

SUMMARY OF RECOMMENDATIONS

Summary of Recommendations in the 2010-2011 Annual Report

PUBLIC SERVICE

COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D'ASSURANCES

WHEREAS the number of complaints received by the Québec Ombudsman concerning wait times at the Commission administrative des régimes de retraite et d'assurances has increased considerably in the past year;

WHEREAS these wait times may cause significant hardship;

The Québec Ombudsman recommends that the Commission administrative des régimes de retraite et d'assurances:

- take measures to reduce the surplus of files to be processed by the end of fall 2011, by increasing processing capacity, improving proficiency with the new computer system, speeding up pending application processing, and any other pertinent measures;
- continue its efforts to regularly inform contributors and beneficiaries about wait times for various services;
- inform the Québec Ombudsman quarterly of the ongoing results of its action plan beginning on September 30, 2011.

MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE

WHEREAS the objective of the discretionary power should be to correct a situation when the penalty is too severe so as to not exacerbate poverty;

WHEREAS the discretionary power is often exercised on behalf of those with low income or who receive social assistance;

WHEREAS application of the discretionary power also concerns vulnerable persons who have mental health problems, are psychologically fragile, or suffer from cognitive loss due to age or disease;

WHEREAS a penalty should be of reasonable length so as to foster the person's social reintegration;

The Québec Ombudsman recommends that:

- the Ministère de l'Emploi et de la Solidarité sociale establish criteria allowing it to expand the scope of application of the minister's discretionary power;
- the application of the minister's discretionary power allow debtors to stabilize their situation over a reasonable period of time.

MINISTÈRE DE LA FAMILLE ET DES AÎNÉS

WHEREAS there are delays in developing childcare spaces, which affects parents;

WHEREAS delays in getting plans approved affect how long it takes applicants to obtain permits;

The Québec Ombudsman recommends that the Ministère de la Famille et des Aînés:

- make public and update—on its website in particular—project dates and date changes;
- establish means of abiding by the legislatively stipulated deadlines for approving plans;
- inform citizens about anticipated wait times for the approval of plans.

REVENU QUÉBEC - TAXATION

WHEREAS Revenu Québec's position has a detrimental effect on certain persons in the event of succession;

WHEREAS it is unfair to double tax individuals' income;

WHEREAS Revenu Québec can agree to act on a change request entailing a decrease of the balance due when this decrease is related to a tax year ending during one of the ten calendar years preceding the request (*Dossier Équité*);

The Québec Ombudsman recommends that:

- Revenu Québec identify the files for which its restrictive interpretation of the *Taxation Act* led to double taxation of a deceased person's income due to reimbursements owed by the succession;
- the process encompass the past ten years;
- Revenu Québec process these files based on its new interpretation;
- the process allow the necessary corrective measures to be taken when taxpayers have paid more than what was due during the past ten years, as the *Dossier Équité* allows.

TRIBUNAL ADMINISTRATIF DU QUÉBEC

WHEREAS section 1 of the *Act respecting administrative justice* defines the specificity of this area of justice and aims to ensure the quality, promptness, and accessibility of public services, as well as to guarantee respect for citizens' fundamental rights;

WHEREAS the Tribunal must take steps to ensure prompt decision-making;

WHEREAS the Tribunal pursues the goal of reducing the automobile insurance case inventory;

WHEREAS the automobile insurance case inventory has increased significantly since 2006;

WHEREAS average automobile insurance case processing time has increased to nearly two years;

WHEREAS the average automobile insurance case processing time is unreasonable and can be injurious to individuals;

WHEREAS the results observed as at March 31, 2010, clearly demonstrate that the measures implemented by the Tribunal over the past two years did not achieve the objective and that the situation continues to deteriorate;

The Québec Ombudsman recommends that with respect to the administrative responsibilities of the Tribunal administratif du Québec, it:

- take appropriate action to handle case volume and reduce the automobile insurance case inventory;

- implement mitigation measures, such as a temporary mechanism to systematically prioritize cases based on their seriousness and urgency, that would minimize processing times for the most critical road accident victim cases. This temporary mechanism, administered by the Tribunal, would make it possible to proactively examine all cases at the time of registration, unlike counter-motions, which are exceptional measures;
- set short- and medium-term targets, particularly for the purposes of reducing inventory and average processing delays.

The Québec Ombudsman would like to be notified of the follow-up to its recommendations by September 30, 2011.

HEALTH AND SOCIAL SERVICES: DEPARTMENT AND NETWORK INSTITUTIONS

PHYSICAL DISABILITIES, INTELLECTUAL DISABILITIES AND PERVASIVE DEVELOPMENT DISORDERS

WHEREAS ensuring adequate delivery of services implies conducting activities that enable the Department to identify and rectify problems;

WHEREAS the quality assessment program advocates notifying intermediate and family-type resources that they will be visited and allowing them to refuse such visits, and that this inhibits assessment teams' ability to evaluate the true quality of services;

WHEREAS assessment visits are conducted within a very short time (total 24-48 hours for all visits), and that this inhibits the teams' ability to make a thorough assessment;

WHEREAS the teams that visit resources do not have all of the tools needed to obtain information that would be helpful to their assessment, in particular, information protected under the *Act respecting Access to documents held by public bodies and the Protection of personal information*;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux:

- amend its quality assessment program such that visits to intermediate and family-type resources make it possible to ensure that every resident in a substitute living environment that is associated with or part of the public system receives suitable services and enjoys a quality physical environment;
- submit an action plan to that end to the Québec Ombudsman no later than December 31, 2011.