



**Ombudsman**

# **ANNUAL REPORT**

**2006/2007**



**Child & Youth  
Advocate  
Défenseur  
des enfants et de la jeunesse**

## **2006/2007 Annual Report**

### **Published by:**

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Child & Youth Advocate  
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March 3, 2008

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

Madam:

Pursuant to Subsection 25(1) of the *Ombudsman Act*, Subsection 25(1) of the *Child and Youth Advocate Act* and Section 36 of the *Civil Service Act*, I have the honour to present the Fortieth Annual Report of the Ombudsman for the period of April 1, 2006 to March 31, 2007.

Respectfully submitted,

Bernard Richard  
Ombudsman



## TO REACH YOUR OMBUDSMAN AND CHILD & YOUTH ADVOCATE

**Write :**           **Office of the Ombudsman and  
Child & Youth Advocate  
P.O. Box 6000  
548 York Street  
Fredericton, N.B.  
E3B 5H1**

**Telephone:**   **(506) 453-2789  
1 (888) 465-1100 (Toll free)**

**Fax:**             **(506) 453-5599**

**E-mail:**         **[nbombud@gnb.ca](mailto:nbombud@gnb.ca)**

**In Person:**     **For appointment  
Telephone (506) 453-2789  
(Toll free) 1 (888) 465-1100**

**Website:**      **[www.gnb.ca](http://www.gnb.ca) Keyword: Ombudsman**



## Mission Statement

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

## Mission Statement

Under the mandate of the *Child and Youth Advocate Act*, the Office of the Child and Youth Advocate promotes the rights and interests of children and youth, strives to ensure that those rights and interests are protected and that their views are heard and considered in appropriate forums where those views might not otherwise be advanced.



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## FROM THE OMBUDSMAN

This Annual Report covers the fiscal year 2006/2007. The most significant event for our office during this period was the addition of the Child and Youth Advocate mandate to those of Ombudsman, Right to Information and Privacy Commissioner and our responsibilities under the Civil Service Act and the Archives Act. The announcement was made on October 26, 2006 and by the end of the fiscal year, it became evident that the task would be a daunting one.

The individual complaints referred to us involving children and youths have been amongst the most difficult we have had to deal with. They are often fueled by raw emotion and never easily resolved. Some of our systemic investigations took up a large part of the year and, in fact, were not close to completion on March 31, 2007, most notably our examination of child protection services and our review of mental health services available to youth with highly complex needs. Both reports will be published in 2007/2008.

Underlining the broad scope of our various mandates was our look into the issue of the City of Fredericton non-resident user fees. For the most part, the matter was resolved between the municipality and its surrounding communities and it is our hope that our report can serve as a model in other parts of the province.

I finished my term as president of the Forum of Canadian Ombudsman at the end of the year, just in time to become the president of the Canadian Council of Parliamentary Ombudsman. I was also invited by the Canadian International Development Agency (CIDA) to speak at the annual meeting of the Pro-Citizenship Institute in Recife, Brazil, and by the Institute of Public Administration of Canada (IPAC) to give a conference on good governance and ethics in government to senior civil servants in Mali, Africa. I continue to believe that Canada, and indeed New Brunswick, must do its part in fostering international development and cooperation.

Again in 2006/2007, the Office of the Ombudsman was not able to accomplish, in a satisfactory manner, the many jobs that are entrusted to it. We remain woefully under funded to do the work that is expected of us. Recently, Professor Donald Savoie and former senior civil servants Jean-Guy Finn and Kevin Malone have said



as much in reports dealing with right to information and privacy. The same could be said for our new responsibilities in child and youth advocacy. A comparison with similar jurisdictions (Newfoundland & Labrador, Nova Scotia, Saskatchewan and Manitoba) will only verify and confirm how lamentable a situation exists here. In the end the losers are the citizens of New Brunswick who do not get the level and quality of service they deserve.

I would be remiss if I did not thank the devoted and hard-working men and women who make it possible for this office to function in a demanding environment. If not for them, I would not be here.

Bernard Richard  
Ombudsman





## CASE SUMMARIES

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

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

### **Family and Community Services – Benefits**

#### ***Resolved – Assistance provided: Withheld Benefits Returned***

In February, our office received a complaint from a concerned citizen that a 16-year-old youth was homeless and living in an abandoned building with no heat or electricity. At the time, the youth was not receiving social assistance from Family and Community Services (FCS) but they agreed to complete a social assessment if he provided them with a mailing address. The youth temporarily lived with several different people, but did not stay at any residence long enough to have the assessment completed.

In March, the youth was suspended from school and living in the abandoned barn again. An accidental fire occurred and he and some other youth staying there barely escaped. Forced from the barn, with no place to go, a judge remanded him to the Miramichi Youth Centre for a 30 day assessment on the suggestion of a social worker attempting to complete his social assessment.

