



**Office of the Citizens' Representative**  
Province of Newfoundland & Labrador

# Citizens' Representative Annual Digest

**April 1, 2014 - March 31, 2015**

...seeking fairness, finding solutions



**Office of the Citizens' Representative**  
Province of Newfoundland and Labrador

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December 21, 2015

The Honourable Tom Osbourne  
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's Digest. It provides statistics on complaints received, and describes the day-to-day work of the Office of the Citizens' Representative during the period April 1, 2014 to March 31, 2015.

Respectfully submitted,

Barry Fleming, Q.C.  
Citizens' Representative

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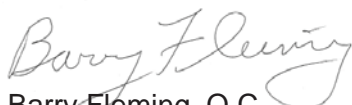
## Message from the Citizens' Representative

This is the eighth Annual Digest of the Office of the Citizens' Representative. In contrast to our Annual Report which outlines our formal reporting requirements under the *Transparency and Accountability Act*, the Digest is an informal overview of the work of our Office. We have an opportunity to provide general information about our outreach efforts, case summaries and other matters of interest.

As I reviewed our files for the reporting period I noticed that much of our work revolves around two topical issues. The first is the increasing awareness among organizational designers of the importance of the ombuds model to address issues of access to justice, particularly with respect to customer/citizen dispute resolutions. Citizen satisfaction and organizational efficiency is more often attained by avoiding litigation as opposed to winning it. We helped resolve a complaint from a taxi owner who had a dispute with a government agency over the payment of approved rides for citizens (*Paying the Meter* - p.11). A citizen had a dispute with the Department of Health and Community Services about the number of dental appointments he was entitled to under the Adult Dental Program (*No Pain like Dental Pain* – p. 9). We also helped a woman who, because of a computer glitch, paid twice to have her vehicle registered with the Motor Vehicle Division (*Paying Twice is Never Nice* - p.10). In each of these examples citizens had their disputes resolved without having to resort to formal litigation. Indeed, it was unlikely that they had the resources and resolve to see the legal process through to a final order. As well, their perception of the public service was enhanced by getting an expeditious and pragmatic resolution of their concerns.

A second theme to evolve from my review of our files for the last fiscal year centers around the complementary nature of our ombuds work with our duties as investigators of whistleblowing complaints under the *Public Interest Disclosure and Whistleblower Protection Act*. As an ombudsman, I can initiate a complaint on my own motion and have done so when a citizen has had a well-founded fear of reprisals for contacting our Office. We have met with employees who, despite the extensive protections in the whistleblower legislation, refused to file complaints. When appropriate, I can file my own motion complaint to address the citizen's concerns. An overarching concern for us when using own motion investigations for this purpose is to ensure the confidentiality of the employee who has alleged wrongdoing. We dealt with an allegation of inappropriate use of government equipment using this method (*A Restraining Finger on Government Vehicle Use* - p. 9). We also used it to address a would be whistleblower's concerns about the inadequacy of pillows and mattresses at HMP (*Time for a Change* - p.12).

We will continue to look for new and creative ways to assist citizens and employees who have concerns about significant wrongdoing. In doing so, we hope to assist all citizens of the Province in an attempt to seek fairness and find solutions in all their dealings within the public service.



Barry Fleming, Q.C.

Citizens' Representative

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## Our Role

The Office of the Citizens' Representative (the "OCR") was established after the passage of the *Citizens' Representative Act* in December 2001. The OCR serves the public, and the House of Assembly, in the traditional parliamentary ombudsman role as an independent complaint investigation and mediation office.

In 2007, our mandate expanded to include the investigation of public interest disclosures made by members and staff of the House under Part VI of the *House of Assembly Accountability, Integrity and Administration Act*.

On July 1, 2014, the House of Assembly passed the *Public Interest Disclosure and Whistleblower Protection Act* (PIDA), which is legislation designed to allow government employees to confidentially disclose wrongdoing in the public interest. The PIDA also prohibits reprisals against persons who make disclosures or seek advice on the commission of wrongdoing in the public service. The Citizens' Representative is the named investigator of public interest disclosures under PIDA.

As a non-partisan office, the OCR initiates investigations of provincial public bodies based on complaints received from:

- citizens
- whistleblowers
- Members of the House of Assembly, and
- the Lieutenant Governor in Council.

The Citizens' Representative is also able to initiate investigations without a specific written complaint under Section 15 of the *Citizens' Representative Act*.

The Office commonly assumes a mediation/facilitation function in cases which do not require formal investigation. Through ongoing dialogue with the public service, the OCR seeks early resolution of complaints by opening lines of communication with departments and agencies and, where applicable, using telephone and email inquiry, and shuttle diplomacy, to resolve many of the complaints we receive.

The OCR has, like many of its Ombudsman counterparts, assumed a referral function whereby work is performed to ensure that the person who presents with a non-jurisdictional complaint is provided with the necessary information to contact the appropriate agency to deal with their concern. Given the size of its referral network, the OCR can often link the citizen directly with whom they need to contact to resolve the complaint. Tips for effective self-advocacy and effective complaining, forms, telephone numbers, internet links, email addresses, and the required next steps to help resolve the complaint are also provided to citizens whenever appropriate.

