

ANNUAL REPORT

2005/2006



Ombudsman



NEW BRUNSWICK
NOUVEAU-BRUNSWICK



October 23, 2006

Ms. Loredana Catalli Sonier
Clerk
Legislative Assembly
Province of New Brunswick
Fredericton, N.B.

Madam:

Pursuant to Section 25(1) of the *Ombudsman Act* and Section 36 of the *Civil Service Act*, I have the honour to present the Thirty-ninth Annual Report of the Ombudsman for the period of April 1, 2005 to March 31, 2006.

Respectfully submitted,

Bernard Richard
Ombudsman



TO REACH YOUR OMBUDSMAN

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Mission Statement

Under the *Ombudsman Act*, the Office of the Ombudsman strives to ensure that individuals are served in a consistent, fair and reasonable manner by New Brunswick Government organizations.



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FROM THE OMBUDSMAN

This is my third Annual Report as New Brunswick's Ombudsman covering my second full year in office (April 1, 2005 to March 31, 2006). An examination of the statistics for the year will confirm that, in terms of numbers, the workload remained high, as was the case the previous year. As I have stated in the past, the office continues to lack the resources it needs to provide adequate services to the people of New Brunswick. We have the broadest mandate of any Ombudsman office in Canada, combining responsibility for general complaints against all government departments, agencies, crown corporations and municipalities with right to information, privacy and civil service appeals. When compared to our sister province of Nova Scotia (which has a separate office for information and privacy complaints) or Manitoba (which has a similar mandate except for civil service appeals) the shortfall is even more staggering. The reality of this scarcity of funding becomes inescapably undeniable when you focus in on the areas of privacy and access to information. The table below, recently prepared by the Canadian Centre for Policy Alternatives and which I have updated with information from my office and the Manitoba Ombudsman gives a troubling snapshot of the meager public sector investment in Access and Privacy issues in our province. I can only hope that the new government will address this issue.

This being said, the members of our staff, with occasional help from contract and student employees, continue to provide as much help as is possible to our complainants. I remain as committed today as on my first day on the job to ensuring that open government means just that, that children and youth are nurtured and protected, that seniors are not forgotten and that individual citizens are treated fairly by a bureaucracy that, though well intentioned, is not always sensitive to exceptional circumstances.

In this report I have decided to pause, consider and expose to New Brunswickers the manner in which our recommendations are received and treated by the civil service and government. That does not mean that we are no longer investigating systemic complaints. In fact, we are currently examining the services provided to high risk youth in our province and the appeal process available with regard to several government programs. We are also working on a manual on administrative fairness that we hope could become a useful tool for citizens as well as the civil service. We



will report on these separately during the course of the next several months. It is time to examine each of the fifteen(15) systemic recommendations contained in our 2003-04 and 2004-05 Annual Reports and decide whether this is a useful exercise for the Ombudsman Office, and more importantly, for the people of New Brunswick. As I explained in my first report, previous Ombudsmen have chosen not to use the Annual Report for this purpose. It is therefore, in my estimation, prudent to take a second look at the practice.

During the course of the year in question, I have accepted many invitations to meet with and speak to groups wanting to know more about the work that we do and anxious to share their concerns. This is, in my view, an important part of my responsibilities and will continue to take up a considerable amount of my time.

Finally, this year I agreed to accept the presidency of the Forum of Canadian Ombudsmen (FCO). This organization includes Ombudsmen from across Canada who work at the provincial, federal, municipal, university and private sector levels. It provides a network for comparing best practices, exchanging ideas and providing training for employees in our respective offices. It has allowed me to improve my knowledge and grasp of the concept of independent oversight and accountability while contributing to bettering the tools of governance in other jurisdictions. As well, in November 2005, I was asked to serve as vice-president of l'Association des ombudsmans et médiateurs de la francophonie(AOMF) which has similar goals as that of the FCO with particular emphasis on supporting the development of Ombudsman services in French speaking nations throughout the world. I continue to hold both positions.

In conclusion, I want once again to emphasize that our priorities remain the handling of individual complaints, the mediation of disputes and the search for solutions when these are available under the laws of our province. We are committed to bridging the gap between the citizenry and the civil service when misunderstanding or disagreements occur. We are determined, within the limitations of our mandate and resources, to be accessible, proactive and diligent. While realizing that not every problem can be resolved, we work in the hope that in almost every case, the relationship between the citizen and the administration can be improved.

Bernard Richard
Ombudsman



Table 4: Spending by Information and Privacy Office Per Capita, by Province

Province	Population	Spending by Information and Privacy Office	Spending per capita	Rank
Newfoundland	514,409	\$301,500	\$0.59	6
Prince Edward Island	138,157	\$77,400	\$0.56	8
Nova Scotia	936,988	\$256,000	\$0.27	9
New Brunswick	751,111	\$106,000	\$0.14	10
Quebec	7,623,870	\$4,700,700	\$0.62	4
Ontario (05/06)	12,599,364	\$11,725,700	\$0.93	2
Manitoba	1,178,348	\$1,041,100	\$0.88	3
Saskatchewan	990,030	\$599,000	\$0.61	5
Alberta	3,306,359	\$4,510,000	\$1.36	1
British Columbia	4,279,462	\$2,503,000	\$0.58	7

Note: All figures provided are based on 2006/07 estimates except Ontario. Ontario will not publish its estimates until December



OMBUDSMAN RECOMMENDATIONS: TRYING TO MAKE THE SYSTEM WORK

Making systemic recommendations is an essential component of an Ombudsman's role. If they are viable and based on sound research, they provide opportunities to improve public policy, prevent recurring lapses in public services and build confidence in democratic institutions, including the civil service. To be credible, they must be made in a spirit of unimpeachable impartiality and they must be received in that spirit. In this section, we offer a glimpse of how our previous recommendations have been treated and provide comment on our own expectations. We do so because we hold on to the belief that independent oversight is an unavoidable and essential instrument of good governance in any modern democracy.

It should be noted that the office makes recommendations in individual complaints on an ongoing basis and, for the most part, these recommendations are well received and implemented by departmental staff. Although it is sometimes frustrating for us, it should be heartening for ordinary taxpayers to know that the lower down the bureaucratic ladder we go, generally speaking, the better the response. As a rule and to no surprise, head office personnel are more concerned about creating precedents and protecting systemic coherence while front line workers just want to find solutions and welcome, as a rule, our interventions.

For ease of reference, the recommendations discussed in this section have been listed by department while indicating the year it was made and the type of subject (Ombudsman, Right to Information, Privacy or Civil Service).

1. JUSTICE

a) 2003/2004 – Ombudsman – Access to government files.

Recommendation 3 in the 2003/2004 Annual Report is perhaps the simplest and least costly one to implement yet none is more crucial to the efficient operation of the Ombudsman Office itself. It is not possible for complaint investigations to be carried out if departmental staff can merely withhold information from their files.



This is precisely the situation faced by our office time and time again when dealing with the Department of Family and Community Services. No other department has put up this resistance despite the fact that over 70 pieces of legislation are in place to protect the personal information of citizens dealing with their government. Other departments take the position, as do we that the *Ombudsman Act* would be rendered meaningless if officials could avoid investigation merely by refusing to provide a copy of their files under the guise of protecting personal information.

This conclusion became painfully obvious when our office was asked to review the actions of FCS officials in the case of the tragic death of a two year old child. No better instance of the need for independent oversight of administrative action could possibly be found. No more compelling argument for cooperation could exist. Yet, despite a recommendation that was made in January 2004, we are forced to take this department to court in order to gain access to the file. Surely the legislators who adopted the *Ombudsman Act* in 1967 could not have intended such a situation. Other provinces have squarely addressed this issue in their Ombudsman legislation by providing the Ombudsman with a broad right of access to government files notwithstanding the confidentiality provisions of any other statute. Our recent investigation into the Juli-Anna St-Peters case has demonstrated a clear need for new approaches, whether court ordered or imposed through new legislation.

b) 2004/2005 – Ombudsman – Grandparents’ visitation and access rights.

