



OMBUDSPERSON
BRITISH COLUMBIA

ANNUAL REPORT

2022•2023




As an independent officer of the Legislature, the Ombudsperson investigates complaints of unfair or unreasonable treatment by provincial and local public authorities and provides general oversight of the administrative fairness of government processes under the *Ombudsperson Act*. The Ombudsperson conducts three types of investigations: investigations into individual complaints; investigations that are commenced on the Ombudsperson's own initiative; and investigations referred to the Ombudsperson by the Legislative Assembly or one of its Committees.

The Ombudsperson has a broad mandate to investigate complaints involving provincial ministries; provincial boards and commissions; Crown corporations; local governments; health authorities; colleges and universities; schools and school boards; and self-regulating professions and occupations. A full list of authorities can be found in the *Ombudsperson Act*. The Office of the Ombudsperson responds to approximately 8,000 enquiries and complaints annually.

Under the *Public Interest Disclosure Act* the Ombudsperson investigates allegations of wrongdoing from public employees in or relating to a public body covered by the Act as well as allegations of reprisal.

Our Public Authority Consultation and Training team offers educational webinars, workshops and individual consultation with public organizations to support fairness and continuous improvement across the public sector.

For more information about the BC Office of the Ombudsperson and for copies of published reports, visit bcombudsperson.ca.



Our office is located on the unceded traditional lands of the Ləkʷəŋən (Lekwungen) People and ancestors and our work extends across the homelands of the Indigenous Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.



OMBUDSPERSON
BRITISH COLUMBIA

October 2023

The Honourable Raj Chouhan
Speaker of the Legislative Assembly
Parliament Buildings
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the Ombudsperson's 2022/2023 Annual Report to the Legislative Assembly.

The report covers the period April 1, 2022 to March 31, 2023 and has been prepared in accordance with section 31(1) of the *Ombudsperson Act* and section 40(1) of the *Public Interest Disclosure Act*.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia





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MESSAGE FROM THE OMBUDSPERSON

The image on the cover of this Annual Report, a single healthy tree growing out of a log in Fairy Lake, British Columbia, is an image that strikes so many who see it. Its simple beauty, but more importantly, its resilience is extraordinary.

When thinking about this past year, I think too of the resilience that both the public and public bodies displayed as we emerged, at least in part, from the COVID-19 pandemic.

We saw public bodies, who in almost every case had to drastically change their service models at the onset of the pandemic, begin to recalibrate again as the pandemic waned.

We saw the tenacity and perseverance the public demonstrated throughout the course of the pandemic as they were faced with significant instability in the public services they rely upon. During the COVID-19 pandemic we saw a kind of strength, determination and tenacity among the public. Many people who bring us their complaints are frustrated, they are often disillusioned and exhausted after being stuck in the maze of bureaucracy, but still, they are not giving up on seeking justice for themselves and other users of the service they are receiving. The cases outlined in this report are reminders to us all that raising concerns can make a tremendous difference in making public bodies more fair, just and equitable. Through the complaints they

brought us, members of the public were the catalysts for change and to them I am extremely grateful.

It was a year of adapting to change for our office as there was a partial return to pre-pandemic volumes and trends in relation to complaints. While health concerns were top of mind for people during the pandemic, this year complaints about social programs returned to the fore. What we continue to hear from complainants is relief that we hear them and that we take their concerns seriously. Ensuring our staff are fully trained in how to respond to trauma and the diverse circumstances people bring to us continues to be a key priority for us.

Making sure our office responds to the unique needs of Indigenous people was front and centre during 2022/23. As we continue to develop our Indigenous Initiatives, we are strengthening how we raise awareness of our role among the Indigenous public, while simultaneously improving how we respond. In this past year we launched our Ombudsperson Pathfinder Initiative, a program designed to raise awareness, build trust, and help guide complaints from community members across BC. Four Indigenous engagement specialists with deep knowledge and lived experience are working across BC to make sure Indigenous people know

who we are and how we can serve them. And their work is starting to show results with a broad range of complaints steadily coming to our office from Indigenous people.


And as well as investigating complaints, we are working with public bodies proactively to strengthen fairness in the work they do. Our Public Authority Consultation and Training team had a busy year offering workshops and offering consultation services on policies and programs to ensure foundational fairness principles are built into programs from the start. It continues to be extremely encouraging to see the number of public servants who are seeking our expertise.

Turning to our mandate under the *Public Interest Disclosure Act*, we continued to see an increase in the number of questions, requests for advice and disclosures that came to us this past year. As the relatively new law continues to roll out to include the wider public sector, we continued our commitment to assist public bodies in ensuring they are implementing their roles and responsibilities in relation to whistleblower protection uniformly and fairly. This past year we developed additional resources that we shared with public bodies including an 80-page guide for Designated Officers under the law and continued to engage with leaders and staff as they are brought under the Act. The seven-phase rollout of PIDA across the broader provincial public sector will be complete later next year at which time a statutorily required five-year review will be conducted by the Legislature. We look forward to that review and sharing our perspective on where and how the law can be strengthened. This process is a reminder that laws are not static but should be reviewed as living frameworks that can and should be adapted over time.

Modernizing our services to meet the needs of an ever-changing public is embedded in our approach. Our online referral tool, Complaint Checker, is one way that we are enhancing our services to make sure we are accessible to the public 24/7. This tool allows the public to find out if the public authority their concern is about is within our jurisdiction and guides them to the appropriate internal complaint pathway of the organization involved. Our Complaint Checker also provides tips on how to effectively raise concerns directly with a public authority. We continue to add information about additional public sector organizations knowing that this is a tool that is increasingly being used by the public.

I would like to thank the public and public authorities we deal with every day. Finally to our staff, a big thanks for the work that we are doing collectively to make public services in BC the fairest they can be. We have a lot to be very proud of. I am confident this positive momentum and resilience will continue.

Sincerely,



Jay Chalke
Ombudsperson
Province of British Columbia

YEAR AT A GLANCE



56

New public sector bodies covered by the *Public Interest Disclosure Act*



20,000

Additional current public employees have disclosure rights under PIDA

Top 3 Ombudsperson Act complaint issues



1,828

Disagreement with decision or outcome



1,611

Process or procedure



978

Communication

Top 3 Ombudsperson Act public bodies by complaint volume



493

ICBC



381

Ministry of Children and Family Development



380

Ministry of Social Development and Poverty Reduction



7,323

Complaints and enquiries under the *Ombudsperson Act*



109

Public Interest Disclosure Act enquiries and reports received



30

Tailored and general Fairness in Practice workshops



1,367

Complaints assigned to investigations



122

Connections made with First Nations, Métis groups and Indigenous organizations



50

Over 50 Indigenous communities visited

WHO WE ARE





Our Vision

**FAIRNESS &
ACCOUNTABILITY
IN BRITISH
COLUMBIA'S
PUBLIC SERVICES**

Our Mandate

**BRITISH COLUMBIA'S INDEPENDENT
VOICE FOR FAIRNESS AND
ACCOUNTABILITY**

OUR GOALS

1. Deepen our connection with the public
2. Enhance and modernize our services
3. Expand our investigative impact on fairness in public services
4. Help authorities to prevent unfairness before complaints arise
5. Support implementation of whistleblower protections across the broader public sector
6. Advance and support reconciliation through our work with Indigenous Peoples
7. Be an inclusive, supportive and engaged workplace

Principles that Guide our Work

FAIRNESS

ACCOUNTABILITY

INTEGRITY

RESPECT

IMPARTIALITY

SERVICE

OUR FOCUS ON DIVERSITY, INCLUSION, EQUITY AND ACCESSIBILITY

As the diversity of our province continues to grow, our services must continue to evolve to fully embrace diversity, inclusion, equity and accessibility. This past year we took a number of steps to ensure that our services put fairness, equity and accessibility at the heart of everything we do.

Training our staff

Training our staff to make sure they have all the skills to both listen to and investigate complaints from a diverse public continues to be a high priority for us.

We have a comprehensive training plan for our intake and investigative staff that is evaluated on an ongoing basis and added to as needs arise. This approach to the training helps ensure we are equipped to engage with the public, with public authorities and with fellow staff members in a way that is respectful, inclusive and meets diverse needs. We acknowledge that many of our staff come to this work already extremely knowledgeable in many areas and we aim to provide learning spaces that support sharing this knowledge with each other and having

conversations about the application of these concepts to the specific work that we do.

We offer a broad range of training to staff, including:

- trauma-informed practice
- cultural safety and awareness
- unconscious bias
- de-escalation
- suicide awareness and response
- disability awareness and inclusion

We will continuously develop and improve the training being offered to staff and will integrate the learning in the work we do.



Nearly 1 in 4 British Columbians over the age of 15 lives with a disability.

Broadening our definition of fairness under the *Ombudsperson Act*

The *Ombudsperson Act* has been in effect since 1979. We recognize that our assessment of fairness under the Act must reflect the current needs and experiences of British Columbians. This year we updated our internal guidance for investigators to ensure that, when we are identifying issues of unfairness for investigation, we are applying the latest case law and a broad perspective that takes into account equity and reconciliation. This means recognizing that various factors influence whether a person experiences public services as unfair. At the same time, our updated guidance helps to ensure that our interpretation of the Act remains consistent, meaningful and persuasive for the public bodies we investigate.

Updating our approach

We review all new administrative policies through a GBA+ lens. This year, we continued to focus on equitable service delivery and reconciliation, conducting a full review of our operational policies to identify ways in which we can update our policies and procedures to provide better service to the public. We continued to examine our human resources policies and practices and identified changes to better support an inclusive workplace.

Laying the foundation for our office's first Accessibility Plan

The *Accessible BC Act* first came into force in June 2021 with the goal of making BC a more accessible province for people living with disabilities. The Office of the Ombudsperson is a “prescribed organization” under the Act as of September 2023. In 2022/2023 we began laying the foundation for the development of our office's first Accessibility Plan.

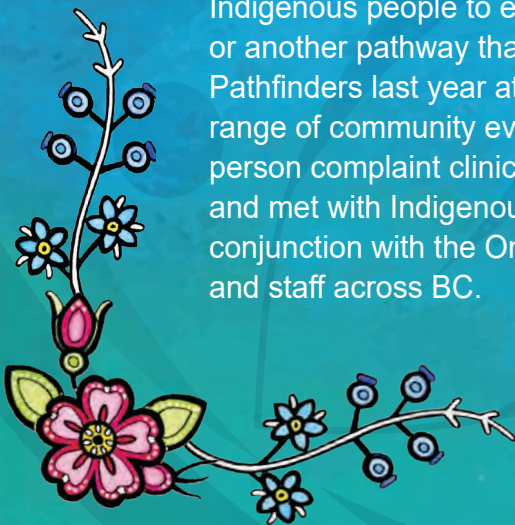
OUR INDIGENOUS SERVICES

Our office is committed to advancing reconciliation through our work with First Nations, Métis, Inuit and urban Indigenous people and communities. We are committed to building and sustaining ongoing relationships rooted in respect, reciprocity and responsibility. Our goal is to strengthen our understanding of who we serve and to recognize with respect Indigenous rights in our work so that all Indigenous Peoples across BC are treated fairly in the delivery of public services. Our Indigenous services are continuing to evolve. Following are some key highlights of last year's activities.



Raising awareness and building trust in communities

In May 2022, our office launched the Pathfinder Initiative to start the important work of connecting Indigenous Peoples with our office and the services we offer. Four contracted community engagement specialists with deep knowledge and experience in Indigenous communities across British Columbia are working to raise awareness of our office's mandate, build trust and help guide complaints from Indigenous people to either our office or another pathway that can help them. Pathfinders last year attended a diverse range of community events, hosted in-person complaint clinics with our staff and met with Indigenous leaders in conjunction with the Ombudsperson and staff across BC.



 50

Communities and community organizations visited



 122

In-person or virtual meetings with First Nations, Métis groups and Indigenous organizations

Investigating complaints from Indigenous people

Last year we received 138 complaints and enquiries from people who self-identify as Indigenous and we continue to see an increase in the number of Indigenous people who are connecting with our office. We have a specialized Indigenous team of Intake and Investigative staff who focus on these complaints ensuring we are approaching these investigations in a way that is culturally safe and takes into full consideration case law on Indigenous rights.

A diverse range of issues were brought to the office. These were the authorities Indigenous people most frequently complained about:

Ministry of Children and Family Development

Ministry of Public Safety and Solicitor General

Ministry of Social Development and Poverty Reduction



Evolving our Indigenous Communities Services Plan

This plan will serve as a living framework of how we are going to meet the needs of Indigenous people as well as our accountability framework. We will continue to evaluate and evolve the Pathfinder Initiative as a connection into communities that allows the office to build long-term reciprocal relationships based on effective services and community empowerment. These relationships are a focal element of the Indigenous Communities Service Plan that we are developing and will continue to enable the service delivery commitments of the larger plan, as well as future direction.

Addressing Racism Line

Our office continues to host the Addressing Racism Line, a phone line that was first set up in 2020 when the provincial government initiated an independent review of Indigenous-specific racism and discrimination in health care in BC. Last year, 67 people called this line with a range of concerns.



MEASURING OUR IMPACT

In our 2021/26 Strategic Plan, we committed to the development of outcome-based performance measures that aim to assess the broad impact of our services and identify key areas for improvement.

As a result of this work, we have transitioned away from **output** measures as the primary way in which we assess our performance. Instead, through surveys and other impact-focused evaluation processes, we will seek to describe and assess the **outcome** of our service.

These outcome-focused measures are informed by the 2019 Venice Principles, which are international norms applicable to Ombuds and which outline elements fundamental to effective Ombuds work: independence; impartiality, objectivity and fairness; and transparency. These are similar to the core principles of fairness, accountability, integrity, respect, impartiality and service that are set out in our current Strategic Plan. We are initially developing outcome-based performance measures using two key tools: surveys and peer review.

In 2021/22, we surveyed the public to determine awareness and perceptions of the office. This represented the first phase of the new performance measurement model. The second phase, in the 2022/23 fiscal year, was to survey staff from the public authorities under our jurisdiction. The third phase, which will fall in the 2023/24 fiscal year, is to survey the public who contact us. This three-phase approach will allow us to track the impact and effectiveness of the office over time, and will help us identify opportunities for continuous improvement. We will then repeat the triennial review cycle to give us longitudinal information on changes going forward.

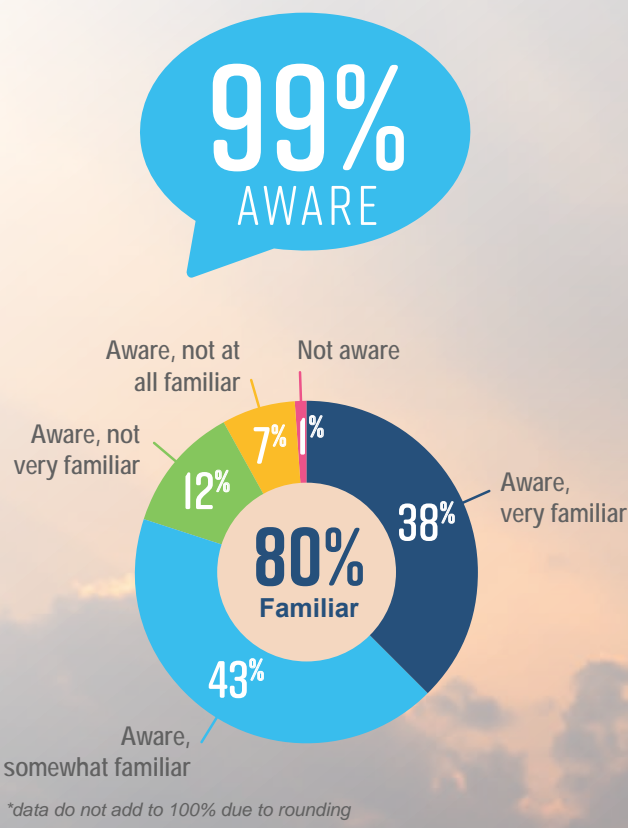
2022/23 Public Authority Survey

This past February, we contracted with Leger 360 to design and conduct an online survey with public authorities under our jurisdiction. We sent out more than 1,700 invitations and received a response rate of 30 percent representing a broad cross-section of the more than 1,000 public bodies we oversee.

Key findings

Overall, awareness of the office's role and mandate is very high, and while familiarity is also solid, there is a sizeable percent of public authority staff whose familiarity of the office's role could be improved upon.

AWARENESS OF OMBUDSPERSON ROLE



BELIEF IN OMBUDSPERSON INDEPENDENCE

Perceptions of the office's independence from the organizations we investigate is very strong, with only a small minority unsure.

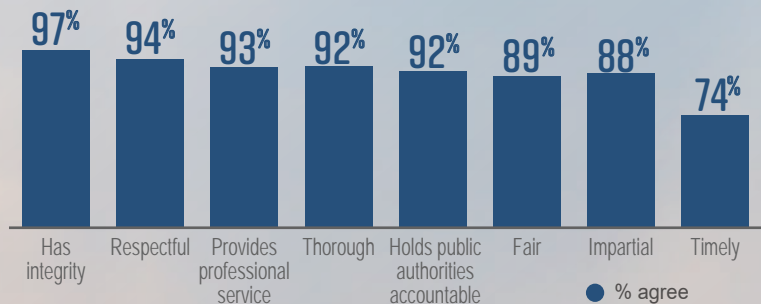
(Among those aware of role/mandate)



OMBUDSPERSON DEMONSTRATES VALUES

Public authorities have very positive perceptions of key attributes that we associate with our office. Timeliness is an area that public authorities believe could be strengthened.