There are a number of entities that are outside the jurisdiction of the OCR. These are set out in Section 19 of the *Citizens' Representative Act* and include:

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- the House of Assembly or a committee thereof;
  - the Lieutenant Governor in Council;
  - Executive Council and its various divisions<sup>1</sup>;
  - 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*; and,
  - 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 federal and municipal levels of government, nor does it authorize the investigation of private companies, agencies or citizens.

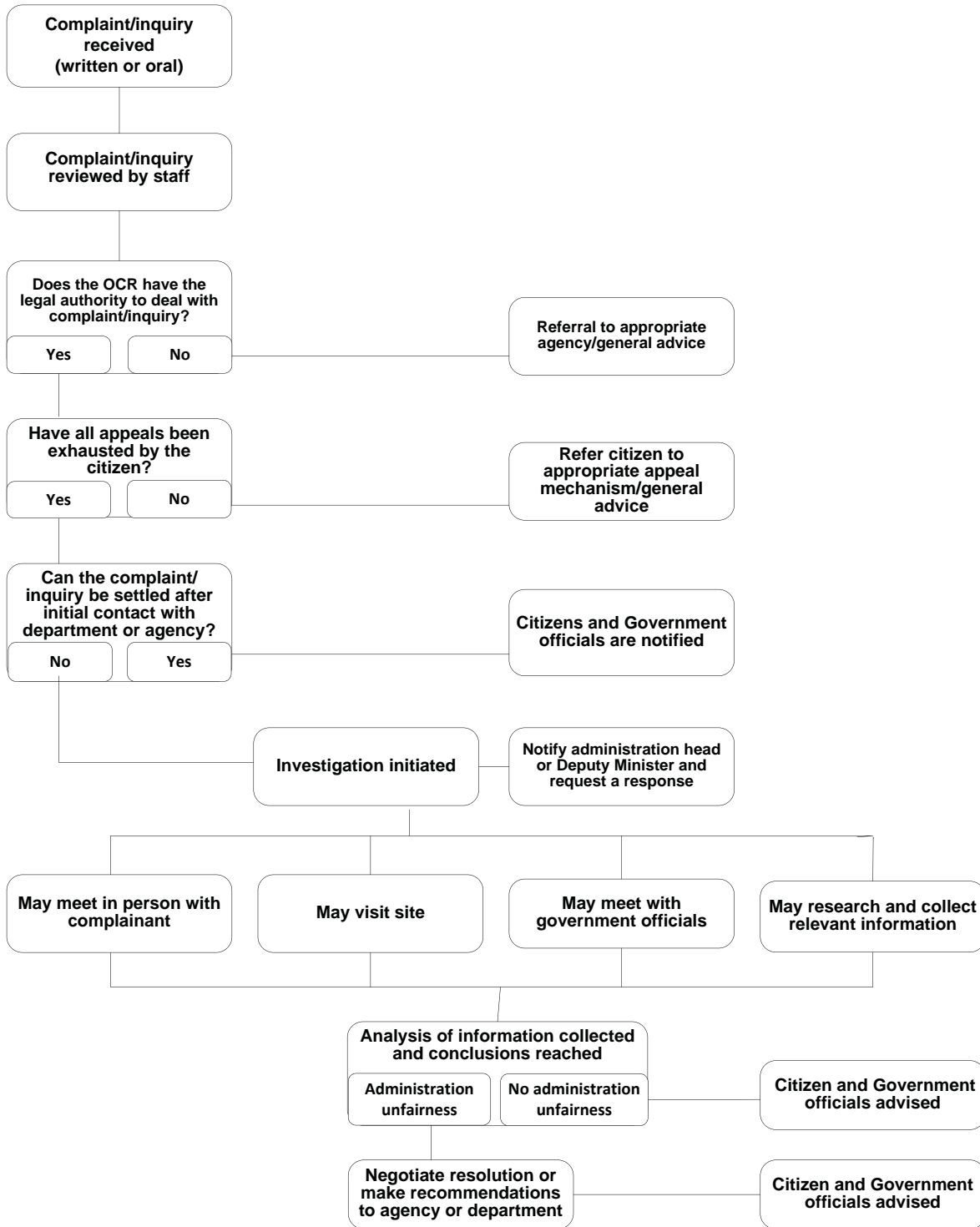
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<sup>1</sup>The Executive Council is exempt from the *Citizens' Representative Act* but is subject to investigation under the *Public Interest Disclosure and Whistleblower Protection Act*.



