



Office of the Citizens' Representative
Province of Newfoundland & Labrador

**Citizens' Representative
Annual Digest**

April 1, 2009—March 31, 2010

“...seeking fairness, finding solutions...”

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Message from the Citizens' Representative

This is the third Annual Digest of the Office of the Citizens' Representative. It provides me with an opportunity to highlight some of the work my Office has completed during 2009-2010.

In addition to receiving, mediating and investigating individual citizen's complaints, we have continued to forge relationships with community groups which represent vulnerable groups within society. I meet regularly with the Advocacy Committee of the Seniors' Resource Centre in an effort to gain a better understanding of the challenges facing seniors when seeking services from government departments and agencies. In addition to generating

individual complaints from citizens, this contact has prompted a systemic review of the Elder Abuse Telephone Line Service which was initiated by the Department of Health and Community Services and implemented by the four regional health authorities. That work is ongoing.

My staff has had significant contact with inmates incarcerated at the Province's correctional facilities. This has generated numerous complaints and we have worked with the Department of Justice officials to coordinate how best to process these complaints.

During the year, I completed a review of this Office's governing legislation. The details are contained on pages 6 and 7 of this Digest. This exercise provided me with the opportunity to review submissions from those who have frequent contact with our Office about the content of the Legislation that guides my work. It highlighted much of the content of our Legislation which is working effectively and signaled areas where some changes are required. The most significant change emanating out of this initiative is a request to change the name of my Office from "Citizens' Representative" to "Ombudsman". An ombudsman typically undertakes a third party unbiased review of the actions of a government department once a complaint has been filed. If a review of the relevant evidence suggests that the citizen was treated fairly, then a detailed explanation as to why that is so is provided. Conversely, if the evidence suggests that the citizen was treated unfairly, then an ombudsman will make recommendations to ameliorate the problem. My staff and I are often confronted with citizens who expect us to "represent" them irrespective of whether they were treated unfairly by the public service. In many respects, the term "Citizens' Representative" facilitates this misunderstanding. The title "Ombudsman" has a historical meaning which is more in line with the work we do.

In closing, I would like to thank my staff for their dedicated hard work. Over the next year we will continue to strive to find new and innovative ways to assist citizens in seeking fairness and finding solutions when dealing with the public service.

A handwritten signature in cursive script that reads "Barry Fleming".

Barry Fleming, Q.C.
Citizens' Representative

Our Role

The Office of the Citizens' Representative is an independent office of the House of Assembly. It administers two programs: the provision of a province-wide traditional ombudsman office; and as the investigator for public interest disclosure or whistleblowing complaints filed under the *House of Assembly Accountability, Integrity and Administration Act*.

The majority of the Office's work is undertaken with providing a traditional ombudsman service. This entails the receipt of complaints from citizens about provincial government programs, policies and services. The Office attempts to mediate complaints and, in many cases, is able to obtain redress for citizens who have previously been unable to solve their problems within the provincial government departments, agencies, boards and commissions.

If a complaint cannot be resolved the Office will undertake a formal investigation. As part of this process, witnesses may be interviewed, documents gathered and a detailed investigation report generated. An investigation is a confidential, unbiased third party review of how a citizen was treated by a government department or agency. If the evidence suggests that the citizen was treated fairly, then an evidence based explanation is provided as to why this is so. If the evidence suggests that the citizen was treated unfairly, then the Office will make non-binding recommendations which can ameliorate the problem.

As part of the ombudsman role the Office can also accept complaints from members of the House of Assembly or from the Lieutenant Governor-in-Council. The Citizens' Representative can also initiate his or her own investigation without the requirement of a complaint from a citizen.

A collateral benefit of the ombudsman role of the Office is that it serves as a source of information about government programs for citizens. As well, each year the Office refers hundreds of citizens to other agencies when it lacks the legal authority to take a citizen's complaint.

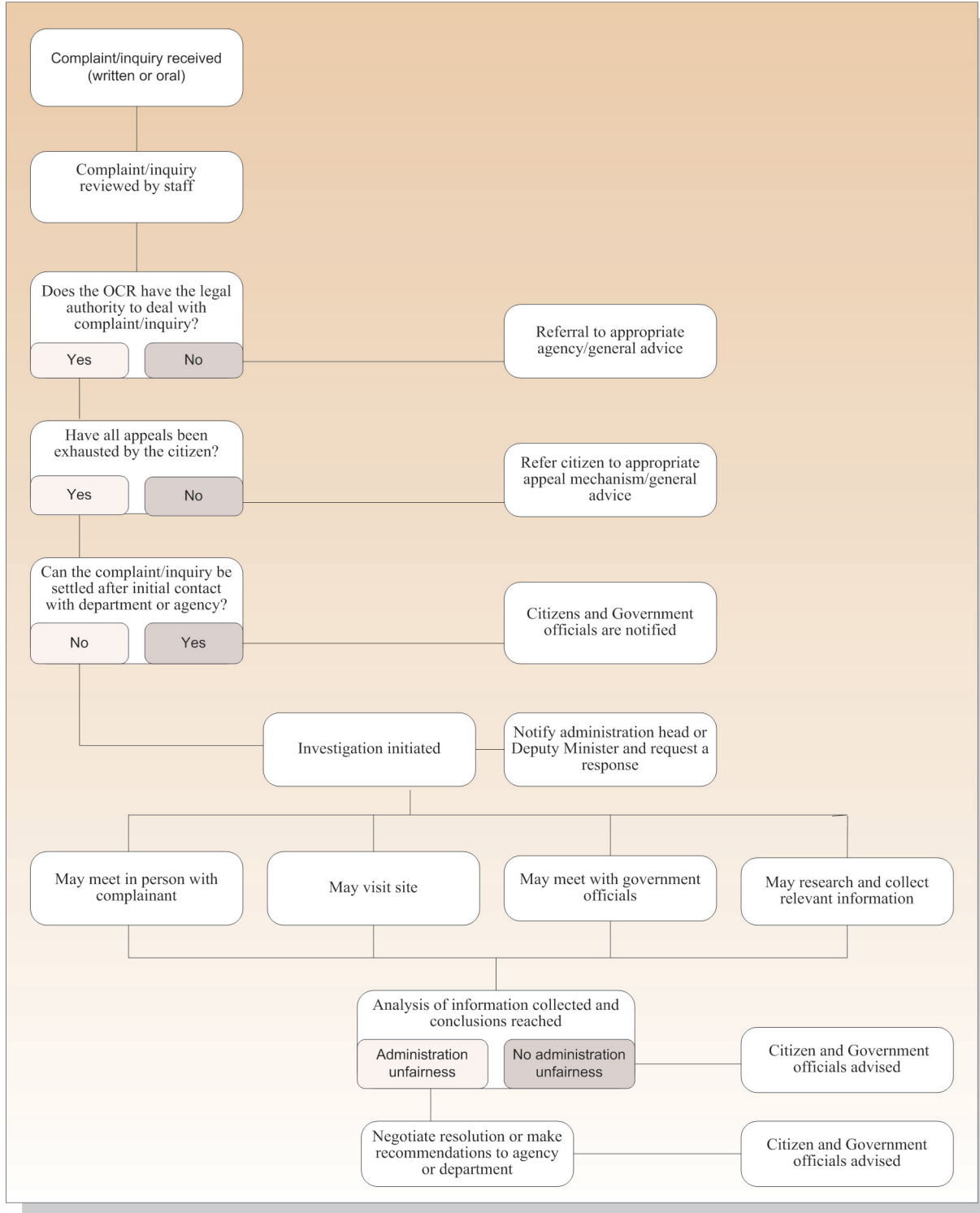
The Office does not have the legal authority to investigate:

