

# Annual Report 2009/2010



Office of the Ombudsman  
New Brunswick

2009/2010 Annual Report

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February 1, 2011

Ms. Loredana Catalli Sonier

Clerk

Legislative Assembly

Province of New Brunswick

Fredericton, NB

Madam:

Pursuant to Subsection 25(1) of the *Ombudsman Act* and Section 36 of the *Civil Service Act*, I have the honour to present the Forty-second Annual Report of the Ombudsman for the period of April 1, 2009 to March 31, 2010.

Respectfully submitted,



Bernard Richard

Ombudsman

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## From the Ombudsman

In an attempt to further improve the clarity of our reporting to New Brunswick citizens, I have decided to publish separate annual reports for the Ombudsman and the Child and Youth Advocate responsibilities of my office. The 2009-2010 fiscal year will mark the first time this has happened. This approach will highlight how much of our resources and focus we have chosen to invest in children's issues.

### **Ombudsman**

The bulk of the individual complaints that come to our office arrive under the *Ombudsman Act*. In 2009-2010, 2,868 of our 3,325 complaints were dealt with in my role as Ombudsman. Most of the others related to child advocacy while the remainder pertained to access to information, the protection of privacy and *Civil Service Act* issues.

As usual, the Ombudsman complaints spanned the broad range of government services, from prison conditions to road conditions, from income assistance to injured workers, and from family court services to mental health issues. We have certainly noticed that a growing number of complainants are difficult to deal with for a variety of reasons; many have difficulty accepting that we are limited in our work by the legislation that guides us. We cannot review police work, disbar lawyers or remove judges from the bench, although we have been asked to do precisely these things.

My biggest concern is our continued lack of authority to examine complaints that relate to nursing homes and special care homes. While I first wrote about this in my very first annual report, legislators have so far not deemed it advisable to expand our jurisdiction to include this most vulnerable group of citizens.

### **Civil Service Act**

Changes to the *Civil Service Act* in December 2009 caught our attention and are a cause for some concern. Since then, persons who are unsuccessful in competitions for government positions can only come to the Ombudsman if they are alleging favoritism. As well, the Ombudsman no longer has general authority to make inquiries and recommendations under the *Civil Service Act*. These changes, in effect, make it easier for government to appoint people to positions without the need for competitions, harder for anyone to contest these appointments and more difficult for the Ombudsman to investigate any allegations on his own initiative.

### **Right to Information and Privacy**

It was very encouraging during the past fiscal year to note the legislative developments which occurred in relation to the right to information and privacy laws in New Brunswick. A new independent commissioner's office will give the new legislation the dedicated resources and expertise required to better promote and protect the rights of all New Brunswickers in this area. The number of matters to be dealt with is sure to grow as doctors, pharmacists and other health professionals become "custodians" under the health privacy legislation. Some 98 inquiries and complaints came our way over the past year in this area of jurisdiction.

## Child and Youth Advocacy

As has been the case every year since 2006, our main focus in 2009-2010 has been children. The concerns brought to our attention vary greatly in this regard, including children in need of protection, youth dealing with mental health issues or behaviour disorders, youth dealing with the criminal justice system and special needs students in our schools. Very often there is a combination of factors and government departments involved with a variety of officials and service providers. While these situations are rarely easy for us to deal with, they are on most occasions absolutely frustrating for parents.

It is with this in mind that we undertook work on a number of systemic investigations in 2009-2010.

1. *Protection of Vulnerable Newborn Children: A Holistic Approach* was published in September, 2009. It followed the tragic death of a newborn baby in the St. Stephen area, one of a few similar deaths in the previous two years...far too many. The report contains six recommendations that would improve services for at-risk mothers.
2. *There Ought to be a Law* was published in November 2009. It examines the risks faced by children online, both from commercial and sexual exploitation. Though it was prepared by our office, it is the result of the efforts of a Working Group of Canadian Privacy Commissioners and Child and Youth Advocates.
3. In late November, 2009 we published our second annual State of our Children and Youth report, *A Clearer Picture: A statistical backgrounder to the 2009 State of our Children and Youth Address*. This year's report provides statistics on youth issues such as neonatal deaths, child welfare, child poverty, youth justice and education results. This year's report paid particular attention to Canada's commitments (and New Brunswick's obligations) under the UN Convention on the Rights of the Child on the occasion of the 20<sup>th</sup> anniversary of its adoption.
4. Lastly, in February 2010 we published *Hand-in-Hand: A Review of First Nations Child Welfare in New Brunswick*. It is a review of First Nations child welfare and the significant challenges faced by First Nations children. Much has been written and said about this report and it remains at year end an area of considerable activity for our office. The *Hand-in-Hand* review actually marked the first time a government requested our office to conduct an arm's length examination of an issue with which it was confronted. This in itself is a remarkable development and one that bodes well for the future of the Ombudsman and Child and Youth Advocate mandates.

As always, I remain thankful for the capable and dedicated members of my staff who allow us to cover so much systemic ground while dealing with over 3,000 individual complaints every year.



Bernard Richard  
Ombudsman

## Statutory Responsibilities

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

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

1. Ombudsman Act
2. Civil Service Act
3. Right to Information Act
4. Archives Act
5. Protection of Personal Information Act
6. Child and Youth Advocate Act

## Goals: Office of the Ombudsman

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

1. To conduct independent, confidential investigations to resolve complaints.
2. To provide efficient, effective and accessible services to every client within the framework of the human and fiscal resources provided.
3. To review policies, procedures, legislation and regulations to resolve existing complaints and, where applicable, to recommend changes to improve administrative practices.
4. To initiate reviews and investigations on the Ombudsman's own motion, when appropriate, to ensure fairness in the delivery of public services to every New Brunswick resident.

