



THE FEDERAL OMBUDSMAN – SUMMARY OF THE 2021 ANNUAL REPORT

Empathy, key to a humane public service



the federal
Ombudsman



Empathy, key to a humane public service

Digitalisation of the federal public services, limited direct contact, increase in the number of files... Also in 2021, the pandemic put the relationship between citizens and the public services under strain. Indeed, the number of files we received increased by 9 % compared to 2020 and by 20 % compared to 2019.

On the one hand, the pandemic presented the public services with major challenges. But respect for citizens' rights means that they must carry out their duties properly, also in times of unprecedented crisis. On the other hand, more than ever, citizens are looking for support. Above all, they expect the public services to take account of their situation and to put themselves in their place. **The pandemic confirmed that empathy is key to a humane and qualitative service.**

Over the past 25 years, we examined tens of thousands of complaints from individuals, businesses, and associations. Each year, the complaints involve numerous public services and a wide variety of problems. Since the early days of the Federal Ombudsman's existence in 1997, we found that the people who contact us need empathy.

Challenges facing the public services:

- How to introduce empathy in relationships that are becoming ever more digitalised, sometimes exclusively so?
- How to marry empathy with the legal provisions, the applicable procedures, and deadlines?
- How to ensure empathy when the public services are inundated with files and the staff are overworked?
- How to guarantee empathy in the service that caters for vulnerable people?



A listening ear and showing insight into their situation and needs is essential, especially in a crisis context. Empathy helps to bring about dialogue, to reconcile points of view and to restore the confidence that can be in short supply between citizens and the public administrations.

