



NEWFOUNDLAND & LABRADOR
OFFICE OF THE
CITIZENS' REPRESENTATIVE

ANNUAL REPORT

JAN 2006 – MAR 2007



House of Assembly
Province of Newfoundland and Labrador
Office of the Citizen' Representative

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

Dear Mr. Speaker:

Pursuant to section 43 of the *Citizens' Representative Act* I have the honour to present to the House of Assembly, through your Office, my first annual report for the Office of the Citizens' Representative.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barry Fleming".

Barry Fleming, Q.C.

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MESSAGE FROM THE CITIZENS' REPRESENTATIVE



Barry Fleming

reading of their file, nothing enlivens or gives context to their concerns like interpersonal contact. In these meetings I gleaned citizens' fears and apprehensions about the public services available to them. I also learned about their hopes and aspirations for their future in this Province and their genuine desire to understand the advantages and limitations of the public service. This contact has benefited me when I review other files where, unfortunately, I do not have direct contact with the citizens who contact our office.

Facilities And Supports For Female Offenders From Labrador

During a visit to Labrador in January 2007 I became aware of a woman who was detained by the RCMP in Happy Valley - Goose Bay. She had made statements that indicated she was at risk to harm herself. She was taken to a holding cell, kept naked and after sixteen hours in detention, was provided with a blanket. The reasons provided for her relatively long time in a holding cell while displaying suicidal tendencies was that the only "secure room" at the Labrador Health Centre in Happy Valley was in use and unavailable.

Introduction

I was appointed Citizens' Representative on December 6, 2006. This is my first annual report and therefore my first opportunity to outline the work of this Office and to highlight some topics of interest. In keeping with traditional governmental reporting protocols our reports will commence covering fiscal years as opposed to calendar years. This report represents this transition in that it covers 2006 and the first three months of 2007.

Community Contact

Within the first three months of my tenure I have had the opportunity to meet with citizens from all parts of the Province. I travelled to Happy Valley-Goose Bay, Labrador City, Stephenville, Corner Brook and Deer Lake to hold public information sessions and to meet with individuals who had concerns about how they were treated by Provincial government departments and agencies. This contact was, and will continue to be, invaluable. While I can learn the salient facts about any citizen's complaint from a thorough

This incident raised concerns which went beyond the plight of this woman. What facilities and supports are in place for female prisoners from Labrador? To address this concern, our Office initiated a special investigation pursuant to Section 15 of the *Citizens' Representative Act*. We notified the Departments of Justice and Health and Community Services; and the Labrador Grenfell and Eastern Health Authorities of our intent to proceed with an investigation. We developed an investigation plan and work on the project continued through the reporting period for this Report.

Atlantic Lottery Corporation

In March 2007 the Atlantic Lottery Corporation released the results of an internal review which revealed that retail owners in Atlantic Canada won lotteries at ten times the statistical odds. Our office was contacted by a citizen who had concerns about this revelation.

The Atlantic Lottery Corporation is a company owned and operated by the four Atlantic Provinces. Our Office, like the Ombudsman offices in Nova Scotia and New Brunswick (PEI does not have an Ombudsman office) does not have the jurisdiction or legal right, to investigate that organization. During a conference call held on March 27th my New Brunswick and Nova Scotia colleagues and I decided to approach the ALC to advise that we would be monitoring the attempts by the ALC to rectify this problem. I wrote the ALC and sought:

- a. a copy of the internal review;
- b. a description of the methodology used to determine the percentage of retailer wins;
- c. an assessment of the possible cause for the statistical disparity;
- d. a list of the steps taken or planned to address the problems, and;
- e. a detail of plans to monitor the rate of retail wins in the future.

The ALC responded positively. It accepted our role in monitoring this problem despite a lack of clear legal authority to do so. It undertook to provide the information we requested. My Office will continue to monitor this situation in the upcoming year.

Acknowledgement

I would like to acknowledge the work of Robert Jenkins, Acting Citizens' Representative, who fulfilled the duties of this Office from August 2005 until December 2006. Mr. Jenkins was able to rally a competent staff, which had experienced an extended period of uncertainty, to address a daunting backlog of cases. During this period he simultaneously improved the efficiency of this Office while instilling a sense of confidence and optimism in our staff. My job is easier because of his efforts.

THE JURISDICTION OF THE CITIZENS' REPRESENTATIVE

The Citizens' Representative has the authority to investigate complaints from individuals who believe that they have been treated unfairly by Provincial public employees or officials. The Office cannot investigate:

- the House of Assembly or a committee thereof;
- the Cabinet;
- the Executive Council or a committee thereof;
- a court, judge or a justice of the peace;
- an arbitrator appointed under the *Arbitration Act*;
- any decision where the citizen has a right to appeal to a court or tribunal but has not yet done so or the time for doing so has not expired;
- a decision by the Access to Information Commissioner; or,
- a problem that the Child and Youth Advocate has the power to deal with.

It is important to note that the Citizens' Representative cannot deal with complaints of unfairness that may arise from a citizen's dealings with the federal or municipal governments. As well the actions of private companies, agencies and individuals are beyond a review by this Office.



Juanita Dwyer, Investigator with citizen

The Citizens' Representative can investigate complaints of unfairness filed against Provincial government departments and the following agencies:

- The Agricultural Products Marketing Board
- The Board of Commissioners of Public Utilities
- Business Investment Corporation
- The C.A. Pippy Park Commission
- The Cancer Treatment and Research Foundation
- The College of the North Atlantic
- Criminal Code Mental Disorder Review Board (section 672.38 *Criminal Code*)
- The Dairy Farmers of Newfoundland and Labrador
- Day Care and Homemaking Services Licensing Board
- Edge Corporation Evaluation Board
- The Egg Producers of Newfoundland and Labrador
- Enterprise Newfoundland and Labrador Corporation
- A hospital board or authority as defined in the *Hospitals Act*
- A health and community services board incorporated under the *Health and Community Services Act*
- Insurance Adjusters, Agents and Brokers Appeal Board
- Mental Health Care and Treatment Review Board
- The Labour Relations Board
- An adjudicator appointed under section 67 of the *Labour Standards Act*
- Livestock Owners Compensation Board
- The Memorial University of Newfoundland
- Mineral Rights Adjudication Board
- Mining Tax Review Board
- Multi-Materials Stewardship Board
- Municipal Assessment Agency referred to in the *Assessment Act, 2006*
- The Newfoundland and Labrador Chicken Marketing Board
- Newfoundland and Labrador Crop Insurance Agency
- The Newfoundland and Labrador Human Rights Commission
- The Newfoundland and Labrador Industrial Development Corporation
- Newfoundland and Labrador Legal Aid Commission
- The Newfoundland and Labrador Liquor Corporation
- The Newfoundland and Labrador Liquor Licensing Board
- The Newfoundland and Labrador Municipal Financing Corporation
- Newfoundland and Labrador Arts Council
- Newfoundland and Labrador Centre for Health Information
- Newfoundland and Labrador Education Investment Corporation
- Newfoundland and Labrador Geographical Names Board
- The Newfoundland and Labrador Housing Corporation
- Newfoundland and Labrador Student Investment and Opportunity Corporation
- The Private Training Corporation
- Provincial Apprenticeship Board
- The Provincial Information and Library Resources Board

