



Office of the Citizens' Representative
Province of Newfoundland and Labrador

Citizens' Representative

Annual Digest

April 1, 2020 - March 31, 2021





Office of the Citizens' Representative

Province of Newfoundland and Labrador

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December 2021

The Honourable Derek Bennett
Speaker
House of Assembly
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Mr. Speaker:

It is my privilege to submit to the House of Assembly and the citizens of Newfoundland and Labrador the Annual Citizens' Representative Digest. It provides statistics on complaints received, and describes the day-to-day work of this Office of the House of Assembly during the period April 1, 2020 to March 31, 2021.

Respectfully submitted,

Bradley J. Moss
Citizens' Representative



Our Mission

Through investigation and mediation, the Office of the Citizens' Representative strives to achieve high standards of trust in, and accountability by, the Public Service of Newfoundland and Labrador. Our services are independent, impartial and free.

A blue 3D ring with a shadow, positioned in the center of the page. The ring is rendered with a slight transparency and a soft shadow on the surface below it.

Seeking fairness...

finding solutions

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Our Mandate

Under its primary mandate, the **Citizens' Representative Act**, the OCR provides an ombudsman service to citizens who interact with the Government of Newfoundland and Labrador.

Message from the Citizens' Representative

Fiscal 2020-21 for the Office of the Citizens' Representative (OCR) arrived under a provincial Level 5 lockdown, with staff working remotely and taking limited solo shifts in the Office to stay on top of their work. As case counts lowered, we were able to re-populate the OCR first in small teams with corresponding distancing and cleaning protocols, progressing to all staff returning to the Office on July 14th, 2020. I want to thank the staff for their patience, their input, their buy-in and their work product during this unpredictable time. Fortunately, for the people we serve, we were able to function at a very high level despite pandemic restrictions.

The new fiscal year also brought an expansion of our mandate and our fourth business line: investigations of allegations of harassment made against Members of the House of Assembly. I would like to thank the Members on the Privileges and Elections Committee for their vote of confidence in the OCR to prosecute this work. My sincere hope is that we see extremely low levels of activity in this area and that Members will abide by the new policy and the Code of Conduct they have sworn to uphold. We look forward to formally addressing Members on the policy when time permits.



Bradley J. Moss
Citizens' Representative

One major investigation undertaken by the OCR this year was triggered by information received from my colleague the Auditor General. In February of 2020, I was alerted by the (then) AG that her staff had uncovered evidence that a former Crown Corporation CEO had possibly misled a 2017 investigation undertaken by my predecessor. An investigation by the OCR concluded that a case could be made for charges of concealment, obstruction and misleading a lawful OCR investigation under s.46 of the **Citizens' Representative Act**. We sought the opinion of the Director of Public Prosecutions in the matter. After a period of study, the Director indicated no charge could be laid owing to the delay between when the alleged offences took place, and the time they were discovered. Because the **Citizens' Representative Act** does not speak to "discoverability" of offences under s. 46, he believed the standard that exists under the **Provincial Offences Act** would apply, and thus the clock had run out on his ability to bring charges forward. On December 10, 2020, I released a public report on the subject matter of the investigation, and called on the House of Assembly to amend s. 46 to increase the time permitted to discover offences. Further, I asked that the House bolster personal fines for misleading or obstructing the OCR from \$500 to \$10,000 in line with other offence provisions contained in provincial whistleblower legislation overseen by the OCR.

Statutory offices of the House of Assembly are assigned to represent the legislature's interest in a number of different areas. These oversight offices are trusted to be the eyes and ears of all Members, and are expected to inform the House of their findings in an unvarnished and truth-to-power fashion. In my view, an affront to a statutory office is therefore an affront to the Speaker, and all Members of the House of Assembly. I was pleased to receive support from all political parties represented in the House, as well as all Independent Members for this legislative reform. I look forward to these amendments passing through the House at its earliest convenience.

Thank you for your interest in reading this year's Annual Digest. It highlights our progress and activities during another busy year for the OCR. I hope you find it interesting and informative.

About Our Office

For over 50 years, Canadian provinces, universities and colleges, and the federal government have relied on ombudsman services to mediate and investigate complaints about public bodies. In 2021, Canada continues to be an active player on the forefront of the evolution of the ombudsman concept, as it expands further into the public and private sector.

The Office of the Citizens' Representative (OCR) opened in St. John's in February 2002. The OCR serves the public, and the House of Assembly, in the classical parliamentary ombudsman role. In 2007, our mandate expanded with the passage of the **House of Assembly Accountability, Integrity and Administration Act**. Under part VI of that Act, we are tasked with the investigation of public interest disclosures of wrongdoing made by members and staff of the House of Assembly.

Since 2014, the OCR has also been responsible for the government-wide Public Interest Disclosure Program Under the **Public Interest Disclosure and Whistleblower Protection Act**, (PIDA), government employees have the right to confidentially disclose wrongdoing in their workplace that should be stopped or corrected in the public interest. The PIDA imposes penalties on anyone who commits a reprisal against persons who make disclosures, or who seek advice on the commission of wrongdoing in the public service. Previous reports relating to PIDA can be found on our website: <https://www.citizensrep.nl.ca>

Effective April 1, 2020, the OCR became responsible for receiving complaints from

employees under the Harassment-Free Workplace Policy Applicable to Complaints Against Members of the House of Assembly. Complaints under this policy can be brought forward by another Member of the House of Assembly, or an employee of the legislative, or executive branch of the Provincial Government. It is the role of the OCR in this capacity to provide information and supports to employees to address allegations of harassment and, where an employee requests, investigate these allegations and report its findings to the House of Assembly.

How We Work

As a non-partisan Statutory Office, the OCR investigates public bodies based on complaints received from:

- citizens;
- whistleblowers;
- employees of the legislative and executive branch;
- Members of the House of Assembly; and,
- the Lieutenant Governor-in-Council.

Under its primary mandate, the **Citizens' Representative Act**, the OCR provides an ombudsman service to citizens who interact with the Government of Newfoundland and Labrador. Citizens who access, or attempt to access any Provincial Government services under line departments or agencies, boards or corporations, often reach out to the OCR as they navigate government and various administrative processes.

Who We Can't Investigate

There are a number of statutory restrictions on the OCR's jurisdiction. These are set out in Section 19 of the **Citizens' Representative Act** and include:

