

List of recommendations

1. Public Service

Regarding Administrative Justice

REACQUAINTANCE WITH THE PRINCIPLES OF ADMINISTRATIVE JUSTICE AND USER RIGHTS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That public service managers within government departments and agencies and within the health and social services network ensure that the staff they oversee acquaint themselves with the principles and rules set out, respectively, in the Act respecting administrative justice and the Act respecting Health services and social services.

That they take measures to familiarize their staff with the fundamental principles in the legislation and the need to uphold them.

These drawn up measures materialize among others, in :

- The formulation of specific expectations for supervisory staff in applying these principles and rules ;
- Regular updates for staff, specifically those persons whose actions and decisions have a direct impact on citizens ;
- Systematic and appropriate training for all new employees, from the moment they are hired.

Ministère de l'Éducation, du Loisir et du Sport

AN IMPARTIAL AND CREDIBLE COMPLAINT MANAGEMENT SYSTEM

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de l'Éducation, du Loisir et du Sport determine the most appropriate conditions for providing the school system with a manner for handling complaints capable of ensuring the impartiality and credibility necessary to meet the needs of parents, students and institutions.

Ministère de la Sécurité publique

Public Security

A COMMUNICATION STRATEGY FOR THE PREVENTION OF NATURAL HAZARDS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Sécurité publique, in its quality as the coordinator of the government framework for prevention of natural hazards, implement as soon as possible a global communication that is adequately supported and in line with objectives as regards the management of risks to the population.

Correctional Services

Recommendation 1 :

SOCIAL REINTEGRATION PLAN

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Government of Québec oversee the development of an action plan, no later than December 2008, for the creation and management of social integration services.

Recommendation 2 :

UTILIZATION REGISTRY FOR ISOLATION OR SECLUSION CELLS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Sécurité publique introduce a mandatory registry for the use of isolation or seclusion cells at all detention facilities.

Recommendation 3 :

REQUESTS FOR HEALTH SERVICES

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Sécurité publique evaluate in the near future options to make changes to the conditions governing written requests for health services.

That it notify the Québec Ombudsman of the results of this review.

Recommendation 4 :

LOCAL FUNDING ACTIVITIES TO SUPPORT SOCIAL REINTEGRATION

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Sécurité publique cooperate with the Local Funds to Support Social Rehabilitation as well as the other actors involved, including private industry representatives, to develop a framework and rules to assist Local Funds in reaching agreements, and this while giving due consideration to the realities of private enterprise.

That it provide the Québec Ombudsman with a firm schedule for the development of these rules and their provisions.

The Public Curator

ACTION PLANS FOR CURATORSHIP WITH REGARD TO INCARCERATED PERSONS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Curateur public provide it, no later than September 1, accurate data on the delays for obtaining a judgment subsequent to the receipt of the director general's reports attesting to the need for a protective supervision program. In addition, the Québec Ombudsman asked the Curateur public for a copy of its action plan, including the measures it plans to introduce to limit to the greatest possible extent the intervention delays when a protective supervision program must be launched.

That the Curateur public measure the results of its efforts, primarily to ensure that its message has been heard and understood by the main stakeholders involved in the issue of consent for care. This measure should also allow the Curateur public to determine whether institutions or actors are failing to obtain its consent when necessary.

That the Curateur public notify the Québec Ombudsman of the results obtained.

That the Curateur public establish an action plan to ensure that it can efficiently fulfil its responsibility towards the incarcerated incapacitated individuals it represents, both while they are in prison and after they are released. That a copy of the plan be forwarded to the Québec Ombudsman no later than December 31, 2008.

That the Curator public establish an information exchange protocol with Ministère de la Sécurité publique by June 30, 2008, in cooperation with the detention centers, so that the Curator is informed immediately of the incarceration of any person that it represents and that it be consulted as warranted in order that it may properly assume its obligations with regard to persons it is charged with representing.

That the Curateur public demonstrate, by December 2008, that it has introduced, in conjunction with the Ministère de la Sécurité publique, concrete measures for the efficient dissemination of information and to ensure that it is immediately notified when a person under its supervision is kept or held in a detention centre.

Régie du logement

LEGISLATIVE AMENDMENTS TO REDUCE WAIT TIMES

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the legal framework under which the Régie du logement addresses cases involving the non-payment of rent be modified so as to incorporate a new procedure for improving the availability of decision-makers in this area while jointly hearing all cases within a reasonable timeframe.

That measures are taken to ensure that these changes are designed so as to respect the fundamental rights of all of the parties, particularly with regard to procedures involving lease cancellation and the eviction of a tenant.

2. The Health and Social Services

Ministère de la Santé et des Services sociaux

Recommendation 1 :

EXTEND CERTIFICATION TO RESIDENCES FOR DRUG ABUSERS AND PERSONS WHO ARE MENTALLY ILL OR HAVE AN INTELLECTUAL DISABILITY

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That private residential facilities serving drug-addicts, the mentally ill or the intellectually disabled be subject to a certification program and application of the complaint management system set forth in the Act respecting health services and social services.

Recommendation 2 :

FACILITIES INSPECTION AND QUALITY INDICATORS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That MSSS continue and intensify its efforts to inspect institutions ;

That notably inspection programs, as additional security measures, be developed for private residential facilities serving vulnerable persons, and that these facilities be constrained to a certification program and complaint management system ;

That MSSS, in view of its role and obligations regarding quality of care and services, encourage each institution to implement quality indicators ;

That MSSS prepare an annual progress report on quality indicators developed and used by institutions.

