

SUMMARY OF RECOMMENDATIONS

Summary of Recommendations in the 2011-2012 Annual Report

PUBLIC SERVICE

MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE

WHEREAS a special benefit is an amount granted to reimburse or help cover certain expenses incurred for a special need;

WHEREAS the fact that special benefits have not been indexed for over a decade is tantamount to not ensuring effective reimbursement at the current price level;

WHEREAS the fees for several public goods and services supplied by the government are reviewed on a regular basis and indexed annually according to government costs or the current price level;

The Québec Ombudsman recommends that the Ministère de l'Emploi et de la Solidarité sociale:

- ensure that the rates fixed in Schedule III of the *Individual and Family Assistance Regulation* are adjusted to reflect the actual cost paid by disabled recipients for medically necessary items;
- ensure that all special benefits provided for in the regulation are updated and subject to annual indexation;
- allow for greater flexibility in enforcing the regulation when it comes to medical items that are reimbursed.

WHEREAS citizens are entitled to know how much of the cost of each item is reimbursed by the Department;

The Québec Ombudsman recommends that the Ministère de l'Emploi et de la Solidarité sociale:

- specify, in notices of decision, the type of special benefit in question, the date on which the service was provided and the amount granted.

WHEREAS the Department does not fully inform citizens who might be eligible for the Return to Work Supplement, or does not provide the information on time;

WHEREAS the Department's computer system does not automatically generate a notice informing a person of the existence and terms and conditions of the Return to Work Supplement as soon as the person has re-entered the workforce if the system does not contain information on the person's work income;

WHEREAS this situation has a collective impact;

The Québec Ombudsman recommends that the Ministère de l'Emploi et de la Solidarité sociale:

- take the necessary steps to ensure that a missive regarding the existence and terms and conditions of the Return to Work Supplement is automatically generated as soon as a person informs the Department that he or she has re-entered the workforce;
- ensure that citizens are informed about the Return to Work Supplement in time to preserve and exercise their rights.

MINISTÈRE DE LA SÉCURITÉ PUBLIQUE – DIRECTION GÉNÉRALE DES SERVICES CORRECTIONNELS

WHEREAS the provincial instruction on the healthcare provided to detainees is not applied uniformly;

WHEREAS it is important that detainees have access to required medication;

The Québec Ombudsman recommends that the Ministère de la Sécurité publique:

- implement transitional measures regarding transfer criteria as soon as possible;
- begin work to implement the recommendations stemming from the task force report without delay and complete the work by December 31, 2012;
- submit a progress report to the Québec Ombudsman no later than September 15, 2012.

OFFICE DE LA PROTECTION DU CONSOMMATEUR

WHEREAS anyone who calls the Office de la protection du consommateur is entitled to a reply within an acceptable amount of time;

WHEREAS the Office's hold times have a considerable impact on hang-up rates;

WHEREAS the situation has persisted for some time and there is no cause to believe that it will improve by itself;

The Québec Ombudsman recommends that the Office de la protection du consommateur:

- take measures to ensure reasonable handle times for phone calls.

REVENU QUÉBEC

WHEREAS some of the people eligible for the solidarity tax credit are particularly vulnerable;

WHEREAS administration of the solidarity tax credit may result in fees being charged to the people for whom it is intended because amounts are determined monthly;

The Québec Ombudsman recommends that Revenu Québec:

- not charge applicants interest during the period needed to process notices of change of situation;
- modify the notices of determination issued to citizens so that they understand what the amounts refer to that make up the credit they receive.

WHEREAS the purpose of the Shelter Allowance program is to "provide supplementary financial assistance for low-income households that must spend too much of their income on housing;"

WHEREAS rents usually come due the first of the month;

The Québec Ombudsman recommends that Revenu Québec:

- make arrangements with the Société d'habitation du Québec to have the agreement under which cheques are dated for the first of the month amended by adding the following: "when the first of the month falls on a statutory holiday, a Saturday or a Sunday, that the cheque be dated for the preceding business day." This must also apply to Shelter Allowance payments made by direct deposit.

WHEREAS Revenu Québec must promptly process files that contain the information that citizens are asked to provide;

WHEREAS citizens must not be penalized for Revenu Québec's processing times;

The Québec Ombudsman recommends that Revenu Québec:

- change its work instructions so that audit officers do not charge interest to citizens who have provided all the documents needed for the study of their file beforehand and when Revenu Québec is late in issuing the notice of assessment.

