

**2006-2007**  
**Mission and results**



## The mission of the Québec Ombudsman

The Québec Ombudsman is mandated, under the *Public Protector Act* and, since April 1, 2006, under *An Act respecting the Health and Social Services Ombudsman*, to ensure that citizens' rights are respected, by notably intervening with Québec public agencies and departments, with the various bodies constituting the health and social services network, and with private homes for the elderly. It intervenes with the purpose of remedying situations that are prejudicial to a physical or moral person or group of persons. If and when necessary, it will make recommendations to the bodies concerned regarding measures for correcting the errors or instances of negligence, abuse or failure it has observed.

The Québec Ombudsman serves as the ombudsman for all Québec citizens. An ombudsman is a person appointed to defend citizens' rights vis-à-vis government departments and agencies, and other public authorities. Given its jurisdiction, the Québec Ombudsman is the Ombudsman for industrial and motor vehicle accident victims, as well as for crime victims and victims of judicial error. Under its expanded mandate, the Ombudsman also protects users of the health and social services network, which includes youth and rehabilitation centres. The Ombudsman also protects individuals who are detained, ensuring their rights are upheld during their incarceration. It is also an Ombudsman for citizens who request licences or authorizations from various government departments or agencies, as well as for social welfare beneficiaries and many others.

Its jurisdiction over the entire Québec public administration allows it to consider issues that involve several departments or agencies, while its expertise with regard to the health and social services network enables it to fully exercise its jurisdiction as concerns the Ministère de la Santé et des Services sociaux, the Régie de l'assurance maladie and other departments and agencies active in this area.

In performing its mandate, the Québec Ombudsman grants priority to the essential rights guaranteed to citizens under the various charters of rights, as well as by the provisions of *A Public Administration Act*, *An Act respecting administrative justice*, the *Act respecting health services and social services*, and any other legislation. Among these rights, we must stress the right of citizens to quickly receive the quality services to which they are entitled, the right to be adequately informed, and the right to be treated with respect and dignity at all times.

Appointed by parliamentarians from all political affiliations, the Québec Ombudsman reports solely to the National Assembly. It can therefore carry out its duties independently, and in an impartial and neutral fashion.

The *Public Protector Act* and *An Act respecting the Health and Social Services Ombudsman* grant it the authority required to review complaints and execute its interventions. Thus, it can access any document held by a department, public agency or health and social services network organization, and it also has the power to question anyone whom it feels can shed light on the issue being reviewed.

Under its mandate, the Québec Ombudsman has dual objectives: to protect persons and groups, and to correct any errors or instances of injury involving them individually or collectively. It also helps strengthen democracy and the state of law, as well as ensure improvement of the services offered to citizens. Its actions, unlike those of the courts, can help citizens avoid having to rely on judicial or administrative measures, which can often prove taxing and lengthy. While not a replacement for the court system, it can sometimes help resolve certain disputes quickly, informally and at a lesser cost.

## QUÉBEC OMBUDSMAN ACTIONS

### INDIVIDUAL COMPLAINTS AND NOTIFICATIONS

The Québec Ombudsman receives, investigates and handles complaints from citizens, be they natural or legal persons, groups or partnerships. These persons contact it because they believe they have been prejudiced by an act or omission committed by a public department or agency over which the Québec Ombudsman has jurisdiction.

Likewise, it receives, investigates and handles complaints concerning the rights of users who receive services delivered by the health and social services network. Except in special cases, this function is exercised during a second phase and as a last resort. In other words, the complaints it receives have already been reviewed at the local level, by local service quality and complaints commissioners or by regional commissioners. The Québec Ombudsman is not authorized, however, to evaluate or monitor the quality of medical, dental or pharmaceutical services dispensed.

It also accepts complaints filed on behalf of a person by a third party that has witnessed an error, injustice or abuse. It can also act on its own initiative if it feels that a citizen or citizen group has been the victim of prejudice. Once its review is completed, the Québec Ombudsman submits its conclusions to the body concerned, along with any applicable recommendations and corrective measures.

In its initiatives, the Québec Ombudsman focuses specifically on situations involving persons who are physically, mentally, psychologically or socio-economically vulnerable or fragile. It also intervenes directly whenever a user or person filing a complaint fears that he will be the victim of reprisals.

### **CORRECTIONS WITH A COLLECTIVE IMPACT**

The Québec Ombudsman is also called upon to act from a collective perspective. The volume of complaints which it receives allows it to determine the likelihood of problems being systematic in nature.

Such problems are considered to exist whenever one or more complaints, taken together, attest to the existence of an issue involving various activity sectors, sometimes several programs. A comprehensive analysis of the factors involved in such a case generally results in recommendations for correcting the problems to the benefit of all of the persons affected.