## The Ombudsman

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

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

### What we can do

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

### What we can't do

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

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

## Performance Indicators

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

### Supporting our central mission

#### Indicator

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

#### Result

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

### Providing service in an effective and efficient manner

#### Indicator

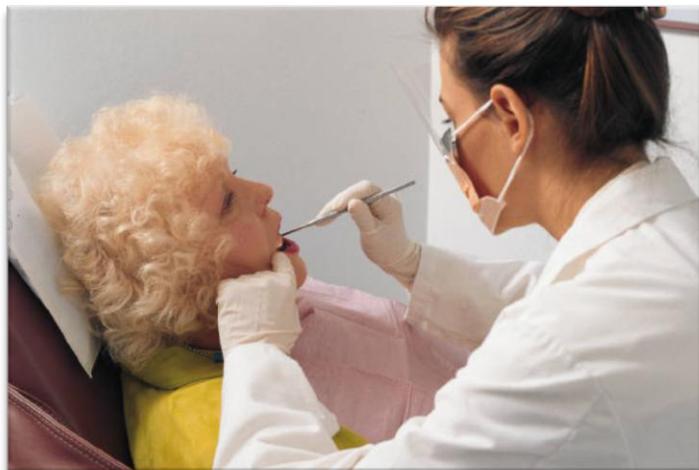
The Office of the Ombudsman has instituted a number of efficiencies since January 2004 in an effort to better serve our legislated mandate. These include: a toll free 1-888 telephone number which makes it easier for clients outside of the greater Fredericton area to reach the office; an enhanced Web page; a number of administrative and technical improvements (such as a centralized intake system, office automation, a more informal resolution process and a revised case management system); annually meeting with government departments and a variety of agencies in an effort to develop improvements in the way we conduct our respective legislated duties; and the introduction of an information poster for provincial correction centres.

#### Result

The percentage of complaint files closed within 30 calendar days of the date on which the complaint was received remains at approximately 90% for 2009/2010.

## Case Summaries

### Brace up!



A woman was told by her doctor that she required braces prior to undergoing surgery to treat a temporomandibular joint disorder. As a recipient of income assistance, the client approached her worker for financial assistance with the cost of the braces but was told that it was not a benefit to which she was entitled. The woman called our office but our investigator received the same information when they contacted Department of Social Development

officials. However, the investigator discovered that this policy appeared to be in conflict with the relevant Act and Regulations. After this was pointed out in a letter to the Deputy Minister of Social Development, the Department decided to provide the benefit to our client.

### The Grandfather Clause

In October 2006, the collective agreement with CUPE Local 1253 was ratified, establishing that only applicants with a high school diploma or a GED would be eligible for full-time positions with the school districts. However, a grandfather clause was included for people who already had permanent positions with the school districts. The clause could also be extended to casual employees doing supply work.

In May 2008, the Office of the Ombudsman received some complaints alleging that supply custodians and supply bus drivers who did not have a high school diploma or a GED were not being treated fairly by one of the school districts regarding medium- and short-term supply work and open competitions for permanent positions.



Our office contacted the school district in question and confirmed that a high school diploma or a GED was required to apply for full-time positions and long-term supply work. When we

contacted other school districts, we were informed that they had implemented the grandfather clause for all of their supply employees, regardless of whether or not they had a high school diploma or a GED.

The Department of Education confirmed to us that the grandfather clause had been implemented by all school districts except one. Consequently, to ensure that the standards are the same in all school districts and to demonstrate fair treatment of all casual workers employed by the school districts before the new collective agreement, our Office made the following recommendation:

**The Office of the Ombudsman recommends that persons who do not have a high school diploma or a GED but were already working as supply custodians prior to the October 2006 agreement be treated the same as persons who do have a high school diploma or a GED for the purpose of doing short- and long-term supply work and that they be able to apply for permanent positions.**

The Department informed us on March 18, 2010 that the school district had adopted our recommendation for supply custodians and supply school bus drivers.

### Adding Insult to Injury

A man contacted our office with concerns about a series of administrative decisions and procedural actions taken by WorkSafeNB personnel in the management of his file. After suffering a work-related injury several years ago, the client filed a claim with the (then) Workplace Health, Safety and Compensation Commission. Although the claim was initially accepted, there were ongoing disagreements between the client and WorkSafeNB regarding a pre-existing medical condition.

Our client successfully brought several contentious matters before the Appeals Tribunal. However, despite evidence brought forward by the appellant and orders issued by the Appeals Tribunal, our client continued to have his benefits cancelled or claims disallowed as a result of what appeared to be an overly discretionary and arbitrary interpretation and application of the relevant statutory provisions as well as the applicable policies.

Our office conducted a lengthy and thorough investigation of this complaint. We requested that WorksafeNB follow through on the Appeals Tribunal's suggestion of granting an independent functional capacity assessment and transfer the client's file to a new case manager, which they did. Our client was very pleased with this result.



## Awards

### Civil Service Excellence Awards

Mr. Richard presented awards of excellence to three civil servants who have demonstrated that they consistently strive to find ways to solve problems and provide better service to the public. The recipients were Mike Guravich of Fredericton, Department of Justice, Aline Barnett of Minto, New Brunswick Human Rights Commission, and Judy Spencer of Moncton, who works in the mental health branch of the Department of Health.

The criteria for the awards are: providing exceptional responsiveness and co-operation during the complaint-resolution process; consistently demonstrating the values of administrative fairness and accountability; demonstrating leadership in informal problem-solving and helping ensure the efficient resolution of complaints; and encouraging the application of systemic and system-wide problem-solving.

The Civil Service Excellence awards were created by Mr. Richard in 2007 to mark the 40<sup>th</sup> anniversary of the Office of the Ombudsman in New Brunswick. The 2009 awards were handed out in October in a ceremony in the foyer of the Centennial Building in Fredericton.



*Ombudsman Bernard Richard with the award recipients: Aline Barnett of Minto, New Brunswick Human Rights Commission; Judy Spencer of Moncton, Department of Health; and Mike Guravich of Fredericton, Department of Justice.*

## Events and Speaking Engagements

This fiscal year the Ombudsman made presentations at the following events and conferences:

Presentation	Conference	Date and Location
Keynote Speaker	Annual Community Partnership Conference	May 12, 2009 Moncton, NB
Presentation	Standing Committee of the House of Commons on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA)	May 12, 2009 Moncton, NB
Guest Speaker regarding our Roles and Mandates	John Howard Society of New Brunswick Annual Meeting	June 11, 2009 Saint John, NB
Presentation	Atelier de Bamako sur l'établissement d'institutions indépendantes de défense des droits de l'enfant (Unicef & OIF)	June 20 – 25, 2009 Bamako, Mali
Presentation	NBCC Early Childhood programme Native graduates	July 9, 2009 Fredericton, NB
Presenting on our roles and mandates	Supervisors of Child Welfare Program at Social Development in Saint John	September 11, 2009 Saint John, NB
Event	First Nations Child Welfare Symposium	September 29 & 30, 2009 Fredericton, NB
Speaker	Provincial Caring Partnerships Committee (event concerning youth affected by domestic violence)	October 6, 2009 Fredericton, NB
Event	Ombudsman Public Service Excellence Awards	October 13, 2009 Fredericton, NB
Presentation	École Sainte-Anne High School (Fairness Week)	October 14, 2009 Fredericton, NB
Presentation	Leo Hayes High School (Fairness Week)	October 14, 2009 Fredericton, NB
Presentation on Youth Mental Health	The 4 <sup>th</sup> Annual Addiction and Mental Health Services Conference	October 29, 2009 Edmundston, NB
Presentation	Business Community Anti-Poverty Initiative	November 3, 2009 Saint John, NB
Panel on the Ashley Smith Case	National Judicial Institute Conference	November 5, 2009 Ottawa, ON
Panel on UN Convention on Rights of the Child	(Canadian Coalition for the Rights of the Child)	November 18, 2009 Ottawa, ON
Presentation on Children's Internet Privacy	International Conference on Child Rights hosted by the University of Ottawa	November 19, 2009 Ottawa, ON
Event	State of our Children and Youth Address 2009	November 20, 2009 Fredericton, NB
Presentation on our Roles and Mandates	PEI John Howard Society	November 23, 2009 Charlottetown, PEI
Event	Announcement of Law Reform Task Force on Children's Privacy	December 4, 2009 Fredericton, NB
Presentation	Aboriginal Dialogue Committee Meeting (Federal Government Officials)	December 21, 2009 Moncton, NB
Presentation	Brazil Conference on the Canadian Ombudsman Model	January 18 – 25, 2010 Brazil
Presentation on our review of First Nations child welfare in NB	Union of New Brunswick Indians (UNBI)	January 27, 2010 Dieppe, NB

Presentation	University of New Brunswick	February 10, 2010 Fredericton, NB
Event	Release of Hand-in-Hand Report NB Legislature	February 24, 2010 Fredericton, NB
Presentation on the Hand-in-Hand Report	University of Moncton	March 8, 2010 Moncton, NB
Presentation on Children with Special Needs	Department of Education	March 10, 2010 Fredericton, NB
Presentation	UNB Law School (Career Day)	March 11, 2010 Fredericton, NB
Presentation	NBASW Lunch and Learn	March 16, 2010 Moncton, NB
Presentation	NBASW Lunch and Learn	March 19, 2010 Fredericton, NB
Presentation	NBASW Lunch and Learn	March 30, 2010 Campbellton, NB
Presentation	NBASW Lunch and Learn	March 31, 2010 Grand-Sault, NB

This fiscal year the Ombudsman attended the following events:

Meeting	Date	Location
CCPO Annual Meeting	May 6 – 8, 2009	Quebec, QC
Federal Justice Canada officials – Youth Mental Court	May 15, 2009	Ottawa, ON
National meeting to discuss Protecting Children’s Online Privacy	May 20 – 21, 2009	Fredericton, NB
MMFF Award	May 26, 2009	Fredericton, NB
New Brunswick Association for Community Living Luncheon	June 3, 2009	Fredericton, NB
Bar Admission Banquet	June 17, 2009	Fredericton, NB
Youth Consultation session with Mental Health Commission of Canada	September 11, 2009	Moncton, NB
Congrès AOMF	September 6 – 10, 2009	Quebec, QC
2009 CCPCYA Conference	September 21 – 23, 2009	Saskatoon, SK
NB Business Hall of Fame Dinner	October 20, 2009	Moncton, NB
AGM of the Canadian Coalition on Child Rights	November 18, 2009	Ottawa, ON
New Brunswick's World AIDS Day Breakfast	December 1, 2009	Fredericton, NB
Reception for Dr. Aurèle Schofield	December 4, 2009	Moncton, NB
Justice Canada (Meeting on Youth Bail and Pre-Trial Detention)	March 5, 2010	University of Toronto, Toronto, ON
Working Lunch Presentation on Conflict of Interest (Justice Ryan)	March 11, 2010	Fredericton, NB
W.C. Desmond Pacey Memorial Lecture: Chief Noah Augustine	March 17, 2010	Fredericton, NB
NGO Meeting on First Nations	March 25, 2010	Montreal, QC

## Financial Information

	Budget	Actual
Wages and Benefits	\$1,279,400	\$1,420,945
Other Services	\$243,000	\$175,774
Materials and Supplies	\$30,500	\$23,408
Property and Equipment	\$26,100	\$19,388
Contributions and Grants	\$0	\$0
<b>Total</b>	<b>\$1,679,000</b>	<b>\$1,639,624</b>

## Employees

Employees	Work Title
Albert, Jessica	Investigator
Basque, Lyne	Investigator
Bourque, Annette <sup>+</sup>	Clinical Director
Cantin, Francine <sup>+</sup>	Clinical Director
Cronkhite, Amy	Administrative Assistant
Daigle, Jennifer	Investigator
Dickison, Julie	Executive Secretary
Doyle, Anne	Investigator/Social Worker
Gilliland, Steve	Executive Director
Guthrie, Janel	Administrative Assistant
Hébert, Sylvie	Investigator/Social Worker
Jardine, Kathryn	Investigator/Legal Officer
LeBlanc, Mélanie	Investigator/Social Worker
Lever, François	Investigator/Legal Officer
Levesque, Marie-Josée*	Investigator
Murray, Jennifer*	Investigator/Legal Officer
Richard, Bernard	Ombudsman/Child and Youth Advocate
Savoie, Robert	Investigator
Whalen, Christian	Legal Counsel
Woods, Marcelle <sup>+</sup>	Clinical Director

\*Part-time

<sup>+</sup>Part of the year

## Ombudsman Act

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Under the *Ombudsman Act*, the Office of the Ombudsman conducts independent and confidential investigations into complaints from individuals regarding administrative matters involving provincial government departments and other related organizations such as school districts, regional health authorities and municipalities.

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

### 2009/2010 Statistics

The Office of the Ombudsman received a total of 2,868 complaints, inquiries and requests for information under the *Ombudsman Act* during the year 2009/2010.

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

### Complaints under the *Ombudsman Act*

#### Access

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

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

#### Complaints

The Office of the Ombudsman investigates an extremely diverse cross-section of complaints related to government departments, municipalities, school districts, regional health authorities, crown agencies and other authorities responsible to the Province as defined under the *Ombudsman Act*.

#### Investigation

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

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

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

### **Providing Information and Referrals**

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

## Correctional Institutions

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

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

The Office received inquiries and complaints regarding a wide range of issues. Section 12 of the *Ombudsman Act* empowers the Office to investigate complaints "*with respect to a matter of*

### 2009/2010 Statistics

In the Correctional Services area, the Office of the Ombudsman processed 790 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.