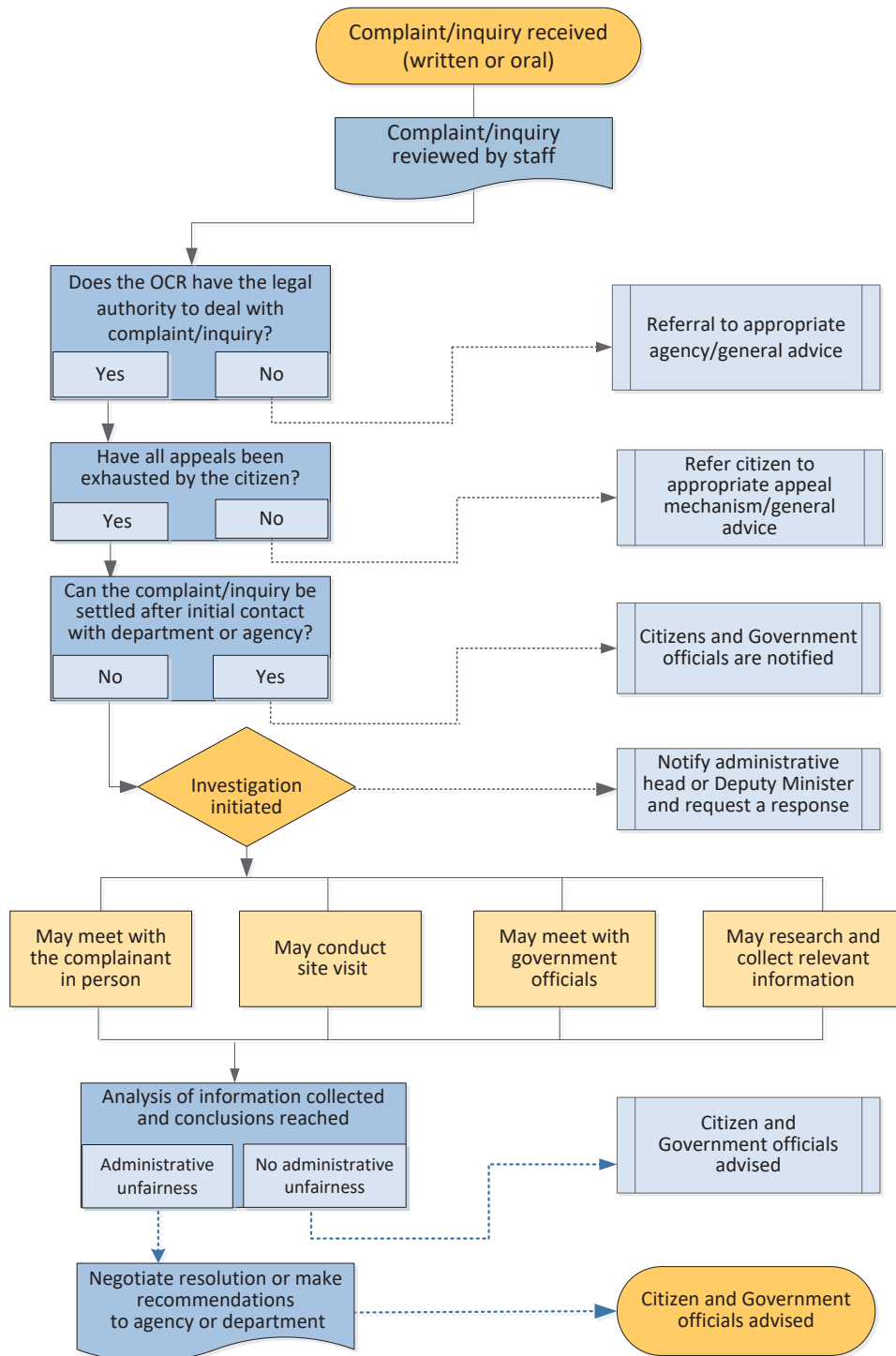
- the House of Assembly or a committee thereof;
- the Lieutenant Governor-in-Council;
- Executive Council and its various divisions;¹
- The court, the members of the judiciary, masters of the court, and justices of the peace;
- awards, decisions, recommendations or omissions of arbitrators made pursuant to the **Arbitration Act**;
- matters in respect of which there are existing rights of appeal or objection under another Act until such time as these rights are exhausted or the time to appeal has expired;
- refusals to provide access to information under the **Access to Information and Protection of Privacy Act, 2015**;
- matters falling within the jurisdiction of the Office of the Child and Youth Advocate; and,
- certain matters relating to the administration of the **Personal Health Information Act** or a matter falling within a Commissioner's purview under that Act.

The **Citizens' Representative Act** also does not cover the acts, errors, omissions or decisions of the Government of Canada, or the municipal level of government. Neither does it authorize the investigation of private companies or private citizens.

¹ The Executive Council is exempt from the **Citizens' Representative Act** but is subject to investigation under the **Public Interest Disclosure and Whistleblower Protection Act**.

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 to illustrate how complaints and inquiries are processed.



How We Handle Complaints

The case summaries within this digest will demonstrate examples of the following types of services provided to citizens.

The OCR engages with citizens to determine how best to resolve a particular matter of administration.



Inquiry - Early Resolution

Often, citizens' complaints can be resolved through mediation or facilitation, when investigation is not required to resolve, at best, or provide reasons why a matter cannot be resolved to citizens' satisfaction, at least. Public bodies provide the OCR with open lines of communication in the interest of early resolution or settlement of complaints.



Investigation

Citizens' complaints sometimes require formal investigation where there exists a prima facie appearance of unfairness. Formal investigations can, where unfairness is identified, result in recommendations to settle the complaint for citizens. Alternately, where it has been found that the department and/or agency has afforded adequate administrative fairness, the OCR endeavours to provide sound reasoning to citizens for such findings.

The Citizens' Representative is also empowered to launch investigations in his or her own discretion, without a specific named complainant.



Navigation, Self-Advocacy and Referral

Citizens contact the OCR from all walks of life and with a wide range of interpersonal skills and knowledge. Where appropriate, the OCR will provide support to citizens by referring them to available appeal mechanisms or the appropriate program within government to address their complaints. Sometimes, citizens may prefer to address concerns on their own, but require direction and information to support their self-advocacy. In situations where citizens' complaints are non-jurisdictional, the OCR will refer the complainants to the appropriate agency to deal with their concerns. In these situations, the OCR can often link the citizens directly with the person(s) they need to speak with or provide forms, telephone numbers, internet links and email addresses to individuals who need alternate avenues of redress.

A Month in Review

Intake is an extremely important function in any complaint-handling organization. It covers a wide array of topics each month. To inform readers of the nature and volume of complaints at our intake stage, we select one month from the fiscal year to furnish examples of what we hear. The following is a cross section of allegations and issues raised by citizens in June 2020.

ALLEGATION	DEPARTMENT
Perceived conflict and undue delay relating to investigation of child protection referral and completion of Family Centered Action Plan.	Children, Seniors and Social Development – Child Protection and Youth Services
Inadequate access to disposable toothbrushes.	Justice and Public Safety – Adult Corrections
Inadequate communication with family member in acute care; delay in facilitating communication between families and inpatients and unfair resolution by Client Relations.	Eastern Health
Unfair involvement of Child Protection and Youth Services.	Children, Seniors and Social Development – Child Protection and Youth Services
Inadequate access to outside recreation.	Justice and Public Safety – Adult Corrections
Application denial and non-responsiveness to request for appeal.	NL Legal Aid Commission
Denial of financial assistance for replacement of stolen eyeglasses.	Children, Seniors and Social Development - Income Support Division
Unfair practice by airline to issue voucher instead of refund for travel cancelled due to COVID-19.	Out of jurisdiction – referred to Canadian Transportation Agency
Termination of inmate employment in kitchen.	Justice and Public Safety – Adult Corrections
Unable to obtain an electrical permit for a cabin.	Digital Government and Service NL
Inadequate treatment post operation and discharge into homelessness.	Eastern Health
Inadequate access to medical attention.	Justice and Public Safety – Adult Corrections
Wrongful impoundment of vehicle by Royal Canadian Mounted Police (RCMP).	Out of jurisdiction – referred to Civilian Review and Complaints Commission for the RCMP
Discipline taken against provincial government employee.	Out of jurisdiction – referred to respective union
Unfairness of employment contract during COVID-19 global pandemic.	Newfoundland and Labrador English School District
Inadequate access to psychological services.	Justice and Public Safety – Adult Corrections
Failure to issue full amount of eligible rent subsidy.	Newfoundland and Labrador Housing
Allegations of risk to child dismissed by authorities.	Out of jurisdiction – referred to Office of the Child and Youth Advocate
Inadequate response to staffing shortages.	Justice and Public Safety – Adult Corrections

A Month in Review (cont'd)

ALLEGATION	DEPARTMENT
Error by insurance company resulting in ineligibility for accident coverage.	Out of jurisdiction – referred to Ombudsman office for the private company
Unprofessional and inadequate response.	Eastern Health – Mental Health Crisis Line
Criminal activity in neighbourhood.	Newfoundland and Labrador Housing
Denial of suboxone.	Justice and Public Safety – Adult Corrections
Inappropriate conduct by a social worker with Child Protection Services. (2)	Out of jurisdiction – referred to Newfoundland and Labrador College of Social Workers and the Inquiries Coordinator with Children, Senior and Social Development
Unfair operation of unlicensed accommodations.	Tourism, Culture, Arts and Recreation
Unfair practice of issuing emergency assistance by food voucher.	Children, Seniors and Social Development - Income Support Division
Unfair institutional charge.	Justice and Public Safety – Adult Corrections
Harshness of public health guidelines related to COVID-19 global pandemic. (2)	Out of jurisdiction – referred to Provincial Covid-19 information line and Seniors NL
Termination of employment by private company.	Out of jurisdiction – referred to Labour Standards
Lack of response to request for dispute resolution.	Digital Government and Service NL – Residential Tenancies
Non-responsiveness to citizen.	Justice and Public Safety – Support Enforcement Program
Suspension of postpartum mental health check during COVID-19 global pandemic.	Eastern Health
Need for change in legislation to support families.	Referred to Member, House of Assembly
Denial of reimbursement for out-of-province medical transportation.	Health and Community Services – Medical Transportation Assistance Program
Procedure of medication administration.	Justice and Public Safety- Adult Corrections
Denial of student loan.	Education – Student Financial Services
Conditions and rules of outside recreation.	Justice and Public Safety – Adult Corrections
Delays accessing surgery.	Eastern Health
Placement of inmate within correctional institution. (2)	Justice and Public Safety – Adult Corrections
Unfair process to update regional plan.	Municipal and Provincial Affairs
Unfair treatment during a cell search.	Justice and Public Safety – Adult Corrections
Denial of mediation of a complaint.	Human Rights Commission
Denial of a sawmill permit on granted property.	Fisheries, Forestry and Agriculture

