

# APPENDICES

## Summary table of follow-up to the 2007-2008 annual report recommendations to government departments and agencies heads

### REACQUAINTANCE WITH THE PRINCIPLES OF ADMINISTRATIVE JUSTICE AND USER RIGHTS All government departments and agencies, and all health and social service institutions

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>SATISFIED with the follow-up to this recommendation in the first year of implementation.</li> </ul>
<ul style="list-style-type: none"> <li>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:               <ul style="list-style-type: none"> <li>The formulation of specific expectations for supervisory staff in applying these principles and rules;</li> <li>Regular updates for staff, specifically those persons whose actions and decisions have a direct impact on citizens;</li> <li>Systematic and appropriate training for all new employees, from the moment they are hired.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>APPRECIATE the real positive impacts obtained in the first year of implementation. However, much remains to be done, and this will continue to be a core concern for the Québec Ombudsman in 2009-2010. It will continue to review the results in subsequent annual reports.</li> </ul>

### AN IMPARTIAL AND CREDIBLE COMPLAINT MANAGEMENT SYSTEM Ministère de l'Éducation, du Loisir et du Sport

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>SATISFIED with the progress made as a result of the recommendation, and in particular with the adoption of Bill 88 on October 29, 2008, providing for the creation of a Student Ombudsman.</li> <li>WILL MONITOR the forthcoming regulation and the impacts of not having a truly independent recourse.</li> </ul>

### A COMMUNICATION STRATEGY FOR THE PREVENTION OF NATURAL HAZARDS Ministère de la Sécurité publique

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>SATISFIED with the introduction of a communication strategy in March 2009, which was agreed upon by the five departments concerned.</li> </ul>

<b>SOCIAL REINTEGRATION PLAN</b> <b>Ministère de la Sécurité publique - Correctional Services</b>	
<b>THE QUÉBEC OMBUDSMAN RECOMMENDS</b>	<b>QUÉBEC OMBUDSMAN'S ASSESSMENT</b>
<ul style="list-style-type: none"> <li>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.</li> </ul> <p>Note: The Government entrusted the Ministère de la Sécurité publique with this task</p>	<ul style="list-style-type: none"> <li>WORRIED about the negative impacts of the accumulated delays. No action plan has yet been approved. No action plan has yet been approved.</li> </ul>
<b>LOCAL FUNDING ACTIVITIES TO SUPPORT SOCIAL REINTEGRATION</b> <b>Ministère de la Sécurité publique - Correctional Services</b>	
<b>THE QUÉBEC OMBUDSMAN RECOMMENDS</b>	<b>QUÉBEC OMBUDSMAN'S ASSESSMENT</b>
<ul style="list-style-type: none"> <li>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.</li> <li>That it provide the Québec Ombudsman with a firm schedule for the development of these rules and their provisions.</li> </ul>	<ul style="list-style-type: none"> <li>DISSATISFIED with the failure to resolve this issue, which could be addressed immediately with support from the business community, and which would have benefits for all the parties.</li> </ul>
<b>UTILIZATION REGISTRY FOR ISOLATION OR SECLUSION CELLS</b> <b>Ministère de la Sécurité publique - Correctional Services</b>	
<b>THE QUÉBEC OMBUDSMAN RECOMMENDS</b>	<b>QUÉBEC OMBUDSMAN'S ASSESSMENT</b>
<ul style="list-style-type: none"> <li>That the Ministère de la Sécurité publique introduce a mandatory registry for the use of isolation or seclusion cells at all detention facilities.</li> </ul>	<ul style="list-style-type: none"> <li>DISSATISFIED with the follow-up to this recommendation.</li> </ul>
<b>REQUESTS FOR HEALTH SERVICES</b> <b>Ministère de la Sécurité publique - Correctional Services</b>	
<b>THE QUÉBEC OMBUDSMAN RECOMMENDS</b>	<b>QUÉBEC OMBUDSMAN'S ASSESSMENT</b>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>WORRIED about the slow progress with this matter.</li> </ul>
<b>ACTION PLANS FOR CURATORSHIP WITH REGARD TO INCARCERATED PERSONS</b> <b>The Public Curator</b>	
<b>THE QUÉBEC OMBUDSMAN RECOMMENDS</b>	<b>QUÉBEC OMBUDSMAN'S ASSESSMENT</b>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>WORRIED about the results of the steps taken to follow up on this recommendation. There is no guarantee that satisfactory results will be achieved in the short term.</li> </ul>

<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• DISSATISFIED with the follow-up to this recommendation. A profile of the situation should be submitted to the Québec Ombudsman by June 2009.</li> </ul>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• DELAY with this matter. The content of the action plan, now expected to be published in the spring of 2009, will be examined carefully.</li> </ul>
<ul style="list-style-type: none"> <li>• That the Curateur 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 Curateur 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.</li> </ul>	<ul style="list-style-type: none"> <li>• SATISFIED with the follow-up to this recommendation, despite the delays; the work was finally completed in the spring of 2009.</li> </ul>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• DELAY with this matter. Implementation is now planned for the summer of 2009.</li> </ul>

**LEGISLATIVE AMENDMENTS TO REDUCE WAIT TIMES**  
**Régie du logement**

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• CONFIDENT, given that the Ministère des Affaires municipales plans to begin work in 2009, amending the legislation and regulations to reduce hearing delays, but notes that no real results have yet been achieved as a result of the recommendation.</li> </ul>

**SIMPLIFICATION OF THE PROCESS OF REVISING CHILD SUPPORT PAYMENTS**  
**Ministère de la Justice**

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>• In its 2006-2007 annual report, the Québec Ombudsman had recommended that the Civil Code and the Code of Civil Procedure be modified to relax the process for reviewing child support.</li> </ul>	<ul style="list-style-type: none"> <li>• WORRIED by the fact that, after two years, no progress has been made and the Department has done nothing to move forward with an issue that had already stagnated for too long.</li> </ul>

