

Message from the Ombudsperson



The Québec Ombudsman's primary task is to act confidentially on behalf of every citizen that asks for its services. This daily action is visible only to the individual citizens and Government officers who are directly concerned.

Thus, with the collaboration of Québec's public services, every day solutions are found to situations that would otherwise have been prejudicial to a person or group of people, and remedies are applied to prejudicial effects that can still be mitigated.

This year, I would like to underscore the excellent collaboration received by the Québec Ombudsman from the vast majority of the public services under its jurisdiction. This is evidenced by an improvement to the already exceptional level of follow-up to the recommendations made for corrective measures in individual cases

last year. In the public service, the follow-up rate increased from 99.4% in 2008-2009 to 99.6% in 2009-2010, while in the health and social services network it increased by 2.8%, to a new high of 99.2%. And it is my pleasure to assure both the general public and Members of the National Assembly that these improvements were obtained without any compromise whatsoever to the quality of the solutions we requested in the interests of citizens.

I salute the professionalism and tenacity of the members of my team who were instrumental in obtaining these results, and am pleased to note that the quality of their follow-up was a key factor in ensuring that our recommendations were in fact applied.

Remedy for one citizen – remedy for all citizens is our mantra each time we feel a real or anticipated prejudice could be remedied or permanently prevented, in the interests of both citizens and the public authorities. This is part of the way in which the Québec Ombudsman plays its preventive role. Each time it obtains a training course for employees, a fairer interpretation of a directive, or a cleaner and safer environment in a seniors' residence, it helps prevent harm and injustice, and avoids the need for citizens to complain in order to obtain the service quality to which they are entitled.

This year, government departments and agencies accepted 196 of our 197 recommendations of collective scope (i.e. 99.5%), while the health and social services network accepted 98% (237 out of 242). In this latter sector, like last year, all the measures recommended following investigations triggered by reports were in fact implemented.

Unfortunately, however, I note that the Ministère de la Santé et des Services sociaux seems to be having some difficulty in following up on many of the official recommendations made by the Québec Ombudsman in previous annual reports. And yet, budgetary considerations are not the key issue here. Some effort is clearly needed to ensure that the Ministère becomes more energetic in playing its role of providing guidance and support for the implementation of its programs and policies, in order to correct a number of recurrent problems. The fact that this task is complex does not mean it is any less vital in ensuring the consistency and monitoring the quality of the services dispensed by its network.

This year, the Québec Ombudsman published three special reports of its own initiative, as it is authorized to do by law. These reports, tabled in the National Assembly, included a survey entitled *Government Services for Children with Pervasive Developmental Disorders*, and two special investigation reports on *The Handling of the Listeriosis Crisis Surrounding Québec Cheeses* and *The Québec Investigative Procedure for Incidents Involving Police Officers*.

The Ministère de l'Agriculture, des Pêcheries et de l'Alimentation adopted an open attitude to the special report on the listeriosis crisis, and implemented all the Québec Ombudsman's recommendations during the course of the year, publishing periodic progress reports in addition. I salute its constructive attitude and its diligence in this matter.

The three government departments primarily involved in providing services for children with pervasive developmental disorders (Education, Recreation and Sport, Family and Seniors, and Health and Social services), in conjunction with the Office des personnes handicapées du Québec, have agreed to all our recommendations, which were made with the goal of improving service performance, reducing access barriers, fostering continuity and individual follow-up, and supporting parents by facilitating transitions between the health and social services networks, daycare providers and schools. A timeline for implementing our recommendations has been established with the authorities concerned, and we are currently providing follow-up. An account of the progress made will be presented every year in our annual report.

Similar accounts will be presented on the follow-up to our report on investigative procedures for incidents involving police officers, tabled last February.

This year's annual report provides several examples of cases that were settled to our satisfaction, in the interests of citizens. However, it also presents a number of situations in which we intervened during the year, which clearly illustrate the need to improve the performance of public services in different ways. I define "performance" to mean respect for rights, access to services, fair and equitable treatment, diligence and service quality. This extended notion of performance in the public services, which goes beyond simple compliance with administrative standards and rules, also ensures that situations not anticipated by law can be processed sensibly, with due respect for the legislator's authority.