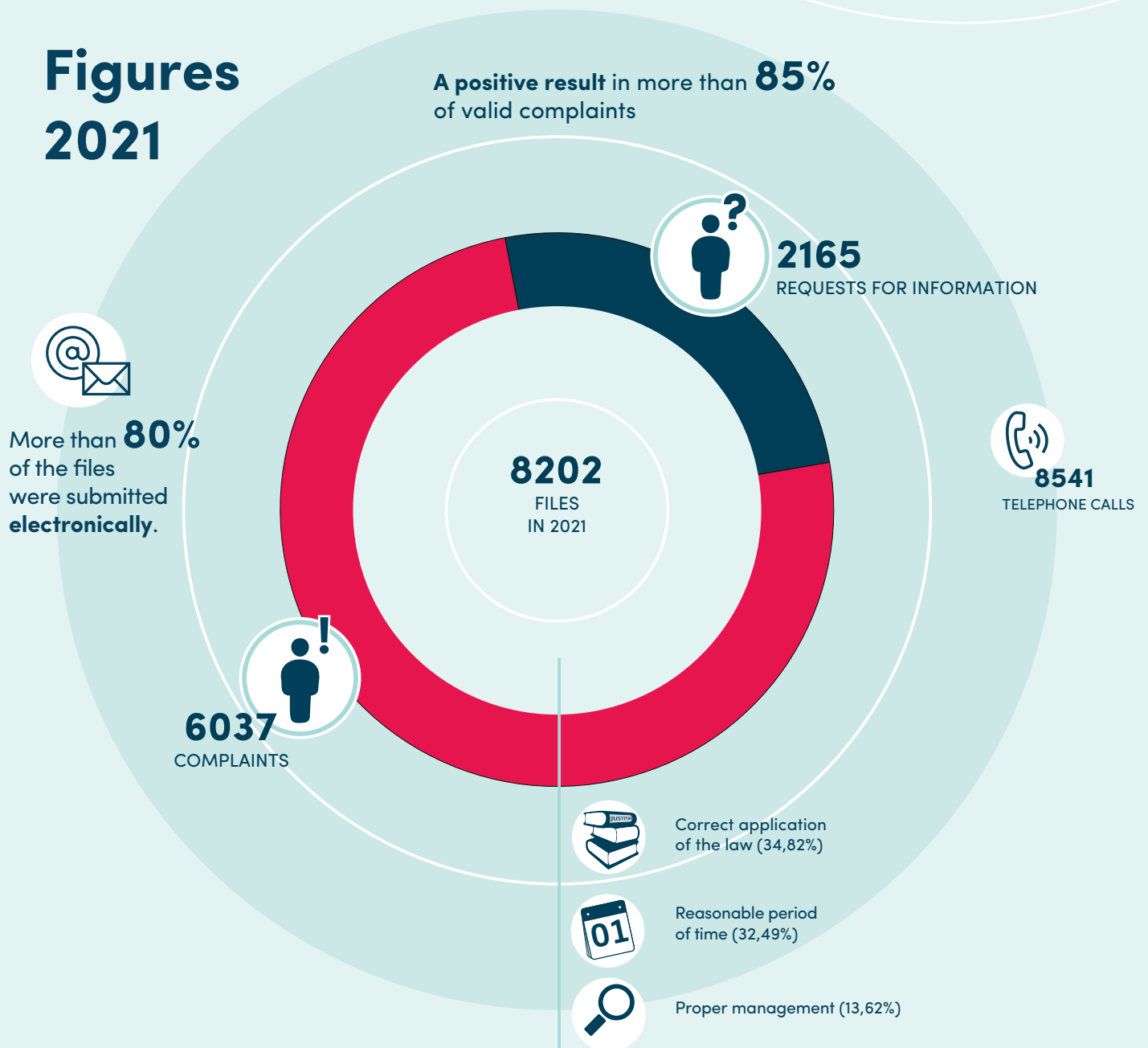


(From left to right) David Baele and Jérôme Aass, the federal ombudsmen

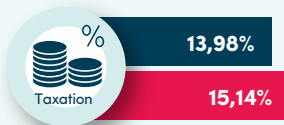
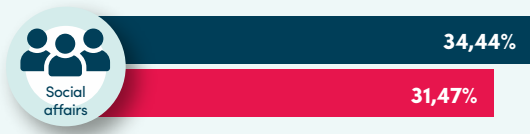
The work of the Federal Ombudsman in figures

In 2021, the Federal Ombudsman received 6,037 complaints and 2,165 requests for information, i.e., 8,202 files in total. This is a 9 % increase in the number of files compared to 2020 and a 20 % increase compared to 2019.

Figures 2021



ADMISSIBLE COMPLAINTS BY TOPIC

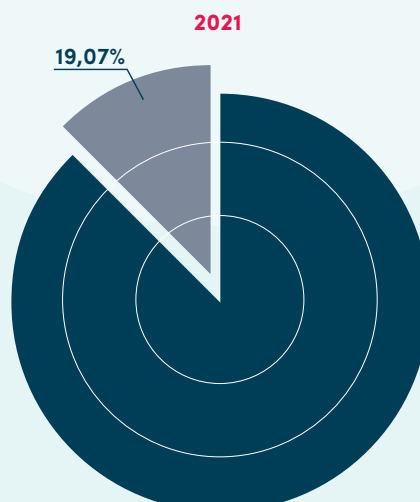
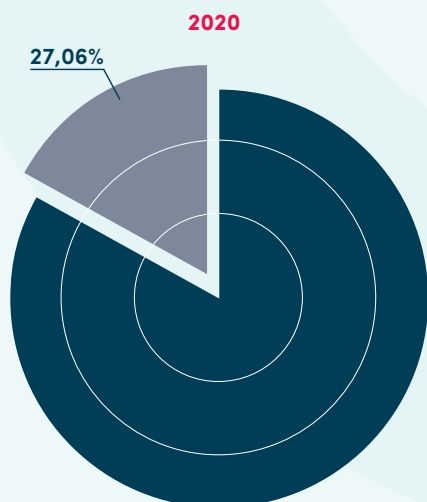


● 2020
● 2021

The complaints we receive involve a variety of topics. Like in 2020, the social affairs sector remains the sector that generated the largest number of complaints because of the pandemic and the problems associated with the payment of unemployment benefits. In 2021, the proportion of mobility-related complaints decreased due to a reduction in complaints associated with vehicle registrations.

FILES ASSOCIATED WITH THE HEALTH CRISIS

The pandemic continued to have a significant impact on the number and types of complaints we received. In 2021, 1 complaint in 5 was related to the health crisis. The majority of the complaints associated with the health crisis involved the social affairs sector which covers anything from unemployment, disability to illness and invalidity...