Scores of New Brunswick grandparents continue to struggle in order to secure reasonable access to their grandchildren when the parents’ relationship has failed. Quebec has adopted an approach which makes it easier for grandparents to obtain such access all the while maintaining the “best interests of the child” as the primary consideration.

Our recommendation to adopt the Quebec model and to provide improved mediation has gone unheeded.

c) 2004/2005 – Privacy – Video surveillance guidelines.

Our last Annual Report suggested a series of guidelines to be used by public bodies who decide to install video surveillance cameras. These were intended to assist schools, municipalities and tourism venues, to mention only a few, in



particular, in assuring that the right balance between security and privacy exist when agencies decide that cameras are required. Although not formally adopted as government policy, we know that some agencies are already using the guidelines. Unfortunately, larger municipalities have been streaming live video surveillance footage through their websites with a disturbing disregard for the guidelines and the privacy interests they seek to protect.

2. FAMILY AND COMMUNITY SERVICES

Seven (7) of the fifteen (15) recommendations contained in our first two Annual Reports relate directly to FCS services and programs. This is not surprising since the department caters to the province's most vulnerable citizens: the poor, the disabled, seniors and children and youth in need of protection.

a) 2003/2004 – Ombudsman – Nursing homes

A recurring complaint at our office is the enormous cost of nursing home care for those families who have the misfortune of having to place a loved one there. While most nursing home residents are subsidized by government, those who have managed to build some equity over their lifetime have seen those life savings disappear virtually overnight as a result New Brunswick's policies on family financial contributions.

Two years ago, we set out to tackle two of the prime concerns expressed to us by seniors and members of their families. The first was the obligation imposed on residents and their families to pay the costs of health care services provided in nursing homes. The second was the inclusion of assets and savings in the contribution formula. In our view, these penalize unduly the families of nursing home residents and in January 2004 we pushed for change and continue to do so.

Although the early response from FCS was not positive, we are pleased that government announced as part of the 2006/2007 budget that health care costs will no longer be charged as of January 1, 2007.

We are also pleased that the new government has already acted on its commitment to calculate the financial contribution for nursing home services based on income only.



As of this day, our less demanding recommendations, adopting a nursing home residents' Bill of Rights and allowing our office to exercise oversight with regard to residential facilities licensed by FCS, have not been retained.

b) 2003/2004 – Ombudsman – Publicly owned or subsidized housing

Recommendations regarding housing services related to eviction of tenants and damage charges were included in our 2003/2004 Annual Report following several complaints in this regard.

The response to these particular recommendations has been more positive and dialogue continues with the department on these concerns.

c) 2003/2004 – Ombudsman – Appeal process following FCS decisions.

We remain greatly concerned over the appeal process available to clients of FCS following decisions regarding eligibility for assistance or the amount of assistance available.

Complaints received at our office have shown that income assistance clients are at a huge disadvantage when faced with the prospect of an appeal. Clients are often insufficiently informed of their rights, are ill prepared for the appeal process, are poorly informed of the department's case against them and, once there, have little or no chance of defending themselves. In fact, on some occasions, when the Family Income Security Appeal Board has decided in favor of clients, FCS has simply overruled that decision.

Our 2003/2004 recommendation was limited to promoting greater disclosure to clients facing loss of benefits. Although basic in terms of administrative fairness, even this recommendation was not well received by the department.

We are currently widening the scope of our investigation to include all aspects of the review and appeal process.

3. EXECUTIVE COUNCIL OFFICE

2003/2004 – Right to Information – Making municipalities subject to – Training the users.

2004/2005 – Right to Information – Reviewing the act itself.



The Executive Council Office is tasked with coordinating government's administration of the Right to Information Act (RTIA). In New Brunswick, as is the case in Manitoba and Yukon, the Ombudsman's jurisdiction includes reviewing government treatment of right to information requests. To be consistent with other provinces, this role generally includes acting as an information commissioner, i.e., promoting "open government" and the "right to know", among other responsibilities.

For our office, in addition to the 75 or so reviews per year, this duty has meant recommending changes to the legislation and better training for information coordinators in the various departments.

In our 2003/2004 report, we recommended municipalities be added to the list of organizations subject to the act. It is not that municipalities are any more or less secretive than government departments, but that they are presently exempt from independent review of their decisions regarding access to information.

That same year, we recommended the use of a one-day workshop bringing together frequent users and stakeholders concerned with the RTIA. We hoped this type of session would favour a more consistent understanding of the act. Neither recommendation was retained.

In January 2006, we suggested that the anticipated review of the act take place at arms length from government. Our recommendations called for an independent review reporting to the Legislative Assembly rather than to the executive branch of government. Here again, our suggestions were ignored. Our main worry remains that this basic tenet of democracy, the concept of open government, not be subverted by a review process that is, itself, less than transparent.

4. OFFICE OF HUMAN RESOURCES

2004/2005 – Civil Service– Casual employees

The last of the 15 recommendations contained in our last two Annual Reports discusses the plight of the few thousands of casual employees who work for public agencies. We further narrowed our investigation to those casual employees who are hired for seasonal or occasional employment. These are primarily employees of the departments of Transportation, Tourism and Parks and Natural Resources.



One of the more longstanding and recurrent complaints of people who find themselves in these jobs is the precarious nature of their employment. Many are subject to the whims and caprices of politicians or supervisors and their very livelihood often hangs by a thread.

In an attempt to bring some relief to the least protected of government employees, we proposed “a right of recall for seasonal casuals” similar to protection provided to PEI government employees following amendments to their *Civil Service Act* in 1998.

A subsequent meeting with a senior officer of the Office of Human Resources (OHR) was encouraging in that there was an acknowledgment of the issue. However, a rationale was provided for the difficulties in tackling an issue that is decades old:

- a) the government is currently being taken to court regarding the status of casual employees;
- b) appropriate qualifications are required for the most basic positions within government;
- c) the word “recall” has a specific meaning within collective agreements which convey the idea of permanency, regardless of whether or not a requirement exists for casual workers at any given time.

Despite these obstacles, OHR has agreed to examine if practical means can be found to address our recommendation.

CONCLUSION

The work of this office is predicated on the belief that a disinterested third party who enjoys the confidence of Government will often be able to find a solution when issues of unfairness, maladministration or government oversight are brought to its attention. Using only moral suasion and a power of recommendation it is expected that this avenue for redress will often be more timely, more effective and more collaborative than litigation or other traditional grievance resolution procedures. Ultimately the Ombudsman’s only sanction, though it is often effective and sufficient, is to render public the recommendations that have been made in individual cases. It is our hope that this brief overview of recent recommendations made public in my last two annual reports will provide the



reader with a better understanding of the systemic and preventative aspect of the work of the Ombudsman and provide the new government with an early opportunity to revisit a number of the significant recommendations outstanding.



CASE SUMMARIES

As stated in the Report of the Ombudsman, the priorities of the office remain the handling of individual complaints, the mediation of disputes and the search for solutions when these are available under the laws of our province.

To help provide a better of understanding of what we try to accomplish in our role as an office of independent oversight, we are including a brief cross section of case summaries in this year's annual report. Here are a few examples of our efforts:

Public Safety – Corrections

Resolved – Assistance provided: New Policy Developed

An inmate reported to our office details of an incident that occurred at one of the provincial correction centers. Upon admission to the institution, the inmate was placed in a so-called “dry cell” as the prison administration suspected that he had illegal drugs on his person. Inmates are placed in dry cells to prevent the disposal by flushing of any drugs or contraband they may be attempting to smuggle. While in the cell, the inmate suffered a near fatal drug overdose and had to be revived in the hospital. Confidential information shared with our office during the investigation revealed that the inmate had in fact consumed large quantities of pharmaceutical-type painkillers and anxiolytic drugs, hoping to avoid detection and a smuggling charge.

This incident raised serious safety concerns, as the inadequate supervision of prisoners placed in dry cells made the potential for accidental death in custody unnecessarily high. Upon completion of the investigation, the Ombudsman made a recommendation to the Department of Public Safety that guidelines for the supervision of inmates placed in “dry cells be reviewed. As a result, corrections officials underwent a complete review of the use of “dry cells” and policies governing this practice. A new policy was developed which requires “eyes on” supervision, in person or through video monitoring, when an inmate is placed in a “dry cell”.