*administration,*” which the courts have interpreted broadly to include any government matter other than matters relating to the affairs of the Courts or the Legislature.

For instance, in some cases where complaints alleging a criminal assault have been brought forward, the Ombudsman has exercised his discretion not to investigate and has instead referred the matter to appropriate police authorities. In other instances where an inquiry or a complaint does not fall within the jurisdiction of the *Ombudsman Act*, individuals are referred to the appropriate body i.e. Parole Board.

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

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

## Civil Service Act

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In 1994, the Civil Service Commission was amalgamated with the Office of the Ombudsman. Through a change to the *Civil Service Act*, the Ombudsman was made responsible to hear appeals and investigate complaints regarding the selections for appointment to the Civil Service. In December 2009, new amendments to the *Civil Service Act* came into effect which significantly reduced the Ombudsman’s authority.

The *Civil Service Act* previously gave the Ombudsman certain powers and duties for the purpose of protecting the merit principle as the basis for effecting appointments to or from within the Civil Service. Specifically, the *Act* provided for the Ombudsman to hear appeals from employees relating to appointment decisions and to investigate complaints from non-employees who have been unsuccessful candidates in open competitions.

### 2009/2010 Statistics

During 2009/2010, the Office of the Ombudsman received 21 complaints and enquiries in regards to the *Civil Service Act*.

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

## Appeals and Complaints under the *Civil Service Act*

### Appeals

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

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

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

The *Act* prescribed specific time limits for filing an appeal, holding a hearing, and issuing a decision. There were only two outcomes to an appeal: it could be allowed or dismissed. Where an appeal was allowed, the Ombudsman could deny or revoke the appointment that gave rise to the appeal.

### Complaints

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

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

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

### 2009/2010 Statistics

A total of 21 files were opened under the *Civil Service Act* in 2009/2010. This included two appeals under Section 32 of the *Act*. The results of the appeals were as follows: one was dismissed and one was withdrawn. It should be noted that in the appeal that was dismissed, there was a recommendation made to government in regards to consistently following eligibility list legislation. The recommendation was subsequently adopted by government.

There were two inquiries under Section 32 of the *Act*, in which information and/or clarification was provided.

There were nine investigations under Section 33 of the *Act*. One Section 33 investigation resulted in a recommendation that an appointment be revoked, and this recommendation was accepted by government. Five of the Section 33 investigations were not substantiated; and three concluded with clarification being provided.

In addition, there were three investigations related to casual employment in the civil service.

There were also five general inquiries under the *Civil Service Act*.

It should be noted that the *Civil Service Act* was amended during 2009-2010. In short, the amendments have simplified the complaint process for employees and the public. The Ombudsman no longer has general authority to make inquiries and recommendations for the general administration of the *Act*. The complaint process has been abolished and appeals are now open only to members of the civil service and only regarding issues of favouritism. The revised process puts more accountability on departments as they now have the legislated responsibility to clarify and provide feedback to unsuccessful candidates. The grounds to complain to the Ombudsman have been limited to issues of alleged favoritism.

## Right to Information Act

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

### 2009/2010 Statistics

During the year 2009/2010, the Office of the Ombudsman received 62 complaints or inquiries regarding the refusal or non-response to a request to disclose information to an individual under the *Right to Information Act*.

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

### **Referrals under the *Right to Information Act***

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

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

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

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

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

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

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

### **2009/2010 Statistics**

During the year 2009/2010, the Office of the Ombudsman received 62 complaints or inquiries regarding the refusal or non-response to a request to disclose information to an individual under the *Right to Information Act*. The Office of the Ombudsman conducted 20 reviews leading to recommendations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.

The referrals to the Ombudsman originated in requests for information on a broad range of issues, including authorizations to transport firearms within the province, medical laboratory reports of diagnosed cancer patients, payments made by the Government to a private company, Ministerial communications with consultants, and information related to hospitalization and admission not contained in the individual's medical records. In keeping with recent trends, a number of the requests were filed by members of the legal profession on behalf of clients and the media.

Recommendations addressed a number of novel issues including a positive obligation on public bodies to treat requests for information as requests under the *Act* where practical to do so and

the application of the personal information exemption to business information. As a number of public bodies recently came under the scope of the *Act*, recommendations also highlighted the need for public bodies to be aware of and to act in compliance with their obligations under the *Act*. The year's recommendations also dealt with ongoing concerns including the timeliness of responses, the duty to conduct an adequate search for responsive records, the scope of the advice to Minister and solicitor-client exemption provisions, and our repeated call for public bodies to include an index of records with responses that identify all responsive records and indicate any exemption provisions being claimed to withhold information. By including an index of records, public bodies can provide more meaningful responses that improve transparency and accountability.

### 2009/2010 Activities

In June 2009, our Office again assisted with the organization and presentation of the fifth annual Maritime Access and Privacy Workshop in Halifax, Nova Scotia. The one-day workshop featured presentations and workshops from local and national leading access and privacy experts and was well attended and received. We will continue to play a role in the organization of next year's workshop which will take place in Halifax in June 2010.

In September 2009, our Office also participated in Canada's fourth annual Right to Know Week in conjunction with other Canadian Information and Privacy Commissioners' Offices. The week's activities included public forums on personal health information and Right to Know and public engagement, a workshop for Right to Information Coordinators, a Continuing Legal Education session with the Municipal Law Section of the New Brunswick branch of Canadian Bar Association on new Right to Information legislation for municipal bodies, and the first annual New Brunswick Right to Know Week Film Night. These events were held in conjunction with the UNB Faculty of Law, CBC New Brunswick, the Executive Council Office, and the University of New Brunswick.

## Protection of Personal Information Act

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

### 2009/2010 Statistics

During 2009/2010, the Office of the Ombudsman received 36 complaints and enquiries in regards to the *Protection of Personal Information Act*.

Like the *Right to Information Act*, POPIA entrusts the Office of the Ombudsman with the compliance function regarding complaints under the *Act*. POPIA guarantees the citizen's right to know what information government holds about them and their right to have that personal information treated confidentially. In New Brunswick, unlike some other provinces, there is no provincial law that regulates

the confidentiality of personal information in the private sector, and so the federal *Personal Information Protection and Electronic Disclosure Act* (PIPEDA) applies to all commercial and private sector organizations in the province. It does not however regulate privacy issues as between a private sector employer and their employees. The result is that each year several people complain to our office of privacy violations for which there is no administrative remedy in New Brunswick, and no independent oversight body to deal with such complaints.

