



**Ombudsman
Saskatchewan**
Promoting Fairness



2018

Annual Report



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**Ombudsman
Saskatchewan**

Promoting Fairness

April 2019

The Honourable Mark Docherty
Speaker of the Legislative Assembly
Province of Saskatchewan
Room 129, Legislative Building
2405 Legislative Drive
Regina, Saskatchewan S4S 0B3

Dear Mr. Speaker:

In accordance with subsection 38(1) of *The Ombudsman Act, 2012*,
it is my duty and privilege to submit to you the annual report of
Ombudsman Saskatchewan for 2018.

Respectfully submitted,

Mary McFadyen Q.C.
OMBUDSMAN

Vision, Mission, Values and Goals

Vision

Our vision is that government is always accountable, acts with integrity, and treats people fairly.

Mission

Our mission is to promote and protect fairness and integrity in the design and delivery of government services.

Values

We will demonstrate in our work and workplace:

- fairness, integrity and accountability
- independence and impartiality
- confidentiality
- respect
- competence and consistency

Goals

Our goals are to:

- Provide effective, timely and appropriate service.
- Assess and respond to issues from a system-wide perspective.
- Undertake work that is important to the people of Saskatchewan.
- Demonstrate value to the people of Saskatchewan by making recommendations that are evidence-based, relevant and achievable.
- Be experts on fairness and integrity.
- Educate the public and public servants about fairness and integrity.
- Have a safe, healthy, respectful and supportive work environment.



Mary McFadyen, Q.C.
Ombudsman

Ombudsman's Message

I am pleased to present Ombudsman Saskatchewan's *2018 Annual Report*, which highlights our progress and activities during the year.

Ombudsman Saskatchewan has very wide jurisdiction to review the administrative decision-making processes of most provincial and municipal government entities, including provincial ministries, Crown corporations, most provincial and provincially-funded agencies, boards, commissions, publicly-funded health entities, municipal entities and municipal council members. We investigate or informally address the complaints we receive. When investigating, we aim to be thorough and to recommend lasting solutions to the issues we uncover.

In *The Ombudsman Act, 2012*, the Legislative Assembly of Saskatchewan has ensured the Ombudsman has all the essential characteristics of a classical ombudsman institution.

Independence – As an officer of the Legislative Assembly, the Ombudsman is appointed by the assembly and can only be removed before the end of their term for just cause. The Ombudsman also has wide discretion to appoint, oversee and direct staff and to administer, manage and control the administration and work of the Office. The Ombudsman is free to decide which matters we will investigate and which ones we will not. Ombudsman Saskatchewan is independent from the ministries, council members, deputy ministers, directors, officers, and other officials of the executive branch of government and other public institutions within our jurisdiction. We are immune from liability for carrying out our work in good faith and our decisions cannot be challenged as long as they are within our authority. This ensures the Ombudsman is free to make critical observations without the threat of being unnecessarily restricted or stifled, which in turn, helps assure the credibility and integrity of our work.

Impartiality and Fairness – Anyone may bring a complaint to Ombudsman Saskatchewan free of charge as long as they are personally aggrieved by the action or decision complained about. However, we are not advocates for anyone – not for complainants nor for public institutions. Instead, we promote fair public processes, decisions and actions. We can start investigations on our own – even if no one has complained to us. If we decide a complaint is justified or an issue is unresolved, we can make recommendations to solve the problem or to prevent it from happening again in the future. Before we do, we are required to give

anyone who may be affected by our findings or recommendations an opportunity to tell their side of the story – to challenge our work and provide us with additional information or analysis. Not only do we encourage public institutions to use fair processes, we use them ourselves.

Credible Investigation Process – Once we decide to investigate a complaint or an issue, public officials are required to cooperate with us, to give us access to records and to the institution's premises. While the Ombudsman can issue subpoenas to compel people to testify or to produce documents, this is rarely necessary. Broadly speaking, the Ombudsman's key ground for making recommendations is unfairness. The Ombudsman's Office is a place where government actions or decisions can be assessed and recommendations made because the actions or decisions did not meet broader standards of justice and best practices, even if they were strictly legal. Unlike a judge's orders, the Ombudsman's recommendations are not binding. So, rather than the Ombudsman imposing a decision, we consult and collaborate with public institutions to convince them to make lasting changes to the way they work. Institutions that are persuaded to make changes or take steps of their own accord are more likely to do so effectively.

Confidentiality – Complainants can be assured that the information they provide us will only be used by us in accordance with *The Ombudsman Act, 2012*. Freedom of information laws do not apply to the information we gather in the course of our work, and *The Ombudsman Act, 2012* says that neither the Ombudsman nor any staff member may be forced to divulge or volunteer information for use in any other proceeding. This is vital to the Ombudsman's effectiveness. People will not be willing to share information with us if there is a risk that it will be used against them in other proceedings. It also prevents complainants from using the Ombudsman complaint process to gather information for use in other proceedings such as court actions.

However, the Ombudsman has the discretion to make the results of our investigations public if she thinks it would be in the public interest or in the interest of any other person. This is a very important tool in an Ombudsman's toolbox. This past year, we made the results of several investigations available on our website. As an Ombudsman, I feel this is a very important aspect of my role – it serves as an incentive for government entities and officials to follow through with their commitments to implement our

recommendations. It also demonstrates to the public that we are here to help hold the government accountable.

In 2018, we received a total of 3,898 complaints. We made 28 formal recommendations to provincial and municipal government entities. In the following pages, you will find summaries of some of the complaints we dealt with.

On a personal note, March 31, 2019 marked the end of my first five-year term as Ombudsman. We had a lot of changes during this time. The biggest change was the 2015 expansion of our mandate to take complaints about municipalities, including allegations that council members were in a conflict of interest or otherwise violated a code of ethics. Municipalities continue to be one of our top three sources of complaints behind the Ministry of Social Services and the Ministry of Corrections and Policing. Since receiving this jurisdiction, we have placed a great deal of effort on public education. Our objective is to help municipal officials and employees understand their obligations under provincial legislation and to make decisions in the best interest of their communities. This year, we focused on how to set up fair and credible local complaint-handling processes for dealing with contraventions of codes of ethics. As an office of last resort, one of the Ombudsman's most important roles is not only to explain to public officials what to do when our Office calls, but to help them understand them what to do so we don't call.

Lastly, I am pleased to have been appointed as Ombudsman by the Legislative Assembly for a second five-year term. I want to express my thanks to the staff at Ombudsman Saskatchewan and gratitude for their dedication and willingness to go the extra mile to ensure that the people who contact our Office have an opportunity to be heard when they feel they have not been treated fairly by a government entity. Sometimes it is important just to listen.

Complaints

Welcome to the Ombudsman's Office. If you have ever called us, or know someone who has, maybe you wonder what happens behind the scenes. This is an inside look at what happens with the complaints we receive and how we deal with them – a day in the life of our team members.

Making Contact

People don't call the Ombudsman's Office when everything is going fine. They call us about problems with any of about 200 provincial government entities, over 770 municipalities, or over 4,000 municipal council members. People often call us because they don't think they have been treated fairly and they don't know what to do next or because they want an independent third party to review the matter.

On any given day, you will find several of us talking on the phone with people who have called us about their concerns. They can reach us in other ways too, like using our online form or coming into the Office, but most call us. As early as possible, we try to find out whether the concern is about an entity that is within our jurisdiction. If it isn't, we will do our best to make an appropriate referral and provide information so people know who to contact to help them with the matter.



Early Resolution

Early in the process, you will hear us asking questions like:

- Who is your complaint about? Which provincial government entity, municipality, or municipal council member?
- What is your concern about? What happened?
- What have you done so far to try to fix the problem?
- What are you hoping we can do for you?

Then we listen. The answers help us to begin to understand the person's concerns and whether there is a role for us at this time. As an office of last resort, we often refer people back to processes they haven't tried yet, like calling a manager or making an appeal. We do this for two reasons. One is that it gives the government entity a chance to fix the problem. The second reason is that this is often the fastest way to fix the problem. We invite people to call us back if that doesn't work.

If people have tried to work with the government entity and there is still a problem, we consider whether there is a role for us. If we think there is, our first step is often to try to resolve the problem informally. We may review some initial information and contact the government entity to ask questions and clarify facts – for them and for us. At this stage, the issues we resolve are often about communication and/or relationships. For example:

- Sometimes trust has broken down and the person is concerned that their issue is not being addressed.
- Sometimes the government entity is missing key information.
- Sometimes the government entity doesn't understand the impact of its decisions or that it may need to consider some unusual circumstances.
- Sometimes the government entity gives us information that helps us understand why it made the decision it did.