The social worker organized a case conference for individuals working with the youth. His probation officer, his pediatrician, several social workers from FCS, and a delegate from our Office all participated. The pediatrician diagnosed the youth with Fetal Alcohol Syndrome and determined that the youth was not coping socially.

Everyone agreed that upon his discharge from the Centre in April FCS should assist the youth under the Special Needs Children program. Despite the support for this proposal, FCS merely put the youth on a waitlist for the program.



Our Office contacted a senior official at FCS insisting they assist the youth immediately given his vulnerability and the fact that he faced being homeless again. Based on our persistence, FCS decided to make an exception to the eligibility criteria and assist the youth under the program at once. They entered into a 6 month custody agreement with his father and placed him in a foster home.

The Child and Youth Advocate's role in this case was instrumental in obtaining service for the youth who was negatively impacted based on the fact that there are very few services for youth between the ages of 16 to 19 years old.

### **Department of Health – Employment**

#### ***Resolved – Assistance Provided: New Policy Developed***

Our office received a complaint from a civil servant who was on leave from her job. The complainant was upset that the department had not meaningfully informed her of the Leave Without Pay (LWOP) and Long Term Disability (LTD) policies before her leave. Instead, a month and a half before her leave was set to expire, the Department of Health sent her a letter to inform her that the total time for her leave was 28 months and she had three options to choose from at the end of her leave. She could submit an involuntary resignation because of illness or disability, come back to work before the expiration of the leave, or do nothing. The complainant was upset as she felt the Department gave her an inadequate amount of time to make a life altering decision concerning her employment.

When we approached the Department for more information, they told us the LWOP and LTD policies are not specific to the Department of Health, rather they apply to the entire civil service. The Department informed us that a Supervisor or Director usually explains the policies to employees before they go on leave and gives verbal confirmation to each individual that his or her position will be held for 28 months. Then, in accordance with the guidelines, the Department's practice is to send a letter to the employee four months before the expiration of their leave outlining the options available to them. In this specific instance, the Department did not inform the complainant in the usual four month period, as they believed she was returning to work at the end of her leave.



In light of the complaint we received, our Office recommended to the Office of Human Resources a change in policy to better protect the rights of employees. First, we recommended that the Office of Human Resources change the LWOP policy so that departments are required to send a letter advising individuals that their position will be held for 28 months instead of verbally informing them of the policy. Second, we recommended a change to the LWOP policy so that all departments would be required to notify all employees in writing of their options four months prior to the end of their leave whether they believed the individual employee was returning or not.

The result was a change to policy at the departmental level as well as a change to the human resource practices throughout the civil service. The Department of Health committed to informing employees on LTD in writing at the beginning of their leave of the 28 month time period, as well as sending the employee a follow-up letter four months prior to the end of their leave regardless of whether they were returning to work or not. The Office of Human Resources similarly accepted our recommendations, and agreed they would suggest it to other departments and government agencies.

### **New Brunswick Power Corporation – Customer Accounts**

#### ***Resolved – Assistance Provided: Removed Debt from Complainant’s Account***

We received a phone call from a complainant concerning his new account with the New Brunswick Power Corporation. He and his girlfriend had moved into a new apartment together, for the first time, and the new account for their apartment was created in his name. At her last residence, the complainant’s girlfriend incurred a debt to the New Brunswick Power Corporation. The complainant was not living with her at the time and she signed an acknowledgement with NB Power that the outstanding debt was solely her responsibility. At the time of accepting liability for the debt, she also provided NB Power with their new address so they could forward the bill for the debt to her. Despite this, NB Power added the debt to the complainant’s new power account.

NB Power representative told him on the phone that as long as he and his girlfriend resided together that her debt would remain on his account. The complainant thought it was unfair to have the debt on his account as he had not incurred the debt and it



might affect his credit in the future. Also, it created a situation where he was liable for her debt whether they continued to reside together or not as the debt was added to his account.

Concerned that an NB Power representative had added the debt to the complainant's account we phoned to gather more information. After speaking with an official from NB Power, he confirmed that the debt was solely the liability of the complainant's girlfriend. She had signed a debt acknowledgment agreement with the Corporation and agreed to pay off the debt bi-weekly. When she defaulted on her bi-weekly payments, they transferred the debt to his account. When asked where they had the authority to attach the debt to the complainant they admitted an error had occurred and they did not have the authority to transfer the debt. To remedy the error the Corporation removed the debt from the complainant's account and sent it to a collection agency. When advised of the outcome our complainant was pleased the debt was no longer on his account.