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

### **Complaints under the *Protection of Personal Information Act***

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

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

### **2009/2010 Statistics**

During the year 2009/2010, the Office of the Ombudsman received 36 complaints and inquiries in regards to the *Protection of Personal Information Act*. We received complaints about a variety of privacy concerns and breaches. The Office of the Ombudsman conducted investigations into complaints of alleged breaches as well as self-reported breaches by public bodies. The Office also provided general information to a number of individuals who were seeking advice regarding individual privacy rights. A number of these inquiries were about privacy concerns at the municipal level and employment issues in the private sector, which fall outside the scope of the *Protection of Personal Information Act*, highlighting significant gaps in privacy regulation in New Brunswick.

Referrals to the Ombudsman included complaints and self-reported breaches regarding misplaced or lost electronic storage devices and the misdirection of sensitive and/or personal information by mail, fax, and e-mail. The vast majority of breaches of this nature are unintentional and the result of human error and are best managed through training and awareness of privacy obligations and policies.

The Office also received complaints about a public body employee accessing sensitive third party information without authorization as well as unauthorized access and subsequent disclosure of sensitive personal information. Breaches of this nature arise from either employee unawareness of or a blatant disregard for the privacy obligations placed on public bodies, highlighting the need for privacy training and awareness at all staffing levels. They also

highlight the need for employee understanding of the consequences of an intentional breach of this nature as intentional or willful misuse of another individual's personal information can be grounds for dismissal.

### 2009/2010 Activities

The Province continues to invest significantly in the development of electronic health record (eHR) and the Ombudsman has been involved in the planning effort at both the provincial level and through the Privacy Forum of Canada Health Infoway. The Office also continues to actively support stronger ties and consultative work between privacy commissioners' offices in the Atlantic region, nationally, and internationally within the Francophonie and the Forum of Data Protection Authorities.

In early 2009, Canadian provincial and territorial child and youth advocates and privacy commissioners formed the Children's Online Privacy Working Group to discuss new legislative standards to better protect children's online privacy in light of Internet-based forms of exploitation including luring, digital child sexual abuse images, and online sexual exploitation. In May 2009, the Ombudsman, in his capacity as the provincial Child and Youth Advocate, hosted a two-day seminar in Fredericton for members of the Working Group, local and national researchers, and non-profit organizations to discuss and identify legislative options. As a follow-up to the seminar, the Child and Youth Advocate took a lead role in the preparation of a discussion paper, entitled "There Ought to be a Law: Protecting Children's Online Privacy in the 21<sup>st</sup> Century." The paper explores the nature of the harm facing children in the online world as well as a number of law reform proposals and was released on National Child Day on November 20, 2009.

The provincial government provided an immediate and enthusiastic response to the report. Then Minister of Justice Michael Murphy called for a joint task force between Government and the Child and Youth Advocate in December 2009 to explore the proposals set out in the discussion paper. The task force began meeting in January 2010 and anticipates submitting a report to Government and the Child and Youth Advocate in June 2010.

## Changes to the Right to Information and Protection of Personal Information Acts

The 2009/2010 year saw continued law reform progress in the areas of Right to Information and the Protection of Personal Information. Bill 82, the *Access to Information and Protection of Privacy Act*, introduced in June 2008, provided an expanded jurisdiction to include a greater range of public bodies, municipalities and universities as well as the establishment of an independent Information and Privacy Commissioner. After public consultations through the Legislature's Law Amendments Committee highlighted a number of serious flaws in the proposed legislation, the Bill died on the order paper in November 2008.

The Government subsequently introduced Bill 89, the *Right to Information and Protection of Privacy Act*, in May 2009, which was passed into law on June 19, 2009. Proclamation is pending. The new Act incorporated several key concerns raised in the public consultation process on Bill 82. Key improvements include a shortened legislative review period of four years, a broader definition and scope of what constitutes a “public body,” an expanded public interest override provision, and no fees for accessing one’s own personal information. The Ombudsman remains concerned that the Attorney General’s office is subject to a blanket exclusion from the *Act* for legal affairs, that the purpose clause does not adequately delineate the right to information, and that the *Act* does not contain a general public interest override provision. It is our hope that these concerns will be addressed during the legislative review that is scheduled to take place four years after proclamation.

The Government also introduced long-awaited personal health information-specific legislation in May 2009. Bill 88, the *Personal Health Information Privacy and Access Act*, which passed into law on June 19, 2009, is also awaiting proclamation. The new legislation is a key component of the movement towards electronic health records (eHRs) and sets out a separate access and privacy regime for personal health information that will allow greater access to and understanding of one’s own personal health information. The *Act* allows the right to access and to request corrections to one’s own personal medical records held by public bodies, health care providers, health care facilities, laboratories, and nursing homes, among others.

Both of the new Acts are currently awaiting proclamation and the establishment of the new oversight body in the form of the Information and Privacy Commissioner’s Office, at which time the mandate will be transferred from the Ombudsman to the new Commissioner. We anticipate that these developments will take place in mid-2010.

As we anticipate this being the last year as the oversight body for the Right to Information mandate, I would like to take this opportunity to emphasize the paramount role that Right to Information plays in encouraging an engaged and knowledgeable citizenry and in promoting a transparent and accountable democracy. Technology is changing daily and public bodies need to embrace these advances where practicable in order improve public services and foster their relations with the public. Similarly, public bodies need to adapt their view of Right to Information processes being largely reactive, paper-based, and focused on non-disclosure in accordance with expansive interpretation and application of exemption provisions. Adopting a more responsive, dynamic, and disclosure-focused process would better address the realities of governance in the electronic information era as well as better embody the spirit of Right to Information principles.

The Ombudsman has held this mandate for several years and struggled under the confines of very meagre resources in the face of a significant rise in inquiries and review activities. As the mandate is a key accountability mechanism and a cornerstone of democracy, it is our hope that the new Commissioner’s office be provided with sufficient resources to fulfill its role in safeguarding and protecting the right to access government information.