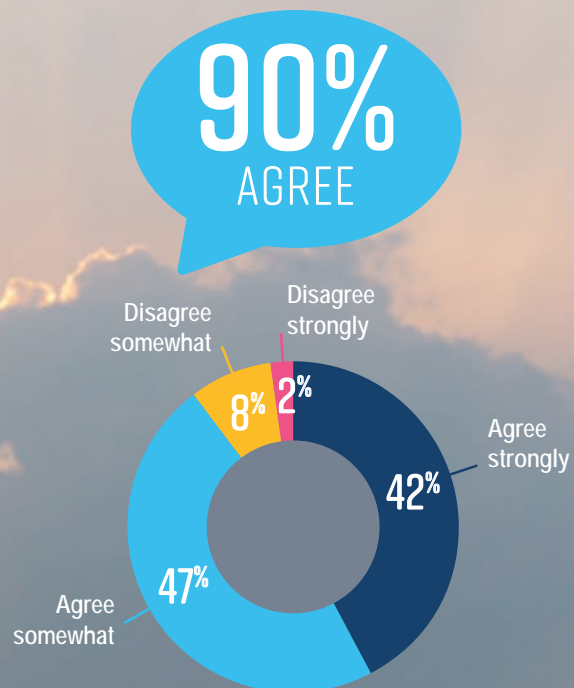
(Among those aware of role/mandate)



OMBUDSPERSON SUPPORTS IMPROVED PUBLIC ADMINISTRATION

Among those aware of the role and mandate of the office, the vast majority agrees the office supports improved public administration.

(Among those aware of role/mandate)



**data do not add to 100% due to rounding*

A photograph of a forest scene. In the foreground, a large, moss-covered rock is partially covered by thick, gnarled tree roots that spread across its surface. The background is filled with dense green foliage and tall trees. The text 'OUR WORK UNDER THE OMBUDSPERSON ACT' is overlaid in white, with 'OUR WORK UNDER THE' in a bold, sans-serif font and 'OMBUDSPERSON ACT' in a thinner, italicized sans-serif font.

OUR WORK
UNDER THE
OMBUDSPERSON ACT

OUR APPROACH

For more than 40 years, the office has been working to make the administration of public services fairer. Under the *Ombudsperson Act*, which gives us the legal authority to receive and investigate public complaints. The office listens to enquiries and complaints from the public about more than 1,000 public sector organizations in BC. When a member of the public contacts us, we strive to address their complaint in the most effective and efficient way possible. Sometimes this means the best way forward for the complainant is to refer them back to the organization's internal complaint pathway. Other times we can resolve their complaint through our early resolution process. More complex complaints are assigned to one of our three specialized investigative teams for further assessment and analysis. No matter the complaint, we make every effort to support members of the public by actively listening and providing useful, respectful and trauma-informed service.

Our investigators stay attuned to complaints that are potentially systemic in nature, that have the potential to or are already impacting many. It is a key part of our role to shine a light on systemic unfairness and we make every effort to bring those cases to the forefront.

We also offer consultation and advice to public authorities to help prevent unfairness at the source, before a complaint is made to our office. Our Public Authority Consultation and Training (PACT) team strengthens awareness and understanding of fairness through hands-on training and voluntary consultations with public organizations.

WE LISTEN TO
COMPLAINTS

WE REVIEW
AND REFER

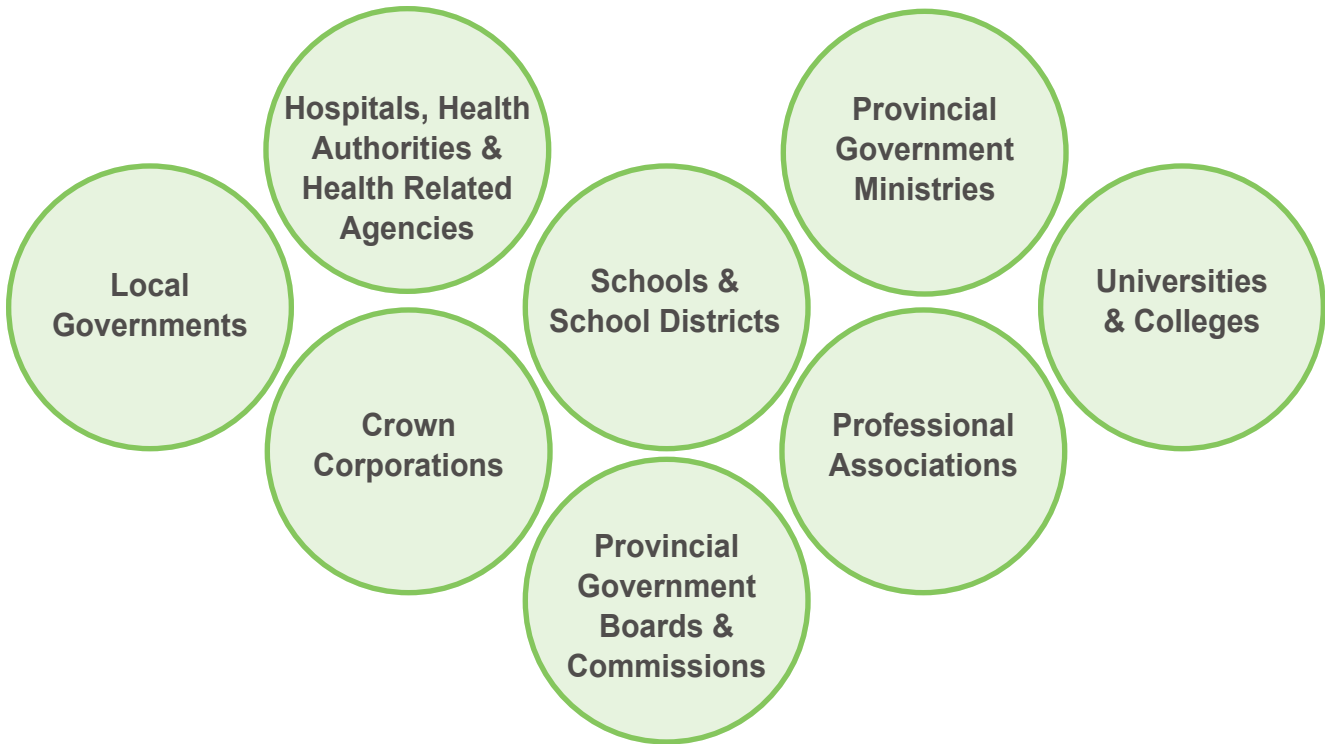
WE INVESTIGATE
AND RESOLVE

WE RECOMMEND
CHANGE

WE EDUCATE
AND CONSULT

THE PUBLIC BODIES WE CAN INVESTIGATE

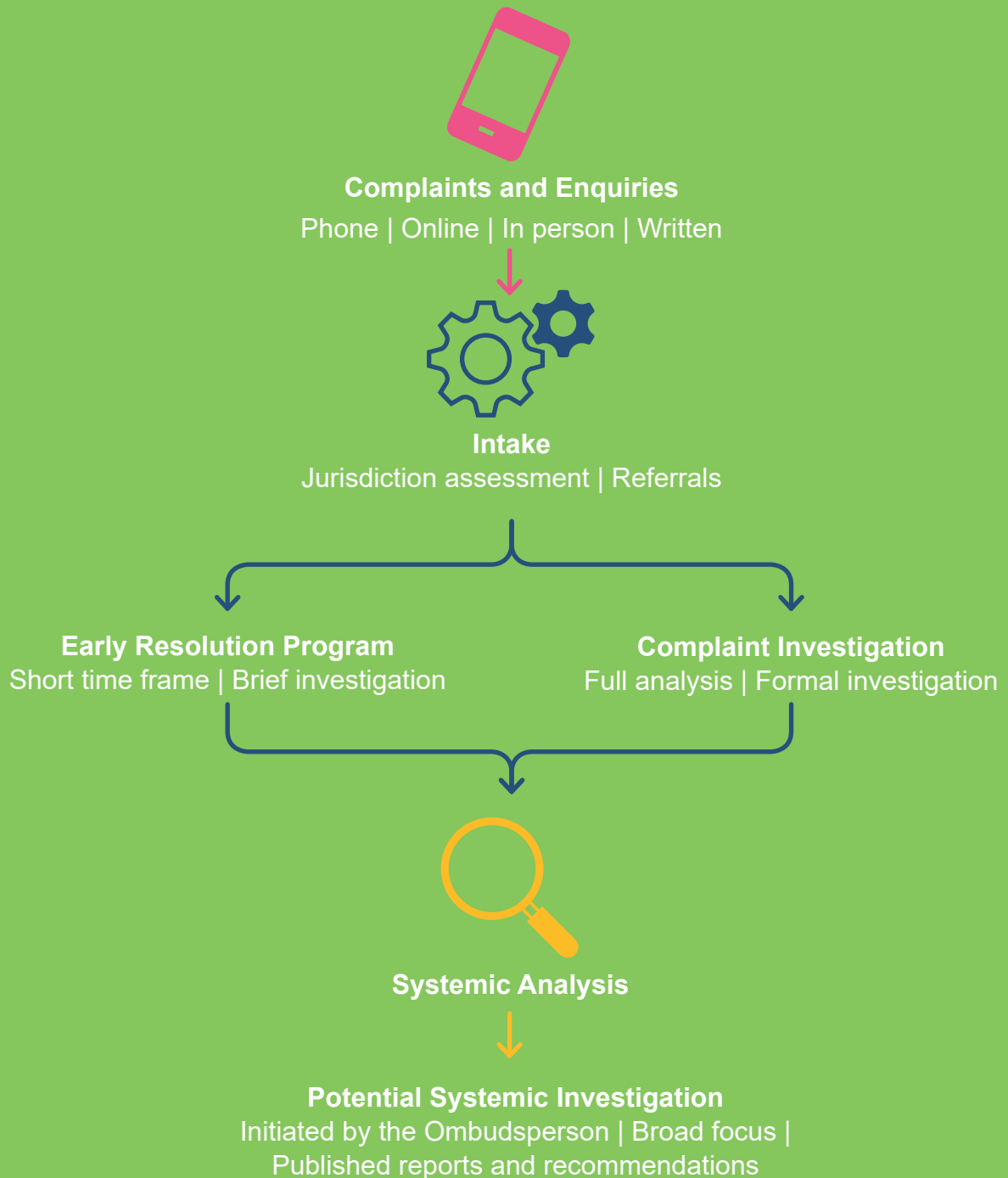
The public bodies we can investigate are set out in the *Ombudsperson Act*. The Ombudsperson **can** investigate a wide range of provincial and local organizations, including:



There are some organizations that we **cannot** investigate because they are not under our jurisdiction. For these complaints, we help by connecting people with the most applicable complaint avenue.

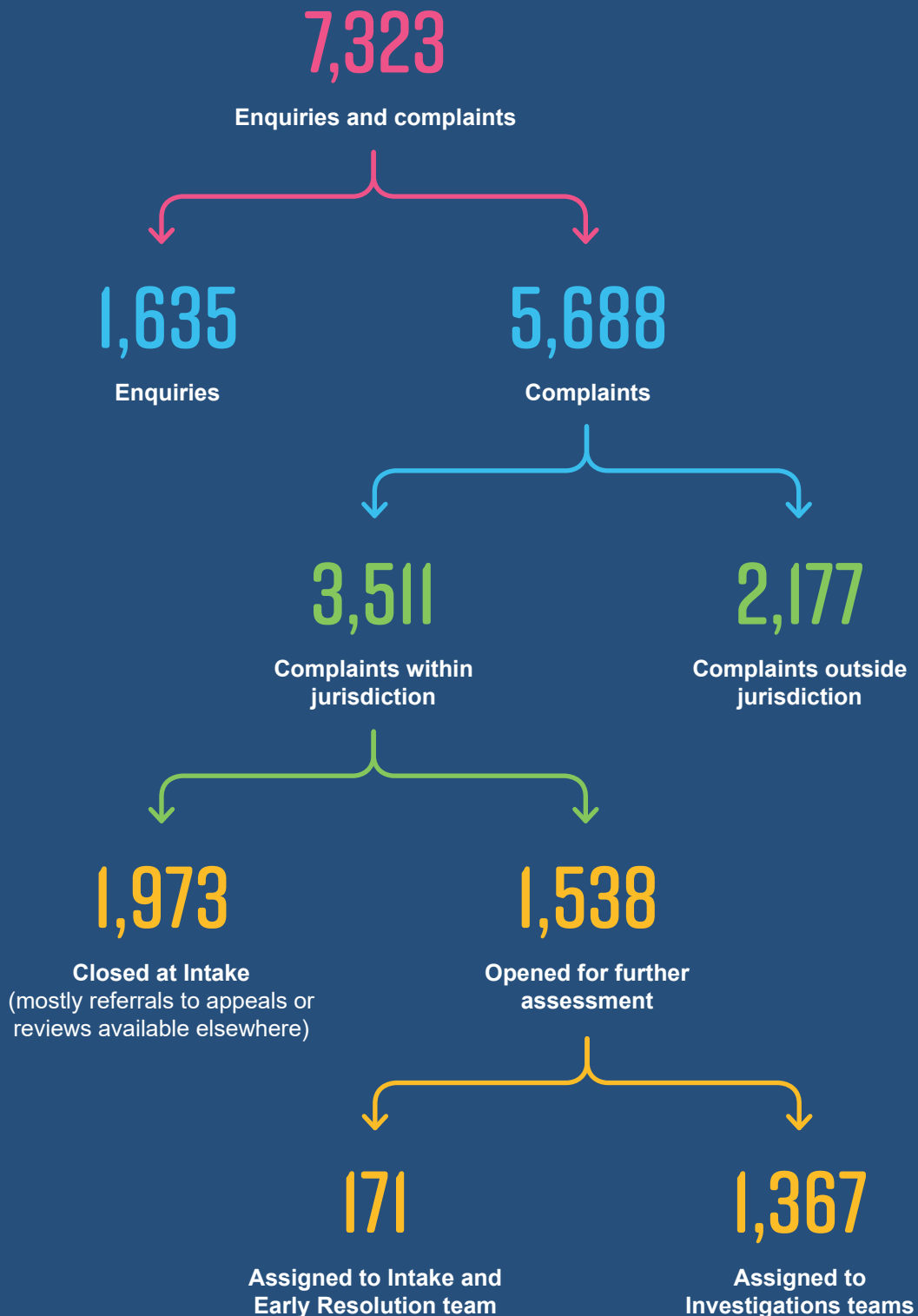


OUR INVESTIGATIVE PROCESS



NUMBERS AT A GLANCE

Complaints and Enquiries Received in 2022/23



INTAKE AND EARLY RESOLUTION



INTAKE AND EARLY RESOLUTION

Our Intake team listens to enquiries and complaints from the public and provides information to help members of the public find the best complaint pathway to deal with their concern if they haven't first tried to address it with the organization involved. Made up of a group of highly skilled and empathic listeners, using a trauma-informed approach, the team hears a wide range of complaints from the diverse public we serve. This expertise allows the team to assess complaints for urgency and escalate matters accordingly.

No wrong door

The different types of complaints and the large number of organizations under our jurisdiction means there are many avenues people can take to resolve their complaint, before coming to us. Often, the most efficient and effective way to support a person who comes to us with a concern is to see whether the organization can resolve the issue through their established complaints process. With the team's broad knowledge of public organization complaint processes, Intake staff are effectively able to guide people to the best complaint pathway. The team also makes every effort to support people in their dealings with public organizations by providing tips on how to raise complaints that help build people's confidence in their ability to resolve their issue.

When complaint avenues within the public authority have been used or are not adequate, and the member of the public remains of the view that they have been treated unfairly, our team will assess the complaint and determine how we may be able to best address the concern. Sometimes a complaint can be resolved quickly through an Early Resolution investigation. Typical outcomes of this process include:

- Facilitating contact between the person and the public body
- Providing an explanation for a decision
- Receiving updates on the status of an application
- Clarifying documentation requirements

These are just some examples of the many outcomes our Early Resolution process can achieve.

Cases that require additional analysis are assigned to one of our specialized investigation teams for further assessment and potential investigation.

INVESTIGATIONS

A vibrant green forest scene with a dirt path leading through tall trees. The text 'INVESTIGATIONS' is overlaid in white. The forest is dense with tall, slender trees and lush green foliage. A dirt path winds through the center of the forest, leading the eye towards the background. The lighting is bright and natural, highlighting the various shades of green in the leaves and the brown of the path. The overall atmosphere is serene and natural.

INVESTIGATIONS

More than 1,300 complaints were assigned to our investigative teams last year. These complaints were about many public bodies under our jurisdiction, including municipalities, provincial government ministries, Crown corporations, health authorities and public schools, colleges and universities.

We impartially, independently and confidentially assess each complaint. Investigators thoroughly review every aspect of the complaint, and if unfairness is found through an investigation, we will identify reasonable settlements to remedy and resolve the matter.

Common Investigative Outcomes



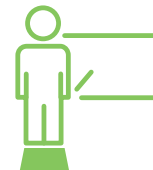
A better explanation or clearer reasons for a decision



A new hearing or reconsideration of a decision



An apology



Training for employees and the public authority



Access to a benefit previously denied



A commitment to follow policy in the future



A refund or reimbursement of expenses



Changes to policy, procedures and sometimes to legislation



CASE SUMMARIES

Case summaries help tell the story of our office and what we do. They provide a lens into understanding the kinds of individual complaints that come to us and highlight early resolution and investigation results.

The featured cases in this section reflect the types of matters we deal with on a daily basis but they are only a small fraction of the work we do.