- the House of Assembly or a committee thereof;
- the provincial Cabinet;
- Executive Council and its various divisions;
- the courts, members of the judiciary, masters of the court and justices of peace;
- awards, decisions, recommendations or omissions of arbitrators made pursuant to the *Arbitration Act*;
- matters in which there is an existing right of appeal or objections under other provincial legislation until such time as these rights are exhausted or the time to appeal has expired;
- refusal to provide access to information;
- matters falling within the jurisdiction of the Office of the Child and Youth Advocate;
- acts, errors or omissions of the federal and municipal governments and private citizens.

As an investigator under the *House of Assembly Accountability, Integrity and Administration Act*, the Office can receive public interest disclosure complaints from members, staff and statutory officers of the House of Assembly which allege that a person or persons have engaged in gross mismanagement of their assigned duties and responsibilities.

The Complaint Process

It is important for citizens to know what to expect with respect to the complaint process used by our Office. The following chart helps illustrate how complaints and inquiries are processed.



Legislative Review

As part of our strategic planning obligations under the *Accountability and Transparency Act*, this Office undertook a review of the legislation governing its operations. That legislation consists of the *Citizens' Representative Act* (the "Act") and the *House of Assembly Accountability, Integrity and Administration Act* (the "HAAIA Act").

Our consultation and review revolved around the following nine questions:

1. Does the title "Citizens' Representative" properly reflect the work of this Office or should the more traditional title of "Ombudsman" be adopted?
2. Should a two-thirds majority of Members of the House of Assembly be required for the appointment of the Citizens' Representative?
3. Should the *Act* be amended to facilitate the expeditious processing of inquiries without invoking the procedural requirements for investigating complaints?
4. Should this Office retain its jurisdiction under the *Act* to investigate human resource and employment complaints, and should that jurisdiction extend to the Public Service Secretariat?
5. Should all complaints to this Office be in writing?
6. Should the penalties under the *Act* be increased?
7. Should other public bodies or agencies be added to the Schedule to the *Act*?
8. When circumstances warrant, should the Citizens' Representative be able to delegate his authority under Part VI of the *HAAIA Act*?
9. Should Part VI of the *HAAIA Act* be amended to delineate the power of the Labour Relations Board when adjudicating a reprisal complaint under that *Act*?

After reviewing the submissions and comments received and reviewing the Ombudsman legislation in other provinces, this Office recommended that its legislation be amended to provide that:

- a) **The name of the Office of the Citizens' Representative be changed to the "Office of the Ombudsman" to more precisely reflect the work undertaken by it.**
- b) **When necessary, citizens can make an oral complaint to this Office.**
- c) **The Citizens' Representative shall have the ability to delegate its work under Part VI of the *HAAIA Act*; and**
- d) **Part VI of the *HAAIA Act* should be amended to delineate the power of the Labour Relations Board when adjudicating a reprisal complaint under that Part.**

A copy of the Legislative Review can be found under the Publication section of the Office's website at www.citizensrep.nl.ca.

These recommended changes to the *Act* and the *HAAIA Act* are modest. This is so primarily because the *Act* is a full legislative embodiment of a traditional Ombudsman service and the *HAAIA Act* is relatively new. This Office wishes to thank the many citizens and executive members of government for their constructive and thorough commentary about this issue.

Good Governance Week

In honour of the 200th anniversary of the creation of the modern parliamentary ombudsman, the Canadian Council of Parliamentary Ombudsman proposed that each ombudsman office would promote a week of activities celebrating the overarching principle of ombudsman work; fairness in public administration. In Newfoundland and Labrador we celebrated the first "Good Governance Week" from October 12th – 16th, 2009.



Citizens' Representative, Barry Fleming, welcomes Speaker Roger Fitzgerald to OCR during Good Governance Week.

During the week our Office hosted a coffee break for the Speaker of the House of Assembly and various members of his staff. We also hosted a get-together with the departmental and agency delegates who are our initial contacts when we receive citizens' complaints. These individuals provide a professional, timely and much appreciated response to our inquiries which is invaluable in facilitating our work.

I joined my other counterparts from Quebec, Ontario, Saskatchewan and British Columbia in hosting a guest blog about the distinction between legal principles and procedures and the conciliation and mediation work undertaken by ombudsmen. The blog can be viewed at <http://www.slw.ca/2009/10/15/fairness-principles-v-legal-rights/>.

A highlight of Good Governance Week was the essays from Grade 6 students throughout the Province describing what good governance means to them. The judging was difficult; however, the winning essay was determined by our staff to be that of Ms. Kelcie Parsons of St. Peter's Academy in Westport, NL. Kelcie's essay can be viewed at the "What's New" section of our website. Congratulations once again to Kelcie!



Social held at the Office during Good Governance Week for departmental/ agency delegates.

Public Education and Access Initiatives

Public education and promotion of our services are key areas of interest to this Office. During 2009, we conducted the following meetings or presentations on the role and mandate of the Office with the cooperation of the associated groups:

- April 2009: Newfoundland and Labrador Association of Social Workers (St. John's)
- April 2009: John Howard Society (St. John's)
- September 2009: Humber Rotary Club (Corner Brook)
- January 2010: Correctional Officer Recruits (St. John's)



Barry Fleming addresses the Humber Rotary Club of Corner Brook in September 2009.

