



2017/2018



ANNUAL  
REPORT



The Office of the  
**ombudsperson**  
B.C.'s Independent Voice For Fairness



July 2018

The Honourable Darryl Plecas  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the Office of the Ombudsperson's 2017/2018 Annual Report to the Legislative Assembly.

The report covers the period April 1, 2017 to March 31, 2018 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,



Jay Chalke  
Ombudsperson  
Province of British Columbia





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# FROM THE OMBUDSPERSON

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“They come to us with the courage to speak up, the power to question authority, and the tenacity to push for what is often much-needed change. When seen in this light, I see not just problems, but collective power to drive our public bodies to be the most transparent, accountable and fair they can possibly be.”

– Jay Chalke,  
Ombudsperson

The twin pillars supporting an Ombudsperson are independence and impartiality. Independence from everyone who has an interest in the outcome of one of our investigations is essential in order to ensure public confidence. Impartiality is critical in order to maintain that confidence day after day as we carry out our work.

That confidence in turn inspires the public to engage with us, by bringing their concerns about the fairness of public administration to our office for investigation. This engagement allows us to do our work and thereby identify instances of unfairness, redress for that unfairness and opportunities for improvement to prevent reoccurrence.

When we talk about the work we do, which is highlighted in this report, sometimes it is all too easy to miss the underlying realities faced by individuals who come to us. Complainants are often frustrated, confused and unhappy. Many are struggling with personal challenges or are in crisis. They may be newcomers to Canada who don't understand how our provincial bureaucracy works, or inmates who feel the way they are being treated is wrong. They may be youth in care, income assistance recipients, or people suffering from mental or physical disabilities who have been denied benefits and don't know how they'll get through the day. They may be homeowners in conflict over development plans or students who are trying to get fair access to training. There's no question that these people come to us with a broad spectrum of often intensely challenging problems. But also, they come to us with the courage to speak up, the power to question authority, and the tenacity to push for what is often much-needed change. When seen in this light, I see not just problems, but collective power to drive our public bodies to be the most transparent, accountable and fair they can possibly be.

This engagement is not limited to complainants. Public authorities also are actively engaged with our office. In the vast majority of cases, public authorities do not bring an attitude of defensiveness about their conduct even though they are responding to complaints about unreasonable delays in the provision of services, policies in place that are contrary to law, procedures that are used arbitrarily or are discriminatory and sometimes even questions of negligence. Rather public authorities are anxious to make their service fair and reasonable. What I see, and what I think our work proves, is that public authorities usually want to make

## FROM THE OMBUDSPERSON

things right. Sometimes they need to be nudged or reminded – sometimes more than once. And sometimes they need to go to great effort to make significant changes, but ultimately they do what they need to do in order to ensure they are fair, reasonable and accountable. This engagement by both citizens and public authorities to improve public administration is having synergistic results.

Our work occurs in three main ways – individual complaint investigations, systemic investigations and preventative initiatives. The impacts of our work are most frequently demonstrated in our individual complaint investigations. We received 8,400 complaints and enquiries last year, a ten-year high for our office. We were able to resolve most of these initial contacts quickly with our Early Resolution Team while 1,500 complaints were referred to our Investigative Team. The case summaries highlighted in this report are a small fraction of the files that our investigators delved into last year from municipal conflict of interest allegations to gaps in health care coverage to complaints from individuals seeking income or disability assistance. The outcomes of these investigations are as diverse as the complaints themselves and include improvements to policies and procedures, clearer communication practices, increased transparency as well as refunds and reimbursements.

We released two public reports during the year. Such reports usually arise from systemic investigations although this year, one of the reports arose from a unique source – the first ever referral of a matter to our office from the Legislative Assembly or one of its committees.

Following our investigation into the matter referred to us, we released our report, *Misfire* that examined the 2012 termination of Ministry of Health employees as well as a number of related issues including how drug research was undertaken and managed. The report resulted from the most resource-intensive investigation ever conducted in the 39-year history of our office. It involved obtaining over 4.7 million records and conducting 540 hours of interviews with 130 witnesses under oath. The report detailed that flawed investigations and rushed decision-making resulted in key government officials taking action that had far-reaching individual and systemic consequences. A year after our report, the government has implemented many of the recommendations made in the report including issuing payments to those individuals impacted. Further outcomes from this investigation include two new laws that were passed by the legislature earlier this year. We will be releasing our assessment of government's implementation of the *Misfire* recommendations later this year.

Our systemic investigative report released this past year, *Stem to Stern*, focused on the decision by the Ministry of Forests Lands, Natural Resource Operations and Rural Development to approve a lease of two Crown water lots to be used as part of the Victoria International Marina. The investigation found a number of shortcomings with the ministry's decision making process including inadequacies with the consultative process and insufficient reasons to support the ministry's decision to approve the lease. This year we will be publicly reporting on the status of the eight recommendations we made, all of which were accepted by the ministry.

Preventative Ombudship continues to be an important focus of our work. In 2017/18 we initiated a three-year pilot project to share our expertise and knowledge with public sector bodies. Instilling an understanding and appreciation of the important principles of administrative fairness will mean public authorities can improve the fairness of their services thereby



preventing complaints in the first place. Our consultations, webinars and workshops are being widely accessed by public servants across the province. We look forward to extending the reach of our prevention team even further in the year ahead. In addition, we continued to ensure the public is aware of our services through our outreach activities which took members of our team to many corners of our province and allowed us to engage with the public face to face through our mobile clinics.

I continue to be humbled by the trust the public demonstrates by bringing their concerns about the fairness of public administration to us, by individuals working for public authorities who demonstrate their desire to improve their services and by the staff of the Ombudsperson for their tireless commitment, expertise and creativity. We are better off because of their efforts.

As B.C.'s Independent Voice for Fairness, we continue to focus on the importance of ensuring that those who need our help, know we are ready, willing and able to look into their concerns about the fairness of public administration. Entering our 40th year of service to the people of the province, we continue to strive to ensure complaints are addressed efficiently, thoroughly and impartially and we continue to make principled and practical recommendations on ways to make public administration as fair as possible.

Positive progress is being made. Positive change is ahead.

Sincerely,



Jay Chalke  
Ombudsperson  
Province of British Columbia



# THE ROLE OF THE

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## OUR VISION

British Columbia's Independent Voice for Fairness

## OUR PURPOSE

- Ensure that the people of British Columbia are treated fairly in the provision of public services
- Promote and foster fairness and accountability in public administration
- Provide an independent avenue of last resort for individuals with complaints about government services

## WHAT WE DO

- Respond to inquiries from the public
- Educate citizens and public authorities on issues of administrative fairness
- Conduct thorough, impartial and independent investigations of complaints
- Facilitate resolutions of complaints and improvements to the administration of public policy through consultation and recommendations
- Report to the Legislative Assembly and the people of British Columbia to bring attention to matters of administrative unfairness and the work of the Office generally

# OMBUDSPERSON

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## OUR GUIDING PRINCIPLES

### How We Serve the Public

- We are fair and impartial
- We are professional and thorough
- We listen with respect
- We seek resolutions that are principled and practical

### How We Work Within our Office

- We respect and support each other as a team
- We are committed to high standards of practice in our work
- We strive continuously to improve our services
- We value the expertise and knowledge of our staff

## OUR GOALS

- People who need us are aware of our services and can access them
- Complaints are addressed efficiently
- Thorough and impartial investigations promote fair public administration
- Public authorities are supported in improving administration
- Staff are recognized for their expertise

From: 2016–2021 Strategic Plan

## B.C.'s Independent Voice for Fairness

The Office of the Ombudsperson is an independent Office of the B.C. Legislature and acts under the authority of the *Ombudsperson Act*. Our Office has been serving legislators and the public since 1979, and we have over 2,800 public bodies under our jurisdiction including ministries, provincial boards and commissions, Crown corporations, health authorities, local governments, school boards, colleges, universities and governing bodies of various regulated professions and occupations.

Our Office's vision is to be B.C.'s Independent Voice for Fairness. We do not advocate on behalf of people making a complaint about public services, or on behalf of public bodies. Instead, we advocate for fairness and good public administration. Societal and legal standards of fairness require that public bodies follow fair and reasonable processes

and ensure timely, consistent and transparent decision making. Fairness in public service delivery means following the relevant rules. It also means providing fair and respectful treatment to members of the public who are accessing the service. Fairness doesn't mean everyone gets the same treatment – it requires us to look at the facts of each case to determine whether a reasonable process has been followed that is consistent with the rules that apply in the circumstances.

In addition to receiving and investigating individual concerns and complaints, the Office of the Ombudsperson also delivers on its mandate to oversee the fairness of administrative actions of government authorities by conducting in-depth systemic investigations, making recommendations for system improvements and issuing public reports.





# HOW WE DO OUR WORK

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## Our Approach

When an individual believes a public sector entity has treated them unfairly, it can be challenging to resolve issues on their own. Sometimes communication with public authorities can be difficult, regulations and procedures hard for a member of the public to wade through, or there may be overall frustration that a complaint is not being handled the way a member of the public feels it should be. This is where our Office comes in. We received over 8,000 enquiries and complaints from the public last year. The problems people bring to us may be simple or extremely complex.

## Investigative Process

When we receive a complaint, we ensure that the individual has raised their concern directly with the public body involved before approaching our Office. In addition, some complaints do not fall under our jurisdiction under the *Ombudsperson Act*, or are simply requests for information and therefore do not result in investigation.

Ombudsperson investigations are independent, impartial and confidential. These are key features of Ombuds work worldwide, and are what differentiate our process from other types of reviews such as public enquiry processes or reviews undertaken by advocacy organizations. We do not prejudge complaints – instead, we collect information and hear both sides before reaching any conclusions about whether a public body has acted fairly in delivering its services.

Our work is consultative and resolution-focused. We aim to work together with public sector employees to search for solutions to problems we identify through our individual investigations. Through consultation with a public body, we are usually able to reach a resolution to individual complaints and where we find the public body did not act fairly, make suggestions for improvement to the administration of public policies.

In determining whether administrative unfairness occurred we ask a number of questions in relation to processes, procedures and decision making:

**Is a policy contrary to law?**

**Were arbitrary procedures used?**

**Were inadequate reasons given for a decision?**

**Is it unjust, oppressive or improperly discriminatory?**

**Were there unreasonable delays?**

**Was there a question of negligence?**

## Early Resolution

The Office of the Ombudsperson's Intake and Early Resolution Team provides quality first-line service for the public. Under the delegated authority of the *Ombudsperson Act*, the team is responsible for assessing complaint jurisdiction, referring complainants to available review and appeal mechanisms, identifying matters of administrative fairness for potential investigation, conducting early resolution investigations, and providing

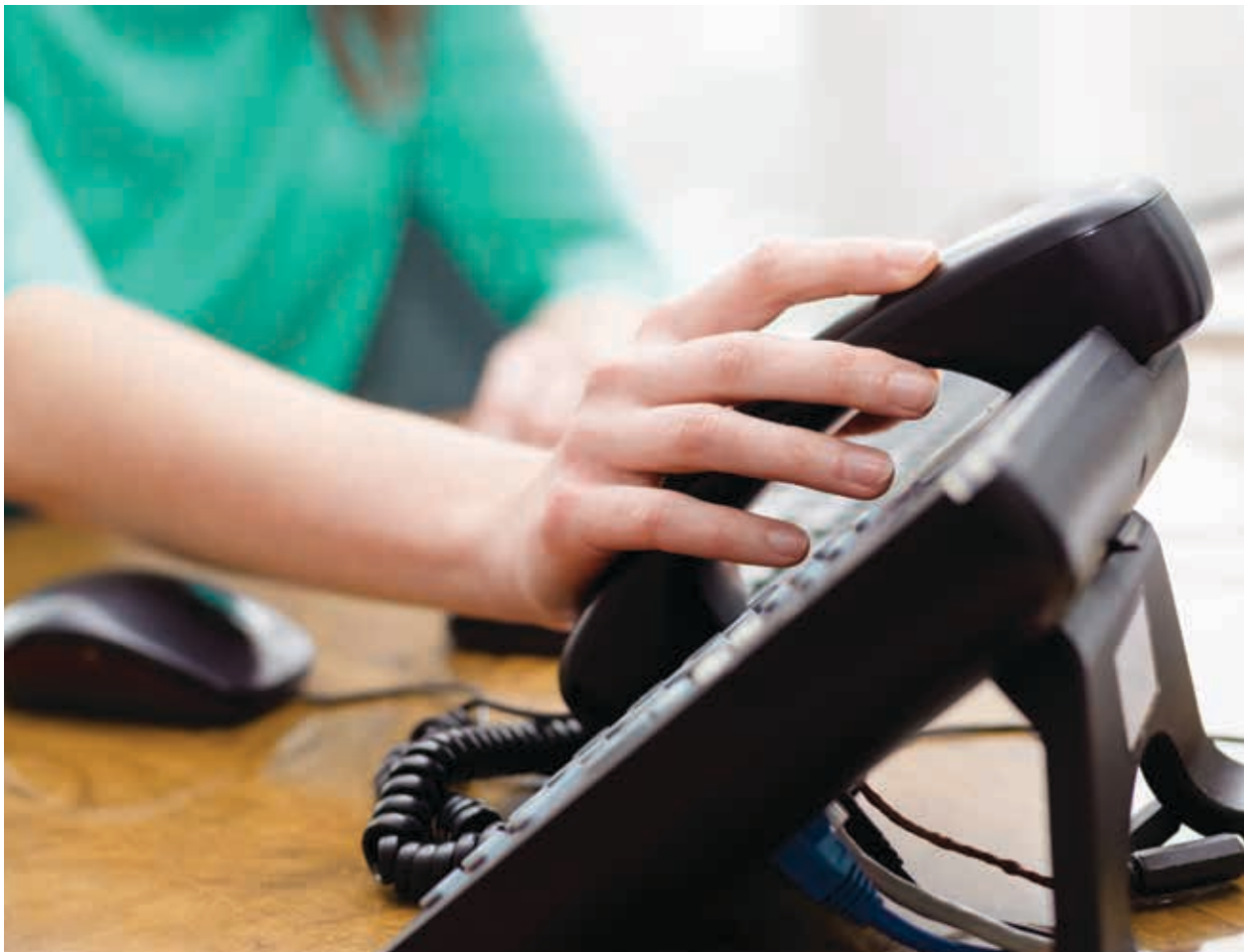
assistance and information to members of the public. Early resolution complaints are those where we anticipate being able to resolve the matters in 10 working days. These complaints are considered according to a variety of criteria including unreasonable delay in service, poor communication, lack of information or failure to provide an explanation regarding a decision.

“Every day when I pick up the phone there's something different – it's so rewarding when the call ends and I know someone has found the help they need.”

– *Early Resolution Officer*

**8,400**

Total intakes –  
highest in 10 years



## Investigations

Almost 1,500 complaint files were assigned to our investigative team last year spanning a wide variety of public authorities from regulatory bodies to provincial government ministries and health authorities to local governments. Investigators impartially investigate complaints from members of the public about matters of administrative

fairness involving public agencies within the Ombudsperson's jurisdiction. They bring analytical judgement to bear on the results of these investigations, identify fair and reasonable resolutions, and share their conclusions with both complainants and public bodies. Common resolutions include:

**A better explanation or clearer reasons for a decision**

**Changes to policy, procedures, and sometimes legislation**

**An apology**

**Employee training**

**Access to a benefit previously denied**

**A commitment to follow policy in the future**

**A refund or reimbursement of expenses**

**A new hearing or reconsideration of a previous decision**



## Day in the Life of an Investigator

For an Ombudsperson Investigator, a “typical” day varies greatly depending on the type of complaint they’re working on. However one thing is typical – there is something new to learn every day. Much of an Investigator’s time is spent listening. In their daily work, they hear an incredible diversity of concerns from people from all over the province. They may be youth in care trying to get access to health care, single parents unhappy about the enforcement of their child support order, or foster parents concerned about the removal of a child from their care. They may be newcomers to Canada confused by government systems and processes, students trying to get access to career training or inmates at correctional facilities who feel they are being treated unfairly. They may be people living in remote communities concerned about access to transportation or people living in urban areas who feel municipal officials are not following the rules. Each person brings a unique story.

The Ombudsperson Investigator takes these stories, distills the facts, and identifies if or where an issue of administrative unfairness may have occurred. Sometimes they decide that an investigation is not required. If it is, they start their investigative work. With a legal mandate that includes extensive investigative powers, Ombudsperson Investigators are able to request a broad range of information including records that are inaccessible to members of the public. They often have direct access to decision makers themselves. Investigators need to be able to understand not only the complex puzzle of what happened, but also what *should* have happened in the situation at hand. Through their work, Investigators gain significant knowledge of how public authorities operate and how important decisions that affect thousands of British Columbians daily are made. Their work can result in significant change – better policies and procedures, access to benefits previously denied or clear explanations of decisions.

“ I’m a curious person by nature so I quite honestly couldn’t think of a better job. ”

– Investigator

“ One of the best parts of this work is working to find the truth. ”

– Investigator

“ It’s extremely rewarding when I can resolve a complaint, but it’s just as satisfying when at the end of the day I see that a public authority did their job well. ”

– Investigator

## WHAT WE CAN INVESTIGATE

Complaints of unfair actions and decisions by:

- Provincial ministries
- Provincial agencies, boards and commissions
- Crown corporations
- Local governments
- Health authorities
- School boards, colleges and universities
- Self-regulating professions and public pension boards of trustees

The list of authorities can be found in the Schedule to the *Ombudsperson Act*.