It is important to note that names have been changed to protect the privacy of complainants. Photos are for illustrative purposes only.

HEALTH

Unfair delays

Health Insurance BC – Medical Services Plan (MSP)

Impacts of delay can have far-reaching consequences for many.

Rupert contacted our office concerned with a decision made by Health Insurance BC that impacted his family’s health care coverage. His family had filed for permanent residence and new work and study permits, but due to the pandemic, the application process with Immigration, Refugees and Citizenship Canada (IRCC) was considerably delayed and the family’s status became “maintained”.

Individuals living in BC must have legal immigration status in Canada to be eligible for MSP coverage. As such, people who are on temporary work or study permits must apply to IRCC before their permit expires to maintain their legal status in Canada and be able to work and study. Before the pandemic, people who were on a “maintained” status pending renewal of their permits with IRCC were not eligible for MSP coverage. They only qualified retroactively, once their temporary status was renewed.

To respond to the IRCC processing delays due to the pandemic, the Ministry of Health adopted a temporary COVID-19 policy for individuals with “maintained” status in BC. At first, Rupert’s family received temporary MSP coverage. Several months later, the policy’s eligibility criteria were updated and as a result, Rupert’s family lost their coverage.

We contacted Health Insurance BC because it was unclear why Rupert and his family no longer had coverage, given there had been no change in their situation and the extraordinary IRCC processing delays continued. After highlighting how Rupert’s family, and others in similar situations were disadvantaged, the Ministry of Health agreed to approve Rupert’s family’s temporary MSP coverage, and to further extend it. It also updated its policy so that all eligible individuals residing in BC with “maintained” status may be eligible for an initial six months of coverage while waiting for work or study permits, including those affected by IRCC processing delays.

The wrong angle

Island Health

All angles must be considered to ensure practices are respectful and fair.

Felix complained to our office about the care he received when he was admitted to the Royal Jubilee Hospital.

As part of our investigation into Felix's complaint, we visited the Psychiatric Emergency Services Unit at the Royal Jubilee Hospital to speak with staff. During our visit, we noticed there were cameras in seclusion units pointing directly at the patients' toilet. We questioned whether this was reasonable as the camera angle could be an intrusion on a patient's privacy and dignity.

In response, Island Health advised us that the cameras were installed for security measures to reduce the risk of patient self-harm and that staff were instructed to respect patients' privacy as long as it was practical to do so. We consulted with Island Health to explore other viable and less intrusive options and asked them to install blur strips on all cameras to respect the privacy of patients in seclusion units. Island Health agreed.

A fair goodbye

Fraser Health

To be fair, decisions must consider all relevant information.

Amara's father, Varun, was in a private palliative care room at the Burnaby Hospital. Varun's doctor advised Amara and her family that he had little time left and that they should spend as much quality time with Varun as they could. Six family members went to visit but were denied access by the charge nurse – only two family members were allowed to visit at a time due to ongoing restrictions relating to COVID-19.

Frustrated by the visitor limitation, Amara made a complaint to Fraser Health's Patient Care Quality Office. While waiting for a response, Amara also contacted us as time was of the essence.

We reviewed the Fraser Health visitor guidelines during COVID-19, which stated that more than two visitors may be allowed in palliative and end-of life care. We also spoke to the Executive Director, Clinical Quality and Strategic Priorities at Fraser Health due to the urgency of Amara's complaint. After consulting

with Varun's health care team, the Executive Director advised us that the decision was made to limit visitors because Varun's death was not imminent, to protect the privacy of others in the palliative care unit, and to make sure nurses had the space to continue to care for him.

We were concerned with Fraser Health's response and requested that all six family members be able to visit Varun that evening, in line with the published visitor guidelines and his doctor's advice. Fraser Health agreed. Amara and her family members were allowed to spend time with Varun before he passed later that evening. The Executive Director expressed their regret on behalf of the health care team for the delay and stress its decision caused.

Post mortem of a post mortem

Coroners Service

An example of how a simple miscommunication can lead to complex and unnecessary delays.

Leyla contacted our office after her attempts to request an autopsy of her late father were not responded to. Leyla believed he had been abused by care staff prior to his passing. Leyla received a letter from the health authority advising her to make immediate arrangements to claim her father's remains as several months had passed since his death.

Our investigation found that there had been a miscommunication between the hospital and the Coroners Service – the hospital had not provided complete identifying information

to the Coroners Service. This led to Leyla's father's remains being left in the hospital morgue for several months while Leyla attempted to request an autopsy. Concerned about the delay and additional stress it was causing, we recommended, and the Coroners Service agreed, to refer Leyla's complaint to its investigation team to determine whether an autopsy was needed.

With the miscommunication resolved and Leyla's request under review by the Coroners Service, we closed the file.

PROFESSIONAL ASSOCIATION

Check that spam folder!

Civil Resolution Tribunal

Delivering decisions in a clear and direct way is a key pillar of administrative fairness.

Anita made a complaint to the Civil Resolution Tribunal (CRT) and received an email back confirming that her complaint had been assigned to a tribunal member. The letter indicated it would take approximately eight weeks for a decision to be reached. Five months later, and still without a decision, Anita followed up with the CRT. Much to her surprise, the CRT informed her that a decision had been emailed to her several months prior and that the 28-day time limit had passed to submit a Notice of Objection should she have wished to dispute the decision. Anita, however, never received the email – it got lost among the many spam emails she receives daily, and a hard copy of the decision was never mailed to her.

As Anita acknowledged that she had received the decision once she searched for it, the CRT could not act outside the authority given under the Act to expand the 28-day time limit to allow Anita to submit a Notice of Objection. Anita told us that the email included basic information and it was sent from a generic email address which is why it went unnoticed.

To remedy the communication issues found in our investigation, the CRT agreed to modify the template it sends when a tribunal member is assigned to a file to include the email address its decisions will be sent from, the approximate timeline for decisions to be rendered, and a link to its website that explains what options are available after a decision has been made.

LOCAL GOVERNMENT

Time to follow the rules

Lower Nipit Improvement District

Including pertinent information in communications is key to ensuring fairness.

Blair disagreed with how the Lower Nipit Improvement District (the District) was applying its tax bylaw to the strata he lived in. Blair believed the entire strata should be charged the tax rate and not each unit individually, and as such, he refused to pay his taxes. Blair also said that he did not receive a formal notice of assessment regarding his taxes and that there wasn't any type of appeal mechanism, which he felt was unfair. Eventually the District collected

the amount Blair owed in taxes when Blair's property was sold.

Our investigation into Blair's complaint focused on two fairness issues:

1. Whether it was fair and legal for the District to tax the strata as individual units under the applicable legislation.
2. If the tax process that the District was following was fair and reasonable.



Regarding the first issue, and as provided in section 67 of the *Strata Property Act*, we determined that the District was correct to tax each strata unit individually. However, the tax process relies on the application of multiple provisions found in the *Local Government Act*. During our investigation we found that the District's practice was to discuss the annual tax rate at its Annual General Meeting (AGM), which all taxpayers are invited to attend. Following the AGM, the District sends invoices to each taxpayer. Blair's tax invoice included a single-line item with a description of the tax and the amount owing as well as a comment at the bottom regarding late payment penalties. The invoice did not appear to comply with the requirements set out in the Act – it did not include a description of the assessment of Blair's property or include information on a court of revision or how to file a complaint. As these are statutory requirements for all improvement district tax notices, it was procedurally unfair to omit this information. Further, the District

advised that its practice was to email tax notices rather than to send a hard copy by mail and when we asked it to provide us a copy of the email sent to Blair, it was not provided. A failure to deliver a tax notice is also procedurally unfair. Finally, we also learned that the District did not operate any sort of court of revision or appeal process that allows taxpayers to dispute their assessments. This omission is contrary to the requirements of the Act.

To remedy the administrative fairness concerns identified in our investigation, we recommended and the District agreed to:

1. Develop and implement a standard tax notice including all information required under the Act.
2. Commit to delivering tax notices in accordance with the Act and to maintain records.
3. Implement a court of revision to provide opportunity for taxpayers to complain about an assessment.

WORK AND BUSINESS

Communication matters

BC Financial Services Authority

A delayed decision and an inadequate explanation are unfair.

Tye filed a complaint against a realtor with the BC Financial Services Authority (BCFSA) and nearly two years later, he received a response advising him that his concern was outside the BCFSA's jurisdiction, and it could not look into the matter. Frustrated by the two-year delay and by the lack of explanation in the letter he received, Tye contacted our office.

Our office was concerned about the adequacy of the reasons provided to Tye about the BCFSA's decision not to investigate his complaint. The BCFSA acknowledged that

its letter to Tye was indeed insufficient and apologized for the oversight. The BCFSA provided Tye with another letter that included additional reasons for its decision.

As a result of our investigation, the BCFSA also agreed to update its template letters to ensure that staff adequately summarize the issues raised by a complaint, clearly articulate the decision and importantly, provide clear reasons for its decision, including and if applicable, the relevant law, regulation, policy or rules.



Final, not final

Labour Relations Board

Providing clear information in communications can prevent unfairness from occurring.

Mabel complained to our office when the Labour Relations Board (LRB) reconsidered its original decision, which had been in Mabel's favour, and replaced it with a decision that was no longer in her favour. Mabel was upset when she learned the original decision was not final and could be cancelled on reconsideration.

Our investigation focused on whether the LRB acted consistently with its obligations under the Labour Relations Code. In reviewing the original decision letter provided to Mabel from

the LRB, we found that it did not include any information about the reasons why decisions may be reconsidered and overturned. To ensure the communications were clear, we proposed that the LRB include this information in its decision letters going forward to enhance the accessibility of information for people with varying backgrounds and literacy levels. The LRB agreed, and now includes this additional information in decision letters to improve the transparency of its process.

Notice of appeal

Employment and Assistance Appeal Tribunal

One complaint can often result in fairer outcomes for others.

Amal filed an appeal with the Employment and Assistance Appeal Tribunal (the Tribunal). She was concerned with a decision made by the Ministry of Children and Family Development about her eligibility for the Affordable Childcare Benefit. When she followed up with the Tribunal after not hearing anything for several months, Amal learned, unbeknownst to her, that a hearing had already occurred. Amal requested a re-hearing which was denied by the Tribunal.

Frustrated, Amal contacted us for assistance.

During our investigation, we reviewed records of several notices sent to Amal from the Tribunal about her case, including acknowledgement of receiving her complaint and notice about the hearing. While the Tribunal acted consistently with its obligations to provide Amal with notice of the scheduled hearing, we were concerned that by consenting to email communication, Amal was precluded from receiving other forms of communication from the Tribunal.

To resolve the matter, we recommended that the Tribunal update its Notice of Appeal form to include timelines and to make it clear that by consenting to email communications, complainants will not receive other forms of communication about the scheduling of hearings from the Tribunal.

Amal's case highlighted the importance of the Tribunal clarifying this information for hearing participants to ensure they monitor their email to avoid missing important communications and to enable them to make informed decisions about their communication preferences. The Tribunal agreed and also proactively changed its practices to include phone and email reminders to complainants about scheduled hearings.

Amal's complaint to our office led to service improvements that will result in fairer outcomes for others.

CORRECTIONS

Two cases of unreasonable withdrawal

Provincial Health Services Authority

Not adhering to policy and procedures can have serious implications and far-reaching impacts.

Case one: Kamloops Regional Correctional Centre

Jeeve had multiple medical conditions due to a workplace injury and required ongoing pain management, including prescription hydromorphone. While housed at Kamloops Regional Correctional Centre, Jeeve's medication was suddenly discontinued, causing him significant discomfort due to withdrawal and untreated pain. Jeeve complained to our office after being told by the Provincial Health Services Authority's (PHSA) Patient Care Quality Office that the discontinuation decision was not unreasonable.

Prescribing and administering opioids is strictly regulated in correctional centres due to concerns they may be misused or shared with others in custody. The PHSA balances these risks with prescribing opioids for pain management for people in custody who need them. Following a suspected incident of misuse, a physician entered instructions on Jeeve's medical file to discontinue the hydromorphone if caught misusing it again. When a correctional officer reported a subsequent attempt, health care staff immediately discontinued the prescription medication based on the physician's order.

Jeeve told us that he had repeatedly raised concerns about the sudden discontinuation of his medication and its impact on his physical and mental health with both correctional and health care staff. He also said that the PHSA provided limited details about why his medication was discontinued. Jeeve's

behaviour changed in the weeks that followed and despite his significant pain and his requests for medication, the physician declined to prescribe further opioid medication. Jeeve's secondary pain medication was then temporarily halted due to unrelated administrative errors by health care staff.

At the time of our investigation, Jeeve's records indicated that he had continued to seek treatment for his chronic pain and had complained to the Patient Care Quality Office (PCQO). Despite his repeated requests for help, the PHSA did not reinstate his hydromorphone prescription or provide an alternative for the remainder of his time at the centre.

During our investigation, we found that the PHSA did not follow its own policy on diversion when it suspects medication misuse. We learned that the health care team had abruptly discontinued Jeeve's medication without investigating the reported misuse, without consulting Jeeve about the alleged misuse, without tapering the medication gradually to avoid withdrawal, and without trialling an alternative method of administering the medication or providing an alternative medication. Contrary to the policy, the PHSA also discontinued Jeeve's medication without scheduling a follow-up with the physician and it failed to complete the prescribed report documenting the reasons for the discontinuation. Jeeve's complaints about the decision, and the significant symptoms he experienced while at the centre, did not receive an adequate response.

Despite the PHSA’s response to our investigation and its commitment to providing Jeeve with a care plan, no changes in his treatment were made before he was transferred out of BC Corrections and was no longer under the PHSA’s care. We followed up with the PHSA after Jeeve’s discharge and proposed measures to address our concerns. The PHSA agreed to:

- Audit and review all medication discontinuations and tapering related to suspected diversion for patients currently housed at the same correctional centre
- Update its diversion policy and procedures and provide in-person and virtual education programs to its staff
- Revise its complaints policy and procedure to inform complainants whether applicable policies, procedures and guidelines are followed, and to provide an explanation when not followed
- Ensure any lack of compliance with policy is flagged as an issue requiring internal review and follow-up
- Apologize to Jeeve in writing about the care he received

We received a similar complaint about the discontinuation of medication from Reggie, who was housed in a different correctional centre. These two complaints were considered together in the broader context of the PHSA’s non-adherence to its diversion policy.

Case two: Vancouver Island Regional Correctional Centre

A physician at Vancouver Island Regional Correctional Centre discontinued Reggie’s medication for depression after a suspected case of medical abuse, without tapering.

Dealing with withdrawal symptoms and feeling the decision was unfair, Reggie filed a complaint with the Provincial Health Services Authority’s (PHSA) Patient Care and Quality Office (PCQO), but his complaint was not resolved. Reggie then contacted us for help.

We investigated whether the process followed by the PSHA in discontinuing Reggie’s medication was reasonable and whether the PCQO responded adequately to Reggie’s complaint.

During our investigation, we noticed that the PHSA’s policy on medical diversion in correctional centres includes a list of considerations that must be taken into account prior to medication being discontinued. Like Jeeve, Reggie’s medication was discontinued in a manner inconsistent with this provincial policy. Despite this, the PCQO dismissed Reggie’s complaint after its review found the discontinuation of Reggie’s medication was reasonable – a decision that was based on what we determined was an unreasonable process.

While Reggie’s medication was eventually resumed, we continued to have concerns with the PHSA’s response. To remedy the unfairness and to prevent similar medication discontinuations from recurring contrary to the provincial policy on diversion, we suggested the PHSA conduct an audit to identify any other similar cases to ensure the physician had been following policy. The findings of its audit showed further instances of non-compliance with the diversion policy and the recommendations it would make in response ranging from staff training, changing record-keeping practices and implementing ongoing monitoring. The PHSA also updated its diversion policy and procedures, and agreed to revise its complaints policy to ensure adequate reviews were conducted on complaints that raise issues of non-compliance with policy.

Let me call the police!

Ministry of Public Safety and Solicitor General – Vancouver Island Regional Correctional Centre

Developing clear and effective policies to guide operational staff is a key aspect of delivering fair service.

Kai contacted our office explaining that they had been assaulted by a correctional officer while they were incarcerated at the Vancouver Island Regional Correctional Centre (VIRCC). Kai asked staff to assist them in calling the police to report the incident and was told to submit a special written request. Despite filling out the special request form, Kai was unable to make the call to police for several days. Kai was concerned about how the VIRCC handled their request.

We investigated whether the VIRCC's response to Kai's request to report the incident was reasonable. We learned that Kai had tried on several occasions to contact the police non-emergency line, but the number was blocked.

Kai submitted their complaint form and was informed that staff had already assisted them in making the call.

Our investigation found that the VIRCC did not have a policy in place to support people in custody to call the police when required, and they were unaware that the police non-emergency line was blocked from receiving calls from the centre. To resolve our concerns, we recommended that BC Corrections create a policy to support those in custody to contact the police for assistance or to report a crime. BC Corrections agreed.



Video evidence helps

Ministry of Public Safety and Solicitor General – Vancouver Island Regional Correctional Centre

State authority must be applied to those in custody in a fair and reasonable manner.

Sheldon contacted our office with a complaint about the amount of force used while being transferred to segregation at the Vancouver Island Regional Correctional Centre (VIRCC). We investigated whether the VIRCC followed a reasonable procedure during his transfer.

While the information we reviewed did not support Sheldon’s allegation, we did note that there was no video footage of the alleged incident where the reported use of force occurred. Section 2.4 of the BC Corrections Adult Custody Policy outlines that correctional centres have handheld cameras for use by the Cell Entry and Extraction (CEE) Team. We asked why the CEE Team had not used the cameras when removing Sheldon from his cell. BC Corrections informed us that its CEE Team is only deployed as a last resort when its staff safety is felt to be in jeopardy. In this case, the door to his cell was open and staff were speaking with him and felt confident in their ability to escort him to segregation.

