

## **PRESS RELEASE**

UNDER EMBARGO

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### TABLING OF THE QUÉBEC OMBUDSMAN'S 2010–2011 ANNUAL REPORT

## **THE QUÉBEC OMBUDSPERSON URGES PUBLIC SERVANTS TO BE RIGOROUS WHILE AT THE SAME TIME AVOIDING BUREAUCRATIC RIGIDITY**

**Québec City, September 29, 2011** – “The major challenges facing public services, including such issues as sound financial management and workforce mobility, must not trump respect for citizens’ rights.” This was the word of caution Québec Ombudsperson Raymonde Saint-Germain leveled at government officials and employees today as she presented the Québec Ombudsman’s 2010–2011 Annual Report.

In the past year, the Québec Ombudsman intervened with 61 of the 87 government departments and agencies under its jurisdiction as well as 174 of the 307 establishments in the health and social services network with which it may intervene, generally as a second resort.

### **TRENDS TO THWART**

This year, three issues were of particular concern for the Québec Ombudsman:

- Restrictive Interpretation of Regulations at the Expense of Fairness
- Unreasonable Waiting Periods
- Sometimes Insufficient Quality Control

### **Restrictive Interpretation of Regulations at the Expense of Fairness**

The restrictive application of a tax provision by **Revenu Québec** can be highly prejudicial to taxpayers. The restrictive interpretation of the *Taxation Act* resulted in the double taxation of a deceased person’s income. The Québec Ombudsman recommended that Revenu Québec identify the files on which this restrictive interpretation led to double taxation and take the necessary corrective measures retroactively to cover the past ten years. Revenu Québec said that it had examined the possibility of identifying these files and concluded that it was unable to act on this recommendation. However, it announced that taxpayers would

be able to submit a request to have Revenu Québec make the required changes. The Québec Ombudsman feels that Revenu Québec must take the necessary steps, notably through Ordre des comptables agréés du Québec and Chambre des notaires, to ensure taxpayers are informed of the possibility of filing such requests with Revenu Québec. (Page 58 of the Annual Report)

At **Ministère de l'Emploi et de la Solidarité sociale**, discretionary power is sometimes applied based on unreasonable requirements that result in sanctions that condemn certain individuals to extreme poverty. The same applies to beneficiaries with physical or mental deficiencies and whose debt load is so heavy they cannot foresee an end to repayments. While maintaining its rigorous practices, the Department must exercise good judgment so as not to exacerbate the economic distress of the most vulnerable individuals. (Pages 37 and 38 of the Annual Report)

**La Financière agricole** imposed severe penalties on a farmer who, for health reasons, was unable to take part in a mandatory study by Centre d'étude sur les coûts de production en agriculture. Following intervention by the Québec Ombudsman, La Financière agricole agreed to rescind the penalties totaling over \$24 000. (Page 33 of the Annual Report)

### **Unreasonable Waiting Periods**

The Québec Ombudsman has identified delays in the provision of certain services and in the time it takes for decisions to be made to facilitate access and improve these services.

One example of this involves the increasingly long waits for **home-care services** provided by **CSSSs (CLSC mission)**. More and more, these services are subject to caps or cuts in the number of hours provided, despite professional assessments recognizing the need for such services. (Page 74 of the Annual Report)

Wait times for certain administrative tribunals, including that of **Régie du logement** (over 17 months for general civil cases) and **Tribunal administratif du Québec** (nearly two years for **automobile insurance cases**), are detrimental to all parties (citizens and agencies) awaiting a decision. (Pages 52 and 68 of the Annual Report)

In recent years, **Ministère de la Justice** has demonstrated its willingness to introduce legislative amendments regarding civil status and the child support payment review process (currently, citizens require court decisions to cancel or change child support payments, even if there are no disputes between ex-spouses). So far none of the necessary reforms have been implemented. (Page 43 of the Annual Report)