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## FINDINGS WE CAN MAKE

Whether an action/decision/recommendation/omission is:

- Contrary to law
- Unjust, oppressive, improperly discriminatory
- Done pursuant to an unjust, oppressive, or improperly discriminatory law, regulation, direction, guideline or policy
- Based on a mistake of law or fact
- Based on arbitrary, unreasonable, or unfair procedures
- Done for an improper purpose
- Not explained with adequate and appropriate reasons
- Based on irrelevant considerations
- Improper
- Negligent
- Otherwise wrong

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## RECOMMENDATIONS WE CAN MAKE

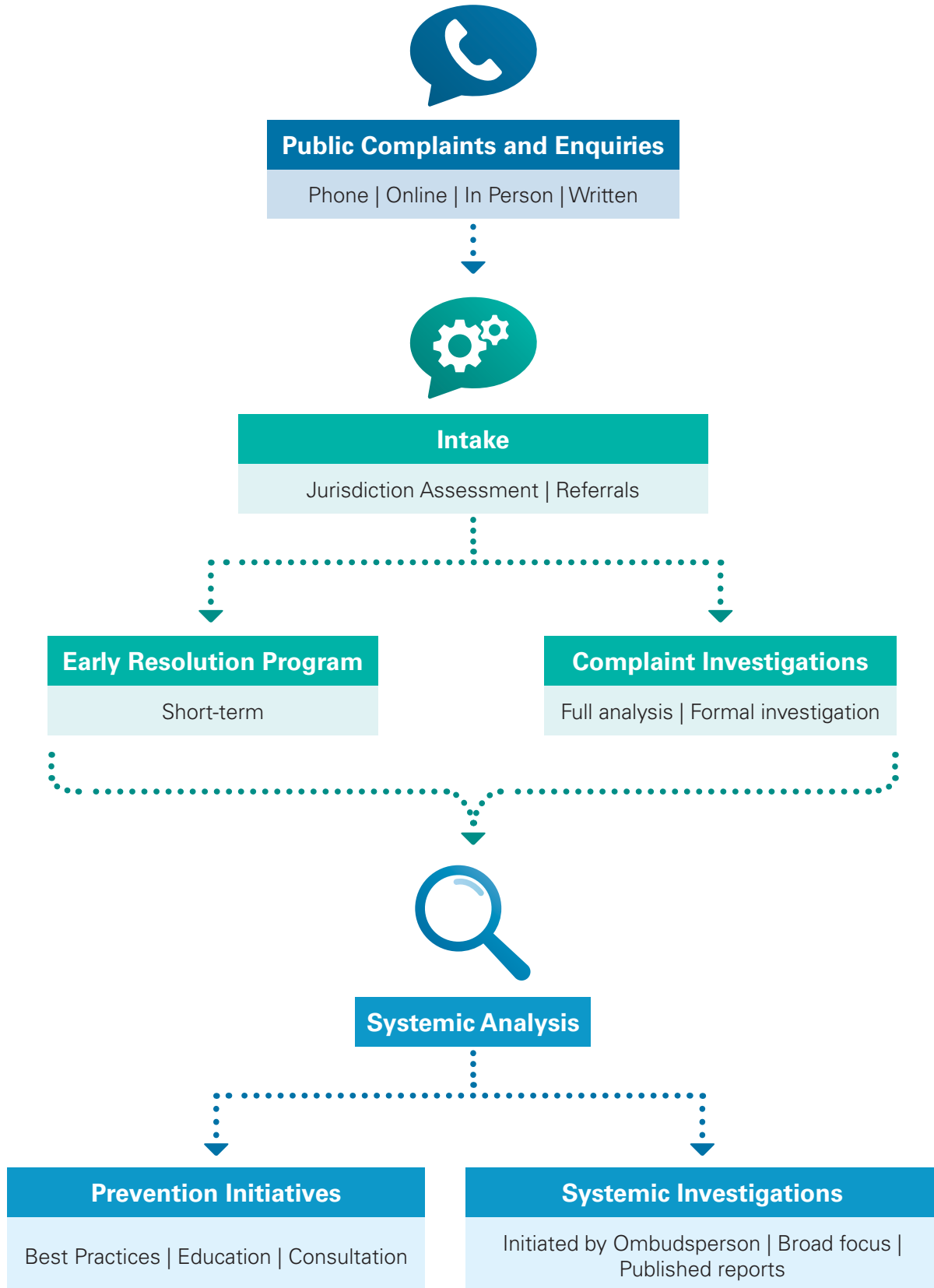
- Refer a matter for further consideration
- An act be remedied
- A decision or recommendation be cancelled or changed
- Reasons be given
- A practice, procedure or course of conduct be altered
- An enactment or other rule of law be reconsidered
- Any other step be taken

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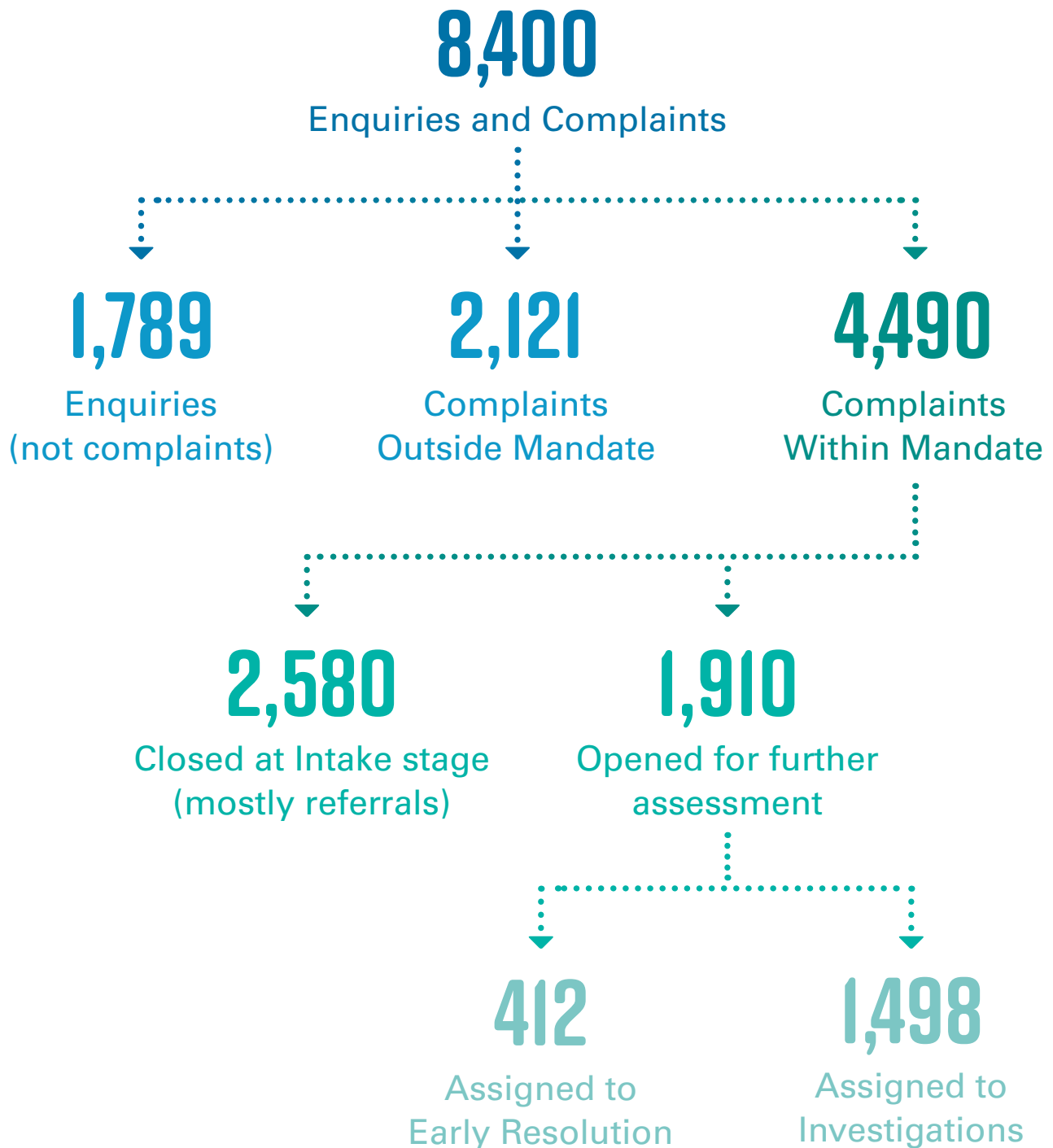
## OUR APPROACH


- Independent
- Impartial
- Consultative
- Resolution-oriented

# HOW WE ASSIST



## HANDLING COMPLAINTS IN 2017/2018: Intake, Analysis and Investigation



A man in a dark suit and light shirt is shown in profile, speaking to a group of people. The background is a blurred meeting room with several people seated at tables. The entire image is overlaid with a teal color. The text 'PUBLIC EDUCATION & OUTREACH' is written in large, white, bold, sans-serif capital letters across the center. A horizontal dotted line is positioned below the text.

# PUBLIC EDUCATION & OUTREACH

## Sharing Our Work

In 2017/18 we continued to share the work of our Office through a variety of activities including numerous public authority meetings, public presentations and community visits.

## Community Visits/ Mobile Clinics

To ensure British Columbians across the province are aware of, and able to make use of our services, the Ombudsperson and staff go on the road to provide mobile intake clinics. In July the Ombudsperson visited Salmon Arm, Revelstoke, Golden, Invermere and Cranbrook. In February the tour focused on the Lower Mainland and included visits to Coquitlam, Port Coquitlam, Maple Ridge, Pitt Meadows, Mission and Langley. Members of the public took the opportunity to bring their complaints about public authorities directly to us in these communities. Meeting with members of

the public provides another avenue to bring a complaint forward and gives us an opportunity to explain the service we provide face to face. To find upcoming dates for clinics, as well as information about how to book an appointment, visit [www.bcombudsperson.ca](http://www.bcombudsperson.ca).

## Community Engagement

The Ombudsperson and staff made 70 presentations to 63 organizations last year. Meetings, presentations, webinars and site visits are an ongoing key component of the outreach work of the Office. Liaising regularly with public authorities under our jurisdiction, as well as community groups and members of the public, gives us an important opportunity to promote the principles of administrative fairness and allows us to share the knowledge and expertise we have with a broad cross-section of our diverse province. In 2018/19 we will begin a new outreach campaign focusing on underserved British Columbians.



## Ombudsperson Site Visits

As part of our education and outreach activities, our staff visit a variety of public authority locations around the province. This is an opportunity to explain the work that we do and gives us a chance to listen to challenges being faced by various public authorities. This is an important part of our ability to be “eyes and ears on the ground” ensuring that policies and procedures are being implemented fairly and complaints are being dealt with effectively.

Visiting B.C.’s provincial adult and youth correctional centres is an important aspect of this work. Ombudsperson Investigators consult with their team beforehand to identify any current issues that are reflected in cases our Office is working on before arranging the visit. Site visits include a tour of the centre with particular attention paid to the areas where there tend to be the most complaints. We always visit the health care unit, the segregation unit, living units, and the kitchen/eating areas.

We meet with inmate living unit representatives to hear about current issues in the centre and we also meet with correctional officers and other front-line staff to discuss a wide variety of

topics including how inmate programs are run, how inmate complaints are handled and how health care services are provided. We also seek information from staff about operational challenges they have experienced and welcome any information that would be useful in providing context to the complaints we receive. We welcome questions from both inmates and staff and take time to explain the work we do and how we do it encouraging inmates to direct any complaints through the centre’s complaint process first. We confirm that information about the complaint process is posted in the centre, preferably on the walls near the telephones.

This year we had particular interest in inmates’ access to health care. Prior to October 1, 2017, a contractor provided health care in adult correctional centres. On October 1, 2017, the Provincial Health Services Authority (PHSA) assumed responsibility for health care services in B.C. correctional centres. Our site visits this year focused on inmate access to health care services under the PHSA including ensuring an adequate mechanism is in place for inmates who have a complaint about health care services.



## Presentations and Meetings

April 20, 2017	BC School Trustees Association
May 8, 2017	BC Law Institute
May 16, 2017	Federation of Canadian Ombudsman/Association of Canadian College and University Ombudspersons
May 16, 2017	University of Victoria Law Centre
May 17, 2017	Community Relations & Service Quality Managers
May 29, 2017	Canadian Council of Administrative Tribunals
June 20, 2017	Burnaby Youth Custody Services Centre
June 23, 2017	Auditor General for Local Government
July 6, 2017	University of Victoria Dispute Resolution Class
July 10, 2017	Salmon Arm City Council
July 10, 2017	Columbia Shuswap Regional District
July 10, 2017	School District #83 (Okanagan Shuswap)
July 11, 2017	Revelstoke City Council
July 11, 2017	Community Connections Revelstoke Society
July 11, 2017	Revelstoke Chamber of Commerce
July 12, 2017	Golden Community Resources Society
July 12, 2017	Golden Chamber of Commerce
July 12, 2017	Town of Golden
July 13, 2017	School District #6 (Rocky Mountain)
July 13, 2017	Village of Radium Hot Springs
July 13, 2017	District of Invermere
July 14, 2017	Regional District of East Kootenay
July 14, 2017	City of Cranbrook
July 14, 2017	Community Connections Society of Southeast BC

July 20, 2017	Haida Village of Skidegate
Sept 21, 2017	Legislative Assembly Orientation
Sept 26, 2017	OIPC Investigators
Sept 27, 2017	Federation of Canadian Ombudsman/Osgoode Law
Oct 11, 2017	Student Aid BC Case Review and Appeals
Oct 20, 2017	UVic Law Centre
Oct 24, 2017	MLA Constituency Assistants Seminar
Oct 26, 2017	Association of Regional District Planning Managers
Nov 3, 2017	Canadian Elder Law Conference
Jan 10, 2018	B.C. Legislative Interns Orientation
Feb 5, 2018	Village of Anmore
Feb 5, 2018	Public presentation: Coquitlam Public Library
Feb 6, 2018	School District #43 (Coquitlam)
Feb 6, 2018	City of Port Coquitlam
Feb 6, 2018	City of Coquitlam
Feb 6, 2018	City of Port Moody
Feb 7, 2018	School District #42 (Maple Ridge/Pitt Meadows)
Feb 7, 2018	Katzie First Nation
Feb 7, 2018	City of Maple Ridge
Feb 8, 2018	District of Mission
Feb 8, 2018	School District #75 (Mission)
Feb 9, 2018	Township of Langley
Feb 9, 2018	School District #35 (Langley)
Feb 16, 2018	UVic Law Centre
Feb 21, 2018	Ministry of Children and Family Development Quality Assurance
Mar 1, 2018	UVic Law class
Mar 27, 2018	Residential Tenancy Branch





# PREVENTION

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## Prevention Initiatives Pilot Program (2017-2020)

During our Office's 2016 strategic planning consultations with public authority staff, we heard loud and clear that it would be helpful for us to share our expertise in administrative fairness and complaint handling by offering educational outreach and more collaborative approaches to resolving issues before complaints arise. In November 2016, the Legislative Assembly's Select Standing Committee on Finance and Government Services supported a three-year funding commitment of \$693,000 annually to develop this program. This funding allowed us to dedicate resources to create a specialized team that would offer less formal, more collaborative approaches to addressing issues, sharing our expertise in administrative fairness outside of the context of investigations. In 2017/18 we established a three-year Prevention Initiatives Pilot Program, focusing on proactive engagement and informal consultations with public authorities under our jurisdiction. Our goal is to help embed fairness into public programs and policies from the start. After all, an ounce of prevention is worth a pound of cure.

The Prevention Initiatives Program has the following goals:

- Educate public authorities about the Ombudsperson's role, mandate and investigative process to enhance awareness of the Ombudsperson and the capacity of public authorities to respond effectively to Ombudsperson investigations;
- Promote the application of principles of administrative fairness in the delivery of government services through various initiatives, including educational webinars, training workshops, and online training programs;
- Foster the use of proactive consultation with public authorities on emerging issues to identify opportunities for resolution prior to engaging in complex, formal, and resource-intensive investigative approaches;
- Support authorities in identifying and avoiding potential fairness issues in program and policy development and change; and
- Identify and promote best practices in government service delivery and complaint resolution.

# 700

Number of public sector employees reached through our webinars, presentations and consultations

“We found the information to be very useful and would like to share elements of the presentation with staff and our own internal working group that is looking at setting up a process of our own. Thanks in advance and in general for the important work you do on behalf of British Columbians.”

– BC Coroners Service

The Prevention Initiatives Team began the year by focusing on ways we could enhance our reporting to public authorities on the trends and issues we were hearing about in the complaints we receive from the public. We established a framework for tracking and reporting out to public authorities the types of complaint issues that we had identified. We now provide this enhanced information on a quarterly basis to assist authorities to address these issues more proactively through their own quality assurance processes. We also use this information to identify specific opportunities where more preventative action may reduce the need for investigation. By engaging more proactively with public authorities and offering voluntary consultation on emerging or systemic issues, we aim to assist public authorities by enhancing their processes to promote fairness in public service delivery and improving their capacity to respond effectively when complaints do arise.

Educational outreach to public authorities was also an early priority for the team. We initiated an educational webinar series on topics relating to administrative fairness and complaint handling, and hosted three webinars in the first year of the program – all of which were posted to our website and have been met with much interest from public authority staff. We also developed a one-day, in-person fairness course for public



*Prevention Workshop session activity*

servants, and our first workshop sessions were immediately filled within only a few hours of being advertised. The workshops offer a full day of cross-sector learning about administrative fairness principles, providing participants with an opportunity to learn more about the role of our Office and why administrative fairness matters in public service. These workshops, entitled *Fairness in Practice*, will be delivered regularly in various parts of the province throughout the second year of the pilot. We also offered several presentations in the first year of the program to a number of different organizations, including ministries, boards, local government and health authority groups.

**“ I have no doubt this will open up more dialogue on our mutual cases and situations and we look forward to those. I suspect other ministries and agencies will benefit from this kind of approach and discussion. ”**

*– Patient Care Quality Working Group*

## PREVENTION

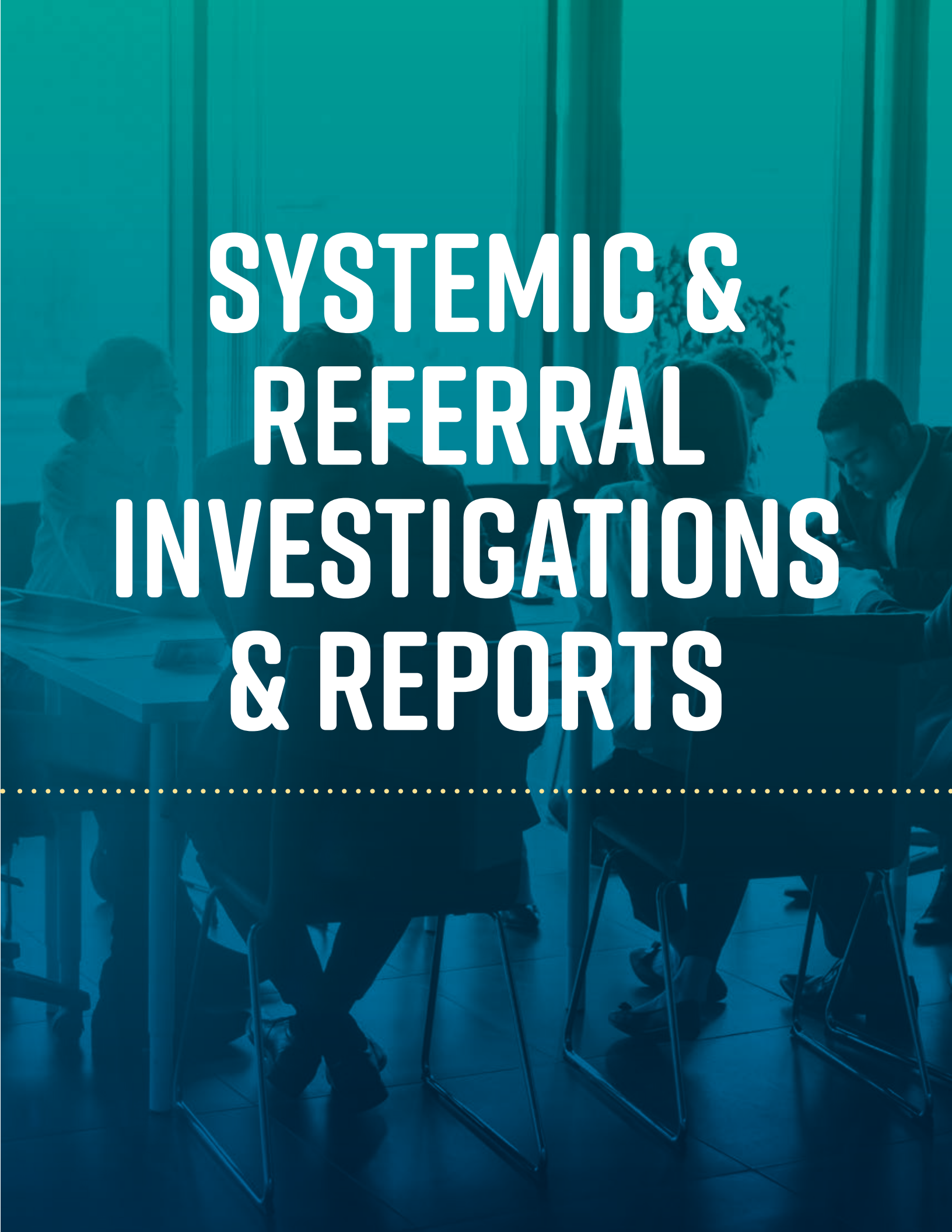
In addition to the enhancements made to our quarterly reporting process and our educational outreach initiatives, the Prevention Initiatives Team also engaged in consultations with a number of public authority staff on issues relating to program design, complaint handling, and policy development. We received multiple requests in the first few months of the program for this consultation and feedback, and were pleased to see the positive response that we received to this offer of assistance.