BC Corrections did not feel the situation was high risk enough to involve the CEE Team. While it appeared that BC Corrections’ practice of deploying its CEE Team as a last resort was reasonable, we proposed it consider amending the Adult Custody Policy and subsequent procedure to direct staff to create a video when the CEE is not deployed but:

- Use of force is reasonably anticipated or planned, and
- It is feasible for staff to obtain a handheld camera.

In response, BC Corrections created a new section in the Adult Custody Policy that details the recording of individuals at risk of imminent use of force. BC Corrections also reported that it purchased handheld cameras and placed them in strategic locations throughout its centres to ensure they are available when required.

Get my views too!

Ministry of Public Safety and Solicitor General – Okanagan Correctional Centre

Hearing all sides of the story is essential to ensuring people are treated fairly.

DJ contacted our office after he was injured during a transfer to segregation at the Okanagan Correctional Centre (OCC). DJ told us that staff used excessive force by twisting his wrist and pushing him up against a wall. He told us that the handcuffs were then overtightened because staff failed to double-lock them during the transfer. DJ completed an injury form detailing his account of the incident and complained to the OCC's management.

In response to our investigation, the OCC provided us with all relevant documents and a video recording of the alleged incident. On our review of the video, the use of force appeared reasonable in the circumstances. However, the OCC acknowledged that its initial documentation did not include a use of force report due to staff's understanding that the limited amount of force used did not require it. The OCC also acknowledged the handcuffs had

not been double-locked and advised the staff member who escorted DJ on the appropriate procedure regarding use of force and handcuff application.

Our office also contacted BC Corrections Headquarters regarding DJ's complaint. We were concerned that staff at the OCC did not ask DJ for his point of view regarding the incident which, in this case, would have ensured the handcuff issue was identified even if DJ had not complained about it. As a result of DJ's complaint, the Adult Custody Policy and related use of force forms and guides were modified to include the requirement that an assistant deputy warden obtain the inmate's point of view into a use of force incident. The policy was also modified to include the option for a warden or designate to apologize without admitting fault or liability, consistent with the *Apology Act*.

Voice left unheard

Ministry of Public Safety and Solicitor General - Community Corrections Division

Failure to follow procedures can result in unfairness.

In 2019, Keith complained to his probation officer about his conduct. When his issues went unaddressed, Keith's spouse escalated the complaint to the probation officer's supervisor. Neither Keith nor his spouse felt the complaint was investigated properly, so they contacted us.

Based on the information reviewed during our investigation, it appeared that the Community Corrections Division (CCD) did not follow the procedures outlined in its Information for Community Corrections Clients booklet. Because the complaint had been submitted by Keith's spouse, the CCD did not consider it

a complaint and did not take action or inform them of any decisions made in response to the complaint. The CCD also did not inform Keith and his spouse of the option to seek a review by the Regional Director, and the letter and subsequent conversation with Keith's spouse were not properly documented in its records.

We discussed our concern with the CCD staff who agreed that Keith's spouse's complaint should have been handled differently. To resolve the unfairness identified, the CCD agreed to distribute a directive to all staff instructing them to provide a handout explaining

its complaints and appeals processes to all complainants, to document all complaints in its client log, to confirm external complaints with clients and to accept complaints from the

public. The CCD posted this directive on its intranet so it would be easily accessible to all staff. The CCD also apologized to Keith and his spouse in writing.

TRANSPORTATION

Double the trouble

ICBC

Acknowledging and responding to complaints in a timely manner can resolve issues efficiently.

Nate's two vehicles were both involved in separate accidents and written off by ICBC. Six months later, Nate's insurance broker told him he was still paying insurance on both vehicles. ICBC had not informed him that he was required to cancel his insurance, and in fact had told him it would take care of everything when the vehicles were written off. Nate called ICBC's Fair Practices Office but never received a response about his complaint.

We contacted the Fair Practices Office and spoke with a manager, who provided us with the name of the advisor handling the file. The advisor contacted us shortly after and told us that ICBC had reviewed Nate's complaint and agreed to backdate both insurance policies to the date of the accident and to refund the extra payments Nate made. The advisor also called Nate to let him know his money was being refunded. We then followed up with Nate who confirmed his complaint had been resolved.

“I cannot express how grateful I am for your help. I could not have done it without you. I appreciate your patience and attentiveness as this was a very stressful situation my family and I were blindsided by. I received the cheques, and just wanted to thank you once again. I appreciate it more than you would know.”

– Nate



Acknowledging improvements needed

Commercial Vehicle Safety Enforcement

For a process to be fair, relevant information must be communicated in a timely manner.

Flora's vehicle was towed by the City of Maple Ridge's bylaw department for being parked on a public street for more than 72 hours. At the same time, a Notice and Order was issued by Commercial Vehicle Safety Enforcement (CVSE) that required Flora's vehicle to pass an inspection before she could drive it.

Flora was not advised in advance that her car would be towed, nor did she receive a copy of the Notice and Order until several weeks after it was issued. Flora's vehicle was impounded and would not be released back to her until the order was resolved. Due to the delay in receiving the notice, Flora did not know the reason for the order or the tow, nor did she have any information about how to resolve the problem as there were no details on what was wrong with her vehicle.

Flora called CVSE to find out what it required but could not get answers to her concerns. Feeling frustrated, Flora called us for help.

In response to our investigation, CVSE was transparent about problems it had identified with its own process, including the lack of information provided to Flora in the Notice and Order, and its response to her requests for help. We also found that CVSE's publicly available information regarding the process for appealing or disputing a Notice and Order was not clear.

To resolve Flora's complaint, CVSE discussed the situation with the officer responsible and emphasized the importance of informing registered owners immediately of a Notice and Order, including an explanation of why it was issued and what options were available to dispute or resolve it. In addition, CVSE

informed us of its plan to update the system it uses for Notices and Orders to require clear information on each form moving forward.

CVSE also agreed to update its dispute process and the information on its website to ensure the steps and corresponding timelines were clear.

Missing benefits

ICBC

Acknowledging and promptly resolving administrative errors can help ensure fair service delivery.

Arlo contacted us with a complaint about ICBC because he wasn't receiving his Temporary Total Disability (TTD) benefit. Arlo's last benefit payment was only for a two-week period instead of a month. He had not received a payment since.

We contacted ICBC and were informed that Arlo's TTD payments from January and July hadn't been processed. ICBC agreed to apologize to Arlo for the delay. However, after

reviewing Arlo's file, it was discovered that his recovery specialist had informed Arlo verbally and by email that his TTD benefits would be terminated if he didn't seek treatment and that he would be given advance notice before doing so.

As Arlo's payments were not impacted by the notice of termination error ICBC made, and because ICBC was taking concrete steps to ensure his benefits were issued, we ended our investigation.

Not my delay!

RoadSafetyBC

When there is a delay, make sure members of the public are not impacted while a decision is being made.

EARLY RESOLUTION

Cory complained to our office after he was unsuccessful in his efforts to comply with RoadSafetyBC's requirement to prove he was medically fit to drive. Cory had been receiving addiction treatment for several months when he received a letter from RoadSafetyBC requesting medical evidence two days before the documents were due. Cory reached out to RoadSafetyBC and was given a seven-day extension. His physician faxed his medical fitness documents on the due date.

When Cory followed up with RoadSafetyBC, he was told that his licence would be suspended for several weeks while it processed his documents.

He asked to speak to a supervisor and was told that no further extension would be granted.

We contacted RoadSafetyBC to discuss the delay in processing Cory's documents. RoadSafetyBC reviewed Cory's file and agreed to provide an additional driver's licence extension which allowed Cory to drive while it processed Cory's documents. RoadSafetyBC also indicated it was working to reduce its processing time to two to three days to ensure Cory received his full licence in a timely manner.



Time moves on

RoadSafetyBC

Responding promptly to requests can prevent unfairness from occurring.

EARLY RESOLUTION

Andrew was referred to the Responsible Driver's Program and was required to have a breathalyzer interlock device installed by Smart Start in his vehicle for six months. Despite several attempts to reach RoadSafetyBC to remove the device after the six months had passed, it remained installed in Andrew's vehicle nine months later.

After several attempts by our office that went unanswered, we escalated the matter to the

Director of Driver Programs. A Senior Manager looked into the matter and contacted Andrew directly. The Senior Manager informed us that they had contacted Smart Start and asked it to schedule the device's removal with Andrew, as well as refund any fees paid past the required six-month mark. Smart Start agreed, and immediately made an appointment to remove the interlock device from Andrew's vehicle.



ENVIRONMENT

Hear my side too!

Ministry of Forests

To be fair, public authorities should follow through and provide responses to complaints and concerns.

Priti was concerned about how the Ministry of Forests (the ministry) responded to contraventions of the *Water Sustainability Act* by her neighbour. Priti told us that her neighbour had damaged the waterway and surrounding area while undertaking some renovations. The damage flooded Priti's property, caused silt to appear in her drinking water, and impacted her water for irrigation.

Our investigation focused on whether the ministry followed a fair process in its response to Priti's complaint, including its investigation into the matter.

During our investigation, we learned that the ministry did not follow through on its enforcement plan for the area that included remediation and restoration by Priti's neighbour. The ministry had not visited the damaged area since its initial visit and was under the impression that restoration was taking place based on conversation with Priti's neighbour. Based on the records we reviewed and conversations with the ministry, we were concerned about contradictions between Priti's and her neighbour's stories, and that the ministry had preferred the neighbour's account despite not verifying whether restoration had taken place.

To settle the complaint, we recommended that the ministry revisit the site to perform an inspection and to follow up with any enforcement actions needed. We also asked it to clearly communicate to Priti about its decisions in writing. The ministry agreed and

subsequently returned to the site and confirmed Priti's account – her neighbour had not started the restoration work. The ministry agreed to take steps to ensure the work was done and to keep Priti informed.

Please talk to each other!

Ministry of Forests

Having clear and concise permitting processes can help to prevent unfair service.

Rayne had applied for a development permit with the Alberni-Clayoquot Regional District (the District) but it was stalled due to a covenant registered on this property relating to flood management. The covenant, which listed the Ministry of Environment, Lands and Parks (which had authority over flood management at the time) as the grantee, restricted building within a certain distance from the shoreline without an engineer-certified plan.

Rayne was told by the District that they would need to contact the Ministry of Forests (the ministry) to confirm the covenant's requirements were met prior to considering their development application. When Rayne

contacted the ministry, they were told the District had jurisdiction over flood management and the ministry could not help.

Not knowing where to turn, Rayne contacted us for assistance.

We investigated whether the ministry's response to Rayne followed a fair process. In response to our investigation, the ministry reviewed the relevant engineering report provided and determined it satisfied the requirements of the covenant. The ministry confirmed this with the District, which allowed the District to then review Rayne's development permit application.

A fishy process

Ministry of Forests

Timely responses and processes should be standard in responding to the public.

We received a complaint from Marlene and Mark about the Ministry of Forests (the ministry) failing to review applications to assign land tenures to a new operator. Marlene and Mark explained that they had tenures where they operated an aquaculture business that they wished to sell. They had applied to the ministry to assign their tenures to a new operator but three years later, they reported that their tenures had expired and that they had to reapply to the ministry to have them renewed.

Concerned about the ministry's delay in reviewing their tenure applications and the hardship that Marlene and Mark were experiencing, they reached out to our office for assistance.

The focus of our investigation was on whether the ministry's review of applications for tenure assignment and renewal were unreasonably delayed. In response, the ministry acknowledged the delays Marlene and Mark



had experienced and explained why there were long waits for aquaculture tenure decisions. The ministry advised us that it did not have formal service standards for responding to applications, but was guided by the Crown Land Allocation Principles, its mandate and ministry service plans. The ministry reported that it had hired additional staff to remedy the issue and further explained the steps it was taking to improve the process for applicants who wished to sell their aquaculture businesses.

While we appreciated the steps that the ministry was taking to resolve the issue, the multi-year delay that Marlene and Mark experienced and its impact on their ability to transfer ownership of their business appeared unreasonable.

We proposed the ministry create service standards for all aquaculture applications with corresponding timelines, provide ongoing and regular updates to applicants, and develop a plan to meet its service standards.

The ministry agreed to the proposed resolution, and subsequently provided our office with a draft copy of the BC Aquaculture Service Standards and its implementation plan.

As a result of our investigation, the ministry processed Marlene and Mark's applications and they were able to successfully transfer ownership of their tenures.

EDUCATION

Oh, tell me why

School District 61 - Victoria

For an appeal to be fair, it should follow a clear and understandable process, including reasons for why decisions were made.

Sherry and Roland both complained to our office when they learned about the closure of the Late French Immersion Program at their respective children's middle school. Both parents were concerned about how the closure would impact their children's education and access to French language training. They had complained about the program closure to the principal and superintendent and submitted a formal appeal about the decision to School District 61 (SD61). Sherry received a letter back from the Board of Education explaining that it had met and denied her appeal on the grounds that it did not meet the required threshold for an appeal under the *School Act*.

We investigated whether SD61 followed a fair process in making its decision to close the Late French Immersion Program and in denying both Sherry's and Roland's appeals.

During our investigation, we reviewed SD61's consultation policy as it relates to decisions

about program closures. Records showed efforts made to consult about the reduction of the Late French Immersion Program. Through a public feedback process and public meetings, SD61 explained its decision, which fulfilled its obligation to provide reasons for its decision to close the Late French Immersion Program.

However, it appeared that SD61 struggled to explain why both Sherry's and Roland's appeals could not be considered by the Board. We shared our concerns with SD61 and proposed it provide clear reasons explaining why both appeals were denied. We also recommended that SD61 provide information about the types of decisions that can be appealed under section 11 of the *School Act*, including the process for making an appeal and how to challenge a decision that isn't appealable under section 11. SD61 agreed to take the steps proposed by our office to enhance the transparency of its appeals process.

HOUSING

Minimizing trauma

Residential Tenancy Branch

Providing the right training can minimize harm and improve service delivery.

Steph applied to the Residential Tenancy Branch (RTB) seeking compensation from her landlord for harms caused while renting the landlord's unit. Steph explained that she experienced physical and sexual assaults by another tenant, which caused her emotional, physical and psychological harm. Steph told us that during the RTB's dispute resolution hearing, the landlord and a witness bullied her with abusive and offensive accusations that made her feel unsafe. She also said that the arbitrator adjourned the hearing multiple times, adding to her stress and reminding her of the trauma she experienced during the tenancy. Steph felt the arbitrator was not sensitive to the effects of trauma and did not take adequate steps to avoid re-traumatization during the dispute resolution process.

Distressed about her experience, Steph reached out to our office.

We investigated whether the RTB followed a fair process in conducting Steph's dispute resolution hearing.

We also investigated whether the arbitrator took reasonable steps to conduct the hearing in a way that recognizes the impacts of past trauma on hearing participants, similar to the experience that Steph had reported to the RTB. The RTB's Rules of Procedure for Dispute Resolution did not have a specific section on how to conduct hearings in a trauma-informed way, but did state that inappropriate behaviour was not to be tolerated and provided

directions on how to respond to hostile, rude and inappropriate participants, including the option to exclude them from the hearing. While the arbitrator in Steph's case did not appear to consider how to prevent additional trauma through the hearing process, they were mindful of the seriousness and sensitive nature of the hearing and allowed Steph's therapist to attend and assist her in the proceedings.

Based on the evidence, it appeared the arbitrator in Steph's case took into consideration the content of the hearing and its impact on Steph and took steps to minimize the potential impact on her. However, because the arbitrator did not specifically consider how to minimize trauma, we asked about the resources and training made available to arbitrators about trauma-informed practice. After reviewing the RTB's training manual, we noted there was no information about trauma, nor were there any policies, guidance or structured training about trauma-informed practice.

After expressing our concerns to the RTB, it agreed to update its standard training for arbitrators to include the principles of trauma-informed practice to inform arbitrators about what steps they can take to minimize further harm and trauma for hearing participants.

Hello? Can someone please respond?

Ministry of Finance

Correcting administrative errors when identified is part of fair service delivery.

EARLY RESOLUTION

Lilly's husband Bart had passed away and had been incorrectly assessed as owing \$1,302.90 in Speculation and Vacancy Tax. The family's lawyer reached out to our office after Lilly tried to call the Speculation and Vacancy Tax information line and was unable to get a clear response. The lawyer also received conflicting information from the Ministry of Finance staff about whether Bart's Speculation and Vacancy Tax declaration was received.

We called the Ministry of Finance and spoke to the Assistant Manager of Operations who agreed to have the matter reviewed and to

contact Lilly's lawyer. After several unsuccessful attempts to receive an update, we contacted the Ministry's Director of Annual Property Tax requesting a response. The Director responded and assigned a Senior Analyst to the file.

Lilly and Bart's accounts were reviewed, and their Speculation and Vacancy Tax account balance was amended to show a balance of zero as the declaration had in fact been received. We confirmed this with Lilly's lawyer and concluded our early resolution investigation as Lilly's concerns had been successfully resolved.





INCOME & BENEFITS

A bed and some heat

Ministry of Social Development and Poverty Reduction

Government services for vulnerable people must meet basic needs.

EARLY RESOLUTION

Kara reached out to our office with a few complaints about the Ministry of Social Development and Poverty Reduction (MSDPR).

Kara told us her request for a crisis supplement for a heater to heat her home, a recreational vehicle (RV), had been denied. And while a second request for a mattress had been approved by MSDPR, the mattress she was provided was the wrong size and didn't fit in her RV.

