

Mission

The mandate of the Québec Ombudsman, in accordance with the Public Protector Act and, since April 1, 2006, the Act respecting the Health and Social Services Ombudsman, is to ensure that citizen rights are upheld. The Ombudsman intervenes with departments and public agencies in Québec that comprise the health and social services network, and with private nursing homes. The intent of its interventions is to remedy situations that could harm natural and legal persons or groups of individuals. As needed, the Ombudsman provides involved departments or agencies with recommendations for measures needed to correct errors, negligence, abuses, or violations that it has noted.

The Ombudsman “watches over” Québec. An ombudsman is a person tasked with defending citizens’ rights with public authorities. Thus the Québec Ombudsman, given its field of jurisdiction, protects victims of workplace or road accidents, criminal acts, or miscarriages of justice. With the expansion of its mandate, it serves as health and social services ombudsman, dealing with youth centers or rehabilitation centers. It is also the protector of incarcerated persons, assuring that their rights are upheld during detention. And it protects citizens seeking permits or authorizations from department or government agencies, those who provide social assistance, and many others as well.

Its jurisdiction over all Québec public service lets the Ombudsman handle cases involving a number of departments or agencies. Its expertise with regard to the health and social services network allows it to fully exercise its jurisdiction in particular over Ministère de la Santé et des Services sociaux, Régie de l’assurance maladie, and other departments or agencies in this field.

In carrying out its mandate, the Québec Ombudsman attaches particular importance to the basic rights accorded citizens under the charters of rights, the Public Service Act, the Act respecting administrative justice, the Act respecting health services and social services, and other laws. These include the right to receive timely, quality service that citizens are due, to be adequately informed, and to be treated with respect and dignity under all circumstances.

Appointed by sitting members of all political parties in the National Assembly and under its jurisdiction, the Québec Ombudsman is responsible only to the latter. It thus benefits from the independence, impartiality, and neutrality needed to perform its role.

The Public Protector Act and the Act respecting the Health and Social Services Ombudsman confer on the Québec Ombudsman the power to investigate complaints and conduct interventions. In addition, it can obtain all documents possessed by any department, public body, or department or agency in the health and social services network. It can also question any person it deems an essential witness in its efforts.

By virtue of its mandate, the Québec Ombudsman ensures both the protection of individuals and the correction of errors or injustices committed against them, whether on an individual or collective scale. It plays a role in strengthening democracy and the rule of law as well as in improving services provided to the public. Its actions, unlike those of the courts, often make it possible to avoid lengthy or burdensome legal or administrative recourse. It does not act in the court's stead, but lets numerous disputes be resolved in an informal and inexpensive manner, typically in short timeframes.

Actions of the Québec Ombudsman

Individual complaints and reports

The Québec Ombudsman receives, investigates, and processes complaints from natural and legal persons, groups, or associations. These parties contact the Ombudsman because they feel they have been wronged by an act or omission committed by a department or public agency in its jurisdiction.

Similarly, the Ombudsman receives, investigates, and processes complaints relating to the rights of users who receive services provided by departments and agencies in the health and social services network. With certain exceptions, the Ombudsman performs these duties as a second or final recourse - in other words, following a first review at the local level, by local complaints commissioners and service quality commissioners, or at the regional level by regional complaints commissioners and service quality commissioners. However, the Québec Ombudsman does not have jurisdiction to monitor or assess the quality of medical or dental procedures, or pharmaceuticals.

The Ombudsman accepts complaints made on behalf of individuals by third parties who, notably, have witnessed errors, abuses, or injustices. It also can intervene of its own initiative if it has reason to believe that a person or group has been wronged. Upon concluding its intervention, the Québec Ombudsman communicates its findings and any recommendations and corrective measures to be taken, if necessary, to the involved department or agency.

In performing its duties, the Québec Ombudsman pays special attention to situations involving persons who are vulnerable or at-risk due to their physical, mental, or psychological states, or their socioeconomic conditions. Similarly, it intervenes directly when a service user fears reprisals if a complaint or report is filed.

Corrections that have a collective impact

The Québec Ombudsman is also called upon to take action that has a collective impact. The volume of complaints received enables it to identify systematic patterns.

Collective interventions occur after the submission of one or a number of complaints that, viewed as a whole, reveal the existence of a system-wide problem that affects multiple activity sectors and sometimes a number of programs. Analysis of all these components leads to recommendations that enable the problem to be corrected for all those affected.

Prevention and innovation

The Québec Ombudsman also takes preventive action. By attempting to correct harmful situations and avoid their repetition, it can call the attention of a department, public agency, health and social services network department or agency, or the government to legislative, regulatory, or administrative reforms that it feels will serve the public interest.

The Ombudsman therefore investigates bills and regulations. If it sees fit, it proposes modifications to improve bills.

The Québec Ombudsman acts by issuing recommendations. The efficiency of its action depends on its ability to influence and persuade. When, having made a recommendation it feels that the department or agency involved has failed to remedy the situation in a timely manner, it may advise the government of this. If it feels it is appropriate, it may also make the case public in a special report or in its annual report to the National Assembly.