If this resolves the problem or helps explain what happened, our role may be at an end. It is a fulfilling moment to see an issue resolved and people often tell us it was the first time someone really listened to their concerns.



“... It was incredibly relieving to confirm this is officially resolved. Trying to accomplish that on my own has been... the most stressful experience... I really appreciate your efforts. Even if this had not ended so quickly and so well, I think what I valued most was that you made me feel heard.”

- a complainant (emphasis theirs)



Investigations

Another part of our team is busy working on investigations. This is a more formal and in-depth process we can use if it is more appropriate or if early resolution doesn't work out. Before we investigate, we do an assessment. During this process, we collect more information to help us decide whether to investigate and what questions the investigation will try to answer. Before proceeding, we write a letter to the government entity to let them know of our intent to investigate and what we will be looking at.

When we are working on investigations, you will often find us:

- **Listening:** We spend time listening to the complainant's view of the issues and we listen to other parties who may have relevant information.
- **Talking:** We explain our processes to the complainant. We explain what we will look at and what we will not look at.
- **Reading:** We often need to review legislation, regulations, policies, letters, emails and other documents related to the complaint. We can ask for and review almost any document related to the complaint.
- **Questioning:** We ask a lot of questions (of others and of ourselves). For example: What happened? How did it happen? Do we have all the facts? If there is conflicting evidence, how do we decide which evidence holds more weight? Which rules would apply to these matters? What is the intent of the rules? What decisions were made? How were they made? Were people treated with respect? We do interviews and research to help answer these questions.
- **Evaluating:** We will spend time considering what a resolution to the issue would look like. We think about the questions to ask in interviews; how to apply the legislation, regulations and policies to the facts of the case; whether to make recommendations; and what to recommend.



Our recommendations usually aim to resolve the issue for the person who brought the complaint forward or help to improve processes for the next person who may be in the same situation.

After an investigation, if we determine that an administrative decision, action, recommendation or omission was unreasonable, unjust, improperly discriminatory, unlawful, based on a mistake of law or fact, or wrong; or if we find that a council member was in a conflict of interest in carrying out his or her duties, or in breach of a code of ethics, we may make recommendations aimed at fixing the issues we uncover.

If we decide to make recommendations, our Act requires us to provide the government entity – and anyone else who might be adversely affected – with a draft of our findings and recommendations to give them an opportunity to comment on them before they are finalized.

Social Services

Complaints Received

MINISTRY OF SOCIAL SERVICES	2018	2017	2016
Child & Family Service Delivery	149	111	139
Housing Programs and Finance	81	49	59
Income Assistance Services Delivery - Community Living Service Delivery	8	11	9
Income Assistance Services Delivery - Saskatchewan Assured Income for Disability	162	170	145
Income Assistance Services Delivery - Saskatchewan Assistance Program	341	394	385
Income Assistance Services Delivery - Transitional Employment Allowance	91	123	104
Income Assistance Services Delivery - Income Supplement Programs - Other	38	36	25
Social Services - Other	4	12	3
TOTAL	874	906	869

Case Examples

CALCULATING BENEFITS: IT WASN'T INCOME IF THEY DIDN'T GET IT

Investigation



Ophelia and Orla, both single parents, each received benefits under two income supplement programs: the Saskatchewan Rental Housing Supplement program (SRHS¹), which assists low to moderate income families and individuals with disabilities to access quality and affordable housing, and the Saskatchewan Employment Supplement program (SES), which provides additional monthly assistance to low income families with children under the age of 13.

Ophelia and Orla also each received Saskatchewan Assistance Program (SAP) benefits. They each had an ex-partner who was not consistently paying child support. Because of this, SAP rules required them to enter into Assignments of Rights allowing the government to collect and keep their child support payments. This meant any child support collected would be paid into the General Revenue Fund and not to them. In exchange, Ophelia and Orla received consistent monthly SAP benefits and when determining their eligibility for these benefits, Social Services would not consider the child support payments as income.

¹ On April 10, 2018, Social Services announced that it was suspending the intake of new SRHS applications as of July 1, 2018, but current SRHS clients would continue to receive benefits as long as they remained eligible.

Under this arrangement, for one month the government collected lump sums of child support arrears from Ophelia and Orla's ex-partners and paid it into the General Revenue Fund. It then deemed each of them ineligible for their usual SRHS and SES benefits for that month because the arrears collected were considered income when determining their eligibility for SRHS and SES, even though they did not actually receive any of it. Ophelia and Orla thought this was unfair and contacted the Ombudsman.

We considered whether it was reasonable for Social Services to consider the child support arrears it collected but never paid to Ophelia and Orla as income for determining their SRHS and SES entitlements. We learned Social Services was required to do this under the SRHS Regulations and the SES Regulations. Social Services told us it did not have any discretion to do otherwise.

Since Ophelia and Orla did not actually have access to the lump sum arrears, applying the Regulations as required was at odds with the purpose of the assignment of rights system – to ensure deserving low-income parents receive consistent benefits every month even though their child support is not paid consistently. Instead of getting steady SRHS and SES benefits in exchange for allowing the government to collect and keep their child support, the complainants got no benefits.

We acknowledged that Social Services' decisions in these cases were not discretionary, but were required by the Regulations. We found that applying these rules as worded resulted in unintended unfairness to families like Ophelia's and Orla's.

The Ombudsman rarely recommends that the government consider changing properly enacted laws or regulations. Under *The Ombudsman Act, 2012*, if the Ombudsman is of the opinion that a decision was made in accordance with a law that is unreasonable, the Ombudsman can recommend that the law be reconsidered. In this case, Social Services acted in accordance with provisions of the SRHS and SES regulations that are unjust and unreasonable.

Therefore, we recommended that:

1. The Ministry of Social Services recommend that the Minister take steps to have the relevant provisions of *The Rental Housing Supplement Regulations* and *The Employment Supplement Regulations* reconsidered so that eligibility for the Rental Housing Supplement and the Employment Supplement programs is not negatively affected as a result of money collected by the

Maintenance Enforcement Office under an assignment of rights and directly remitted to the General Revenue Fund.

Status: Accepted

Social Services advised us it would examine how child support and spousal maintenance is treated under its current suite of income assistance programs as part of its Income Assistance Redesign initiative.

CALCULATING BENEFITS: WHOSE MONEY WAS IT?



Owen received benefits from the Saskatchewan Assured Income for Disability (SAID) program. His children also received Canada Pension Plan (CPP) Disabled Contributor's Child (DCC) benefits, which were paid directly to him since they were not yet 18 years old. DCC benefits are provided to the dependent children of a disabled CPP contributor to help relieve the hardship brought upon them by having a disabled parent. Social Services considered his children's DCC benefits as family income and deducted them from his SAID benefits. Owen approached Social Services about this being unfair and was told that only the sources of income specifically exempted in the *Saskatchewan Assured Income for Disability Regulations* could be excluded from the calculation of his family unit's income when determining SAID benefits. He appealed this decision to the regional level, then to the provincial Social Services Appeal Board and finally he asked the Minister's Office to step in. At each level, he was told that his children's CPP DCC benefits could not be excluded because the Regulations did not allow it.

He thought this was unfair and contacted the Ombudsman.

We confirmed that CPP DCC benefits were not listed as exemptions in the Regulations. We also learned that the only way Social Services could exercise discretion in this matter would be through a Minister's Order. In our view, DCC benefits have the same characteristics as other types of income that are on the exemption list, so it would have been appropriate for Social Services to consider recommending that the Minister exercise discretion in this case.

We found that nobody told Owen that the Minister could choose to make an exemption via a Minister's Order. We also found that the internal correspondence between Social Services and the Minister's Office did not provide a complete rationale for its recommendation that the Minister deny Owen's request.