# 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.



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## Public Education, Access and Learning

The OCR is committed to promoting its services and raising the profile of the Ombudsman concept in the Province. It does so in a number of ways:

- *OCR Insights* - our quarterly newsletter that provides an update from the Citizens' Representative, facts about the office, and case summaries that provide examples of our work.
- The OCR website, found at [www.citizensrep.nl.ca](http://www.citizensrep.nl.ca).
- Presentations to interested groups.
- Via Good Governance Week, held in October (see page 7 for more information).
- Regular meetings with the Seniors' Resource Centre.
- Meetings with Caregivers Out of Isolation.
- Attendance at events sponsored by the Newfoundland and Labrador Network for the Prevention of Elder Abuse.

During 2014-15, the Citizens' Representative presented on the role and mandate of the OCR to the following groups:

- St. Pius X Catholic Women's League.
- The Clarenville Autism Society.
- Western Health (OCR responsibilities under the *Public Interest Disclosure and Whistleblower Protection Act* (PIDA)).
- Department of Child, Youth and Family Services (OCR responsibilities under PIDA).
- Eastern Health (OCR responsibilities under PIDA).
- Eastern Health Senior Management (OCR responsibilities under PIDA).
- Western Health (Annual General Meeting).
- Department of Education and Early Childhood Development Professional Development Day (OCR responsibilities under PIDA).
- Department of Education and Early Childhood Development management (OCR responsibilities under PIDA).
- Department of Justice and Public Safety (Her Majesty's Penitentiary) (OCR responsibilities under PIDA).
- The Newfoundland and Labrador Youth Parliament.
- Panel of Enduring Powers of Attorney.

The OCR is also committed to providing a high level of personal access to our services, visiting smaller communities to conduct our investigations, attending at sites that are the subject of a complaint, or meeting with concerned citizens on request. During 2014-15, we conducted business in the following communities:

- Stephenville
- Corner Brook
- Happy Valley – Goose Bay
- Labrador City
- Clarenville
- Lower Island Cove
- Broad Cove

## A Month in Review

To inform readers of the nature and volume of complaints received at the OCR, we have selected one month from the fiscal year to provide examples of the intake aspect of our work. The following is a cross section of allegations received in November 2014.

ALLEGATION	DEPARTMENT
Difficulty obtaining building permit	Municipal and Intergovernmental Affairs / Municipality
Protesting the current structure of income support	Advanced Education and Skills
Problem with rental assistance	Advanced Education and Skills
Denied MCP coverage	MCP
Denied recreation time (penitentiary)	Justice and Public Safety
Denied access to haircuts (penitentiary)	Justice and Public Safety
Worried about new government incinerator for disposal of deceased and diseased animals	Natural Resources
Temporary Absence pass not approved	Justice and Public Safety
Reimbursement for travel to medical appointment	Advanced Education and Skills
Inability to obtain public housing unit	Newfoundland and Labrador Housing Corporation
Access to land	Municipality
Denied exhumation of human remains	Various
Inmate requiring special diet	Justice and Public Safety
Unable to travel to pick up government cheque	Advanced Education and Skills
Difficulty obtaining information on home heating rebate	N/A
Inmate requiring medical attention	Justice and Public Safety
Unfair treatment of former student	College of the North Atlantic
Employment issues; home support worker	Central Health
Difficulty with standard prison diet; health reasons	Justice and Public Safety
Difficulty obtaining home supports; complex health issues	Western Health
Incorrect sentence calculation	Justice and Public Safety
Cut off from Community Supports Program	Advanced Education and Skills
Upset with serving intermittent sentence at RCMP Detachment	Justice and Public Safety
Dispute over placement/treatment in long term care	Western Health
Out-of-province transportation issue	Advanced Education and Skills
Multiple health concerns; inmate	Justice and Public Safety
Dispute over coverage for medical transportation	Advanced Education and Skills
Complex needs program issue	Newfoundland and Labrador Housing Corporation
Dispute over ownership of land	Environment and Conservation (Crown Lands)
Complaints re: prisoner transport vehicle	Justice and Public Safety
Manic experiences due to pharmaceutical cut off while incarcerated	Justice and Public Safety

ALLEGATION	DEPARTMENT
Refusal to provide applied behavioural analysis hours previously approved	Health and Community Services / Eastern Health
Reduction in Community Supports Program funding	Eastern Health
Allegations surrounding neglected adult and process of assessment	Eastern Health
Concerns regarding practices and licensing of personal care home(s)	Health and Community Services
Clinical assessment required for home care	Health and Community Services
Dispute over crown land application (rejection)	Environment and Conservation / Municipality
Difficulties with process of forest and ecosystem management	Environment and Conservation

## Good Governance Week

Since 2009, the OCR has celebrated Good Governance Week together with many of its Canadian Ombuds counterparts. We have traditionally set aside the second week of October to spend some time promoting the Ombudsman concept. During the week we held a small networking event for government employees whose duties include responding to our requests, and the Assistant Citizens' Representative presented to executive and constituency assistants of MHAs on the Office's role and mandate and its relationship with the *Access to Information and Protection of Privacy Act*.