As we enter the second year of the Prevention Initiatives Pilot Program, we look forward to engaging even more with public authority staff to proactively address fairness issues before they result in complaints. We will also be launching our online training program, which will offer an introduction to the principles of administrative fairness in public service delivery. Additional best practice guides relating to complaint handling and administrative fairness will be developed in the second and third years of the program.

**“You have been invaluable in your support, and in particular, on assisting us in restructuring the board to be patient-oriented and providing procedurally fair hearings.”**

*– Mental Health Review Board*



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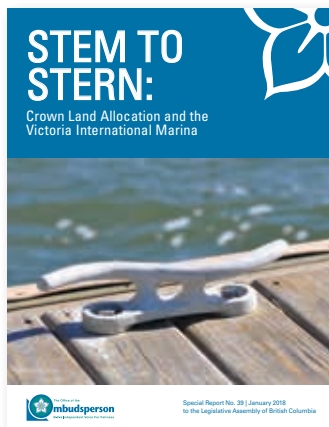
# SYSTEMIC & REFERRAL INVESTIGATIONS & REPORTS

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## Overview

In addition to investigating complaints, the Ombudsperson has the authority to initiate investigations. Often such investigations are systemic in nature and have potential impact on a large number of people. In addition the Legislative Assembly, or one of its committees, can refer a matter to the Ombudsperson for an investigation culminating in a report. Our Office completed two significant reports this past year and we continued to track the progress on recommendations in past reports.

## Completed in 2017/18



### Stem to Stern

On January 10, 2018, we released Special Report No. 39, *Stem to Stern: Crown Land Allocation and the Victoria International Marina*. This report is the

result of the Ombudsperson's investigation into the decision of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to approve a lease of two Crown water lots to be used as part of the Victoria International Marina.

The investigation followed complaints from the public that the ministry did not adequately consider Crown land allocation principles in its decision making, approved the application when other approvals were still pending, and made the decision without adequate public consultation.

The investigation found a number of shortcomings with the ministry's decision making processes, including:

- The adequacy and timeliness of information made available by the ministry,
- The consultation process used by the ministry in arriving at its decision, and
- The adequacy of reasons provided to support the ministry's decision.

Our investigation resulted in eight recommendations made to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. These recommendations relate to the quality and relevance of information available to the public, the ministry's public consultation process and the transparency of its decision making.

The ministry accepted and agreed to implement all of the recommendations. The Office of the Ombudsperson will monitor the ministry's progress towards implementation and report publicly on the results.



### Misfire

On April 6, 2017 the Ombudsperson released *Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters*. The following day, government confirmed that it

had accepted all 41 of the recommendations in *Misfire* and that it had engaged former Supreme Court of Canada Justice Hon. Thomas Cromwell to monitor the implementation of the recommendations for the first year following the report's release.

*Misfire* is the first report issued by the Office of the Ombudsperson that arose from a legislative referral. On July 29, 2015, for the first time in the Office's 36-year history, a committee of the legislature referred a matter to the Office of the Ombudsperson for investigation under section 10(3) of the *Ombudsperson Act*. The committee passed a motion to:

...refer the Ministry of Health terminations file to the Ombudsperson for investigation and report as the Ombudsperson may see fit, including events leading up to the decision to terminate the employees; the decision to terminate itself; the actions taken by government following the terminations; and any other matters the Ombudsperson may deem worthy of investigation. The committee trusts that his investigation can conclude in a timely manner.

On September 9, 2015, the committee unanimously approved special directions that set out in more detail the various matters related to the referral.

The recommendations in *Misfire* resulted from our investigative findings that government had acted wrongly in, among other things, firing Ministry of Health employees, suspending or terminating contracts and access to health data, and announcing that the fired employees were the subject of an RCMP investigation. We found that the manner in which government conducted its investigation was unfair and led to incorrect conclusions.

The recommendations sought to address both individual harms and broader systemic issues, including:

- Apologizing and issuing ex gratia payments to the individuals harmed by government conduct
- Reopening settlements reached with the three fired employees who were members of BCGEU

- Reversing the financial impact of the investigation on three other public servants who were disciplined but not fired
- Transferring funds to establish a scholarship in memory of Roderick MacIsaac at the University of Victoria
- Developing and implementing a policy framework for assessing and responding to conflicts of interest
- Developing policy and training for reporting employee misconduct to the police
- Creating new guidelines for making decisions about suspending access to data
- Establishing written protocols for decisions to not follow risk-based legal advice
- Introducing, for consideration by the Legislative Assembly, legislation providing for the investigation of public interest disclosures and for the review of all just cause dismissals to ensure they comply with government policy
- Implementing an organizational reconciliation plan in the Ministry of Health
- Assessing the extent to which the termination of evidence-based programs during the internal investigation created gaps in evidence-informed drug therapy research, and developing a plan to address those gaps.

Each of the 41 recommendations had an implementation date in the 2017/18 fiscal year. During the year, government released two status updates and Hon. Thomas Cromwell separately released three monitoring reports on October 12, 2017, February 28, 2018 and April 27, 2018, in which he assessed and commented on government's progress in implementing the recommendations. Government's report on implementation was provided to us and made public on April 30, 2018. These reports, and supporting documents, are available on the provincial government's website at [www2.gov.bc.ca/gov/content/home/ombudspersons-report](http://www2.gov.bc.ca/gov/content/home/ombudspersons-report).

## Monitoring Our Recommendations

One of the key ways in which the Office of the Ombudsperson can effect change in the fair administration of government programs is by making recommendations for improvements. Our recommendations result from investigative findings of unfairness. In other words, when our investigation highlights a problem in fair administration, our recommendations aim to fix that problem. Our recommendations may involve individual remedies or systemic change, and often contain timelines by which we expect an authority to have made the change.

Once the report has been publicly released, we begin monitoring whether authorities

are implementing the recommendations. We collect information from the authority about the steps they have taken to implement the recommendation. We expect the authority to provide us with specific, relevant and verifiable information about its implementation steps – a general commitment to take actions is not sufficient. We then assess this information to determine whether, in our view, the recommendation is fully implemented. In the next fiscal year, we will be publicly issuing detailed investigative updates on a number of our past reports.

Key recommendations from our reports that have been implemented to date include:

Students at private training institutions in B.C. are better protected because it is now an offence for a certified private training institution to engage in false, deceptive or misleading representations or advertising.  
 – *In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*

The B.C. Corrections Branch has developed a training course for individuals who conduct inspections and has ensured that at least one member of the inspection team is external to the Corrections Branch.  
 – *Under Inspection: The Hiatus in BC Correctional Centre Inspections*

Standardized staffing levels for residential care in B.C. are being put into place following our recommendation of having an average target of 3.36 hours per resident per day in each health authority.  
 – *The Best of Care: Getting it Right for Seniors in British Columbia (Part 2)*

Individuals who conduct riparian area assessments now must follow professional practice guidelines and professional standards of conduct.  
 – *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia’s Riparian Areas Regulation*

Students can be more confident that new programs at private training institutions will help them attain their career goals because under a new regulatory framework, independent external evaluators are required to review proposed programs in accordance with specific criteria.  
 – *In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*

Staff working in residential care in B.C. have access to additional training in how to support residents with dementia.  
 – *The Best of Care: Getting it Right for Seniors in British Columbia (Part 2)*



A photograph of a woman and a man sitting at a table, looking serious and engaged in a discussion. The woman is on the left, wearing a light-colored sweater, and the man is on the right, wearing a checkered shirt. The image is overlaid with a blue tint. The text 'CASE SUMMARIES' is written in large, white, bold, sans-serif capital letters across the center of the image. A horizontal dotted line is positioned below the text.

# CASE SUMMARIES

### Overview

Case summaries help tell the story of our investigations. They provide a lens into understanding the kinds of individual complaints that come to us.

Case summaries also serve to enhance the transparency around our investigative process and the steps we take when we are determining whether administrative unfairness has occurred, or not. As can be seen from this year's summaries, complaints are not always substantiated – sometimes our investigators after looking at all the evidence determine policies and procedures are being applied fairly.

This year's case summaries include investigations that are closed quickly by our Early Resolutions Team, as well as those that our handled by our three Investigative teams. While they are reflective of the kinds of cases we deal with on a daily basis, they are a small fraction of the work we do.

It is important to note that names have been changed to protect the privacy of complainants. Photos are for illustrative purposes only.





# HEALTH

## EARLY RESOLUTION

### Look who's back in town

#### Health Insurance BC - MSP, Ministry of Health

After receiving medical tests at a lab, Marco received a \$159 invoice and some distressing news – his Medical Services Plan coverage had been cancelled. Knowing that he had been paying premiums, Marco called Health Insurance BC (HIBC) to resolve the issue. After being told to reapply, Marco called us looking for answers.

In talking with Marco, we learned he had not yet talked to a manager. We offered to make the connection. In doing so, HIBC offered us some clarity. In planning to leave B.C., Marco

had been granted an extended absence. This allowed Marco to retain coverage abroad for up to two years. Unfortunately, when the two year mark passed, HIBC automatically cancelled Marco's coverage assuming he was still out-of-province. In fact, Marco decided to return and had been back in B.C. for well over a year. As a result of our call, HIBC called Marco the same day, informing him that his medical coverage was reinstated – he need not reapply. HIBC also invited Marco to submit his \$159 invoice for reimbursement.



## EARLY RESOLUTION

### MSP payments fall through the cracks

#### Health Insurance BC - MSP, Ministry of Health

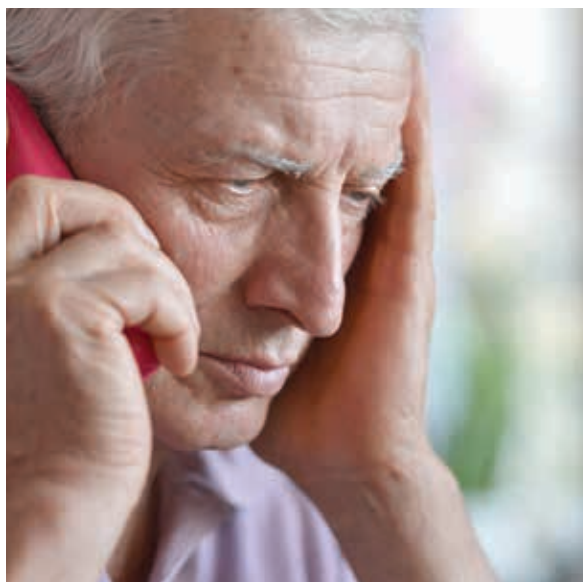
Colin contacted us to complain about the treatment he received when he contacted Health Insurance BC (HIBC), and about concerns regarding his Medical Services Plan (MSP) premiums. Colin said that HIBC staff did not assist him to resolve his concerns.

Colin explained that he retired in 2005 from the RCMP and applied to have MSP premium payments transferred from his pay cheque to his federal pension plan. Later that year it was determined that his MSP premiums were not being paid. Colin paid the arrears owing for MSP, and starting January 2006, he began attending the Service BC office each month to pay his MSP premiums in person.

Colin stopped paying his MSP premiums in January 2018 because he was informed by his pension provider that MSP payments had been taken off his pension since 2006, with the exception of periods when he was employed on and off, and sent to HIBC. Confused and concerned about this news, Colin contacted HIBC to try and sort out his MSP account.

Colin did not know what to do when HIBC staff told him that HIBC records indicated that HIBC only received Colin's payments as of January 2018, and staff refused to provide him with an email address where he could send his information and concerns.

We contacted a staff person at HIBC and explained the complaint, including Colin's concerns about the quality of service he received when he contacted HIBC. The staff person looked into the complaint the same day we contacted her, and found that the issue dated back to a time when the Ministry of Health administered the MSP program. The HIBC staff person put Colin on the correct program to recognize the MSP payment made from his federal pension. We were also told that Colin would get a refund of \$4,600. She said she would be in contact with the federal pension contact person, and would follow up with the HIBC Quality Assurance team.



## Denied basic health coverage

### Health Insurance BC - MSP, Ministry of Health

Darci's baby was due soon. An applicant for permanent residency status, she was having trouble getting the Medical Services Plan (MSP) coverage she needed. She and her partner, who was a resident of B.C., faced \$20,000 in hospital bills. Concerned, Darci turned to the Office of the Ombudsperson for help.

We investigated and found that Canadian citizens and persons with permanent resident status in Canada may be eligible to get health care benefits. In addition, spouses and children of B.C. residents both may be deemed residents for the purposes of health coverage if they have an active application for permanent residency and have paid their application fee. In the past, the ministry would consider an application "active" as soon as it was received by Citizenship and Immigration Canada, and CIC had sent an acknowledgement that the application fee had been paid. While the regulation remained unchanged, the ministry's interpretation was that confirmation of receipt of the application was now not enough. The ministry wanted the application to first proceed to secondary screening at the federal agency. Due to a long federal backlog of applications, the processing time for applications exceeded 12 months.

Noting that this unexplained policy change delayed access to MSP for Darci – and potentially many others – we consulted with the ministry to ensure its process was fair and consistent with the regulation. As a result of our investigation, the ministry agreed to change its policy for all people who have been sponsored to immigrate in the Spouse or Common-law Partner in Canada class. In addition, following proof of payment of the permanent residency status application fee, MSP coverage will now begin the first day of the month following completion of the standard wait period. The ministry also agreed to write to the spouses, like Darci, who were denied coverage, offering retroactive coverage based on a residency status beginning on the application fee payment date. Furthermore, accepting this retroactive coverage would be optional, since it would involve paying MSP premiums for that retroactive time period.

# 376

**In 2017/18 we received 376 complaints about health authorities – top three areas of concern related to Patient Care Quality Offices, Mental Health and Substance Use Services, and Residential Care Services**

## Does the policy apply?

### Interior Health Authority

Angela had been receiving medication as an outpatient at the hospital for many years. One day the hospital pharmacist gave her a letter stating that the hospital would no longer cover the medication she was taking. Angela later learned that the decision was made for budget reasons. Concerned about the hospitals' decision to stop funding her medication, Angela went to Interior Health's Patient Care Quality Office (PCQO). Angela needed the medication regularly to address her chronic health issue, but it was expensive and was not covered by PharmaCare. Angela paid for the medication for a while but she lived on only a disability benefit and could not afford to keep paying for the medication herself. After PCQO conducted a review, the hospital decided to reinstate funding a few

months later but denied her request to issue a refund. Not satisfied with the decision, Angela came to our Office.

We investigated whether Interior Health adequately responded to Angela's request to have her costs reimbursed for the period she was paying out of pocket for the medication. Interior Health confirmed that the change in policy did not apply to individuals who previously received the medication in question, and they agreed to compensate Angela for the almost \$700 she had spent on the medication while it was not covered. Angela contacted us to confirm that she received the cheque from Interior Health and thanked us for our help.





# HOUSING

## EARLY RESOLUTION

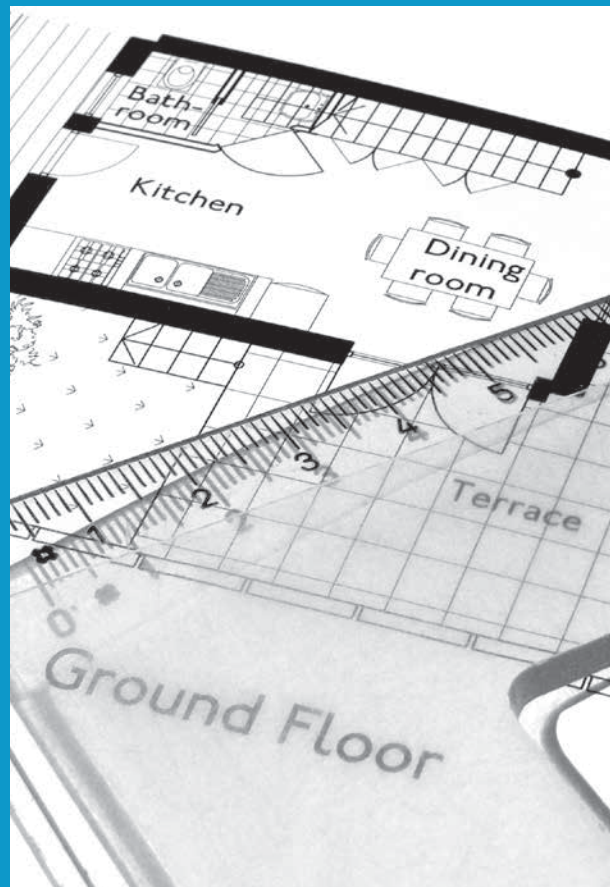
### A building apology

#### BC Housing

Preparing to build a home, Simeon submitted a residential builder licence application to BC Housing. Two months later, the agency responded, requesting some new information which Simeon promptly sent. Another month passed and Simeon, getting frustrated, asked for an update – he needed to get working. Hearing nothing back, Simeon turned to the Office of the Ombudsperson for answers.

We requested that BC Housing provide an update on Simeon's seemingly overdue application. Readily acknowledging the delay, BC Housing told us it had waived Simeon's exam requirement, approved his application immediately and emailed him with the information he needed.

We called Simeon to confirm his application was a success. Not only did he have his paperwork in order, Simeon said that BC Housing also called him personally and offered a meaningful apology. Simeon thanked us for our work.



# Low income redefined

## BC Housing

Judith, a single parent with limited financial resources, lived in a BC Housing wheelchair-accessible building with her 18-year old daughter Sarah, who had multiple disabilities. Judith had recently adopted Sarah through the Ministry of Children and Family Development after fostering her since infancy, and was now receiving Post Adoption Assistance, a benefit to help address Sarah's needs.

Although foster care payments had previously been exempt from Judith's calculation in determining her annual rent subsidy entitlement, BC Housing was now including her Post Adoption Assistance payments as income, resulting in higher monthly rental costs for the family. Judith attempted to raise her concerns about her rent subsidy with BC Housing, but was informed that Post Adoption Assistance is similar to other forms of child support, and therefore considered a source of income under BC Housing's Rent Calculation Guide. Unsure where to turn next, Judith turned to us.

Through our investigation, we asked BC Housing to explain the rationale for excluding foster care payments and other government-issued child benefits as sources of income, but including Post Adoption Assistance – for which the Rent Calculation Guide was silent.

Given that individuals who qualify for BC Housing rent subsidies are predominantly B.C. individuals and families with low income, we also questioned whether BC Housing's policy to include child support payments as income in tenant rent calculations was consistent with their broader social policy commitment to provide affordable housing and ensure maximum subsidies are available for low income families. We observed that BC Housing may not truly be meeting this objective with their current policy.