A Month in Review (cont'd)

ALLEGATION	DEPARTMENT
Missing personal belongings.	Justice and Public Safety – Adult Corrections
Denial of entrance to recruit program of the Royal Newfoundland Constabulary.	Out of jurisdiction
Unable to access lawyer. (2)	NL Legal Aid Commission
Termination of psychiatric medication.	Justice and Public Safety – Adult Corrections
Denial of medical transportation out of province; service considered uninsurable by Medical Care Plan (MCP)	Health and Community Services – MCP and Income Support Medical Transportation
Inadequate staffing complements.	Justice and Public Safety – Adult Corrections
Unfair termination of municipal employee.	Out of jurisdiction – referral to Municipal and Provincial Affairs
Termination of income support and drug card.	Children, Seniors and Social Development - Income Support Division



Report on Investigations - Recommendations

The **Citizens' Representative Act** requires our Office to report the findings resulting from a formal investigation. Formal investigations are typically undertaken following complaints received from citizens where the presenting issue cannot be resolved through informal communication with the relevant public body.

The Act further provides the OCR with authority to make recommendations to provincial public bodies following formal investigations. Recommendations will flow from investigations where there has been a finding that a citizen(s) has not been afforded administrative fairness. Any recommendations offered to public bodies will either suggest individual remedies to affected citizens or systemic change to improve the public service for the benefit of all citizens of the province. Generally, our recommendations are accepted. It is our goal to provide reasonable and responsible recommendations, but mostly, recommendations that are achievable. We appreciate the willingness of all public bodies to provide respectful consideration to all recommendations.

For the fiscal year 2020-2021, 13 recommendations were offered to the following public bodies following completion of five formal investigations:

A Regional Health Authority

Complaint: A citizen complained that she was unfairly required to pay back earnings received from the employer while off work following a workplace injury. Our investigation found that there was an unreasonable delay in the suspension of benefits that unfairly burdened the citizen. Furthermore, it was found that communication by the public body was inadequate.

Recommendations Offered: The OCR made three recommendations to the Regional Health Authority (RHA) to ameliorate the burden to the citizen and to ensure the understanding of relevant information by all employees of the RHA. Due to the sensitive nature of the situation and respect for the anonymity of the citizen, these recommendations are not listed; nor is the specific RHA identified.

Outcome: The RHA accepted all three recommendations and immediately set forth a plan for implementation. One recommendation has been fully implemented. The OCR continues to monitor these recommendations for complete implementation.

Newfoundland and Labrador Housing Corporation

Complaint:

A citizen complained that he was unable to acquire a tenant transfer within a reasonable time. The undue delay was significantly affecting his health and well-being. The investigation unveiled concern with process of assessing and prioritizing waitlists and the decision related to the placement of the citizen on the waitlist, specifically, the failure to reassess the placement. Additionally, there was concern with the relational aspect while working with the citizen, in addition to identified gaps in the tenant transfer policy. Details of this investigation can be found in the case summaries.

Recommendations Offered:

1. NLH review its housing intake process to see if there are opportunities to improve how it connects applicants who identify with specific needs, have access to, or are connected to appropriate support services.
2. NLH review how it assesses and vets documentation to support client applications and transfer requests.
3. NLH conduct a review of the Tenant Transfer Policy to determine whether the policy is operating as designed; and/or requires further amendment based on the changes made to the waitlist codes.
4. NLH give consideration to implementing a formal internal review process for specific social housing decisions such as denied transfers and placement on the priority waitlist.

Outcome:

NLH accepted all four recommendations and provided indication that work had commenced on their implementation. The OCR will continue to monitor the complete implementation of these recommendations.



Newfoundland and Labrador Housing Corporation

Complaint:	A citizen complained that a 90-day eviction notice issued was unfair. The eviction notice was withdrawn during the course of investigation; however, a procedural issue led to recommendations. Details of this investigation can be found in the case summaries.
Recommendations Offered:	<ol style="list-style-type: none"> 1. NLH will not hold the citizen financially responsible for the removal of a vehicle from the property. 2. Any invoice to be issued by NLH for the removal of the vehicle be the responsibility of NLH's former tenant and registered owner of the vehicle.
Outcome:	For all intents and purposes, we consider both recommendations to have been implemented. The citizen was no longer held financially responsible for the removal of a vehicle, and this was our priority.

Department of Justice and Public Safety - Adult Corrections Division

Complaint:	A citizen complained about the conditions in administrative segregation at Her Majesty's Penitentiary and the resulting impact on his mental health. While the specific allegations relating to access to recreation, water, etc. were unfounded, we noted that the evidence was lacking to support that 30-day assessments for inmates in administrative segregation were being completed in accordance with the protocol prescribed in relevant standing orders. Details of this investigation can be found in the case summaries
Recommendations Offered:	<ol style="list-style-type: none"> 1. The Department provide to the OCR an update on the Review of Administrative Segregation within Provincial Correctional Facilities. 2. The Department reiterate to the Adult Corrections Division that it requires adherence to the Standing Order dated October 12, 2016, in accordance with Adult Custody Policy section 8.00 in relation to the completion of 30 day assessments for inmates placed in Administrative Segregation.
Outcome:	Both recommendations were accepted by the Department and have been implemented.

Newfoundland and Labrador Liquor Corporation

Complaint:	<p>An own motion investigation was initiated following the tabling of the Auditor General's Report in the House of Assembly in February 2020. The Report found that the Newfoundland and Labrador Liquor Corporation (NLC) misrepresented information provided to the Citizens' Representative in a previously conducted investigation. The originating investigation looked into allegations of a conflict of interest of the former CEO and that the CEO's actions gave deliberate benefit to a family member. The own motion investigation concluded that evidence was misrepresented with respect to the undisclosed contents of the former CEO's email account; therefore, it declared a misconduct on behalf of the former CEO.</p>
Recommendations Offered:	<ol style="list-style-type: none">1. Fines for obstruction of the Citizens' Representative contained in Section 46 of the Citizens' Representative Act (the Act) be raised from \$500 to \$10,000, making them equivalent to the obstruction provisions contained in provincial whistleblower programs operated by the Citizens' Representative, established by the Public Interest Disclosure and Whistleblower Protection Act, and Part VI of the House of Assembly Accountability, Integrity and Administration Act; and,2. The House of Assembly further amend the Act to include discoverability language, giving the Citizens' Representative a period of two years from the date of the discovery of an offence to initiate prosecution of the perpetrator(s) of the obstruction.
Outcome:	<p>These recommendations require legislative change through the House of Assembly. The OCR is now in ongoing contact with the Minister(s) responsible to propel the amendments. The OCR will continue to monitor the implementation of these recommendations as they move through the legislature.</p>

Public Interest Disclosure

PIDA - 2020-2021

The OCR is responsible for investigating allegations of wrongdoing under the following two pieces of public interest disclosure legislation:

1. Part VI of the House of Assembly Accountability, Integrity and Administration Act (“HOAAIA”).

Part VI serves as a portal for employees and Members of the House of Assembly to disclose potential wrongdoing at the House of Assembly that they believe should be investigated in the public interest.

2. The Public Interest Disclosure and Whistleblower Protection Act (“PIDA”):

A report to the House of Assembly under Section 20 of the PIDA is required annually. The report covering the period April 1, 2020 to March 31, 2021, was tabled on July 31, 2021. This report can be accessed electronically at <https://www.citizensrep.nl.ca/pdfs/PIDAReport2020-2021.pdf>

During 2020-21, the OCR received two disclosures under HOAAIA.

The OCR handled four inquiries under PIDA during 2020-21.

Individual Case Summaries

Case summaries allow us to expand on the specific course certain complaint files have taken through our complaint-handling system. The fiscal year 2020-21 was one in which the entire world was forced to adjust to intense life and work restrictions to ensure the safety and well-being of all individuals. While the impact of the declaration of the COVID-19 pandemic has been far-reaching to all citizens on various levels, the following case summaries indicate the manner in which the pandemic has touched the work that we do and the experiences of the citizens of the province. We acknowledge the dedication, commitment and professionalism of our staff and the public service through the clear demonstration that we were able to continue to provide service to the citizens who reached out to the OCR for support and guidance, and to seek administrative fairness, despite the inherent challenges faced by us all.