As a result of our investigation, we made the following recommendations:

1. The Ministry of Social Services establish reasonable internal procedures to follow when confronted with requests for income exemptions that are not specifically exempted under *The Saskatchewan Assured Income for Disability Regulations, 2012* (Regulations) and for which the discretion granted to the Minister under clause 12(3)(a) may be exercised.
Status: Accepted
2. The Ministry of Social Services submit a new recommendation to the Minister with a complete rationale for why the Minister should or should not exempt a disabled contributor's child (DCC) from income for the purposes of calculating Saskatchewan Assured Income for Disability (SAID) entitlements.
Status: Accepted
3. If the Minister of Social Services decides to exempt DCC benefits from family income for the purposes of calculating SAID entitlements, the Ministry of Social Services pay the complainant the SAID benefits he would have been paid from December 1, 2015 when he wrote to Minister asking for the exemption.
*Status: Potentially Accepted**
4. If the Minister of Social Services declines to exempt the DCC benefits in the calculation of entitlement for SAID, the Ministry of Social Services provides the complainant with reasonable written reasons for the decision that addresses the Minister's use of (or refusal to use) the discretion granted to the Minister under clause 12(3)(a) of the Regulations.
*Status: Potentially Accepted**

**The Ministry accepted recommendations #1 and #2 and would request a review by the Minister by March 31, 2019. The responses to recommendations #3 and #4 will depend on the Minister's decision.*

Early Resolution



CATCH ME UP, PLEASE!

Janine called us because of delays in receiving the Saskatchewan Rental Housing Supplement (SRHS). She said that a couple of months earlier, her benefits were held because she needed to submit some

paperwork. She did so and was told that at the end of the month, her SRHS benefits would be caught up and she would receive funds for two months. This did not happen, so she called again and was told that the funds would be issued on the 6th – now for three months. The funds were not issued on the 6th and on the 8th she received an eviction notice from her landlord, stating that she would have to leave by the 13th. At this point, she contacted our Office. She told us that when she informed SRHS about the eviction, they suggested she seek emergency benefits through the Social Assistance Program (SAP). Janine stated that she was unsure if going to another program for support would resolve her issue and was losing confidence in the SRHS due to the number of times she had been told benefits would be issued.

We contacted Social Services to ask about Janine's situation. In the meantime, Janine received a second eviction notice to vacate immediately. Social Services told us that the delays occurred because Janine had been given the wrong form at first, that Social Services had been waiting for documentation from other sources, and that it made a mistake when telling Janine her funds would be issued on the 6th. SAP had been trying to reach her but had an incorrect phone number on file. A Social Services manager told us that SRHS funds were only issued twice a month, so they had made arrangements through SAP for an immediate payment to the landlord for the balance owing on Janine's rent. Social Services told us that her paperwork was now in order and Janine would receive her SRHS payment at the end of the month. When the landlord received the payment and understood that her benefits were being reinstated, he agreed that Janine could stay. She told us she was happy that she would not be evicted and felt her concerns had been resolved.

CATCH 22

Jake contacted us because he was having trouble applying for social assistance as an adult, independent person. Jake had been living with a relative, who had recently passed away. Since then, he had found another place to live and had turned 18. He was still in high school.

Odette, an advocate, was helping him apply for income assistance. They had contacted Social Services and had been told that he should apply for the Transitional Employment Allowance (TEA). He did so and was denied. Social Services staff said this was because Jake was listed as a dependent under someone else's income assistance file.

The problem was that, for privacy reasons, Social Services said it could not disclose the person's identity – but without his or her name, Jake could not ask to have his name removed from that person's file. Jake and Odette did not know how to proceed, so they contacted our Office.



Early Resolution

Early Resolution



We called Social Services to inquire about the situation. A manager asked Jake to provide a written statement saying that he wanted to be removed from the other person's file and apply on his own as an adult. Then Social Services contacted the other person directly and removed Jake from the file. Since Jake was still in high school, the manager also determined that it would be more appropriate for him to apply for the Social Assistance Program (SAP) instead of TEA. Jake and Odette were satisfied with these results, which would help Jake focus on finishing school.

THE BILL KEEPS GOING UP

Jess contacted our Office because she didn't think it was fair that her Transitional Employment Allowance (TEA) benefits had not kept up with the increase in her power bills.

Jess lived with her two children in an electrically-heated unit she rented from the La Loche Housing Authority. She was expected to pay her bills with her TEA benefits, but her power bills were higher than the amount TEA provided for that purpose, so she fell behind in her payments. The power had remained on over the winter, but was shut off in early May, with nighttime temperatures still hovering close to 0°C.

We contacted Social Services about Jess's situation. They confirmed that she was on an equalized payment plan, and her monthly power bill had gone up. At that point, there was a gap of about \$180/month between the funds TEA provided for power and energy and the total amount of these bills. Unfortunately, her equalized payment plan had recently increased and another increase was pending. As a result, the gap had widened to \$230/month and was expected to increase to \$480/month.

Social Services reviewed Jess's situation and decided to move her to the Social Assistance Program, which would pay the exact cost of her bills. They called Jess to confirm that she and her children had a warm place to stay over the weekend and that the power would be turned back on the following Monday.

Corrections

Complaints Received

MINISTRY OF CORRECTIONS AND POLICING	2018	2017	2016
Pine Grove Correctional Centre	81	104	84
Prince Albert Correctional Centre	87	116	156
Regina Correctional Centre	227	318	341
Saskatoon Correctional Centre	327	261	320
White Birch Female Remand Centre	6	8	8
Whitespruce Provincial Training Centre	9	5	5
Appeal Adjudicators	2	--	--
Adult Corrections - Other	26	20	10
Corrections & Policing - Other	2	13	8
TOTAL	767	845	932

Case Examples

CHANGING THE CHARGE

Orson and Jack, inmates at the Regina Correctional Centre, complained to the Ombudsman about how an appeal adjudicator dealt with their appeals of their convictions of disciplinary offences under *The Correctional Services Act, 2012*.

If an inmate is charged with a disciplinary offence and does not plead guilty, a discipline panel holds a hearing. If the panel finds the inmate guilty, it can impose sanctions. If a sanction involves forfeiture of remission (practically, more time in jail), the inmate may appeal to an adjudicator appointed by the Lieutenant Governor in Council. The Ombudsman has jurisdiction over appeal adjudicators.

In both Orson's and Jack's cases, they were charged with fighting or physically attacking another inmate. Each discipline panel found them guilty and imposed a sanction of forfeiture of 15 days remission, 10 days cell confinement and loss of privileges. Orson and Jack each appealed the forfeiture of remission to an appeal adjudicator. In each case, the appeal adjudicator found that the charge was not substantiated. However, instead of dismissing the charge, the appeal adjudicator replaced it with a new charge: supporting activity that promoted or encouraged the activities of a gang. He found the inmate guilty and upheld the original sanction.

Investigation



In both cases, the appeal adjudicator quickly realized that he had exceeded his authority and should not have changed the charge. Only designated staff members – not appeal adjudicators whose decisions are considered final – have the authority to change or lay a new disciplinary charge under *The Correctional Services Act, 2012*.

Under *The Ombudsman Act, 2012*, the Ombudsman can recommend that a decision-maker reconsider, quash, confirm or vary a decision even if a provision in another Act says that it is final and cannot be challenged, reviewed, quashed or called in question. In other words, even though *The Correctional Services Act, 2012* restricted the appeal adjudicator's ability to vary his own decisions, *The Ombudsman Act, 2012* allowed him to do so in order to implement an Ombudsman recommendation.

Therefore, in each case, we recommended that:

1. The appeal adjudicator vary his decision in the complainant's appeal and revoke the decision of the discipline panel and the loss of remission.

Status: Accepted

In both cases, the appeal adjudicator accepted and implemented our recommendation by revoking the decision of the Discipline Panel that ordered loss of remission and dismissing the charge of fighting or physically attaching another inmate.

Early Resolution



A CHANGE IN UNDERSTANDING

Justine was an inmate at the Pine Grove Correctional Centre. She contacted us because she was not allowed to attend her father's wake and burial.

A few days earlier, Justine was escorted to the hospital to visit her father. He passed away shortly before she arrived and she was permitted to see his body before returning to the correctional centre. She then put in a request to attend his wake and burial, which was denied. The reason given was that there was no actual funeral service on the date of the burial, only a wake at the band hall, and that she had already had a private viewing of the body. She did not think the decision was fair and she did not want this to happen to anyone else.

We assessed the complaint for a possible investigation into whether escorted absence requests were being treated differently in different cultural settings. We raised this issue with Corrections officials. They

asked if we would give the director time to conduct an internal review before starting our investigation. We agreed. The director found that the decision did not comply with regulations. He also found that some of the staff at the correctional centre mistakenly thought that they could not approve a request to attend a wake or burial, only a funeral service.

The director told us he was re-educating all staff on this issue. He officially reversed the decision on Justine's request. Staff met with her and she received a written apology from the correctional centre. Even though it was too late for her to attend, we hope that similar requests will now be assessed fairly.