We consulted with BC Housing who agreed to review and consider amending its policy. In response, BC Housing reported that it would amend the Rent Calculation Guide and extend the income exemptions to include all child support payments, including all federal and provincial child benefits. Judith's individual complaint to our Office led to broader improvements for all, as these expanded income exemptions will enable families living in BC Housing units to direct more of their financial resources towards meeting the needs of their children.



## Perplexing payment

### Ministry of Social Development and Poverty Reduction

Mark lost his housing. As the Ministry of Social Development and Poverty Reduction paid his shelter allowance directly to his landlord, Mark immediately went to his local office to report his change in living circumstances. Staff assured Mark that the direct payment to his landlord had been cancelled. When Mark picked up his disability assistance cheque the following week, he was shocked to find he only received \$138 for the month instead of the expected \$638.

When Mark asked staff about the \$500 discrepancy in his assistance, they told him that the ministry had accidentally issued this payment to his former landlord to cover his rent for the month. Mark requested reimbursement but was told the ministry could not re-issue the payment because his landlord had received the funds and therefore the matter was a landlord/tenant issue. Unable to collect the funds from his former landlord, Mark contacted the Office of the Ombudsperson.

Our investigation confirmed Mark's report that he let ministry staff know of his change in living circumstances and that the ministry had told him that the direct payment to his landlord had been cancelled. We identified that the ministry had updated Mark's file to remove his shelter allowance entitlement but missed removing the automatically generated rent payment, which led to \$500 of his support entitlement being paid to his former landlord. We asked the ministry to reconsider its position that this matter was a landlord/tenant issue as it looked like Mark had done everything he could to ensure the payment was cancelled and it was clear that the ministry made the error. The ministry agreed to review Mark's file further and acknowledged the administrative error identified through our investigation. In response to this issue, the ministry issued Mark \$500 to resolve the errant payment.





# CHILDREN & YOUTH

## Eviction Avoided

### Ministry of Children and Family Development

Hardip contacted us with a complaint about the Ministry of Children and Family Development. She and her daughter lived in subsidized housing run by a non-profit housing society and the subsidy was based on her being a single parent with one child living with her. She explained that her three-year-old daughter had been removed from her care by the ministry and that she and the ministry were working toward a gradual return of her daughter to her care.

While Hardip was working with the ministry to have her daughter returned to her care, she received an eviction notice because her daughter was not residing with her. The manager asked her to provide a letter from ministry staff confirming the ministry was in the process of returning her daughter in order to keep her apartment.

Hardip talked to her social worker who agreed to send a letter to the housing society in order to satisfy her building manager's request. However, she said a number of weeks passed and nothing had been sent to the society. Hardip told us she followed up with ministry staff at her local office and asked for an update, but no one got back to her. She wasn't sure what to do and was very concerned about losing her housing.

Our Office investigated whether the ministry followed a reasonable process for responding to Hardip's request that it provide a letter to the housing society. We confirmed with

a team leader that Hardip had asked the ministry to provide the housing society with a letter to confirm her daughter would be transitioned back to her care however, the letter was not due to be sent until the last week of the month and it was not clear whether the housing society would receive it in time.

We asked whether there was anything further the ministry could do to ensure that the housing society received the required information prior to the end of the month so that the eviction would not be acted on. The ministry agreed that the letter should be mailed out immediately and indicated that staff would contact Hardip's building manager to confirm that the letter was on its way.



## Let me see my kids

### Ministry of Children and Family Development

Cathy contacted our Office with a complaint that she was being unfairly restricted from spending time with her children. A Traditional Family Case Planning Meeting was held in mid-June 2017 and an agreement was made that Cathy would have supervised access to her children twice weekly that would be coordinated by a delegated Aboriginal agency (DAA). However, Cathy told us she was not seeing her children regularly and she felt this was unfair.

When we investigated we were told by the DAA that the reason the access was not currently occurring was because the DAA had intended that access be supervised by a contracted local organization but this organization did not have the necessary number of staff to supervise Cathy's two visits a week. As a result of our investigation however the DAA did work with the contracted organization making it possible for Cathy to see her kids twice a week.

## Decision making delay

### Ministry of Children and Family Development

Kaylie was nine years old and living with her mother when her mother unexpectedly died. Although Kaylie's father was unable to take care of her, Kaylie had a number of people within her extended family who wanted to care for her. The Ministry of Children and Family Development placed Kaylie with a foster family until a permanent placement decision was made. The ministry did not make a placement decision for nearly one year, eventually deciding to place Kaylie with her maternal aunt and uncle, Beth and Henry. Beth was concerned about the length of time it took the ministry to make a placement decision, so she contacted the Office of the Ombudsperson.

Our review indicated that one of the reasons the ministry delayed making a decision was because the ministry office that had Kaylie's file intended to transfer it to another office within a month or two. In practice, that

meant neither office was prepared to make a placement decision during that period. We also found that the ministry was initially planning to do safe home studies on two potential homes for Kaylie, but owing to resource issues, decided to do file reviews instead. Several months later, the ministry decided it was necessary to complete safe home studies after all because one of the prospective parents had a criminal record.

The ministry agreed that it took too long to make a placement decision for Kaylie, and said that in retrospect, they could have conducted assessments earlier. The ministry acknowledged Kaylie could have been placed with Beth and Henry on a restricted foster home basis. The ministry agreed to provide training for staff about safe home studies and restricted foster home placements, and wrote to Beth to acknowledge that Kaylie should have been placed with her earlier.



# INCOME & BENEFITS

## EXTENDED CASE SUMMARY

### “I feel like Norma Rae”

#### Ministry of Social Development and Poverty Reduction

Our Office received complaints from two separate individuals about the Ministry of Social Development and Poverty Reduction, both concerned about the amount of money being deducted from their Employment Insurance (EI) benefits, and sent to the Ministry as repayment for hardship assistance they had received in the previous months.

Both individuals explained that while awaiting approval of their EI applications, and in order to make ends meet, they had contacted the ministry and been approved for repayable hardship assistance. As part of the application process, the ministry had required they sign an Assignment of Benefits (AOB) form authorizing the federal government to make deductions to their EI benefits and “assign” the money to the ministry as repayment. Both individuals told our Office they agreed to the assignment, but were unprepared for the financial impacts of the repayment once they started receiving reduced EI benefits. Both individuals were concerned the ministry had made a mistake calculating the repayment amount, because the deductions had left them without enough money to afford basics like rent and food. Both individuals told us that when they tried resolving the issue by contacting the ministry directly, they were advised the calculations were correct, and

that the ministry had no ability to reduce the repayment deductions, even if a person is experiencing financial difficulty as a result.

The individuals remained concerned a mistake had been made on their file, and did not know where to turn when they contacted our Office.

As part of our investigation, we reviewed the ministry’s publicly available information about hardship assistance while awaiting EI and the assignment of benefits repayment process. In both cases, we also contacted the ministry and obtained records associated with the individuals’ requests, including copies of the AOB forms they had signed as part of their application for hardship assistance.

Our reviews indicated that the AOB forms provided by the ministry to the individuals had identified both the amount of repayable assistance being issued, as well as the minimum amount of EI the individuals would receive while their benefits were on assigned to the ministry, also known as the Minimum Weekly Living Allowance. In both cases, it appeared the process followed by the ministry for the assignment of benefits was in accordance with the legislation and policy, and the calculations were correct.

However, given the issues identified by the complainants about the financial impact of the repayments process, and based on our review of the ministry's existing public information about this type of repayable hardship assistance, we had questions about whether individuals were receiving adequate information to fully understand the repayment process and how their further EI benefits would be impacted when they agreed to the terms of the AOB.

We consulted with the ministry about this issue. The ministry acknowledged the repayment process is complicated and that improvements to their existing communications and public information were needed to clarify how the assignment affects a person's EI benefits and eligibility for future

assistance. Through our consultations with the ministry, it committed to revising its public information about hardship assistance while awaiting EI, and also identified steps it would be taking to improve staff communications about the AOB to ensure applicants received information they needed in order to understand the implications of signing an AOB before doing so.

When we followed-up with one of the individuals and explained the commitments made by the ministry to improve its communications, they were pleased to hear changes would be made and expressed how they felt they had made a difference for others in contacting our Office, or, as one said, "I feel like Norma Rae!"



## Power of good communication

### Ministry of Social Development and Poverty Reduction

Sylvia, a single parent of three young children, was unable to work and relied on disability assistance. After visiting her bank to withdraw money for rent, Sylvia was robbed on the bus. With rent due, Sylvia went to the Ministry of Social Development and Poverty Reduction to request that her disability assistance either be re-issued, or that she be provided with a crisis supplement. The ministry denied her request and did not explain why. Fearing eviction, Sylvia turned to the Office of the Ombudsperson for help.

Noting that Sylvia was in crisis, we investigated immediately and contacted a ministry supervisor. The supervisor reviewed the notes on Sylvia's file but found nothing about Sylvia's predicament and told us they were not aware that her money was stolen.

Noting the apparent gap in communication, the ministry agreed to speak with Sylvia directly to try to address her needs. It then promptly issued Sylvia crisis supplement funds. Through their conversation with Sylvia, the ministry also learned something surprising: this was not the first time Sylvia had been robbed. To help address Sylvia's fear of being mugged – and her greater fear of angering her landlord with late payment – the ministry began paying Sylvia's landlord directly, ensuring that her rent would be paid safely and on time.



## Ban no longer in effect

### Ministry of Social Development and Poverty Reduction

Josh was receiving his disability assistance benefits through a contracted third party administrator (TPA) because the Ministry of Social Development and Poverty Reduction had banned him from having direct contact with ministry staff. Josh was having difficulty communicating with the ministry due in part to his disability, and was placed on TPA status to assist him with getting the support he required. Josh had been on TPA status for six years, unable to contact the ministry directly for help. When he requested through his third party administrator that the ministry review his TPA status and allow him to have direct contact with the ministry again, his request was denied. Confused by the response from the ministry, Josh turned to the Office of the Ombudsperson for help.

We reviewed the ministry's records relating to Josh's TPA status, and learned that the TPA agency had recommended to the ministry several months earlier that he be returned to direct service delivery based on his positive behaviour and appropriate interactions with them. When we asked the ministry why the ban on direct service had continued despite this recommendation from the TPA agency, we learned that the ban continued because Josh had previously sought assistance from his MLA and then from the Office of the Ombudsperson.

We raised our concerns with the ministry about this decision, as under the *Ombudsperson Act*, any member of the public has the right to submit a complaint to us without any risk that such contact would impact on their access to programs or services from that public agency. The ministry acknowledged our concerns and agreed to do a proper review of Josh's file to determine whether the ban on direct service actually needed to be continued. Through this review, the ministry concluded that Josh could in fact return to direct service delivery with the ministry, and they wrote to him to inform him of their decision. The ministry also met with Josh to discuss a transition plan to help him be successful with direct service delivery. The ministry also indicated they were reviewing all TPA procedures to provide more clarity for staff and clients.

## Application approved

### Ministry of Social Development and Poverty Reduction

Sheila contacted our Office with a complaint about the Ministry of Social Development and Poverty Reduction. She told us that she made an application for income assistance and was asked by the ministry's Prevention and Loss Management Services Branch to provide bank statements for a period of time in 2015. Sheila said that she was not able to provide the requested documents as her financial institution charged a fee for that service and she did not have money to pay it. She told us that she was at risk of losing her apartment if her application for income assistance was not processed soon. We investigated whether the ministry was following a reasonable procedure for processing Sheila's application for income assistance. The ministry told us that Sheila had previously been an income assistance recipient and her assistance had been discontinued because she had not provided the information that the ministry had asked for when it was conducting an eligibility assessment.

The ministry said that Sheila had informed them about the financial barrier to obtaining her financial records from her bank. They also noted that they had no way of accessing the records directly and they did not have Sheila's consent to contact her bank. However, the ministry said that given Sheila's current circumstances, they would talk to Sheila about approving her application on an interim basis on the understanding that the requested documents would be provided at a later date. She later confirmed that she spoke with the ministry's investigative officer and as a result, her application had been approved and she received an income assistance cheque from the ministry. She said that as a result she was able to ensure her housing was secured and she would now be able to obtain the financial information from her bank.





## No callback, no fair

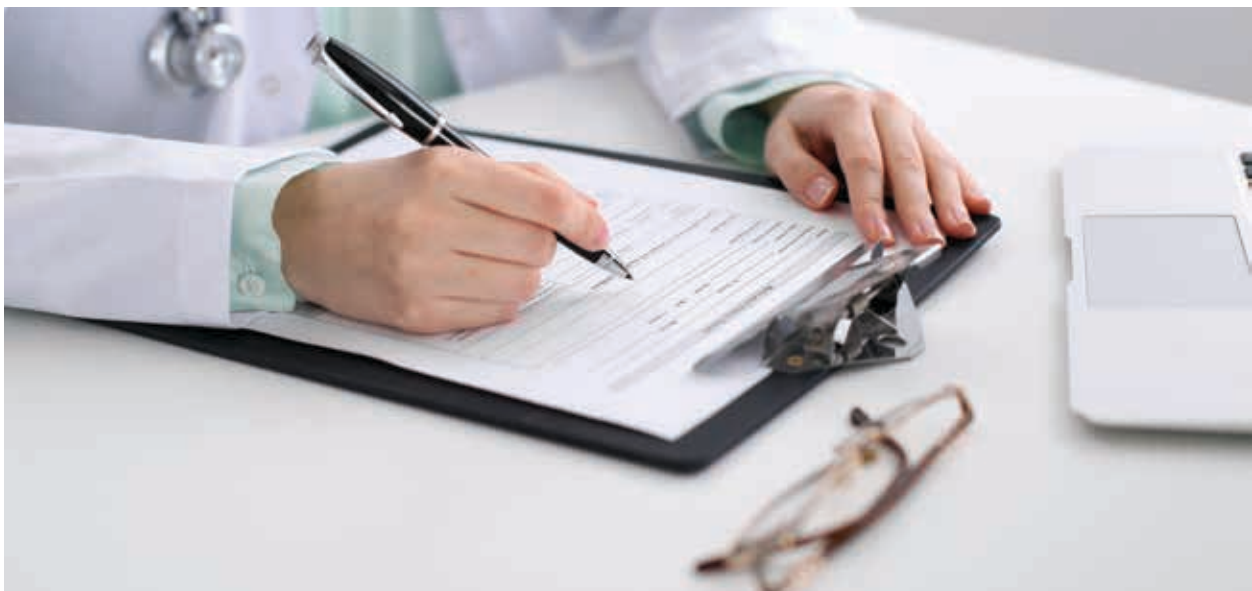
### Ministry of Social Development and Poverty Reduction

Sam, who was unable to work due to his disability, relied on income assistance under the Persons with Persistent Multiple Barriers to Employment (PPMB) category. His PPMB status came up for review and the ministry required a new medical note from his doctor. However, the form was submitted to the Ministry of Social Development and Poverty Reduction with certain pieces of information missing. Sam received a letter informing him that, based on the information provided by his doctor, he was no longer eligible for PPMB. Upset with the situation, Sam called the ministry's toll-free line several times to enquire about the decision and to request reconsideration, but did not receive the information he needed on the call nor receive a call back.

Sam immediately asked his doctor to submit the required information to the ministry, but the ministry did not receive it before the deadline. Sam received notice that his PPMB benefits were being terminated the following month. Desperate for help, Sam turned to the Office of the Ombudsperson.

Through our investigation, we learned that Sam had spoken with a ministry employee, but the request for their supervisor to call Sam back was not forwarded. As Sam's request for reconsideration was not received before the deadline due to the breakdown in communication, we asked the ministry to consider extending the deadline for reconsideration and allow him to submit the information needed to request that his PPMB benefits continue. If the ministry did not extend the deadline and reconsider Sam's situation, his monthly income assistance cheques would decrease and Sam would not be in a position to cover his monthly expenses.

The ministry agreed, and wrote to Sam, apologizing for not responding to his request for a return phone call, and extending the deadline for reconsideration of the PPMB decision. The ministry also agreed to expedite the processing of the reconsideration request once it was received. Sam submitted the necessary medical information to the ministry to have his benefits reinstated, and he was provided access to the reconsideration process to which he was rightfully entitled.



## Paying attention to deadlines

### Family Maintenance Enforcement Program, Ministry of Attorney General

Stu was paying court-ordered child support through the Attorney General's Family Maintenance Enforcement Program (FMEP). He was paying off the amount he owed in arrears through a monthly Voluntary Payment Arrangement (VPA), and had not defaulted on any payments in the two years that he had been involved with the program.

Stu had just started a seasonal job following a long period of unemployment when he received a letter from his FMEP enforcement officer asking him to provide updated financial information to maintain his Voluntary Payment Arrangement. After sending in the required paperwork to the program, he was notified that his payments would increase by more than 50 percent over his current payment amount. Unable to afford the proposed new monthly payment on his current income, Stu tried calling his enforcement officer. After receiving no further response, Stu learned that the officer had issued a notice to his employer to garnish his wages, and had taken further enforcement action by issuing an interception of federal funds, as well as a license and passport renewal denial. Unsure of what to do next, Stu turned to the Office of the Ombudsperson for help.

Our investigation looked at the enforcement action taken and whether it was fair and reasonable in the context of the legislation and policy that governs the Family Maintenance Enforcement Program. In reviewing the correspondence between FMEP and Stu, we noted that the letters the enforcement officer sent to him did not indicate a timeframe for negotiating a new agreement or a deadline for response. The notices also did not inform Stu that further enforcement action may be taken.

Through our investigation we learned that the general practice is to allow 30 days for a response. In Stu's case, the enforcement officer allowed only four business days before garnishing his wages, and did not return his messages to engage in further discussion before taking this action. The FMEP policy directs staff to attempt less intrusive measures such as Voluntary Payment Arrangements in circumstances where there is reason to believe they will comply with payments towards arrears. Given that Stu had demonstrated a commitment to making regular scheduled payments, we believed the officer's discretionary decision to take enforcement action without warning after only four days appeared inconsistent and unfair.

In response to the administrative fairness concerns identified through our investigation of Stu's complaint, the Family Maintenance Enforcement Program agreed to improve their communications with payors to include additional information about a deadline for response and a warning that further enforcement action may be taken. They also agreed to conduct a review of their policy to give greater clarity to staff on the time frames and discretionary decisions regarding these voluntary payment negotiations. Stu received a letter from FMEP, apologizing for the administrative errors that had occurred in his case and informing him of the program changes resulting from his complaint.



# SENIORS

## Caring for vulnerable people

### Fraser Health Authority

Bob's mom had advanced dementia and lived in residential care. Her husband filed her income tax returns. After he passed away, income tax returns were not filed and the health authority increased Bob's mom's fees to the maximum rate for three years. Bob's mom's income was too low to cover the increased fees so the health authority sent the bill to a law firm which then threatened legal action against Bob's brother for payment. When Bob learned about this, he obtained a court order to act on behalf of his mother, filed her income tax returns and gave the Notices of Assessment to the health authority. The health authority refused to retroactively adjust his mom's fees, saying they tried to inform Bob's brother when his mom failed to supply proof of her income. Bob found the explanation perplexing as throughout the three years, neither Bob nor his brother had legal status to manage their mom's financial affairs.

When we investigated, the health authority acknowledged their error and agreed to refund the excess fees charged for the three years. But we had more questions.

Health authorities provide care to vulnerable people who may not be capable of managing their financial affairs or making health care decisions. When a vulnerable person's family is not available or willing to assist,

health authorities have obligations under the *Adult Guardianship Act*. Where a vulnerable person is demonstrating self-neglect by failing to manage their financial affairs, health authorities are expected to refer the matter to the Public Guardian and Trustee who, once notified, would make enquiries to determine whether there are family members able to assist. This did not occur for Bob's mom.