These cases, selected by staff, outline a cross-section of the complaints referred, mediated and investigated during 2020-21.

Provincial Government Departments

Children, Seniors and Social Development

Income Support Division

Supporting Families



The Income Support Division provides financial benefits and other services to eligible low-income people and families to assist in meeting daily living expenses.

A citizen filed a complaint with the OCR related to the fairness of how the High School Incentive Allowance (HSIA) benefit was administered by the Division. The citizen alleged that the practice of discontinuing the allowance for the months of June and July was unfair and resulted in unnecessary punishment by reducing benefits for a two month period.

The HSIA was introduced in 2005 as a benefit under the Income Support Program. This benefit can be provided to families in receipt of benefits who have children over the age of 18 years and less than 21, living at home and attending regular school. The HSIA, plus the adjustment to the family/individual benefit, offsets the Canada Child Benefit and Newfoundland and Labrador Child Benefit which families lose when their child turns 18 years of age. The initiative is intended to encourage children of families in receipt of income support benefits who turn 18 years of age, to obtain a high school diploma by reducing the financial burden that may occur with the loss of their child benefits. The HSIA is provided for the period September to June, as long as the student is in full time attendance.

The Department’s interpretation concerning “full time attendance” is that school is not in attendance for July and August; thus, the benefit is removed for these months. Our investigation highlighted other interpretations of “full time attendance” and made comparison to a similar benefit in Alberta, which allows the benefit to continue in July and August. The statistics reviewed by the OCR showed that less than 30% of students stay in school and that many do not return following their first year of receiving the HSIA. While the citizen’s complaint touched on the cost of supporting a dependent with disabilities, it raised a good question with respect to the impact of losing the HSIA during the summer months and the potential that it presents as a possible disincentive.

The investigation found that the decisions related to the dispensing of the HSIA were administratively fair and in keeping with regulations and policies that govern the provision of the HSIA. The OCR did underscore that the complaint came at an opportune time for the Department to formally review the HSIA to determine its effectiveness and whether improvements could be made. The **Income and Employment Support Act** requires the Department to perform a review of this Act and its regulations every five years. The Department advised that while informal review is ongoing, there had not been a formal review of the legislation and regulations in some time. It further advised that a review will take place in 2021 – 2022. The OCR opines this review may offer an opportunity to consider the intention of the HSIA and the reasonableness of the current application of “full time” attendance, such that it does not result in unintended unfairness to families.

A citizen contacted our Office following a suspension of income support benefits, which resulted in cancellation of drug card coverage. Having not been able to renew their medication, the citizen’s health had deteriorated. The suspension of benefits resulted from a concern of updating their income support file with a current address while an internal investigation was ongoing. The citizen explained they had been subject to intimate partner violence and was concerned about updating her current address, as there was fear that an ex-partner might obtain the new address and locate her.

Supporting Families (cont’d)

The Impact of Intimate Partner Violence



The Impact of Intimate Partner Violence (cont'd)

With the citizen's consent, our Office liaised with the Income Support Division who ensured that the personal information, such as an address, would not be shared by acknowledging that confidentiality is a constant priority. The Division ensured our Office the intention of the investigation was not to cause hardship, and an emergency drug card was approved for one month while the investigation was ongoing. The citizen subsequently established contact with the Division to have income support benefits, including drug card coverage, reinstated.

On the Brink of Ineligibility



A citizen contacted our Office upon receiving notification that the Income Support Program had discontinued benefits due to an increase in the citizen's Canada Pension Plan (CPP) benefits. The increase was less than two dollars. This change placed the citizen over the threshold for income support benefits. As a result of the marginal change in income and ineligibility for income support, the citizen also was no longer eligible for financial support for municipal taxes, drug card benefits, or vision care. The citizen also noted that he was in need of a special diet.

The **Income and Employment Support Regulations** under the **Income and Employment Support Act** state that CPP benefits are "non-exempt" income and are therefore, to be deducted from income support eligibility. In this case, the benefits were being deducted all along; however, the small increase was adequate to terminate eligibility for the above benefits associated with income support eligibility.

"I would like to thank you for all that you have done for me and I commend your professionalism. I have really appreciated it."

Upon inquiry, the Income Support Program thoroughly reviewed the citizen's file. The citizen had not been considered and approved for a special diet; however, if there was a medically documented special diet requirement, there may be eligibility for a supplement to the CPP income, which would also indicate eligibility for payment of municipal taxes, drug card and vision care expenses.

The citizen was appreciative of the assistance of our Office in clarifying the matter and scheduled an appointment with the family doctor to obtain medical documentation supporting the special diet requirement.

Digital Government and Service NL provides services in the areas of public health and safety, environmental protection, occupational health and safety, consumer protection, and in the preservation of vital events and commercial transactions.

A citizen complained to the OCR following enforcement officers from the Motor Registration Division (MRD) attending the home unannounced to advise that licence plates for an all-terrain vehicle (ATV) were issued in error. It was alleged the error would alter the classification of the ATV, restricting its usage to off-road usage only. The citizen alleged unfairness as other individuals with the same vehicle model did not have the classification of their ATV altered, having exemptions authorized by the Department. It was also alleged that it was unorthodox and unsettling that the officers visited the home, when others in the same situation were notified of the error by mail.

Upon investigation, the Department confirmed it had conducted an internal investigation, noting there was an error in the original licence plates issued for the specific ATV and that it required correction. The Department stated that vehicles are registered based on their design. It acknowledged the error made, and took appropriate measures to correct the error. Specifically, the Division provided clarification to employees outlining the common vehicles available and the correct registration process for each. It also arranged to generate monthly reports to continue monitoring the situation to ensure that vehicles were registered accurately in the future. With regard to exemptions to registration of the vehicles, the Department acknowledged the exemptions provided by MRD were based on confusion with legislation and should not have been issued. The Department advised of the review of the **Motorized Snow Vehicle and All-Terrain Vehicle Act** that will take into account feedback from vehicle owners. The Department also acknowledged that home visits, such as the subject of this complaint, should only be conducted if there is a public safety risk, which was not the case in this instance.

The OCR was satisfied the Department had acknowledged errors made in the process of managing this matter and had taken appropriate measures to correct and mitigate any further related errors.

Digital Government and Service NL

Motor Registration Division (MRD)

Consistent Application of Policy



Education

Too Late to Benefit



The Department of Education provides leadership and direction with respect to early childhood development and regulated child care; the K-12 education system; public libraries; and post-secondary education.

In response to the COVID-19 pandemic, the Department initiated an Essential Worker Child Care Service Program. This program was created to support parents required to report to a place of work deemed an essential service during the pandemic. It approved a benefit of \$200 per week, per child, to offset the cost of childcare services.

A citizen contacted the OCR alleging she applied for the benefit and was subsequently approved. The Department determined, however, that the citizen was eligible for the benefit for one week only. The program had ended and parents were not being reimbursed retroactively. The citizen alleged this decision was unfair as all qualifications were met and she had paid for childcare throughout the pandemic while both her and her husband were required to report to work. The citizen indicated they did not become aware of the program until its final week.

Our Office liaised with the Department and obtained the terms and conditions established for the Program. The Department reported that it was an internal policy decision to use the date of receipt of an application as the effective date, as it was the only date that it could verify without having to get an additional attestation from an employer. This policy provision was disclosed in the approval email sent to applicants. The Department accepted the citizen's application for the last week of the program and advised there would be one week of eligibility only.

Both the terms and conditions for the Program and the process for reviewing applications indicated the citizen had been treated fairly. The internal process of the approval effective the date of the application was followed for all applications. We noted that there were other applicants in the same situation and it was verified that all applicants of a similar nature were denied. It was our determination that the Department adhered to the principles of administrative fairness, as the decision to approve applications effective the date of the application was consistent with the internal process. Furthermore, the decision was consistent with other applications received comparable to the citizen's. It was regrettable that the citizen did not become aware of the program until its final week.

The Department of Environment and Climate Change supports environmental protection and enhancement through implementing water resource and pollution prevention regulations and policies, and coordination of environmental impact assessments.

A citizen made a complaint to the OCR alleging an undue delay in processing his application to construct a wharf. The citizen stated he was told by departmental officials that his application appeared to be without issue or concern and that it was at the Director's level for a signature to approve. After five months, the application had not been approved and the applicant was unable to acquire any information on the status of the application.