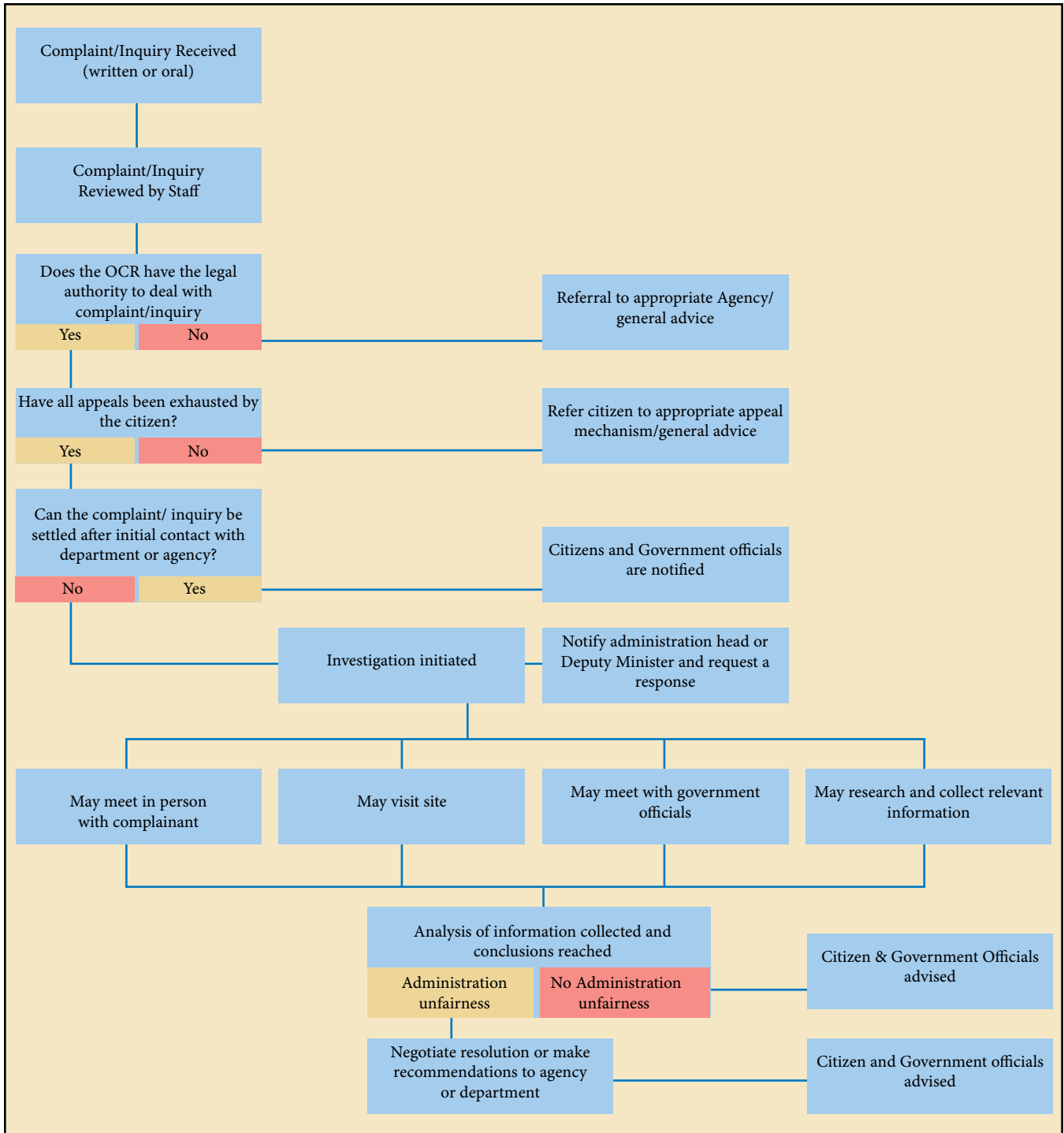
- The Public Service Commission
- Royal Newfoundland Constabulary Public Complaints Commission
- A school board, including the conseil scolaire francophone elected under the *Schools Act, 1997*
- An appeal board appointed under the *Income and Employment Support Act*
- Timber Scalers Board
- An appeal board established under section 40 of the *Urban and Rural Planning Act, 2000*
- Workers' Compensation Review Division
- The Workplace Health, Safety and Compensation Commission
- A corporation, the ownership of which, or a majority of the shares of which is vested in the Crown
- A corporation, commission or board the majority of the members of which, or the majority of the members of the board of directors of which are appointed by the Lieutenant-Governor in Council
- A board, commission or other body added to this Schedule by order of the Lieutenant-Governor in Council



Rodney Hynes, Investigator with citizen

THE COMPLAINT PROCESS

It is important for citizens to know what to expect with respect to the complaint process used by our Office. It costs nothing to file a complaint. The following chart helps illustrate how complaints and inquiries are addressed.



EDUCATION AND TRAINING

During 2006 our educational initiatives within government departments and agencies continued. Our ongoing projects with the Newfoundland and Labrador Housing Corporation, the Regional Health Authorities and the Department of Human Resources, Labour and Employment took us to Happy Valley-Goose Bay, Labrador City - Wabush, Marystown, Twillingate, Gander, Lewisporte, Grand Falls-Windsor, Stephenville and Corner Brook. Presentations were also given to representatives of these departments in St. John's and the Northeast Avalon. We take this opportunity to thank all of those offices and employees we encountered for their hospitality and interest in our work. This office continues to witness an increased willingness to mediate complaints as people become better aware of our role and mandate. This streamlines and expedites our mediation and complaint investigation processes. There is a tremendous benefit for our Office as well, we get to tour facilities, observe operations and discuss matters of concern with operational officials. The Government as a whole benefits because this broader view of its organizations instills in us the ability to identify trends that may require action on the part of the Executive of affected departments and agencies.

On two occasions during 2006 officials from this Office availed of training and networking opportunities through the Canadian Council of Parliamentary Ombudsman (CCPO) and the Forum of Canadian Ombudsman (FCO). The British Columbia Ombudsman hosted a CCPO forum for investigators entitled "Building Excellence in Investigations" during February of 2006 in Victoria and the FCO hosted "Working Behind Prison Walls"—a specialized corrections course—in Vancouver in May of 2006. I am pleased to confirm that we are now institutional members of the Forum of Canadian Ombudsman and all national and international organizations of interest to Canadian Ombudsman.



Bradley Moss, Senior Investigator with citizens

CASE SUMMARIES

The following are some of the cases considered by our Office in the last year, as well as two larger investigations which were carried over from previous years.

The Best Interest of Families—Human Resources, Labour and Employment

We were contacted by a couple who alleged that they were being denied mortgage assistance by the Department of Human Resources Labour and Employment (HRL&E) due to a strict interpretation of departmental policy. Following an investigation and after discussions with HRL&E officials an agreement was reached that concluded the family was eligible for mortgage assistance. The couple and their four children were able to remain in their hometown, which would not have been possible had HRL&E not agreed to open a constructive dialogue and reconsider its decision.