## 2009/2010 STATISTICS

- The Office of the Ombudsman and Child and Youth Advocate received a total of 3,325 complaints, inquiries and requests for information during the year 2009/2010. Of this number, 1,838 were complaints within jurisdiction and investigations were required, 1,094 were inquiries and requests for information, and 393 were complaints which were not within the jurisdiction of this Office. In addition, 241 complaints carried over from the previous year were investigated.
- During the year 2009/2010, the Office of the Ombudsman received 62 complaints or inquiries regarding the refusal or non-response to a request to disclose information to an individual under the *Right to Information Act*.
- The Office of the Ombudsman conducted 20 reviews leading to recommendations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.
- A total of 21 files were opened under the *Civil Service Act* in 2009/2010. This included two appeals under Section 32 of the *Act*. The results of the appeals were as follows: one was dismissed and one was withdrawn. It should be noted that in the appeal that was dismissed, there was a recommendation made to government in regards to consistently following eligibility list legislation. The recommendation was subsequently adopted by government. There were also two inquiries under Section 32 of the *Act*, in which information and/or clarification was provided.
- There were nine investigations under Section 33 of the *Civil Service Act*. One Section 33 investigation resulted in a recommendation that an appointment be revoked, and this recommendation was accepted by government. Five of the Section 33 investigations were not substantiated; and three concluded with clarification being provided.
- In addition, there were three investigations related to casual employment in the civil service.
- There were also five general inquiries under the *Civil Service Act*.
- During the year 2009/2010, the Office of the Ombudsman received 36 complaints and enquiries in regards to the *Protection of Personal Information Act*.
- In the Correctional Services area, the Office of the Ombudsman processed 790 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.

## TYPES OF COMPLAINTS BY DEPARTMENT

The following tables provide the number of complaints by type and by Department investigated in the year 2009/2010. In consideration of the confidentiality provisions of the *Ombudsman Act*, only those Departments with more than 10 complaints are set out in the tables below.

CORRECTIONAL INSTITUTIONS		
Health Issues	2008/2009	2009/2010
Assault/Abuse – Physical, Sexual, etc.	4	10
Dental	18	9
Glasses, Eye Care	2	3
Medical Appliance	11	5
Medical Treatment	4	11
Mental Health	7	4
Physiotherapy	~	1
Prescriptions Requested or Denied	62	50
Request to go to Hospital	24	10
Request to see Nurse / Doctor	44	39
Special Diet	10	11
Threat of Suicide	<u>2</u>	<u>1</u>
<b>Subtotal</b>	<b>188</b>	<b>154</b>
<b>Living Conditions</b>		
Cleanliness	27	20
Clothing and Bedding	21	33
Food	25	29
Heat and Ventilation	10	~
Maintenance and Repairs	14	5
Overcrowding	<u>14</u>	<u>6</u>
<b>Subtotal</b>	<b>111</b>	<b>93</b>
Abandoned By Inmate	12	17
Administration	6	14
Admission - Discharge	~	1
Classification / Transfer	52	32
Complaint regarding staff	5	4
Contraband	4	3
Correspondence	22	8
Courts	8	3
Discipline	41	36
Legal Aid	4	4
Parole	2	2
Personal / Inmate Property	40	34

Placement within Institution	26	39
Probation	1	1
Program Privileges	10	14
Recreation	16	17
Request for House Arrest	5	7
Request Form	7	9
Requests for Items Denied	14	22
Segregation	22	28
Sentence / Remission Calculation	8	7
Services - Official Languages	3	2
Smoking		1
Staff Conduct and Department	38	40
Telephone Use	35	26
Temporary Absence Program	3	7
Threatened by Other Inmates	4	9
Use of Restraints	2	2
Verbal Abuse/Swearing	2	5
Visiting Privileges	27	16
Other (includes Non Jurisdiction & Inquiry)	<u>123</u>	<u>133</u>
<b>Subtotal</b>	<b>544</b>	<b>543</b>
<b>Total</b>	<b>843</b>	<b>790</b>

## PUBLIC SAFETY

	2008/2009	2009/2010
Administration	1	1
Complaints Regarding Staff	1	4
Coroner Services	1	~
Emergency Measures	1	1
Employment	7	
Permits / Licenses	11	17
Victim Services	~	3
Others (includes Non Jurisdiction & Inquiry)	<u>13</u>	<u>24</u>
<b>Total</b>	<b>35</b>	<b>50</b>

Social Development		
	2008/2009	2009/2010
<b>Income Assistance Benefits</b>		
Amount/Calculation	15	16
Delay	7	7
Denied	28	26
Discontinued/Reduced	45	48
Eligibility Criteria	32	25
Long Term Needs	12	6
Repayment	<u>3</u>	<u>9</u>
<b>Subtotal</b>	<b>142</b>	<b>137</b>
<b>Housing Unit</b>		
Availability	29	31
Evictions	7	10
Inspections	3	9
Repairs	8	37
Tenant Rights	10	9
Transfers	<u>11</u>	<u>6</u>
<b>Subtotal</b>	<b>68</b>	<b>102</b>
Administration	10	9
Adoptions	11	16
Appeal Board	4	1
Appeal Process	3	1
Appliances/Furniture	~	~
Children with Special Needs	1	~
Complaints Regarding Staff	20	14
Employment	8	3
Health Card	12	28
Heat Supplement	4	7
Housing Loans/Grants	15	27
Medical Issues	3	6
Nursing Homes/Residential Services	26	29
Protection Services	102	106
Training – Work Programs	~	~
Transportation	6	4
Other (includes Non jurisdiction & Inquiry)	<u>92</u>	<u>72</u>
<b>Total</b>	<b>527</b>	<b>562</b>

**HEALTH AND WELLNESS**

	2008/2009	2009/2010
Addiction Services	4	2
Administration	4	1
Ambulance Services	2	3
Complaints regarding Staff	3	1
Extra Mural Services	~	1
Hospital Employment	1	1
Medicare	11	11
Mental Health	17	11
Permits/Licenses	1	2
Placement Services	1	~
Public Health	8	11
Special Needs programs	1	~
Vital Statistics	1	~
Others (includes Non Jurisdiction & Inquiry)	<u>15</u>	<u>24</u>
<b>Total</b>	<b>69</b>	<b>68</b>

**REGIONAL HEALTH AUTHORITIES**

	2008/2009	2009/2010
Administration	3	2
Admission	3	~
Complaint Regarding Staff	8	2
Employment	7	3
Extra Mural Services	~	1
Mental Health Services	4	1
Treatment	7	1
Other (includes Non Jurisdiction & Inquiry)	<u>14</u>	<u>14</u>
<b>Total</b>	<b>46</b>	<b>24</b>