● Files associated with the health crisis
● Other files

Social affairs: the pandemic complicates the rules

EVER MORE COMPLEX UNEMPLOYMENT BENEFIT FILES

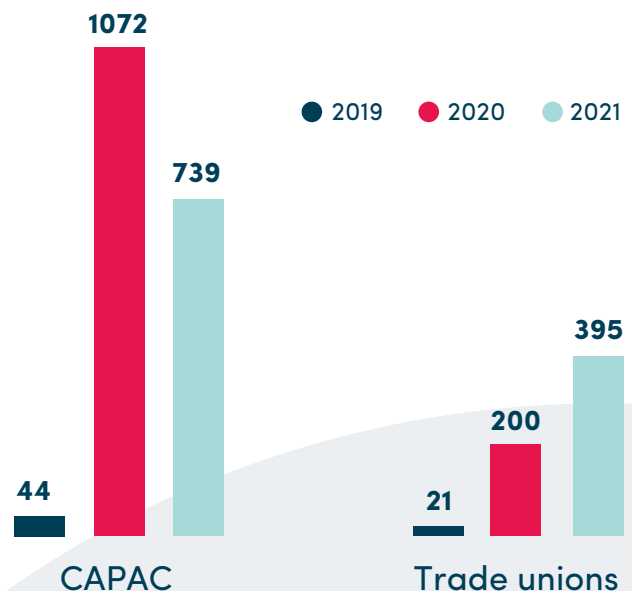
The pandemic is still having a major impact on employment and the labour market. While the situation appears to be stabilising, we continue to receive countless complaints about the Auxiliary Unemployment Benefits Fund [(*Hulpkas voor Werkloosheidsuitkeringen (HvW)/ Caisse auxiliaire de paiement des allocations de chômage (CAPAC)*)], and the trade unions. The majority of the complaints were associated with excessive waiting times, the non-payment of unemployment benefits or benefits being paid late. Finding someone to speak to at the CAPAC or at one of the trade unions was another issue.

Thanks to our expertise, we were able to break the stalemate in numerous cases, but we did notice that the cases are becoming ever more complex. For some people, there are simply too many steps to take and documents to submit. **Faced with complex, diverse and changing legislation, they sometimes simply do not understand what they need to do and why.**

It is essential to put oneself in citizens' place and to inform them clearly and in an intelligible manner, especially when the issue is a complex one. To address that problem, we are working on various recommendations to the bodies that pay unemployment benefits, in particular regarding matters like access to information and accessibility.



UNEMPLOYMENT-RELATED COMPLAINTS



Example of a complaint: complex legislation

In line with the temporary health measures, Mr Roy, as an artist, was entitled to an increase in his unemployment benefit. As Mr Roy was left waiting for that increase for several months, he contacted the Federal Ombudsman who interceded with the CAPAC on his behalf. It turned out that the increase varies in function of an unemployed person's family class (people with families, people living on their own or cohabiting) with the result that the income of Mr Roy's spouse had to be checked, and that the right form had to be submitted. This is why the amount of the unemployment benefit is first calculated at the cohabiting rate and paid automatically and it isn't until the household income has been checked that the CAPAC eventually proceeds to paying out a supplement manually. Once the Federal Ombudsman had become involved, the CAPAC reviewed Mr Roy's file and paid him the supplement he was entitled to.



Taxation: empathy when fines are disproportionate

Cause-list duties: showing understanding for citizens' situations

During 2020 and 2021, quite a number of people turned to us because they had received a **fine in relation to cause-list duties**. Cause-list duties are a tax that must be paid to cover the cost of registering a case on the court's agenda. The FPS Finance expects this tax to be paid within 15 days of the payment notice, on pain of a fine. The amount of the fine ranges from € 25 to € 325.

Most people found the fine unjustified. We identified two major problems:

- many people received a fine even though they never received a payment notice by post or received it too late;
- the FPS Finance does grant anyone who is unable to pay the cause-list duties in one go a payment plan but, under the legislation, it is still obliged to issue them with a fine.

We are of the opinion that some allowances should be made for the issues associated with mail distribution and that citizens who claim that they never received a payment notice are acting in good faith. **It is also essential not to significantly increase the indebtedness of people who find themselves in a precarious financial position already.**

At our request, the tax rules were amended so as to allow the FPS Finance to cancel the fine in a number of exceptional cases. Thus, people liable for cause-list duties who apply for a payment plan will no longer be fined automatically.



Personal and human interaction with the FPS Finance?

We continue to receive complaints from private citizens and businesses about the impossibility to contact the FPS Finance about their difficulties using online services like MyMinFin and Taxonweb.

While there are numerous advantages to the digitalisation of these services to the FPS Finance and many citizens, we do feel that special attention should be paid to people who do not have the necessary computer skills or who find it difficult to complete their administrative formalities online. **Showing empathy also means providing alternatives to the digital channels for people who need it and giving them the option of speaking to someone.**

Access to the Internet as a fundamental right

In general, recognising access to the Internet as a fundamental right and enshrining that right in the Constitution, as we recommended to the Federal Parliament in July 2021, would be a first step in ensuring that everyone has access to the Internet and reducing the digital divide.

The Federal Ombudsman sees to the integrity of the public services

Our Integrity Centre investigates public interest disclosures about acts committed within the federal public service: embezzlement, favouritism, abuse of power against citizens, irregularities in public procurement procedures.... It also protects whistle-blowers against reprisals.

In 2021, the Integrity Centre opened 49 files. Like in 2020, telework across the public service as a measure to combat the pandemic resulted in fewer workplace interactions which would explain the reduction in public interest disclosures (2 in total). The Integrity Centre did conclude five inquiries however and opened three files to protect whistle-blowers against reprisals.



