

Message from the Ombudsman



In most democracies, the counterpoint to the Ombudsman is called a mediator. The title *Protecteur du citoyen*, used in francophone Québec, clearly reflects the ombudsman's role as protector of both citizens and those in the public service, a conciliator and a reconciler acting to ensure that citizens are treated fairly and that their rights upheld. In 2007–2008, the Québec Ombudsman intervened on behalf of some 21,000 citizens with 73% of government departments and agencies and 53% of the institutions in the health and social services network.

From the outset, I commend most public departments and agencies for their cooperation and genuine interest in resolving disputed issues. The many increasingly complex situations our citizens face calls for specific examination or re-examination in all honesty not only of the whole impact on citizens concerned, but also of the possible ripple effect on other citizens and on public funds.

My delegates, at all levels, have eagerly sought throughout their investigations and mediations to find timely solutions and to balance individual interests with those of the collective good and -especially when citizens have been harmed- to prevent recurrence. In the context of a last recourse, or of the last chance before legal recourse, we must fully assess how great and how far our interventions will affect the general public and to which degree the intensive followup and implementation of the Ombudsman's recommendations will be followed, the subject of which is covered in this annual report. These results are a source of benefits for citizens, individually or in organizations, as for the government.

Daily interaction with citizens, review of our investigative findings, my interventions with public service administrators bring out how important it is to stay the course when it comes to respecting people and their rights, and to remain vigilant in preventing the repetition of errors. I cannot conceal that a certain frustration arises in me due to the length of time some organizations take to correct systemic problems that are denounced year after year by the Ombudsman.

In reviewing the complaints, reports, and various requests for assistance that citizens have submitted this year, I am aware of the breadth of the safeguards and advances that we must still hope for if we are to ensure daily better administrative justice - the subject of the basic framework law that the National Assembly adopted ten years ago - and at all levels. Citizens exercising their rights, filling out their obligations to the state or taking advantage of a service which they contributed to finance were treated as if someone was rendering them a favor. A significant portion of complaints still have to do with shortcomings in personnel conduct and skills.

While more and more public organizations are making it their duty to acknowledge their mistakes, usually committed with no outward ill intention, and to seek appropriate correctives, some remain reluctant to fairly compensate citizens who have been treated unfairly. This calls for not only a sense of justice but also administrative courage, and I applaud those officials who have it.

Decisions made in the public's favor, whether for individuals or businesses, have repercussions that are not always measured or are not measured in considerations of all points of interest. I am particularly concerned about those people who are vulnerable be it for medical, financial, or personal reasons. I have seen organizations persistently seek reimbursement of amounts due - particularly after administrative errors - by setting deadlines that citizens are obviously unable to meet, given their financial situation, despite the organization's awareness of this. By acting hastily, organizations establish conditions that are at odds with the attainment of desired objectives.

Ignoring or underestimating the impact on the citizen often leads in itself to underestimating the impact on the state. The department representative who demands reimbursement within a timeframe that an individual cannot manage sometimes unintentionally forces that citizen to turn to another public program for subsistence - not to mention the administrative costs to recover outstanding payments.

Making decisions that are consistent with an overview of the impacts on public funds is a necessary step. Cutting off compensation that Quebecers and their families depend on for basic subsistence is not only at odds with the law, but also not in the public's best interest. These citizens who have no other sources of temporary or permanent income and are unable to return to work, must rely on public assistance during the suspension of compensation that they will later receive retroactively. They themselves will then reimburse the financial assistance of a last resort the sums they received - and none of this would have been necessary had the initial payment been made at the required time. The result: a wronged and dissatisfied citizen, and unnecessary expense for the state.

The complexity of managing public services, particularly those for health and social services, will grow along with demographic changes, increases in the number of vulnerable individuals, labor shortages, and financial limitations of the government and taxpayers. Given this, the planning our offer of services and assessing the consequences of changes to it must be treated as a priority, and that focus must be sustained. Transitional measures when administrative and organizational reforms are implemented need to be better anticipated.

Closing beds in hospitals and long-term care facilities is an example. However well-advised such reductions may be - given the desire of older persons to remain as long as possible in their homes - they cannot be carried out without putting alternatives into place. Nor can they take place everywhere at the same rate, since the economic and demographic environments in some regions do not always allow short-term implementation of the chosen model.

In all areas of public activity, any modification to an available service that uses alternate delivery modes - here I am thinking of access to community service organizations and informal caregivers, among others - must take into consideration service providers' abilities and requirements, including their need for training and respite, in real time, to be in a position to take over.

During the past year, I witnessed anew the commitment of the majority of the public service officials and personnel to render good service to citizens. On the other hand, ten years after passage of the Act respecting administrative justice, my team and I were witness every day to the legitimate, well-founded dissatisfaction of citizens whose rights were not respected and who did not receive adequate service.

We cannot deviate from the fundamental principles of justice, fairness, and quality at the root of the Act respecting administrative justice and the Act respecting health services and social services. On staying the course on the constructive and non-judiciary settlement of disagreements and in striving to prevent them the Québec Ombudsman will remain resolute and determined in seeing that these principles are upheld every day in the delivery of public services.