CHANGING TO A SPECIAL DIET

Jerry called our Office to ask for help in receiving a diabetic diet at the Regina Correctional Centre. He said he was feeling sick because he was being given too many sugary foods. He wanted more protein, like peanut butter, to take with his medication. He had requested changes to his diet and had seen a doctor twice, but his diet remained the same. We contacted the correctional centre to inquire about Jerry's concerns. After this, he had another medical appointment and his diet was adjusted. He called us back to confirm the foods that were not good for his diabetes were being replaced with healthier options.



Early Resolution

SHOW ME THE EVIDENCE

Jim contacted our Office because he did not think he and his former cellmate, Joe, were treated fairly when they were charged with damaging correctional centre property.



Early Resolution

Staff at the Regina Correctional Centre alleged that Jim and Joe damaged some institutional pants and t-shirts and that these had been retrieved from their cell. They both denied this. When the matter was brought before the discipline panel, they were found guilty, and ordered to pay for the clothing. Jim told us he had been made to enter a plea without having seen the evidence against him. Both men had written appeals, which had been denied. Upon reviewing the information, we noted that Jim had asked to see the evidence, but it did not appear that either of them had been permitted to do so. We asked the director to review the situation. He acknowledged that *The Correctional Services Regulations, 2013* require that inmates appearing before a discipline panel be allowed to examine the exhibits and documents the panel will use in making the decision. Since Jim and Joe had not been given this opportunity, the charges against them were dismissed.

Municipalities

Complaints Received

MUNICIPALITIES	2018	2017	2016
Cities	114	127	114
Towns	85	97	94
Villages	54	88	82
Resort Villages	24	29	35
Rural Municipalities	145	209	156
Northern Municipalities	21	16	18
Other / Not Disclosed	9	6	7
TOTAL	452	572	506



Previously
Released
Investigations

Case Examples

In 2018, we published the results of three municipal investigations and our recommendations on our website.

RURAL MUNICIPALITY OF NORTH QU'APPELLE NO. 187

We investigated whether John, a ratepayer, was treated fairly by the RM when it refused to let him speak at a council meeting and then banned him from speaking on the same topic (the organized hamlet where he lived) at future council meetings.

We found that the RM did not treat John fairly. It did not comply with legislation or its own bylaw when it decided to discuss John's submission in camera, when it denied his request to speak as a delegate at the council meeting, and when it banned him from speaking at future council meetings. We also found that it did not give him procedural fairness – it did not give him a reasonable warning that it was deciding to ban him or a reasonable opportunity to present his side of the story.



NORTHERN HAMLET OF COLE BAY

We investigated whether the mayor and two aldermen (council members) were in a conflict of interest when they participated in the council's decisions to appoint their relatives to the Primrose Lake Economic Development Corporation board and to the fire suppression crew. We also investigated whether the council used a fair and reasonable process when it received complaints about the conduct of two members of council.

We found that the mayor and the two council members were in a conflict of interest. They participated in the council's decisions to appoint their relatives to positions and failed to take appropriate steps to deal with the conflict. We also found that the council members participated in the council's decisions about how to deal with the complaints about them. This was not fair or reasonable. All three were elected to act in the best interests of the community, but in these instances, they did not do so.

TOWN OF CHOICELAND

We investigated whether the Town followed a fair and transparent purchasing processes when it awarded a sidewalk replacement contract to the administrator's spouse, and when it entered into a contract with a new insurer without using a competitive procurement process. We also investigated whether the administrator took reasonable steps to avoid a conflict of interest when the Town awarded the contract to her spouse, and whether she had a conflict of interest when participating in the review of a complaint about her and her spouse.

We found the Town did not follow the processes for buying goods and services as set out in its purchasing policy. It was supposed to publicly advertise the sidewalk project and the insurance contract, but it did not. It also failed to keep proper records of the steps that were taken to solicit bids. These flawed processes were unfair to potential bidders and made it difficult for the Town to be sure it was getting the best possible value for money. We also found that the administrator should not have been involved in the process that awarded a contract to her spouse because she had a conflict of interest. She also should not have participated in the council's review of the complaint about her or her spouse. The Town's *Employee Code of Conduct* requires employees to avoid conflicts of interest and to advise the council if there is a conflict, so council can determine the appropriate course of action to address the matter.



Investigation TOWN OF QU'APPELLE

We received complaints from several ratepayers about certain council members contravening the Town's *Code of Ethics Bylaw* as well as about the Town being in violation of *The Municipalities Act* by failing to adopt a process for dealing with contraventions of its code of ethics.

All councils are required to adopt a code of ethics bylaw setting out the standards and values that council members are expected to comply with in their dealings with each other, employees and the public. They are also expected to have a process for dealing with contraventions of the code of ethics.

While the Town had a code of ethics, it did not include a process for dealing with contraventions of the code. As a result, the Town could not effectively address the several complaints it had received about alleged code of ethics contraventions by council members. We also found that the Town was in the process of introducing an improved bylaw, which met the requirements, but it was having difficulty passing it, as there was not a consensus among council members on whether a council member needed to recuse him/herself from being involved in the review of a complaint that directly involved his/her conduct.

Therefore, we recommended that:

1. The Town of Qu'Appelle adopt a *Code of Ethics Bylaw* that includes a process for dealing with contraventions of the Code of Ethics.
2. Once a new *Code of Ethics Bylaw* has been adopted, the Town of Qu'Appelle should deal with any outstanding complaints using the process set out in the new bylaw.

Status: Accepted

The Town advised us that it had accepted our recommendations and had passed its Code of Ethics Bylaw. In keeping with our role as an office of last resort, we referred the complaints back to the Town so that the council could deal with them under its new process.

RESORT VILLAGE OF SASKATCHEWAN BEACH AND PROVINCIAL MEDIATION BOARD

Investigation



Ollie and Joy owned a lot in the Resort Village as tenants in common with another person – someone they did not know. The other person had not paid her portion of the taxes for several years. Ollie and Joy decided to also quit paying their taxes on the lot as they felt they were getting no value from it. The Resort Village initiated tax enforcement proceedings to claim title to the lot if the taxes were not paid in full. As required under *The Tax Enforcement Act*, it sought the Provincial Mediation Board's consent to make final application for the title. The Board notified Ollie and Joy that if they did not arrange to pay all the tax arrears (including the other person's portion), the Board would consent to the Resort Village taking title. Ollie and Joy's position was that if they paid the full tax arrears, they should be entitled to the title to the whole lot – taking the other person off the title. The Board did not agree. However, it offered to postpone granting its consent to give them a chance to have the matter clarified by the court. Eventually, Ollie and Joy decided not to take the matter to court, but instead focused on buying the entire lot from the Resort Village once it had obtained title.

The Resort Village obtained title and advertised the lot for sale. It advertised that all bids would be opened at the next regular council meeting. Three bids were received, including one from Ollie and Joy, and one from the mayor. The unopened bids were brought to the council meeting, but when the mayor declared a conflict of interest, the council complied with *The Tax Enforcement Act*, which states that in such a situation the bids were to be opened by the Resort Village's auditor. The Resort Village decided a special meeting would be called afterwards. Ollie and Joy told us that they thought the bids would be opened at the special meeting in the presence of the auditor, but when they saw that the bids had already been opened before the special meeting, and their bid was not successful, they accused the Resort Village of tampering with the bids. They also told us they felt the Provincial Mediation Board had improperly given its consent to the Resort Village to take title to the whole lot.

We found that the Board exercised its powers properly. It fairly and reasonably balanced the interests of all parties. Ollie and Joy had an opportunity to make their argument to the court about getting the title to the entire lot if they paid the tax arrears, but choose not to because they did not want to spend the money.

We also found that the Resort Village's tax enforcement process complied with *The Tax Enforcement Act*. However, while the Resort Village followed the 'letter of the law' when it arranged for the bids to be opened by the auditor, it did not necessarily follow the 'spirit of the law',

as the intention of that provision is to make sure there is transparency in the process. By arranging for the bids to be opened in private, the Resort Village could be perceived as eliminating the transparency of the bid-opening process. Even though there was no evidence that the bids were tampered with, Ollie and Joy had a reasonable expectation established by the tax sale notice that the bids would be opened in public at a council meeting, and not in private.

Therefore, we recommended that:

1. The Resort Village of Saskatchewan Beach should ensure when sealed bids are being opened at a public meeting, where a council member or village employee has submitted a bid, that the Resort Village's auditor is in attendance to open and record the tendered bids.

Status: Accepted

The Resort Village advised us that it had accepted the recommendation and that it would follow that process going forward.