We looked at three health authority policies: consenting to health care, resident neglect, and debt, all of which applied to Bob's mom. We concluded the policies had not been fully applied and taken together, the policy content did not seem to line up with each other and the health authority's obligations. We proposed the health authority change the policies by aligning definitions and language, identifying steps to take where self-neglect exists, and cross-referencing the policies to ensure care providers were aware of procedures. We proposed the health authority review with residential care service providers several steps to serve vulnerable adults. These included that identification of self-neglect and steps to address it must be recorded on patients' Health Record, the mandatory steps to take when caregivers suspect self-neglect, and the requirement to confirm Temporary Substitute Decision-Makers for incapable residents. The health authority agreed with our proposals.



# CORRECTIONS

## EXTENDED CASE SUMMARY

### Witnesses denied

#### **Surrey Pretrial Services Centre, Ministry of Public Safety and Solicitor General & Investigation and Standards Office, Ministry of Attorney General**

When an inmate in a BC correctional centre is alleged to have breached a rule under the Corrections Act Regulations, he or she has the right to challenge the allegation at a disciplinary hearing process. Jason was confined to the Surrey Pretrial Services Centre when he had an interaction with a correctional officer on his living unit. The interaction was strictly verbal with the correctional officer believing Jason had refused an instruction and had used abusive language towards her. As a result, the officer filed a report alleging Jason had behaved in an insulting and abusive manner and thus breached the regulation. At Jason's disciplinary hearing, another member of the centre acted as the chairperson who, in this capacity, was tasked with deciding whether Jason had breached the rule and if so, issuing a penalty.

Jason did not believe the officer had fairly characterized their interaction and maintained that he had not refused her instructions and had not directed any abusive or insulting language towards her. Jason told this to the hearing chairperson and explained that there were inmate witnesses to the interaction who could attest to his version of events. The only other evidence of the incident was

a video recording that did not include sound, and as such did not provide conclusive evidence as to the validity of the charge of using abusive language.

As is often the case between inmates, Jason did not know the full legal names of the witnesses he wanted to call. He was, however, able to identify them by either their first names, a nickname, or by the cells they had been confined to at the time of the incident. Despite providing this information at the hearing, the chairperson concluded that he would be unable to identify the witnesses because Jason did not know their full names and because of the transitory nature of the living unit where the incident occurred. Without calling the witnesses, the chairperson confirmed the breach of the rule and imposed a penalty of a period of time in separate confinement. The record of the breach was also placed on Jason's inmate file, which forms a record of his behaviour in the centre.

Jason believed it was unreasonable for the chairperson to have not attempted to identify the witnesses by the information provided. As such he requested an appeal of the disciplinary hearing decision through the Investigation and Standards Office, a provincial body tasked with

assessing such appeals. This office had only just recently overturned another disciplinary hearing decision that Jason had been subject to because the chairperson had denied calling witnesses. This denial arose from his presumption that witnesses would have been unable to offer any relevant evidence. After reviewing Jason's new complaint the Investigation and Standards Office concluded that, unlike in his previous hearing where witnesses were denied unfairly, the hearing chairperson this time had provided Jason with a reasonable explanation for why the witnesses could not be called.

Once a disciplinary decision is upheld by the Investigation and Standards Office, the only authority capable of overturning the decision is the B.C. Supreme Court. Despite this, Jason believed he had been treated unfairly by both the hearing chairperson and by the inspector from the Investigation and Standards Office who handled his appeal and as such contacted our Office with his concerns.

We began our investigation of Jason's complaint by looking at the rules by which disciplinary hearing chairpersons are tasked with considering evidence provided at a hearing. This stressed that unless definitive evidence existed of an alleged offence, witnesses should be sought and contacted whenever possible to ensure the hearing is conducted in an administratively fair manner. As it appeared to us that there was no definitive evidence of the breach, and as the only evidence provided was that of the charging officer, we attempted to identify the witnesses by the information provided to the hearing chairperson. We were able to positively identify three of the witnesses Jason wanted to call.

Through our consultations with the correctional centre, it acknowledged that it was in fact possible at the time of the hearing to have identified the witnesses by the information Jason provided and that the hearing chairperson should have done this.

Although the centre was unable to change the results of the disciplinary hearing by the time we entered into consultations, it did commit to providing refresher training to all of its disciplinary hearing chairpersons, and to include curriculum in chairperson training moving forward, stressing the importance of attempting to identify witnesses based on what information is provided by an inmate.

While this commitment settled Jason's complaint to our Office about the Surrey Pretrial Services Centre, we remained concerned as to why the Investigation and Standards Office had not reached the same conclusion as we had. As such we opened a second investigation into whether the Investigation and Standards Office had followed a reasonable process when considering Jason's disciplinary hearing decision appeal.

We shared what we learned from our investigation of the Surrey Pretrial Services Centre with the Investigation and Standards Office. It did not take long for the Investigation and Standards Office to review its handling of Jason's appeal and conclude that it should have more thoroughly questioned the chairperson's decision not to call the witnesses. Like the Surrey Pretrial Services Centre, the Investigation and Standards Office was unable to alter the disciplinary hearing decision at that time. Despite this, it committed to providing refresher training to all inspectors about the importance of assessing whether or not a witness was improperly denied by a hearing chairperson.

As both the Surrey Pretrial Services Centre and the Investigation and Standards Office committed to taking action to prevent similar mistakes in the future, we concluded our investigations and provided Jason with a detailed summary of what we had done. This included explanations of the commitments made by both the Surrey Pretrial Services Centre and the Investigation and Standards Office to take action in response to Jason's experience. We explained to Jason that while

## CORRECTIONS CASE SUMMARIES

the disciplinary hearing could not be changed at this stage, he still had the option of taking the matter to the B.C. Supreme Court.

Three months after concluding our investigation we followed up with both the Surrey Pretrial Services Centre and the Investigation and Standards Office to ask about the progress made on their commitments. The Investigation and

Standards Office had, by then, provided special training to all of its inspectors and B.C. Corrections had issued notices to all hearing chairpersons across the province. B.C. Corrections further explained that all future hearing chairperson training courses would specifically stress the importance of attempting to identify witnesses based on any information provided by an inmate.

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## Provided key information, or not?

### Ministry of Public Safety and Solicitor General

Robert called us upset about the lack of information he had received from his probation officer. He told us that for several months he had found the conditions on his probation order to be very difficult for him and only recently had he learned he could apply to the courts to change the conditions on his order. Robert felt that his probation officer should have told him that he could apply to the courts to change the conditions on his probation order.

As we began our investigation into whether Robert had been informed, we determined that he had signed a section of the order confirming that he had in fact received an explanation of the procedures for applying for changes to the order. The record of a meeting held between Robert and his probation officer immediately after his release also supported that the court application process was discussed. In addition, documents from the corrections centre where Robert had been held showed that during a conversation just prior to his release Robert had told staff his lawyer would be appealing the conditions on his order.

The information we received supported that Robert was adequately informed of his option to apply to the courts regarding changes to the conditions on his probation order. Our investigation did not substantiate his concerns.



## Adhering to procedure

### Prince George Regional Correctional Centre, Ministry of Public Safety and Solicitor General

When Carol wasn't wearing her dentures, she kept them wrapped in tissue in a cup in her cell at Prince George Correctional Centre. One day she returned to her cell and her dentures, and the styrofoam cup they were in, was gone. When Carol called us we asked her to explain what she thought had happened to her dentures. She told us she kept them in a cup because the canteen doesn't sell denture cream so she can't wear them. She believed that staff had thrown them out during a cell inspection.

Carol had complained to the Centre and to the Investigation and Standards Office and asked to have her dentures replaced but the video of the removal of belongings from her cell didn't identify what was discarded, so the Centre said it wasn't responsible and it wouldn't replace her dentures. We were concerned about the refusal to replace the dentures but we were also curious about the lack of denture cream. No cream means no dentures.

The centre confirmed that they were aware that Carol had the dentures, but their investigation was unable to confirm the complainant's claim that they had been thrown out during a cell inspection. There is no requirement for Correctional Officers to document each item that is removed from the cells so there was no record of what had been discarded. They also told us that inmates usually have bins for their personal belongings. Carol told us she had asked for a bin but none were available. The centre could not explain why they were not available and confirmed that there are currently bins available.

Carol had made two health care requests specifically asking for denture adhesive but none was provided. Instead, a soft diet was

recommended. The complainant made four additional health care requests for a soft diet due to issues with ill-fitting dentures as a result of not being able to obtain denture adhesive. None of the six requests resulted in the provision of dental adhesive or a referral to a dentist.

The centre explained that past experiences with denture adhesive had not been positive as inmates were using it for purposes other than for their dentures. As a result the canteen and health care removed denture adhesive from the items they supply. However, the Centre explained that they did take steps to accommodate loose-fitting dentures by providing denture adhesive if an inmate was assessed in health care as needing it. Health care was to provide it during daily medication rounds. This procedure had been implemented approximately four years earlier when the centre decided to withdraw denture adhesive from the canteen. PGRCC could not explain why this complainant was not provided denture adhesive when it was requested, although one reason may have been the lack of written procedure on how to deal with inmates with dentures.

As a result of our investigation, the complainant saw a dentist and received a new set of dentures. PGRCC added a new Standard Operating Procedure to their Inmate Information Guide whereby inmates will be assessed in health care regarding their need for denture adhesive which will be provided daily during morning medication rounds. We also confirmed that there was a supply of bins available for inmates who needed one.

## Did that really happen?

### Surrey Pretrial Services Centre, Ministry of Public Safety and Solicitor General

Tom contacted us to complain that he had been removed from his cell, sprayed with pepper spray and dragged down the hall with more pepper spray sprayed down his throat. He said he vomited blood and was taken to the hospital. He couldn't provide an exact date when this happened but said it was six to ten days earlier.

We reviewed all the available documentation and video from the incident Tom described. The cell extraction occurred eight weeks before his complaint. While video of the extraction was still available, the hallway video, where Tom said pepper spray had been sprayed down his throat, was no longer available.

The Centre told us that policy requires audio video recordings to be retained when control tactics such as pepper spray are used. The hallway was not part of the cell extraction so

it was not kept. It would have been available closer to the time of the incident. Without the hallway video, we were unable to confirm Tom's report of what happened. We did confirm that staff took photos of his injuries as required by policy and that he was taken to hospital following the incident and assessed by a doctor however the medical records did not mention an assault.

Staff at the centre acknowledged that retaining the audio and video recordings of the entire event – the extraction and the escort down the hallway to the health unit – would protect both inmates and staff. In response to our investigation, the centre's Standard Operating Procedures were amended so that the officer in charge reviews all video of incidents and downloads all relevant audio and video. A review of procedures in other centres is currently underway.

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## Medical diet includes snack decision

### Alouette Correctional Centre for Women, Ministry of Public Safety and Solicitor General

Sandy, a Type 2 diabetic called our Office and said she relied on snacks as part of how she managed her blood sugar. She was concerned when the staff at Alouette Correctional Centre told her she would have to buy her own her own snacks at the canteen from now on. Sandy felt this was unfair and was concerned about other diabetic inmates who may not be able to afford to buy snacks.

During our investigation, staff at Alouette explained that inmates with diabetes who take insulin do need access to snacks to manage low blood sugar levels. The health unit alerts the kitchen so that snacks are

available as needed. However, centre staff explained to us that non-insulin dependent diabetics take medication orally that keep blood sugar levels even so there is no need to provide snacks. They explained that Type 2 diabetics have their blood monitored regularly and that doctors make their orders including specifications regarding diet based on the individual patient. Sandy's health records showed that her levels were checked and found to be at appropriate levels.

Although Sandy lost her free snacks, we were satisfied that the centre's decisions to stop providing the snacks was fair.





# ENVIRONMENT

## Outdated information

### Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Shane had a trapline tenure that allowed him to trap certain animals within designated parts of the province. For several years Shane had paid the required fees to the province, set up traps and satisfied the obligations of his tenure agreement. Eventually, Shane started having trouble gaining access to his trapline area. He told us the Ministry had granted another entity tenure for a utility development that overlapped with his trapping area and affected his ability to access his trapline.

Shane raised his concern about the effects on his trapline tenure with the part of the ministry responsible for granting the overlapping tenures. He also asked the ministry for more details about his tenure rights and whom to contact about a number of issues. Shane told us the ministry provided him with conflicting and outdated information, which left him confused about his rights and what the ministry's role should be in helping the relationship between him and the tenure holder for the utility development. When the ministry did not address most of his concerns satisfactorily he came to us.

In response to our investigation the ministry acknowledged it had given Shane conflicting and outdated information. In order to resolve Shane's concerns the ministry agreed to contact him by phone and in writing to ensure he had the correct and up to date information. The ministry also wrote the other tenure holder to try to improve their communications with Shane. This would help make sure that Shane had access to his traplines. The Ministry also told us it removed the outdated and inaccurate information from its internal and external websites to lessen the chances of somebody else in Shane's position from being misinformed in the future.

## Cleaning up a failure to communicate

### Ministry of Environment and Climate Change Strategy

After a hazardous spill on his neighbour's property ran onto his field, John was concerned for his health. He did not believe that the contamination had been properly dealt with. Frustrated by the lack of information he had been given about the spill and the steps taken to clean up the area he called us to see if we could investigate.

Through our investigation we learned that the owner of the property where the spill had taken place had immediately notified the Ministry of Environment and Climate Change Strategy about the spill. Testing and remediation of the site and surrounding area had been undertaken by certified environmental professionals. However, while the ministry had overseen a reasonable process of addressing the spill, it did not

appear that either it, nor the company charged with testing and remediation, had provided John with any information about what had taken place. In addition, the publicly accessible provincial site registry for contaminated properties had not been updated to show that remediation had been completed.

In response to our investigation, the ministry agreed to contact John to let him know what steps had been taken to address the spill. Following our request, the environmental consultant's final report was sent to John. With respect to the site registry, the ministry agreed to ensure that it included up-to-date information regarding the remediation that had taken place.





# TRANSPORTATION

## Setting the record straight

### ICBC

Eleanor received a letter from ICBC informing her that the cost of her insurance would rise dramatically because she had two accidents within a short period of time. Eleanor said she only had one accident in that time period, and she worried the second accident was a mistake caused by identity theft because she lost her wallet before the second accident occurred.

Eleanor contacted ICBC and they agreed to investigate the incident. Eleanor said she followed-up with ICBC several times over the next year and provided additional information for its investigation, which she was always told was ongoing. However, when she went to renew her insurance, she was surprised to learn the accident was still on her record. Forced to stop driving because her insurance was too expensive, Eleanor contacted our Office.

Our Office investigated whether ICBC acted reasonably and without delay when it investigated and refused to remove the second accident from the Eleanor's driving record. In response to our questions, ICBC said it had started an investigation into her involvement in the second accident, but the investigation stalled and was never completed. As a result, the accident remained on her record. ICBC suspected that the high workloads faced by its investigators had stalled their investigation, which resumed after we contacted ICBC.

ICBC's investigation ultimately concluded that sufficient doubt arose about the facts of the case and it could not justify keeping the second accident on Eleanor's driving record. ICBC also stated it had hired additional investigators to address the high workloads of its investigators that caused the investigation to stall initially. Eleanor was grateful that the record had been set straight and that the second accident would no longer impact her insurance costs.



## A concern for public safety

### Office of the Superintendent of Motor Vehicles, Ministry of Public Safety and Solicitor General

When a driver is found to be under the influence of alcohol in B.C. they can face swift and significant consequences. In addition to having their license immediately suspended and their vehicle impounded, drivers may be required to participate in remedial programs. For some, even after the return of their license, they may be required to participate in a program that requires installation of a device on their vehicle that will not allow them to drive if they are under the influence of alcohol. This program is called the Ignition Interlock Program.

Paul had made poor choices while he was going through a difficult period in his life and had been pulled over for driving under the influence of alcohol twice within a five-year period. Paul had his license suspended both times and was required to attend the RoadSafety BC's Responsible Driver Program, which educates offenders on the dangers of drinking and driving and strives to reduce their chances of offending again. On completion of the course, Paul understood that he would get his license back without having to take part in the Ignition Interlock Program. Paul was therefore surprised to learn that he would also have to participate in that lengthy and costly program in order to get his license back.

Paul's appeal of the decision to refer him to the Ignition Interlock Program was unsuccessful. He was unsatisfied with RoadSafety BC's reasons and believed that he was being unfairly singled out so Paul came to us.

Paul provided us with copies of RoadSafety BC's decisions. He also provided us with a copy of a page from a Responsible Driver Program workbook explaining that drivers who registered between .05% and .08% blood alcohol content at the time of an offence would not be required to participate in the Ignition Interlock Program if they offended less than three times in a five-year period. Based on the apparent discrepancy between what Paul had been told would happen and what did happen, we investigated Paul's complaint.

RoadSafety BC confirmed with us that Paul had in fact been correctly informed through the Responsible Driving Program that offenders who registered between .05% and .08% blood alcohol content with less than three incidents in a five-year period would not be subject to the Ignition Interlock Program. What Paul had not explained to us, however, and which RoadSafety provided evidence to show, was that on his second offence Paul had registered a blood-alcohol content above .08%. RoadSafety BC's policy in this scenario is to refer the offender to the Ignition Interlock Program out of a concern for public safety.

RoadSafety BC had correctly informed Paul about its policy regarding referring offenders to the Ignition Interlock Program and it had provided Paul with an adequate explanation for why his offences warranted the referral to the Ignition Interlock Program. We concluded that RoadSafety BC acted fairly and Paul's complaint was not substantiated.

## Yes, but with conditions

### BC Hydro and Power Authority

Gerald lived on an acreage in a quiet setting near the end of a dead-end road. Gerald came to us because he was concerned about the amount of traffic using a utility right-of-way access road, which branched off the end of the street in front of his property. Gerald explained the right-of-way road was owned by BC Hydro, who had granted his neighbour permission to use the right-of-way because no other public access road existed. Gerald had no objection to his neighbour's use of the right-of-way, but was concerned that some of the other surrounding land owners were using the right-of-way to access their properties and they did not have BC Hydro's permission. The increased amount of traffic decreased his enjoyment of his property.

Gerald told us he approached BC Hydro with his concerns in 2014. After speaking with BC Hydro's representatives Gerald believed they had agreed to build a gate across the right-of-way in order to limit the amount of traffic. By the time Gerald approached our Office, several years had passed and the gate still had not been built. Gerald felt BC Hydro acted unfairly by promising to build the gate and failing to follow through.

We asked BC Hydro to clarify whether they had promised to build the gate and to explain what they told Gerald about the steps they intended to take. We learned BC Hydro was unaware initially about the amount of both authorized and unauthorized traffic that had been using the right-of-way. After Gerald drew their attention to his concerns, BC Hydro told him they intended to re-examine their right-of-way access arrangements and would consider Gerald's request for a gate. BC Hydro's communications with Gerald made it clear they did not make an unconditional promise either to build a gate or allow one to be installed.

Instead, over the next three years BC Hydro studied the traffic and access issues and spoke with its stakeholders, including Gerald, in order to design a plan of action. After considering the feedback they received, BC Hydro told Gerald it would allow installation of a gate provided certain conditions were satisfied. One of the conditions BC Hydro required was that written consent be obtained from several stakeholders with a direct interest in accessing the right-of-way. Unfortunately for Gerald, all of the stakeholders did not give their consent and the gate was not installed.