Upon receipt of the complaint, the Department was contacted to inquire of the status of the citizen's application and the reason for the delay. The Department confirmed the application was in the queue and was being assessed according to its 90 business day standard for processing. The COVID-19 public health restrictions, however, had resulted in delays of processing applications. The OCR was advised that all applications are processed in the order they are received. This particular application would be processed in the near future. The citizen appreciated the clarification and assurance that the application was being processed correctly and in the near future.

Adult Corrections is a Division of the Corrections Branch of the Department of Justice and Public Safety. Adult Custody in the Province is comprised of five correctional facilities and two detention centres that provide services and programs for sentenced, remanded and detained offenders. Programs and services are delivered to assist offenders in reintegrating into the community following release from custody.

The OCR received a complaint from an inmate at Her Majesty's Penitentiary (HMP) alleging unfair treatment in relation to urinalysis practices; specifically, the practice of documenting results and sharing the results with the inmate. Having completed a urinalysis, which demonstrated positive traces of a substance, the citizen received a disciplinary charge. Generally, inmates are able to represent themselves at disciplinary court and provide information and evidence to support their not guilty plea. In this situation, the citizen believed the urinalysis was read incorrectly and a photocopy or photograph of the urinalysis was requested to present in disciplinary court. This request was denied.

Environment and Climate Change

Inevitable Delay



Justice and Public Safety Adult Corrections

Fair Documentation Practice



Fair Documentation Practice (cont'd)

Upon inquiry to HMP, the OCR was advised that inmates were not provided with copies of their urinalysis; nor were there copies of the results maintained following testing. This indication was contrary to existing policy provisions stating that all urinalysis drug test results will be photocopied and the original results will be attached to the disciplinary report, in addition, the urinalysis drug test administrator (classification officer) will maintain a second copy.

It was further indicated by the Department that the policy was outdated as the current method of urinalysis has changed since the method used at the time the policy was created. As a result of an OCR inquiry, this matter was raised with Departmental staff to create an updated policy. In the meantime, direction was given to institutional staff to obtain photos of urinalysis testing results to be placed with the disciplinary court file.

Assesment in Administrative Segregation



An inmate from HMP filed a complaint with the OCR alleging the conditions of placement in administrative segregation were unfair. In addition, the assessment process of having his placement in administrative segregation reviewed every thirty days. It was alleged that the inmate had been housed in administrative segregation for approximately 70 days. Further allegations included that offerings of recreation were minimal, without the opportunity to go outside for recreation. The inmate stated he was permitted out of his cell only one to three hours each day. It was further alleged that there were requests to seek health care which have not been dealt with. Overall, the allegation was that his specific conditions were contributing to his mental health deterioration. He indicated there was a sense of hopelessness without any identified goals towards getting out of administrative segregation.

Adult Corrections cited appropriate policies that supported the placement of the inmate in administrative segregation for the safety and security of the inmate. Policy supports such placement in situations where either the inmate requires protection from other inmates, or where the inmate poses a danger to other inmates, or to staff. The OCR does not question the placement of inmates, particularly when safety and security is a concern. The OCR did confirm that policy provisions supported the inmate's placement in administrative segregation.

A review of file evidence confirmed the inmate's time outside the cell increased to seven hours per day, with numerous offerings to have recreation outside. A review of his medical records confirmed the inmate had adequate access to medical attention during the period in question. The OCR acknowledged and reviewed the application of the 30-day

assessment policy provisions as a mechanism for evaluating mental health, in addition to other variables that impact the confinement of an inmate for a continuous period. The evidence confirmed the completion of four separate 30-day assessments, with one being outside the 30-day period. Our investigation found, however, that the Standing Order guiding the procedure of 30-day assessments was not followed as the Department failed to demonstrate the following procedure outlined in the Standing Order for any of the four assessments completed:

- a multi-disciplinary review had been completed;
- a reintegration plan had been developed;
- the availability of formal minutes of the assessment; and
- written notification to the inmate following the 30-day assessment.

It was our conclusion that the failure of the Department to adhere to the Standing Order in relation to Special Management Inmates and the process set forth to complete 30-day assessments for inmates housed in administrative segregation was unjust. The OCR offered two recommendations:

1. The Department provide to the OCR an update on the Review of Administrative Segregation with Provincial Correctional Facilities.

The Department accepted this recommendation and this Review was made publicly available on their website.

2. The Department reiterate to the Adult Corrections Division that it requires adherence to the Standing Order in accordance with policy provisions in relation to the completion of 30-day assessments for inmates placed in administrative segregation.

The Department also accepted this recommendation.

The Department of Municipal and Provincial Affairs supports the economic, social and environmental sustainability of municipalities, communities and regions through the delivery of effective programs, services and supports. The Department provides municipalities with the financial and administrative tools to support development of community capacity, regional cooperation, and sound municipal governance.

A citizen contacted the OCR alleging a family was wrongly denied resettlement money they were entitled to when the community they lived in was resettled. It was stated that prior to the resettlement taking place,

Assesment in Administrative Segregation (cont'd)

Municipal and Provincial Affairs

Fair Application of Policy



Fair Application of Policy (cont'd)

the family moved to another community for medical reasons, and to be closer to a hospital. As a result of this move, the family was no longer deemed to be permanent residents of the community in accordance with the Community Relocation Policy.

The Community Relocation Policy provides financial assistance to permanent residential property owners of the relocating community. The policy defines permanent residency as living in the community year round, 365 days a year. With respect to the circumstances of the family, there are allowances for temporary absences from the community for medical reasons, including absences of more than six months in the one-year period preceding the relocation request date for those accessing ongoing health care treatment substantiated by medical documentation.

The family was denied relocation assistance by the Department in accordance with this policy. The family proceeded to appeal the Department's determination of residency status. During the appeal process, the family advised that their move from the community for medical reasons was a permanent move. This fact solidified the determination of residency as the family did not have the intention to return to the community following a temporary absence. Therefore, the family was no longer considered to have permanent residency in the community.

Upon review of the evidence, the OCR concurred that the family did not meet the definition of permanent residents. We found the Department properly applied policy in this situation and the family was not entitled to financial support for resettlement. The family decided to continue with advocacy measures to acquire an exception to the policy.

Boards and Agencies

Eastern Regional Health Authority

Eastern Health is the largest health authority in Newfoundland and Labrador. It offers a full continuum of health and community services and unique provincial programs and services, including public health, long-term care and hospital care, while ensuring the provision of high quality, safe, accessible and sustainable health care.

Communication Improvements



A citizen contacted the OCR regarding communication problems that occurred during a recent acute care admission of a family member. The period of hospitalization coincided with the public health emergency declared on March 18, 2020, under the **Public Health Protection and Promotion Act**, in response to the COVID-19 global pandemic.

The family alleged experiences of poor communication, specifically related to: the inadequacy of information the family received on a daily basis regarding the family member's condition; and difficulties connected to technology in an effort to support the family's ability to communicate with their family member and keep them connected with their social support system.

The challenges raised by the COVID-19 pandemic resulted in an unprecedented situation for the Province's health care facilities. Temporary visitation restrictions were implemented at all provincially operated facilities, inclusive of hospitals. These restrictions provided context to the communication difficulties experienced by the family.

The OCR reviewed Eastern Health's Client Relations resolution process as Client Relations was involved in a review of the flow of information between the family and the hospitalized loved one. A review of policy and the actual email interactions between Eastern Health and the family determined that the interactions were addressed in a timely manner. Our review of the resolution process identified several challenges related to technology set-up and communications, such as access to equipment and resources, creation of protocols, sanitization, etc. These were all a direct result of COVID-19 restrictions. In response, Eastern Health prioritized the development of a Client/Family Support/Communication Program to help patients and families connect during visitation restrictions. The issues identified by the citizen's complaint played an integral role in the development of this Program.

We found that both the Client Relations complaint resolution process, in addition to the technology set-up and communications process, was reasonable given the continuously changing environment and the many uncertainties associated with the COVID-19 pandemic. The challenges experienced by Eastern Health were indicative of many hospitals across the province and the country. Unfortunately, this experience was not unique to Newfoundland and Labrador.

A family member of a resident in a private personal care home contacted our office citing concern with the delivery of services within the home, specifically, the provision of personal hygiene products. It was alleged that items had not been delivered for two months. The OCR does not have jurisdiction of privately operated personal care homes; however, Eastern Health's Materials Management Department is responsible to provide medical supplies for financially eligible residents assessed under its community support program.

Communication Improvements (cont'd)

"Thank you for your work on our behalf."