Long-awaited Rebate for Labrador West Ex-Residents—Newfoundland and Labrador Hydro

A class complaint carried over from 2002 was settled in 2006. At issue was the entitlement of former residents of Labrador West to an electrical rate rebate administered by Newfoundland and Labrador Hydro (Hydro).

A fee surplus of \$2,922,755.00 had accumulated as a result of fluctuations in electrical rates between 1989 and 2001. Hydro was required to rebate the surplus because of a series of orders and appellant decisions emanating from the Public Utilities Board. The surplus had its genesis in the 1985 transfer of the electrical distribution system in Wabush from Wabush Mines to the power distribution system maintained by Hydro. The Public Utilities Board ordered Hydro to compensate current residents of Wabush proportionally to their contributions to the surplus. The Citizens' Representative does not have the authority to investigate Public Utilities Board decisions.

Subsequent to the Board decision our Office was contacted by a number of former residents who complained about the manifest unfairness of the situation. These citizens paid all electricity bills as required while they lived in Labrador West but were unable to benefit from the rebate. We accepted a total of 48 complaints.

Hydro's initial response to the complaints was to indicate that it would take a substantial amount of effort to track down the former residents and make the appropriate payments. The cost of the exercise may have been greater than the rebates.

We investigated the complaints and made a recommendation that former residents be provided with the rebate. Our Office had undertaken a large part of the administrative task of finding the former residents. On June 15, 2006 Hydro indicated that they accepted our recommendation and would provide complainants with a rebate proportioned to their contribution to the surplus.

Appeal and Loan problems—Department of Education

A student had taken three courses through Memorial University during a summer semester. She had failed one of the courses and was subsequently restricted from obtaining financial assistance under student loan policies for a period of twelve months. Our review of the *Application and Information Guide* and her file had indicated that the same penalties were applied to her as were all students in similar circumstances. The student accepted this, however the point of contention for her was the fact she had received notification that she lost her appeal around the middle of November. She claimed that if she had known the amount of time that was to elapse before receipt of the decision of the final appeal she would have dropped out of

Memorial University during the Fall Semester, as the last day for students to drop the fall semester course without academic prejudice occurred within the last half of October. For this reason, she incurred additional debt. She stated that if she had been notified of the potential length of time involved with the appeals decision process through the Student Financial Services Division she would have been able to make a more informed decision as to whether to have continued with her studies during the Fall.

The Department of Education acknowledged the delay which had taken place and the fact that their 14 day deadline had not been met. Steps were taken to ensure compliance with their service standards.

The initiative of the Department to address the timeliness in its appeal process was accepted as well as commended by OCR. The Department recognized that the program was falling short of its intended purpose and conducted the necessary review to ensure similar circumstances would not re-occur. While we could not negotiate any financial relief for this citizen, her complaint helped improve the student loan appeal process for others.

The Badger Flood

During 2006 this Office completed the last statutory investigation launched in the wake of the Badger Flood of 2003. The focus of our Office was on the compensation regime administered by the Newfoundland and Labrador Emergency Measures Organization (“Emergency Measures”), a subordinate agency of the Department of Municipal Affairs, which was charged with the difficult task of coordinating the Provincial response to that disaster.

Shortly before 8:30 a.m. on Saturday February 15th 2003, a large expanse of ice on the Exploits River broke free, traveled downstream and accumulated at the Badger flood plain. This had a direct effect on the flow of the Little Red Indian River and Badger Brook. Within 30 minutes, water levels at Badger rose seven feet and people were evacuated. Given the extreme cold temperatures at the time, the Town was essentially flash-frozen. The sewer system failed. The disaster made national newscasts and dominated headlines in the Province for weeks. The unprecedented devastation, inconvenience and misery of that flood, the largest in local memory, will stay with the people of Badger for decades to come.

Employees of Emergency Measures relocated temporarily to central Newfoundland and worked seven days a week in concert with members from the Badger Volunteer Fire Department and officials across multiple departments and community groups to assess the damage, keep people safe, meet their basic needs, oversee the cleanup of their community and render some form of compensation to assist in the rebuilding process. This would be far from an easy or glorious task.

Staff from our Office went to Badger in October of 2003 after complaints began to trickle in concerning the compensation regime. A public meeting on the role and mandate of our Office was held and our Investigator entered 21 homes met with homeowners, took statements and photographs of the varying states of repair, including homes that were condemned. Of 206 homes damaged, our office processed 30 complaints, which was less than 15% of the total homes affected. This supports the inference that a large majority of affected homeowners were satisfied with Emergency Measures’ response.

We found two factors that made the compensation process different in Badger when compared to the flooding that had occurred after Hurricane Gabrielle in St. John’s. The first was the enormous structural damage to homes, and the second was the existence of multiple sources of compensation for citizens. In addition to the compensation offered by Emergency Measures under the federally cost-shared Disaster Financial Assistance Arrangements (DFAA), there were also relief funds managed by the Red Cross, the faith-based community and other benevolent organizations like the Royal Canadian Legion. While the

existence of these funds were in many cases a great benefit to the people of Badger, the process was complicated by the fact the Red Cross would not release any funds, to any claimant, until the compensation negotiations with the Province were severed and the Provincial claim was settled. This means, if one wished to claim for any of the charitable money, they had to sign a binding release from the Province and present it as part of the charitable claims process. Given that most people affected were eager to get their affairs and homesteads back in order, the earliest damage assessments in many cases were the predominant guide for the Emergency Measures' compensation process, however in some cases the true extent of damage was not fully known until much later. Some claims were settled by Emergency Measures based on visual assessments that were performed when the home was still encased in ice and literally inaccessible.

None the less, assessments were performed and work was ordered and completed according to the opinions of various adjusters and contractors. Most of our complainants felt that they were sold short in the amount of compensation offered by the Province.

We did not find any egregious departures from assessed damage and the amount paid to claimants from all available sources including charities. Without the charitable relief effort the cost to the Province would have been considerably higher.

Compensation amounts were actually only adjusted in one case, where the Office felt that the compensation from all sources still did not adequately compensate the complainant. After many months of negotiation, the Department of Municipal Affairs did make the adjustment on the strength of the evidence provided by this Office. The family affected got compensated in an amount that truly reflected the damage their property sustained.

Our reviews did give rise to some recommendations designed to improve the future delivery of the compensation process following natural disasters. These included:

1. In future flood/icing events there should be a reasonable, mandatory second written inspection performed for purposes of determining the true extent of ice damage. This second inspection must take place when the ice has receded to a point where the home can be fully viewed and assessed.
2. The Province should expedite the release of its hydrological report on the causes of the flood. This recommendation was implemented in short order with the full cooperation of the Department of Environment and Conservation and was released as the Badger Flood 2003 Situation Report during the same calendar year.
3. That Emergency Measures' employees, most importantly those tasked with direct contact with civilians should be facilitating appeals but not providing any additional commentary on possible outcomes of those appeals whatsoever.