Our sixth annual Grade 6 Good Governance Week Essay Contest, which poses the question "what is good governance?", was won by Ms. Maddi Healy of St. Matthew's Elementary School in St. John's. Maddi's essay can be accessed at [http://www.citizensrep.nl.ca/pdfs/MaddiHealy\\_Essay2014.pdf](http://www.citizensrep.nl.ca/pdfs/MaddiHealy_Essay2014.pdf).

In addition, staff members attended at Confederation Building entrances with the goal of promoting awareness of the *Public Interest Disclosure and Whistleblower Protection Act*. Public servants were provided with a pamphlet on the program, and given promotional whistles with the OCR logo on them.

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## Public Interest Disclosure

The OCR has mandates under two pieces of legislation to investigate disclosures made in the public interest:

1. Since 2007, the OCR has been the designated investigator under Part VI of the *House of Assembly Accountability, Integrity and Administration Act* (“HOAAIA”), which provides a process for employees and Members of the House of Assembly to disclose potential wrongdoing in the public interest.

During 2014-15, the OCR did not receive any disclosures under HOAAIA.

2. On July 1, 2014, the *Public Interest Disclosure and Whistleblower Protection Act* (“PIDA”) came into force. Under PIDA, the OCR is responsible for the receipt and investigation of disclosures of wrongdoing made by employees of the provincial government and its various agencies, boards and commissions, while reprisals are considered by the Labour Relations Board.

A report on the first nine months of the program from July 1, 2014 to March 31, 2015, was tabled via the Speaker on September 5, 2015, pursuant to Section 20 of the PIDA, and is available on both the OCR and House of Assembly websites, or by request.

The OCR handled 19 matters under PIDA during the period covered by the report.

## Individual Case Summaries

The following case summaries outline a cross-section of the complaints received, mediated and investigated during 2014-15. They contain no personal information or identifiers other than the respondent public body.

### ***“Garbage in...No Garbage Out” – Western Regional Waste Management Authority***

This own-motion investigation under Section 15 of the *Citizens’ Representative Act* was launched after allegations were made of deplorable conditions and poor management of the Bay St. George Landfill. We chose to initiate our own motion complaint, as opposed to a citizen’s complaint, because the person who contacted our Office had legitimate issues that needed to be investigated, but wished to remain anonymous. Nine allegations, including rodent and insect problems, poor waste handling practices, physical safety concerns, blowing debris and recurring dangerous situations involving traffic exiting the Trans Canada Highway for the landfill, were set out by the confidential source.

During our analysis of the complaint, and prior to our notice of intent to investigate, responsibility for the landfill changed from the local waste management committee to the Western Regional Waste Management Authority established by the *Western Regional Service Board Regulations* under the *Regional Service Boards Act, 2012*. Realizing the problems it had inherited, the waste management authority set about making substantial attempts to rectify problems identified in and

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around the landfill. In terms of the nine allegations laid out by the OCR, what had not been addressed by August 2014 was anticipated to be addressed by a comprehensive new operating contract that, if honoured and enforced, would bring the Bay St. George landfill site to where it should be in terms of proper waste management practices. There were no findings against the Authority and the source acknowledged the improvements made.

### ***“No Pain Like Dental Pain” – Department of Health and Community Services***

A suite of dental services are available to citizens who pass a threshold financial evaluation. A man who alleged his dental health had been affected as a result of delay and unfair treatment in the administration of the Adult Dental Program, contacted us after a neglected tooth abscessed and he had to have emergency surgery at a St. John’s hospital.

In essence, he claimed that his dentist applied to give him eight dental fillings on March 15, 2013, with no reply. He felt that his application for services, made before an April 1, 2013 cap was placed on dental services, should have been honoured and he would not have had problems, but for the delay.

In its formal response to the complaint the Department outlined its predicament. Emails in the Department’s disclosure indicated that it was aware that the prior approval process was a slow process, because there were numerous pre-authorizations that had to be processed manually and there were many cases whereby work was not approved with enough lead time to allow delivery before the cap was implemented. However, it regarded the man’s appeal before the Dental Monitoring Committee’s as final.

Contained in its letter to the OCR, however, was a statement that if the work could have been completed before April 1, 2013, it would have been covered by the Program in accordance with pre-cap parameters. This led to a fairly elementary question: could the treating dentist have completed the work if the pre-authorization had been processed in a timely fashion? The dentist confirmed to us that he could.

The OCR wrote to the Department with this information, pointing out it had been 15 months since the man first sought treatment. In the absence of some analysis not provided by the Department that a decision favourable to the man would be the touchstone to a high amount of new claims of this nature, or serious new administrative inefficiencies in the Adult Dental Plan, we felt it was fair and just to reconsider the matter.

The Department agreed to work with us. It took the time to review the case on the strength of the evidence and agreed to a solution. In 2014 they generated a prior approval for the man’s necessary dental work to be completed.

### ***“A Restraining Finger on Government Vehicle Use” – Service NL***

With some minor exceptions for parking at home or use of a vehicle while on-call, government vehicles are prohibited from being driven for personal use.