Investigation

RURAL MUNICIPALITY OF ROSTHERN NO. 403

Oakley installed a new culvert and widened the approach to the driveway at the same time. Oakley was told that this violated the RM's bylaws and that it would need to be fixed. Oakley argued that the RM had given permission for this. The RM and Oakley corresponded about the issue over several months – it was discussed at numerous council meetings and eventually the RM's lawyer got involved. Finally, the RM came to Oakley's residence, and fixed the approach so it complied with the RM's bylaws. Even though Oakley knew the work was going to be done, the RM did not provide reasonable notice before it actually started the work. It also took away the culvert Oakley had installed and some backfill. Given the poor relationship it had with Oakley, the RM also did not finish the project to its usual standards. Oakley felt that the RM had no authority to do the work, had acted unreasonably during the process, and that the particular RM council member who supervised the work was inappropriate and rude to Oakley.

We found that the RM had the clear authority to manage public roads and approaches to properties and that it had not given Oakley permission to work on the approach. However, we found that it would be reasonable to expect the RM to have given Oakley notice of the day it expected to do the work. We also found it was unreasonable for the RM to not complete the work to its usual standards, just because it had a poor relationship with Oakley. We found that the council member did not treat Oakley with the level of professionalism and courtesy that

would be reasonable to expect of a public official when carrying out official RM business.

Therefore, we recommended that:

1. The Rural Municipality of Rosthern No. 403 write the complainant to acknowledge that it should have given reasonable notice of the day that it planned to replace the culvert under the approach and notice of the precise scope of the work it intended to do.
Status: Accepted
2. The Rural Municipality of Rosthern No. 403 arrange to fix and sculpt the ditch and approach to the complainant's property so that it drains, and properly replace the landscaping it removed and/or destroyed when it replaced the culvert under the approach.
Status: Accepted
3. The Rural Municipality of Rosthern No. 403 give the complainant reasonable notice about the scope of work it intends to do to implement recommendation 2.
Status: Accepted

Health

Complaints Received

HEALTH ORGANIZATIONS	2018	2017	2016
MINISTRY OF HEALTH			
Drug Plan and Extended Benefits	18	12	17
Health Other	15	13	19
TOTAL - MINISTRY OF HEALTH	33	25	36
eHEALTH SASKATCHEWAN	8	9	10
SASKATCHEWAN CANCER AGENCY	2	3	0
SASKATCHEWAN HEALTH AUTHORITY*	111	79	141
OTHER HEALTH ENTITIES	19	55	91
TOTAL	173	171	278

*Numbers from 2016 and 2017 represent the total of the previous regional health authorities.



Case Examples

A GROUP BARGAIN VS. INDIVIDUAL NEEDS

Jonas called us because he didn't think it was fair for the long-term care facility he was living in to charge him a monthly cable bill when he was blind and didn't want to use a television.

We contacted the facility and learned that they had worked out an arrangement with a local company to provide cable to all the residents at a significantly reduced rate. This rate was dependent on a certain volume of participation, so the facility told everyone they had to participate. They believed that the arrangement contributed to the greater good of all the residents and further, that Jonas listened to his TV. Jonas told us the TV was already in his room when he moved in but he didn't want it and needed the money for other necessities. We found that the facility didn't have a policy about the cable rate or an appeal mechanism for those who wanted to opt out. Following our involvement, the Saskatchewan Health Authority decided to allow Jonas to opt out of the cable package. It agreed to update its move-in form to accurately reflect the cable arrangements for new residents.



Early Resolution

IS MY HEALTH CARD STILL GOOD?

Orinda called us because she was having trouble renewing her health card. She had been convicted of an offence, had served time in the federal system, and was now transitioning back into the community. She wanted to see a doctor, but her health card stickers had expired while incarcerated. When she called eHealth to ask about this, she was told that her Saskatchewan health card would have been cancelled when she was admitted to a federal institution and that she would have to reapply. As part of the process, she would need to apply online and provide a birth certificate. She did not have access to a computer and did not have her birth certificate, nor the \$55 to request a copy.

We contacted eHealth and learned that she had not lost her health status in Saskatchewan because she had not served her time in a penitentiary, but in lodges. All she needed were updated stickers for her health card and she could receive health services. The stickers were mailed out the same day.



Early Resolution



UNDERSTANDING PRESCRIPTION COSTS

Joyce contacted our Office because she didn't understand why the portion she had to pay for her prescription seemed to change from month to month. She had contacted the Ministry of Health about her concerns and they wrote back to her. The letter said her prescription was subject to the Maximum Allowable Cost (MAC) policy, which meant that the cost would be covered up to a maximum amount and she was responsible to pay any costs above that amount. While this general information was accurate, it didn't provide any details specific to Joyce's bills and didn't provide her a contact person to call if she still had questions. She was still struggling to understand her fees.

We reviewed Joyce's prescription receipts and contacted a ministry official, who believed that the variance could be due to the dispensing fees being charged at different pharmacies. It also appeared that the cost of Joyce's prescription was just over the maximum coverage provided by the MAC policy. The manager contacted Joyce's pharmacist and they both called Joyce to try to provide a better explanation. Given that there were less expensive drugs in the same class that would not be over the MAC amount, they encouraged Joyce to see her doctor and check whether one of the less expensive drugs could be prescribed instead.

Crown Corporations

Complaints Received

CROWN CORPORATIONS	2018	2017	2016
CROWN INVESTMENTS CORPORATION OF SASKATCHEWAN	0	0	1
FINANCIAL & CONSUMER AFFAIRS AUTHORITY	0	3	5
GLOBAL TRANSPORTATION HUB AUTHORITY	0	1	2
SASKATCHEWAN CROP INSURANCE CORPORATION	6	6	7
SASKATCHEWAN GOVERNMENT INSURANCE			
Auto Fund	39	52	35
Claims Division - Auto Claims	64	63	79
Claims Division - No Fault Insurance	41	35	38
Claims Division - Other / SGI Canada	39	16	23
Other	21	9	25
TOTAL - SGI	204	175	200
SASKATCHEWAN LIQUOR AND GAMING AUTHORITY	5	2	1
SASKATCHEWAN PUBLIC SAFETY AGENCY	1	0	0
SASKATCHEWAN TRANSPORTATION COMPANY	0	1	1
SASKENERGY	46	48	46
SASKPOWER	135	100	86
SASKTEL	42	32	39
SASKWATER	0	0	1
WATER SECURITY AGENCY	13	19	12
TOTAL	452	387	401

Case Examples



Investigation

A CONDITIONAL OFFER

After Jayden's mustard crop flooded, he made a claim to the Saskatchewan Crop Insurance Corporation (SCIC) under his crop insurance policy. Initially, SCIC assessed his claim and paid him using a 'sample' quality factor based on the crop including significant amounts of foreign matter (admixture). After the decision was initially reviewed and confirmed by SCIC's Customer Service Office (CSO), Jayden appealed to SCIC's regional appeal committee. The regional appeal committee decided it would be fair to offer to pay Jayden based on the actual price of his crop after it was cleaned and marketed, which meant he would receive a significantly larger insurance payout. He was told, however, that the offer would be withdrawn if he appealed to the next level, which was a provincial appeal panel that makes recommendations to the SCIC Board of Directors. Jayden appealed anyway. The provincial appeal panel recommended that the appeal be denied because the settlement offered by the regional appeal committee was fair. Jayden felt this was unfair.

We investigated whether SCIC's claims settlement (appeal) process was reasonable and whether it was carried out fairly in Jayden's case.

Because Jayden's insurance policy with SCIC is a contract, he and SCIC's other customers have the right to enforce the contract through the courts. However, SCIC has a 3-step claims settlement process it uses to encourage fair settlements without going to court.

In Jayden's case, we found that step one – the CSO appeal – and step two – the regional appeal – were carried out fairly. He was made aware of the information that was going to be considered in making these decisions and had an opportunity to submit information in support of his appeals. However, we found it was not reasonable for SCIC to offer Jayden what it believed was a fair additional amount to settle his claim, but then tell him that if he appealed to the provincial level, the offer would be withdrawn. Since the provincial appeal panel confirmed that the regional appeal committee's offer was reasonable, it should have recommended that the Board of Directors reinstate the original offer. We also found that the SCIC's final appeal decision letter should have had a better explanation for its decision, with meaningful reasons. Giving reasons demonstrates that the decision-makers considered relevant information and providing sensible reasons helps those affected by SCIC's decisions to accept them, even if they do not agree with them.