A continuing irritant to many citizens affected by these flooding events, dating back to Hurricane Gabrielle, is the non-applicability of the compensation program to those classed as "absentee owners". A perfect example of this was found in one case where a couple had lived in Badger for most of their lives, but had recently moved to the mainland to work. As opposed to leaving electric heat on in an unattended house, they decided to rent for less than \$200 per month. They fully intended to return to Badger in short order. In the immediate aftermath of the flood the tenants of the house were paid for their belongings but no monies were paid to the homeowners, who were left with the entire cost of remediation and restoration because they were not primarily resident at the time of the flood. This despite the fact they had faithfully paid municipal taxes for decades. Further, the amount of income generated from the rental of their home was negligible. The "primary residence" clause of the compensation plan was invoked and the Province

provided nothing in the way of assistance, advising them they could only qualify if they could prove that rental income made up more than 50% of their total income (making their's a small business claim and possibly eligible).

These citizens are personally exposed for the entire amount of damage while their neighbors rebuild before their eyes. My predecessors in this position have made statements to government with respect to the absentee owner provisions. In the past we have recommended a capped "cold comfort" payment system that would at the very least provide people with some capital to undertake repair, or at the very least clean-up of their homes in exceptional cases. This recommendation has been consistently rebuffed.

On a positive note, Emergency Measures worked hard and helped the overwhelming majority of citizens in Badger return to normal. Likewise, the Department has recently named a Deputy Minister of Fire and Emergency Services who is undertaking a review of the compensation process.

The people of Badger are to be commended for their stoic approach to this natural disaster.

Road Rage—Department of Transportation and Works

A citizen brought forward a complaint on behalf of his elderly mother. He alleged unfair and unreasonable treatment by the Department of Transportation and Works. Specifically, the citizen argued that damages caused to his mother's home were a direct result of road upgrading in the vicinity causing water ponding, and eventually water intrusion into the crawl space of the house. When he contacted our Office he was very frustrated by the fact that the Department did not recognize or accept responsibility for the damages. An official from our Office visited the complainant and his mother in order to gain a better understanding of the location of the road in relation to her home and to view the alleged damages. The Acting Citizens' Representative met with officials from the Department and requested that an independent structural assessment be completed on the house to determine what if any effects the upgrading of the road had on the home. The Department agreed and an inspection of the exterior of the house, crawl space, first and second floors, attic and adjacent terrain and road was conducted. This resulted in the Department acknowledging damages caused to the home and a one-time payment was made. The citizen's mother accepted the offer and was able to make suitable repairs. Kudos to the Department of Transportation and Works for its sensible and grounded approach to resolving the matter.

Privacy In Prison—Department of Justice

A male inmate complained that there was no privacy offered to him and other inmates with respect to showering or using the toilet. He claimed that while in segregation or on ranges, a male inmate can be fully observed using the toilet and shower facilities by female correctional officers.

This raised an interesting question. How much privacy should be afforded to a person in a correctional facility?

Our research showed that many of the modern correctional institutions in Canada, most notably federal prisons, consider privacy issues in the design and construction of facilities. Elsewhere across the country, privacy is dealt with on an institution by institution basis, taking into account such things as the age and design of the building and the profile of the inmate population.

The possible use of glass and fold-away privacy screens seems only to be employed in British Columbia on an institution-by-institution basis. Neither Alberta, Manitoba, Saskatchewan, Ontario, New Brunswick or Nova Scotia employ policies that require institutions to shield inmates during showering or using toilet

facilities. However, because showering involves no clothes whatsoever, most institutions have plastic curtains. Such is the case at HMP.

With respect to female correctional officers and the use of toilets and showers by male inmates, societal norms and laws surrounding equality now prohibit “male guard only” institutions. Courts have found that cross-gender staffing is beneficial for inmates in that it better represents conditions outside the institution.

In 1993 the Supreme Court of Canada considered the case of Philip Conway, an inmate who challenged the constitutionality of frisk searching and patrolling of cell ranges conducted in male prisons by female correctional officers. The Appellant, Mr. Conway objected to the female guards viewing inmates while they undressed or used the toilet during patrols.

The Supreme Court of Canada dismissed Mr. Conway’s appeal. The Court found that the surveillance was necessary in a prison for the security of the institution and that the possible inappropriate effects of these practices were minimized by the professional training taken by female officers. Mr. Conway’s Charter rights were not offended.

Our Office made two recommendations in connection with this investigation. First, the Department of Justice should remind all Correctional Staff (and especially trainees) of the importance of respecting an inmate’s privacy when using the toilet and shower facilities. The first article in the UN Basic Principles for the Treatment of Prisoners states “all prisoners shall be treated with the respect due to their inherent dignity and value as human beings.”



Don Hynes, Investigator

The second recommendation was that the Department of Justice should recognize that acceptable, industry-standard screening for prisoners should be considered in any refurbishment of cells at HMP, and should play a role in the design of any new correctional facility in the Province.

The Department of Justice provided a favourable response in connection with both recommendations which no doubt will inform its planning for future renovations or construction of prison facilities.

INQUIRIES

The Office of the Citizens' Representative receives a large volume of inquiries from people who have a problem and are at a loss as to how to seek a solution; or who have not triggered the relevant process for appeal of an administrative decision. These inquiries are informal, yet they represent an increasing part in the work of our Office. They involve telephone or e-mail contacts with government to make determinations of fact for purposes of determining jurisdiction or to mediate a small problem that may not require a formal investigation under the *Citizens' Representative Act*. Most are settled in hours, or at a maximum, days. In many respects, this is the most valuable role of our office.

Staff have strived to install a service that does not dismiss non-jurisdictional complaints; that is, a complaint that our office can not legally deal with. We provide a service that will actually connect citizens with the proper agency that will assist them, or promote self-advocacy when they are puzzled by the bureaucratic road map. What follows are some examples of the inquiries we have received over the reporting period.

The Right Thing To Do—Eastern School District

A nineteen year old developmentally delayed student was being forced to transfer schools for her final year of high school due to a policy regarding busing. Our Office initiated background discussions with both the Eastern School District and the Department of Education. It was agreed by all parties that she would be permitted to finish her high school education with her friends and teachers in the environment in which she was most familiar with.

Meeting a Senior Citizen's Medical Needs—Department of Health and Community Services

A woman contacted our Office claiming she had requested a one time payment for Medical Transportation through the Department of Health and Community Services (HCS) in order to travel from her home to St. John's for a cardiologist appointment. She stated that her only source of income was Old Age Security benefits and she did not have the money to pay for a taxi. We forwarded an inquiry to the Department to determine the status of this request and was advised the citizen would have to be assessed by the Department of Human Resources, Labour and Employment for Special Travel Needs. Our staff explained that this matter was time sensitive and if the woman was required to go through the assessment process it may indeed jeopardize the long-awaited medical appointment. Officials with the Department agreed with us and they contacted officials with HRL&E on behalf of the woman in an attempt to expedite the request. As a result of this collaborative approach, approval was provided as per the applicable policy for transportation as well as accommodations.

