



Annual Report 2008-2009



JUSTICE
FAIRNESS
IMPARTIALITY
RESPECT

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Québec City
May 2009


Yvon Vallières
President of the National Assembly

Dear Sir:

In accordance with section 28 of the Public Protector Act, and section 38 of the Act respecting the Health and Social Services Ombudsman, I have the honour of submitting the 39th Annual Report of the Québec Ombudsman for fiscal year 2008-2009.

The annual report on the management of this institution for the same period is also part of this document.

Yours sincerely,

A handwritten signature in black ink, reading "R. Saint-Germain". The signature is written in a cursive, flowing style.

Raymonde Saint-Germain
Québec Ombudsperson

Validation Report from the External Auditor

Raymonde Saint-Germain
Québec Ombudsperson

We have conducted an examination of the results, explanations and information presented in the annual report of the Québec Ombudsman for the fiscal year ending on March 31, 2009. The Québec Ombudsman is responsible for making sure that the annual report discloses information that is accurate and complete. We are responsible for evaluating the plausibility and consistency of the information, based on the work we have done.

Our examination, which did not constitute an audit, was performed in accordance with internal auditing standards. It consisted in obtaining information and supporting documentation, using analytical procedures, documenting the operation of compilation mechanisms, revising calculations and discussing the information provided. Our work did not include examining comments submitted by Government departments and agencies that were the subject of reports by the Québec Ombudsman, since they were responsible for those comments.

Based on our examination, we conclude that the results, explanations and information contained in the annual report of the Québec Ombudsman appear to be plausible and consistent in every important respect.

A handwritten signature in black ink, reading "Jacques Dumas". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jacques Dumas
External Auditor
April 27, 2009



Visual identifier

The Québec Ombudsman's logo symbolizes the quest for balance between the rights of different people. It is a variation on the scales that serve as the emblem of justice. The plate on the left-hand side of the logo evokes the theme of justice, while the "P" (for "Protecteur du citoyen") on the right-hand side refers to the highest level of justice: equity.

Values

The Québec Ombudsman has served the general public since 1969, defending the fundamental values of justice, equity, respect, transparency and impartiality.

The Québec Ombudsman is independent of the Québec Government, and is appointed by and accountable to the National Assembly. It is therefore neutral, independent and impartial – all essential qualities in the performance of its duties. Its role is to examine situations objectively, without prejudice in favour of individual citizens or the Government authority.

Mandate

The Public Protector Act and the Act respecting the Health and Social Services Ombudsman charge the Québec Ombudsman with the task of protecting citizens' rights. It does this by intervening with departments and agencies of the Québec Government, including those in the health and social services network, to correct any prejudicial situations affecting natural or legal persons, individually or as a group. When necessary, it makes recommendations to the authority concerned to correct errors, negligence, abuse or unfair treatment. It accepts complaints submitted on behalf of third parties who may have witnessed an error, abuse or injustice, and may also intervene on its own initiative if it has reasonable grounds to believe that an individual or group has been wronged. After an investigation, the Québec Ombudsman submits its conclusions to the authority in question, along with recommendations and remedial measures in some cases.

The Québec Ombudsman fields, studies and processes complaints from individuals. For the health and social services network, it performs these duties as a second or final recourse, with certain exceptions, following a first review by local or regional commissioners. The Québec Ombudsman does not have jurisdiction over questions relating to the quality of medical, dental or pharmaceutical acts.

The law gives the Québec Ombudsman the necessary power to examine complaints and conduct its investigations. It may demand access to any documents held by a Government department, agency or health and social service establishment, and it may also question any individual whose testimony it feels is essential to its functions.

The Québec Ombudsman is also called upon to take collective actions following a series of complaints that confirm the existence of a systemic problem across several different sectors and sometimes involving several different programs. After examining the elements in question, it makes recommendations for remedial action that will correct the problem for everyone concerned.

The Québec Ombudsman also has a preventive mission. It can, for the purpose of correcting a prejudicial situation and preventing repetition, draw the attention of Government departments, agencies or health and social service establishments to the need for legislative, administrative or Government reform, thereby acting on behalf of the public good. It may examine bills or draft regulations. If it sees fit, it may make suggestions or propose amendments to improve the draft legislation.

Under this mandate, the Québec Ombudsman attaches particular importance to the basic human rights granted to citizens by the charters of rights, the Public Service Act, the Act respecting administrative justice, the Act respecting health services and social services, and other legislation. In the performance of its duties, it pays special attention to situations that may harm citizens who are particularly fragile or vulnerable as a result of their mental, physical or psychological health or the socio-economic conditions in which they live. It also intervenes directly in cases where people are afraid of reprisals if they complain.

The Québec Ombudsman acts by issuing recommendations. As it has no power of enforcement, its capacity to effect change depends on its ability to influence and persuade. Once a recommendation has been made and the Québec Ombudsman believes that the department or agency concerned has failed to remedy the situation in a timely fashion, it may advise the Government. If it sees fit, it may also make the case public in a special report or in its annual report to the National Assembly.

The Québec Ombudsman contributes to the strengthening of democracy and the rule of law, and promotes the improvement of services for all citizens. Its action differs from that of the courts, and often helps to avoid long and onerous judicial or administrative recourse.