Family & Community Services – NB Housing

Resolved – Assistance provided: Mediated Compromise

A complainant received a letter from NB Housing officials announcing his acceptance for housing at a Seniors Complex. Days before his scheduled move, the man was phoned by an NB Housing officer and told that the offer had been revoked. The man alleged it was due to his future neighbors' complaints that he was receiving counseling for mental illness, and he felt he was being treated unfairly.

Our discussion with officials about the revocation of the offer for housing revealed that an administrative error had occurred. Officials stated the revocation of the housing offer was due to miscommunication after a discussion between a new program officer and his supervisor about the application and suitability of the complex. Although the man was reoffered entrance to the Seniors Complex, he felt uncomfortable living there given the complaints from residents about his mental health. Our office mediated between the housing applicant and the program officer to try and ensure that a fair outcome was reached. The solution reached involved NB Housing officials finding alternate suitable accommodations for the complainant and providing him with a rent supplement to compensate for the month of lost housing.

Public Safety – Corrections

Resolved – Assistance provided: Improvements to Existing Policy

An inmate phoned our office with a complaint that he was unable to properly conduct his Native Sweetgrass smudge ceremony while at a provincial correction center, as he was shackled and handcuffed when taken outside. The shackles and handcuffs were attached as per normal procedure for taking remand or high risk offenders outside; however, they were interfering with the inmate's ability to fully engage in his traditional Sweetgrass smudge ceremony.

At the time of the complaint, the provincial correction centers had a policy in place permitting Native inmates to retain Sweetgrass and burn it in designated areas in accordance with their spiritual traditions. The Department of Public Safety, as a result of our investigation, improved the provincial policy by ensuring that in the future shackles and handcuffs would be removed from Native inmates during the Sweetgrass ceremonies so that they may fully participate.



Family & Community Services – Benefits

Resolved – Assistance provided: Withheld Benefits Returned

A family decided to take a three month vacation outside of the province with their disabled son. Their son was in his late 30s and living in their home at the time and a recipient of long term care benefits since 1986. The family had cared for their son 24 hours a day since his birth making this a significant vacation for them. Rather than placing their son in a long term care facility they decided it would be better for him if they took him with them. Since the family was outside of New Brunswick for three months, the department decided to cut off their son's benefits during that time a total amount of \$1,255.50.

Our investigation revealed that although the decision to cut off his benefits was based on a strict interpretation of the legislation, it was patently unfair and should be reversed. Our office found the department's decision was unreasonable because had the family placed their son in a nursing home for the duration of their trip it would have cost taxpayers over \$12,000. Also, the department was penalizing the son for a decision that was not made by him and that was beyond his ability to comprehend as he had only reached a development age of about four years of age. The family's decision to take their son on vacation was, most importantly, in his best interest as he remained with his parents for the three month period. At the beginning of our investigation the department was adamant that they had followed the policy and no exception could be made; however, after lengthy correspondence and several meetings with department officials the withheld benefits were returned in full to the family.

Health & Wellness/Family & Community Services – Health Card

Resolved – assistance provided: Medical Device Acquired

When he contacted our Office a 50 year old muscular dystrophy patient had been waiting nearly a year to acquire a wheelchair suitable to his needs. The Department of Health and Wellness had determined that he required a specialized chair and ceiling lift. The lift was promptly delivered and installed, but the chairs provided were insufficient to allow any real mobility. While the complainant and his occupational therapist had made it clear that a specialized chair would be necessary, the Department of Family and Community Services had declined to approve expenditures for a chair with the necessary features. Meanwhile, the complainant had been confined to his home for months, all for lack of a proper chair.



When the complainant asked for our help and handed over his correspondence with the government departments involved in his case, it was clear to us that the delays and hurdles he had encountered were unreasonable. We contacted the Department of Family and Community Services to explain the situation and requested that the case be reviewed. To the complainant's satisfaction and ours, the subsequent review resulted in a decision to fully finance acquisition of the required chair.

Family & Community Services – NB Housing
Resolved – Assistance provided: Costs Reimbursed

A complainant's husband suffered from multiple sclerosis and relied on a wheelchair to move about. Having heard about a provincial government program designed to assist the disabled in securing suitable accommodation, the complainant contacted a senior official at the Department of Family and Community Services to ask whether she and her husband might qualify. She learned that funds were available for landlords who would agree to make renovations to their properties in order to accommodate disabled tenants. The official assured the complainant that given her husband's condition, funding could be provided to them under the program.

Relying on the official's comments, the complainant proceeded to have her landlord undertake various renovations, paying out of pocket and expecting to be reimbursed by the Department of Family and Community Services. Unfortunately, the complainant only learned later from program delivery officers that program eligibility depends upon a variety of conditions, notably the landlord's willingness to enter into an agreement with the Province. The complainant was informed that since these conditions had not been met, funding would not be forthcoming.

At the complainant's request, the Office of the Ombudsman reviewed her case. We concluded that an official of the Department of Family and Community Services had indeed made representations to her, and that she had relied on these statements to act as she had. For reasons of fairness, we recommended that the complainant be reimbursed for her costs. The Department followed our recommendation.

Office of Human Resources – Classification Appeal
Resolved – Assistance provided: Improvements to Existing Policy

A government employee, attempted to bring a matter before the Classification Appeal Board, which hears grievances relating to the employee classification system



overseen by the Office of Human Resources. The complainant was informed by the Board that his request for a hearing had been discussed with the Office of Human Resources, and that it had been determined that the matter was non-jurisdictional. The complainant then contacted our office and filed a complaint relating to the Office of Human Resources' involvement in the determination of jurisdiction, which he considered to be unfair.

Upon review of the matter, our Office concluded that decisions relating to the Board's jurisdiction to hear an appeal should be made by the Board in an impartial fashion. Accordingly, we recommended that when either the employer or the appellant has concerns about the jurisdiction of the Classification Appeal Board to hear an appeal, the other party should be made aware of the concern and given an opportunity to respond prior to a decision from the Board. The Classification Appeal Board agreed to abide by our recommendation.

Family & Community Services – Benefits

Resolved – Assistance provided: Subsidy Provided

A couple had taken a baby into foster care as a newborn, and several years later, decided to formally adopt the child as their own child. When the child turned 9, the couple was beginning to wonder if she might be afflicted with a medical condition affecting her normal development. Subsequently, the child was diagnosed with fetal alcohol syndrome, and doctors recommended special medical and social interventions.

The couple was unable to afford the prescribed interventions and sought help from the Department of Family and Community Services. They were turned down for a subsidy, on the basis that child's medical problems manifested themselves several years after the adoption was formalized.

Our Office felt that since the condition in question was pre-existing, it was unfair of the Department to deny the family a subsidy to which they would have been entitled had the child been properly diagnosed at an earlier date. Through lengthy discussions with the Department, we were able to have the family's case reconsidered and the denial of services reversed, so that the child could receive the treatment required.



STATUTORY RESPONSIBILITIES

The Office of the Ombudsman in New Brunswick has a broad legislated jurisdiction under the Ombudsman Act, as well as significant compliance and administrative responsibility and fairness in the public sector.

The Office of the Ombudsman currently has responsibilities under five Statutes.