Opening a Dialogue to Address Housing Problems—Newfoundland and Labrador Housing Corporation

A woman contacted this Office requesting assistance regarding an issue she was having with Newfoundland and Labrador Housing Corporation (NLHC). She was a recipient of Income Support from the Department of Human Resources, Labour and Employment (HRL&E), and was renting a private dwelling on Bell Island. She had applied to NLHC in November 2005 for a unit in St. John's. She was looking to relocate to St. John's as she had her grandson living with her and needed services, programs and supports available there.

Unfortunately, she was informed by NLHC that she had an outstanding balance for past rent for a unit she occupied in 1987 and her application would not be accepted until the arrears were paid in full.

Our staff contacted NLHC and confirmed that the policy was that if a person owed monies to NLHC and failed to repay same, then the person is not eligible for assistance from NLHC. NLHC advised that if the woman paid the arrears then her application would be accepted. They further advised they would be willing to enter into a repayment arrangement.

We made contact with HRL&E to inquire if they could assist the woman with the repayment of her arrears at NLHC through her existing income support payments. HRL&E advised that this was something they could do. Arrangements were made for NLHC officials to contact HRL&E officials directly to co-ordinate repayment of the arrears. An arrangement was made for the woman to move to a unit in St. John's.

Accurate and Timely Flow of Information for Citizens Makes a Difference—Department of Human Resources, Labour and Employment

A man contacted our Office claiming the Department of Human Resources, Labour and Employment did not correctly assess his entitlement for Income Support benefits. He maintained that he should be assessed for family benefits for twelve months of the year. He stated, as per a court order, he was providing care for his son 60% of the time. However, HRL&E based their decision on information that was originally provided in the file by the citizen. We reviewed the file and determined that HRL&E did not have the most recent court order which stated that the citizen would have custody for more than 50% of the time. Officials from HRL&E were made aware of this fact and it was determined the citizen did have legal custody and access of his son for more than 50% of the time in a one month period. Therefore, this information was added to the file and the citizen was eligible for the family benefit rate of basic assistance.

Referrals Help

A woman contacted OCR as she was not sure who to speak to regarding home support and or alternate family care for her step-sister, who is 37 years old and has Down Syndrome. Our Office advised her to contact her local Health Authority and request to speak with a Social Worker with the Home Support Services Program to discuss the options available that would be best suited to meet her step-sister's needs.

KUDOS

Since its inception in 2002, OCR has mirrored a practice pioneered by the Saskatchewan Ombudsman: recognizing select representatives of respondent organizations for the services they have provided to our Office or to a certain citizen.

With the assistance of the Clerk of the Executive Council and the Premier, OCR is pleased to recognize the following individuals for their exceptional work over the past year. These individuals will receive letters from the Citizens' Representative and the Premier for their personnel files.

Sharon Samson, Regional Enquiries Coordinator—Department of Human Resources, Labour and Employment.

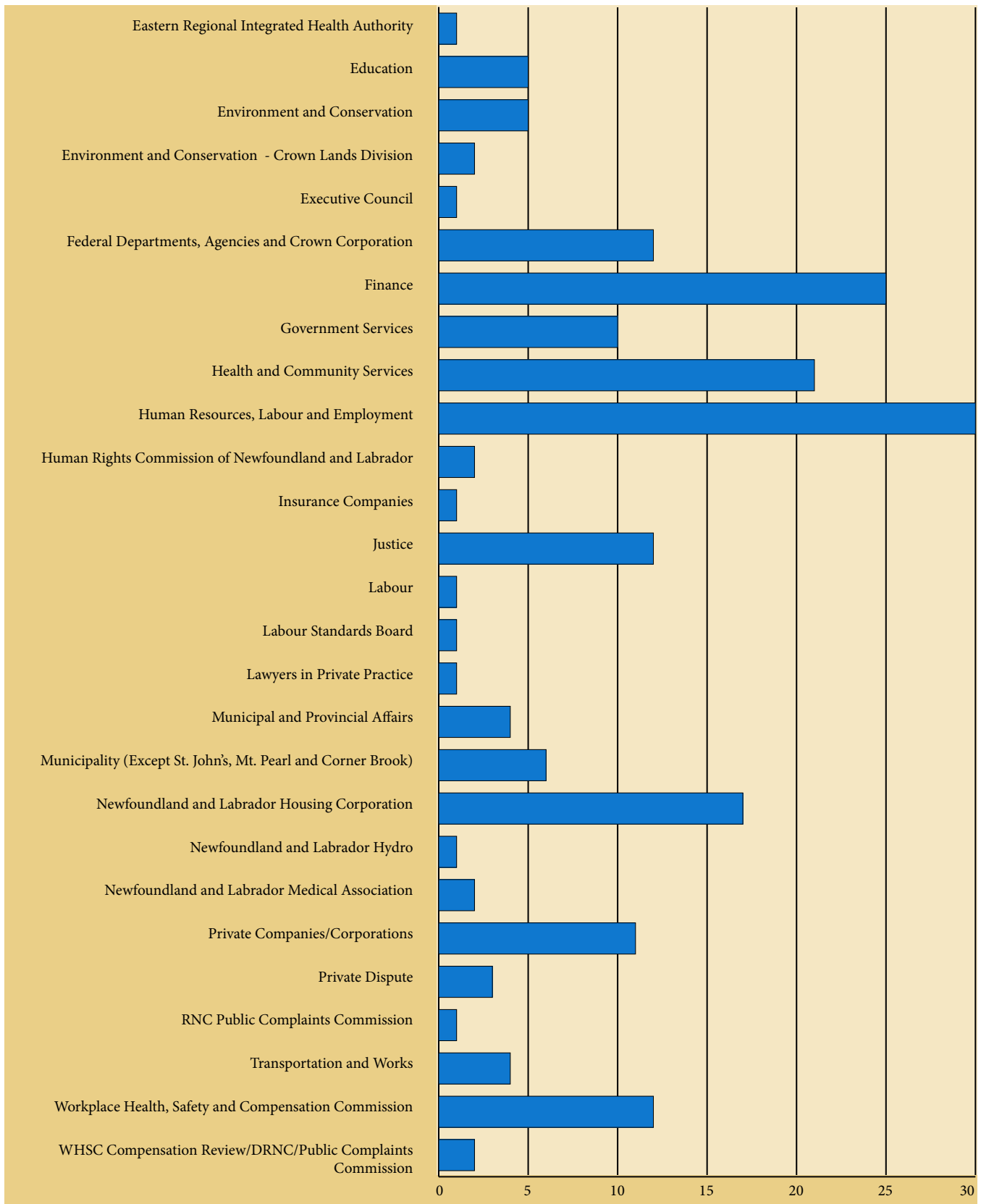
Since assuming the position of Regional Enquiries Coordinator for the Avalon District, Sharon has consistently been a phone call away in terms of both inquiries and investigations. Her interest in our work led her to attend the Forum of Canadian Ombudsmans' "Social Safety Nets and the Ombudsman" conference in Edmonton. There, she liaised with Ombudsman investigators and sat on a panel with other representatives from Canadian social service departments to discuss her work with our Office from the perspective of a respondent in the investigative process. She has consistently provided timely, informed and creative responses to our many and varied requests for assistance.