The OCR became aware of allegations that an employee was driving a government vehicle while

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on leave, in addition to allegations of after-hours and other personal use. We immediately informed the deputy minister of the allegations and asked that the matter be investigated internally, with a status report to be provided to the OCR.

The Department responded swiftly to the referral, investigated the matter, and the inappropriate use was stopped. Regional employees were issued a reminder about improper use of a government vehicle.

### ***“Miscommunication Cleared” – Department of Finance***

Terminated employees with greater than five years of pensionable service are entitled to transfer the commuted value of their pension to another pension plan, a retirement savings arrangement, or a deferred life annuity under the *Pension Benefits Act*.

A former employee who qualified, but who needed a listing of his options, was initially told that he may have to wait up to one year to receive a letter outlining his options. When the OCR inquired further into the matter, the Pensions Division stated that he should have received the letter right away. After receiving the letter, the man began contacting financial institutions to determine his best course of action in terms of accessing his contributions.

### ***“Paying Twice is Never Nice” – Service NL***

Citizens of Newfoundland and Labrador have the option of renewing their motor vehicle registrations via a secure online portal that accepts electronic payments. A lady contacted the OCR after weeks of frustration trying to rectify a glitch in the payment system. Just at the moment she pushed the process payment button, the online system shut down. Unsure of what to do, she logged on when the system came back up and received a message that she could not complete her renewal online. When she contacted Motor Registration Division she was told that the payment was not showing up, and she would have to speak with the employee responsible for updating the online system. After leaving messages that weren't returned, she went to a local bank to pay the registration a second time, to ensure she wasn't ticketed in traffic.

When the OCR inquired into the matter, we found quick resolution. A clerical oversight, and an employee going off on leave were the main problems. She was given an apology by MRD. Rather than issue a time-consuming refund, MRD offered to apply the amount to a second vehicle she had coming due for registration. The lady agreed to the offer and the matter was closed.

### ***“Cover Me!” – Department of Health and Community Services (MCP)***

Citizens from other parts of Canada that move to Newfoundland and Labrador bring with them three months of medical coverage from their previous province of residence. Like other provincial health plans, MCP requires that persons applying for coverage provide satisfactory proof of residency prior to qualifying for benefits, together with an intention to remain in the province. A legally blind man awaiting further exploratory medical testing for a possible cancer diagnosis submitted an application to MCP. He claimed he was turned down by MCP for not submitting a lease document that showed his intention to reside in the Province. While agreeing with the safeguards put in place to prevent “cross-border doctor and procedure shopping,” he stated this was problematic as he was renting in a month-to-month tenancy and could not produce a lease. After contacting our Office and working with staff, and submitting more official tenancy confirmation from the property management company, he received one year's coverage.



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### ***“Lost in a Maze” – Various Departments***

Frequently, citizens call the OCR with questions on where to turn for assistance. An elderly lady who uses a walker for mobility problems contacted us to say she needed home care, but she was being told that she was too active to avail of full home care benefits. On top of this, she was having extreme difficulties paying for transportation to and from medical appointments.

The OCR's first call was to Eastern Health to outline the problem. Eastern Health acknowledged that while the lady had been visited by a social worker, a full clinical assessment that could trigger more fulsome benefits was not performed. The authority ordered an assessment to take place, and provided valuable referral advice to MCP and the Department of Advanced Education and Skills, who could assess her transportation needs.

### ***“Vendor Payment Re-Direct” – Department of Finance***

The Department of Finance, on behalf of government, does a very high volume of transactions in payroll, pensions and vendor payments. Sometimes the best laid plans result in glitches that can impact businesses that provide services to government.

A franchise owner providing pest control services contacted the OCR after invoices he sent were not paid. He believed that the money had been paid to another franchisee in another area of the Province, but was having trouble resolving the matter with the Department he was working with.

The OCR's inquiry proved the man's suspicions were true, however, the problem lay with a financial institution, which had provided incorrect bank account numbers and bank transit information relating to the business. A representative of the bank confirmed the information and transferred the money from the incorrect account to that of the business owner.

### ***“Paying the Meter” – Department of Advanced Education and Skills***

The Department of Advanced Education and Skills works with local transportation companies to assist clients who require transportation to approved medical appointments.

A taxi owner contacted OCR reporting unfair and unreasonable delays in receiving service authorization numbers for reimbursement of taxi services he had provided to clients. He expressed frustration with changes in policy and reported he was owed over \$11,000 by the Department. Our investigation found that the policy hadn't changed significantly, however, there were inconsistencies in how the policy was applied. We asked that the Department review the matter in greater detail in light of the outstanding invoices and the fact that the services rendered were bona fide. To its credit, the Department undertook a detailed review of the matter and took ownership of the problem, issuing a payment of \$11,119.20.

### ***“Check Please!” – Department of Child, Youth and Family Services***

Individuals looking to volunteer or work with children are now required by most schools, day cares and organizations to undergo a series of checks. Among these are a Child Protection Record Check (CPRC) with the Department of Child, Youth and Family Services.