## WORKPLACE HEALTH, SAFETY AND COMPENSATION COMMISSION

	2008/2009	2009/2010
<b>Compensation</b>		
Amount/Calculation	8	7
Discontinued/Reduced	14	26
Long-term Disability Benefits	<u>1</u>	<u>5</u>
<b>Subtotal</b>	<b>23</b>	<b>38</b>
Administration	5	5
Appeals Tribunal	5	4
Benefits – Delay	~	~
Claim Denied	13	4
Complaints Regarding Staff	9	~
Deeming	1	2
Employability Assessments	3	2
Employment	1	2
Health and Safety	~	2
Medical Payments	3	4
Medical Rehabilitation	2	2
Permanent Partial Impairment	1	1
Retraining	1	2
Others (includes Non jurisdiction & Inquiry)	<u>20</u>	<u>27</u>
<b>Total</b>	<b>87</b>	<b>95</b>

## JUSTICE AND ATTORNEY GENERAL

	2008/2009	2009/2010
Administration	3	1
Complaint Regarding Staff	2	4
Employment	6	1
Insurance Branch	~	2
Support Payment and Orders	28	8
Others (includes Non Jurisdiction & Inquiry)	<u>23</u>	<u>18</u>
<b>Total</b>	<b>62</b>	<b>34</b>

EDUCATION		
	2008/2009	2009/2010
Access to School Property	~	1
Access to School Records	1	2
Administration	2	2
Appeal Process	~	1
Bullying	2	3
Children with Special Needs	6	9
Complaints Regarding Staff	6	~
Curriculum-Testing	3	~
Employment	3	2
French Immersion Program	181	3
Home Schooling	2	1
Student Transfer	1	1
Suspensions	4	3
Transportation	3	4
Others (includes Non Jurisdiction & Inquiry)	<u>15</u>	<u>12</u>
<b>Total</b>	<b>229</b>	<b>44</b>

NB POWER CORPORATION		
	2008/2009	2009/2010
Administration	1	2
Billing-Amount / Calculation	4	16
Damage Claims	1	~
Complaints regarding staff	~	1
Disconnection	6	28
Employment	~	1
Payment Schedules	4	8
Security Deposit	~	2
Service Issues	3	5
Other (includes Non Jurisdiction & Inquiry)	<u>14</u>	<u>21</u>
<b>Total</b>	<b>33</b>	<b>84</b>

TRANSPORTATION		
	2008/2009	2009/2010
Access/Right of Way	1	3
Administration	~	~
Complaints Regarding Staff	~	2
Damage Claims	8	2
Employment	16	6
Expropriation Procedures	~	2
Highway Signage	~	~
Property Issues	4	6
Road/Bridge Maintenance	5	4
Others (includes Non Jurisdiction & Inquiry)	<u>11</u>	<u>10</u>
<b>Total</b>	<b>45</b>	<b>35</b>

MUNICIPALITIES		
	2008/2009	2009/2010
Administration	2	4
Complaints regarding staff	~	2
Employment	~	1
Expropriation	1	1
Municipal By Laws	6	~
Permits-Licenses	2	1
Privacy	1	2
Property Issues	5	5
Right to Information	1	2
Roads/Streets	~	~
Services	1	2
Water Sewage	1	7
Zoning	2	1
Others (includes Non Jurisdiction & Inquiry)	<u>7</u>	<u>13</u>
<b>Total</b>	<b>29</b>	<b>41</b>

**ENVIRONMENT AND LOCAL GOVERNMENT**

	2008/2009	2009/2010
Administration	5	7
Local Service Districts	4	9
Permits/Licenses	3	~
Petition	~	~
Pollution	1	1
Pollution – Air quality	~	~
Property Issues	2	~
Water Sewage	1	~
Other (includes Non Jurisdiction & Inquiry)	<u>6</u>	<u>16</u>
<b>Total</b>	<b>22</b>	<b>33</b>

**SERVICE NEW BRUNSWICK**

	2008/2009	2009/2010
Administration	2	1
Complaint Regarding Staff	1	1
Employment	2	1
Permits/Licenses	6	18
Property Assessment	14	6
Property Assessment – Appeal Procedures	6	1
Registry Office – Procedures	5	1
Rentalsman	7	29
Vital Statistics	2	2
Other (includes Non Jurisdiction & Inquiry)	<u>29</u>	<u>11</u>
<b>Total</b>	<b>65</b>	<b>71</b>

## RESTIGOUCHE HOSPITAL CENTRE

	2008/2009	2009/2010
Administration	~	1
Admission – Discharge	4	2
Classification Transfer	~	1
Complaint regarding Staff	6	9
Legal Aid	~	1
Medical Treatment	3	7
Mental Health Services	7	1
Request to see Nurse or Doctor	~	2
Sexual Assault	~	1
Others (includes Non Jurisdiction & Inquiry)	<u>25</u>	<u>16</u>
<b>Total</b>	<b>45</b>	<b>41</b>

## POST-SECONDARY EDUCATION AND TRAINING

	2008/2009	2009/2010
Administration	~	2
Community College – Admissions Procedures	~	2
Community College – Others	5	5
Community College – Programs	1	1
Community College – Testing	1	1
Complaint Regarding Staff	2	3
Employment	3	6
Employment Programs	2	1
Grants-Loans	~	5
Permits-Licenses-Certificates	~	1
Student Loans	8	14
Others (includes Non Jurisdiction & Inquiry)	<u>7</u>	<u>4</u>
<b>Total</b>	<b>29</b>	<b>45</b>

## NATURAL RESOURCES

	2008/2009	2009/2010
Access to Property	1	1
Complaints Regarding Staff	1	~
Crown Land-Leases	1	3
Employment	6	~
Expropriation	~	2
Permits – Licenses	1	2
Property Ownership	1	~
Others (includes Non Jurisdiction & Inquiry)	<u>5</u>	<u>4</u>
<b>Total</b>	<b>16</b>	<b>12</b>

## SCHOOL DISTRICTS

	2008/2009	2009/2010
Access to School Property	~	1
Access to School Records	3	1
Administration	2	2
Appeal Process	~	~
Children with Special Needs	15	12
Closing of Schools	1	1
Complaints Regarding Staff	4	4
Employment	9	8
French Immersion Program	3	~
Home Schooling	1	2
Protection Services	1	1
Suspensions	4	8
Transportation	~	~
Others (includes Non Jurisdiction & Inquiry)	<u>17</u>	<u>28</u>
<b>Total</b>	<b>60</b>	<b>68</b>

## STATISTICS TABLE 2009/2010

### OUTCOME OF COMPLAINTS WITHIN JURISDICTION IN 2009/2010

(Does not include Inquiries or Non-jurisdiction complaints or complaints still under investigation at year end)