### **Public Safety – Corrections**

#### ***Resolved – Assistance Provided: Program Privileges Obtained for Inmate***

A youth in custody at a provincial correctional centre complained to our office that she felt she was not receiving a sufficient amount of school instruction during the day, as inmates only receive a total of three hours of class time a day. The youth expressed an interest in having the opportunity to have either more class time or access to additional educational programs. The inmate asked an investigator at our office whom to contact regarding this issue, at which time the investigator offered his assistance to the youth to obtain more information.

Immediately, the investigator met with senior officials at the correctional centre to inquire about the policy for school instruction for those in custody at the centre. One of the officials explained that it was possible to receive more hours of instruction in some cases. To obtain more hours of instruction an inmate must submit an application and undergo an evaluation prepared by the Department of Education. Due to the complexity of making such an application, the official agreed to personally assist the inmate with this process from start to finish.

A couple of weeks later the investigator phoned the official to follow-up regarding the inmate's request for more hours of instruction. The official informed the investigator that the youth had met with the Unit Manager at the centre and a teacher



and an evaluation was scheduled to take place soon. In addition, the official stated she was confident the application would pass without a problem, resulting in supplementary class time and significant benefits in general for the youth.



## 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

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

To conduct independent, confidential investigations to resolve complaints.

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



## GOALS

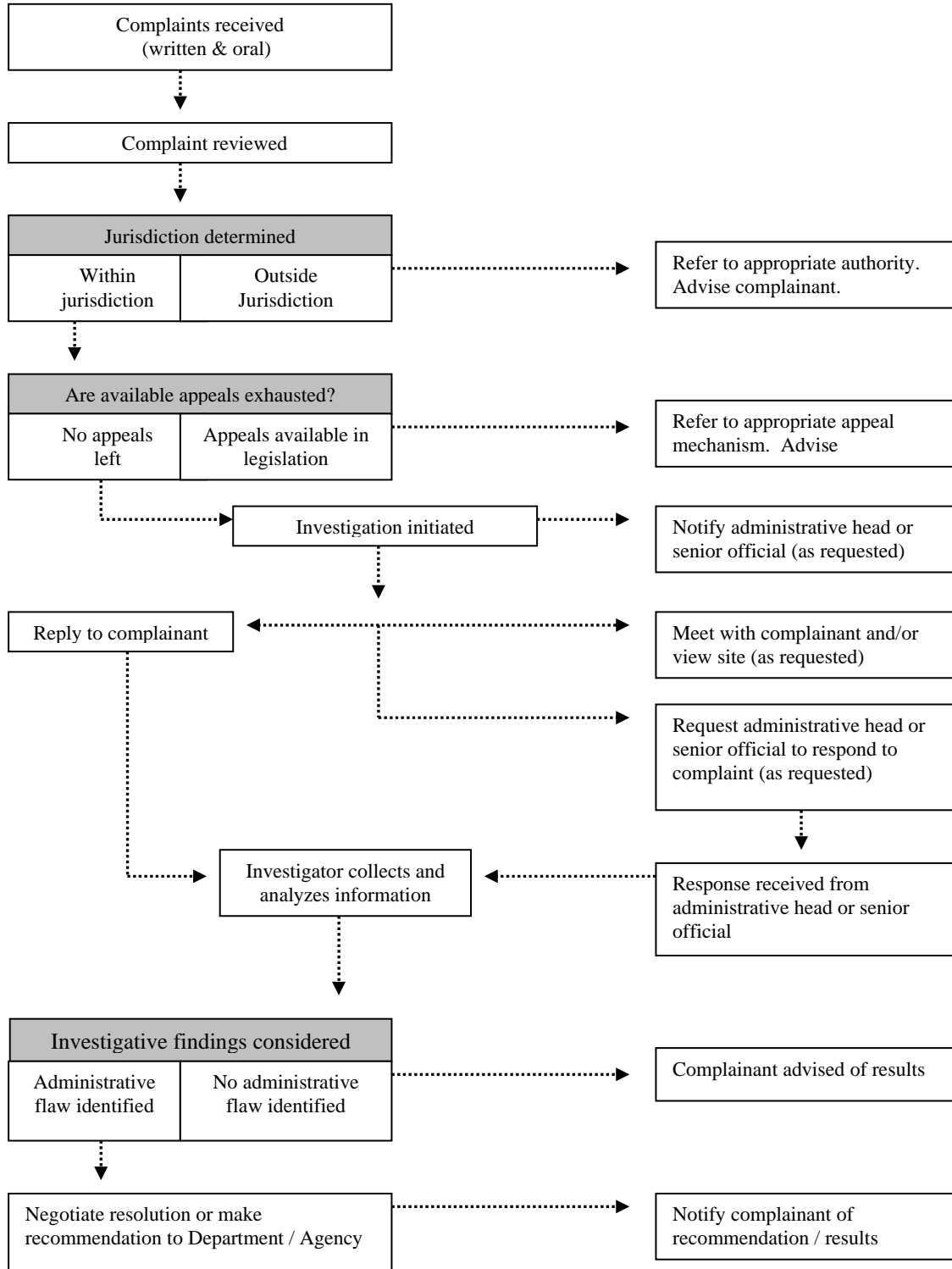
The Office of the Child and Youth Advocate is committed to the following goals:

