge and capacity of staff in the interest of more efficient complaint resolution.

**Objective 3:** By March 31, 2023, the Office of the Citizens’ Representative will have analyzed the results of the measures undertaken and internally discussed further areas of improvement.

**Indicator:** Analyzed improvements made in 2021-22.

**Indicator:** Identified further process improvements.

Our activities to meet this objective are as follows:

<b>Planned</b>	<b>Actual</b>
<ol style="list-style-type: none"> <li>Analyze the structure of the shared directory with staff to determine an improved connection with its reorganization: a sense of ownership and responsibility to reference; contribute to the storage of corporate knowledge and the transfer of knowledge, thereby increasing efficiencies in complaint resolution.</li> <li>Analyze whether the efforts of having corporate knowledge more accessible has an impact on the identification of trends in complaint areas and whether its availability serves as identifying duplication of recommendations.</li> </ol>	<ol style="list-style-type: none"> <li>Analysis of staff feedback regarding the shared directory reorganization and suggestions for improvement for navigation and ease of making contributions. Encouragement to staff to pursue continual improvement of its organization and the corporate knowledge stored within.</li> <li>Analysis of examples of the identification of trends identification and the role of the improved organization of the shared directory in the identification and response to any trends.</li> </ol>

<p>3. Analyze any increase of staff access and reliance of Investigator’s Manual and remain open to suggestions from staff of improvements to ensure optimal and relevant resources and support for staff and whether it contributes to consistent and efficient complaint management.</p>	<p>3. Analysis of staff feedback regarding updated Investigator’s Manual content to encourage its use and reference and that staff have knowledge of tools available to maintain efficiencies. Review of best practice and the most recent authority of ombuds investigative techniques.</p>
--	--

### Discussion of Results

From 2020 onward, OCR has experienced a marked increase in the number of formal and informal complaints received. In the most recent fiscal year, 2022-2023, there has been a 28% increase in the number of inquiries made that require action by OCR staff. The effort to improve efficiencies to support OCR capacity to respond to citizen complaints remains timely, and is an undertaking of significant importance. The planned and actual results above reflect the undertaking for the 2022-2023 fiscal year, including the final objective to satisfy our original stated goal. Having previously identified the need to enhance in-house corporate knowledge and promote increased knowledge and capacity of staff, the OCR identified achievable measures to assist in increasing efficiencies with complaint resolution.

Staff have reported that the reorganized shared directory allows for a more user-friendly manner for searching for OCR forms and processes to be more responsive to citizens accessing OCR services. The streamlined approach using guidelines of information management to create fewer headings to encompass the broad topics of corporate knowledge with relevant sub-headings placed within has been effective in accessing information in a manner that is more organized and purposeful for the user. As information is more logically organized per topic heading, staff have reported a more efficient access to forms, processes and information relevant to specific public bodies within our possession.

Specifically related to information obtained from public bodies such as policy, procedure, having efficient access to the most recent authority on a given issue has permitted timely and consistent responses to citizens who present with similar complaints. Similarly, with appropriate storage of this information, staff are able to be responsive to citizens and duplicate inquiries to public bodies from different investigators are mitigated with the access to information. To improve the use of the shared directory, work will continue to seek to identify trends and store relevant information regarding possible systemic issues that is acquired by individual investigators. This will also be a space where documentation will be more accessible with respect to recommendations made to public bodies without having to review extensive investigative files.

OCR retention scheduling has an impact on the ability to access complete inquiry and investigative files beyond a ten-year period. Traditionally, documents associated with investigations, such as positions of public bodies, relevant policies and investigative reports depicting investigative outcomes that are stored physically and electronically, are destroyed in compliance with retention scheduling. The intrinsic value of a recommendation made in previous years may have an impact on current and future investigations is recognized. Having access to such reporting outside the ten-year schedule, may alleviate having to duplicate a lengthy repetitive investigation. Therefore, having access to this corporate knowledge following implementation of the retention schedule will support access to selective information and create efficiencies. We will continue to assess the need for the storage of this corporate knowledge.

In the past, the OCR provided new staff with a hard copy of the Investigator's Manual that was developed in the early days of the creation of the OCR. Consistently, as the need was identified, new policies and updates to information were added to respond to items that presented to ensure staff were supported with instruction and support. Feedback from staff supported the efficiencies encouraged by its revision, particularly, the electronic access. For example, new staff (including students) were able to easily reference processes and investigative techniques with ease and preferred access to the electronic version than a hard copy. As we experience a generation of individuals who have built a stronger reliance on electronic information, this shift aligns with an indication to operate in a paperless milieu.

Our analysis of informal and ongoing feedback received from OCR staff confirmed that the shared directory was more accessible and organized with relevant documents, processes and investigative history to support staff in conducting more efficient complaint handling. Our analysis also confirms efforts to capture, organize and optimally structure an accessible and user-friendly space will be an ongoing commitment. To maintain current and relevant information to maintain and strengthen levels of efficiencies, the OCR will continue to receive feedback from staff regarding improvements to the existing structure and will continue to evaluate best practice with other ombuds jurisdictions.

To support citizens with efficiency, OCR staff have acquired a base knowledge of various programs and services offered by numerous public bodies and community organizations. As societal issues and responses to these issues develop, there are changes to these services to be responsive to emerging issues. As well, there are new programs and services that appear that would be useful for our staff, particularly for appropriate referrals to areas of support for the citizen. Upon consultation, we were able to identify additional informal learning opportunities with public bodies and community organizations. OCR remains committed to identifying and providing educational opportunities to increase understanding and working knowledge of potential referral sources that will permit appropriate and timely responses and support to the citizens of our province. It will continue to

seek such opportunities through the Centre for Learning and Development, academic resources, community resources and through opportunities with our colleagues with the Canadian Council of Parliamentary Ombudsman (CCPO) and the Forum of Canadian Ombudsman (FCO).