We contacted MSDPR and learned that it had issued funds directly to Kara so she could purchase a mattress that fit her RV. To mitigate the issues Kara experienced, the

ministry's Service Quality Manager assigned a Community Integration Specialist to work with her moving forward.

We also learned that Kara's request for a heater was not considered an "unexpected expense" and because her RV was not heated previously, she did not qualify for a crisis supplement. To remedy the issue, the Service Quality Manager asked the Crisis Essential Utilities Team to explore whether Kara's RV could be fitted with a furnace. As a furnace was deemed not to be a viable option, MSDPR approved the funding request to enable her to purchase a heater for her RV.

Third-party breakdown

Ministry of Social Development and Poverty Reduction

Following the technical evidence prevented a fairness issue from continuing.

EARLY RESOLUTION

Chuck, who lives with a disability, was worried about his dental benefits coverage after his dentist's billing to his extended health and dental plan was rejected despite Chuck's active coverage on disability assistance with the Ministry of Social Development and Poverty Reduction (MSDPR). Chuck's mother called the ministry on his behalf to try and resolve the issue but was unsuccessful. Chuck then received a bill from his dentist for \$126. Chuck needed to have the coverage issue clarified and his benefits confirmed prior to his scheduled dental surgery.

We reached out to MSDPR and asked the Manager of Community Relations and Service Quality to review Chuck's file and follow up with his mother directly. It was determined that there was no issue from the ministry's end, but rather a technical glitch with the extended health and dental plan provider. The provider fixed the issue and requested that the dentist manually submit Chuck's most recent bill of \$126. Chuck's mother informed us that the dentist successfully submitted their bill and received payment.

Help urgently needed

Ministry of Social Development and Poverty Reduction

Providing a timely response is a key aspect of fairness.

EARLY RESOLUTION

Asa called us and explained that she had applied to the Ministry of Social Development and Poverty Reduction for assistance on an urgent basis. Asa had told the ministry she had run out of food but still had not received a response to her application. She told us she had called the ministry numerous times to follow up and asked to speak to a supervisor and was told she would receive a call back, but had heard nothing.

Through the Early Resolution process, we were able to facilitate communication between Asa and the ministry. As a result, the ministry approved Asa's application and she started receiving benefits the following week. In the interim, the ministry also issued a crisis food voucher to Asa.

Pardon me?

Ministry of Public Safety and Solicitor General

Keeping people informed of the steps being taken to resolve a complaint is a key component of fairness.

EARLY RESOLUTION

Dan was unemployed and trying to get a job as a security guard. He was concerned about a letter he received from the Ministry of Public Safety and Solicitor General's (PSSG) Security Programs Division, which showed he had a criminal record despite having received a pardon several years earlier. As Dan understood the pardon meant his criminal record would be expunged, he called the Community Corrections Office to have his record reviewed. Dan had not heard back, so after three follow-up attempts, he contacted our office.

We contacted the PSSG and asked the Regional Director to review Dan's file and documentation. Dan was advised that as a result of this review, his record had been updated to indicate it was subject to a Record Suspension (formerly known as a pardon). Dan was grateful for the assistance and the outcome.

A bald eagle is perched on a tree trunk in a lush, moss-covered forest. The tree trunk is thick and textured, with a large amount of green moss growing on it. The surrounding forest is dense with green foliage, including ferns and other plants. The eagle is looking to the right. The text "PUBLIC REPORTING AND MONITORING" is overlaid on the image in white, bold, sans-serif capital letters.

PUBLIC REPORTING AND MONITORING

PUBLIC REPORTING AND MONITORING

The Ombudsperson releases public reports of individual and systemic investigations that have the potential to impact many people. These investigations result in formal findings and recommendations and often lead to significant system-wide improvements. We monitor the implementation of accepted recommendations and release investigative updates publicly, an important way of holding public bodies to account for their promises to implement our recommendations.

2022/23 Reports Released



Short-Changed: Ensuring federal benefits paid to the province reach caregivers of children with disabilities

This report is based on an investigation of a complaint from the Taylors –

grandparents caring for their granddaughter, Jesse. The Ministry of Children and Family Development (MCFD) had supported a court order that transferred custody and guardianship of Jesse to her grandparents, as her parents were not able to care for her. Jesse, who is Indigenous, also lives with mental and physical challenges.

The Taylors received some provincial funding to help care for Jesse. However, they had also successfully applied for the federal Disability Tax Credit which would normally entitle them to receive the Child Disability Benefit, a monthly payment from the federal government. However, the Taylors were unable to access

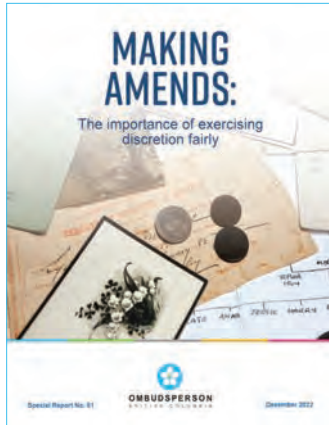
this benefit because MCFD was “maintaining” Jesse under the federal *Children’s Special Allowances Act*. This meant MCFD received the federal benefit on Jesse’s behalf and the funds were deposited into provincial revenue.

Our investigation found that it was unjust that MCFD – which was aware of this payment unfairness – failed to pass the federal disability benefit on to the Taylors. Since 2019, over \$7,000 or \$242.19/month had been retained by the province instead of being paid to the Taylors.

The Ombudsperson made four recommendations in the report:

1. By June 30, 2022 to provide ongoing funding to all caregivers of eligible dependents in an amount equal to that received under the federal government’s *Children’s Special Allowances Act*.
2. Pay any outstanding benefits retroactively to all caregivers of Disability Tax Credit-eligible dependents who had Assistance Agreements with the ministry or Delegated Aboriginal Agencies as of April 1, 2019, or later.
3. Support any Indigenous Child and Family Service Agencies that have been applying similar practices.
4. Report to the Ombudsperson on progress in remedying the inequities that result from the interaction of federal and provincial legislation for Child Disability Benefit-eligible children.

MCFD accepted all of the recommendations and has started to implement them. Our office will monitor and report publicly on the ministry’s progress in implementing the recommendations.



Making Amends: The importance of exercising discretion fairly


This report tells the story of Ms. M, a woman in her 70s who was known as Elizabeth her entire life. When Elizabeth was born,

her given name was spelled incorrectly on her birth certificate, Elizebeth. When she applied to the Vital Statistics Agency to amend her given name on her birth certificate, which had been issued in the 1940s, she had no idea of the arduous and lengthy process that was to follow. The report highlights how the Agency, in denying Ms. M's request to have her birth certificate amended, exercised its discretion too narrowly in a way that was not consistent with the legislative framework.

This report made three recommendations:

1. Reconsider Ms. M's application on its merits.
2. Change its policy so that it is consistent with the legislation.
3. Provide training to staff on exercising discretion fairly.

As a result of this investigation, the Vital Statistics Agency reached out to Ms. M directly to inform her that it reconsidered its decision and would allow her name amendment application. The Agency has also agreed to amend its policy and provide staff training on this policy change.



OMBUDSPERSON
BRITISH COLUMBIA

MAKING AMENDS
SPECIAL REPORT #51 | DECEMBER 2022

THE SITUATION ✘ **Elizebeth** ✔ **Elizabeth**

Ms. M has used the name Elizabeth her whole life but was registered on her birth certificate as Elizebeth. Now in her 70s, she wanted to amend her name on her birth certificate using the process in the *Vital Statistics Act*.

When I went to Vital Statistics I was told to try to secure another piece of identification. I have tried relentlessly and find it virtually impossible.

The person on my original birth certificate never ever existed. They never did one thing in their life. They have no paper trail to their life.

ISSUE

Vital Statistics Act Requirement

An adult can amend the given name on their birth certificate if they provide "documentary evidence satisfactory to the registrar general" showing they used the name before the age of 12.

Evidence required by Vital Statistics Agency Policy

2 pieces of documentary evidence created before child is 12.

The Agency's policy was inconsistent with the broad discretion in the legislation.

Evidence provided – Ms. M was only able to produce one document created before the age of 12:

- ✔ Elementary school record showing that she was registered as, and used "Elizabeth".
- ✘ Vital Statistics Agency rejected Ms. M's application because it didn't meet policy requirements.

FINDINGS

- 1 The Vital Statistics Agency used an unfair procedure in limiting its discretion.
- 2 The Vital Statistics Agency's inflexible application of its own amendment policy was improperly discriminatory given Ms. M's age.

RECOMMENDATIONS to Vital Statistics Agency

- 1 Update amendment policy to enhance discretionary decision-making duty removing requirement for at least 2 pieces of documentary evidence
- 2 Provide more training to staff on how to consider alternate types of evidence and discretionary decision-making
- 3 Reconsider Ms. M's request using evidence provided

Reality of trying to obtain documents issued 60+ years ago.

...doctors, dentists and even childhood immunization records have been destroyed... I have searched every avenue from libraries to church to dental and doctors records.

Nothing is retained...

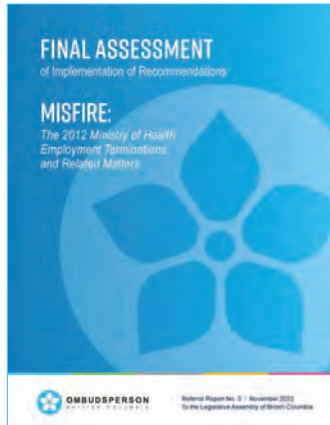
About the Ombudsperson: The Ombudsperson's office receives and investigates concerns from the public when they believe they have been treated unfairly when receiving provincial or local public services. The office is independent of government and impartial. The office's services are free.

bcombudsperson.ca | BC's Independent Voice for Fairness and Accountability

This case illustrates an important principle about the exercise of discretion by public officials: Broad statutory discretion cannot be unduly limited or fettered.

2022/23 Monitoring Updates

When public authorities make commitments in relation to our report recommendations, we monitor the progress of the implementation of their promises. We also regularly issue monitoring reports publicly that outline the implementation of our recommendations. In 2022/23, we issued two monitoring reports:



Misfire: Final Assessment

In April 2017, the Ombudsperson's office released *Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters*. *Misfire* was the

report of the Ombudsperson's investigation into various matters following a 2015 referral from the Select Standing Committee on Finance and Government Services. This was the first time that the Legislature exercised its authority under the *Ombudsperson Act* to refer a matter to the Ombudsperson's office for investigation and report. That referral resulted in the most resource-intensive investigation ever conducted in the history of the office.

This final update follows the Ombudsperson's 2018 Interim Assessment report that found all but four of the initial 41 recommendations had been implemented. This final update concluded that the four outstanding recommendations, which focus on financial settlements for

employees impacted by terminations and improvements to workplace culture at the Ministry of Health, have been implemented.



Committed to Change: Investigative Update

The Ombudsperson's 2019 report was the result of an investigation into whether mental health facilities were complying with the procedural requirements for

involuntary admissions under the *Mental Health Act*. We found that legally required admission documents were missing, late or improperly completed, including forms outlining reasons for detention, treatment consent, notification of a patient's rights, and notification to relatives. In addition, we found that some facilities used standard rubber stamps to authorize treatment for individual patients instead of describing the actual treatment proposed. In other cases, physicians failed to explain how a person met the criteria for involuntary admission, yet the patient was nonetheless admitted.

The Ombudsperson made 24 recommendations, all of which were accepted in principle by government and health authorities. The 2022 investigative update showed that only one-third of the recommendations (8 of 24) had been fully implemented over the three years following the issuance of *Committed to Change*. Our monitoring continues.

A low-angle photograph of a forest with tall trees and sunlight filtering through the canopy. The sun is visible in the lower right corner, creating a bright lens flare. The trees are tall and thin, with dense green foliage. The sky is visible through the branches.

OUTREACH AND COMMUNITY ENGAGEMENT

OUTREACH AND COMMUNITY ENGAGEMENT

A key strategic goal of the office is to deepen our connection with the public. Each year we do this in a variety of ways. We endeavour to not only raise awareness of our office and how we can help, but to also educate the public about what administrative fairness means and what they should expect from the many and varied public bodies they interact with in their daily lives.

As the intensity of the COVID-19 pandemic began to lessen, we were able to meet face-to-face once again with members of the public, as well as continuing with a number of virtual activities. Key highlights of our outreach activities are outlined below.

Provincial Outreach/ Mobile Intake Visits



Being present in the communities we serve is an important priority for the office. While we were forced to put our normal in-person visits to communities on pause due to COVID-19, we were very relieved in the summer of 2022 to be able to resume our visits with community

service organizations, staff from public bodies under our jurisdiction and members of the public, whether it was giving a presentation about our services or receiving in-person complaints from members of the community.

This past fiscal year we visited three different regions of the province.

South-Central Vancouver Island

In June 2022, the Ombudsperson and mobile complaint team headed to south-central Vancouver Island – Nanaimo, Parksville, Port Alberni, Ucluelet and Tofino. We met with several community organizations and presented to staff of public bodies about our role. We also set up our mobile office and held in-person meetings with members of the public to hear complaints.

As this regional visit coincided with National Indigenous Peoples Day, the Ombudsperson and staff witnessed the Re-awakening of Tlukwatkwu7is (Wolf Ritual Beach) and unveiling of the Wolf Tower at the Harbour Quay in Port Alberni.



West Kootenays

In July 2022, the team headed to the West Kootenays visiting six communities – Trail, Salmo, Kaslo, Castlegar, Creston and Nelson. The office’s appointment calendar was fully booked, a sign of the importance of being in community, connecting with people and providing the opportunity to listen to complaints in person. The Ombudsperson also held meetings with MLAs and their constituency staff, social service organizations, mayors and councils, and staff of school districts.

Lower Mainland

The final community visit of the fiscal year brought the team to the Lower Mainland in February, connecting with community and stakeholders in Abbotsford, Langley, New Westminster, Surrey and Delta. Once again, our mobile clinics were busy and the Ombudsperson met with several people, including leaders of the Fraser Valley Métis Association and Tsawwassen First Nation.

We also met with several community/social service organizations. One such meeting, with S.U.C.C.E.S.S. in Surrey, led to a follow-up presentation to settlement workers to assist them in supporting newcomers to Canada. Our office further supported settlement workers by translating our office brochure so they could share information about our office with the many Ukrainians fleeing the war.

Public webinars and presentations

This year, we continued to engage with the public virtually by hosting webinars about our public reports, as well as general presentations about our services to several community service organizations. In January 2023, we held another Complaining 101 webinar for the public. This is a webinar we offer regularly that highlights tips on how to most effectively bring complaints forward to public bodies. This webinar also introduces the public to our Complaint Checker – the office’s online tool that provides information about how to raise complaints, common complaint pathways and some tips to ensuring their voice is heard.

Public Legal Education Initiative

An ongoing priority for the office is to continue to connect, collaborate and share information about our role with those who are providing front-line service to members of the public. This past year, we began a new initiative focusing on raising awareness among public legal education organizations. In collaboration with Courthouse Libraries BC and PovNet, we organized two workshops in Vancouver to talk about how to raise awareness of our office and also how to collaborate so that members of the public find the best avenue to help address the issues they have. The workshops were well attended with 25 organizations taking part. The office plans to conduct several similar regional sessions starting in 2023/24.

It was wonderful to learn about each other’s roles and work – now that I know more about the Ombudsperson’s role, I will definitely refer clients to you.

– workshop participant



Connecting with the public to deepen our investigations

This past year, we also asked the public to provide us with key information to inform an investigation into how government supported people who were displaced from their homes and communities as a result of extreme weather events in 2021. The office launched an online survey and more than 500 people responded. This investigation, which includes the public’s feedback, will be released later in 2023.



Visits to Correctional Centres

This year our staff were, in the aftermath of the pandemic, able to reconnect and re-establish their routine of visiting a variety of custodial and residential sites across BC, including adult and youth correctional centres, mental health facilities and psychiatric hospitals. While these site visits are an important avenue to gain a deeper understanding of the context of complaints brought to us, it also offers an invaluable opportunity for those detained, and their families to learn about our office, and how we can help. We often meet with people housed in these centres and listen to concerns in-person.

11 facility visits

Our visits provide us an opportunity to meet centre staff, health care staff, and individuals in custody. We learn about day-to-day life in the centre, as well as broader trends and initiatives, and we provide information about the role of our office. We also attend different areas of a centre, which provides useful oversight of an area involving significant state authority and helpful insight for our staff who receive complaints involving a particular part of a centre.

– investigator

PUBLIC AUTHORITY CONSULTATION AND TRAINING



PUBLIC AUTHORITY CONSULTATION AND TRAINING

Our Year in Numbers



Tailored workshops delivered to public sector organizations

+



General Fairness in Practice workshops for public employees



Fairness educational resources published
1 webinar | 2 guides



Requests from public organizations seeking voluntary fairness consultations



Requests for fairness workshops and training



Registrations for *Fairness 101* online course



Registrations for *Speaking up Safely* online course



Workshop participants

Our training and consultation approach

The Public Authority Consultation and Training (PACT) team works proactively with BC public sector organizations to support good public administration and the delivery of fair programs, services and decision-making processes. We offer training and education on administrative fairness, printed and digital educational resources and voluntary consultation to support fairness in BC's public sector. The PACT team also offers education and resources for public organizations who fall under BC's whistleblowing legislation, the *Public Interest Disclosure Act*.