1. To conduct independent, confidential investigations with the goal of promoting and protecting the rights and interests of children and youth.
2. To provide efficient, effective and accessible services to every child and youth within the framework of the human and fiscal resources provided so that their voices may be heard and considered in forums where their views might not otherwise be advanced.
3. To review policies, procedures, legislation, and bylaws to advance the rights and interests of children and youth and, where appropriate, to provide information and advice to government agencies and officials about the availability, effectiveness, responsiveness, and relevance of services to children and youth.





# METHOD OF HANDLING OMBUDSMAN COMPLAINTS





## THE OMBUDSMAN

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

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

### What we can do

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

### What we can't do

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

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



## THE CHILD AND YOUTH ADVOCATE

The Child and Youth Advocate is an Officer of the Legislative Assembly and is independent of government. The Child and Youth Advocate is appointed and can only be removed upon the recommendation of the Legislative Assembly. In these ways the Child and Youth Advocate is similar to the Ombudsman.

There are marked differences, however, between the Ombudsman and the Child and Youth Advocate. The Child and Youth Advocate acts as an advocate for the rights and interests of children and youths. Under the *Child and Youth Advocate Act*, the advocate is responsible for ensuring that the rights and interests of children and youth are protected and that their views are heard and considered in appropriate forums where those views might not otherwise be advanced. Pursuant to the advocate's mandate under the *Act*, the advocate also provides information and advice to government agencies and officials about the availability, effectiveness, responsiveness, and relevance of services to children and youths.

### What the Advocate Can Do

The Child and Youth Advocate and his staff, pursuant to the *Child and Youth Advocate Act*, have the ability to assist children and youths by:

- Listening to the needs and concerns of area children and youths
- Ensuring that their rights and interests are protected
- Making sure their views are heard in the appropriate forums
- Investigating complaints they may have about how previous situations were handled by government agencies
- Ensuring they have proper access to the appropriate services



- Continually monitoring laws and policies to make sure they are not only fair to children and youths, but that they are followed properly as well
- Reporting on the availability, effectiveness, responsiveness and relevance of child and youths services in the community
- Acting as advocate for the rights and interests of children and youths in general

## **What the Advocate Can't Do**

The Child and Youth Advocate and his staff do not act as advocates for the rights and interests of parents or adults nor do they act as legal counsel in any fashion.



## PERFORMANCE INDICATORS

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

### Supporting our central mission

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

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

### Providing service in an effective and efficient manner

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

*Result - The percentage of complaint files closed within 30 calendar days of the date on which the complaint was received has risen from 67% in 2002/2003 to 86% for 2006/2007. This is the third year in a row which this level has been reached.*



## FINANCIAL INFORMATION

The budgeted and actual expenditure for 2006/2007 are set out in the table below.

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

	2006/2007	
	Budget	Actual
Wages and Benefits	844.4	764.1
Other Services	260.6	255.4
Materials and Supplies	17.5	28.8
Property and Equipment	67.0	27.2
Contributions & Grants	0.0	0.0
Total	1189.5	1075.5

*Note: Budget and actual expenditure (thousands of dollars)*



## OFFICE OF THE OMBUDSMAN

<b>Employees</b>	<b>Work Title</b>
Albert, Jessica	Investigator
Allain, Mélanie	Child & Youth Advocacy Services
Cantin, Francine	Social Worker / Investigator
Dickison, Julie	Executive Secretary
Doyle, Anne	Social Worker/Investigator
Fraser, Amy	Administrative Assistant
Gilliland, Steve	Executive Director
Levert, François	Investigator/Legal Officer
Lévesque, Marie-Josée *	Investigator
Murray, Jennifer *	Investigator/Legal Officer
Pitre, Claire **	Legal Counsel
Richard, Bernard	Ombudsman/Child & Youth Advocate
Savoie, Robert	Investigator
Whalen, Christian	Legal Counsel

\* Part time

\*\* Long term leave



# ***OMBUDSMAN ACT***





## ***OMBUDSMAN ACT***

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

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

### **COMPLAINTS UNDER THE *OMBUDSMAN ACT***

#### **Access**

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

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

#### **Complaints**

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



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

### **Investigation**

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

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

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

### **Providing Information and Referrals**

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

The flow chart on page 15 illustrates the typical manner in which written and oral complaints are handled by the Office of the Ombudsman. Exceptions may occur at the discretion and direction of the Ombudsman.