Despite Gerald's disappointment about the gate, we believe BC Hydro acted fairly when they listened to Gerald's concerns and developed a plan to address them. It was understandable that BC Hydro tried to balance Gerald's interests with the interests of the other stakeholders by obtaining their consent.

We concluded that listening to the points of view of all the stakeholders, including Gerald, and balancing their concerns was a good example for all authorities to follow when attempting to address a complex situation with many interested parties whose interests need to be considered.

## Next stop?

### BC Transit

Carson contacted our Office with a concern that BC Transit was not adequately dealing with transit operators who fail to make audible announcements of all stops as provided for in a 2014 Human Rights Tribunal mediated settlement agreement. He explained that the transit operators continue to turn off the system and he was fearful of retaliation if he complained about the transit operator to BC Transit.

We investigated BC Transit's response to concerns that some transit operators are not announcing stops. We learned that BC Transit audits each transit operator once per year and more often if issues are discovered. It also

has "secret shoppers" and the bus CCTV is monitored. BC Transit has plans to implement a new system which will have an automated call-out system that operators will not be able to shut off. BC Transit agreed that they failed to be compliant with their agreement to post the results of their audits every 3 months on their website and we settled the complaint on the basis that they committed to do so.

Months later, we visited BC Transit's website to verify that the promised updates had been made. They had not been posted. We followed up with BC Transit and they took immediate action. Compliance reports on BC Transit's website are now being posted regularly.





# LOCAL GOVERNMENT

## EXTENDED CASE SUMMARY

### Conflict of interest, or not?

#### Town of Gibsons

In the summer of 2015 we received a number of complaints from Gibsons B.C. residents concerned about the approval process for a commercial development proposal. Community members reported concerns about the process followed to approve a number of Official Community Plan and zoning bylaw amendments to allow the development to proceed. We received complaints that two members of council may have been in a conflict of interest when participating in decision making processes related to the development.

The *Community Charter* prohibits council members from participating in any discussion or voting on a matter in which the member has a direct or indirect pecuniary interest in a matter or another interest in the matter that constitutes a conflict of interest. Members are required to declare their interest in the matter and remove themselves from any meeting where the matter is under consideration. The *Community Charter* does not define conflict of interest. However, it does prescribe circumstances where the rules noted above do not apply. For example, the requirement to declare a conflict and the prohibitions on participation in discussions and voting do not apply if the pecuniary interest of the council member is a pecuniary

interest in common with electors of the municipality generally. They also do not apply if the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter. The conflict of interest provisions contained in the *Community Charter* are intended to ensure transparency, impartiality, and integrity in municipal decision making by elected officials and should be read through that lens.

The first allegation of conflict of interest arose from a belief that by virtue of the members' prior business relationship with the proponent, the member had a personal interest in the development proposal. A further allegation of conflict of interest arose from a different member's participation in decision making related to the development after he had publicly acknowledged in a presentation to council that his business, located near the development, might benefit from the development. Our Office investigated whether the town responded adequately to the allegations of conflict of interest it received with respect to the development proposal.

Through the course of our investigation, we confirmed that one of the members had, in his capacity as a lawyer, assisted

## LOCAL GOVERNMENT CASE SUMMARIES

the proponent on several routine matters dating back to 2002. The proponent filed the application to the Town of Gibsons for the proposed development in 2013. The member did not provide legal services to the proponent after the application was submitted and we did not obtain any evidence to indicate the existence of any ongoing business relationship.

Following our analysis of the information we reviewed, we determined that any interest the member might have had in the matter would be insignificant and unlikely to influence the member's participation in the discussion and voting on matters related to the development. As noted above, the conflict of interest rules do not apply if a pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the elected official on the matter in question. Therefore, we concluded this aspect of our investigation and determined no action was necessary by the town.

With respect to the concern involving the other member's potential conflict of interest, the town explained that they believed he was exempt from the conflict restrictions set out in the *Community Charter*. The town relied on a previous legal opinion it obtained on a different matter to determine the member shared an interest in common with other electors who had business interests in the municipality. In addition, the town explained that the member's presentation to council was intended to highlight the potential economic benefits to all local businesses, and his projected revenues from the approval of the development were entirely speculative.

It appeared to us that the member's personal interest in the development may have extended beyond the interest of the community generally. In his presentation to council, the member referenced specific revenue projections to demonstrate how his business might benefit from increased

tourism associated with the development. Even if these projections were hypothetical, his presentation implied that he believed it was more likely than not that the development would benefit his business and it appeared that any benefit would not be remote or insignificant.

The member had not obtained a legal opinion specific to his case when the concern was raised about potential conflict of interest. We consulted with the town and suggested that he consider recusing himself from further discussions on matters in respect of the development application until he received legal advice to the effect that he did not have a conflict. In addition, we proposed that the town develop a policy and additional training material for newly elected council members to emphasize the requirements to disclose conflicts of interest. In a resolution passed on April 18, 2017, the Town of Gibsons Council agreed to take steps in response to these issues and accepted all of our proposed resolutions. The town also agreed in the future to direct council members to obtain independent legal advice if there is any uncertainty regarding conflict of interest.

In addition, in light of the concerns identified through our investigation, we asked the town to review all previous decisions related to the Official Community Plan and zoning amendments associated with the development. Through this review we established that all decisions were passed by a unanimous vote with four members of council present. As a majority vote of council is three, we determined that the member's participation in the matter did not affect the final outcome of the voting on the application.

As we were satisfied that the Town of Gibsons took adequate steps to address the issues regarding the appearance of conflict of interest we determined no further investigation was necessary.



## Whose arrears are these?

### Village of Canal Flats

David, a manufactured home park owner in the Village of Canal Flats, had tenants of the park register for municipal water and sewage services directly. In January 2015, the village notified him of its intention to charge him arrears for unpaid sewer and water charges incurred by his tenants between 2010 and 2014, amounting to approximately \$6,000. The village notified him that moving forward it would no longer bill his tenants for these services, but would bill him directly. The village informed David that in the event he failed to pay the arrears, the outstanding amounts would be added to his property tax bill. David felt he had little choice – so he paid.

David maintained that despite owning the property for approximately five years, the village's January 2015 letter was the first notice he received that any arrears were owed for water and sewer charges incurred by his tenants or that he might have any liability for their failure to pay.

David questioned whether the village had the legal authority to impose the arrears. In response to his concerns, the village determined that he was no longer required to pay the arrears for 2010 to 2013 inclusive, but that he would still be charged for the 2014 arrears and any new charges for 2015 onward. He asked the village to give reasons explaining why the arrears for 2014 were treated differently than those for 2010 to 2013, but did not receive a satisfactory response. Looking for answers, David turned to us for help.

We confirmed that for the calendar year 2014, the village initially billed the water and sewer fees to each of David's tenants and that eight tenants had not paid. We also confirmed that in response to David's concerns about the fairness billing him for 2010 to 2014, the village had retracted the

water and sewer fees for 2010 to 2013. However, the village maintained that he was responsible for the eight unpaid tenant bills for 2014, and for all tenants for 2015 onward.

We questioned the village's rationale behind their decision to rescind the bill for 2010 to 2013 but not 2014. The village initially advised us that their bylaws required the village to bill the property owner for water and sewer fees. This raised questions about the basis upon which the village billed the tenants for 2010 to 2014. In response to our questions in this regard, the village said they would review the matter, and subsequently took it before Council for further consideration. Council subsequently passed a resolution that the village refund David \$3,786 for water and sewer charges when the village billed him.

Following receipt of the refund, David questioned the amount of the refund the village provided as he believed he should receive interest in amount similar to what the village charged citizens for arrears. We asked if the village would consider adding interest, and if so, to provide an explanation for how they determined the interest rate. In response, the village confirmed that David would be provided a cheque for interest in the amount of \$59, which was calculated in accordance with section 239 of the *Community Charter* and rates set by the provincial government.

# 682

**In 2017/18 we received 682 complaints about local governments – top three areas of complaints related to by-law enforcement, developing and zoning, and fees and charges**

## Sorting the trash

### City of Vancouver

Aaron noticed that his garbage and green waste had not been collected on his scheduled collection date. He called the City of Vancouver and was told it would be picked up soon. His green waste was collected a couple of days later but his garbage didn't get collected until a month later. He had to get rid of his excess garbage at his own expense.

When Aaron contacted the city to find out why his garbage had not been collected, the city would not give him an explanation. Although Aaron wasn't overly concerned about the delay, he thought it was unreasonable that the city wouldn't provide him with the reasons for it. So he contacted the Office of the Ombudsperson for help.

We investigated and found out that there had been equipment issues that delayed garbage and green bin collection. Once Aaron called, service requests were created for both his garbage and green bin to be collected, but once his green bin was collected, both service requests were closed. We also found that the city had failed to escalate Aaron's subsequent calls to the Solid Waste Department and that staff indeed had not provided Aaron with an explanation for the delay or told him he could request information through the city's Access to Information Office.

As a result of our investigation, the city reviewed its enquiry and complaint handling process to ensure that complaint files are reviewed more carefully. The city also committed to taking steps to ensure its staff accurately advises callers about the steps they can take to get information. Finally, the city agreed to write to Aaron directly, explaining the reasons for the delay in his garbage collection and explaining the steps taken to ensure requests like his are properly dealt with in the future.





# WORK

## Assessment delayed

### Workers' Compensation Board

Stacey is a single mother and a welder by trade who suffered an injury at work which caused her headaches and pain associated with exposure to bright lights. Because welding required her to work with very bright lights, even when wearing protective eyewear, Stacey believed she would never be able to weld again.

Following a number of decisions made in relation to her workplace injury claim, the Review Division of the Workers' Compensation Board determined that Stacey should undergo additional assessment to determine whether she was able to return to welding. Once this was done, the Board indicated it could then reassess her benefits accordingly. After four months of waiting for this decision to be implemented, and not understanding the reasons for the delay, Stacey asked our Office to look into her situation.

We investigated whether the Workers' Compensation Board was following a reasonable process when implementing the Review Division's decision.

Stacey explained to the Board that she would require a new prescription and eyewear to take part in the assessment. On the request of the Board, Stacey's ophthalmologist provided

a copy of the exam invoice and the results of the testing. Unfortunately the Board misfiled this report as being only a copy of the invoice, and not the exam results. Without both, the Board was unwilling to pay for the exam or for the new eyewear. Without new eyewear, the Board was not prepared to move forward with the welding assessment. Without the assessment, her claim was stalled.

Understanding Stacey's frustration and the difficult financial situation she and her children found themselves in, we went back and forth between Stacey and the Board to make sure we understood the exact cause of the delay. Through this process we let the Board know that both Stacey and her ophthalmologist were confident that they had sent everything the Board needed to move forward with the welding assessment. In response to this, the Board explained that it would look through its records again to make sure that the report had not been misfiled. In doing this the Board discovered its error and promptly proceeded with making arrangements for Stacey to attend the welding assessment as soon as possible. As a result, the deadlock was overcome and Stacey was able to have her claim properly assessed.

## But why?

### Law Society of British Columbia

David, who had been a non-practicing member of the Law Society of British Columbia since 2004, applied to the Law Society in 2016 to return to law practice. The Law Society's Credentials Committee considered David's application and decided that he had not remained current with the law; therefore the Committee decided David would have to pass the qualifications examination prior to returning to practice. David was concerned that the Committee did not adequately consider his proposal or explain why the decision was made. David did not understand how the decision was reached so he asked for reconsideration. The Law Society denied David's request for reconsideration on the basis that he did not provide new information. Seeking to understand the reasons the Committee denied his application to return to practice, David then turned to the Office of the Ombudsperson for help.


The focus of our investigation was whether the Law Society provided an adequate response to David's application to return to practice. Under the Law Society's rules, an applicant who has been away from law practice for more than three of the last five years must either pass qualification examinations or receive the Committee's permission to return to practice. In this case, the Committee resolved that David's "activities had not kept him current with substantive law and practice skills for over seven years", therefore, he was required to take the examinations.

Although there is no requirement in the Law Society's rules for the Committee to provide reasons for its decisions, there are benefits to doing so. Reasons improve transparency, provide a measure of accountability and

increase public confidence in decision making processes. Reasons also serve to inform the individuals who may be adversely affected by the decision of the evidence and rationale on which the decision was based and allow those individuals to determine whether there may be grounds for appeal or review. Where a decision is of greater complexity and importance to the affected parties, written reasons may be warranted even if there is no legal obligation to provide them.

A decision by the Law Society's Credentials Committee can have serious consequences for individuals seeking registration. In light of this, we asked the Law Society to consider some administrative improvements. First, we proposed that the Credentials Committee provide written reasons to applicants explaining why and how the Committee reached a decision. The Law Society agreed to our proposal. Second, we asked the Committee to provide David with reasons for the decision to deny his application. This was agreed to in principle, however, the Law Society explained that this presented some logistical challenges. Specifically, the membership of the Committee changes on a yearly basis, and re-convening the Committee with the 2016 members for the purpose of providing reasons for a decision they made at that time was not feasible.

As a means to settle the concern, we asked and the Law Society agreed that the current Committee would re-consider David's application, and would provide reasons for their decision following their consideration of his application. Given that the Law Society agreed to address the concerns raised during our investigation, we considered this matter resolved.



# THE YEAR IN NUMBERS

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## Numbers at a Glance

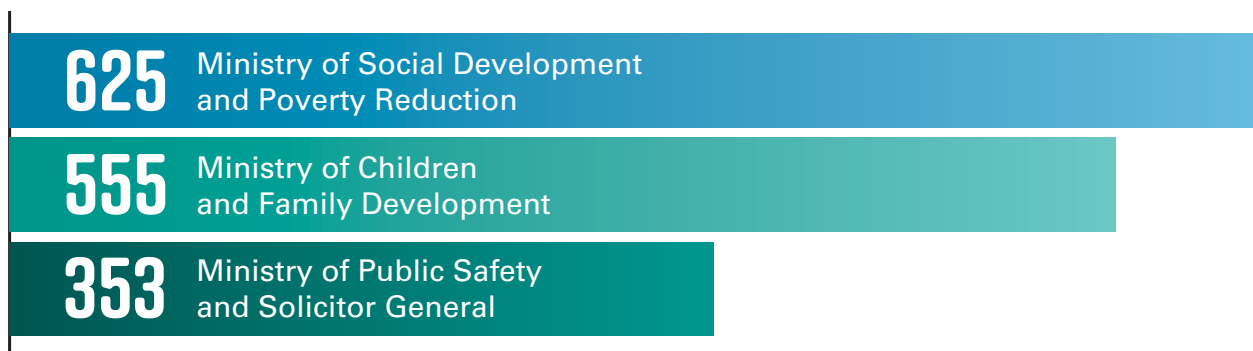


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## Complaints at a Glance



**50%** of complaints are about provincial government ministries




### Top Non-Ministry Complaints



## Work of the Office


## Complaints and Enquiries Received

2012/2013		2017/2018	
Enquiries	2,020	Enquiries	1,789
Complaints	5,411	Complaints	6,611
<hr/>		<hr/>	
Total	7,431	Total	8,400

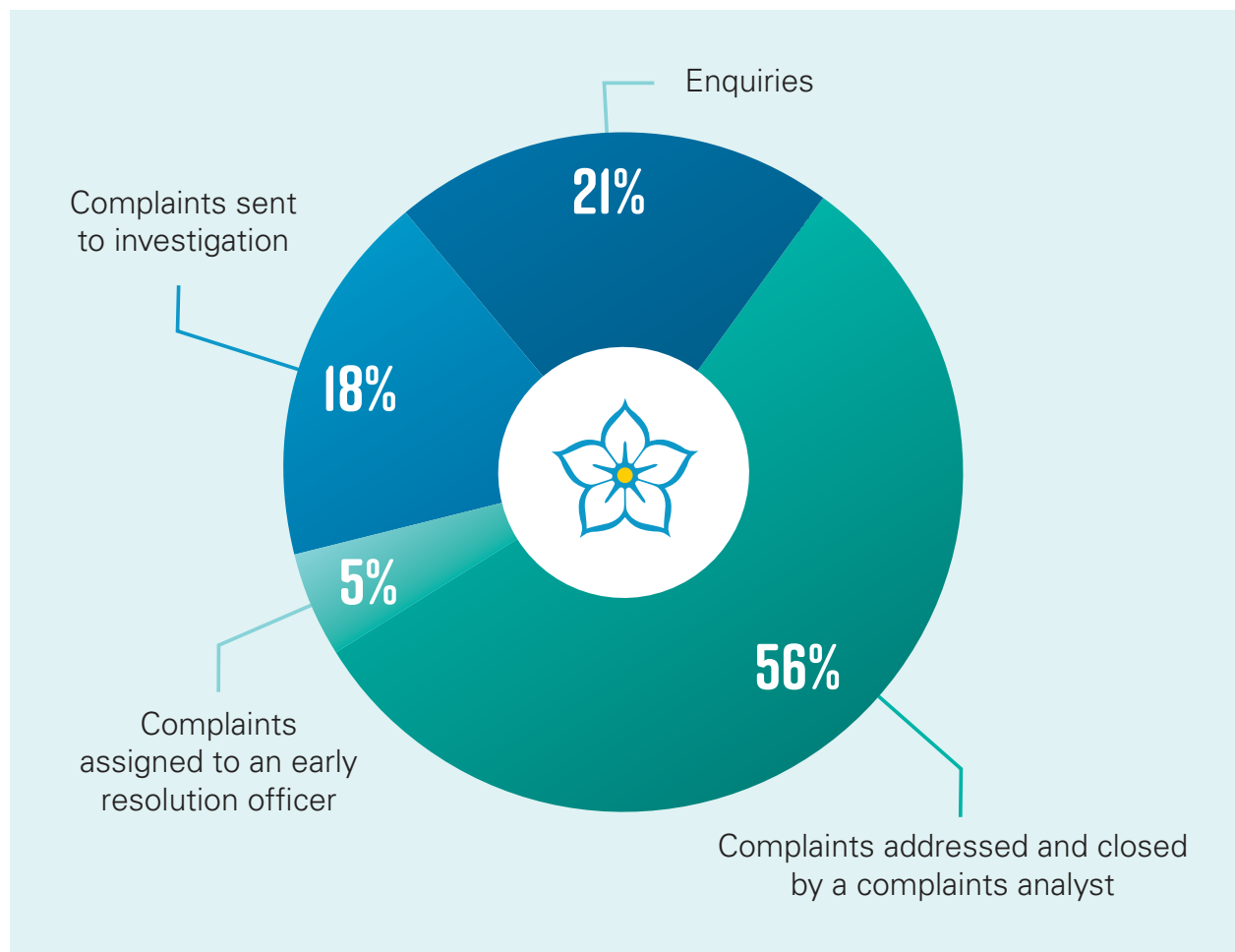
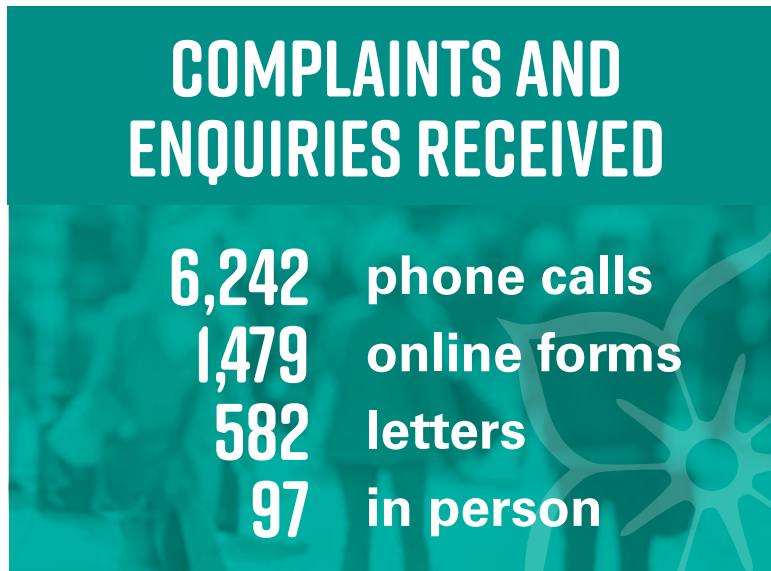
**13%**  Percent Change