1. *Ombudsman Act*
2. *Civil Service Act*
3. *Right to Information Act*
4. *Archives Act*
5. *Protection of Personal Information Act*



GOALS

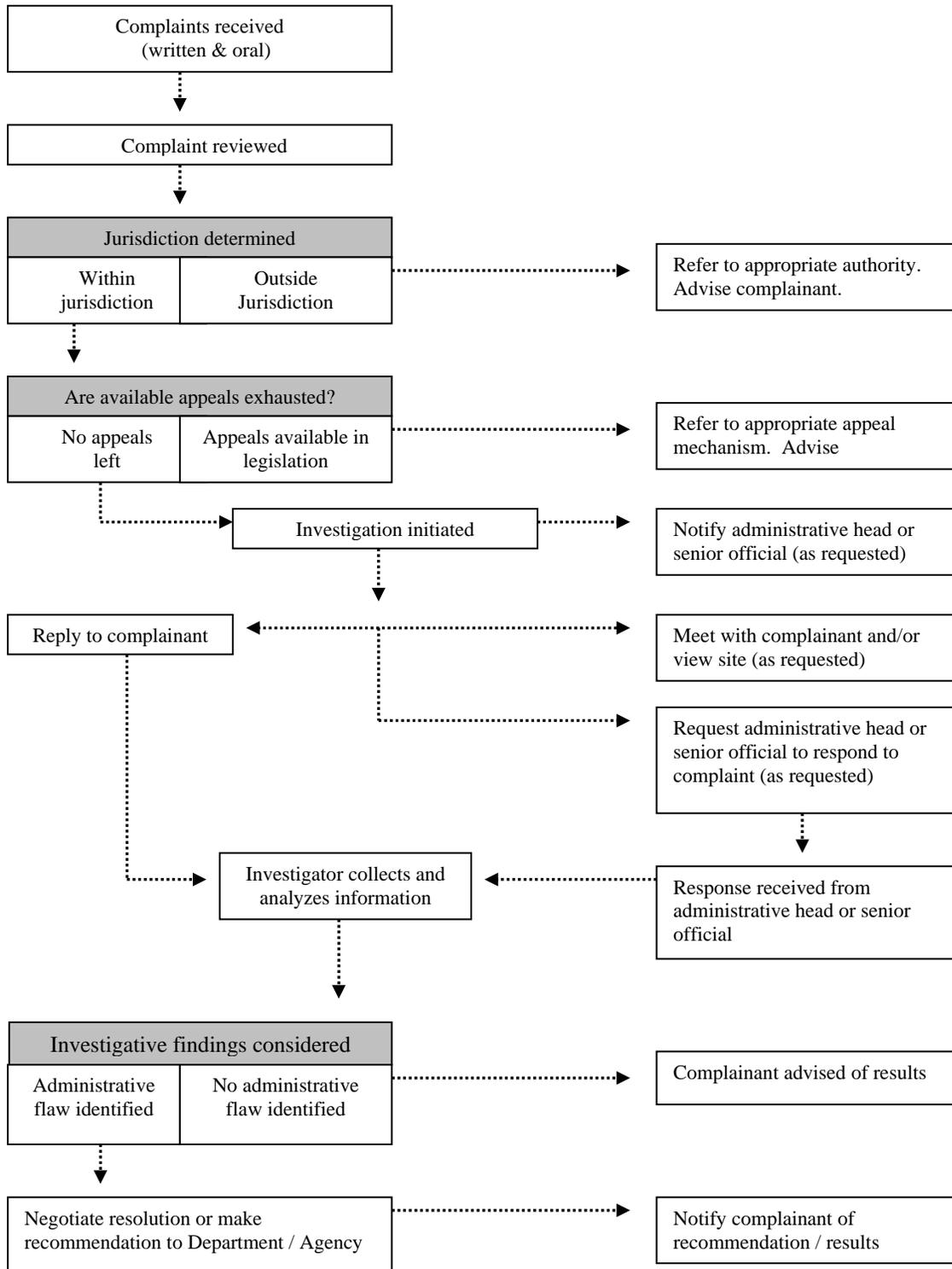
The Office of the Ombudsman is committed to the following goals:

To conduct independent, confidential investigations to resolve complaints.

1. To provide efficient, effective and accessible services to every client within the framework of the human and fiscal resources provided.
2. To review policies, procedures, legislation and bylaws to resolve existing complaints and, where applicable, to recommend reviews or changes to improve administrative practices.



METHOD OF HANDLING OMBUDSMAN COMPLAINTS





THE OMBUDSMAN

The Ombudsman is an Officer of the Legislative Assembly and is independent of government. The Ombudsman is appointed and can only be removed upon the recommendation of the Legislative Assembly.

The *Ombudsman Act* provides the authority to investigate complaints into any matter of administration. In accordance with the *Act*, all investigations are carried out in a confidential manner and information is only divulged where necessary in furtherance of the investigation. Accordingly, all files of the Office of the Ombudsman are confidential.

What we can do

The Ombudsman and his staff investigate complaints against provincial government departments, school districts, regional health authorities, municipalities, Crown agencies, and other agencies responsible to the Province including commissions, boards and corporations or any other public authority as defined under the *Ombudsman Act*.

What we can't do

The Ombudsman and his staff do **not** have authority to investigate complaints concerning :

- Federal Government
- Private companies and individuals
- Judges and functions of any court
- Deliberations and proceedings of the Executive Council or any committee thereof.



PERFORMANCE INDICATORS

The Office of the Ombudsman measures its performance in delivering the various legislated services through indicators which are identified below.

Supporting our central mission

*Indicator – The Office of the Ombudsman has one central mission: to ensure that all New Brunswick citizens are treated with administrative fairness by government and its agencies. Under the **Ombudsman Act**, the Office of the Ombudsman strives to guarantee that individuals are served in a consistent, fair and reasonable manner by New Brunswick Government organizations.*

Result – Our central mission is communicated through various public and government employee education activities and speaking opportunities by the Ombudsman and staff, and are reinforced via the office's Web pages, printed material and our Annual Report.

Providing service in an effective and efficient manner

Indicator – The Office of the Ombudsman has instituted a number of efficiencies since January 2004 in an effort to better serve our legislated mandate. These include: a toll free 1-888 telephone number which makes it easier for clients outside of the greater Fredericton area to reach the office; an enhanced Web page; a number of administrative and technical improvements; annually meeting with government departments and a variety of agencies in an effort to develop improvements in the way we conduct our respective legislated duties; and the introduction of an information poster for provincial correction centres.

Result - The percentage of complaint files closed within 30 calendar days of the date on which the complaint was received has risen from 67% in 2002/2003 to 86% for 2005/2006. This is the second year in a row which this level has been reached.



FINANCIAL INFORMATION

The budgeted and actual expenditure for 2005/2006 are set out in the table below.

Staff and employee benefits costs account for approximately 80.5% of the actual expenditure.

The figures below indicate that the actual expenditures for the Office of the Ombudsman were below the amount budgeted for the year. The variance was the result of savings in the wage bill component as a staff member was on leave during a portion of the year.

	2005/2006	
	Budget	Actual
Wages and Benefits	583.5	561.2
Other Services	104.0	103.1
Materials and Supplies	12.0	11.0
Property and Equipment	12.0	21.9
Contributions & Grants	0.0	0.3
	711.5	697.6

Note: Budget and actual expenditure (thousands of dollars)



OFFICE OF THE OMBUDSMAN

Employees	Work Title
Albert, Jessica	Assessment Officer
Dickison, Julie	Executive Secretary
Fraser, Amy	Administrative Assistant
Gilliland, Steve	Director
Lévesque, Marie-Josée *	Investigator
Murray, Jennifer *	Investigator/Legal Officer
Richard, Bernard	Ombudsman
Savoie, Robert	Investigator
Whalen, Christian **	Legal Counsel

* Part time

**Seconded from the Human Rights Commission since October 2005 in replacement of Claire Pitre who is on an extended sick leave.



OMBUDSMAN ACT



OMBUDSMAN ACT

In 1967, the Government of New Brunswick introduced legislation creating the Office of the Ombudsman. The Ombudsman is an independent officer of the Legislative Assembly with a mandate under the New Brunswick *Ombudsman Act* to conduct independent investigations.

Depending upon the nature of a complaint, it is sometimes possible to resolve the complaint informally. If an investigation identifies that an administrative flaw has occurred, and the matter cannot be resolved informally, the *Act* provides for the Ombudsman to make a recommendation to the administrative head of the authority concerned.

COMPLAINTS UNDER THE *OMBUDSMAN ACT*

Access

The Office of the Ombudsman is accessible to every person in the Province of New Brunswick. People who feel they have a problem with a provincial government agency can contact the Office in either Official Language.

The Office of the Ombudsman receives complaints in a variety of ways: by letter, by telephone, by fax, by E-mail and by personal interview at our Office or in the client's community. The Office accepts oral and written complaints.