Pursuant to a goal set in our 2008-2011 Business Plan under the *Transparency and Accountability Act*, we had ongoing discussions with a number of community-based groups, most notably the volunteers and staff of the Seniors' Resource Centre in St. John's (and wherever possible, their peer advocates in various communities in the Province). These regular meetings offer us candid descriptions of the issues seniors face in Newfoundland and Labrador. As a response, the Office developed a poster designed for seniors, encouraging them to call us toll-free in the event they have inquiries.

Our work with inmates in the Province's correctional facilities continues. We developed posters and brochures for these facilities which outline our role and the process for filing a complaint.



Barry Fleming with Pat Strogan, Veteran's Ombudsman, during his visit to St. John's in February 2010.

This Office remains committed to education and intake sessions outside the Avalon Peninsula. Where circumstances warrant, we travel to communities to conduct investigations. During the reporting period, intake sessions, public education or investigations took place in: Gander; Indian Bay; Stephenville; Deer Lake; Corner Brook; Burnside; Labrador City and Happy Valley – Goose Bay.

Education and Training

This Office strives to employ an experienced, well-trained staff which now has over thirty years of cumulative expertise in ombudsman investigations. The following is a listing of training and education opportunities availed of by our Office in the past fiscal year.

- May 2009: Access to Information and Privacy Seminars hosted by the Newfoundland and Labrador Office of the Information and Privacy Commissioner: St. John's (1 staff)
- October 2009: House of Assembly Management and Leadership Certificate Program offered by Memorial University: St. John's (1 staff)
- October 2009: Public Interest Disclosure Working Group: Toronto (2 staff)
- November 2009: Advanced Investigative Interviewing and Statement Profiling: St. John's (4 staff)
- February/March 2010: Professional Development Courses offered by Memorial University: St. John's (2 staff)

Access to Information and Protection of Privacy

During the reporting period, this Office processed two requests for information from citizens pursuant to the *Access to Information and Protection of Privacy Act*. The requests were denied because section 30.1 of that *Act* states that a statutory office of the House of Assembly shall refuse to disclose "records connected with the investigatory functions of the statutory office." Both requests dealt with information obtained during the investigation of citizens' complaints. The decision by this Office to withhold the information was upheld by the Office of the Information and Privacy Commissioner.

There is a sound policy reason for this Office to be afforded the exemption contained in the *Access to Information and Protection of Privacy Act*. The ombudsman work conducted by this Office is generally not subject to the rules of procedural fairness which govern many administrative agencies. The *Citizens' Representative Act* contemplates that after an investigation, separate and distinct reports may be provided to the citizen and the respondent government department or agency. During an investigation, staff of the Office may obtain sensitive third party information which can inform the ultimate decisions reached in an investigation, but which should not be released to a citizen. The Office has a number of protocols in place to ensure that third party information is kept confidential.

Public Interest Disclosure (Whistleblowing)

Part VI of the *House of Assembly Accountability, Integrity and Administration Act* names the Citizens' Representative as the lead investigator for public interest disclosure complaints within the House of Assembly and its Statutory Offices. That *Act* prescribes that investigations be undertaken as expeditiously and informally as possible and with procedural fairness. A mechanism to deal with complaints of reprisals against those who have filed complaints or assisted in an investigation is provided.

Staff of our Office have partnered with the Manitoba Ombudsman Office, the Nova Scotia Ombudsman Office, the New Brunswick Conflict of Interest Commissioner and the Federal Office of the Public Sector Integrity Commissioner's Office to form a working group to share best practices for conducting public interest disclosure investigations, and to develop a comparative analysis of whistleblowing legislation.

During the reporting period, one public interest disclosure investigation was completed. Because of a court application filed by the Respondent in that investigation, this Office requested that an Acting Citizens' Representative be appointed to complete that investigation. The Acting Citizens' Representative completed the investigation during the reporting period.

The Office dealt with two additional requests for information and an inquiry under this Program during the reporting period.

Individual Case Summaries

Each year, the Office of the Citizens' Representative makes inquiries and conducts investigations based on complaints against government departments, agencies, boards and commissions. When the Office cannot investigate a complaint because it falls beyond its legal ability as prescribed by the *Citizens' Representative Act*, an attempt is made to direct the citizen to the appropriate agency or private company which can best deal with his or her issue.

The outcomes of inquiries and investigations are tracked closely and the following cases outline a sample of the resolutions and findings of our interventions. These cases give an overview of our work.

Pension Plan Problems

A woman complained to our Office that she was unable to retire early from a government board because she was treated unfairly when first hired. In 1986, the woman commenced employment with a predecessor board to her current employer. At the time, all employees were required to join the Public Service Pension Plan ("the PSPP"). She alleged that at that time, she worked in a small office and her supervisor discouraged female employees from joining the PSPP, irrespective of the fact that all employees were required to join that Plan. In the early 1990's, the woman became aware of the error and she was permitted to retroactively purchase the pension service she would otherwise have been entitled to.

Collateral to learning about the error which caused her exclusion from the PSPP, the woman also heard that if she had been enrolled in the PSPP in the late 1980's, she would have been able to purchase "unworked service". This aspect of the PSPP permitted female employees to purchase service for periods when they were not working but were raising families, or otherwise taking care of familial needs. By the time the woman learned of the existence of this aspect of the PSPP, the Plan had been amended to delete this provision. She alleged that the fact she was not enrolled in the PSPP when she was first hired was unfair and had continuing consequences for her because she had to work longer before retirement than otherwise would have been the case.

We investigated the matter and drafted a report making a recommendation to the Board that the woman be compensated so as to permit her to retire at the time she would have been able to retire if she had been properly enrolled in the PSPP. Subsequent negotiations ensued and a financial settlement to the woman's satisfaction was reached in October 2009.

A Bookkeeper's Nightmare; Who's Responsible: Eastern Health


A man who operated a bookkeeping/payroll company complained to our Office about how he was treated by Eastern Health. The man's company provided payroll services for disabled adults and those in need of home care who were clients of Eastern Health. The company would receive funding from Eastern Health and then was responsible for paying staff of Eastern Health's clients and remitting payroll deductions to the proper authorities. The man closed his business in 2007 because of ongoing pressure from the Canada Revenue Agency to have him settle arrears for income tax deductions emanating from past years of operation.