Wanda Lundrigan, Director of Policy and Planning—Department of Government Services

Wanda was nominated for her swift and pragmatic approach to resolving complaints and assisting in investigations by this Office. Since being assigned to the role of OCR designate for her Department, the response time with respect to complaints has decreased dramatically, allowing us to expedite our processes and resolve matters on a timely basis. Her direct, yet intuitive, approach to problem solving has greatly assisted the citizens her Department and our Office are mandated to serve.

STATISTICS

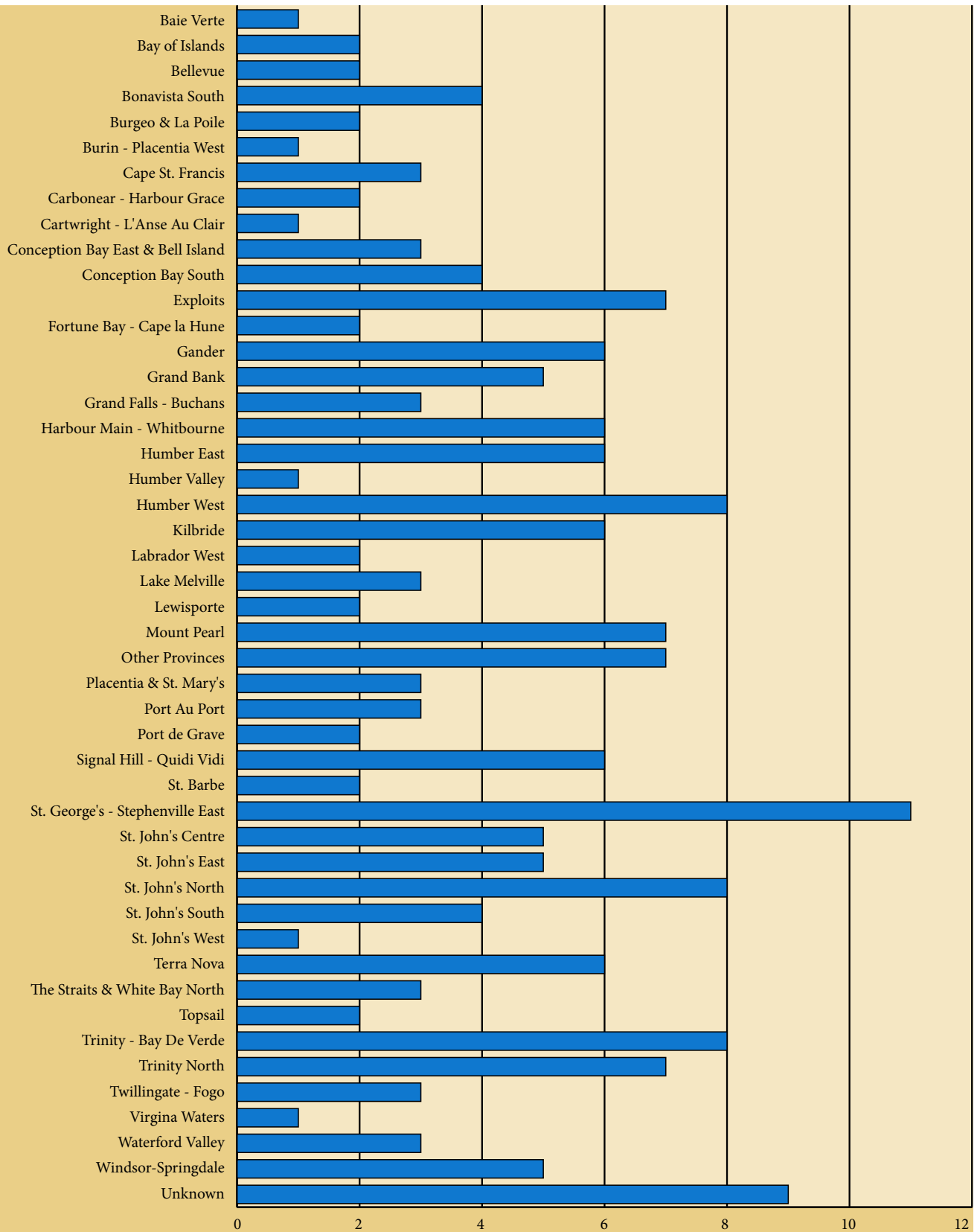
2006 Complaints & Inquiries by Department & Agency	
Eastern Regional Integrated Health Authority	1
Education	5
Environment & Conservation	5
Environment & Conservation—Crown Lands Division	2
Executive Council	1
Federal Departments/Agencies	12
Finance	25
Government Services	10
Health and Community Services	21
Human Resources Labour and Employment	30
Human Rights Commission of Newfoundland & Labrador	2
Insurance Companies	1
Justice	12
Labour	1
Labour Standards Board	1
Lawyers in Private Practice	1
Municipal and Provincial Affairs	4
Municipalities	6
Newfoundland and Labrador Housing Corp.	17
Newfoundland and Labrador Hydro	1
Newfoundland and Labrador Medical Association.	2
Private Companies/Concerns	11
Private Dispute	3
RNC Public Complaints Commission	1
Transportation and Works	4
Workplace Health, Safety and Compensation Commission	12
Workplace Health, Safety and Compensation Review Commission	2
Total Complaints & Inquiries 2006	193
Table 1: 2006 Complaints & Inquiries by Department & Agency	