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A young woman contacted the OCR stating she was not being treated fairly by the Department as a previously investigated referral against her had not been closed in a timely manner. The failure to complete the investigation and close the file was having a detrimental effect on her ability to be employed at a day care centre where she was offered work, and also to secure a seat with a local college offering an Early Childhood Education Program.

She was very surprised to learn the file was not closed after several years. She was unable to start her new job and was advised by the college that her seat would not be held without it. Losing her seat meant she would go back to the bottom of the waiting list for the program.

The OCR investigated the complaint and the Department acknowledged that while there were evident lapses in contact with the family, several mitigating factors contributed to the delay in closure. Upon receipt of the complaint, the Department worked proactively and quickly reassessed the file and recommended it for closure. Subsequently she was provided with the CPRC, allowing her to continue with her education.

### ***“The Last Piece of the Puzzle” – Department of Advanced Education and Skills***

When clients receive lump sum payments while in receipt of Income Support benefits, continued eligibility for assistance has to be assessed thoroughly. A professional who was escaping an abusive relationship relocated to Newfoundland and Labrador to work part-time in her profession. During her transition, she received some income support. However, when she received a lump sum payment from the federal Employment Insurance Program and immediately paid it down on some pressing debt, the Department suspended her benefits. When the OCR inquired we were advised that the Department was sympathetic to her plight, but still required more detailed verification of how the lump sum of approximately \$12,000 was spent. Working with the lady and the Department, the OCR was able to confirm that a critical piece of financial information from a chartered bank was all that was missing. The expenses were then deemed legitimate and her income support was reinstated pending her finding full-time work in her profession.

### ***“A Tutorial on Discretion” – Newfoundland and Labrador English School District (“NLESD”)***

NLESD provides students who qualify with face to face tutoring during the academic year. This news was cold comfort to the parents of a teenage student who suffered a fairly major stroke just prior to the end of the school year. Unable to avail of the service while undergoing intensive medical intervention and rehabilitation during the summer, when the parents sought tutoring to assist the student’s transition to the next grade level they were first advised that their request was being declined. The OCR processed the inquiry quickly and was told that while the intent of the program is to assist students who cannot attend school during the academic year, the program was also under review. Given the extreme hardship endured by the student, tutoring was approved for the month of August, giving both the parents and student one less thing to worry about.

### ***“Time for a Change” – Department of Justice and Public Safety (Adult Corrections)***

Regardless of the circumstances that land people in prison, incarcerated men and women are entitled to basic human rights and human dignity.

The OCR received information that pillows and mattresses at HMP may contain mold, blood, feces, vomit and other remnants of inmates who have previously used these items.

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Escorted by a Lieutenant from the Department, OCR Investigators conducted random inspections of 23 cells, spread over all sentenced and remand areas of HMP, including the Special Handling Unit and the Segregation area. Inmates were asked if they were willing to submit to an inspection of their bedding. All inmates complied with the request. The inspection included mattresses, sheets, blankets, pillow linens, pillows and the general condition of the bed frame. All cell bedding was photographed. The results of this inspection confirmed the allegations.

Pursuant to Section 37(2)(g) of the *Citizens' Representative Act* the Citizens' Representative recommended the immediate replacement of all mattresses and pillows at HMP by the Department. The OCR recommended the department order correctional-grade products that have fire-resistant, vandal-proof, and fluid-repelling specifications that also had the ability to be cleaned.

Further, it was recommended that Adult Corrections issue a directive that all inmates, on admission, be assigned a standard issue of bedding that includes a pillow and a mattress designed to remain with them during their admission to avoid unsanitary conditions and heightening the risk of transmission of communicable disease.

The recommendations were accepted and implemented by the Department at the earliest juncture.

### ***“Clawback Off” – Department of Advanced Education and Skills***

Government departments have a duty to ensure that money for benefits is repaid to the treasury when a person receives financial help from another source. In this case, however, the cruel circumstances befalling one family could be blamed solely on an unsympathetic computer.

A father and son were losing the mom of the house to a terminal disease. As her health was ailing, the son volunteered to receive and administer his mother's federal disability tax credit to help provide support for her. The Department began to claw back the tax credit due to an existing debt he had with it.

When the OCR made contact with the Department and explained the situation in detail, it investigated immediately. They learned that the son was registered in a federal offset program that was administered primarily by a Canada Revenue Agency computer program that identified federal government payments flowing to persons who have debts owed to provincial agencies. The decision to claw back the money was, therefore, an automated error. The Department recognized that while there was a debt owing, the money from the disability tax credit was intended for the care of the mother and it immediately repaid the amount taken while recovering the debt from the son at a later date.

### ***“Change for the Better” – Eastern Health***

Patient repatriation is a term used to describe the process followed to return patients to their health care centre in their home town, following an acute health episode in another province or country. Safe and timely patient transfer following adequate preparations are among the primary goals of the process.

A man contacted the OCR after enduring an arduous process of transfer for his spouse from Nova Scotia to the Hoyles Escasoni Complex in St. John's. A transfer they believed took place contrary to the treating physician's wishes, and without due clinical consideration.