### **PREVENTION AND INNOVATION**

The Québec Ombudsman also acts with an eye to prevention. It can thus intervene to correct injurious situations and thereby avoid their repetition, by notifying a department, public agency, health and social services network organization or the government of any legislative, regulatory or administrative reforms it feels would be in the public interest.

It therefore reviews all draft bills and regulations, and issues amendment proposals aimed at bringing improvements whenever it deems it appropriate.

The Québec Ombudsman's authority consists of making recommendations, and the effectiveness of its interventions is primarily based on its ability to persuade and influence. If it considers that no satisfactory measures have been taken within a reasonable time frame, subsequent to having made a recommendation, it can so advise the government. It can also, if it deems it appropriate, unveil specific situations either in a special report or in its annual report to the National Assembly.

## AN OVERVIEW OF STATISTICAL DATA

*An Act respecting the Health and Social Services Ombudsperson* includes specific requirements, the main one being that separate reports must be prepared for the review of all complaints and reports received.<sup>1</sup> The interventions of the Québec Ombudsman can ensue from a request received or ensue from its own initiative. Any person can file a report, but complaints can only be submitted by a user or the user's representative.<sup>2</sup>

The tables and graphs illustrate data on the organization's actions with regard to each of the two laws governing it.

The Québec Ombudsman reports on its conclusions following the review of complaint grounds and the grounds of various reports, and this:

- once it has received confirmation that agreed upon recommendations have been accepted;
- if and when the body involved rejects the recommendations.

Prior to March 31, 2006, files that were pending until the health and social services network responded to the Québec Ombudsman's findings, or those where the latter was waiting to receive confirmation that the accepted recommendations had been implemented, were considered as being closed. This is no longer the case.

In the realm of public administration, files are only reported on once the applicable recommendation has been implemented. Exceptionally, circumstances where follow-up of recommendations was necessary were handled differently. The approach is now standardized, and actions are the same under both of the laws.

**Consequently, only finalized issues, and not files that are still under investigation, are accounted for.**

1/ Section 38: The Ombudsperson must report on its activities once a year.

This report describes the grounds of the complaints received under the application of section 8 and indicates, for each type of complaint:

1° The number of complaints received, rejected after a summary investigation, reviewed, rejected or abandoned since the last summer.

2° The follow-up done since their initial review.

The report also indicates the Ombudsperson's actions with regard to the application of section 20, along with its main conclusions and recommendations, if applicable.

The contents of the report are added to that of the report referred to in section 28 of the *Public Protector Act* (chapter P-32).

2/ For improved understanding of the data, the reader can refer to the definitions included in Appendix 6 at the end of this report.

## REQUESTS FOR SERVICES RECEIVED IN 2006-2007

When a citizen or his or her representative calls on the Québec Ombudsman for help or to file a complaint, referral or report, a request for services is logged. In 2006-2007, the Québec Ombudsman received 20,641 requests for services, compared to 23,389 in 2005-2006, an 11.7% drop.

Requests for services at April 1, 2006	Requests received	Requests investigated	Requests being investigated at March 31, 2007
981	+ 20,641	- 20,487	= 1,135

## REQUESTS FOR SERVICES INVESTIGATED IN 2006-2007

**TABLE 1**  
**Distribution of requests for services investigated**

	n	%
<b>Under the jurisdiction of the Québec Ombudsman</b>		
Complaints and reports	8,040	39.3
Requests for assistance	684	3.3
<b>Not under the jurisdiction of the Québec Ombudsman</b>		
Requests for assistance and referrals	9,383	45.8
Requests for information	2,380	11.6
<b>Total</b>	<b>20,487</b>	<b>100.0</b>

**TABLE 2**  
**Overview of all requests for assistance and referrals [outside jurisdiction]**

	n	%
Excluded health-related activities (physicians, pharmacists and dentists)	570	6.1
Municipal administration	402	4.3
Non-subject government agencies and government corporations	938	10.0
Centres de la petite enfance (CPE) network	10	0.1
Education system	118	1.3
Federal bodies or bodies from other provinces	580	6.2
First-level health and social services recourse not exercised	1,965	20.9
Private sector <sup>1</sup>	4,505	48.0
Others	295	3.1
<b>Total</b>	<b>9,383</b>	<b>100.0</b>

1/ Professional corporation issues referred to the corporations or associations concerned, or private or business disputes

**TABLE 3**  
**Overview of complaints and reports**

	Investigated at Avril 1, 2006	Received in 2006-2007	Total to investigate	Investigated 2006-2007	Requests being investigated at March 31, 2007
Public administration Complaints	791	7,687	8,478	7,644	834
Health and social services Complaints	132	479	611	324	287
Reports	58	28	86	72	14
<b>Total</b>	<b>981</b>	<b>8,194</b>	<b>9,175</b>	<b>8,040</b>	<b>1,135</b>

#### PROCESSING OF INVESTIGATED COMPLAINTS AND REPORTS

**A complaint or report can incorporate several grounds of dissatisfaction.** All of these grounds are individually investigated and responded to. The 8,040 complaints investigated where a final response was sent by the Québec Ombudsman included 9,214 grounds. The following data illustrates their distribution and how they were processed.