Graph 1: 2006 Complaints & Inquiries by Department & Agency

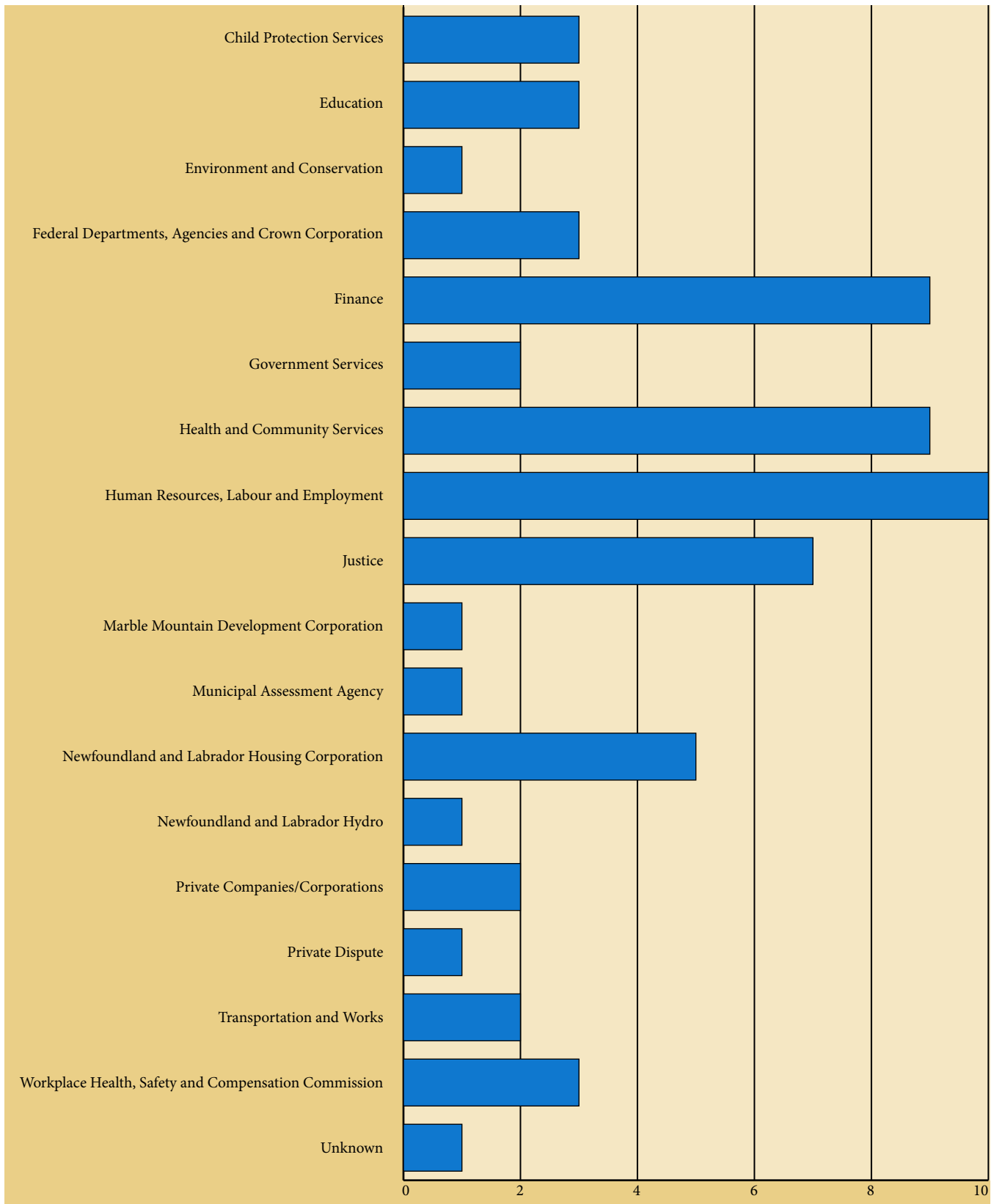
2006 Complaint & Inquiries by Electoral District			
Baie Verte	1	Mount Pearl	7
Bay of Islands	2	Other Provinces	7
Bellevue	2	Placentia & St. Mary's	3
Bonavista South	4	Port Au Port	3
Burgeo & La Poile	2	Port de Grave	2
Burin - Placentia West	1	Signal Hill - Quidi Vidi	6
Cape St. Francis	3	St. Barbe	2
Carbonear - Harbour Grace	2	St. George's - Stephenville East	11
Cartwright - L'Anse Au Clair	1	St. John's Centre	5
Conception Bay East & Bell Island	3	St. John's East	5
Conception Bay South	4	St. John's North	8
Exploits	7	St. John's South	4
Fortune Bay - Cape la Hune	2	St. John's West	1
Gander	6	Terra Nova	6
Grand Bank	5	The Straits & White Bay North	3
Grand Falls - Buchans	3	Topsail	2
Harbour Main - Whitbourne	6	Trinity - Bay De Verde	8
Humber East	6	Trinity North	7
Humber Valley	1	Twillingate - Fogo	3
Humber West	8	Virgina Waters	1
Kilbride	6	Waterford Valley	3
Labrador West	2	Windsor-Springdale	5
Lake Melville	3	Unknown	9
Lewisporte	2	Total Complaints & Inquiries 2006	193

Table 2: 2006 Complaints & Inquiries by Electoral District



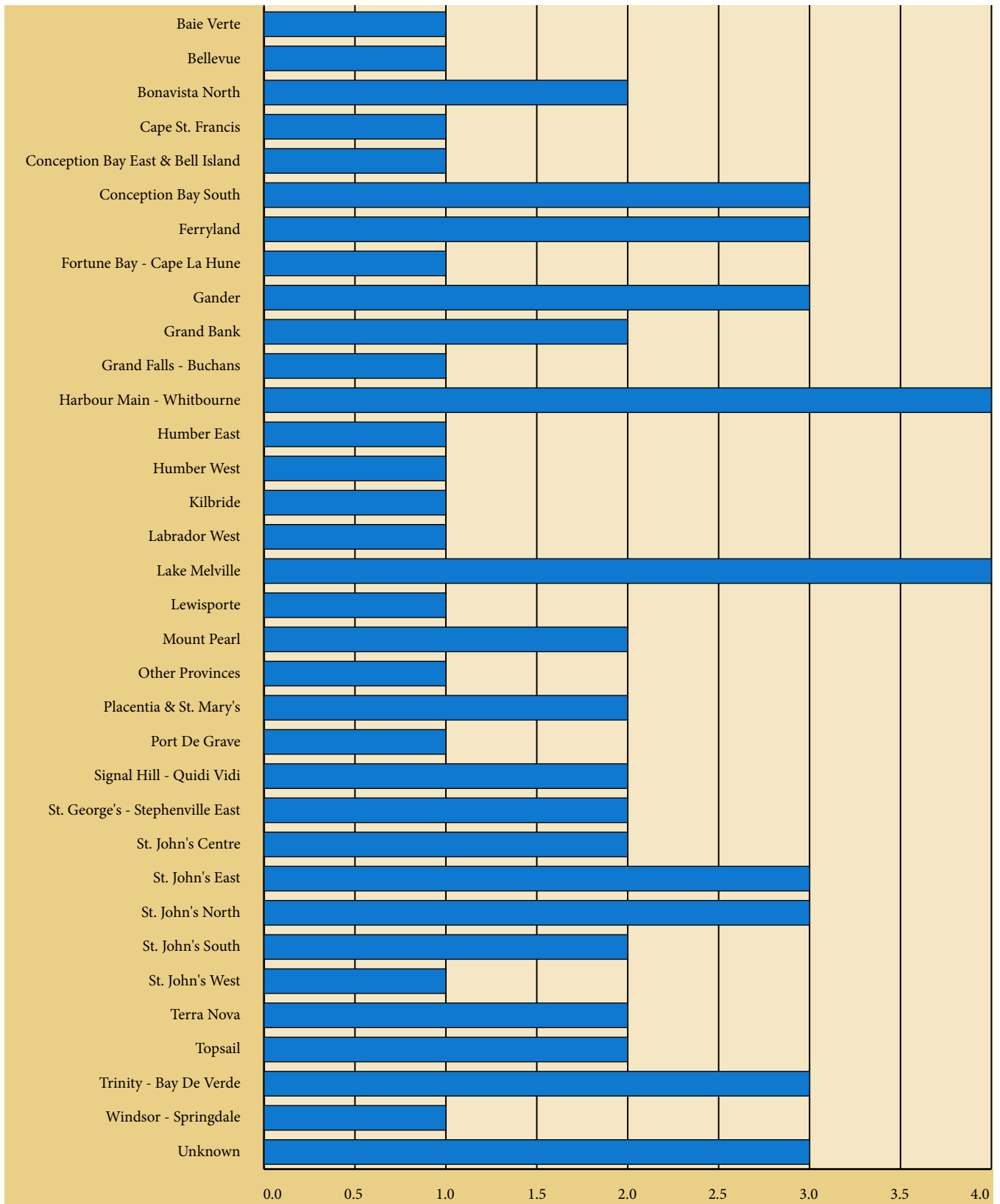
Graph 2: 2006 Complaints & Inquiries by Electoral District