Fairness education and training

The PACT team offers online and in-person administrative fairness workshops to public sector organizations across BC. These workshops cover topics such as: what administrative fairness means in public service delivery, how to make and communicate decisions fairly, bias, equity, exercising discretion fairly, and essential skills in effective complaint handling.

In 2022/23, the PACT team delivered 30 workshops to over 1,000 public sector employees at public organizations across BC, including:

- College of Applied Biologists
- Islands Trust
- Ministry of Children and Family Development
- Ministry of Citizens' Services
- Ministry of Finance
- Ministry of Forests
- Ministry of Health, Assisted Living Registry

- Ministry of Municipal Affairs, Local Government Division
- Ministry of Public Safety and Solicitor General
- Public Guardian and Trustee
- Office of the Superintendent of Professional Governance
- WorkSafeBC

Overall, I think this is one of the best workshops I have attended so far in my career and I just wanted to reach out to tell you both did an amazing job.

– workshop participant

Overwhelmingly, the response from the division has been positive. I thought the training team did an incredible job in delivering learning to a diverse group of team members with different roles and backgrounds, leaving the group with a much better understanding of administrative fairness.

– workshop organizer

Your presentation was very well received, and I believe will be a great motivator to improve our services.

– workshop organizer

Fairness Educational Resources and Publications

The PACT team offers many educational resources and publications on administrative fairness, including best practice guides and quick reference materials. These resources are all available on our website and focus on offering practical information and guidance to support fairness in BC’s public sector.

Fairness 101 is a free, introductory online course on administrative fairness. It provides an excellent overview of administrative fairness in a variety of different public service contexts. Learners explore a series of interactive scenarios to support them to learn how to apply principles of administrative fairness in their work. This year 1,356 people registered for the course from public organizations across BC.



In conjunction with the Canadian Council of Parliamentary Ombudsmen, this year we issued the second version of our ***Fairness by Design: An Administrative Fairness Self-Assessment Guide***.

This guide is a practical self-assessment tool that has been designed to be used by public organizations to assess the fairness of their organization’s systems, policies and practices. It includes eight key fairness principles, a fairness self-assessment checklist and includes information about enhancing equity when developing or revising policies

and practices. The goal of this guide is to empower public organizations to look at fairness in their organization so they can proactively identify and address areas that can be strengthened.

Following the release of *Fairness by Design*, we hosted a webinar to introduce the guide that was attended by over 400 public sector employees from across BC. The webinar outlined the fairness standards found in the guide and gave practical advice about how to use the guide to conduct a fairness self-assessment.

Public Interest Disclosure Educational Resources



This year we issued a new guide called the **Designated Officer Toolkit** for *Public Interest Disclosure Act* Investigations. This toolkit provides guidance for Designated Officers within public organizations in BC who are responsible

for responding to requests for advice, receiving disclosures and conducting investigations under the Act. The guide was created to assist Designated Officers to respond to requests for advice and disclosures of wrongdoing by current and former employees and to plan, conduct and document procedurally fair investigations with sound decisions and clear reasons.

PACT Voluntary Consultations

The PACT team also offers voluntary fairness consultations to public organizations in BC. Through these consultations, the PACT team collaboratively works with the public organization to provide practical fairness advice and suggestions on the program, policy or decision-making process the organization is working on.

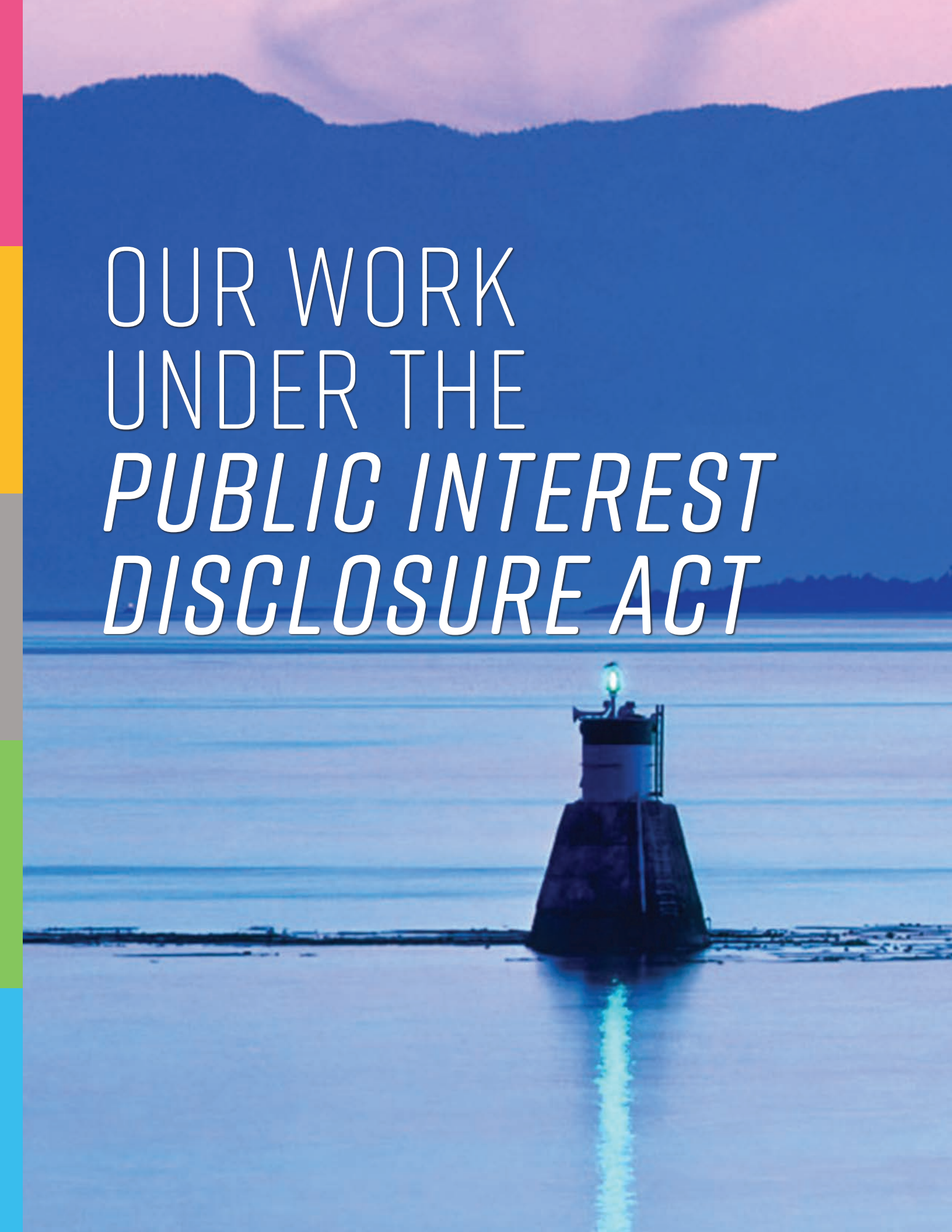
A few voluntary consultations are highlighted below:

Employer Training Grant Program

The Employer Training Grant Program contacted us with questions about ensuring the fairness of their program's eligibility criteria. We reviewed the eligibility criteria and related policies and met with staff from the program. We provided feedback on potential revisions to the criteria to ensure the criteria were administratively fair. Our feedback was focused on the need for transparency about the eligibility criteria with all potential applicants, ensuring the applicable criteria and rules were being followed when making eligibility decisions and ensuring the program is delivered in a manner consistent with the program's overarching purpose and intent. Program staff reviewed the feedback and revised some of the eligibility criteria to ensure fairness within the program moving forward.

School District Appeal Procedures

This year we were contacted by two different school districts who requested feedback and advice on how to ensure fairness within their appeal bylaws, which addressed appeals to the boards of education under section 11 of the *School Act*. We reviewed the draft bylaws and provided suggestions on how to ensure principles of administrative fairness were present. This included advice around ensuring the accessibility of the appeal process to potential appellants, ensuring fair and reasonable time limits on filing an appeal, ensuring parties to the appeal receive adequate notice and disclosure and appeal decision timelines. Additionally, we encouraged the school districts to ensure their complaint and appeal processes and procedures were easily accessible and available to those in their school district community.

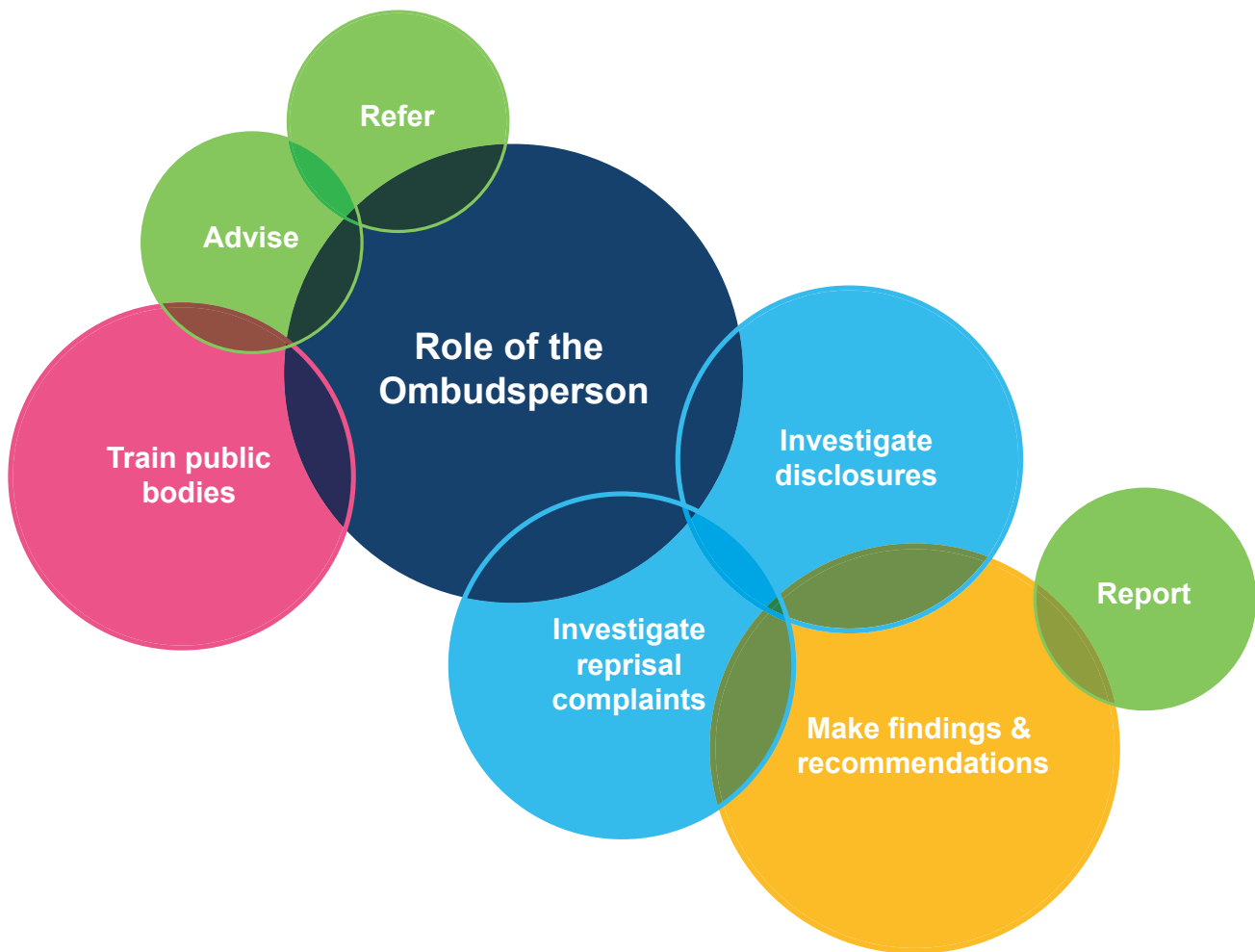
A lighthouse on a rocky island at dusk, with mountains in the background and a colorful vertical bar on the left. The lighthouse is illuminated, casting a beam of light across the water. The sky is a mix of blue and purple, and the mountains are silhouetted against the light. The text is overlaid on the upper half of the image.

OUR WORK
UNDER THE
*PUBLIC INTEREST
DISCLOSURE ACT*

OUR ROLE

The Ombudsperson’s role and work under the *Public Interest Disclosure Act* (PIDA) is twofold. First, it receives and where appropriate, investigates disclosures of wrongdoing, reports

of reprisal and provides advice to public sector employees. Second, it supports public bodies in implementing PIDA within their organizations and in their ongoing operations under the Act.



Our Investigative Process under PIDA

One of the key enquiries we hear is what to expect from us as we review the allegation made. The graphic below outlines our process.

ADVICE



1. Employees may seek advice from us before making a disclosure or reprisal complaint. Advice may include information about whether the person is eligible to make a disclosure, their options for disclosing wrongdoing, details about our process, how to manage any reprisal risk, and confidentiality and reprisal protections under the Act.

DISCLOSURE



2. An employee covered by the Act reports something they believe to be wrongdoing.

ASSESSMENT



3. We contact the discloser to confirm that they are covered by PIDA.

4. We gather additional information from the discloser to assess:
 - a. whether the allegations, if proven, would rise to the threshold of wrongdoing as defined by PIDA
 - b. whether we have sufficient information to initiate an investigation
 - c. whether a bar to investigation applies

INVESTIGATION



5. The discloser is informed about whether or not their disclosure will be investigated. The public body in question is notified if we initiate a PIDA investigation.

6. We evaluate the urgency of investigation files and the potential risk of reprisal to the discloser. We develop our investigation plan accordingly.

7. The investigation is undertaken, including interviewing the discloser and relevant witnesses, gathering evidence, and engaging subject-matter experts where necessary. Witnesses are protected from reprisal for participating in an investigation.

REPORTING AND RECOMMENDATIONS



8. We issue summary reports to the discloser and anyone alleged to be responsible for wrongdoing. A full report is provided to the Chief Executive of the public body subject to the investigation. If it is in the public interest, a public report may be issued.

9. Our report includes findings and recommendations, where appropriate, and can include recommendations regardless of whether wrongdoing was found.

10. We monitor the responses to, and implementation of, any recommendations.

Implementation support

PIDA, also known as whistleblower protection legislation, first came into effect for BC ministries and independent offices of the Legislature on December 1, 2019. The Act continues to be gradually rolled out across the public sector in seven phases. As of April 1, 2022, 30 Tribunals, Agencies, Boards and Commissions were added to the jurisdiction of PIDA; and on December 1, 2022, 26 Crown corporations were added. With the addition of these sectors, another 20,000 employees gained access to the reporting mechanisms and protections of PIDA.

The Ombudsperson's Office has a unit specifically dedicated to the office's PIDA work. On the implementation front, the unit supports new public bodies to prepare for the application of PIDA to their organizations by:

- meeting with public body leaders
- supporting and advising in policy and procedure development
- offering resources and training to various roles in their organization
- consulting and advising on topics such as confidentiality and record-keeping
- creating and delivering presentations to select stakeholders (such as union or employer associations)
- hosting learning sessions with new Designated Officers

Our implementation work with a sector typically starts about eight to twelve months before that sector is scheduled to come under PIDA. This means that the first part of the 2022/23 fiscal year was spent supporting Crown corporations, that came under PIDA in December 2022. The rest of the year focused on supporting the health authorities, who came under PIDA June 1, 2023. The health authority phase was

the largest single expansion of the Act in all seven phases and will expand coverage from the roughly 60,000 current employees covered by the Act to some 180,000 employees.

In addition to our regular meetings with the leadership of public bodies implementing PIDA, we presented at or facilitated approximately 25 additional meetings respecting PIDA.

Whistleblowers and Public Integrity Conference

Our office partnered with the Vancouver Anti-Corruption Institute to host our 4th PIDA Day conference which was held in Vancouver on November 8 and 9, 2022. The conference focused on the role of whistleblowers in public administration and included engaging talks on:

- Whistleblower case studies: protections and incentives
- Current legislation and practice for handling and investigating whistleblower reports
- The effectiveness of whistleblowing relative to the power of the media
- Whistleblowing: international practices and alternative models
- The psychology, personal experience and impacts of whistleblowing

The conference was attended by over 120 people from across the globe. Attendees had a diverse range of backgrounds, including public sector leaders; experts in transparency and anti-corruption; civil society advocates and oversight professionals, including provincial ombudsperson office representatives from across Canada; journalists specializing in government integrity and accountability; and others whose work brings them into direct contact with questions of public sector integrity and accountability.

The slate of speakers included the Right Honourable Kim Campbell, James Wasserstrom (US State Dept. and founder of Integrity Sanctuary), Kevin Vickers (retired Canadian Diplomat), Oliver Bullough (writer), Nolan Fuller (IRS Investigator-US Embassy), Enza Uda (CBC Radio), and Debra Sparrow (Musqueam), Charles Morven, Brian Tait and Eva Clayton (Nisga'a), as well as Ombudsperson Jay Chalke.