The man had essentially two complaints against Eastern Health. The first was that when he started doing the payroll for the clients of Eastern Health he was not aware that many clients had outstanding balances (or amounts owing) to the Canada Revenue Agency. Second, the man faced delays in receiving the necessary funding from Eastern Health to make payroll for its clients. Because of the pressure he faced from the staff of the clients, he would make payroll using the company's funds until the appropriate amounts were received from Eastern Health.

Prior to the closure of his business, Eastern Health and the Canada Revenue Agency had discussions in an effort to settle the matter, but to no avail. Throughout this period, the man suffered extreme stress at watching what was a viable business deteriorate.

Our Office undertook an exhaustive investigation which entailed numerous interviews and the review of thousands of documents. We concluded that there were four parties that played a role in the downfall of the man's company and that each had a share of responsibility in the outcome.

First, some clients of Eastern Health had let their Canada Revenue Agency accounts fall into arrears. While it is understandable this sometimes happens, there was a good faith obligation on them to inform their new payroll provider of this fact.



Second, the Canada Revenue Agency, from the evidence gathered in our investigation, showed a dogged determination to make a simple collection from the payroll company for what was a complicated and multi-faceted employment relationship.

Third, the payroll company owner lacked business acumen as exhibited by his failure to keep proper records of the flow of funds and the practice of paying salary without having the necessary fund transfers from Eastern Health to cover that salary. The man had a stellar reputation among many in the disabled community and one has to empathize with the position in which he found himself. His business practices, however, were not sustainable.

Lastly, our Report concluded that Eastern Health knew that some clients it referred to the man's company had outstanding balances to Eastern Health. This became an issue because at some point after commencing operations, the man consolidated the various client accounts into one operated solely by himself. Additionally, we found that Eastern Health was tardy in transferring funds to the man's company in order to make payroll. We found that, based on these two facts, the man had been treated unfairly by Eastern Health and we recommended that he receive an apology from them.

Better Evidence; Better Outcome: Department of Human Resources, Labour and Employment

In February 2006, our Office concluded an investigation following a complaint by a man who alleged that the Department of Human Resources, Labour and Employment had treated him unfairly when it calculated his benefits. The Department had taken into account the proceeds of the sale of the man's property which was purportedly sold for \$18,000. The \$18,000 sale price was recorded in a registered deed. The man alleged that the sale price was wrong and that he only received a \$2,500 credit at a furniture store for selling the property. We investigated, but as the purchaser of the property was out of the Province and unable to be located, there was no evidence to corroborate the man's allegations.

In December 2009, the man once again contacted our Office and stated that the purchaser of the property was in the Province. Two staff from our Office interviewed the purchaser. He confirmed that he only paid the man a \$2,500 used furniture credit for the property. He stated he did not pay \$18,000 for it and that further, the property was not worth \$18,000, and he would never have considered paying that amount for the property. The interview was recorded and transcribed. We provided the transcript to the Department for a review as part of our investigation. The Department conducted its own review and on January 20, 2010, completed their revisions to the man's file which included the reversal of accounts receivable totaling \$15,300.

So THAT's The Reason: Newfoundland and Labrador Housing Corporation ("NLHC")

A woman suffering from schizophrenia had been approved for a Newfoundland and Labrador Housing ("the NLHC") apartment rental supplement, but her prospective landlord learned of her condition and demanded that she provide medical documentation about her condition and the name of her treating physician. She declined and refused to accept the apartment. NLHC

found out she had turned down the rental accommodation and, as per NLHC policy, placed her back on the waiting list for a period of one year. Her father contacted our Office and it was quickly determined that NLHC was never told the reason why she refused to take the apartment. They asked for a detailed letter explaining the situation and when the letter was received, the woman was able to move as soon as possible to a different apartment.

“Thank you very much. Merry Christmas.”

Bug problems: Department of Human Resources, Labour and Employment

A woman contacted our Office with nowhere to turn after she had been advised by an environmental health officer that her home was infested with insects and badly needed to be treated. Extermination of the pests would result in her having to dispose of all food in her cupboards. She was on a fixed income and could not afford the outlay of money to restock her cupboards with basic foodstuffs. Through our contact with the Department of Human Resources, Labour and Employment, it was determined that she had no other source of income and no means to acquire basic foodstuffs. This contact allowed the citizen to receive emergency funding for pest control and modest replacement of foodstuffs.

Good Faith Shown by a Private Company: Newfoundland Power

This Office does not have the authority to investigate private companies, but was inspired to do a little work for a senior on a fixed income who had inherited her mother's home, and a bill for \$1,700 arrears owed to Newfoundland Power. She quickly contacted the company and made arrangements to settle the debt. Shortly after, she began to learn of a number of other expenses attached to the home which would render her unable to satisfy the Newfoundland Power debt on time. With the break of the arrangement to repay the debt, Newfoundland Power threatened to disconnect power and would not renegotiate the terms of its agreement. Desperate, she contacted this Office for advice and an Investigator agreed to telephone the company to see what possibilities existed to resolve the dispute. After explaining that the home had been conveyed in a Will, the company was satisfied that it was able to seek repayment from the estate of the arrears and kept the lights on in the woman's house.

The Problem was the SIN: Western Health

The parent of a quadriplegic teenager contacted this Office when Western Health stopped issuing a community support cheque for the care of her son. This was causing economic hardship for the family. The explanation the parent was given was that since the teen had turned eighteen years of age, Western Health was not issuing the cheque because all cheques to those eighteen or older are issued with reference to a Social Insurance Number. The problem was that the teenager had no SIN and it would be some time before one was issued as he and his parent had not made application for the number. The Health Authority seemed bound by its policy. Working with the staff of this Office, however, the Authority's finance department agreed to issue a cheque manually, and would continue to do so until the SIN could be obtained.

More Evidence Puts Complaint in Perspective: Newfoundland and Labrador Housing Corporation (“NLHC”)

A woman contacted our Office after experiencing problems with the application process used by the Newfoundland and Labrador Housing Corporation (“the NLHC”). That process dictates that if a citizen refuses a rental unit when one is available, he or she must wait a year to reapply. The citizen was worried about living in certain parts of the City. She was offered a unit but was disturbed to find the smell of alcohol in her unit and the storage of beer bottles in a hallway of the building. This brought back bad memories of a previous living arrangement in British Columbia which was occasioned by domestic violence and sexual assault. She refused the apartment and, therefore, had to wait another year for a unit. When she contacted our Office we assisted her in gathering medical evidence from British Columbia which substantiated her claim about the psychological effect of the smell of alcohol and the sight of beer and liquor bottles. Our staff worked collaboratively with officials of NLHC to reopen her application and find a suitable apartment.