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The circumstances arose after his wife suffered a stroke while waiting for the ferry in North Sydney. It took five weeks of discussions before arrangements were made for her return to St. John's, where the family was told long term care was her only option. The man believed the health authority only made assumptions about the level of care his wife required, and advised that after thirteen days in long term care she was transferred to acute care for more stringent medical intervention.

Evidence in the investigation showed the medical team in Nova Scotia did not support the discharge to long term care and the OCR found that forty days for repatriation was too long when provinces like Nova Scotia have targets of five days.

Every request for repatriation generates a complex web of decision making and consultation, however, the OCR felt improvements could be made on a policy level. We recommended a formal apology to the family acknowledging an inadequate repatriation process, and the creation of a formal protocol or policy to respond to requests for repatriation in a manner that ensures patients receive the appropriate care, at the appropriate facility in a timely and efficient manner.

The authority accepted both recommendations and the file was closed.

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## Your Feedback

Staff are encouraged to share all feedback received on our work, positive and negative alike. Here are some excerpts from our OCR's "Nice Quotes" file.

- ...thank you for your guidance and help. My family was put under a lot of stress over this ordeal. It seemed to me at first that everyone was against us.
- Thanks for looking out for the little guy.
- You cared enough to listen and give me the necessary information.
- I just want to say thank you again for everything. I'm not very good at expressing gratitude, I really thank you from the deepest part of my heart.
- Thank you and your team for the hard work put into the investigation. Your detailed report has given the disabled/mobility impaired community the opportunity to resolve a too long outstanding issue.
- ...very thankful for the help!
- So, thank you for your help, I couldn't have brought closure without your assistance.
- I got the letter you sent. I want to thank you for getting my issue successfully resolved. I could not have done this on my own. I appreciate the fact that you were interested in my case. Once again, thank-you for a job well done.
- Your voice is so welcoming and comforting! You are very caring. Thank you for all you have done.
- This feels like a million pounds lifted off my shoulders. If it was possible I would hug you through the phone. This would not be possible if it wasn't for you.
- Thanks again for everything you and your office did. I really appreciate all your help. I will be in touch with you in the near future to let you know when I officially retire. Thanks again.
- Thank you for listening, and going to bat for me. It's good to know there's someone out there willing to help.

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## Kudos

Our annual Kudos section is dedicated to recognizing some of the public servants we deal with on a regular basis, who are knowledgeable about their departments and do whatever they can to help with the OCR inquiries and investigations. Sometimes they reply quickly; sometimes they stay late; other times they lend valuable assistance when we visit their places of work outside of St. John's. As nominated by the staff, this year's recipients of Kudos are:

**Mark Griffin, Manager of Information Services, Department of Child, Youth and Family Services.** According to his nomination, Mark is "accessible, takes time to answer questions, if he's unsure of the answer he will follow up with the appropriate person and provide a response. Once he receives notification from the OCR he responds by email or phone...if information is going to be delayed he advises of same and provides us with reasons why..."

**Judy Hodge, Regional Enquiries Coordinator, Department of Advanced Education and Skills.** Her nomination read: Judy is indeed our "Judy on the spot." Judy is rarely ever more than a phone call away on some of the more challenging complex needs cases there are on the Avalon. She follows through; gives her direct line to Investigators with instructions to pass it on to the citizen concerned. She has a wealth of community referral knowledge. Timely, efficient and effective in bringing positive change whenever she can, Judy is an asset to her Department.

## Statistics

During 2014-2015, the OCR received 798 complaints and inquiries. The following tables illustrate the origin of the complaints we received and which government departments and agencies were concerned. 748 jurisdictional complaints and inquiries are in the table below; 50 non-jurisdictional complaints and inquiries are listed on page 19.

### Complaints/Inquiries by Department and Agency (Jurisdictional) April 1, 2014 – March 31, 2015

Advanced Education and Skills	5
Income Support Division	79
Business, Tourism, Culture and Rural Development	1
Central Health	5
Child, Youth and Family Services	21
College of the North Atlantic	4
Eastern Health	25
Eastern Regional Waste Management Authority	1
Education and Early Childhood Development	3
Environment and Conservation	8
Finance	4
Health and Community Services	9
Justice and Public Safety	16
Correctional Facilities	449
Human Rights Commission	2
RNC Public Complaints Commission	1
Memorial University	2
Municipal and Intergovernmental Affairs	7
Nalcor Energy	3
Natural Resources	1
Newfoundland and Labrador English School District	1
Newfoundland and Labrador Housing Corporation	49
Newfoundland and Labrador Legal Aid Commission	9
Newfoundland and Labrador Liquor Corporation	1
Newfoundland and Labrador Medical Care Plan - MCP	4
Public Service Commission	3
Service NL	9
Transportation and Works	5
Western Health	11
Western Regional Waste Management Authority	1
Workplace Health, Safety and Compensation Commission	6
Workplace Health, Safety and Compensation Review Division	3
<b>Total Complaints and Inquiries by Department and Agency</b>	<b>748</b>