**Objectives Pursuant to Goal 2:**

**Goal 2:** By March 31, 2023, the Office of the Citizens’ Representative will have reviewed and analyzed existing protocols involving interactions with designates within the public service.

**Objective 1:** By March 31, 2023, the Office of the Citizens’ Representative will have analyzed the results of the measures undertaken and internally discussed further areas of improvement.

**Indicator:** Analyzed improvements made in 2021-22.

**Indicator:** Identified further process improvements.

Our activities to meet this objective are as follows:

<b>Planned</b>	<b>Actual</b>
1. Connect with designates to ensure an open relationship to optimally support our mutual roles and determine any interest in meeting on a more regular basis.	1. Contact with designates of higher volume complaint levels to find efficiencies for both the public body and the OCR. This contact has strengthened relationships and the sharing of information proactively in anticipation of complaints from citizens.
2. Review of updated designate list for accuracy.	2. Review of designate list completed. Updating continues due to turnover in staffing.
3. Acquire feedback from staff regarding further efforts to maintain relationships with designates and optimize the best use of our mutual resources.	3. Staff meetings and other informal discussions have informed the current status of designate relationships and methods to optimize these relationships going forward.

## Discussion of Results

The planned and actual results above reflect the undertaking for the 2022-2023 fiscal year, including the final objective to satisfy our original stated goal. Having previously identified the need to review and analyze existing protocols involving designates within the public services, the OCR is pleased to acknowledge the respectful relationships that have been established with designates within the public service. There is great value placed on these relationships and a recognition that continued effort is paramount to support the designate role into the future.

The completion of the designate survey reinforced the benefits of the establishment and maintenance of respectful and supportive working relationships to enable efficiencies within the mandate of responding to citizen inquiries. The value of receiving feedback which initiated email outreach to forty-two designates of public bodies established a sense of trust and understanding of the mutual relationships. Our mutual roles are most efficient when there is a clear understanding of the OCR mandate and the expectations of public bodies once an informal or formal investigation is initiated.

The survey with designates completed in year two of our Activity Plan informed that designates overall had a good perception of their knowledge of the OCR mandate and the roles and responsibilities of a designate. The results from the survey suggested that designates would benefit from meeting with OCR when issues and trends arise. The OCR continued informal contact with designates related to specific inquiries to maintain a relationship of openness. Keeping in view the mutually beneficial interest of identifying efficient ways of working together to achieve desired results with the best use of our respective resources, the OCR connected on a more formal level with several designates where there were demonstrations of frequent complaints and identification of trends in the types of complaints. This connection resulted in the mutually identified value of meeting on a regular basis to share the challenges faced by the public bodies in carrying out their mandate, potential areas and practices which may give rise to complaints, and efforts to resolve the issues. These monthly and quarterly meetings with public bodies also provide opportunities for mutually respectful dialogue and have optimized efficiencies for handling complaints for both the OCR and the respective public bodies. More informally, staff have reported that contact with designates, initiated by either party as necessary, continues to support the work of the OCR with all signs confirming open and respectful relationships. Designates have additionally confirmed the efficiencies created by having an open dialogue.

Improvements made to our brochure: **A Guide for OCR Designates**, has raised awareness of its existence, the manner and frequency to which it is shared and referenced. The reference to this guide and the changes made have also provided an opportunity to promote accurate understanding and assurances to designates. Upon notification of a new designate within a public body, contact is initiated by way of introduction and a conversation about the work of the OCR and our mutual

roles in responding to citizen complaints. Feedback from designates has supported a greater understanding and appreciation of the level of independence of the OCR and efforts to maintain adherence to privacy legislation. The OCR will continue to promote the Guide and conversations that distinguish our investigatory role from that of a role of advocacy. We will also endeavor to make every effort to ensure public bodies are aware of OCR efforts to only share public body information in a manner that complies with the **Access to Information and Protection of Privacy Act, 2015**.

## OPPORTUNITIES AND CHALLENGES AHEAD

The opportunities available to, and the challenges confronting OCR for fiscal year 2023-24 are:

- Planning for province wide outreach with public bodies, community and citizens following in excess of two years wherein travel and personal contact was limited.
- Continuing to plan the important work identified herein while maintaining efficiencies in prosecuting OCR's core mandate.
- Continuing to seek out appropriate training opportunities to best support OCR staff.
- Continue to build a system of corporate knowledge by encouraging staff ownership and responsibility to contribute to knowledge transfer.

# FINANCIAL STATEMENTS

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2023 (unaudited).

## OFFICE OF THE CITIZENS' REPRESENTATIVE

	<u>Estimates</u>		
	Actual	Amended	Original
<b>01. Salaries</b>	<b>735,113</b>	<b>798,100</b>	<b>798,100</b>
<b>Operating Accounts:</b>			
Employee Benefits	725	7,000	7,000
Transportation and Communications	12,600	25,700	34,800
Supplies	4,580	5,000	5,000
Professional Services	78,688	78,700	69,600
Purchased Services	78,443	108,000	108,000
Property, Furnishings and Equipment	355	8,000	8,000
<b>02. Operating Accounts</b>	<b>175,391</b>	<b>232,400</b>	<b>232,400</b>
<b>Total: Office of the Citizens' Representative</b>	<b>910,504</b>	<b>1,030,500</b>	<b>1,030,500</b>

Audited financial information will be included in the Annual Report of the House of Assembly Management Commission to be tabled by the Speaker during a future sitting of the House of Assembly. The Office of the Citizens' Representative does not currently have a requirement for a separate, individual audited financial statement.