Striking Oil is not Always Good: Department of Environment and Conservation

During the process of complying with the provincial Oil Tank Registration Program, a citizen learned that an oil tank had been buried in her backyard. She had no knowledge of the existence of the tank when she purchased the property. She acted responsibly and had the tank removed. During the process she learned that the soil in her small backyard was contaminated with oil. Further investigation revealed that oil was found in the soil of a nearby neighbour’s property. She was advised by officials with the Department of Environment and Conservation that if she did not remediate her property, and that of her neighbour’s, she would not receive an environmental clearance from the Department. This would have posed a problem for her in obtaining home insurance. If the insurance could not be obtained she may have had a problem renewing her mortgage. The cost associated with the remediation of the soil on both properties was estimated to be in the tens of thousands of dollars. She contacted our Office for help.

Staff enlisted the aid of an environmental consultant. As the neighbourhood where the citizen lived commonly had homes with underground oil tanks, it was impossible to determine if the oil on the neighbour’s property came from the oil tank on the citizen’s property. Therefore, we formed the opinion that the citizen should not assume the liability for the neighbour’s property as “a person responsible for the contaminated site” as defined by the *Environmental Protection Act*. A number of meetings and discussions between staff of this Office and the Department ensued. After the citizen completed the remediation work on her own property, the Department cleared it and the citizen was able to obtain the insurance necessary to renew her mortgage.

A Break is a Break: Eastern Health

When Eastern Health implemented its smoke free policy on all grounds owned by the Authority, many considered this to be a step in the right direction. However, in doing so, the Authority prevented employees from leaving the grounds on scheduled breaks. An employee contacted our Office to say this was not fair. Eastern Health agreed to permit employees to leave the grounds on breaks where operational requirements permit. This satisfied the complainant and resolved this issue.

“Put the Side Back in”: Newfoundland and Labrador Housing Corporation (“NLHC”)

A couple who were long-time tenants of the Newfoundland and Labrador Housing Corporation (“the NLHC”) were aware of the wait times associated with having the NLHC make home repairs. While they were on the list for repairs, they purchased a badly needed new lock for their front door. The problem was that their front door was so rotten the lock was ineffective. With the fall approaching, staff of our Office contacted officials of NLHC and they quickly dispatched a contractor to view the problem. He supported the claim for a new door and the old one was quickly replaced.

“Through good communication, I think we have worked out some complicated situations to successful resolutions and made a difference in people’s lives.”
- Crown agency employee.

The Cheque is not in the Jail: Department of Justice

A former inmate contacted our Office when he was advised that he could not receive a tax refund because the Department of Human Resources, Labour and Employment alleged he had received an overpayment of benefits. The man was perplexed because the overpayment allegedly occurred while he was incarcerated. We investigated and were advised by Departmental officials that they could not locate the cashed cheques which were allegedly forwarded to the man while in prison, and formed the basis of the overpayment. We suggested that maintaining the overpayment was unfair and the Department agreed. The man received his tax refund.

Big Game License Permitted: Department of Environment and Conservation

A man called our Office to complain that because of health issues, he could not hunt in the upcoming moose hunting season. He believed this was unfair because if he had a license, another person could hunt for him. We reviewed the matter and determined that the man could qualify as a disabled hunter under the wildlife regulations, if he submitted the legitimate medical documentation.

Have Money, Will Travel: Eastern Health

A personal care home owner contacted our Office with allegations that he was being unfairly treated by Eastern Health in relation to portable subsidies granted to personal care home residents. Portable subsidies allow the resident to contract with any home they wish and take their subsidy with them in the event they choose to leave, and thus increasing their ability to make the personal choice of where they wish to live. Our Office investigated and found that the personal subsidy system empowers personal care home residents and we had no difficulty with the fairness of the existing policy.

Not Over-Assessed: Municipal Assessment Agency and the Department of Environment and Conservation

A citizen contacted our Office with a complaint regarding the assessed value of two pieces of land he was purchasing from the Crown in a commercial area of his town. He believed that compared with the value of other land in the area, he was being charged an exorbitant amount in light of his own significant expenditures to improve the value of the land. As a result of the higher assessment, he had to pay higher municipal taxes. Our Office contacted the Department of Environment and Conservation, Lands Branch, and received file information about the purchase of the property. Our investigation also required the cooperation of the Municipal Assessment Agency and the municipality, which supplied valuation documents in relation to every parcel on the street and other Crown leases in the area. Our investigation determined, after a thorough review and comparison of the valuation, that the Crown was following its policy and was not overcharging for land when compared to similar parcels.

Tossed Out: Department of Government Services

A gentleman suffering from a brain stem injury was bewildered by his journey through the landlord and tenant adjudication process. In 2008, he brought an action against his landlord for failure to make suitable repairs and in haste, he ceased paying his rent. This precipitated a counter claim by the landlord. While the citizen struggled to effect service of his claim on the landlord and procure legal advice, the adjudicator severed the landlord's claim, enabling the landlord to move quickly to get an order of vacant possession. The end result was that the citizen's claim, which was filed first, became irrelevant. Six months after the decision (and following registration of the judgment with the High Sheriff) he came to our Office to complain about the fairness of the process. Following a review of the evidence, we found that by proceeding, the adjudicator was remiss in allowing the severed claim and asked the Department of Government Services to review whether its existing policies were sufficient to deal with individuals presenting with disabilities.

"Just to let you know that I had my appeal last Thursday. I got the decision back today and the decision went in my favour. Thanks for your time and consideration."

Noisy Neighbours: Newfoundland and Labrador Housing Corporation (NLHC)

A senior citizen called our Office to complain about noise in an adjacent Newfoundland and Labrador Housing Corporation ("the NLHC") unit. Living in a seniors building, she was bothered by two children who were temporarily living in the unit with their mother and grandmother. We made the NLHC aware of the complaint and officials indicated they would work toward moving the mother and children elsewhere. Within thirty days the young family had been found suitable accommodations elsewhere.