January to March 2007 Complaints & Inquiries by Department and Agency	
Child Protection Services	3
Education	3
Environment and Conservation	1
Federal Departments, Agencies and Crown Corporation	3
Finance	9
Government Services	2
Health and Community Services	9
Human Resources, Labour and Employment	10
Justice	7
Marble Mountain Development Corporation	1
Municipal Assessment Agency	1
Newfoundland and Labrador Housing Corporation	5
Newfoundland and Labrador Hydro	1
Private Companies/Corporations	2
Private Dispute	1
Transportation and Works	2
Workplace Health, Safety and Compensation Commission	3
Unknown	1
Total Complaints & Inquiries January to March 2007	64
Table 3: January to March 2007 Complaints & Inquiries by Department and Agency	



Graph 3: January to March 2007 Complaints & Inquiries by Department & Agency

January to March 2007 Complaints & Inquiries by Electoral District			
Baie Verte	1	Lewisporte	1
Bellevue	1	Mount Pearl	2
Bonavista North	2	Other Provinces	1
Cape St. Francis	1	Placentia & St. Mary's	2
Conception Bay East & Bell Island	1	Port De Grave	1
Conception Bay South	3	Signal Hill - Quidi Vidi	2
Ferryland	3	St. George's - Stephenville East	2
Fortune Bay - Cape La Hune	1	St. John's Centre	2
Gander	3	St. John's East	3
Grand Bank	2	St. John's North	3
Grand Falls - Buchans	1	St. John's South	2
Harbour Main - Whitbourne	4	St. John's West	1
Humber East	1	Terra Nova	2
Humber West	1	Topsail	2
Kilbride	1	Trinity - Bay De Verde	3
Labrador West	1	Windsor - Springdale	1
Lake Melville	4	Unknown	3
Total Complaints & Inquiries January to March 2007			64
Table 4: January to March 2007 Complaints & Inquiries by Electoral District			



Graph 4: January to March 2007 Complaints & Inquiries by Electoral District

How To Reach Us

The Staff

Barry Fleming	Citizens' Representative
Kim Terrio	Office Administrator (departing)
Jocelyn Walsh	Office Administrator (incoming)
Bradley Moss	Senior Investigator
Don Hynes	Investigator
Rodney Hynes	Investigator
Juanita Dwyer	Investigator

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St. John's, NL



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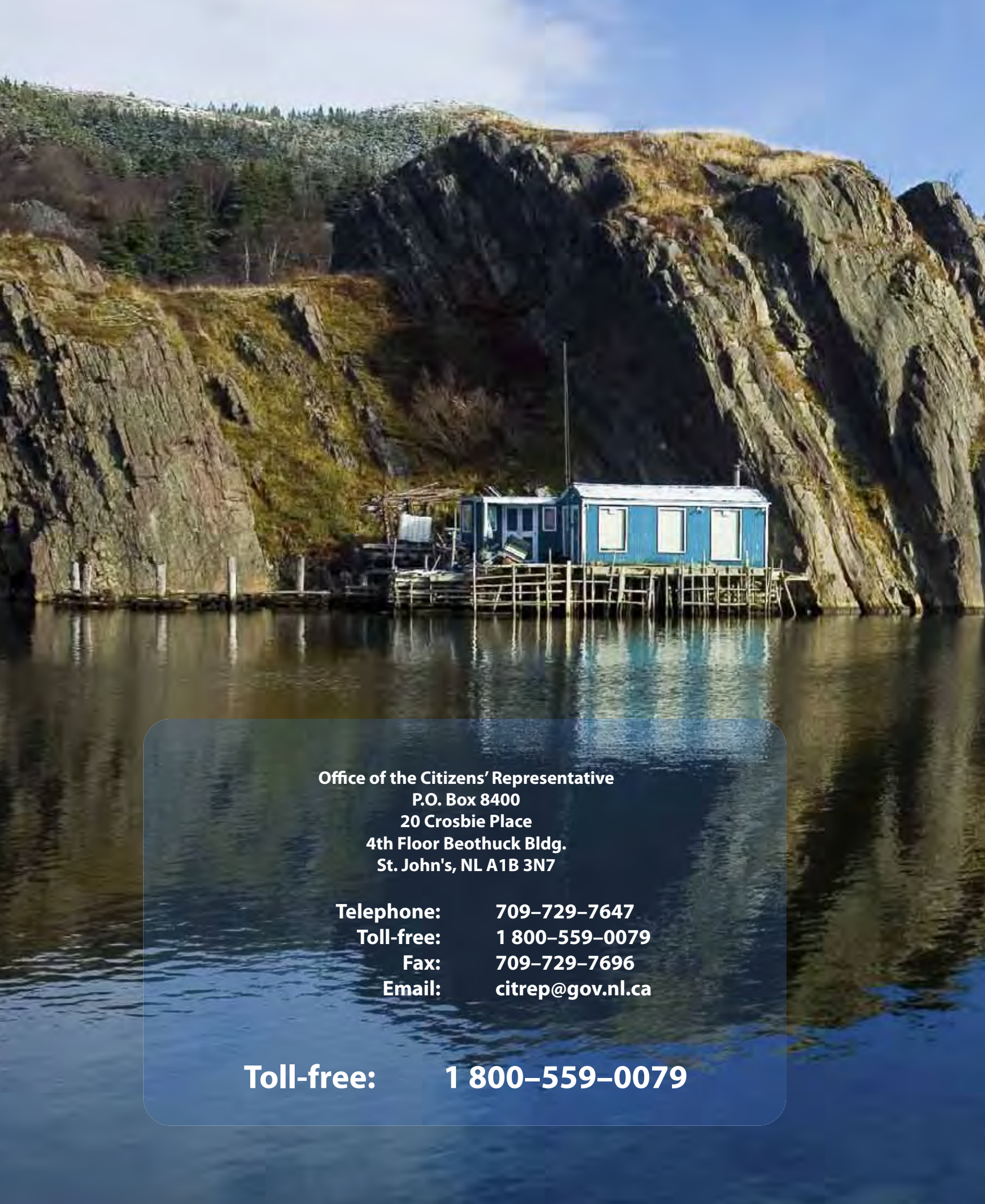
Kim Terrio—Office administrator (departing)
Rodney Hynes—Investigator
Jocelyn Walsh—Office Administrator (incoming)
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