Supply Delays and the Impact on Quality Care



Supply Delays and the Impact on Quality Care (cont'd)

An inquiry to Eastern Health confirmed that deliveries of medical supplies by the Materials Management Department occurs on a monthly basis. The Health Authority confirmed there was a two-week delay with the provision of supplies to the personal care home. The delay was attributed to significant staffing issues and an interruption in the delivery of medical supplies to Eastern Health as a result of the COVID-19 pandemic. Future delays were anticipated; however, it was indicated that a request for proposals was issued to secure an outside agency to take over the ordering process.

The citizen was advised to monitor the availability of supplies at the personal care home and to make contact with the OCR in the event that delays continued. No further reports of delays were registered.

The Importance of Regular Assessment



A citizen reached out to the OCR expressing concern for a friend with a medical condition, who required 24-hour care. The citizen was concerned as the friend's health continued to decline and there was a limited network of support available.

The OCR contacted the appropriate Regional Health Authority, Eastern Health, for guidance on assessment beyond the maximum allowable home care funding under the Community Supports Program. Through the inquiry process, we learned the citizen did not have an assessment in quite some time. The OCR was advised that the determination of the level of support that a recipient is approved for is made based on the outcome of a clinical assessment by professional staff of the Regional Health Authority. In cases where the clinician may feel the person needs a high level of support that exceeds the maximum support allocation, the clinician must review the case with a manager and/or director prior to approval of the support plan. The clinical assessment considers the physical, mental and social needs of a person and the availability of other formal and informal supports in determining support allocations.

The OCR asked Eastern Health for an expedited and full clinical assessment by staff to ensure the citizen had not fallen through the cracks.

The citizen was successful in acquiring an assessment, which resulted in approval of additional hours of support per week.

Newfoundland and Labrador Housing (NLH) owns and administers approximately 5,560 social housing units throughout various regions of the Province, with the greatest concentration of units located in St. John's.

A citizen raised concern about a formal request for a tenant transfer; specifically, NLH had failed to offer a tenant transfer within a reasonable time. The citizen had requested a transfer to St. John's to enable access to resources to meet complex medical, cultural, transportation, language and employment resources. It was alleged that the delay was significantly affecting their health and well-being.

NLH indicated the tenant had been waitlisted for approximately 18 months and that a high demand for units for single individuals led to a longer than normal wait time. Following contact by the OCR, the tenant's application was reviewed, taking into consideration the complex needs of the tenant, which resulted in the citizen being placed in a higher priority category on NLH's waitlist.

Our investigation identified shortcomings in four areas having a direct correlation to the needs and challenges of the citizen. These included: the lack of on-going support for applicants entering the Social Housing Program; processing delays with transfer applications; communication barriers relating to transfer and reapplication processes; and assessment of supporting documentation impacting priority coding on the NLH waitlist. These shortcomings played a role in reaching our determination that NLH failed to place the citizen in the most appropriate, higher priority category on the waitlist sooner than had been previously contemplated. We also found that the system of placing applicants on a waitlist was friendly to the concrete aspects of the application, such as the residential area of one's choice, age and number of individuals on application. The system, however, was not necessarily responsive to the entirety and complexity of the circumstances of the application and the individual. Furthermore, we identified the Tenant Transfer Policy did not address priority transfer applications or define what constitutes an emergency transfer. It also did not address whether NLH would initiate an internal review of decisions, including denied transfer applications or placement of applications on the waitlist.

Based on our review, we found that NLH acted unreasonably and offered the following recommendations:

Newfoundland and Labrador Housing Corporation (NLH)

Assessment and Response to Unique Circumstances



Assessment and Response to Unique Circumstances (cont'd)

1. NLH review its Housing Intake process for opportunities to improve how it connects applicants who identify with special needs or who are eligible for supportive services.
2. NLH review how it assesses and vets documentation to support applications, including transfer applications.
3. NLH conduct a review of the Tenant Transfer Policy to determine whether the policy is operating as designed; and/or, requires further amendment based on the changes to Waitlist Codes.
4. NLH give consideration to implementing a formal internal review process for specific social housing decisions such as denied transfer applications and placement on the priority waitlist.

NLH accepted the OCR findings and agreed to implement the proposed recommendations. NLH also implemented a new process whereby reports from the OCR are now provided to management and policy staff for review to determine whether internal systems can be improved.

Discretionary Help



A citizen contacted the OCR having received a 90-day eviction notice from NLH. The citizen advised they had resided in the NLH unit for more than 20 years. The citizen faced many physical challenges which had a significant impact on her ability not only to face the physical move, but also in identifying adequate housing to meet her physical needs. The citizen understood that the issues giving rise to the eviction had been resolved, yet the eviction notice remained in place.

NLH confirmed the citizen had complied with several requirements of the tenancy with NLH; however, it believed that an adult child was residing with the tenant and NLH required income verification to complete a financial assessment to determine whether a rental adjustment was appropriate. NLH later indicated there would be no adjustment to the rental amount, due to the age of the adult child alleged to be residing in the home. The citizen subsequently provided verification of a principal address for the adult child that was accepted by NLH and it then withdrew the notice of eviction.

During the investigation, the citizen raised a further concern with the manner in which NLH addressed an issue giving rise to the 90-day eviction notice. Specifically, NLH was holding her financially responsible for removal of a vehicle from the property that belonged to her former partner. This matter was the only issue unresolved during the course of the investigation.

Discretionary Help (cont'd)

The OCR acknowledged the tenant's obligation to comply with the provisions of the lease. The evidence from the file supported the indication that the vehicles on the property were in violation of the terms of the lease, as they were not roadworthy and/or furnished with a current valid licence plate. Policy cited within the report provided authority to NLH to require the removal of any motor vehicle not conforming to the conditions of the lease.

The evidence acquired during the investigation indicated documented attempts to address the issue of unroadworthy vehicles on the property for a period of 10 years, when the former partner was also a tenant. The former partner was also documented as the licenced owner of the vehicles. NLH had further documented concerns of intimate partner violence and the resulting negative impact of having to deal with the removal of the vehicles owned by her former partner.

The OCR acknowledged NLH had a duty to act legally in this matter; however, it also had a duty to act fairly. The OCR found the exceptional facts in this case provided an opportunity for NLH to use discretion in consideration of these facts, when applying the clause that states the current tenant is responsible for the removal of vehicles. The refusal to use discretion in this case was found to be unreasonable and holding the citizen responsible for the removal of the vehicle was wrong. The decision transferred a financial burden on the citizen which was caused by someone else. The punitive effects and pressure placed on the citizen to deal with a person she feared were shifted to her. The pressure and added financial responsibility was excessive and it overburdened and imposed unreasonable requirements on the citizen.

The OCR recommended that NLH not hold the citizen financially responsible for the removal of the vehicle in question and that any invoice to be issued for the removal of the vehicle be the responsibility of NLH's former tenant and owner of the vehicle. NLH accepted these recommendations and confirmed that it would not find the citizen financially responsible for the removal of the vehicle.

"Your patience listening to me rant and ramble was more helpful than you'll ever know. Again, thank-you."

Working Together for Safe Neighbourhoods



The OCR received a complaint related to parking concerns which were impacting the safe bus transportation to school for children of a neighbourhood. The properties in the neighbourhood were owned by NLH. The citizen explained that for a period of time, the school bus stopped picking up children in the neighbourhood, and changed the stop to what was believed to be a less safe location. The place of the bus stop had changed again to the original stop in the neighbourhood; however, the manner in which people were parking vehicles caused concerns, and parents were worried that the bus would once again stop picking up the children in the neighbourhood.

The matter of parking vehicles crosses into a law enforcement issue with responsibility to the local municipality and the local police. The location of the bus stop also falls within the jurisdiction of the Newfoundland and Labrador English School District. Since the neighbourhood was comprised of NLH properties, initial contact was made with NLH to determine whether they had knowledge of the concern of their tenants and whether there was any role for them to ensure a safe school bus stop for the neighbourhood children.

NLH acknowledged the safety concern and agreed to install signage in the area to remind people when parking vehicles, not to impede the traffic flow. In addition, NLH staff would ensure that a garbage dumpster placed in the neighbourhood was not impeding the bus from safely entering and exiting the area. The citizen was satisfied with this outcome and was encouraged to contact the OCR in the event the matter was not adequately resolved.

Newfoundland and Labrador Medical Care Plan (MCP)

Policy Comparable to National Jurisdictions



The Newfoundland and Labrador Medical Care Plan (MCP) is a comprehensive plan of medical care insurance designed to cover the cost of physician services for residents of the Province.