## **2006/2007 STATISTICS**

The Office of the Ombudsman received a total of 2576 complaints, inquiries and requests for information during the year 2006/2007. Of this number, 1499 were complaints within jurisdiction and investigations were required, 348 were inquiries and requests for information, and 729 were complaints which were not within the jurisdiction of this Office. In addition, 126 complaints carried over from the previous year were investigated. A detailed summary of complaints received appears starting at page 46 of this report.



## CORRECTIONAL INSTITUTIONS

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

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

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

As the statistics relating to the complaints and inquiries received in 2006/2007 will show, the majority relate to matters of administration and are open to investigation by this Office. However, it should also be noted that some complaints were received which were of a **criminal nature** i.e. assault. Such a complaint is a matter for investigation by a police authority. In those instances, this Office brought the matter to the attention of the Department of Public Safety immediately. This Office subsequently confirmed with the Department of Public Safety that the police had been notified regarding the complaint.

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

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



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

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

## **2006/2007 STATISTICS**

In the Correctional Services area, the Office of the Ombudsman processed 634 verbal and written complaints from or relating to individuals incarcerated in provincial correctional institutions. In addition, the Office also received numerous information requests as well as complaints from inmates that were not within the jurisdiction of the Office to investigate.



# *Right to Information Act*



## ***RIGHT TO INFORMATION ACT***

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

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

### **REFERRALS UNDER THE *RIGHT TO INFORMATION ACT***

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

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

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

Usually, the Ombudsman inspects the information on-site, but the records or copies of them may also be provided to the Ombudsman, under seal, for ease of reference in



preparing a recommendation. Depending on the nature of the information requested, this inspection may involve a review of a single document or file, or a folio of documents or boxes of files.

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

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

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

As of January 1, 2006, Ombudsman recommendations under the ***Right to Information Act*** are forwarded in identical format to both parties to a complaint under a legal style of cause. Recommendations raising new issues of interpretation and application of the law are now posted to our website. It is hoped that these measures will help ensure a greater consistency of result in our own efforts, facilitate judicial review of recommendations where necessary, and help better inform the public and government officials with respect to the Act and how it should be interpreted and applied. We were pleased to note during the past fiscal year that a number of these recommendations have been referenced and cited with approval in decisions of the New Brunswick Court of Queen's Bench. One of the recommendations from last year however, involving the application of the personal information exemption was overturned, on this point, by a Queen's Bench decision. *Barnett v. Family and Community Services* 2006 NBQB 411, November 30, 2006 Riordon, J. The decision in that case has reinforced the court's strong view of the personal information exemption under the ***Right to Information Act***. This outcome places the practice in our province at odds with the practice in other Canadian provinces and underscores the need for law reform.

At the close of this fiscal year, the government appointed an independent task force to bring forward recommendations on the reform of the ***Right to Information Act*** and the





***Protection of Personal Information Act.*** A second Task Force was also appointed to report on the need for legislation in the area of Personal Health Information. I have since submitted proposals to both working groups and am looking forward to government's response to the Task Force recommendations.

In September of 2006 our Office participated along with other Canadian Information and Privacy commissioners' offices in Canada's first National Right to Know Week Activities. Two noon hour seminars were organized for the general public and for Right to Information Coordinators in government departments, which were well attended and well received. The Office continued its participation in the organization of the Atlantic Privacy and Access Workshop and will be pleased to host the Atlantic Forum in Moncton in June 2008.

## 2006/2007 STATISTICS

During the year 2006/2007, the Office of the Ombudsman received 65 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 31 investigations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.

Eleven recommendations were posted to our website during the last fiscal year. These dealt in turn with a recommendation regarding the non-application of the Act to records which are already published in the public domain; recommendations dealing with the Minister obligation of confidentiality to special care home operators and their internal records in relation to residents; the application of the Act to District Educational Councils and reports prepared for them by the Comptroller's Office; the right of a former employee to obtain confidential notes and records in relation to a harassment complaint which she had filed 10 years previously; a recommendation for further disclosure with respect to a report prepared for the Minister of Health and commenting upon the performance of medical professionals in an acute care setting; a recommendation regarding an exemption claimed in respect of a document that was prepared for cabinet's review, but shelved before it could be considered; a



recommendation for further disclosure in relation to a contract between NB power and AECL for the refurbishment of the Point Lepreau generating station; a recommendation concerning the specific exemption under the Act in relation to reports produced for consideration in closed door sessions of hospital boards; and a recommendation for further disclosure to the Conservation council of New Brunswick regarding records of decisions about the restructuring of NB Power.

While the *Right to Information Act* does not specify a fixed deadline within which a Minister's response to an Ombudsman recommendation is to be forwarded, the Act does provide that the Minister must indicate in writing to the petitioner and to the Ombudsman his or her disposition of the case following recommendation. In my last report I expressed concern with respect to the number of Ombudsman recommendations which are left without any response from Government departments. Regrettably these types of delays and lack of response, in violation of the public authority's obligations under the act, continue to occur.