Long **waits for rehabilitation services** (particularly **physiotherapy** for citizens not reimbursed by CSST or SAAQ) and **audiology** evaluations persist. The Québec Ombudsman has received complaints from people who have been on waiting lists for these services for many months, if not years. Inequitable case management and, in certain cases, the lack of services, are ongoing concerns. (Page 95 of the Annual Report)

While the *Educational Childcare Act* states that **Ministère de la Famille et des Aînés** has 60 days to approve the architectural plans required to obtain permits to operate an educational childcare center, three of its regional branches have largely failed to meet this approval deadline. Wait times exceeded four months at one branch, and were over two months at the other two branches. (Page 41 of the Annual Report)

### **Sometimes Insufficient Quality Control**

The Québec Ombudsman has intervened on a number of occasions over the years to seek the implementation of corrective measures and more stringent quality control in **CHSLDs**, **private residences for seniors**, and **residential resources for vulnerable persons**. Certain private residences for seniors have difficulty ensuring a safe and quality living environment for the people they house. New standards to limit water temperatures for safety reasons in CHSLDs built before 1995 are still pending—as is their subsequent enforcement. (Page 89 of the Annual Report)

In its Annual Report, the Québec Ombudsman found cases of serious negligence at two **intermediate and family-type resources** for people with intellectual disabilities or pervasive development disorders. Following the Québec Ombudsman’s intervention, one of these centers was forced to shut down. The Québec Ombudsman recommends that the Department amend its quality assessment visit program to ensure that residents receive suitable services and have access to a quality physical environment. (Page 81 of the Annual Report)

In light of the complaints it has received, the Québec Ombudsman found that **Curateur public** does not always give proper attention to the people it represents. For example, it was slow to act in helping an orphan whose assets it was provisionally administering claim the life insurance benefit she was entitled to from an insurance company. (Page 32 of the Annual Report)

### **CORRECTIVE ACTIONS OBTAINED**

Thanks to the cooperation the Québec Ombudsman has generally received from government officials and personnel, certain corrective actions have been or are in the process of being implemented to ensure the equitable treatment of citizens with valid complaints or reports.

**Among the corrective actions obtained, some have broader public implications. Here are a few examples:**

During the year, the Québec Ombudsman intervened to put a stop to inappropriate practices by **Revenu Québec**, including the seizure of unseizable bank accounts and collection measures resulting in the seizure of a person's entire salary. Revenu Québec has implemented various corrective measures to prevent these situations from occurring again. (Page 56 of the Annual Report)

Pursuant to a recommendation the Québec Ombudsman made in its Annual Report last year, a legislative amendment (Bill 131) adopted this year grants **Régie du logement** the power to declare debarment in order to crack down on procedural abuses that delay hearings at Régie du logement. (Page 52 of the Annual Report)

The Québec Ombudsman found that **SAAQ** had suspended payment of the indemnity for childcare expenses in cases where it is awaiting a medical evaluation. However, this evaluation is performed precisely to provide a medical opinion on whether or not individuals involved in accidents are able to take care of their children. This practice was in violation of the *Automobile Insurance Act*. SAAQ agreed to put an end to this practice, as it can recover overpayments, where applicable, under the powers conferred on it by law. (Page 66 of the Annual Report)

The Québec Ombudsman also noted a lack of services and empathy during end-of-life palliative care in a **hospital** short-term care unit. Specifically, hospital staff did not take into account the fact that the patient's condition was deteriorating and that the care provided should have been adjusted appropriately. The hospital has now implemented a number of measures to prevent situations like this from recurring. (Page 97 of the Annual Report)

## **IN CONCLUSION**

Although she stresses the efforts made by the government departments, agencies, and establishments that have been subject to valid complaints and reports, the Québec Ombudsperson cannot disregard the fact that the breaches observed have a serious impact on the daily lives of affected citizens (both individuals and businesses). Correcting these errors is critical to public service performance. Because, as she points out, "respect for people and their rights is the very essence of quality services."

The Québec Ombudsman's annual report is available on its website at [www.protecteurducitoyen.qc.ca](http://www.protecteurducitoyen.qc.ca), in the "Cases and Documentation" section.

- 30 -

### **Source:**

The Québec Ombudsman

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