The OCR received a complaint from a citizen in relation to MCP's policy concerning coverage of breast augmentation as a part of Transition Related Surgeries (TRS) for transgender patients. It was alleged that breast augmentation is only covered by MCP when there is breast aplasia (no breast development) after 18 continuous months of hormone therapy. The citizen believed this policy was too restrictive and wished to see the policy changed as 18 months of hormone therapy will generally always produce some degree of breast development. It was further alleged that the policy enables

MCP to appear as though it provides some sort of coverage for transgender patients needing breast augmentation, while, in fact, leading to the outcome that MCP does not, in practice, cover this surgery at all.

MCP's website provides policy directives for the approval of TRS in Newfoundland and Labrador. It states that TRS is eligible for coverage under MCP, as per its list of approved surgeries and prior approval is required. The purpose of the proposed procedure is to change sex characteristics in order to affirm gender identity. MCP further states the criteria for eligibility for TRS is based on guidelines published by the World Professional Association for Transgender Health (WPATH) in the **Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People** Version 7 (2012). The website confirms MCP coverage for breast augmentation when there is breast aplasia (no breast development) after 18 months of continuous months of hormone therapy.

We compared this policy to that of other Canadian jurisdictions that provide funding for TRS, and found comparable criteria. Specifically, the threshold in British Columbia is 18 months of hormone therapy with little to no breast growth. In Ontario and Alberta, 12 months with no growth. In Nova Scotia, 12 months of hormone therapy with breast growth less than and equal to Tanner Stage 2 (stages of puberty) and in Manitoba, assessment occurs on a case-by-case basis after 12 months of hormone therapy.

The OCR was satisfied that MCP policy was based on international guidelines and comparable to the policy of other provinces, and therefore, did not require further investigation.

Western Health aims to improve the health and well-being of the communities within the Western region of Newfoundland and Labrador. It offers health and community services across the full continuum of care from birth and pre-birth to the end stages of life. Western Health is a diverse health care network of acute, long term care and community-based facilities, programs and services.

A citizen complained to the OCR about barriers experienced when accessing health services at Western Health. Many of the challenges experienced by the citizen could best be characterized as language and communication barriers and related to a lack of

Policy Comparable to National Jurisdictions (cont'd)

Western Regional Health Authority

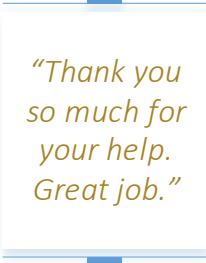
Barrier to Accessing Services



Barrier to Accessing Services (cont'd)

Deaf cultural awareness. Primary to the citizen's complaint to the OCR was whether Western Health had a fair process to support individuals accessing healthcare who have specific communication needs. The citizen asserted that Western Health fell short of meeting their specific communication needs, including access to an American Sign Language (ASL) interpreter and access to assistive technologies.

The citizen's complaint highlighted the need for health care providers to be culturally aware. Specific to this situation, health care providers would benefit from learning about the Deaf culture. This investigation also raised awareness of the importance of facilitating effective communication in the delivery of healthcare services by identifying communication needs of individuals and documenting preferences in their medical records to support all future medical interactions.



*"Thank you
so much for
your help.
Great job."*

The citizen's experience in the system was very unfortunate. It did provide, however, an opportunity to explore the needs of the Deaf community and their experiences in accessing healthcare. Western Health acknowledged the importance of offering sign language interpreters and subsequently informed the OCR that a new Language Translation and Sign Language Interpretive Services policy had been drafted. Western Health committed to communicating the policy, upon approval, to all employees. It further committed to reaching out to the Newfoundland and Labrador Association for the Deaf (NLAD) to explore how it can improve its services to meet the needs of deaf individuals. In light of the appropriate pre-emptive measures taken by Western Health, the OCR concluded that it did not breach s. 37 of the **Citizens' Representative Act**.

Navigation, Self-Advocacy and Referral

While there were undoubtedly many challenges and concerns related to COVID-19, it highlighted some areas where the OCR acted as a direct source of information, referral and education. For example, a citizen contacted our Office concerned that a much needed pediatric medical appointment for their child would be cancelled. The concern stemmed from the citizen's previous experience where they had an appointment scheduled early in the fall, which was re-scheduled twice due to the pandemic. The citizen disclosed they were experiencing a great deal of stress.

Our Office offered reassurance to the citizen that given the changes/cancellations that the COVID-19 pandemic had brought, it was normal to feel anxiety and worry. The impact of the pandemic had affected us all in many ways. The uncertainty and the emotions that COVID-19 brought were difficult.

We provided the citizen with contact information for the Client Relations Office of the appropriate Regional Health Authority, with whom they could make contact at any time regarding their situation. Additionally, we advised that they had the right to discuss their concerns with the physician about the number of cancellations and the impact it has had on them. Sometimes physicians are not aware that appointments have been cancelled or may be able to provide further explanation and direction on what to do if there is a cancellation in the future. Also, the citizen was provided with a list of supports, such as Doorways, Bridge the gapp website, and other mental health and wellness resources provided by the provincial government and other entities to support citizens with the stress of the COVID-19 pandemic.

A family member of an inmate at an adult correctional institution contacted the OCR out of concern for their whereabouts. The family member was aware that the inmate was travelling across the province to make a court appearance; however, efforts to make contact with the inmate were unsuccessful. When making contact with the institution where the inmate was housed, it was indicated that the inmate was not there and when contacting the temporary institution where he would stay while waiting a court appearance, she was refused information to confirm his whereabouts and therefore, refused telephone contact with him.

Supportive Measures



Family Connections



Family Connections (cont'd)

To further complicate a routine transport for an inmate to make a court appearance, this transport occurred simultaneous to the declaration of the COVID-19 global pandemic, with intense levels of uncertainty for all, including citizens and public bodies who were forced to navigate the unknown, while continuing to operate within their mandate.

The family member was encouraged to continue to contact the institution where the inmate was housed to obtain accurate information on the whereabouts and safety of her family member, and to reasonably determine how and when contact could be made. Successful contact eventually occurred between the family member and the inmate which alleviated the concerns.

The OCR is challenged to efficiently manage inquiries from family members of inmates, mainly due to respect for the privacy of the inmate. Generally, the sharing of information in these circumstances is most appropriately facilitated by adult corrections, especially in situations where the OCR is without consent from the inmate to share information. As a result of OCR inquiries of this nature, Adult Corrections has assigned a manager to be a source of referral to assist family members of inmates who often contact the OCR out of concern for their loved ones.

Remote Connectivity

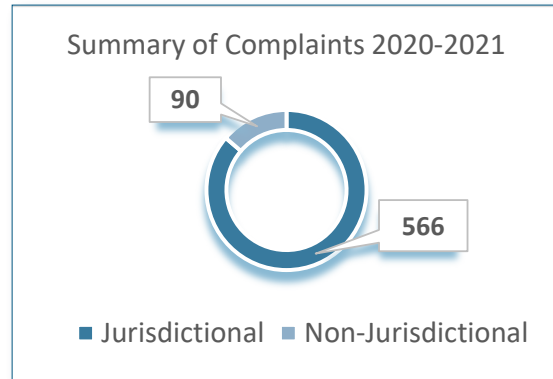


High-speed internet connectivity is an issue for some rural and remote communities. A citizen from the northern tip of Newfoundland complained to the OCR about their internet services. While internet service providers are outside the jurisdiction of the OCR, we are able to provide, when appropriate, referral information on non-jurisdictional matters. In this case, we were able to advise the citizen of an appropriate complaint mechanism and where to find further information related to internet service. The OCR provided the citizen with contact information for the Commissioner for Complaints for Telecommunications Services (CCTS). In addition, the citizen was provided information available from Municipalities Newfoundland and Labrador (website) on broadband needs in rural areas of the Province.

Statistics

During 2020-2021, the OCR received 656 complaints and inquiries.

The following tables illustrate the origin of the complaints we received and which government departments and agencies were concerned.



