

Message from the ombudsperson



This year, more than 21,000 citizens from every region of Québec contacted the Québec Ombudsman.

Their reasons for doing so included obtaining access to services or proper information, complaining about undue delays, requesting faster file processing, and reporting unfair situations, negligence or abuse of third parties by a Government department or agency or a health and social service institution under the Québec Ombudsman's jurisdiction.

The Québec Ombudsman intervened on their behalf with 60 Government departments and agencies, and with 180 health and social service institutions.

In many cases, the Québec Ombudsman explained the basis for certain decisions made by the Government, which had been contested because the people concerned had not understood them. This lack of understanding was due to the fact that the decisions in question were not clearly communicated or adequately explained to people who were unfamiliar with the concepts and workings of the public service. The Government, at every level, often fails to fulfill its responsibility of expressing and explaining its decisions clearly, and an additional effort is required to provide better service in this respect.

As I review our conclusions concerning the complaints, reports and requests for service received from citizens, I am happy to report many satisfactory and encouraging outcomes. Unfortunately, however, there are also a number of very worrying situations. This report presents both the positive and the negative aspects for the principal public agencies and for the health and social service institutions in respect of which we received the largest number of *substantiated* complaints and reports.

The positive aspects include the number and quality of the outcomes in which mistakes were corrected, wrong decisions were changed, and citizens finally received the monies or services to which they were entitled. With regard to the negative aspects, I am particularly concerned about the situations in which an apology – even if late and not always completely sincere – may have helped to dissipate a person's dissatisfaction, because the prejudice suffered could no longer be remedied.

Once again this year, the Québec Ombudsman was able to obtain the cooperation of many public services, which accepted its recommendations, resolving 99% of the individual and collective issues addressed.

In particular, I would like to mention the encouraging results obtained by some of the authorities that I denounced in my last two annual reports for their failure to uphold citizens' rights and comply with the law. The Société de l'assurance automobile du Québec and Revenu Québec have both made significant efforts in this respect.

For example, they followed up on the Québec Ombudsman's recommendations in individual files and for issues with a significant collective impact, resolving several fundamental problems identified in investigations and other interventions on our part. I believe the direct and sustained commitment of their managers was a significant contributing factor in achieving this positive outcome.

When I first took office, I began the practice of making recommendations to the managers of public agencies, as the law permits me to do, in order to remedy situations that cause prejudice to citizens. In many cases, a substantial effort is required to implement these recommendations. This report follows up on my past recommendations. Clearly, given their scope, it is not always possible to implement the recommendations fully in the space of a single year. Generally, however, the managers concerned have taken some major steps forward in the implementation process. The information provided in some of their progress reports allows me to believe that the situations in question will be resolved within a reasonable time.

While encouraged by these results, I nevertheless assure the general public and their elected representatives that the Québec Ombudsman will continue to be vigilant, and will take nothing for granted.

The outcomes of the complaints and reports processed in the last year show that more than one citizen in every four who contacted the Québec Ombudsman was a victim of prejudice on the part of a public service.

Our examination of the applications received and the causes of dissatisfaction and unsatisfactory treatment revealed a number of basic trends. It is important to understand the roots of these trends, so as to improve stewardship and encourage public services to adjust their practices. At a time when the Government and its members are continuing and intensifying their reflections on the payment of fees for public services, I would like these trends to be examined in detail, so that their impact on performance can be properly understood.

A broader notion of performance in the public service

The term “performance”, when applied to the public service, raises a number of questions. For example, what connotation does this term have, from the standpoint of an ombudsman? As far as I am concerned, I believe it has the usual connotation, that of the *relationship between the result obtained and the means used to produce that result*, but combined with a broader connotation, that of *compliance with the spirit underlying the law and regulations and, in every circumstance, the need to serve all citizens in a way that is respectful of their rights*.

So, while our examination of the public services and their *performance* must cover the basic rules and best practices in the field of management, it must also take into account another, more specific element, namely the fact that the public interest – which includes the notions of fairness and ethics – forms the very basis of these services’ existence. To uphold the public interest, it is not enough simply to apply the same parameters as the private sector; a combination of economic parameters (best performance at best possible cost, for maximum profit) and social parameters (satisfaction at the best possible cost for the provision of services to all citizens, even if satisfaction is not necessarily associated with optimal performance) also needs to be considered, and it is here that the evaluation process must take into account the *broader notion of performance* applicable to every public service, regardless of who provides it.

This Annual Report, like its two predecessors, details a number of government malfunctions that go beyond the individual component entities. These malfunctions are due among other things to the complexity of government systems and a fragmented vision of certain problems that ought not to be addressed separately. I believe three of these problems are key, namely the failure to adapt certain programs and services to non-standard needs, the lack of flexibility available to managers who must make decisions on non-standard files, and the lack of proper transitional measures during administrative reforms and transfers of services to new service providers.

The complaints received and the results of our investigations clearly show the impacts of these malfunctions for citizens. For example, some individuals, upon being discharged from hospital, were unable to begin rehabilitation treatment because the hospital and the rehabilitation centre did not coordinate their waiting lists. In other cases, citizens who were discharged from hospital and were assigned a certain number of hours of home support service actually received significantly fewer hours of service. In addition, places in social re-integration programs remained vacant because the local manager did not have the authority to accept non-standard applicants who would have benefited from the service. And lastly, some significant – and increasing – delays were observed in the certification of private residences, in a context where residential resources for seniors are in short supply.

The Québec Ombudsman, in protecting citizens' rights and ensuring fair treatment, is aware of the impacts of adapting public services in order to determine the adjustments and corrections required.

Although there have been some satisfactory results this year, I nevertheless note that much still remains to be done to achieve the best possible balance between the needs of citizens and the performance requirements of the Public Service.

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

Raymonde Saint-Germain
Québec Ombudsperson