Complaints

The Office of the Ombudsman investigates an extremely diverse cross-section of complaints related to government departments, municipalities, school districts,



regional health authorities, crown agencies and other authorities responsible to the Province as defined under the *Ombudsman Act*.

Investigation

In accordance with the *Ombudsman Act*, the Office conducts independent and confidential investigations into complaints from individuals regarding administrative matters.

In conducting an investigation, staff of the Office of the Ombudsman may be required to critically analyze and review policies, procedures, legislation, case law, and examine government records. Also, information is obtained from officials either through meetings or correspondence. In addition to receiving information from clients through interviews or correspondence, investigators may obtain additional information through site visits conducted throughout the province.

As a result of the information gathered through the investigation, the Office of the Ombudsman makes a finding. If, on the conclusion of the investigation, the finding supports the client's complaint, the Ombudsman will facilitate a resolution or, in the alternative, make a recommendation for corrective action. The Ombudsman does not have the authority to require the government to act, however, negotiation has proven to be very effective. Where there is insufficient evidence to establish that the complaint is justified, the investigation is discontinued and the client is advised of the results in writing.

Providing Information and Referrals

When a complaint is outside the Ombudsman's jurisdiction to investigate, the Office provides information and, where appropriate, refers individuals to other complaint mechanisms or possible sources of assistance.

The flow chart on page 22 illustrates the typical manner in which written and oral complaints are handled by the Office of the Ombudsman. Exceptions may occur at the discretion and direction of the Ombudsman.



2005/2006 STATISTICS

The Office of the Ombudsman received a total of 2825 complaints, inquiries and requests for information during the year 2005/2006. Of this number, 1517 were complaints within jurisdiction and investigations were required, 483 were inquiries and requests for information, and 825 were complaints which were not within the jurisdiction of this Office. In addition, 126 complaints carried over from the previous year were investigated. A detailed summary of complaints received appears at page 44 of this report.



CORRECTIONAL INSTITUTIONS

Section 13(4) of the *Ombudsman Act* provides that any person in custody has a right to have a letter forwarded to the Office of the Ombudsman unopened, thereby ensuring them the opportunity of bringing their complaints to this Office for investigation.

Inmates are provided with an orientation manual by the Department of Public Safety on admittance to each of the Correctional Institutions. The manual advises the inmate that the Office of the Ombudsman investigates complaints from individuals who feel they have been treated unjustly.

While the Office received inquiries and complaints regarding a wide range of issues, Section 12 of the *Ombudsman Act* empowers the Office to investigate complaints “*with respect to a matter of administration*” and not matters which are of a criminal nature.

As the statistics relating to the complaints and inquiries received in 2005/2006 will show, the majority relate to matters of administration and are open to investigation by this Office. However, it should also be noted that some complaints were received which were of a **criminal nature** i.e. assault. Such a complaint is a matter for investigation by a police authority. In those instances, this Office brought the matter to the attention of the Department of Public Safety immediately. This Office subsequently confirmed with the Department of Public Safety that the police had been notified regarding the complaint.

In other instances where an inquiry or a complaint does not fall within the jurisdiction of the *Ombudsman Act*, individuals are referred to the appropriate body i.e. Parole Board.

As inmates are within the care of the Province of New Brunswick, each complaint that was within the jurisdiction of this Office to investigate was acted upon as expeditiously as possible. This usually required that the matter be brought to the attention of the Department of Public Safety so that the Department in addition to the correctional facility concerned is also given the opportunity to be heard.



On receiving information from both parties and in carrying out any further reviews that may be necessary, this Office concludes the investigation and the inmate is advised accordingly.

Staff from the Office of the Ombudsman traveled to the Province's Correctional facilities on several occasions during this period in the course of investigating complaints. Specific cases and general policies and procedures were discussed with institutional officials.

2005/2006 STATISTICS

In the Correctional Services area, the Office of the Ombudsman processed 654 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.



Right to Information Act



RIGHT TO INFORMATION ACT

The ***Right to Information Act***, was adopted in 1978 to guarantee the right of all New Brunswickers to access public information. The ***Act*** was the second instrument of its kind in Canada, making New Brunswick one of the first jurisdictions in the world to proclaim this right. The Act has been amended on several occasions since it came into force. However, the amendments have generally had the effect of expanding the exemptions applicable to certain types of records and therefore limiting the right to information.

Under the ***Right to Information Act***, the Ombudsman is to conduct, within 30 days, independent reviews of refusals to release information to citizens by all Departments and Agencies as outlined in the regulations under the ***Act***.

REFERRALS UNDER THE *RIGHT TO INFORMATION ACT*

Under the ***Right to Information Act***, an individual may request information as contained in a document(s) by applying to the appropriate Minister as defined by the ***Act***. Where the Minister does not, or is unable to, provide the document(s) requested, the individual may refer the matter to either the Ombudsman or to a judge of the Court of Queen's Bench.

When a request for information is referred to the Office of the Ombudsman, the ***Right to Information Act*** requires the Ombudsman to review the matter referred within 30 days of having received the referral and to render his recommendation as soon as possible thereafter.

The ***Act*** allows the Ombudsman to inspect the information that the Minister has refused to release, if such information exists, and this review is conducted in private.



Usually, the Ombudsman inspects the information on-site, but the records or copies of them may also be provided to the Ombudsman, under seal, for ease of reference in preparing a recommendation. Depending on the nature of the information requested, this inspection may involve a review of a single document or file, or a folio of documents or boxes of files.

The Ombudsman's inspection may extend beyond paper documents as the ***Right to Information Act*** defines a document as including “*any record of information, however recorded or stored, whether in printed form, on film, by electronic means or otherwise*”.

At the conclusion of the review, if the Ombudsman finds that the information requested is not exempted for release under the ***Right to Information Act***, a recommendation is made to the Minister to release the information in accordance with the ***Act***.

There is no right under the ***Act*** to access information which falls within the categories which are listed as exceptions in section 6 of the ***Act***.

During the past fiscal year my Office modified its reporting format. As of January 1, 2006, Ombudsman recommendations under the ***Right to Information Act*** are forwarded in identical format to both parties to a complaint under a legal style of cause and recommendations raising new issues of interpretation and application of the law are posted to our website. It is hoped that these measures will help ensure a greater consistency of result in our own efforts, facilitate judicial review of recommendations where necessary, and help better inform the public and government officials with respect to the ***Act*** and how it should be interpreted and applied.

2005/2006 STATISTICS

During the year 2005/2006, the Office of the Ombudsman received 74 complaints or inquiries regarding the refusal or non-response to a request to disclose information to an individual under the ***Right to Information Act***. The Office of the Ombudsman conducted 37 investigations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.



Six recommendations were posted to our website from January to late March 2006. These dealt in turn with a recommendation to release to a complainant a copy of the investigation report into her workplace harassment complaint; the issue of whether human rights complaint settlements made by public authorities should be disclosed; confirming that draft policy documents are not necessarily shielded by the exemption for opinions or recommendations to a minister; commenting upon the exemption for solicitor client privilege and confirming that the names of public officials where they appear in public records in relation to their official functions as employees of government need not normally be removed from documents disclosed under an access request; and confirming that there is no right of access under the statute to information that is already publicly available, for instance through an internet website.

While the *Right to Information Act* does not specify a fixed deadline within which a Minister's response to an Ombudsman recommendation is to be forwarded, the Act does provide that the Minister must indicate in writing to the petitioner and to the Ombudsman his or her disposition of the case following recommendation. Unfortunately, as of the date of this report, a number of recommendations forwarded to the Ministers of the day late in the last fiscal year remain without any formal reply.



Civil Service Act



CIVIL SERVICE ACT

In 1994, the Civil Service Commission was amalgamated with the Office of the Ombudsman. Through a change to the *Civil Service Act*, the Ombudsman is responsible to hear appeals and investigate complaints regarding the selections for appointment to the Civil Service.