Recommendation 3 :

ADEQUATE INFORMATION, RESOURCES, AND FACILITIES FOR THE COMPLAINT MANAGEMENT SYSTEM

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That boards of directors of institutions in the health and social services network and regional agencies make sure that local and regional complaints and service quality commissioners have at their disposal adequate resources and operating conditions to carry out their responsibilities in an effective and efficient manner ;

That MSSS continue and intensify its plan to support implementation of the complaint management system, notably by making user information a priority, with specific attention paid to reaching those who are vulnerable.

Residential and long-term care centers

Recommendation 1 :

ENCOURAGE QUALITY OF LIFE

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Santé et des Services sociaux advise it with regard to the measures it will adopt to ensure the implementation of the department orientations regarding the living environment in all CHSLDs.

Recommendation 2 :

ENVIRONMENTS THAT ALLOW PRIVACY AND RESPECT

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That residential and long-term care centres provide an appropriate environment to allow users to spend time with their loved ones in private, and ensure that agencies are treated with respect at all times, up until they are taken away by the undertaker.

Recommendation 3 :

CODE OF CONDUCT AND AGGRESSIVE OR VIOLENT INDIVIDUALS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That residential and long-term care centres communicate their code of ethics and rules of behaviour to agents and legal representatives.

That they provide agents and legal representatives the names of those persons they must contact for any information, comments or demands, as well as the contact details and procedure for filing complaints with the local service quality and complaints commissioner.

That they develop and institute a policy and methods for controlling individuals who are violent or aggressive with residents, employees or managers.

Recommendation 4 :

FULLY INFORM USERS AND LEGAL AGENTS OR REPRÉSENTATIVES

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That health and social service centres adequately inform users and their agents or legal representatives of the reasons why a contract or services agreement was terminated, as well as the measures taken to ensure continuity of services.

Recommendation 5 :

FILING REPORTS IN CONFIDENTIALITY AND WITHOUT FEAR OF REPRISAL

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That residential and long-term care centres develop mechanisms to enable employees to confidentially blow the whistle on any situations where users' rights are compromised, while also advising staff members that they can contact the Québec Ombudsman, who will confidentially handle their report, should they fear reprisals.

Child and youth protection centers

REPORT ON REMOVALS FROM THE FAMILY ENVIRONMENT

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Santé et des Services sociaux prepare a report on the required implementation by youth centres of a formal policy governing the removal of children from their family environment.

That it provide the Québec Ombudsman a report in this regard no later than December 15, 2008.

Local community service centers

Recommendation 1 :

FOLLOWUP ON WAITING LISTS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That social services centres establish timeframes for communicating with users to update their status, notify them of their position on the waiting list, and advise them of the approximate delay before services will be available.

Recommendation 2 :

HEMOCARE SERVICES

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the health and social services institutions which offer home-support services systematically consider the impact on users before cancelling or reducing these services.

That decisions taken by institutions consider the effect of these service reductions or cuts on other health and social services resources, and this within the framework of individual service programs.

That they promote keeping people in their home environment when they both desire and are able to do so.

Rehabilitation centers

AVAILABILITY OF SPEECH THERAPY

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Santé et des Services sociaux take the necessary measures to implement special access mechanisms for making speech therapy services available within a reasonable timeframe.

Concerning Mental Health

Recommendation 1 :

EVALUATION OF QUALITY OF SERVICES AND QUALITY OF LIFE

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the follow-up of the action plan under the responsibility of the Ministère de la Santé et des Services sociaux⁶¹ include an evaluation of the quality of services and quality of life of users, regardless of the site of service delivery or type of services.

Recommendation 2 :

DO MORE TO FIGHT THE STIGMATIZATION OF THOSE WITH MENTAL HEALTH PROBLEMS

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Ministère de la Santé et des Services sociaux, based on the impact of this campaign, continue its initiative in this vein, and even intensify its efforts, particularly in those environments that the department considers the most prejudiced with regard to mental health problems.

Recommendation 3 :

GIVING PRECEDENCE TO RESPECT FOR HUMAN RIGHTS ABOVE ALL ELSE

THE QUÉBEC OMBUDSMAN RECOMMENDS :

That the Minister of Health and Social Services confirm that respect for users' rights has priority over all other considerations except those provided for in the Act respecting health services and social services and the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (P-38), notably by preparing and releasing guidelines with regard to chemical substances as a control mechanism, as announced in the *Orientations ministérielles relatives à l'utilisation exceptionnelle des mesures de contrôle : contention, isolement et substances chimiques*⁶².

That this statement be clear and unambiguous, like that prohibiting sectorization practices that violate mental health users' rights to choose their provider of services⁶³.

61 *Plan d'action en santé mentale 2005-2010 : La force des liens*, Ministère de la Santé et des Services sociaux, Québec, 2005, p. 88.

62 *Plan d'action, Orientations ministérielles relatives à l'utilisation exceptionnelle des mesures de contrôle : contention, isolement et substances chimiques*, Ministère de la Santé et des Services sociaux, Québec, 2002, 19 pp.

63 *Idem*, p. 25.

We would like to thank everyone, in all departments of the Québec Ombudsman, who contributed to this publication.

Legal deposit – Bibliothèque et Archives nationales du Québec, 2008
ISBN 978-2-550-52964-4 (print version)
ISBN 978-2-550-52965-1 (PDF version)

The Québec Ombudsman's annual report and annual management report are available on our website.

Version française disponible sur demande.



LE PROTECTEUR DU CITOYEN

Assemblée nationale
Québec

Le Protecteur du citoyen

QUÉBEC

525, boul. René-Lévesque Est, bureau 1.25
Québec (Québec) G1R 5Y4

Telephone : 418 643-2688

MONTRÉAL

1080, Côte du Beaver Hall, bureau 1000
Montréal (Québec) H2Z 1S8

Telephone : 514 873-2032

Toll-free : 1 800 463-5070

E-mail : protecteur@protecteurducitoyen.qc.ca

www.protecteurducitoyen.qc.ca