# *Civil Service Act*



## ***CIVIL SERVICE ACT***

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

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

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

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

### **APPEALS AND COMPLAINTS UNDER THE *CIVIL SERVICE ACT***

#### **Appeals**

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



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

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

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

### **Complaints**

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

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

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



## 2006/2007 STATISTICS

A total of 50 files were opened under the *Civil Service Act* in 2006/2007. This included 13 appeals under Section 32 of the *Act*. The results of the appeals were as follows: four were dismissed and nine were withdrawn. There were also 11 investigations under Section 33 of the *Act*; six of these investigations were not substantiated, four concluded with clarification being provided, and one investigation was abandoned by the complainant. In addition, there were 17 investigations related to casual employment in the civil service. The other files opened under the *Civil Service Act* were classified as inquiries.



# *Protection of Personal Information Act*



## ***PROTECTION OF PERSONAL INFORMATION ACT***

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

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

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





## **COMPLAINTS UNDER THE *PROTECTION OF PERSONAL INFORMATION ACT***

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

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

While there continues to be relatively few complaints under POPIA, in comparison with other jurisdictions, a number of high profile complaints during this past fiscal year and the one preceding it have brought considerable public attention to these issues. Following upon the resignations of two government Ministers in relation to reported breaches of POPIA, I was asked to investigate a complaint by the leader of the Opposition against the Premier and the Minister of Transportation. This complaint was deemed founded and led to recommendations for improved safeguards in the area of Ministerial correspondence. The Report addressed important issues regarding the accountability of ministers under the Act, the scope of parliamentary immunity and the need to apply the law purposively in a balanced manner so as to ensure that the law is not used as a shield by government officials to defeat calls for transparency and accountability or oppose the tradition of open government. The politicization and potential for abuse of the enforcement mechanism was also considered and it was recommended that further consideration be given to the training needs and accountability processes for ministerial and political staff involved in handling personal information in the public sector.

Also this year, the Ombudsman's Office adopted the practice of publishing its reports into complaints under POPIA and framing them with a style of cause and format more consistent with a record of decision. Two reports from this sector are now available on our web-site.

The Office has taken active part in federal-provincial initiatives to develop the Access and Privacy network of professionals within Atlantic Canada and throughout



the Francophonie. Following upon the analysis in our last annual report we were able to secure from government increased funding to maintain our current level of resource-commitment to the Privacy and access aspect of our mandate but our per capita expenditures remain the lowest of any oversight agency in the country and we view this continued underfunding as a critical shortfall, particularly in light of the law reform efforts now underway and an increased role of monitoring and advice that we are called upon to play in relation to a wide variety of issues from departmental information management practices, to calls for enhanced drivers licenses as border control documents, to the development of an electronic health record.

## 2006/2007 STATISTICS

During the year 2006/2007, the Office of the Ombudsman received 39 complaints and enquiries in regards to the *Protection of Personal Information Act*.



# *Child & Youth Advocate Act*



## ***CHILD & YOUTH ADVOCATE ACT***

The *Child and Youth Advocate Act* received Royal Assent on June 30, 2004; however no one was appointed to the position until October 26, 2006 when the Ombudsman agreed to assume responsibility for this legislation to ensure that children and youths' rights and interests are protected in government policy, programs and services.

Section 2 of the Act outlines the Advocates responsibilities as:

- (a) ensuring that the rights and interests of children and youths are protected;
- (b) ensuring that the views of children and youths are heard and considered in appropriate forums, where those views might not otherwise be advanced;
- (c) ensuring that children and youths have access to services, and that complaints children and youths might have about those services receive appropriate attention;
- (d) providing information and advice to the government, government agencies, and communities, about the availability, effectiveness, responsiveness, and relevance of services to children and youths; and
- (e) acting as an advocate for the rights and interests of children and youths generally.

The Advocate is not to act as legal counsel. In carrying out the functions and duties of the Office, the Advocate may pursuant to subsection 13(1):

- (a) receive and review a matter relating to a child, a youth, or a group of children or youths;
- (b) advocate or mediate or use another dispute resolution process on behalf of a child, youth, or a group of children or youths;



- (c) if advocacy, mediation or another dispute resolution process has not resulted in an outcome the Advocate deems satisfactory, conduct an investigation on behalf of the child, youth, or group of children or youths;
- (d) initiate and participate in, or assist children and youths to initiate and participate in case conferences, administrative review, mediation, or other process in which decisions are made about the provision of services;
- (e) inform the public about the needs and rights of children and youths, including information about the Office of the Child and Youth Advocate;
- (f) make recommendations to the government or an authority about legislation, policies, and practices, respecting services to or the rights of children and youths.