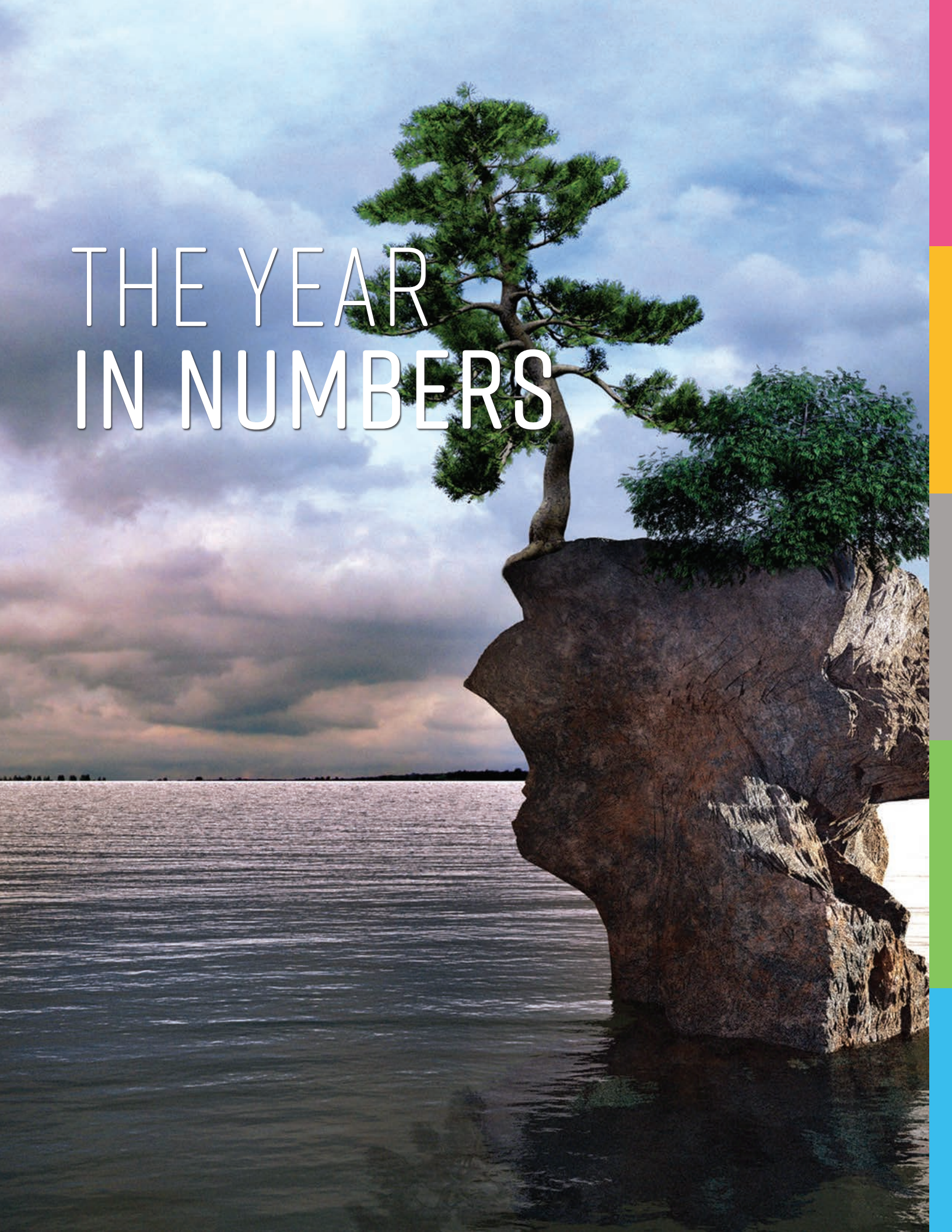
The conference was an extremely successful event and provided an excellent opportunity to promote our office's best-practices and advance the collective understanding of whistleblowing.

National Whistleblower Awareness Day

To celebrate and raise awareness of PIDA in BC, we marked Whistleblower Awareness Day with our Ombuds and Public Interest Disclosure colleagues across Canada by conducting a social media campaign about the importance of speaking up and how whistleblowing legislation works in various jurisdictions in Canada, including BC.

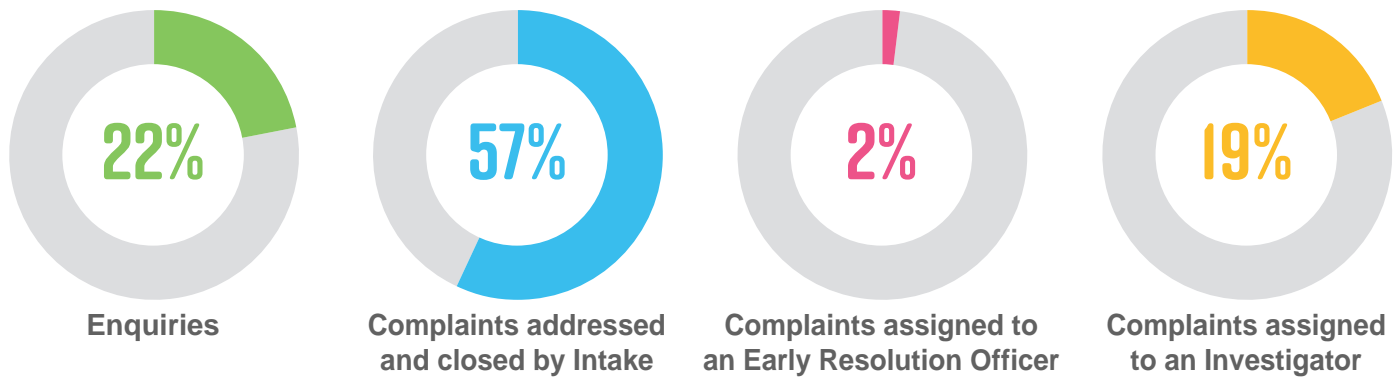
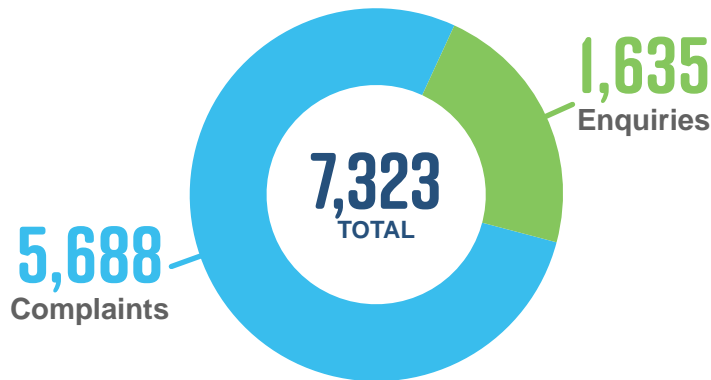


THE YEAR IN NUMBERS



Ombudsperson Act by the Numbers

COMPLAINTS AND ENQUIRIES RECEIVED



Our online **Complaint Checker** tool provides the public with specific information about the internal complaint pathways of organizations that we hear about the most. We know that raising complaints directly with organizations before coming to us is the most efficient and effective way of dealing with concerns. Our Complaint Checker also provides useful tips on how best to bring complaints forward, including whether we can or cannot investigate, and guides users down the right complaint pathway for assistance.

5,133 Unique views
(an increase of 32%)

The top organizations or categories viewed:

- BC municipalities
- ICBC
- School, school district, university or college
- MCFD
- WorkSafeBC

HOW WE RECEIVED COMPLAINTS AND ENQUIRIES



The Concerns People Contacted Us About

1,828
Decision

1,611
Process

978

Communication

849

Treatment
by Staff

646

Delay

470

Accessibility

244

Administrative
Error

199

Review or
Appeal Process

100

COVID-19

90

Employment
or Labour Relations

569

Other

* Data do not equal total complaint and enquiry volume. Issues are tracked on complaints only and more than one issue may be reported in a single complaint.

Top Complaints and Enquiries by Public Authority

TOP FIVE MINISTRIES



381

Ministry of Children and Family Development



380

Ministry of Social Development and Poverty Reduction



349

Ministry of Public Safety and Solicitor General



242

Ministry of Housing



199

Ministry of Health

TOP THREE NON-MINISTRIES



493

ICBC



230

WorkSafeBC



158

Fraser Health

Top 20 Authorities in 2022/23

By Complaint and Enquiry Volume

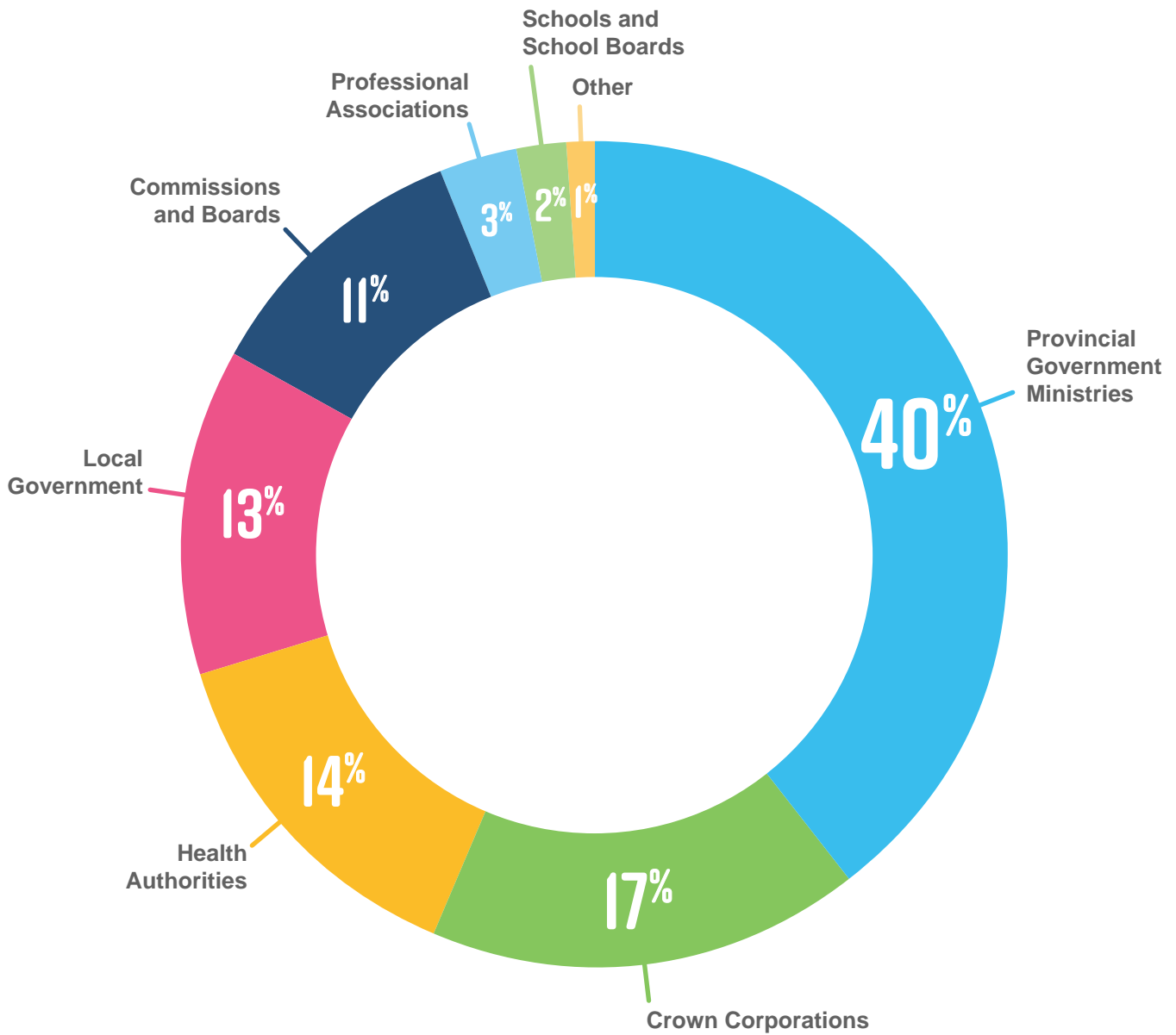
Authorities	Complaints and Enquiries Received	Difference from Last Year
ICBC	493	↑ 6
Ministry of Children and Family Development	381	↓ 96
Ministry of Social Development and Poverty Reduction	380	↑ 30
Ministry of Public Safety and Solicitor General	349	↑ 19
Ministry of Housing	242	↑ 130
WorkSafeBC	230	↑ 58
Ministry of Health	199	↓ 310
Fraser Health	158	↓ 21
Island Health	154	↑ 4
Interior Health	123	↑ 10
Vancouver Coastal Health	115	↓ 58
Ministry of Finance	101	↓ 12
Provincial Health Services Authority	95	↓ 38
BC Hydro and Power Authority	71	↓ 18
City of Vancouver	70	↓ 21
BC Housing	68	↓ 44
BC Family Maintenance Agency	63	↑ 62
Ministry of Attorney General	60	↓ 229
Law Society of British Columbia	57	↓ 14
Public Guardian and Trustee	49	↓ 14
Total	3,458	

THE TOP TWENTY
AUTHORITIES
REPRESENT

47%

OF ALL COMPLAINTS
AND ENQUIRIES
RECEIVED

Jurisdictional Complaints and Enquiries Received By Authority Category



Jurisdictional Complaints and Enquiries Received – By Authority Category

Provincial Government Ministries (40%)

Ministry of Children and Family Development	381
Ministry of Social Development and Poverty Reduction	380
Ministry of Public Safety and Solicitor General	349
Ministry of Housing	242
Ministry of Health	199
Ministry of Finance	101
Ministry of Attorney General	60
Ministry of Forests	43
Ministry of Labour	29
Ministry of Transportation and Infrastructure	27
Ministry of Emergency Management and Climate Readiness	23
Ministry of Citizens' Services	19
Other Ministries	85

Local Governments (13%)

City of Vancouver	70
City of Surrey	32
City of Victoria	16
Regional District of Central Kootenay	18
City of Castlegar	15
City of Kelowna	14
District of Saanich	12
City of Kamloops	11
City of Nanaimo	11
Other Local Governments	432

Commissions and Boards (11%)

WorkSafeBC	230
Public Guardian and Trustee	49
Civil Resolution Tribunal	29
Coroners Service	27
Human Rights Tribunal	16
Other Commissions and Boards	169

Health Authorities (14%)

Fraser Health	158
Island Health	154
Interior Health	123
Vancouver Coastal Health	115
Provincial Health Services Authority	95
Northern Health	23

Crown Corporations (17%)

ICBC	493
BC Housing	68
BC Hydro and Power Authority	71
BC Family Maintenance Agency	63
Community Living BC	41
BC Assessment	30
BC Financial Services Authority	23
Other Crown Corporations	29

Professional Associations (3%)

Law Society of British Columbia	57
College of Physicians and Surgeons of BC	32
BC College of Nurses and Midwives	11
Other Professional Associations	41

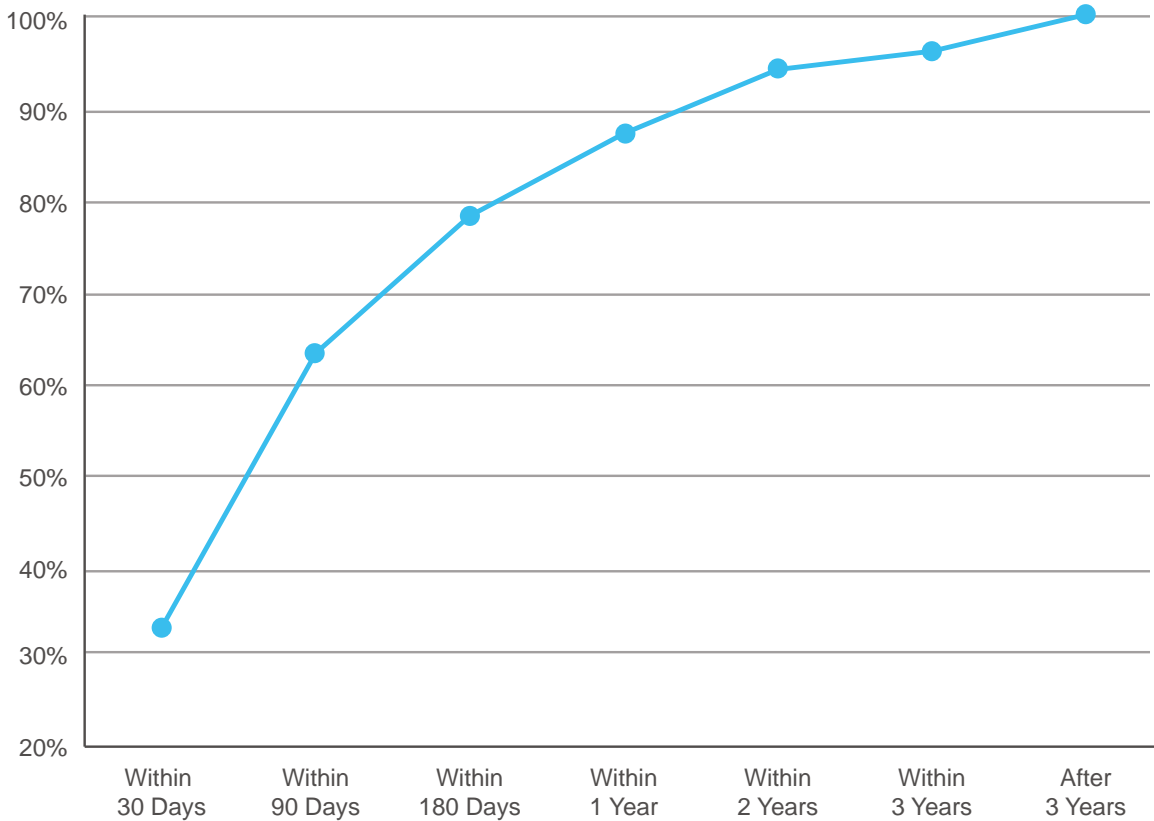
Schools and School Boards (2%)

School District 39 (Vancouver)	9
School District 68 (Nanaimo-Ladysmith)	9
School District 33 (Chilliwack)	5
School District 36 (Surrey)	5
Other Schools and School Boards	51

All Others (1%)

Universities	40
Colleges	19
Libraries	2
Parks Boards	1

Length of Time to Close Investigative Files



	2022/2023*		Cumulative Closures %	Performance Objectives**
Closed in 30 Days	397	33%	33%	---
Closed in 31 to 90 Days	355	30%	63%	70%
Closed in 91 to 180 Days	188	16%	78%	85%
Closed in 181 Days to 1 Year	109	9%	87%	90%
Closed in 1 to 2 Years	76	6%	94%	95%
Closed in 2 to 3 Years	28	2%	96%	100%
Closed in more than 3 Years	50	4%	100%	--

* Elapsed time does not include time before a matter is assigned to an investigator.