## Files Closed

2012/2013		2017/2018	
Closed at Intake	5,647	Closed at Intake	6,499
Closed at Early Resolution	226	Closed at Early Resolution	389
Closed at Investigation	1,676	Closed at Investigation	1,499
<hr/>		<hr/>	
Total	7,549	Total	8,387

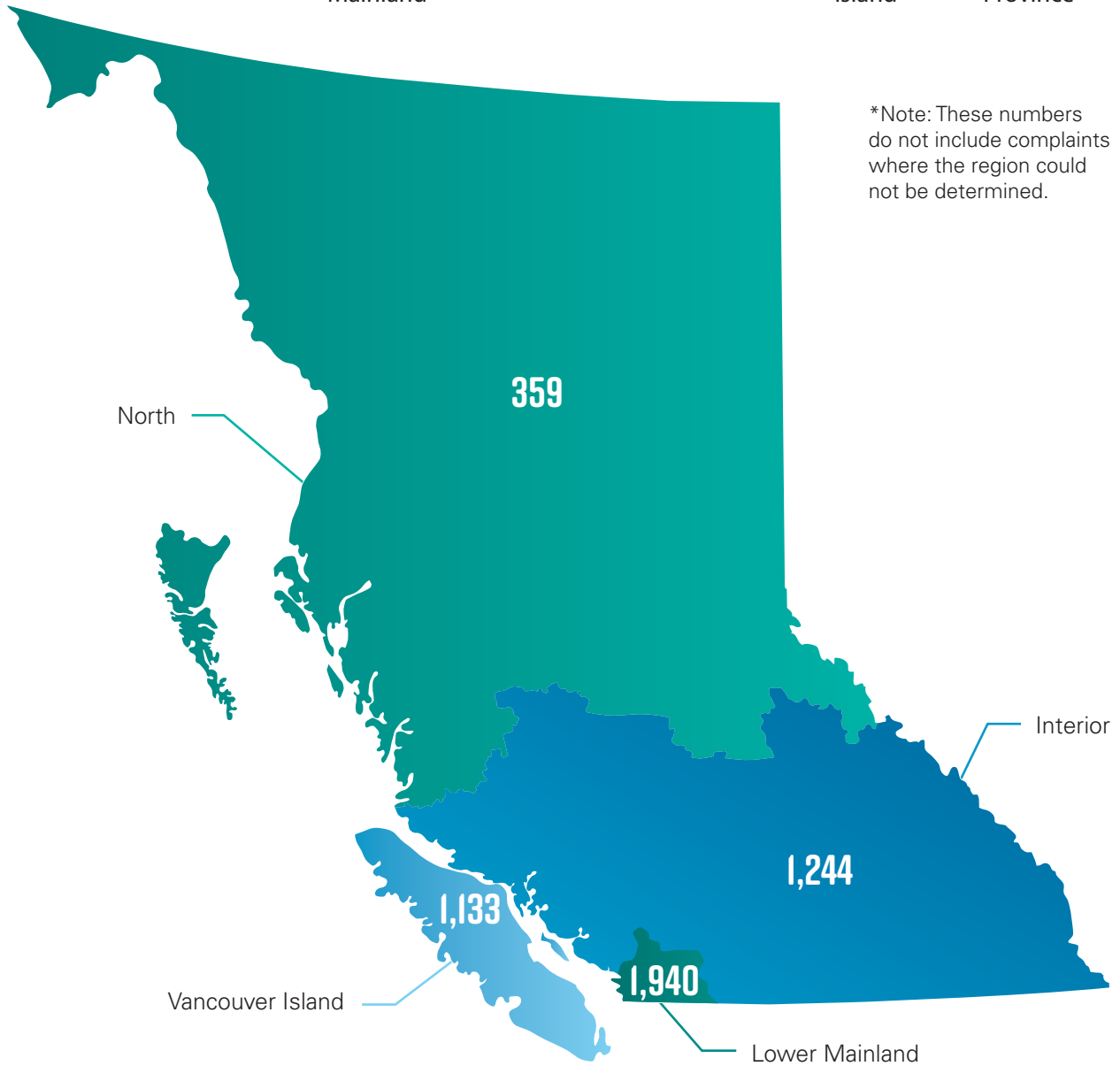
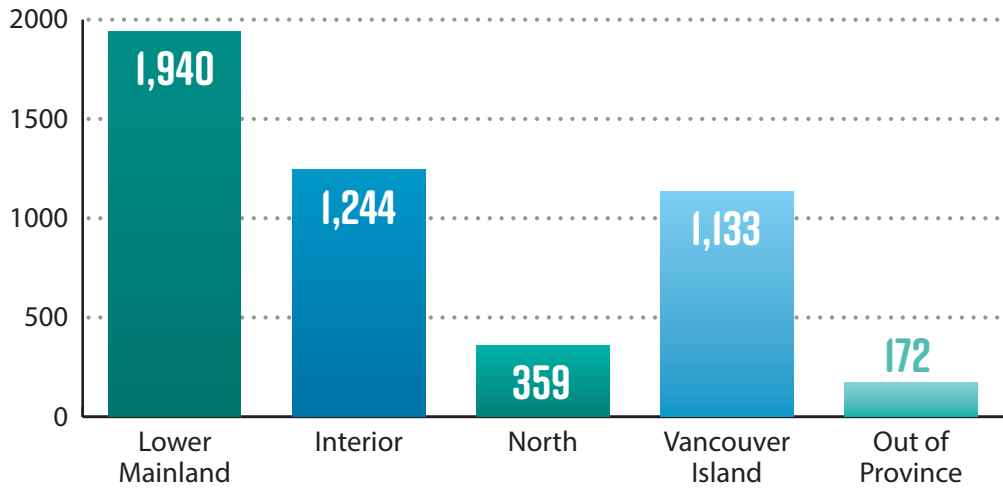
**11.1%**  Percent Change

## How We Deal With Complaints and Enquiries in 2017/18





## Complaints and Enquiries Received – By Region\*



## Complaints and Enquiries Received – By Electoral District

#	Electoral District	Received
1	Abbotsford-Mission	56
2	Abbotsford South	33
3	Abbotsford West	38
4	Boundary-Similkameen	159
5	Burnaby-Deer Lake	28
6	Burnaby-Edmonds	32
7	Burnaby-Lougheed	61
8	Burnaby North	22
9	Cariboo-Chilcotin	58
10	Cariboo North	42
11	Chilliwack	54
12	Chilliwack-Kent	75
13	Columbia River-Revelstoke	64
14	Coquitlam-Burke Mountain	29
15	Coquitlam-Maillardville	59
16	Courtenay-Comox	62
17	Cowichan Valley	78
18	Delta North	27
19	Delta South	27
20	Esquimalt-Metchosin	59
21	Fraser-Nicola	55
22	Kamloops-North Thompson	95
23	Kamloops-South Thompson	65
24	Kelowna-Lake Country	59
25	Kelowna-Mission	75
26	Kelowna West	50
27	Kootenay East	72
28	Kootenay West	65
29	Langford-Juan de Fuca	57
30	Langley	43
31	Langley East	48
32	Maple Ridge-Mission	56
33	Maple Ridge-Pitt Meadows	102
34	Mid Island-Pacific Rim	92
35	Nanaimo	98
36	Nanaimo-North Cowichan	98
37	Nechako Lakes	25
38	Nelson-Creston	48
39	New Westminster	53
40	North Coast	19
41	North Island	66
42	North Vancouver-Lonsdale	40
43	North Vancouver-Seymour	16
44	Oak Bay-Gordon Head	70
45	Parksville-Qualicum	59
46	Peace River North	30

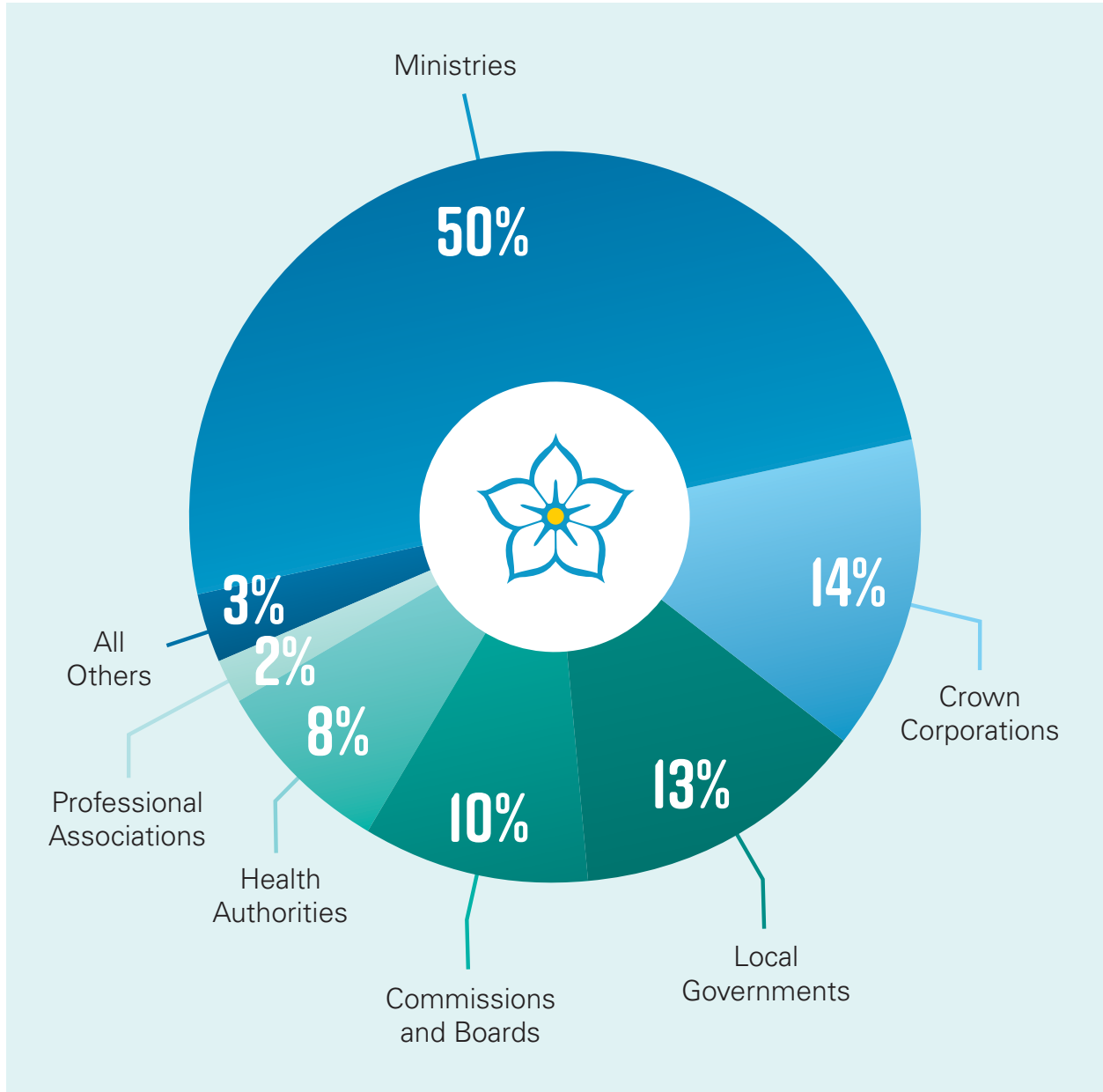
#	Electoral District	Received
47	Peace River South	32
48	Penticton	106
49	Port Coquitlam	90
50	Port Moody-Coquitlam	25
51	Powell River-Sunshine Coast	60
52	Prince George-Mackenzie	68
53	Prince George-Valemount	65
54	Richmond North Centre	30
55	Richmond-Queensborough	21
56	Richmond South Centre	23
57	Richmond-Steveston	15
58	Saanich North and the Islands	85
59	Saanich South	92
60	Shuswap	87
61	Skeena	36
62	Stikine	27
63	Surrey-Cloverdale	33
64	Surrey-Fleetwood	31
65	Surrey-Green Timbers	24
66	Surrey-Guildford	35
67	Surrey-Newton	43
68	Surrey-Panorama	41
69	Surrey South	61
70	Surrey-Whalley	63
71	Surrey-White Rock	41
72	Vancouver-Fairview	35
73	Vancouver-False Creek	38
74	Vancouver-Fraserview	27
75	Vancouver-Hastings	22
76	Vancouver-Kensington	23
77	Vancouver-Kingsway	26
78	Vancouver-Langara	19
79	Vancouver-Mount Pleasant	75
80	Vancouver-Point Grey	18
81	Vancouver-Quilchena	21
82	Vancouver-West End	40
83	Vernon-Monashee	69
84	Victoria-Beacon Hill	103
85	Victoria-Swan Lake	76
86	West Vancouver-Capilano	25
87	West Vancouver-Sea to Sky	45
Total		4,515

Note: These numbers do not include complaints from outside B.C., or complaints where the electoral district could not be determined.

## Top 20 Authorities in 2017/18 – By Complaint Volume

Authorities	Complaints Received
Ministry of Social Development and Poverty Reduction	625
Ministry of Children and Family Development	555
Ministry of Public Safety and Solicitor General	353
ICBC	325
Ministry of Attorney General	226
Workers' Compensation Board	182
Ministry of Health	172
BC Hydro	155
Ministry of Finance	104
Island Health	89
Fraser Health	84
BC Housing	84
Ministry of Municipal Affairs and Housing	72
Public Guardian and Trustee	70
Provincial Health Services Authority	66
Interior Health	65
Vancouver Coastal Health	54
Law Society of BC	50
City of Vancouver	39
Ministry of Forests, Lands, Natural Resource Operations and Rural Development	32

## Complaints Received – By Authority Category



**Ministries (50%)**

Social Development and Poverty Reduction	28%	625
Children and Family Development	24%	555
Public Safety and Solicitor General	16%	353
Attorney General	10%	226
Health	8%	172
Finance	5%	104
Municipal Affairs and Housing	3%	72
Forests, Lands, Natural Resource Operations and Rural Development	1%	32
Transportation and Infrastructure	1%	31
Other Ministries	4%	91

**Crown Corporations (14%)**

ICBC	52%	325
BC Hydro and Power Authority	25%	155
BC Housing	14%	84
Community Living BC	3%	21
BC Assessment	2%	12
Transportation Investment Corporation	2%	11
Other Crown Corporations	2%	12

**Local Governments (13%)**

City of Vancouver	7%	39
City of Surrey	5%	29
City of Nanaimo	4%	22
City of Kelowna	3%	17
City of Revelstoke	3%	16
District of Saanich	3%	15
City of Victoria	2%	13
Regional District of Central Okanagan	2%	13
Other Local Governments	71%	392

**Commissions and Boards (10%)**

Workers' Compensation Board	40%	182
Public Guardian and Trustee	16%	70
BC Securities Commission	6%	25
Workers' Compensation Appeal Tribunal	4%	20
TransLink	3%	15
Employment and Assistance Appeal Tribunal	3%	14
Human Rights Tribunal	3%	14
Legal Services Society	3%	13
Real Estate Council	2%	10
Other Commissions and Boards	20%	91

**Health Authorities (8%)**

Island Health	24%	89
Fraser Health	22%	84
Provincial Health Services Authority	18%	66
Interior Health	17%	65
Vancouver Coastal Health	14%	54
Northern Health	5%	18

**Professional Associations (2%)**

Law Society of British Columbia	56%	50
College of Physicians and Surgeons of BC	8%	7
College of Registered Nurses of BC	7%	6
Other Professional Associations	29%	26

**All Others (3%)**

Schools and Boards of Education	61%	81
Universities	19%	25
Colleges	15%	20
Parks Boards	4%	5
Libraries	1%	2

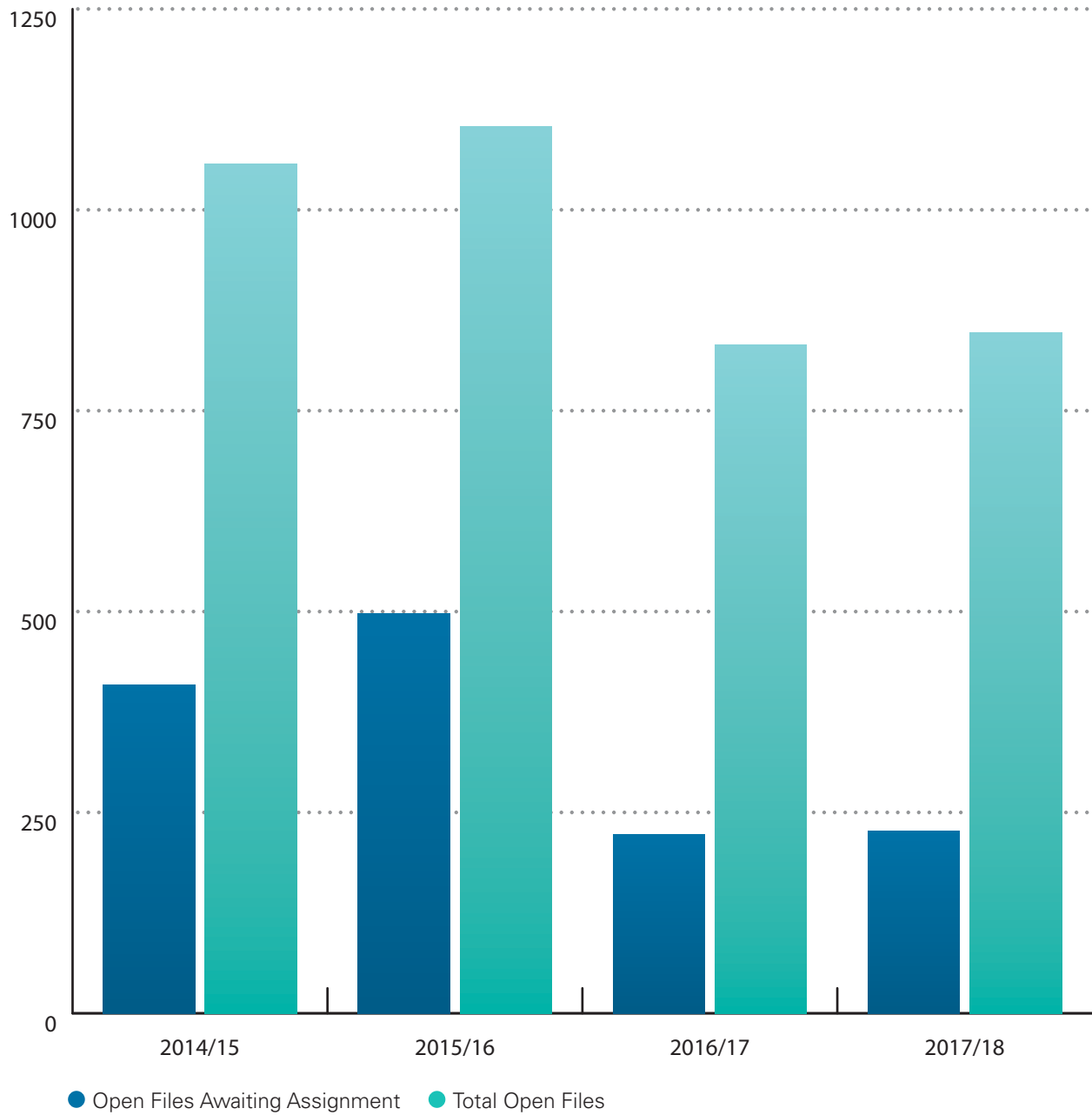
## Length of Time to Close Investigative Files

	2017/18*		Performance Objectives**
Closed Within 30 Days	537	36%	—
Closed Within 90 Days	1016	68%	70%
Closed Within 180 Days	1254	84%	85%
Closed Within 1 Year	1373	92%	90%
Closed Within 2 Years	1461	98.3%	95%
Closed Within 3 Years	1479	99.5%	100%

\* Elapsed time does not include time before a matter is assigned to an investigator (e.g. while on Files Awaiting Assignment list).