(Amendments to the *Child and Youth Advocate Act*, proclaimed on June 30, 2007 have greatly improved the independence, authority and effectiveness of the Office. The Advocate retains his specialized function in relation to advocacy and early resolution of complaints brought to his attention but is granted all the powers, privileges and authority of a parliamentary Ombudsman. Additionally the Advocate and members of his staff are subject to strict confidentiality provisions. The Advocate's terms of appointment and provisions for removal were also modified to strengthen the independence of the Office and the Advocate's powers of compulsion of records and other powers with respect to investigations were greatly improved).

## **Complaints under the *Child and Youth Advocate Act***

### **Complaints**

Child and Youth Advocate (CYA) complaints may be distinguished from those of the Ombudsman primarily by any involvement of children or youths and also the need to have the best interest of the child at the forefront of the investigation.



Some complaints come directly from the child or youth in question, but the vast majority have come from someone else concerning a child or youth. Regardless of who is originating the complaint, the focus of the CYA is the best interest of the child at all times. It is a child centered approach. This is consistent with a recent Supreme Court of Canada judgment in *Syl Apps Secure Treatment Centre v. B. D.*, July 27, 2007.

Generally, Ombudsman investigations take between one to three months, however, CYA complaints tend to take longer. It is important to keep a relationship with the complainant active and to make contact on a regular basis to provide and receive information on the case.

Case sensitivity is extremely important in CYA cases; much of the information is confidential.

### **Systemic Issues**

In addition to individual complaints, in the first few months of operation, the Office also identified and started working on a systemic file involving hard to serve youth and continued working on an investigation into a child's death.

## **INFORMING THE PUBLIC OF THE NEW CYA MANDATE AND SETTING UP THE NEW OFFICE**

In the period covered by this annual report, the Office has done much to heighten awareness and inform the public that the Province now has an active and interested advocate for children and youth, for example, with the creation of a new logo, a brochure and poster campaign.

The Office responded to many inquiries about the new mandate, attended conferences and started inviting people to give presentations on several topics related to children and youth. The Office also discussed establishing internal operating procedures and building relationships with other stakeholders.



## **Challenges**

The Office was faced with more daunting challenges than anticipated. Early on in the mandate, in the period covered by this annual report, access to documents was a constant struggle. However, it has improved since, partly as a result of the amendments to the *Child and Youth Advocate Act*, proclaimed on June 30, 2007.

## **2006/2007 STATISTICS**

In the period covered by this annual report a total of 76 files were opened under the *Child and Youth Advocate Act* in 2006/2007, between the beginning of the newly appointed Child and Youth Advocate's mandate on October 26, 2006 and the end of March 2007. Most of the complaints have come from family members, not from children or youths. A few have come from concerned citizens or government officials. In these first five months of operation, the Office received complaints on a variety of issues, including allegations of child abuse or neglect, access to mental health services, child custody and access, child support payments, children with special needs at school, adoption, lack of social services for youths 16-19, etc. Many fall under the Department of Family and Community Services, although other departments such as the Department of Education, the Department of Health and the Department of Justice have also been involved.



# **Summary of 2006/2007 Statistics**





## 2006/2007 STATISTICS

- The Office of the Ombudsman received a total of 2576 complaints, inquiries and requests for information during the year 2006/2007. Of this number, 1499 were complaints within jurisdiction and investigations were required, 348 were inquiries and requests for information, and 729 were complaints which were not within the jurisdiction of this Office. In addition, 126 complaints carried over from the previous year were investigated.
- During the year 2006/2007, the Office of the Ombudsman received 65 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 31 investigations and also provided general information to a number of individuals who were seeking advice regarding the procedure to follow when requesting information contained in government documents.
- A total of 50 files were opened under the *Civil Service Act* in 2006/2007. This included 13 appeals under Section 32 of the *Act*. The results of the appeals were as follows: four were dismissed and nine were withdrawn. There were also 11 investigations under Section 33 of the *Act*; six of these investigations were not substantiated, four concluded with clarification being provided, and one investigation was abandoned by the complainant. In addition, there were 17 investigations related to casual employment in the civil service. The other files opened under the *Civil Service Act* were classified as inquiries.
- During the year 2006/2007, the Office of the Ombudsman received 39 complaints and enquiries in regards to the *Protection of Personal Information Act*.
- In the Correctional Services area, the Office of the Ombudsman processed 634 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.



- In the period covered by this annual report a total of 76 files were opened under the *Child and Youth Advocate Act* in 2006/2007, between the beginning of the newly appointed Child and Youth Advocate's mandate on October 26, 2006 and the end of March 2007. Most of the complaints have come from family members, not from children or youths. A few have come from concerned citizens or government officials. In these first five months of operation, the Office received complaints on a variety of issues, including allegations of child abuse or neglect, access to mental health services, child custody and access, child support payments, children with special needs at school, adoption, lack of social services for youths 16-19, etc. Many fall under the Department of Family and Community Services, although other departments such as the Department of Education, the Department of Health and the Department of Justice have also been involved.