**EXTEND CERTIFICATION TO RESIDENCES FOR DRUG ABUSERS AND PERSONS WHO ARE MENTALLY ILL OR HAVE AN INTELLECTUAL DISABILITY**  
**Ministère de la Santé et des Services sociaux**

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>DISSATISFIED that no date has been set for implementation of the follow-up to this recommendation. There is an urgent need for legislation in this area.</li> </ul>

**FACILITIES INSPECTION AND QUALITY INDICATORS**  
**Ministère de la Santé et des Services sociaux**

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>That MSSS continue and intensify its efforts to inspect institutions.</li> </ul>	<ul style="list-style-type: none"> <li>WORRIED by slow progress with the number of inspection visits.</li> </ul>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>WORRIED by the impacts for vulnerable of extending the certification time.</li> </ul>
<ul style="list-style-type: none"> <li>That MSSS, in view of its role and obligations regarding quality of care and services, encourage each institution to implement quality indicators.</li> </ul>	<ul style="list-style-type: none"> <li>SATISFIED with the follow-up to this recommendation.</li> <li>AWAITING the results to be published by December 31, 2009.</li> </ul>
<ul style="list-style-type: none"> <li>That MSSS prepare an annual progress report on quality indicators developed and used by institutions.</li> </ul>	<ul style="list-style-type: none"> <li>AWAITING the annual monitoring and reporting mechanism to be given priority with agencies by December 31, 2009.</li> </ul>

**ADEQUATE INFORMATION, RESOURCES, AND FACILITIES FOR THE COMPLAINT MANAGEMENT SYSTEM**  
**Ministère de la Santé et des Services sociaux**

THE QUÉBEC OMBUDSMAN RECOMMENDS	QUÉBEC OMBUDSMAN'S ASSESSMENT
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>AWAITING follow-up by the institutions in the coming year.</li> </ul>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>SATISFIED with the follow-up to this recommendation.</li> </ul>

**ENCOURAGE QUALITY OF LIFE****Residential and long-term care centers****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.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- SATISFIED with the follow-up to this recommendation. It will monitor implementation of the departmental orientations during the year.

**ENVIRONMENTS THAT ALLOW PRIVACY AND RESPECT****Residential and long-term care centers****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 bodies are treated with respect at all times, up until they are taken away by the undertaker.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- AWAITING follow-up by the institutions in the coming year.

**CODE OF CONDUCT AND AGGRESSIVE OR VIOLENT INDIVIDUALS****Residential and long-term care centers****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.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- AWAITING the follow-up to this recommendation.
- SATISFIED with the follow-up to this recommendation.
- WORRIED about the follow-up to this recommendation, since many of the intervention plans prepared for residents are not up-to-date and do not encourage family involvement.

**FULLY INFORM USERS AND LEGAL AGENTS OR REPRESENTATIVES****Residential and long-term care centers****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.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- SATISFIED with the follow-up to this recommendation.

## FILING REPORTS IN CONFIDENTIALITY AND WITHOUT FEAR OF REPRISAL

### Residential and long-term care centers

#### 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.

#### QUÉBEC OMBUDSMAN'S ASSESSMENT

- AWAITING follow-up by the institutions in the coming year.

## REPORT ON REMOVALS FROM THE FAMILY ENVIRONMENT

### Child and youth protection centers

#### 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.

#### QUÉBEC OMBUDSMAN'S ASSESSMENT

- SATISFIED with the outcome of the review carried out as follow-up to this recommendation.

## FOLLOWUP ON WAITING LISTS

### Local community service centers

#### 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.

#### QUÉBEC OMBUDSMAN'S ASSESSMENT

- WORRIED that the Ministère de la Santé et des Services sociaux has not undertaken to ask the health and social service network for a commitment regarding information on waiting times.

## HEMOCARE SERVICES

### Local community service centers

#### 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.

#### QUÉBEC OMBUDSMAN'S ASSESSMENT

- SATISFIED with the follow-up to these recommendations.

**AVAILABILITY OF SPEECH THERAPY  
Rehabilitation centers**

**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.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- AWAITING implementation (in the coming year) of the service access plan for speech-impaired people which was circulated in June 2008.

**EVALUATION OF QUALITY OF SERVICES AND QUALITY OF LIFE  
2005-2010 Mental Health Action Plan**

**THE QUÉBEC OMBUDSMAN RECOMMENDS**

- That the follow-up of the action plan under the responsibility of the Ministère de la Santé et des Services sociaux 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.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- DISSATISFIED with the lack of effort on the part of the Ministère de la Santé et des Services sociaux in response to this recommendation.

**DO MORE TO FIGHT THE STIGMATIZATION OF THOSE WITH MENTAL HEALTH PROBLEMS  
2005-2010 Mental Health Action Plan**

**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.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- AWAITING follow-up to this recommendation. Reminds the Ministère de la Santé et des Services sociaux of the importance of continuing its effort in response to this recommendation.

**GIVING PRECEDENCE TO RESPECT FOR HUMAN RIGHTS ABOVE ALL ELSE  
2005-2010 Mental Health Action Plan**

**THE QUÉBEC OMBUDSMAN RECOMMENDS**

- That the Ministère de la Santé et des Services sociaux 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*.
- That this statement be clear and unambiguous, like that prohibiting sectorization practices that violate mental health users' rights to choose their provider of services.

**QUÉBEC OMBUDSMAN'S ASSESSMENT**

- AWAITING the action promised by the Ministère de la Santé et des Services sociaux to promote respect for rights.