**TABLEAU 4**  
**Distribution of grounds of complaints and reports investigated**

	Number of complaints and reports	Complaint Grounds
Public administration Complaints	7,644	8,500
Health and social services Complaints	324	557
Reports	72	157
<b>Total</b>	<b>8,040</b>	<b>9,214</b>

**TABLE 5**  
**Distribution of grounds of complaints and reports investigated**

	Investigation underway		Investigation completed		Total
	Referred <sup>1</sup>	Interrupted <sup>2</sup>	Non-substantiated	Substantiated	
<b>Public administration</b>					
Complaints	1,323	2,669	3,319	1,189	8,500
<b>Health and social services</b>					
Complaints	–	58	313	186	557
Signalements	93	19	30	15	157
<b>Reports</b>					<b>9,214</b>

- 1/ **Request referred:** While investigating the grounds of a complaint, the Québec Ombudsman identifies a possible outside solution and directs the citizen to the appropriate body. With regard to grounds of reports, these would be referred to regional agencies.
- 2/ **Investigation interrupted:** The Québec Ombudsman, subsequent to its initial investigation, must interrupt its intervention for a reason provided for under the applicable legislation. An investigation can also be interrupted at the citizen's request or because a situation has been resolved in the interim.

**TABLE 6**  
**Departments and agencies concerned by 50 or more complaints with substantiated grounds in the public administration**

50 or more complaints with substantiated grounds	n	%
Ministère de la Sécurité publique	511	43.0
Société de l'assurance automobile du Québec	180	15.1
Ministère du Revenu	94	7.9
Commission de la santé et de la sécurité du travail	92	7.7
Ministère de l'Emploi et de la Solidarité sociale	78	6.6
Ministère de l'Éducation, du Loisir et du Sport	54	4.6
Sub-total	1,009	84.9
Departments and agencies concerned by less than 50 substantiated grounds <sup>1</sup>	180	15.1
<b>Total</b>	<b>1,189</b>	<b>100.0</b>

- 1/ See Appendix 4 for the distribution of the substantiated grounds of complaints with regard to other departments and agencies at the end of this report.



**TABLE 7**  
**Distribution of complaints with substantiated grounds in the health and social services network, by body**

Bodies in the health and social services network	n	%
Hospital centres	74	39.8
Local community service centres	40	21.5
Nursing homes and long-term care establishments	25	13.4
Youth centres	16	8.6
Rehabilitation centres	16	8.6
Community organizations	10	5.4
Emergency prehospital services	4	2.2
Regional agencies	1	0.5
Certified private nursing home facilities	–	–
<b>Total</b>	<b>186</b>	<b>100.0</b>

The Québec Ombudsman issued 1,173 recommendations, 20% of them collective in scope.

**TABLE 8**  
**Number and scope of the Québec Ombudsman's recommendations**

	Individual scope <sup>1</sup>		Collective scope <sup>2</sup>		Total
	n	%	n	%	
<b>Public administration</b>					
Complaints	886	93.2	65	6.8	951
<b>Health and social services</b>					
Complaints	49	23.7	158	76.3	207
Reports	2	13.3	13	86.7	15
<b>Total</b>					<b>1,173</b>

- 1/ **Individual scope:** The Québec Ombudsman is successful in resolving a situation with regard to the person who contacted it.
2. **Collective scope:** The Québec Ombudsman ensures that persons who have not contacted it but are in a similar situation will benefit from the correction implemented.

**TABLE 9**  
**Follow-up of the Québec Ombudsman's recommendations**

	Accepted and implemented	Refused
Public administration Complaints	98.5%	1.5%
Health and social services Complaints	98%	2.0%
Reports	100%	–

Here is a list of the appendices that complete the presentation of results in figures for 2006-2007:

- Appendix 1.** Definitions to better understand the data
- Appendix 2.** Origin of complaints received by public administrations, based on the citizen's administrative region
- Appendix 3.** Origin of complaints and reports received in the health and social services field, based on the sociosanitary region of the body involved
- Appendix 4.** Complaints and grounds of complaints reviewed by the department and organization, based on the results
- Appendix 5.** Complaints reviewed in the health and social services field, by body
- Appendix 6.** Grounds of complaints reviewed in the health and social services field, by category of grounds
- Appendix 7.** Reports reviewed in the health and social services field, by program/service

These appendices appear at the end of this report.