The *Civil Service Act* gives the Ombudsman certain powers and duties for the purpose of protecting the merit principle as the basis for effecting appointments to or from within the Civil Service. Specifically, the *Act* provides for the Ombudsman to:

- hear appeals from employees relating to appointment decisions;
- investigate complaints from non-employees who have been unsuccessful candidates in open competitions.

Appeals and complaints may be filed in respect to appointment decisions made by all departments and agencies which comprise the Civil Service of the Province of New Brunswick. The *Act* requires the Office to hear and decide on appeals within very tight time periods.

APPEALS AND COMPLAINTS UNDER THE *CIVIL SERVICE ACT*

Appeals

The primary objective of the appeal process under section 32 of the *Civil Service Act* is to ensure that the principle of selection by merit is respected in effecting appointments to and from within the Civil Service.



The appeal process is an integral component of the staffing process and provides employees the opportunity for an independent and impartial review of appointment decisions.

Employees may submit their notices of appeal against appointments directly to the Ombudsman. They may also choose to first apply to the Deputy Minister of the Office of Human Resources or her delegate for a “statement of reasons” why they were not appointed, or for such other information that would assist in determining whether or not to appeal.

The *Act* prescribes specific time limits for filing an appeal, holding a hearing, and issuing a decision. There can only be two outcomes to an appeal; it can be allowed or dismissed. Where an appeal is allowed, the Ombudsman shall deny or revoke the appointment that gave rise to the appeal.

Complaints

The objective of the complaint process under section 33 of the *Civil Service Act* is to protect the merit principle as the basis for effecting appointments by competition. This process provides non-employees, who have been unsuccessful in an open competition, with a redress mechanism by which the selection for appointment can be impartially examined. The inquiry and complaint provisions under the *Act* also serve to increase the openness of the hiring process.

Before complaints can be filed with the Ombudsman, unsuccessful candidates are obliged by the *Act* to formally apply to the Deputy Minister of the Office of Human Resources or her delegate for a “statement of reasons” why they were not appointed. If unsuccessful candidates are not satisfied with the reasons provided, they may make a complaint in writing to the Ombudsman within the time limits set out in the *Act*.

The Ombudsman does not have the authority to revoke an appointment as a result of this process even if it has been determined that merit was not respected. The Ombudsman can, however, submit recommendations to the Deputy Minister of the Office of Human Resources as a result of the findings from an investigation.



2005/2006 STATISTICS

A total of 38 files were opened under the *Civil Service Act* in 2005/2006. This included four appeals and three inquiries under Section 32 of the *Act*. In respect to the appeals received by the Office of the Ombudsman: one was dismissed, two were withdrawn and one was resolved by the department involved prior to the formal hearing. There were also seven investigations and seven inquiries under Section 33 of the *Act*. In addition, there was one investigation regarding the Work Force Adjustment program and five investigations related to casual employment in the civil service.



*Protection of
Personal
Information
Act*



PROTECTION OF PERSONAL INFORMATION ACT

The Government of New Brunswick introduced a *Protection of Personal Information Act* (POPIA) in 1998. The *Act* received Royal Assent on February 26, 1998 and came into effect on April 1, 2001.

Like the *Right to Information Act*, POPIA entrusts the Office of the Ombudsman with the compliance function regarding complaints under the Act. POPIA guarantees the citizen's right to know what information government holds about them and their right to have that personal information treated confidentially. In New Brunswick, unlike some other provinces, there is no provincial law that regulates the confidentiality of personal information in the private sector, and so the federal *Personal Information Protection and Electronic Disclosure Act* (PIPEDA) applies to all commercial and private sector organizations in the province. It does not however regulate privacy issues as between a private sector employer and their employees. The result is that each year several people complain to our office of privacy violations for which there is no administrative remedy in New Brunswick, and no independent oversight body to deal with such complaints.

Like PIPEDA, the provincial *Protection of Personal Information Act* is a law which gives statutory authority to the 10 privacy principles set out in the Model Privacy Code of the Canadian Standards Association. The enforcement mechanism is by way of complaint to the Ombudsman who has a power of recommendation, rather than an authority to issue legally binding orders to a public body.

COMPLAINTS UNDER THE *PROTECTION OF PERSONAL INFORMATION ACT*

The Office of the Ombudsman is an independent body which is responsible for investigating complaints with respect to the privacy of personal information held by the departments and agencies of the government.



While the Office of the Ombudsman is responsible to investigate complaints under the *Protection of Personal Information Act*, it is the responsibility of departments and agencies of the government to manage personal information in accordance with the *Act*.

While there continues to be relatively few complaints under POPIA, in comparison with other jurisdictions, a number of high profile complaints during this fiscal year have brought considerable public attention to these issues. Two government Ministers resigned in the year following reported breaches of POPIA. One was in response to a finding of a violation of the Act by Minister Fowlie. Stuart Stratton, former Chief Justice of the province was retained by the Office of the Ombudsman to conduct an investigation into the complaint of the Leader of the Opposition regarding the minister's disclosure of personal information obtained from departmental files and concerning a member of the Opposition. Mr. Stratton found that the Act did apply to Ministers as the titular heads of the public bodies coming under their Ministry and that while statements and disclosures of personal information made by the minister while in the legislative chamber were shielded from review in accordance with the principle of Parliamentary privilege, statements outside the legislative chamber were not. The report of Mr. Stratton was publicly released in July 2005 and Minister Fowlie resigned shortly thereafter.

2005/2006 STATISTICS

During the year 2005/2006, the Office of the Ombudsman received 34 complaints and enquiries in regards to the *Protection of Personal Information Act*.



Summary of 2005/2006 Statistics



2005/2006 STATISTICS

- The Office of the Ombudsman received a total of 2825 complaints, inquiries and requests for information during the year 2005/2006. Of this number, 1517 were complaints within jurisdiction and investigations were required, 483 were inquiries and requests for information, and 825 were complaints which were not within the jurisdiction of this Office. In addition, 126 complaints carried over from the previous year were investigated.
- During the year 2005/2006, the Office of the Ombudsman received 74 complaints or inquiries regarding the refusal or non-response to a request to disclose information to an individual under the *Right to Information Act*. The Office of the Ombudsman conducted 37 investigations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.
- A total of 38 files were opened under the *Civil Service Act* in 2005/2006. This included four appeals and three inquiries under Section 32 of the *Act*. In respect to the appeals received by the Office of the Ombudsman: one was dismissed, two were withdrawn and one was resolved prior to the formal hearing. There were also seven investigations and seven inquiries under section 33 of the *Act*. In addition, there was one investigation regarding the Work Force Adjustment program and five investigations related to casual employment in the civil service.
- During the year 2005/2006, the Office of the Ombudsman received 34 complaints and enquiries in regards to the *Protection of Personal Information Act*.
- In the Correctional Services area, the Office of the Ombudsman processed 654 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions.



STATISTICAL TABLE 2005/2006

COMPLAINTS WITHIN JURISDICTION RECEIVED IN 2005/2006

(Does not include Inquiries or Non-jurisdiction complaints)

Departments/ Agencies	Total	Assistance Rendered	Referral Given/ Clarification Provided	Not Substantiated	Discontinued by Client/ Ombudsman
Education	64	4	32	12	16
Environment and Local Government	31	3	21	2	5
Family and Community Services	398	39	181	78	100
Health and Wellness	86	18	38	15	15
Justice	29	6	12	7	4
Natural Resources	19	2	6	7	4
NB Power Corporation	52	14	26	5	7
Municipalities	32	7	13	9	3
Office of Human Resources	11	4	5	-	2
Public Safety	558	79	216	156	107
Service New Brunswick	30	1	18	4	7
Training and Employment Development	31	15	11	3	2
Transportation	36	-	15	9	12
Workplace Health, Safety and Compensation Commission	98	2	62	21	13
**Other	42	10	18	8	6
Total	1517*	204	674	336	303

*This number does not include 115 investigations which were continued from the previous year.

** Departments/agencies/Acts with 10 or less complaints during 2005/2006.

*** 126 complaints were still under investigation at year end.



TYPES OF COMPLAINTS BY DEPARTMENT

The following tables provide the number of complaints by type and by Department investigated in the year 2005/2006. In consideration of the confidentiality provisions of the *Ombudsman Act*, only those Departments with more than 10 complaints are set out in the tables below.