**Complaints / Inquiries  
by Electoral District  
April 1, 2014 - March 31, 2015**

Baie Verte-Springdale	4
Bay of Islands	4
Bellevue	2
Bonavista North	1
Bonavista South	10
Burgeo & La Poile	1
Burin - Placentia West	6
Cape St. Francis	6
Carbonear – Harbour Grace	7
Cartwright - L'Anse au Clair	1
Conception Bay East & Bell Island	7
Conception Bay South	6
Exploits	4
Ferryland	7
Gander	7
Grand Bank	3
Grand Falls – Windsor – Buchans	7
Grand Falls – Windsor – Green Bay South	7
Harbour Main	10
Humber East	3
Humber Valley	5
Humber West	16
Kilbride	6
Lake Melville	4
Lewisporte	1
Mount Pearl North	9
Mount Pearl South	4
Other Provinces	9
Placentia & St. Mary's	5
Port au Port	4
Port de Grave	2
Signal Hill – Quidi Vidi * 1	400
St. Barbe	1
St. George's – Stephenville East	35
St. John's Centre	18
St. John's East	9
St. John's North	22
St. John's South	21
St. John's West	17
Terra Nova	6
The Isles of Notre Dame	6
The Straits & White Bay North	1
Topsail	3
Torngat Mountains	4
Trinity – Bay de Verde	7
Trinity North	25
Unknown * 2	51
Virginia Waters	4
<b>Total Complaints &amp; Inquiries by Electoral District</b>	<b>798</b>

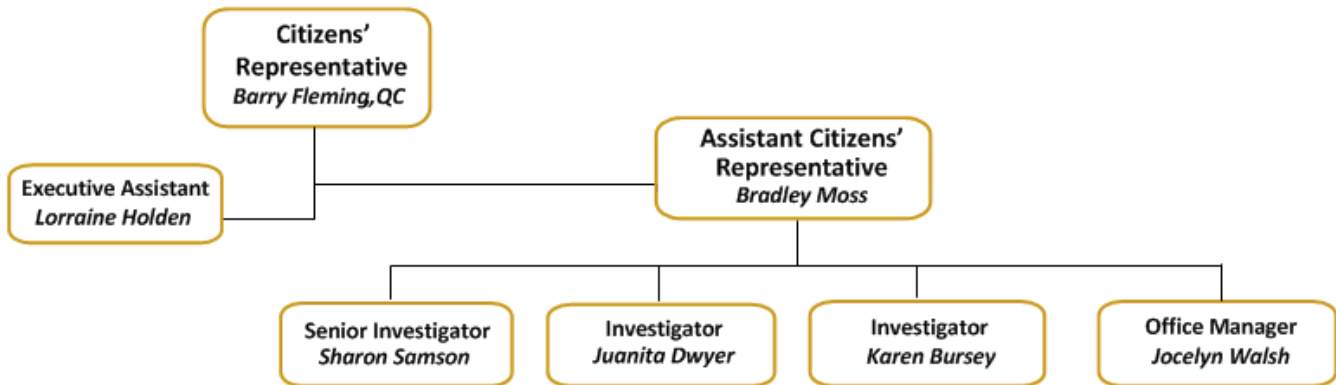
\* Note 1: The higher volume of complaints emanating from the District of Signal Hill-Quidi Vidi is a result of the location of Her Majesty's Penitentiary.

\* Note 2: Out-of-country, no fixed address, systemic investigations.

**Complaints/Inquiries Non-Jurisdictional  
April 1, 2014 – March 31, 2015**

Federal Departments, Agencies and Crown Corporations	2
Municipality (Exc. St. John's, Mt. Pearl and Corner Brook)	3
Private Companies/Corporations	44
Royal Newfoundland Constabulary	1
<b>Total Complaints &amp; Inquiries Non-Jurisdictional</b>	<b>50</b>

**Office of the Citizens' Representative  
Organizational Chart**





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## How to Reach Us

### ***Staff***

Barry Fleming, Q.C.	Citizens' Representative
Bradley Moss	Assistant Citizens' Representative
Sharon Samson	Senior Investigator
Juanita Dwyer	Investigator
Karen Bursey	Investigator
Jocelyn Walsh	Office Manager
Lorraine Holden	Executive Assistant

### ***On the Internet***

[www.citizensrep.nl.ca](http://www.citizensrep.nl.ca)

### ***By Phone***

Toll Free: 1-800-559-0079  
Telephone: (709) 729-7647  
Fax: (709) 729-7696

### ***By Mail***

P.O. Box 8400  
St. John's, NL  
A1B 3N7

### ***In Person***

4<sup>th</sup> Floor, Beothuck Building  
20 Crosbie Place  
St. John's, NL

### ***On Facebook***

Office of the Citizens' Representative – Newfoundland and Labrador



**Office of the Citizens' Representative  
4th Floor, Beothuck Building  
20 Crosbie Place  
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