** These performance objectives apply to files closed by investigators. Files closed at intake are not included in these numbers, nor are files associated with ongoing systemic investigations.

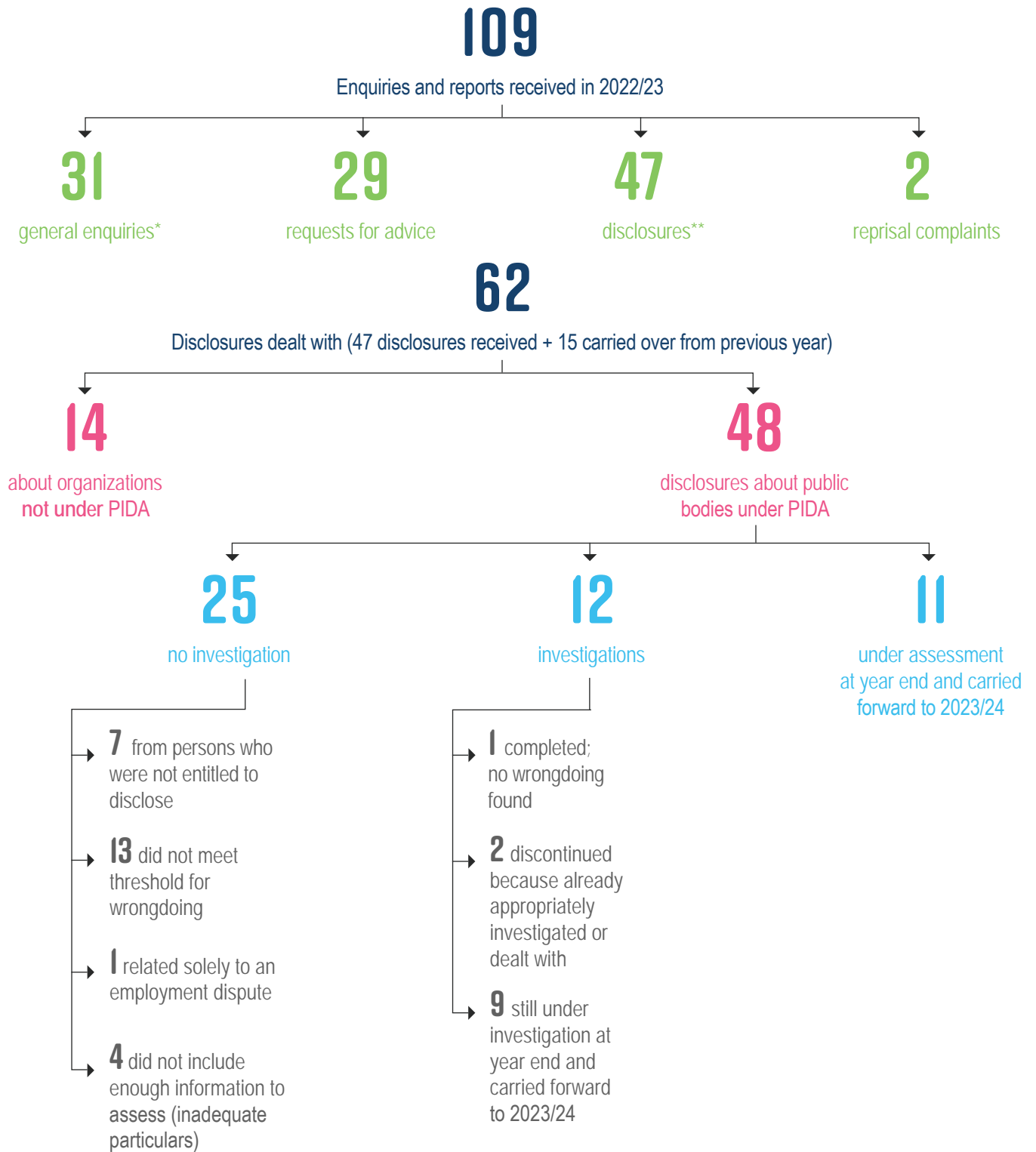
Complaints and Enquiries Received

by Electoral District

Electoral District	Received	Electoral District	Received
Abbotsford South	52	Parksville-Qualicum	65
Abbotsford West	37	Peace River North	19
Abbotsford-Mission	34	Peace River South	17
Boundary-Similkameen	68	Penticton	61
Burnaby North	19	Port Coquitlam	45
Burnaby-Deer Lake	15	Port Moody-Coquitlam	27
Burnaby-Edmonds	31	Powell River-Sunshine Coast	45
Burnaby-Lougheed	19	Prince George-Mackenzie	67
Cariboo North	19	Prince George-Valemount	41
Cariboo-Chilcotin	39	Richmond North Centre	24
Chilliwack	44	Richmond South Centre	15
Chilliwack-Kent	42	Richmond-Queensborough	25
Columbia River-Revelstoke	30	Richmond-Steveston	15
Coquitlam-Burke Mountain	20	Saanich North and the Islands	31
Coquitlam-Maillardville	30	Saanich South	64
Courtenay-Comox	51	Shuswap	63
Cowichan Valley	59	Skeena	18
Delta North	24	Stikine	6
Delta South	16	Surrey South	30
Esquimalt-Metchosin	57	Surrey-Cloverdale	28
Fraser-Nicola	44	Surrey-Fleetwood	27
Kamloops-North Thompson	55	Surrey-Green Timbers	22
Kamloops-South Thompson	64	Surrey-Guildford	22
Kelowna-Lake Country	47	Surrey-Newton	27
Kelowna-Mission	34	Surrey-Panorama	58
Kelowna West	56	Surrey-Whalley	55
Kootenay East	30	Surrey-White Rock	52
Kootenay West	80	Vancouver-Fairview	42
Langford-Juan de Fuca	54	Vancouver-False Creek	41
Langley	38	Vancouver-Fraserview	20
Langley East	43	Vancouver-Hastings	33
Maple Ridge-Mission	47	Vancouver-Kensington	21
Maple Ridge-Pitt Meadows	65	Vancouver-Kingsway	19
Mid Island-Pacific Rim	70	Vancouver-Langara	36
Nanaimo	48	Vancouver-Mount Pleasant	82
Nanaimo-North Cowichan	64	Vancouver-Point Grey	27
Nechako Lakes	16	Vancouver-Quilchena	10
Nelson-Creston	82	Vancouver-West End	39
New Westminster	36	Vernon-Monashee	47
North Coast	16	Victoria-Beacon Hill	60
North Island	49	Victoria-Swan Lake	49
North Vancouver-Lonsdale	17	West Vancouver-Capilano	37
North Vancouver-Seymour	12	West Vancouver-Sea to Sky	43
Oak Bay-Gordon Head	35	Total	3,383

Note: These numbers do not include enquiries and complaints where the electoral district was not obtained.

Public Interest Disclosure Act by the Numbers



* does not include implementation communication with public bodies scheduled to come under PIDA.

** does not include reports carried over from previous fiscal year.

PIDA by the Numbers, continued

4

Reprisal complaints dealt with (2 received + 2 carried over from previous year)

3

closed without investigation

1

still under investigation at year end
and carried forward to 2023/24

Public Interest Disclosure Report for the Office of the Ombudsperson

There are two avenues for reporting wrongdoing under PIDA – within an employee’s organization or externally to the Ombudsperson. For Ombudsperson employees, that external option is the Office of the Auditor General. PIDA requires that the Office of the Ombudsperson, as a public body covered by the Act, report the number of disclosures that it received in the year. PIDA also requires the Ombudsperson to report the

number of disclosures received by the Auditor General about the Ombudsperson’s Office, if the Ombudsperson has been notified of those disclosures.

For the reporting period of April 1, 2022 to March 31, 2023 the following information was reported:

Section 38(1)	0
Disclosures of wrongdoing in respect of the Office of the Ombudsperson:	
Section 38(2)	0
(a) the number of disclosures received, including referrals of disclosures: and the number acted on: and not acted on:	
(b) the number of investigations commenced as a result of a disclosure:	0
(c) in the case of an investigation that results in a finding of wrongdoing (i) a description of the wrongdoing, (ii) any recommendations, including those made by the Auditor General, and (iii) any corrective action taken in relation to the wrongdoing or the reasons why no corrective action was taken;	0
(d) any other information prescribed by regulation	0

STAFF AND FINANCES



OUR STAFF

The following were employed by the Ombudsperson as of March 31, 2023.

Adetayo, Adeola	Edgar, Oliver	Litman, Graham
Ali, Muhammad	Evans, Lisa	Lyder, Róisín
Allary, Ella	Forrest, Cristina	MacDonald, Gerald
Allen, Cindy	Fuentes Osorio, Luis	Macmillan, Zoë
Anderson, Krysty	Fulton, Ashley	Mahil, Rajdeep
Anderson, Lorraine	Gardner, Victor	Malan, Sarah
Andrew, Jolene	Giarraputo, Charisse	Marotto, Carrera
Barlow, Ross	Gingras, Leoni	May, Andrea
Bates, Alaina	Gornall, Vincent	McCarthy, Jill
Bertram, Keir	Gough, Lynn	McGee, Irene
Bertsch, Jennifer	Gormican, Erin	McGillivray, Madeleine
Blakeman, Candice	Graham, Rebecca	McMillan, Christina
Brandt, Joshua	Gray, Elizabeth	McPherson, Colin
Brossard, Nicholas	Green, Jaime	Milligan, Sarah
Bruch, Elizabeth	Green, Matt	Morgan, Glenn
Buday, Kylie	Greschner, John	Morgan, Keira
Byrne, Wendy	Groves, Terry	Morgan, Shauna
Camara, Rose	Guerreiro, Aidan	Morrison, Kathleen
Cambrey, Brad	Henderson, Mark	Morrison, Oscar
Campbell, Anne	Hillsburg, Heather	Moss, Michael
Cannon, Laurel	Hintz, Elissa	Myles, Sara-Lynn
Cantle, Gloria	Hodgins, Dorothy	Oldham, Lindsay
Cavers, Stewart	Hunt, Lindsay	Paradiso, David
Chalke, Jay	Iwanuck, Andrew	Park (Da Jung), Jessica
Charles-Roberts, Rachel	Jackson, Daniel	Paul, Nathan
Chunick, Carly	Jackson, Zoë	Pineda Guevara, Adriana
Clarke, Bruce	Jamieson, Gabriella	Pinette, Celia
Closson, Yvette	Jonas, Leilani	Pollock, Julie
Cobby, Emma	Jones, Jennifer	Presnail, Megan
Darling, Sara	Kaga, Midori	Purewall, Jaspreet
Davis, Harrison	Kagis, Cassandra	Rahman, Abid
Dehler-Hyde, Isabelle	Kitt, Brittany	Railton, Crawford
Downs, Dustin	Lapthorne, Jonathan	Ronback, Kirsti
Dupuis, Jay	Lilly, Courtney	Rousseau, Christine

Ruebsaat-Trott, Adam
Rutledge, Jaye
Saha, Himaloya
Smith, Paige
Sparks, John
Spencer, Wayne
Tonken, Jemma
Trahan, Stacy
Van Norden-Schaefer, Pamela
Van Swieten, David
Vossen, Julia
Walisser, Rachael
Wallman, Heather
Wang, Pei-Shing
Warren, Rachel
Welsh, Megan
Williams, Melanie
Williams, Spencer
Wiltse, Heather
Yanisch, Carol

Coop Students

Students who joined the office for four-month terms between April 1, 2022 and March 31, 2023

Azam, Ameera
Chen, Sophie
Derby, Callum
Digney, Toby
Gilmour, Tia
Hughes, Declan
Joyce, Stephen
Kim, Hanna
Masemann, Charlotte
Miller, Leah
Toews, Quila
Wong, Althea

OMBUDSPERSON'S LONG SERVICE AWARDS

The Ombudsperson recognizes dedication to the office each year for staff who reach milestones of service with the Office of the Ombudsperson. This year, the following staff members were recognized by the Ombudsperson with long service awards for achieving milestones during 2022/23.

5 years

Wendy Byrne
Kate Morrison
Mark Henderson
Julia Vossen
Michael Moss
Jennifer Jones

10 years

Nathan Paul
Stewart Cavers

25 years

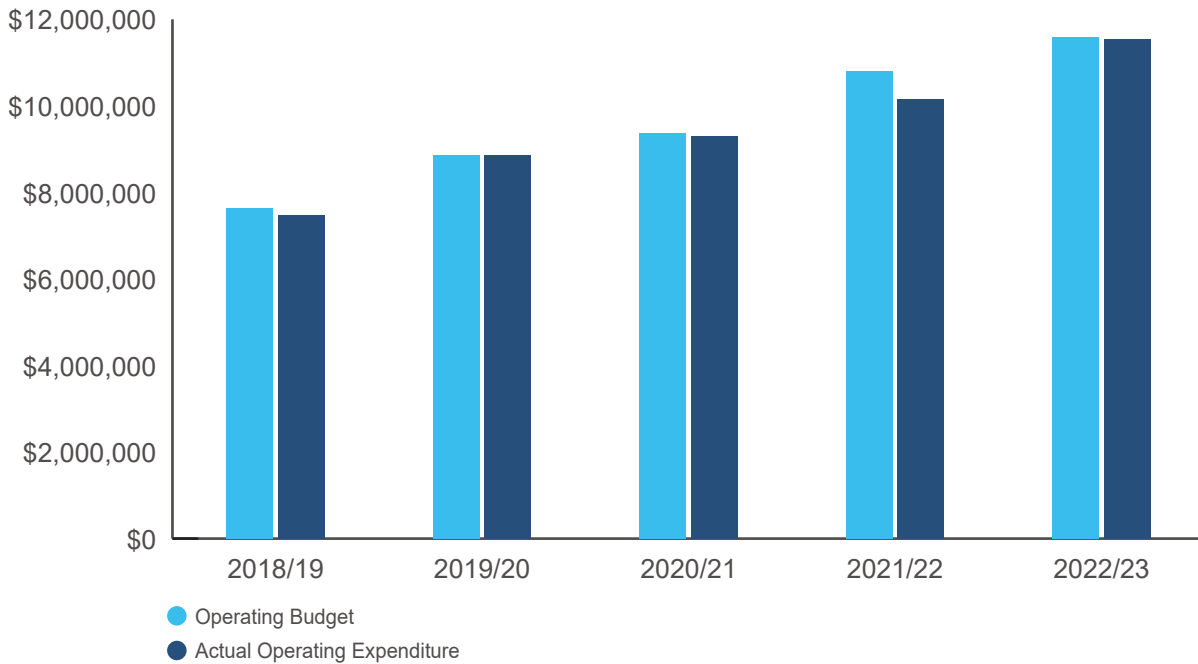
Victor Gardner



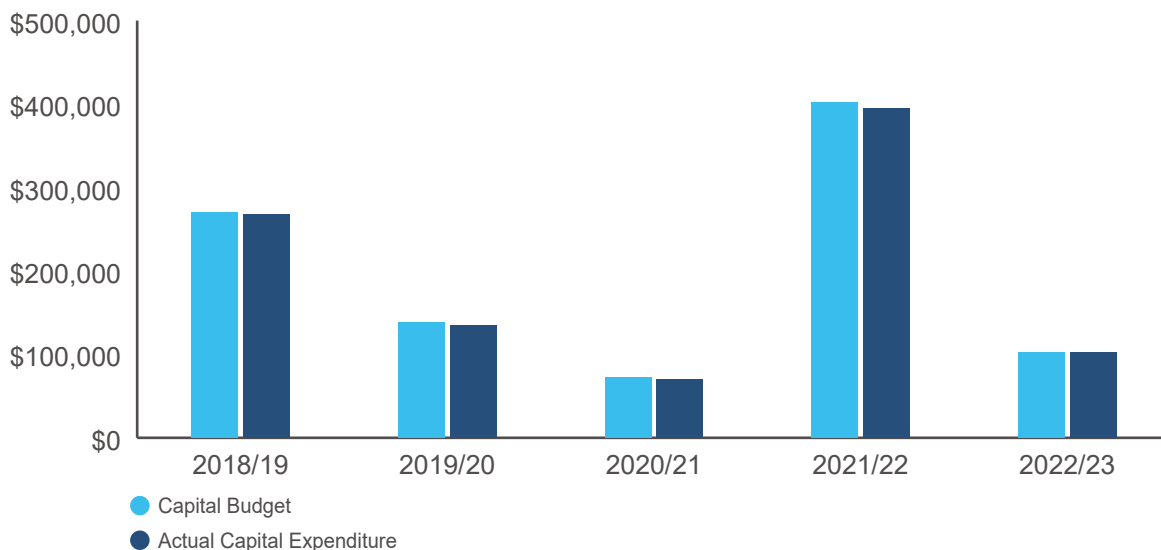
OUR FINANCES

The 2022/23 annual operating budget for the Office of the Ombudsperson was \$11,580,000.

Operating Budget and Actual Expenditures by Fiscal Year



Capital Budget and Actual Expenditures by Fiscal Year



CASE SUMMARY AUTHORITY INDEX

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OMBUDSPERSON
BRITISH COLUMBIA