

Message from the Québec Ombudsperson



Again this year, the Québec Ombudsman resolutely continued to see to it that the rights of all citizens were respected and that the service quality they legitimately expect from government departments and public agencies and the health and social services network was delivered.

This annual report details interventions on all fronts and, more importantly, the corrections made. The Québec Ombudsman's action continued to reflect its motto: *Remedy for one citizen—remedy for all citizens*. Whenever required, the Québec Ombudsman ensured that any harm brought to its attention would be permanently rectified and that, in the public interest, measures would be taken to prevent the recurrence of similar situations.

The management of Québec's public services entails numerous challenges: the importance of gearing joint action towards results, increased accountability requirements, issues related to workforce mobility, the pressure exerted on public finances, and the conspicuous trend towards rationalization efforts in various sectors. This search for efficiency is, of course, healthy in itself. Taxpayers want to know that the income and sales taxes they pay are put to the best possible use and that taxes are and will be optimally used for the common good: to get the best services possible at the best price.

AVOIDING ADMINISTRATIVE INFLEXIBILITY

The Québec Ombudsman has, however, observed that these conditions produce adverse effects. In an environment where resources are tightly managed, we must know when and how to keep administrative rigour from becoming overly rigid, an observable trend in various sectors this year. Such was the case, in particular, for certain government departments and public agencies whose decisions have a financial impact, such as Revenu Québec, the Ministère de l'Emploi et de la Solidarité sociale, and the Commission administrative des régimes de retraite et d'assurances. In exceptional situations that called for flexibility and openness, we saw regulations enforced literally—almost robotically. In certain cases, when there were two legitimate interpretations of a directive, the one less beneficial to the individual was selected out of administrative convenience. When this occurs, the essential purpose of public service fades.

This trend obliges the Québec Ombudsman to insistently emphasize the fundamental notion of fairness that is central to its actions. Intervening with fairness means seeking to understand and abide by legislators' intent in every circumstance, adapting to non-standard situations, considering the damages suffered by individuals, and anticipating the impact on such individuals of any decisions rendered. It does not mean always making decisions that are favourable to individuals, but rather, handling exceptional situations with an abiding concern for the quality of service provided and respect for individual rights. Acting in this way demonstrates a true sense of public service.

REDUCING DETRIMENTAL VAGUENESS

Although administrative inflexibility can often be seen through inappropriate application of prescribed rules, the absence of an official decision-making framework is just as likely to cause serious harm. This situation was observed—more acutely this year—within the health and social services network. Before the parliamentary Committee on Health and Social Services this past March, I had the opportunity to highlight my concerns related to what I call the “gradual erosion of the basket of services.” Given its importance, I would like to return to that topic here.

At the beginning, services within the universal health and social services plan were meant to be the most complete—even the most generous. In the current situation, the basic core—medically required services—remains solid. What surrounds it, though—notably the entire social services component—is incredibly vague, and that is problematic for citizens. In the absence of clear decisions on service provision standards (particularly the nature and level of services covered), public agencies and health and social service institutions must manage the imbalance between the theoretical basket of services and the resources that are available to the public. Given the difficulty in dealing with rising costs, peripheral services are reduced or de facto “deinsurance” occurs.

This situation is conducive to the development of multiple initiatives (some of which may leave something to be desired) to fill the voids, without any official announcement. The result is situations where there is a lack of transparency, where administrative costs are indirectly charged through incidental fees, and where confusion reigns about what is covered and what is not. New medical services formulas are developing, such as health cooperatives, without oversight. In the Québec Ombudsman’s opinion, the Ministère de la Santé et des Services sociaux is responsible for providing clear guidelines and control mechanisms in this area.

STRENGTHENING TRANSPARENCY WITH REGARD TO COVERED SERVICES AND MEANS OF ACCESS

Transparency and respect for citizens requires informing them of the choices that have been made as to how services will be provided and covered. Having this information is not only desirable—it is a right. To this effect, section 4 of the *Act respecting health services and social services* states that “every person is entitled to be informed of the existence of the health and social services and resources available in his community and of the conditions governing access to such services and resources.” The stipulation is clear. It is important we be determined enough to ensure it is implemented.

In this area, we should not take a dogmatic approach that rejects any private contribution or other forms of providing health and social services. However, we must be conscious of the fact that those with private insurance or high incomes will be able to access services without being overly concerned about costs. Many others will hesitate or opt not to obtain services, to the detriment of their health. The deleterious impact of point-of-service fees has been solidly demonstrated in Québec and elsewhere.

These considerations bring the question of fairness to the forefront. Fair access to health and social services must be guaranteed first and foremost. Inequities—real or perceived—are the basis of a large number of complaints submitted to the Québec Ombudsman, as this report shows.

EXPANDING THE NOTION OF PUBLIC SERVICE PERFORMANCE

Findings that arise from an examination of the Québec Ombudsman's interventions this year, both in the public service and the health and social services network, reinforce the need for an expanded notion of public service performance. Going beyond administrative—or even strictly budgetary—efficiency, we must also conceive of this performance as being connected to respect for rights, access to services, fair and equitable treatment, and diligence and service quality. Therein lies a real governance issue. When appropriately taken into consideration, these dimensions guarantee citizens will receive the real treatment they are entitled to expect from public services.

For its part, the Québec Ombudsman will continue to work tirelessly when it observes any failure to abide by these necessary requirements. On this topic, I would like to shine the spotlight on the ongoing work of my team of colleagues who, through their professionalism, their perseverance, and the calibre of their commitment, have allowed us to achieve the results detailed in this report, among others.

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

Raymonde Saint-Germain

Québec Ombudsperson