CORRECTIONAL INSTITUTIONS

Verbal and Written Complaints and Requests for Information

	2005/2006	2004/2005
Health Issues		
Prescriptions Requested or Denied	72	50
Request to see Nurse / Doctor	37	34
Dental	7	11
Request to go to Hospital	18	9
Glasses, Eye Care	6	2
Special Diet	1	1
Threat of Suicide	1	2
Physiotherapy	2	1
Mental Health	3	3
Medical Appliance	6	3
Medical Treatment	<u>1</u>	<u>4</u>
Subtotal	154	154
Living Conditions		
Clothing and Bedding	14	11
Cleanliness	11	9
Food	16	11



Heat and Ventilation	1	4
Overcrowding	17	5
Smoking	6	8
Maintenance and Repairs	<u>4</u>	<u>3</u>
Subtotal	69	51
Administration	9	1
Temporary Absence Program	10	5
Discipline	15	30
Personal / Inmate Property	34	28
Classification / Transfer	43	38
Request for House Arrest	7	2
Visiting Privileges	14	12
Recreation	8	10
Placement within Institution	21	20
Program Privileges	4	8
Telephone Use	13	14
Correspondence	4	8
Sentence / Remission Calculation	8	11
Use of Restraints	-	4
Contraband	3	3
Segregation	18	24
Staff Conduct and Deportment	14	15
Threatened by Presence of Other Inmates	5	3
Request Form	2	3
Requests for Items Denied	13	5
Abandoned By Inmate	4	3
Other	<u>45</u>	<u>-</u>
Total	517	439

**FAMILY AND COMMUNITY SERVICES**

	2005/2006	2004/2005
Income Assistance Benefits		
Discontinued / Reduced	34	31
Denied	30	20
Amount / Calculation	16	19
Eligibility Criteria	27	32
Long Term Needs	9	10
Repayment	6	11
Delay	<u>7</u>	<u>4</u>
Subtotal	129	127
Housing Units		
Repairs	25	20
Availability	39	32
Evictions	11	14
Inspections	1	6
Tenant Rights	11	7
Transfers	<u>4</u>	<u>4</u>
Subtotal	91	83
Complaints Regarding Staff	17	24
Administration	16	14
Health Card	24	18
Protection Services	34	29
Heat Supplement	3	5
Adoption	5	8
Medical Issues	10	8
Training/Work Programs	-	5
Loans / Grants-Housing	22	17
Nursing Homes/Residential Services	19	35
Employment	4	5
Appeal Board	3	6
Appliances/Furniture	6	4
Other	<u>15</u>	<u>-</u>
Total	398	388



WORKPLACE HEALTH, SAFETY AND COMPENSATION COMMISSION

	2005/2006	2004/2005
Compensation		
Discontinued / Reduced Amount / Calculation	22 7	26 11
Long-term Disability Benefits	-	<u>6</u>
Subtotal	<u>29</u>	<u>43</u>
Appeals Tribunal	6	16
Claim Denied	22	16
Administration	5	12
Medical Payments	3	6
Deeming	3	1
Employability Assessments	1	-
Health and Safety	2	-
Complaints Regarding Staff	12	10
Retraining	-	1
Medical Rehabilitation	6	2
Permanent Partial Impairment	3	6
Others	<u>6</u>	<u>-</u>
Total	98	113

**EDUCATION**

	2005/2006	2005/2006
Administration	3	5
Transportation	6	4
Children with Special Needs	12	5
Student Loans	16	18
Employment	4	12
Home Schooling	1	-
Appeal Process	1	-
Access to School Records	1	-
Suspensions	6	6
Curriculum/Testing	-	1
Complaints Regarding Staff	5	9
French Immersion Program	-	1
Others	<u>9</u>	<u>-</u>
Total	64	61

NB POWER CORPORATION

	2005/2006	2004/2005
Employment	-	5
Service Issues	4	6
Disconnection	24	21
Payment Schedules	3	7
Billing-Amount / Calculation	9	16
Security Deposit	2	1
Administration	-	1
Damage Claims	2	3
Other	<u>8</u>	<u>-</u>
Total	52	60



HEALTH AND WELLNESS

	2005/2006	2004/2005
Mental Health	4	8
Hospital Employment	3	6
Administration	2	4
Complaints Regarding Staff	1	1
Medicare	16	17
Permits / Licenses	1	3
Homemaker Services	1	-
Ambulance Services	1	-
Special Needs Programs	-	2
Public Health	3	6
Addiction Services	2	4
Vital Statistics	4	2
Others	<u>2</u>	<u>-</u>
Total	40	53



TRANSPORTATION

	2005/2006	2004/2005
Road / Bridge Maintenance	12	13
Employment	10	16
Damage Claims	2	3
Access / Right of Way	2	1
Property Issues	2	7
Administration	1	2
Expropriation Procedures	3	4
Complaints Regarding Staff	1	1
Highway Signage	1	-
Others	<u>2</u>	<u>-</u>
Total	36	47

PUBLIC SAFETY

	2005/2006	2004/2005
Permits / Licenses	16	14
Administration	-	5
Complaints Regarding Staff	1	3
Coroner Services	2	3
Emergency Measures	4	2
Employment	2	2
Other	<u>16</u>	<u>8</u>
Total	41	37

**JUSTICE AND ATTORNEY GENERAL**

	2005/2006	2004/2005
Administration	1	2
Complaint Regarding Staff	4	3
Employment	3	3
Support Payments and Orders	8	8
Insurance Branch	1	-
Others	<u>12</u>	<u>28</u>
Total	29	44

MUNICIPALITIES

	2005/2006	2004/2005
Administration	1	1
Complaint Regarding Staff	-	4
Employment	5	2
Expropriation	1	1
Municipal By Laws	9	5
Property Issues	2	3
Right to Information	4	1
Roads/Streets	3	1
Services	1	4
Water Sewage	5	10
Zoning	-	1
Others	<u>1</u>	<u>6</u>
Total	32	40

**ENVIRONMENT AND LOCAL GOVERNMENT**

	2005/2006	2004/2005
Administration	5	5
Inspections	1	3
Local Service Districts	1	1
Permits-Licenses	4	6
Complaint regarding Staff	1	-
Employment	1	-
Pollution	6	2
Property Issues	7	3
Unsightly premises	-	2
Water Sewage	1	4
Others	<u>4</u>	<u>12</u>
Total	31	38

REGIONAL HEALTH AUTHORITIES

	2005/2006	2004/2005
Administration	3	4
Admission	-	2
Complaint Regarding Staff	5	4
Employment	10	3
Harassment (Employment)	1	2
Labour Relations Issues	-	5
Mental Health Services	1	3
Treatment	7	3
Extra Mural Services	3	-
Others	16	9
Total	46	35

**SERVICE NEW BRUNSWICK**

	2005/2006	2004/2005
Administration	7	1
Complaint Regarding Staff	3	1
Employment	1	2
Permits/Licenses	4	3
Property Assessment	9	8
Property Assessment-Appeal Procedures	1	5
Registry Office – Procedures	1	-
Others	<u>4</u>	<u>10</u>
Total	30	30

TRAINING AND EMPLOYMENT DEVELOPMENT

	2005/2006	2004/2005
Community College-Admission Process	1	1
Community College-Programs	1	1
Community College-Others	3	3
Employment	7	8
Employment Programs	2	2
Grants-Loans	2	3
Licenses-certificates	-	1
Complaints regarding staff	1	-
Others	<u>14</u>	<u>11</u>
Total	31	30

**NB HUMAN RIGHTS COMMISSION**

	2005/2006	2004/2005
Administration	-	3
Complaints Regarding Staff	-	4
Investigation Procedures	6	7
Delay	4	-
Others	<u>4</u>	<u>11</u>
Total	14	25