Recommendations as a tool for prevention

The recommendations in the Integrity Centre's investigation reports are designed to improve administrative practices and to prevent, or at least minimise, risks of abuse, irregularities, or fraud in the future.

Protection of whistle-blowers

In 2021, we continued to make our contribution, as external experts, to working groups who are preparing the implementation of **the European Whistleblowing Directive** across the federal public service and the private sector alike. In line with case law of the European Court of Justice and pending the implementation of the directive, whistle-blowers working for the federal public service can contact our Integrity Centre and assert a number of the directive's provisions that are directly applicable.

Example of an inquiry

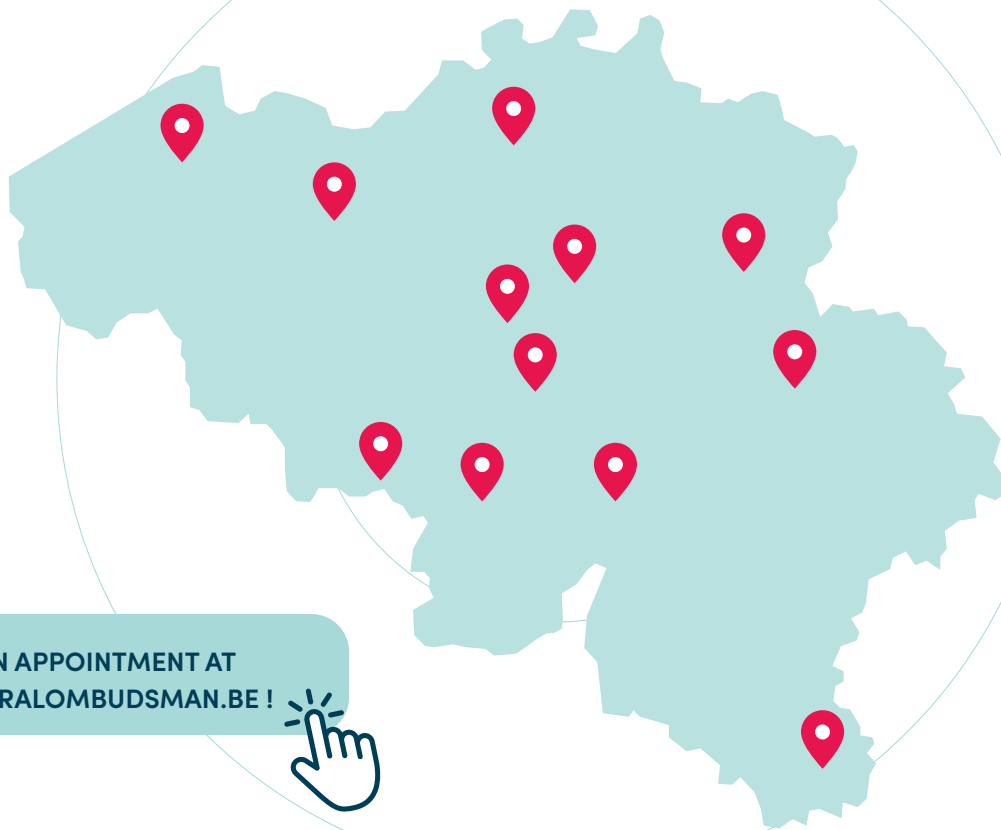
Violence control - Use of service vehicles - Recruitment process

Within the FPS Finance we conducted an inquiry into non-compliance with the rules of violence control, a suspicion of favouritism in a recruitment process and the abuse of service vehicles at one of its departments. This inquiry brought a breach of professional integrity for non-compliance with various points of the rules of procedure regarding the control of violence to light. Given the reasonable presumption that the facts amounted to a criminal offence, that aspect of the inquiry was passed on to the public prosecution service. A second breach of professional integrity involved the use of service vehicles for commuter journeys. This irregular use of service vehicles proved to be a structural problem within the department concerned which was resolved as a result of our inquiry. As to the allegation of favouritism in a recruitment process, we found that no breach of professional integrity had been committed.

The Federal Ombudsman Near You

The Federal Ombudsman listens and helps citizens with their complaints. He works:

- **free of charge:** citizens don't pay anything for his intervention
- **independently and impartially:** he does not form part of the public administration
- **confidentially:** our staff are bound by professional secrecy
- **professionally:** our staff are experts in their field and manage all files with the utmost care.



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www.federalombudsman.be

0800 99 962

+32 2 289 27 27
(from abroad)

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D. Baele and J. Aass

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The name in the section "Example of a complaint" is fictitious and
the photograph comes from image databases. The complaint is a
complaint the Federal Ombudsman dealt with.