Safety Concerns: Department of Justice

An inmate of Her Majesty's Penitentiary called our Office to express his fears that he was unsafe in the general population after being moved there from protective custody. All life safety matters reported in our prisons are addressed immediately. HMP staff moved the inmate back into protective custody until he could be reassessed by a classification officer.

"Thank you again for all your help, and especially for your kind support. Believe me when I tell you that sincerely, if it hadn't been for you, I don't know what I would have done."

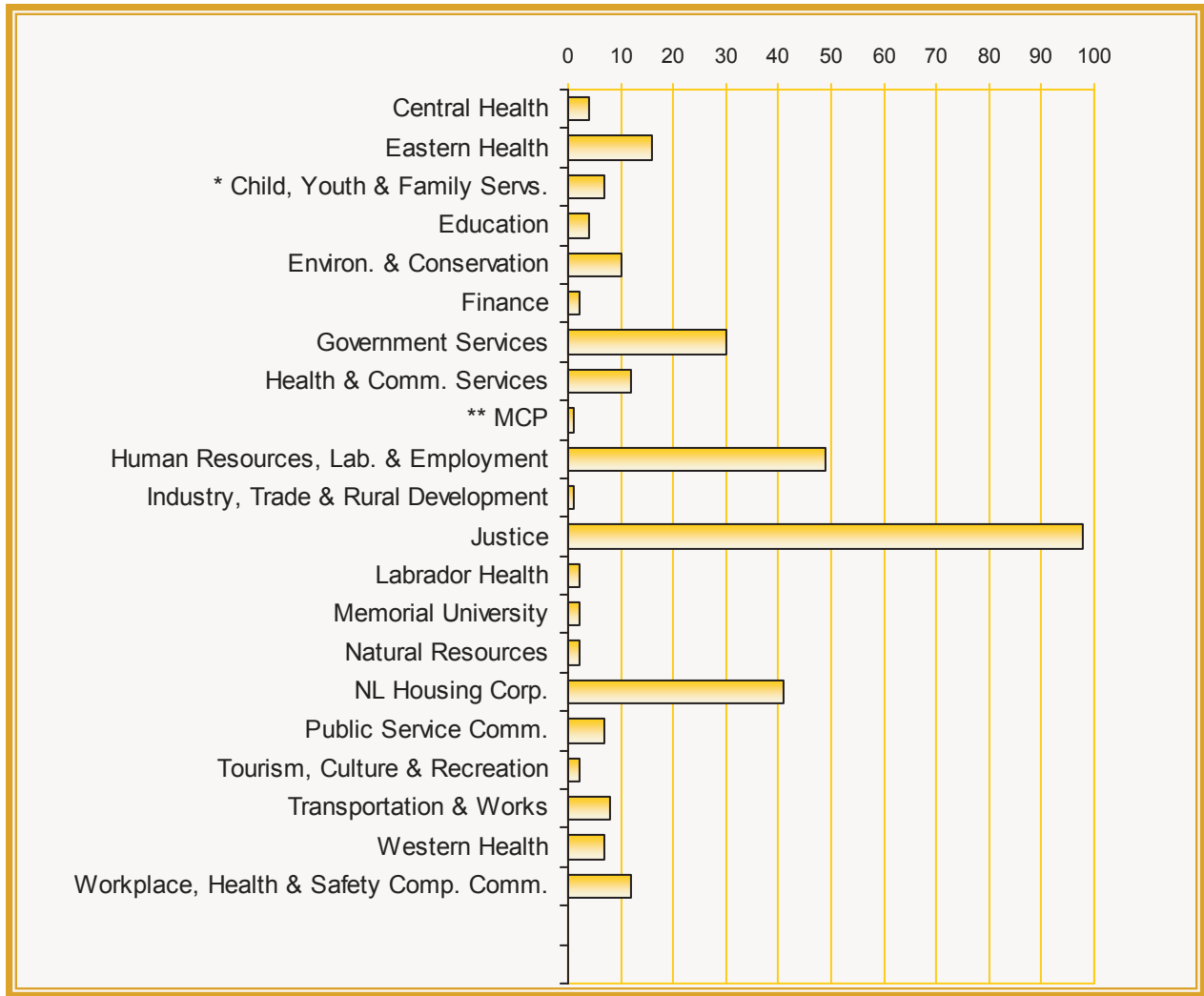
Statistics

The table below indicates the number of complaints and inquiries received per Department or Agency between April 1, 2009 and March 31, 2010. Note that the higher volume of complaints concerning the Department of Justice is a direct result of complaints and inquiries emanating from adult custodial facilities.

Complaints/Inquiries by Department and Agency April 1, 2009 – March 31, 2010

Central Health	4
Eastern Health	16
Child Youth and Family Services – Division of Eastern Health	7
Education	4
Environment and Conservation	10
Finance	2
Government Services	30
Health and Community Services	12
Newfoundland and Labrador Medical Care Plan – Division of Health and Community Services	1
Human Resources, Labour and Employment	49
Industry, Trade and Rural Development	1
Justice	98
Labrador Health	2
Memorial University	2
Municipal Assessment Agency	1
Natural Resources	2
Newfoundland and Labrador Housing Corporation	41
Public Service Commission	7
Tourism, Culture and Recreation	2
Transportation and Works	8
Western Health	7
Workplace Health, Safety and Compensation Commission	12
Total Complaints & Inquiries by Department and Agency	318