One element is a constant presence in the causes of dissatisfaction expressed by the people who contacted the Québec Ombudsman. Once again this year, the grounds for complaint were divided into six categories:

- waiting times;
- care and service access problems;
- lack of coordination between programs;
- financial aspects;
- failure to respect citizens' rights;
- environment and living conditions.

Problems such as these are encountered just as much by well-off, better-informed members of society as by weaker, more vulnerable citizens. Once again, therefore, I must draw the attention of managers to a certain number of phenomena that are not going to disappear, even in the medium term, and that will require a certain level of vigilance and sensitivity on their part.

One such phenomenon that I would like to emphasize in particular is the growing vulnerability of certain citizens, especially those with diminishing cognitive independence, those suffering from mental health disorders, and those dealing with a variety of problems without any help from their families or friends. The Government must not sidestep its responsibility towards these people.

Changes to service delivery methods, including the use of community organizations and private enterprise, or any form of referral away from the public service to a non-public provider, also need to be managed rigorously. In many situations – I am thinking in particular of the certification and inspection of private residences for vulnerable people – service quality should be the Government's primary concern.

All these trends require adjustments on the part of the public services because, if they are not anticipated correctly, they can engender public dissatisfaction as well as additional costs and repercussions for the personnel concerned.

Many of these situations will be resolved by changes to systems and reorganization of tasks to adjust to the different and ever-changing needs of citizens. Case-by-case solutions when the situation is clearly neither unique nor marginal are simply not acceptable. I therefore invite managers to focus more on identifying and preventing the collective impacts of specific situations that are prejudicial to citizens.

Lastly, I would like to mention the slowness of the Government apparatus, which is evident in many situations, and for which individual citizens and enterprises alike must pay a price. What I am referring to here is the slow decision-making process, and slow application of decisions once they are made. In terms of performance, diligence in the provision of services is an indicator that the public authorities should value more highly.

This report highlights the ability of the public services to correct dysfunctions that are brought to their attention by the Québec Ombudsman. However, it also addresses other situations where the authorities were in denial, preferring administrative convenience to solutions that would benefit citizens.

In all these cases, the Québec Ombudsman will persist until a fair and equitable solution has been obtained. I am confident that this same persistence will also extend to the work of the members of the National Assembly and members of the Government.

I hope this report will be a useful working tool for them in their role as legislators and underwriters of democracy, of which respect for individual citizens and their rights is a fundamental aspect.



Raymonde Saint-Germain

Québec Ombudsperson

Validation report from the internal auditor

Raymonde Saint-Germain
Québec Ombudsperson

In accordance with the mandate entrusted to me, I have conducted an examination of the results, explanations and information presented in the Québec Ombudsman's Activity Report for the fiscal year ending on March 31, 2010. The Québec Ombudsman's management is responsible for making sure the information disclosed is accurate and complete.

I am responsible for evaluating the plausibility and consistency of the information, based on the work I have done.

My examination, which did not constitute an audit, was performed in accordance with the international standards of the Institute of Internal Auditors. It consisted in obtaining information and supporting documentation, using analytical procedures, documenting the operation of compilation mechanisms, revising calculations and discussing the information provided. My efforts were focused on the "Results in Figures" section. For the other sections of the report, my work was limited to the figures provided.

Based on my examination, I conclude that the information contained in the Québec Ombudsman's Activity Report appears to be plausible and consistent in every important respect.

Internal Auditor



Jean Gamache, CA
Québec City, July 2010

THE QUÉBEC OMBUDSMAN

Values and mandate

VALUES

The Québec Ombudsman has served the general public since 1969, defending the fundamental values of justice, fairness, 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 complaints and service quality 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, usually 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, regulatory or administrative reform, thereby acting on behalf of the public good. It examines draft bills and draft regulations and, if it sees fit, it may make suggestions or propose amendments to improve their content.

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 involving people who are particularly fragile or vulnerable as a result of their physical, mental 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 or correct 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.



The Québec Ombudsman's logo symbolises 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.