As a result of our investigation, we recommended that:

1. The Saskatchewan Crop Insurance Corporation ensure its Board of Directors' appeal decisions to customers are written and include a reasonable summary of:
 - a. the facts upon which the decision was made;
 - b. the issues considered; and
 - c. how any relevant legislation, rules and requirements were applied to the facts to arrive at the decision.

Status: Accepted

2. The Saskatchewan Crop Insurance Corporation re-offer the complainant the amount it had offered to him at the conclusion of his appeal to SCIC's regional appeal group.

Status: Accepted

I RETURNED IT MYSELF

Jody called our Office because she had applied for a mortgage and learned that she had a poor credit rating because she owed SaskTel \$2,700.

Jody said that, about three years earlier, she returned rented equipment to one of SaskTel's stores. She was given a receipt but had since lost it. She had moved several times, but had not provided SaskTel with her new addresses. As a result, she had not received any communication from them about what she owed them. She acknowledged that she did owe them some money, but not for the equipment, which she thought was worth about \$2,000. When she discussed this with SaskTel, she was told that she should have called in to the customer service centre at the time to confirm that the items had been received. She didn't think this was a fair expectation as she had personally dropped off the items at one of their locations. We contacted a SaskTel manager who gave Jody credit for the equipment and marked it as found after reviewing their records and inventory. Jody now owed less than \$600 which she didn't dispute.



Early Resolution

Other Ministries and Entities

Complaints Received

MINISTRIES	2018	2017	2016
ADVANCED EDUCATION	11	6	8
AGRICULTURE	11	3	11
CENTRAL SERVICES	0	0	1
EDUCATION	1	6	5
ENERGY AND RESOURCES	1	3	0
ENVIRONMENT	5	17	14
EXECUTIVE COUNCIL	0	0	1
FINANCE	5	2	4
GOVERNMENT RELATIONS	5	8	4
HIGHWAYS AND INFRASTRUCTURE	10	7	16
IMMIGRATION AND CAREER TRAINING	1	1	12
JUSTICE			
Court Services	10	8	18
Maintenance Enforcement Branch	29	38	34
Public Guardian and Trustee	15	28	19
Office of the Public Registry Administration	1	1	3
Office of Residential Tenancies / Provincial Mediation Board	64	50	58
Justice - Other	21	25	21
TOTAL - JUSTICE	140	150	153
LABOUR RELATIONS AND WORKPLACE SAFETY	24	10	15
PARKS, CULTURE AND SPORT	4	4	2
MINISTRY NOT DISCLOSED	1	0	0

Complaints Received

	2018	2017	2016
BOARDS			
AGRICULTURAL IMPLEMENTS BOARD	0	0	1
HIGHWAY TRAFFIC BOARD	10	5	5
LABOUR RELATIONS BOARD	1	2	0
SASKATCHEWAN MUNICIPAL BOARD	1	2	1
SASKATCHEWAN PENSION PLAN BOARD	1	0	0
SASKATCHEWAN SOCIAL SERVICES APPEAL BOARD	3	6	3
SURFACE RIGHTS ARBITRATION BOARD	0	1	0
WORKERS' COMPENSATION BOARD	90	87	88
COMMISSIONS			
APPRENTICESHIP AND TRADES CERTIFICATION COMMISSION	0	0	2
AUTOMOBILE INJURY APPEAL COMMISSION	3	3	4
PROVINCIAL CAPITAL COMMISSION	2	0	0
PUBLIC SERVICE COMMISSION	2	1	3
SASKATCHEWAN HUMAN RIGHTS COMMISSION	11	15	8
SASKATCHEWAN LEGAL AID COMMISSION	46	59	44
SASKATCHEWAN PUBLIC COMPLAINTS COMMISSION	5	13	11
AGENCIES AND OTHER ORGANIZATIONS			
ANIMAL PROTECTION SERVICES OF SASKATCHEWAN	2	1	3
SASKATCHEWAN ASSESSMENT MANAGEMENT AGENCY	6	2	4
SASKATCHEWAN EMPLOYMENT ACT ADJUDICATORS	1	0	0
SASKATCHEWAN POLYTECHNIC	3	3	8
TECHNICAL SAFETY AUTHORITY OF SASKATCHEWAN	0	0	2
TOTAL: OTHER MINISTRIES AND ENTITIES*	406	417	433

**NOTE: Ministries and other government entities about whom we received no complaints in the last three years are not listed in this table.*

Case Examples



Investigation

A CORONER'S REVIEW

Olivia's son died in extremely unusual circumstances. The police investigated and concluded that the death was not the result of a criminal act. The Saskatchewan Coroners Service also investigated the death. It ruled that the manner of death was accidental, and that an inquest was not necessary. Olivia contacted our Office because she felt that the Coroners Service did not properly investigate the death, and that an inquest should have been held.

Just after we started our investigation, the Minister of Justice and Attorney General announced a broad review of the coroners' system in Saskatchewan. Therefore, we focused only on the specific actions and decisions of the Coroners Service in relation to its investigation of Olivia's son's death.

Under *The Coroners Act, 1999*, a coroner's investigation is not a fault-finding process. It is a fact-finding process. The Coroners Service's role is to investigate the circumstances of an unexpected, unnatural or unexplained death and to educate the public about dangerous practices and conditions in hopes of preventing future deaths. The Coroners Service has no authority to conduct criminal investigations. This is the role of the police. During our investigation, we found that this distinction was not clearly explained to Olivia. She expected the coroner to find that the death was a result of a criminal act.

When Olivia first received the coroner's report, it contained errors and unverifiable hearsay that was later determined to be unnecessary to include. As a result, Olivia felt that the coroner's investigation was not as diligent as it could have been. While we concluded that the assigned coroner conducted a reasonable investigation in keeping with *The Coroners Act, 1999*, the coroner's report should have been better written. We found it would help if the Coroners Service had a more rigorous process for considering the value of the evidence it includes in its reports and for reviewing draft reports internally before they are released. The Coroners Service ended up removing some of the controversial information from the report after Olivia challenged it, because removing it did not affect the ultimate conclusions.

A coroner is required to hold an inquest if it is necessary to determine the deceased's identity, how, when, where and by what means he or she died, to inform the public of the circumstances surrounding a death, or to bring dangerous conditions to light and educate the public to avoid preventable deaths. In this case, there was no question as to

the deceased's identity or when, how, and where he died. There was nothing about his death to suggest there were preventable, dangerous practices or conditions that precipitated his death, and about which the public needed to be educated or that needed to be addressed.

In all the circumstances, we found that the decision of the Coroners Service not to hold an inquest was reasonable. Under its Act, it had the discretion to make this decision and, based on our investigation, we found that it did not exercise it lightly. We found, however, that it would have been reasonable to expect the coroner to clearly explain its rationale and reasoning for this decision to Olivia in writing with appropriate references to the relevant sections of *The Coroners Act, 1999*.

Olivia had a substantial personal interest in finding out the circumstances of her son's death and learning whether it could have been prevented. Therefore, we found that the coroner had a duty to treat her fairly. We found that the Coroners Service gave Olivia appropriate procedural fairness. We found, however, there were some things the Coroners Service could do to improve the way it deals with sensitive cases in the future.

We recommended that:

1. The Saskatchewan Coroners Service develop publicly available information that clearly explains: (a) its role and how it does its work, including a clear explanation of work that it does not do, and suggest other organizations that do provide services it does not provide; and (b) how family members and other interested persons can obtain a copy of a coroner's report and other related documents.

Status: Accepted

2. The Saskatchewan Coroners Service develop a code of practice and standards and a quality assurance protocol to guide coroners in writing their reports and the information that should be included in them.

Status: Accepted

3. The Saskatchewan Coroners Service ensure its reports articulate the relevance, reliability and limitations of the evidence it relies on to make the findings of fact upon which its opinions are based.

Status: Accepted

4. When providing technical documents such as autopsy reports to interested parties, the Saskatchewan Coroners Service take reasonable steps to explain them in terms that the interested parties can understand.

Status: Accepted

5. The Saskatchewan Coroners Service provide interested parties a reasonable opportunity to evaluate and, if they wish, challenge the conclusions and opinions in the reports.

Status: Accepted

6. The Saskatchewan Coroners Service establish a process for handling complaints from the public. The process must be transparent, responsive and timely and include all the coroners, investigators, medical practitioners and specialists involved in the death investigation process.

Status: Accepted

7. The Saskatchewan Coroners Service, when asked, provide interested parties with a written rationale for the decision not to hold an inquest.