Complaints and Inquiries by Department April 1, 2020—March 31, 2021			
Departments	2020-2021	2019-2020	2018-2019
Children, Seniors and Social Development	22	22	19
Income Support Division	20	30	47
Digital Government and Service NL	19	12	11
Education	2	2	2
Environment and Climate Change	1	2	3
Finance	1	1	1
Fisheries, Forestry and Agriculture	12	13	5
Health and Community Services	17	42	18
Immigration, Population Growth and Skills	3	4	11
Industry, Energy and Technology	0	1	0
Justice and Public Safety	18	13	29
Correctional Facilities	327	355	369
Municipal and Provincial Affairs	5		
Tourism, Culture, Arts and Recreation	1	1	1
Transportation and Infrastructure	7	6	3
Total Complaints and Inquiries	455	504	519

Complaints and Inquiries by Agencies and Boards April 1, 2020—March 31, 2021

AGENCIES/ BOARDS	2020-2021	2019-2020	2018-2019
Central Regional Services Board	0	0	1
College of the North Atlantic	2	3	2
Conseil Scolaire Francophone Provincial de Terre-Neuve-et Labrador	2	0	0
Eastern Regional Waste Management Authority	1	0	4
Human Rights Commission	3	3	3
Memorial University	2	4	2
Municipal Assessment Agency	1	0	0
Nalcor Energy	2	0	0
Newfoundland and Labrador Medical Care Plan - MCP	2	0	1
Newfoundland and Labrador English School District	4	1	3
Newfoundland and Labrador Housing Corporation	27	31	26
Newfoundland and Labrador Hydro	2	2	0
Newfoundland and Labrador Legal Aid Commission	8	11	8
Newfoundland and Labrador Liquor Commission	1	2	3
Provincial Information and Library Resources Board	0	2	0
Public Procurement Agency	0	0	1
Public Service Commission	0	1	1
Regional Health Authorities			
Central Health	7	8	8
Eastern Health	31	23	25
Labrador-Grenfell Health	1	0	0
Western Health	5	7	7
WorkplaceNL	8	7	10
Workplace Health, Safety & Compensation Review Division	2	1	1
Total Complaints and Inquiries	111	106	106

Complaints/Inquiries by Electoral District April 1, 2020 - March 31, 2021

Electoral Districts	2020-2021
Baie Verte – Green Bay	4
Bonavista	3
Burgeo - LaPoile	0
Burin - Grand Bank	3
Cape St. Francis	5
Carbonear – Trinity – Bay de Verde	0
Cartwright – L'Anse Au Clair	0
Conception Bay East – Bell Island	7
Conception Bay South	9
Corner Brook	13
Exploits	8
Ferryland	8
Fogo Island – Cape Freels	1
Fortune Bay – Cape La Hune	0
Gander	6
Grand Falls – Windsor – Buchans	4
Harbour Grace – Port de Grave	6
Harbour Main	9
Humber – Bay of Islands	1
Humber – Gros Morne	0
Labrador West	0
Lake Melville * 1	46

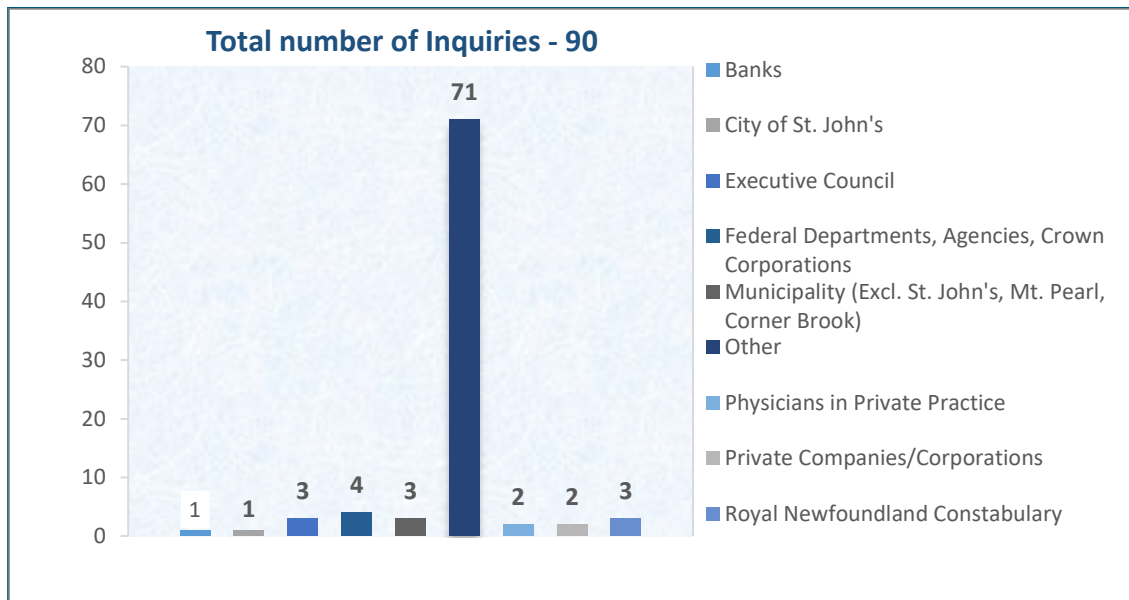
Electoral Districts	2020-2021
Lewisporte - Twillingate	2
Mount Pearl - Southlands	2
Mount Pearl North	3
Mount Scio	7
Other Provinces	7
Placentia - St. Mary's	3
Placentia West - Bellevue	4
St. Barbe - L'Anse Aux Meadows	6
St. George's - Humber	0
St. John's Centre	8
St. John's East - Quidi Vidi * 2	238
St. John's West	6
Stephenville - Port au Port	37
Terra Nova	30
Topsail - Paradise	5
Torngat Mountains	1
Unknown * 3	147
Virginia Waters - Pleasantville	4
Waterford Valley	10
Windsor Lake	3
Total Complaints & Inquiries	656

* Note 1: The volume of complaints emanating from the District of Lake Melville is a result of the location of the Labrador Correctional Centre.

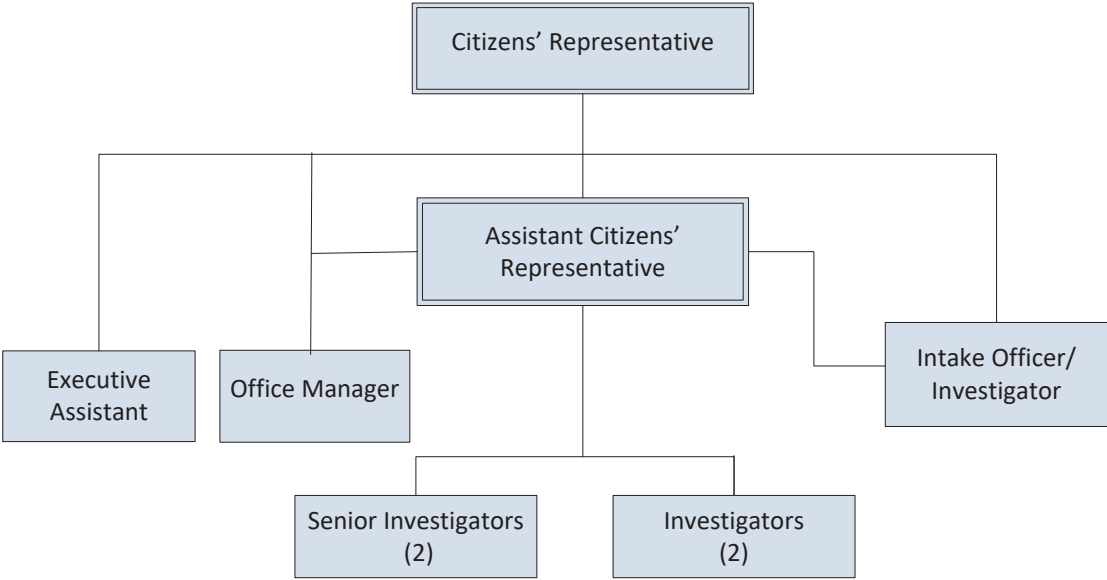
* Note 2: The higher volume of complaints emanating from the District of St. John's East- Quidi Vidi is a result of the location of Her Majesty's Penitentiary.

* Note 3: Out-of-country, no fixed address, systemic investigations.

Complaints/Inquiries Non-Jurisdictional April 1, 2020 - March 31, 2021



Office of the Citizens' Representative Organizational Chart



How to Reach Us

Bradley J. Moss	Citizens' Representative
Sharon Samson	Assistant Citizens' Representative
Michele LeDevehat	Senior Investigator
Michael Sooley	Senior Investigator
Karen Chaisson	Intake Officer/Investigator
Rebecca French	Investigator
Juanita Dwyer	Investigator
Jocelyn Walsh	Office Manager
Lorraine Holden	Executive Assistant



<https://www.citizensrep.nl.ca/>



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Office of the Citizens' Representative –
 Newfoundland and Labrador

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