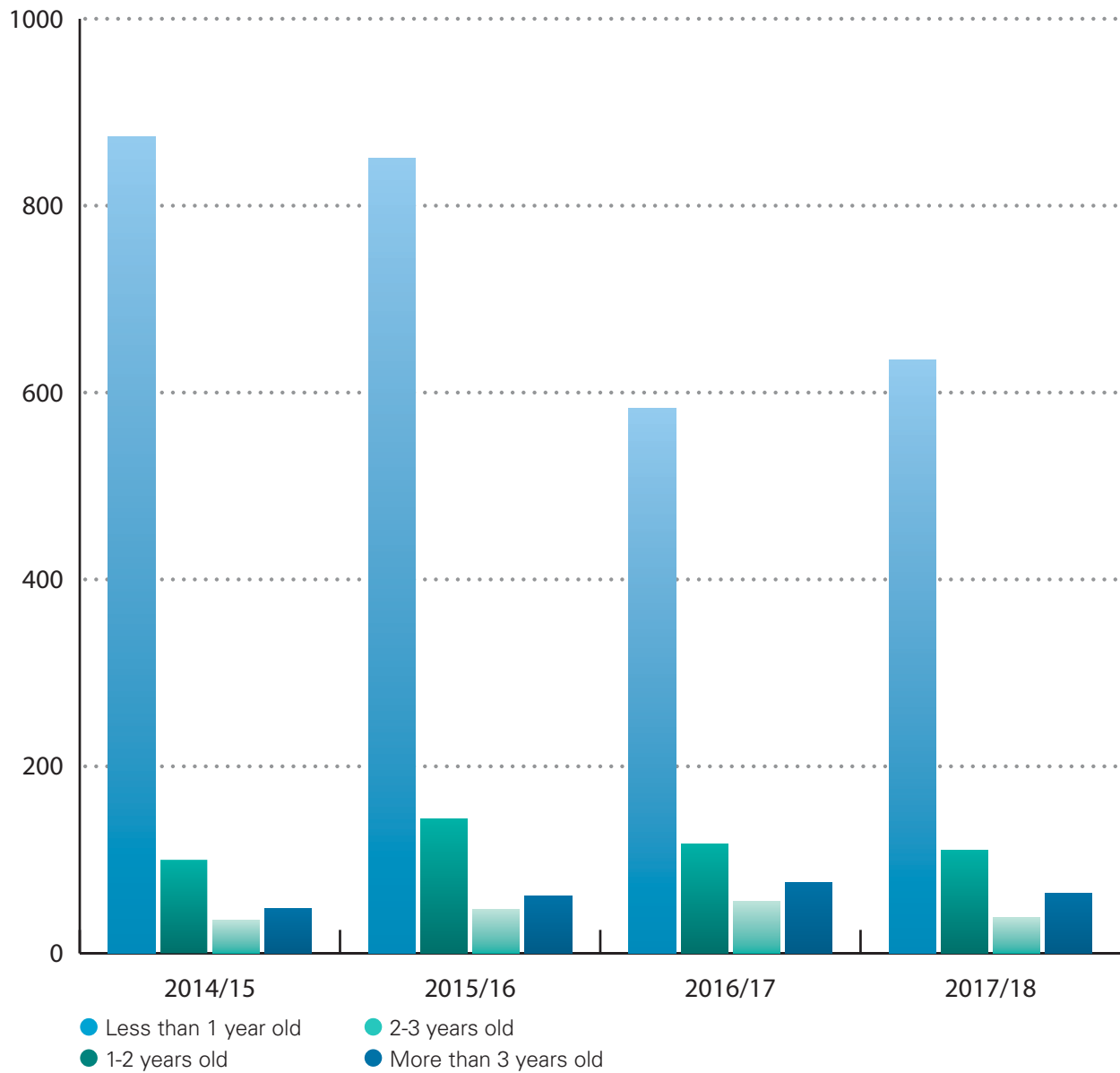
\*\* These performance objectives apply to files closed by investigators. Files closed at intake are not included in these numbers, nor are files associated with ongoing systemic investigations.

## Open Files at Year End




	2014/15	2015/16	2016/17	2017/18
Open Files Awaiting Assignment	409	498	223	227
Total Open Files	<b>1,057</b>	<b>1,104</b>	<b>832</b>	<b>847</b>

## Open Files – Age of Files at Year End



	2014/15		2015/16		2016/17		2017/18	
Less than 1 year old	874	83%	852	77%	583	70%	635	75%
1-2 years old	100		144		117		110	
2-3 years old	35	17%	47	23%	56	30%	38	25%
More than 3 years old	48		61		76		64	





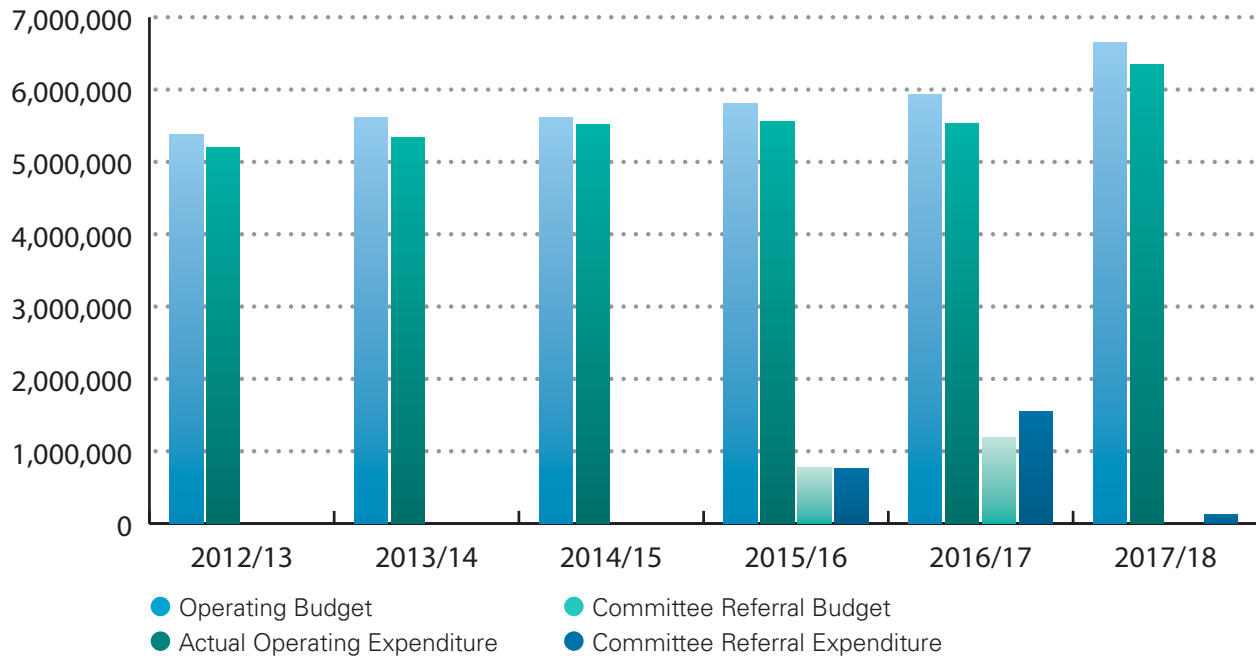
# STAFF & BUDGET

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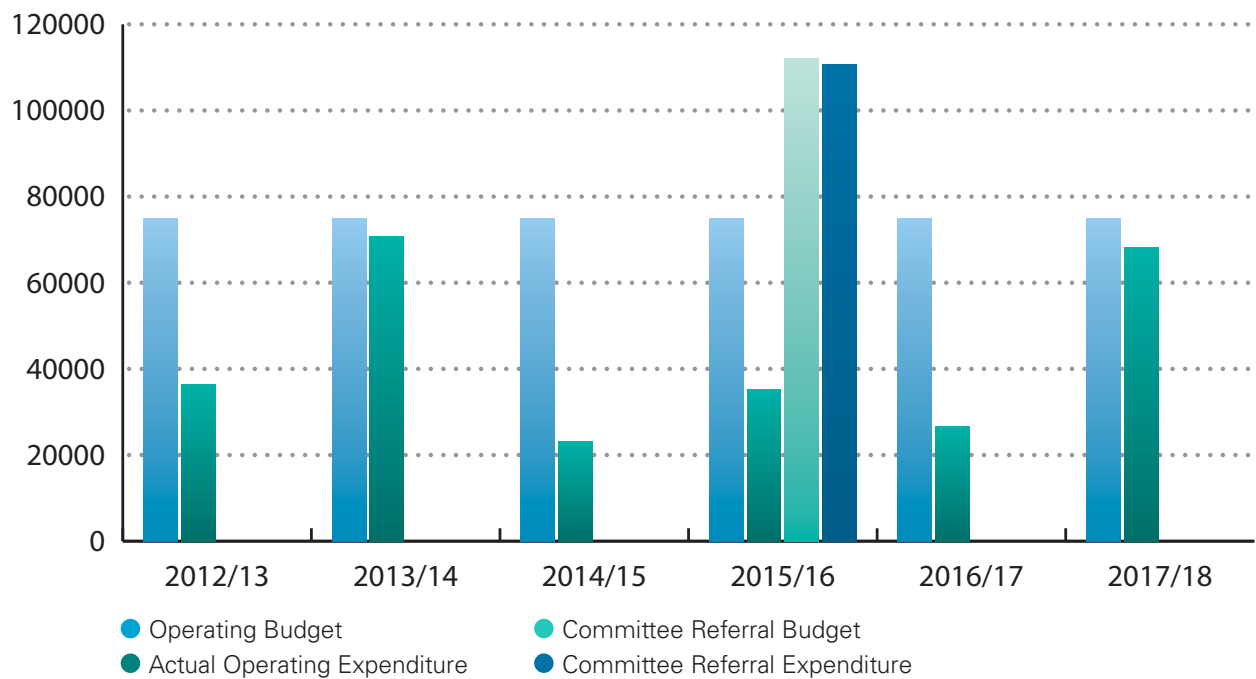
## Our Finances

The 2017/2018 annual operating budget for the Office of the Ombudsperson was \$6,653,000.

**Operating Budget to Actual Expenditures by Fiscal Year**



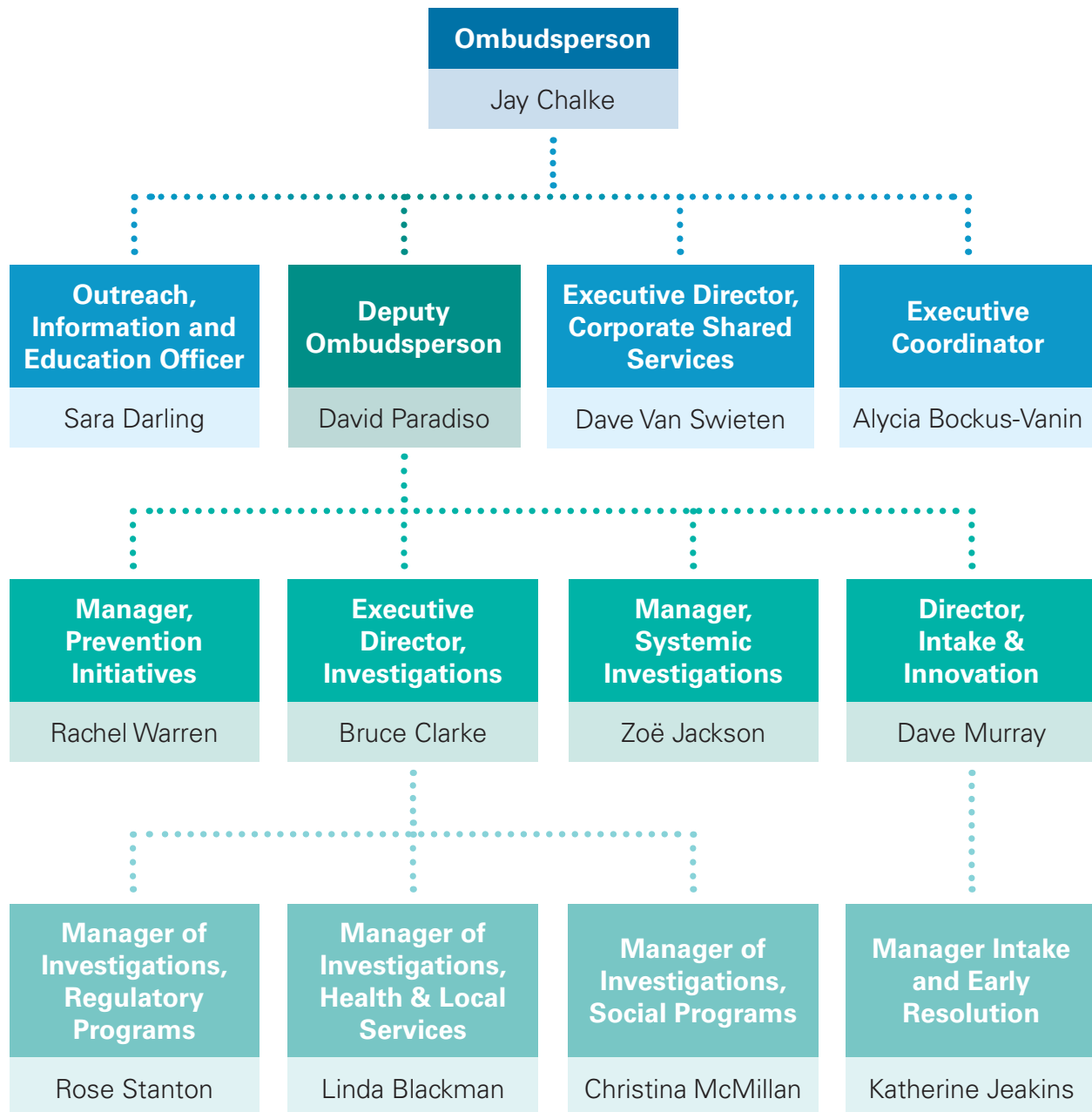
**Capital Budget to Actual Expenditures by Fiscal Year**



## Our Staff

Outside of Corporate Shared Services, there were 49 positions in the Office of the Ombudsperson. There were an additional 18 Corporate Shared Services staff that provided finance, administration, facilities, HR and IT support for four Offices of the

Legislature which include the Office of the Ombudsperson, the Office of the Merit Commissioner, the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner.



As of March 31, 2018



## Ombudsperson's Long Service Awards

The Ombudsperson recognizes dedication to the Office each year for staff who reach five-year milestones of service with the Office of the Ombudsperson. This year, the following staff members were recognized by the Ombudsperson with long service awards:

### 5 Years:

- Chris Biscoe
- Stewart Cavers
- Dustin Downs
- Deidre Matheson

### 15 Years:

- Teri Burley
- Victor Gardner

## Community Involvement

As B.C.'s Independent Voice for Fairness, staff at the Office of the Ombudsperson routinely make an impact receiving and investigating complaints. But it doesn't stop there. Away from their desks, staff are also difference-makers in the community. Each year the Office supports charitable causes including the Provincial Employees Community Services Fund (PECSF). Employees at the Office of the Ombudsperson contributed over \$8500 to the PECSF campaign this year. All PECSF funds go directly to charitable organizations like the Threshold Housing Society – this year's Legislative Officers chili cook-off beneficiary.

## List of Staff

The following were employed by the Office of the Ombudsperson as of March 31, 2018.

Addis, Stephanie  
 Apland, Trish  
 Barlow, Ross  
 Bertram, Keir  
 Bertsch, Jennifer  
 Biscoe, Chris  
 Blackman, Linda  
 Blakeman, Candie  
 Bockus-Vanin, Alycia  
 Brown, Rhonda  
 Burgar, Taryn  
 Burley, Teri  
 Byrne, Wendy  
 Cambrey, Brad  
 Cavers, Stewart  
 Chalke, Jay  
 Chapman, Matthew  
 Chunick, Carly  
 Clarke, Bruce  
 Downs, Dustin  
 Evans, Lisa  
 Gardner, Victor  
 Giarraputo, Charisse  
 Gingras, Leoni  
 Graham, Rebecca  
 Green, Jaime  
 Henderson, Mark  
 Hintz, Elissa  
 Horan, Anne  
 Jackson, Zoë  
 Jeakins, Katherine  
 Jones, Jennifer  
 Kulmala, Peggy  
 Laphorne, Jonathan  
 Macmillan, Zoë  
 Malan, Sarah  
 Matheson, Deidre  
 McMillan, Christina  
 McPherson, Colin  
 Milligan, Sarah

Morgan, Glenn  
 Morgan, Keira  
 Morris, Christine  
 Morrison, Kathleen  
 Moss, Michael  
 Murray, David  
 Paradiso, David  
 Paul, Nathan  
 Perkey, Debora  
 Phillips, Lisa  
 Rahman, Zara  
 Rasmussen, Susan  
 Rohrick, Rebecca  
 Siroski, Shaleen  
 Slanina, Sarah  
 Stanton, Rose  
 Thomson, Erin  
 Van Swieten, David  
 Vossen, Julia  
 Walter, Rochelle  
 Warren, Rachel  
 Webber, Katherine  
 Yeo, Eileen

## CO-OP STUDENTS

*University of Victoria co-op students joined the Office for four-month terms between April 1, 2017 and March 31, 2018.*

Allen, Katie  
 Amirkhani, Emily  
 Chan, Victor  
 Chown, Eric  
 Flader, Suzy  
 Gilbert, Chanelle  
 Raymond, Maria  
 Stuckenberg, Matt  
 Nguyen, Linh  
 Watmough, Rebecca  
 Wynans, Tim

## MAILING ADDRESS:

Office of the Ombudsperson  
PO Box 9039 Stn Prov Govt  
Victoria BC V8W 9A5

## TELEPHONE:

**General Enquiries Victoria:** 250.387.5855  
**Toll Free:** 1.800.567.3247

## IN PERSON:

Second Floor • 947 Fort Street • Victoria BC

## FAX:

250.387.0198

## WEBSITE:

[www.bcombudsperson.ca](http://www.bcombudsperson.ca)