Status: Accepted



Investigation OUT OF TIME

After Jane's employment was terminated, she made a complaint of discriminatory action to the Occupational Health and Safety Division (OH&S) of the Ministry of Labour Relations and Workplace Safety. An occupational health officer determined that her termination was an unlawful discriminatory action contrary to section 3-35 of *The Saskatchewan Employment Act*. Her employer appealed to an adjudicator. Her employer successfully applied to the adjudicator to stay (postpone) the effect of the officer's decision until the hearing and final decision on the termination was done. This meant Jane did not get reinstated and did not return to work. The hearing before the adjudicator was held on June 1 and 2, 2016. Under *The Saskatchewan Employment Act*, the adjudicator was required to deliver written reasons for her decision no later than 60 days after the date of the hearing. She did not. In December 2016, when Jane asked the adjudicator when the decision would be released, she said should would deliver it by the end of the month. She did not. Then when Jane's former employer asked the adjudicator about the decision in February 2018, she said it would be done by the end of the day. Again, it was not.

Jane contacted the Ombudsman. We twice asked the adjudicator when she would issue her decision. Both times, she said she would do it right away, but she never did.

We found that the adjudicator's failure to deliver her decision within the statutory timeframe was contrary to the law, and the extraordinary delay in her doing so since then was extremely unfair to all parties to the proceedings. While Jane had the option of applying to court for an order directing the adjudicator to render a decision if the 60-day deadline was missed, we did not feel this was a reasonable option for her, as it would cost her money and she had lost her job.

This was an unusual case. We considered making a recommendation to the adjudicator to provide her decision within a specific period. Usually when we find that a decision maker has made a mistake or treated someone unfairly, we make recommendations, which the decision maker normally accepts and implements. However, because the adjudicator repeatedly told the parties and the Ombudsman that she was going to release the decision and then failed to do so over and over again, we had no confidence she would accept such a recommendation or, even if she accepted it, that she would carry it out. There are no other reasonable recommendations that we could have made in this case that we think would improve this situation.

This is one of the reasons why the Ombudsman has the power to publicly report on the cases we investigate. In this case, we made the investigation report public and took the unusual step of naming the adjudicator. We had hoped this would prompt the adjudicator to fulfill her commitments to render decisions on this and the other appeals that she had outstanding. Jane has waited over two and half years for a final decision about her employment situation. This is extremely unfair.

Our full report on this matter is available on our website.



Statistics

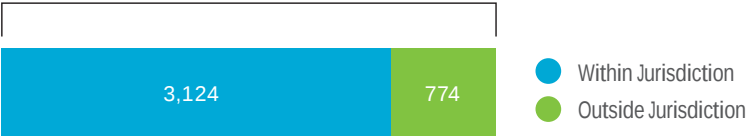
Receiving Complaints

Most complaints we receive fit within our jurisdiction, but a significant number do not. In those instances, we take the time to redirect the person to the most appropriate office or service.

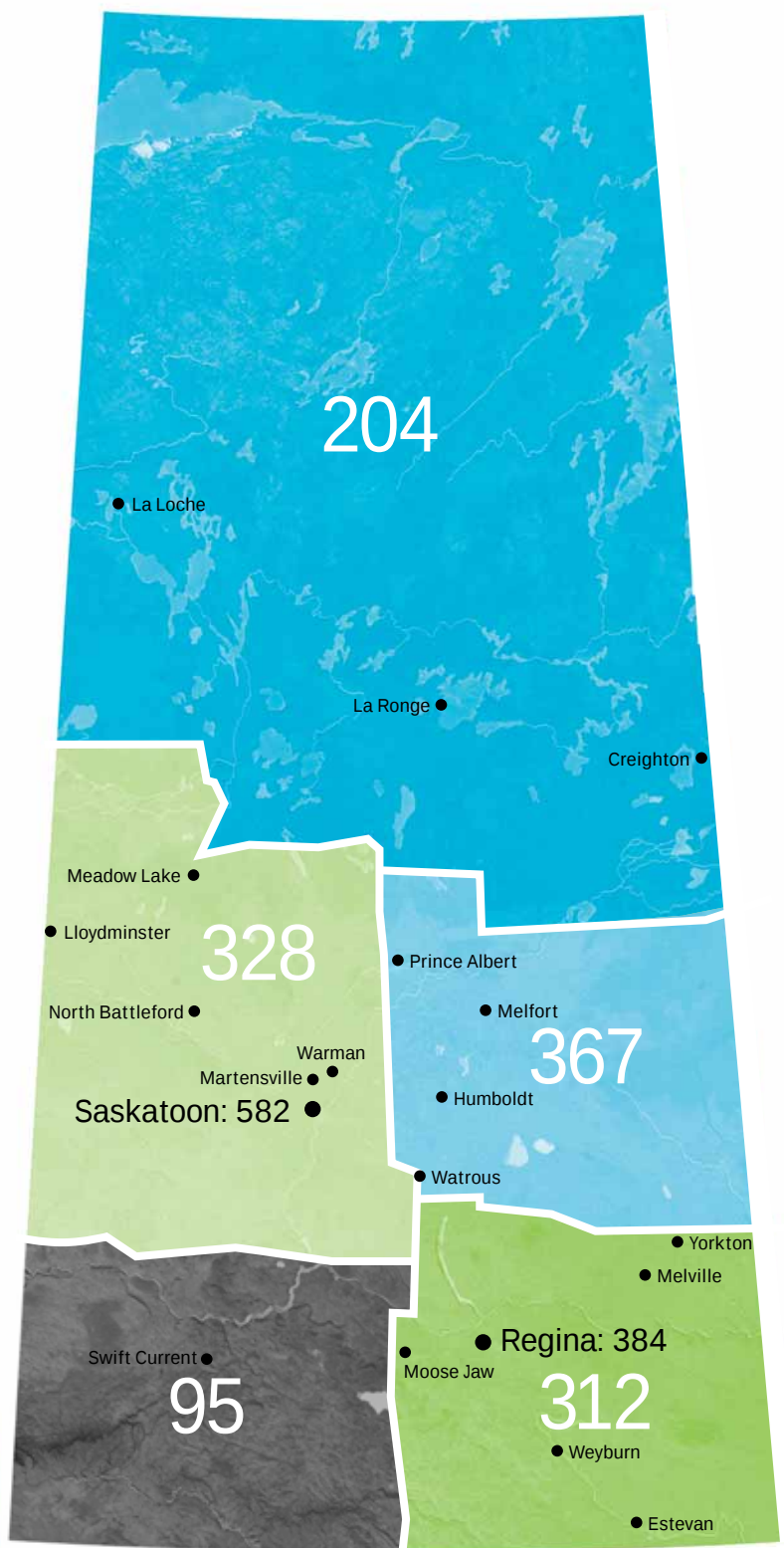
In 2018, we received 3,898 complaints: 3,124 that were within jurisdiction and 774 that were not.

COMPLAINTS RECEIVED

TOTAL: 3,898



COMPLAINTS BY REGION



This map provides an overview of the complaints we received within our jurisdiction, separated into five regions, plus Regina and Saskatoon. Complaints received from inmates in correctional centres have been counted separately since they do not necessarily represent the home communities of those complainants.