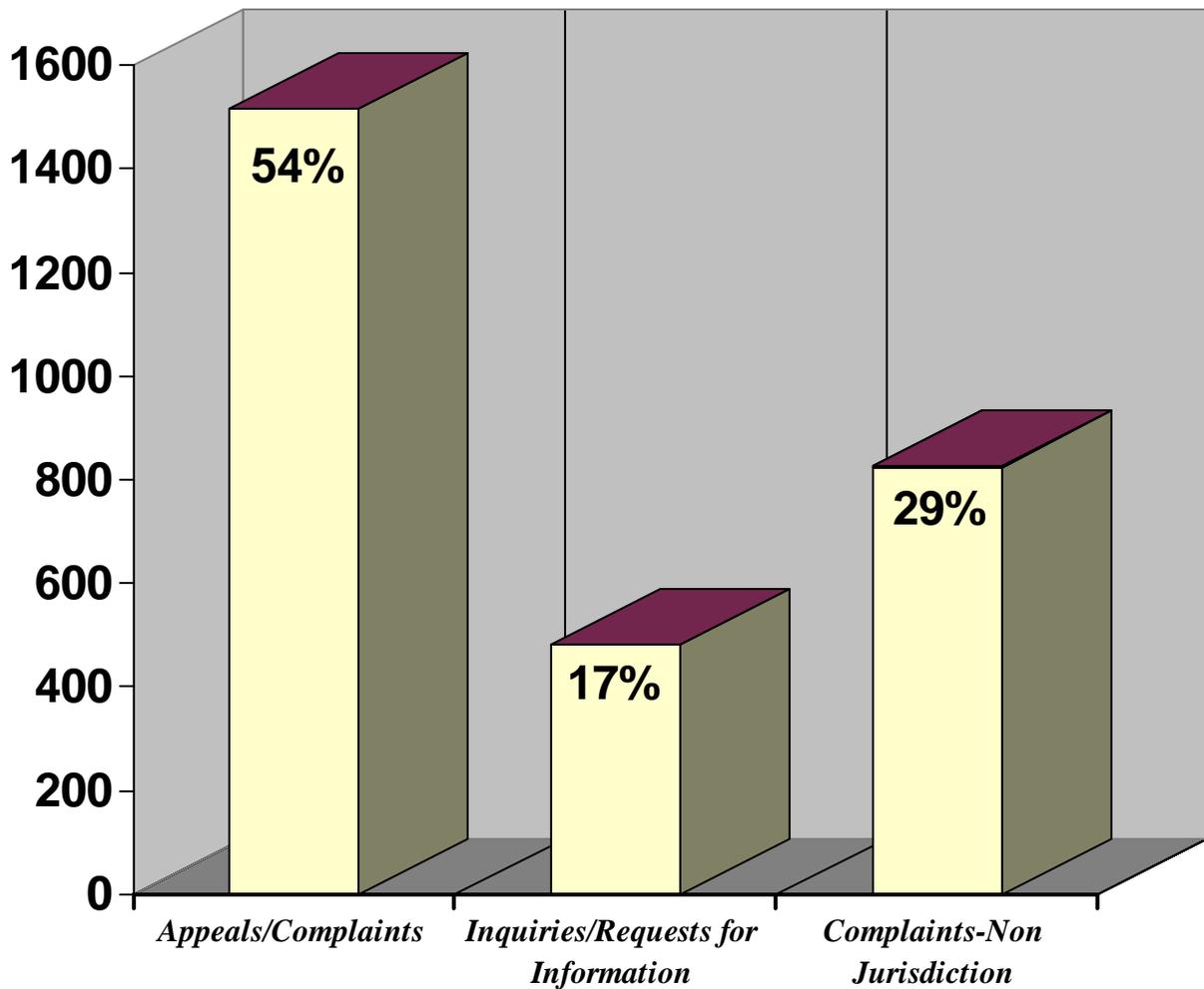
OFFICE OF HUMAN RESOURCES

	2005/2006	2004/2005
Benefits-Long Term Disability	2	2
Equal Employment Opportunity	1	3
Job Classification	2	2
Labour Relations	2	1
Pensions	4	7
Staffing Policy	1	-
Compensation Policy	2	-
Programs	-	1
Others	1	3
Total	15	19



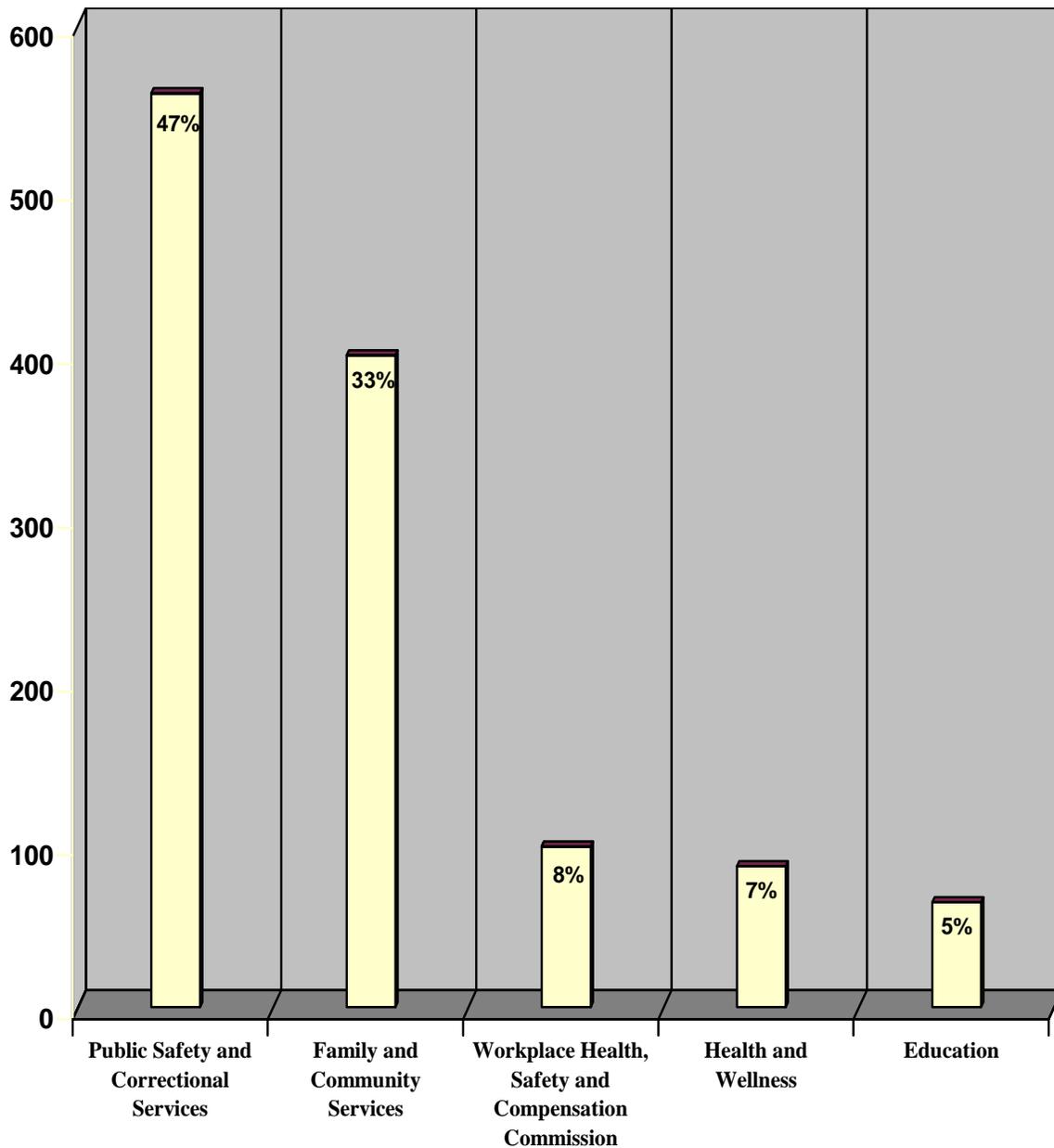
CHARTS

COMPLAINTS, INQUIRIES AND REQUESTS FOR INFORMATION RECEIVED IN 2005/2006





FIVE MAJOR SOURCES OF COMPLAINTS





OUTCOME OF COMPLAINTS