Departments/ Agencies	Total	Assistance Rendered	Recommendation Made	Referral Given/ Clarification Provided	Not Substantiated	Discontinued by Client/ Ombudsman
Education	28	5	1	12	5	5
Environment and Local Government	25	~	~	13	6	6
Social Development	442	60	4	192	100	86
Health and Wellness	38	8	1	16	6	7
Justice	24	4	1	9	6	4
Municipalities	25	1	2	10	5	7
NB Power Corporation	63	21	~	19	7	16
Post-Secondary Education, Training and Labour	24	3	~	9	5	7
Public Safety	724	85	4	369	153	113
Regional Health Authorities	19	1	1	13	1	3
Restigouche Hospital Centre	34	2	~	21	3	8
School Districts	43	11	3	22	1	6
Service New Brunswick	40	4	~	13	9	14
Transportation	23	3	~	11	4	5
Workplace Health, Safety and Compensation Commission	79	8	1	48	8	14
Other**	46	6	2	22	11	5
<b>Total</b>	<b>1,677</b>	<b>222</b>	<b>20</b>	<b>799</b>	<b>330</b>	<b>306</b>

\*This number includes investigations which were continued from the previous years.

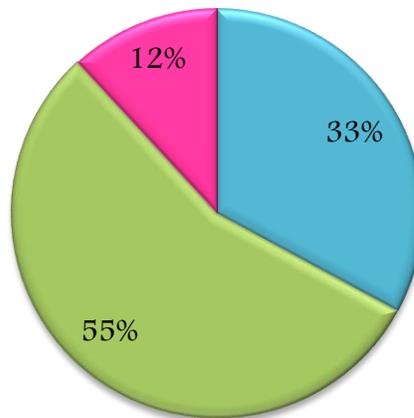
\*\* Departments/agencies with 10 or less complaints during 2009/2010.

\*\*\*241 complaints were still under investigation at year end.

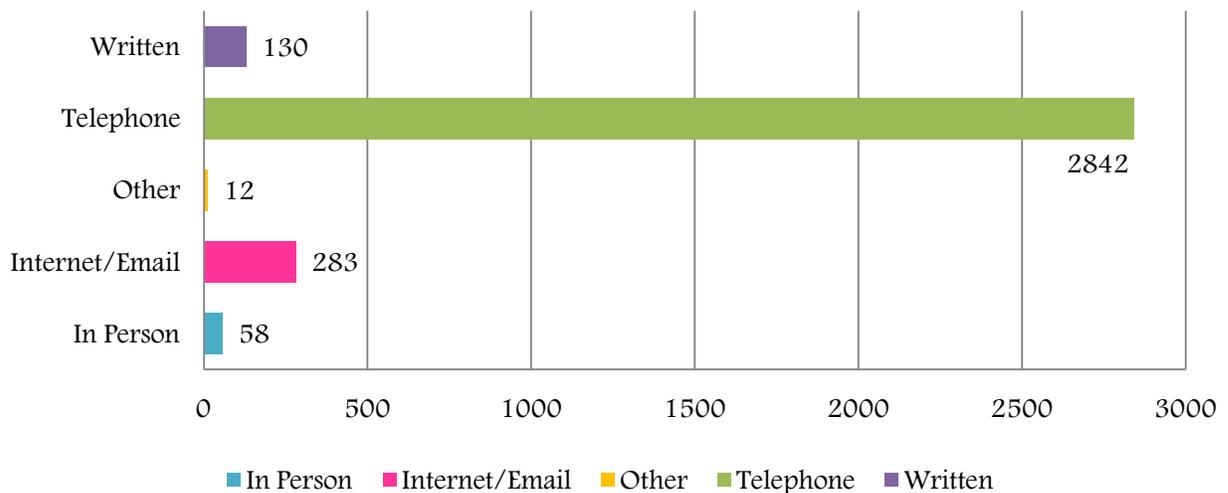
## CHARTS

### COMPLAINTS, INQUIRIES AND REQUEST FOR INFORMATION

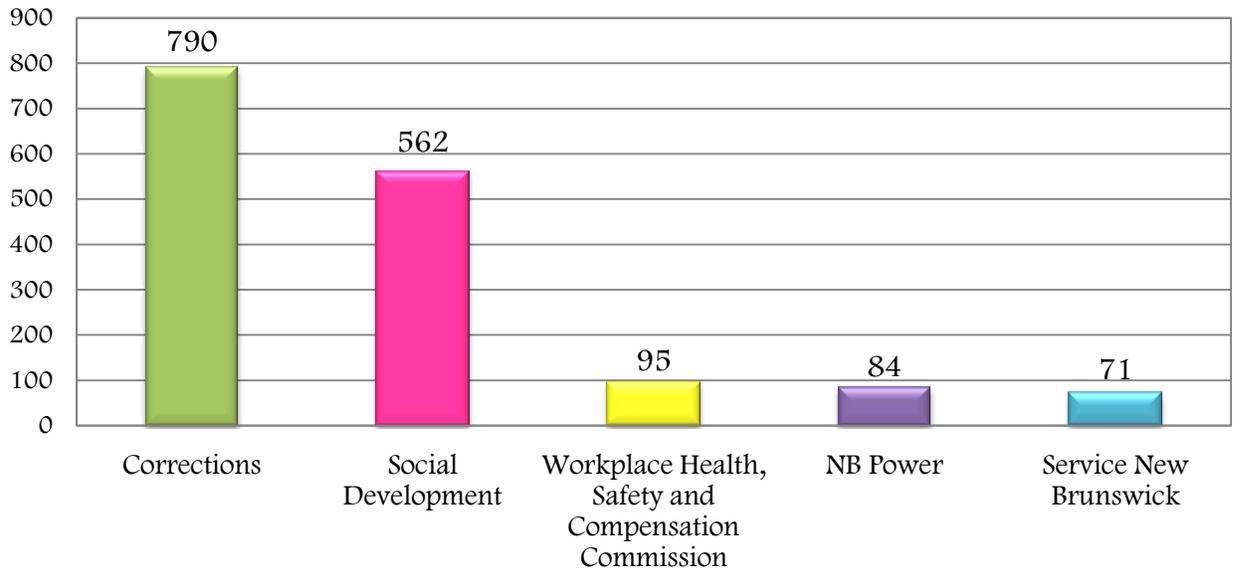
■ Enquiries   ■ Investigation Required   ■ Non-Jurisdiction



### COMPLAINTS RECEIVED BY RECEPTION METHOD



### FIVE MAJOR SOURCES OF COMPLAINTS



### OUTCOME OF COMPLAINTS