Regions & Larger Cities

North	204
West Central	328
East Central	367
Southwest	95
Southeast	312
Regina	384
Saskatoon	582

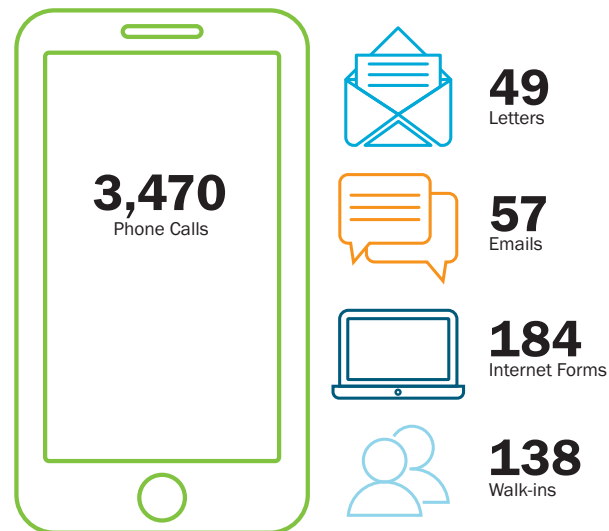
Other Locations

Correctional Centres	739
Out of Province	56
Unknown	57

TOTAL Complaints

TOTAL	3,124
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HOW COMPLAINTS WERE RECEIVED



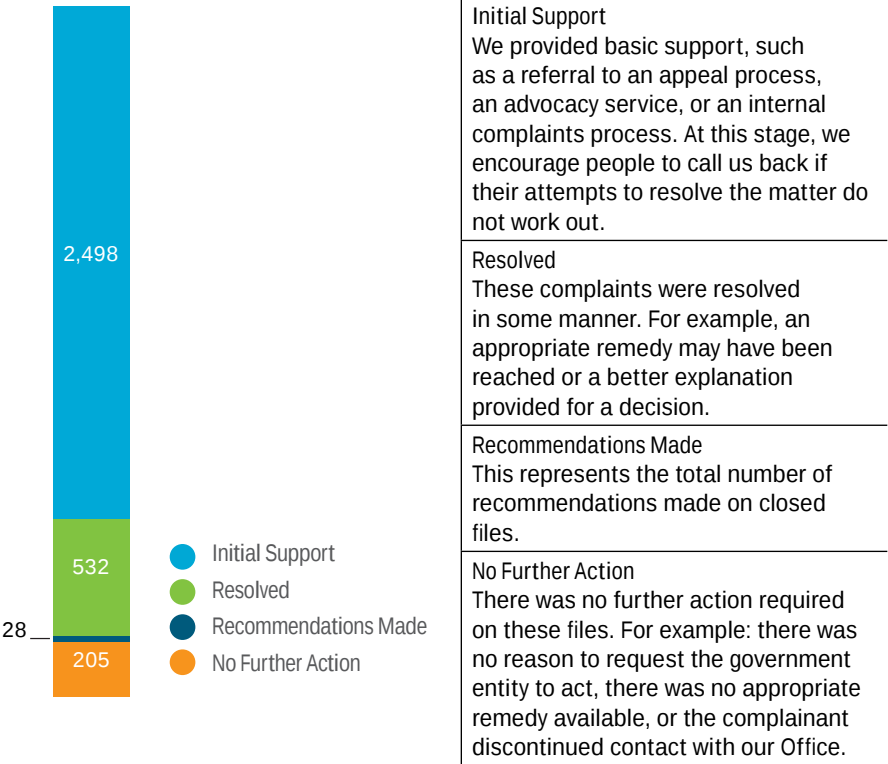
COMPLAINTS RECEIVED OUTSIDE JURISDICTION

TOPIC	COMPLAINTS RECEIVED
Consumer (including landlord /tenant)	239
Courts/Legal	64
Education	12
Federal Government	147
First Nations Government	10
Health Entities Outside Our Jurisdiction	52
Police Outside Our Jurisdiction	33
Private Matter	75
Professional	42
Other	100
TOTALS	774

Closing Complaints

Each complaint is unique and there are many possible outcomes. However, we have grouped outcomes into the four categories defined below. Please note that not all complaints are closed in the year they are received, so the number received in a year will not necessarily be the same as the number closed. Also, some complaints contain multiple issues, each of which may be closed with a different outcome.

COMPLAINT OUTCOMES



TIME TO PROCESS CASES

The time it takes to complete and close a case varies, depending on the circumstances and the amount of work required. Many can be closed within a few days, while others may take several months. Overall, our goal is to complete most cases within six months.

	TARGET	ACTUAL
Files Closed Within 90 Days	90%	89%
Files Closed Within 180 Days	95%	95%

Public Education and Outreach

Throughout the year, we reach out to the public and to public servants in a variety of ways. Here is a list of our outreach activities for 2018.

“Fine Art of Fairness” Workshops

Open to all Provincial and Municipal Entities

Prince Albert
Saskatoon
Regina (3)
Yorkton

Workshops by Request

Ministry of Highways and Infrastructure
Ministry of Social Services
Saskatchewan Association for Community Living

Corrections Orientation & Presentations

Ministry of Corrections and Policing
Pine Grove Correctional Centre &/or Prince Albert Correctional Centre (4)
Regina Correctional Centre (3)
Saskatoon Correctional Centre (3)
Probation Officers & Youth Workers (2)
Saskatchewan Polytechnic - Correctional Studies Class

Mobile Intake

Mobile intake is an opportunity to reach out to local communities - to let people know about the kinds of concerns they can bring to us and to take their complaints in person. In 2018, we travelled to:

La Loche
Swift Current

Municipal Presentations

Division 5 Rural Municipal Administrators Association
Northern Mayor and Councillor Gathering
Saskatchewan Urban Municipalities Association Convention
Saskatchewan Urban Municipalities Association Summer School
Regina District Association of Rural Municipalities
Rural Municipality of Livingston No. 331
Webinars on Complaint Handling Under a Code of Ethics (3)

Ombudsman 101 & Other Presentations

Canadian Bar Association, Saskatchewan Branch - Mid-winter Meeting
Ombudsmans : notions essentielles et meilleures pratiques (Université de Sherbrooke - campus Longueuil)
Ministry of Immigration & Career Training
Ministry of Labour Relations & Workplace Safety
Ontario Patient Ombudsman
Osgoode / Forum of Canadian Ombudsman Certificate - Essentials for Ombuds (2)
Radius Community Centre for Education & Employment Training (9)
Regina Immigrant Women Learning Centre
Regina Work Preparation Centre

Booths

Regina Food Bank Community Connections Event
Saskatchewan Home Economics Teachers Association Conference
Saskatchewan Seniors Mechanism Conference
Saskatchewan Student Leadership Conference
Saskatoon Council on Aging - Spotlight on Seniors
University of Regina Career Fair (2)



Staff and Budget



Regina Office

Rahil Ahmad
Assistant Ombudsman

Sherry Davis
Assistant Ombudsman

Paul Dawson
Assistant Ombudsman

Leila Dueck
Director of Communications

Karin Dupeyron
Complaints Analyst

Stacey Giroux
Executive Administrative Assistant

Jennifer Hall
Assistant Ombudsman

Pat Lyon
Assistant Ombudsman

Stephanie Pashapouri
Complaints Analyst

Nicole Protz
Complaints Analyst

Will Sutherland
Assistant Ombudsman

Greg Sykes
General Counsel

Laurie Taylor
Administrative Assistant

James Turner
Deputy Ombudsman

Harry Walker
Complaints Analyst

Saskatoon Office

Christy Bell
Assistant Ombudsman

Renée Gavigan
Deputy Ombudsman

Adrienne Jacques
Complaints Analyst

Ryan Kennedy
Executive Administrative Assistant

Lindsay Mitchell
Assistant Ombudsman

Sherry Pelletier
Assistant Ombudsman

Shelley Rissling
Administrative Assistant

Andrea Smandych
Manager of Administration

Niki Smith
Complaints Analyst

Kathy Upton
Complaints Analyst

Rob Walton
Assistant Ombudsman

	2015–2016 AUDITED FINANCIAL STATEMENT* (RESTATED)	2016–2017 AUDITED FINANCIAL STATEMENT*	2018–2019 BUDGET**
REVENUE			
General Revenue Fund Appropriation	\$3,371,104	\$3,247,142	\$3,981,000
Miscellaneous	-	\$5	-
TOTAL REVENUE	\$3,371,104	\$3,247,147	\$3,981,000
EXPENSES			
Salaries & Benefits	\$2,616,787	\$2,471,940	\$3,075,000
Office Space & Equipment Rental	\$292,526	\$327,950	\$353,100
Communication	\$54,479	\$63,770	\$63,400
Miscellaneous Services	\$97,341	\$100,081	\$161,200
Office Supplies & Expenses	\$22,583	\$14,311	\$25,100
Advertising, Promotion & Events	\$66,512	\$101,309	\$76,000
Travel	\$55,132	\$56,539	\$60,800
Amortization	\$70,446	\$70,446	-
Dues & Fees	\$47,456	\$55,378	\$90,300
Repairs & Maintenance	\$36,445	\$31,669	\$76,100
Capital Asset Acquisitions	-	-	-
Loss on Disposal of Capital Assets	-	-	-
TOTAL EXPENSES	\$3,359,707	\$3,293,393	\$3,981,000
ANNUAL (DEFICIT) SURPLUS	\$11,397	(\$46,246)	-

*These columns are based on our audited financial statements, which follow our fiscal year (April - March) and our annual report follows the calendar year. The audited financial statements are available on our website at www.ombudsman.sk.ca.

**Due to the timing of this report, 2018–2019 numbers reflect the budgeted amount rather than the actual.