WHEREAS the amounts claimed by Revenu Québec can be substantial (up to \$1,915 a year);

WHEREAS the rules in force and the forms to complete to apply for cancellation of income tax claimed by Revenu Québec are very difficult to understand for citizens, who, generally speaking, are not familiar with tax notions;

WHEREAS the adjustments made by Revenu Québec concerning past years and unbeknownst to citizens have adverse tax effects;

The Québec Ombudsman recommends that:

- the Minister of Finance recommend that the government amend the Regulation respecting the Taxation Act to oblige agencies that grant provisional assistance to issue citizens and Revenu Québec a RL-5 slip itemizing the amounts repaid for each of the years concerned; this way, Revenu Québec would be able to proceed with the required adjustments to the income tax returns of the citizens in question.

SERVICES QUÉBEC – DIRECTEUR DE L'ÉTAT CIVIL

WHEREAS the Civil Code of Québec provides that parents give their child a simple surname or a surname composed of not more than two of the surnames composing the parents' surnames ;

WHEREAS pursuant to marriage in their country of origin, the women in question acquired their husband's surname in a feminized form in accordance with the law in force in these countries;

WHEREAS acquiring this surname is an effect of marriage that should be recognized in Québec;

WHEREAS the women in question exercise their civil rights using this surname;

WHEREAS the parents clearly entered in the declarations of birth their choice for their daughters of the surname their mothers took pursuant to marriage;

WHEREAS the children's surnames were entered in the register of civil status in a masculine form;

WHEREAS there is reason, in respect of the law, to take cultural specificities regarding surnames into account, as the Québec Ombudsman has indicated several times in its recent annual reports and as the courts have recognized;

WHEREAS the procedure for changing a name—and the relevant fees—is not an acceptable solution in the circumstances;

The Québec Ombudsman recommends that the Directeur de l'état civil:

- apply the Civil Code and change its procedure to allow the children in question to bear their mother's legal surname and to change its registers accordingly.

MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX AND ITS SERVICE NETWORK

INTERNATIONAL ADOPTION

WHEREAS the profile of children adopted outside Québec has changed and more "special needs" and older children as well as siblings are being proposed for adoption;

WHEREAS successful adoption of a child outside Québec requires that prospective adoptive parents be adequately prepared;

WHEREAS the "post-adoption" services offered by CSSSs are defined in *Orientations relatives aux standards d'accès, de continuité, de qualité, d'efficacité et d'efficience – Programme-service Jeunes en difficulté – Offre de service 2007-2012* and in the Perinatal Policy 2008-2018;

WHEREAS pre-adoption and post-adoption services at CSSSs are limited and the services offered by certified bodies for international adoptions vary;

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

- guarantee that the pre-adoption and post-adoption services currently offered by CSSSs will be maintained and that professionals at CSSSs outside the Montréal region will be able to offer this type of service;
- ensure that all CSSSs are systematically informed of the arrival within their territory of a child adopted outside Québec so that a health and social services professional can visit the adoptive parents' home no later than 14 days after the child's arrival.

PHYSICAL DISABILITIES, INTELLECTUAL DISABILITIES AND PERVASIVE DEVELOPMENTAL DISORDERS

WHEREAS, despite the progress made since the implementation of the service access plan for people with disabilities, the Québec Ombudsman still has to intervene with regard to problems experienced by disabled people in obtaining the services required by their condition;

WHEREAS partners have trouble working in concert to provide services to users presenting a dual diagnosis;

WHEREAS people with disabilities find themselves without any services when they transfer from one institution to another;

WHEREAS the delays in defining clinical and organizational projects often result in problems of service access and continuity for people with disabilities;

WHEREAS the local authorities are not all at the same point in defining their clinical and organizational projects for people with disabilities;

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

- take the necessary steps to prevent service interruptions within its network when a user is transferred from one institution to another;
- ensure that, for users presenting a dual diagnosis, rehabilitation centres for physical disabilities (CRDPs) and rehabilitation centres for intellectual disabilities and pervasive developmental disorders (CRDITEDs) assume their respective responsibilities according to their particular expertise;
- ensure that the CSSSs concerned immediately begin defining their clinical and organizational projects for people with disabilities.