**Complaints/Inquiries by Department and Agency
April 1, 2009 – March 31, 2010**



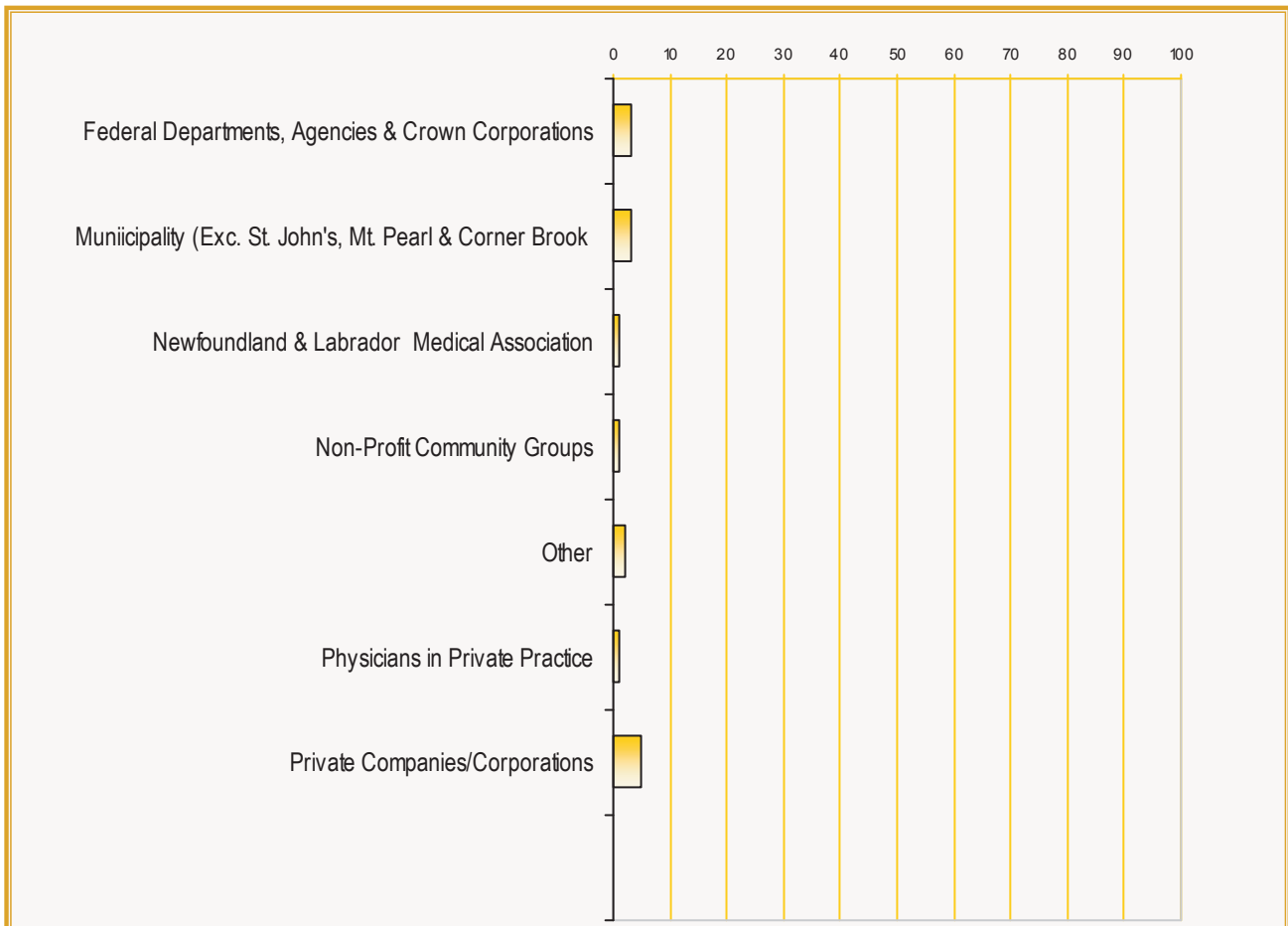
* Division of Eastern Health

** Division of Health & Community Services

**Complaints/Inquiries Beyond OCR Jurisdiction
April 1, 2009 – March 31, 2010**

Federal Departments, Agencies and Crown Corporations	3
Municipality (Exc. St. John's, Mt. Pearl and Corner Brook)	3
Newfoundland and Labrador Medical Association	1
Non-Profit Community Groups	1
Other	2
Physicians in Private Practice	1
Private Companies/Corporations	5
Total Complaints & Inquiries Non-Jurisdictional	16

**Complaints/Inquiries Beyond OCR Jurisdiction
April 1, 2009 – March 31, 2010**



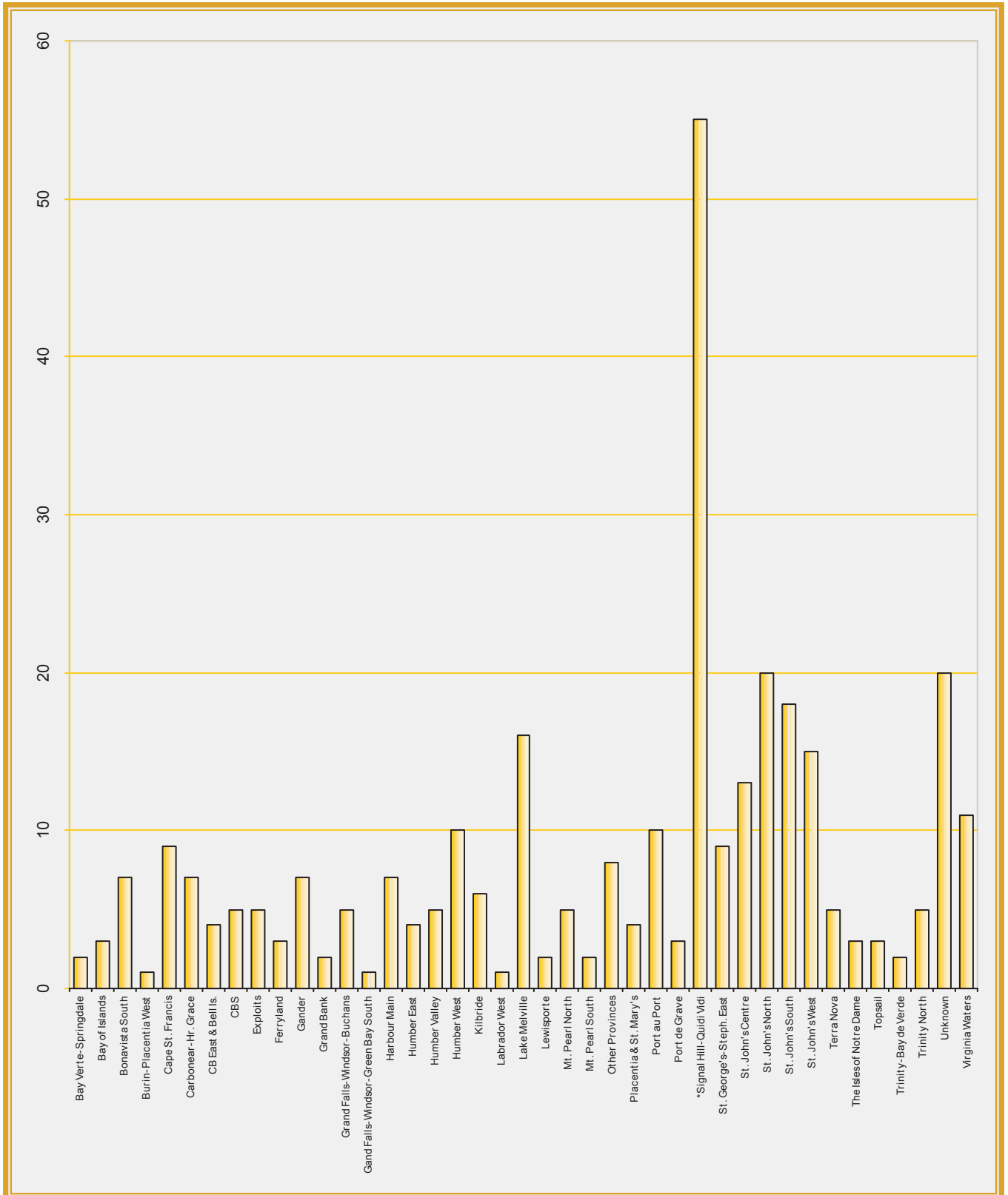
**Complaints/Inquiries by Electoral District
April 1, 2009– March 31, 2010**

* Note that the higher volume of complaints emanating from the District of Signal Hill-Quidi Vidi is a result of the location of Her Majesty's Penitentiary.

Bay Verte-Springdale	2
Bay of Islands	3
Bonavista South	7
Burin – Placentia West	1
Cape St. Francis	9
Carbonear – Harbour Grace	7
Conception Bay East & Bell Island	4
Conception Bay South	5
Exploits	5
Ferryland	3
Gander	7
Grand Bank	2
Grand Falls – Windsor – Buchans	5
Grand Falls – Windsor – Green Bay South	1
Harbour Main	7
Humber East	4
Humber Valley	5
Humber West	10
Kilbride	6
Labrador West	1
Lake Melville	16
Lewisporte	2
Mount Pearl North	5
Mount Pearl South	2
Other Provinces	8
Placentia & St. Mary's	4
Port au Port	10
Port De Grave	3
Signal Hill – Quidi Vidi *	55
St. George's – Stephenville East	9
St. John's Centre	13
St. John's East	11
St. John's North	20
St. John's South	18
St. John's West	15
Terra Nova	5
The Isles of Notre Dame	3
Topsail	3
Trinity – Bay De Verde	2
Trinity North	5
Unknown	20
Virginia Waters	11
Total Complaints & Inquiries by Electoral District	334

Complaints/Inquiries by Electoral District - April 1, 2009 – March 31, 2010

* Note that the higher volume of complaints emanating from the District of Signal Hill-Quidi Vidi is a result of the location of Her Majesty's Penitentiary.



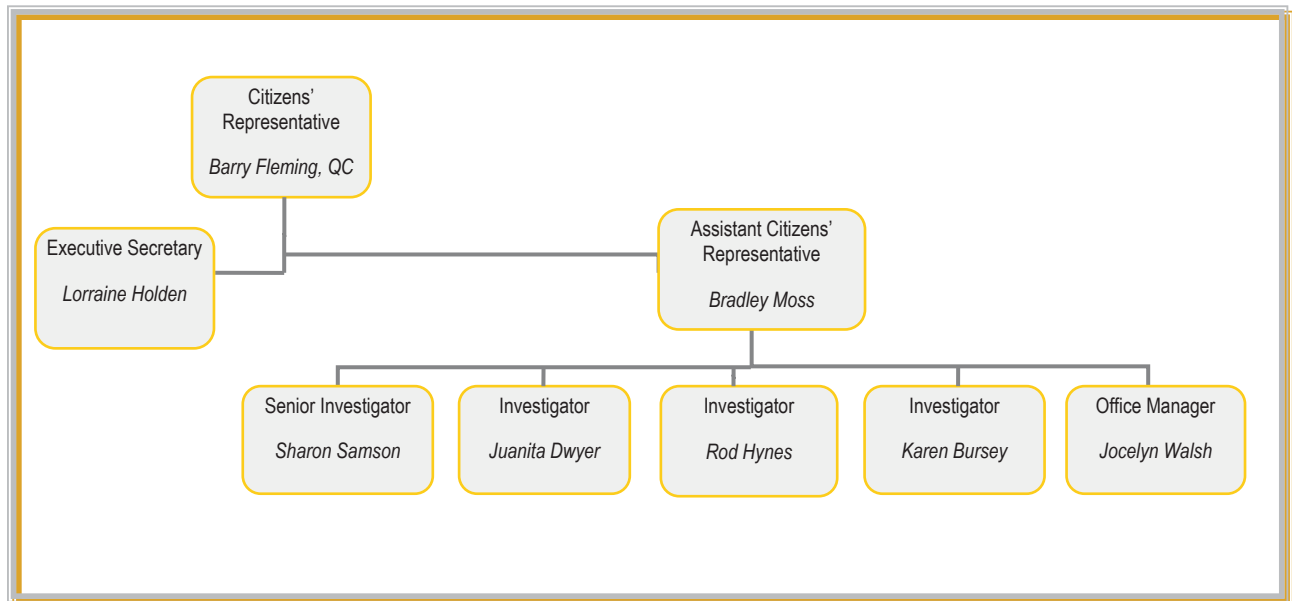
Kudos

Since 2002, this Office and the Office of the Premier have worked together to give recognition to select public servants who demonstrate a commitment to the principles of fairness and good governance. Many times, these individuals go above and beyond the call of duty to ensure that citizens are treated in a timely, professional and equitable manner, or they act promptly on the multitude of requests for information this Office makes every year across many departments and agencies. For this reason, we give them “kudos” for a job well done. Each will receive letters of acknowledgment and congratulations from the Citizens’ Representative and the Premier for their personnel files.

Monica Murphy – Department of Justice. Monica was very helpful in identifying the last known addresses and/or forwarding addresses for inmates that had been released into the community or transferred to a federal facility. Her responses were always swift and accurate.

Elizabeth Day – Department of Government Services. Ms. Day has responded to general inquiries immediately with an acknowledgement of our interest in the matter and a commitment to providing relevant information in a timely manner. She follows through with her commitment by providing information that covers all areas of questioning, including individual circumstances, applicable policy and legislative information. She connects with key individuals within her department to ensure that the most reliable information is available which often includes a backgrounder to support the policy/legislation.

Office of the Citizens' Representative Organizational Chart



How to Reach us

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Sharon Samson
Juanita Dwyer
Rodney Hynes
Karen Bursey
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