## STATISTICAL TABLE 2006/2007

### COMPLAINTS WITHIN JURISDICTION RECEIVED IN 2006/2007

(Does not include Inquiries or Non-jurisdiction complaints)

Departments/ Agencies	Total	Assistance Rendered	Referral Given/ Clarification Provided	Not Substantiated	Discontinued by Client/ Ombudsman
Education	26	9	4	6	7
Environment and Local Government	22	1	11	8	2
Family and Community Services	310	80	102	51	77
Health and Wellness	30	9	10	6	5
Justice	28	5	7	12	4
Natural Resources	13	2	5	2	4
NB Power Corporation	48	19	13	7	9
Municipalities	49	2	29	9	9
Office of Human Resources	10	3	4	2	1
Public Safety	551	86	215	166	84
Service New Brunswick	28	3	13	9	3
Post-Secondary Education, Training and Labour	33	12	10	4	7
Transportation	35	9	15	5	6
Workplace Health, Safety and Compensation Commission	94	17	53	12	12
Regional Health Authorities	36	7	18	4	7
School Districts	40	5	16	11	8
**Other	146	26	62	16	42
<b>Total</b>	<b>*1499</b>	<b>295</b>	<b>587</b>	<b>330</b>	<b>287</b>

\*This number does not include 126 investigations which were continued from the previous year.

\*\* Departments/agencies with 10 or less complaints during 2006/2007.

\*\*\* 153 complaints were still under investigation at year end.



## TYPES OF COMPLAINTS BY DEPARTMENT

The following tables provide the number of complaints by type and by Department investigated in the year 2006/2007. In consideration of the confidentiality provisions of the *Ombudsman Act*, only those Departments with more than 10 complaints are set out in the tables below.

### CORRECTIONAL INSTITUTIONS

#### Verbal and Written Complaints and Requests for Information

	2006/2007	2005/2006
<b>Health Issues</b>		
Prescriptions Requested or Denied	55	72
Request to see Nurse / Doctor	37	37
Dental	9	7
Request to go to Hospital	22	18
Glasses, Eye Care	2	6
Special Diet	5	1
Threat of Suicide	3	1
Physiotherapy	-	2
Mental Health	2	3
Medical Appliance	2	6
Medical Treatment	7	1
Assault/Abuse – Physical, Sexual, etc	8	-
<b>Subtotal</b>	<b>152</b>	<b>154</b>
<b>Living Conditions</b>		
Clothing and Bedding	10	14
Cleanliness	17	11
Food	16	16



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Heat and Ventilation	1	1
Overcrowding	7	17
Smoking	3	6
Maintenance and Repairs	<u>3</u>	<u>4</u>
<b>Subtotal</b>	<b>57</b>	<b>69</b>
Administration	5	9
Admission – Discharge	2	-
Temporary Absence Program	4	10
Courts	10	-
Legal Aid	4	-
Parole	3	-
Official Languages	1	-
Discipline	28	15
Personal / Inmate Property	15	34
Classification / Transfer	57	43
Request for House Arrest	6	7
Visiting Privileges	19	14
Recreation	6	8
Placement within Institution	25	21
Program Privileges	12	4
Telephone Use	10	13
Correspondence	5	4
Sentence / Remission Calculation	9	8
Contraband	5	3
Segregation	16	18
Staff Conduct and Deportment	26	14
Threatened by Presence of Other Inmates	2	5
Request Form	3	2
Requests for Items Denied	8	13
Abandoned By Inmate	5	4
Other (includes Non Jurisdiction & Inquiry)	<u>139</u>	<u>45</u>
<b>Subtotal</b>	<b>425</b>	<b>294</b>
<b>Total</b>	<b>634</b>	<b>517</b>

**FAMILY AND COMMUNITY SERVICES**

	2006/2007	2005/2006
<b>Income Assistance Benefits</b>		
Discontinued / Reduced	16	34
Denied	20	30
Amount / Calculation	12	16
Eligibility Criteria	31	27
Long Term Needs	4	9
Repayment	6	6
Delay	<u>5</u>	<u>7</u>
<b>Subtotal</b>	94	129
<b>Housing Units</b>		
Repairs	13	25
Availability	23	39
Evictions	8	11
Inspections	3	1
Tenant Rights	7	11
Transfers	<u>4</u>	<u>4</u>
<b>Subtotal</b>	58	91
Complaints Regarding Staff	14	17
Administration	10	16
Health Card	17	24
Protection Services	31	34
Heat Supplement	2	3
Adoption	7	5
Medical Issues	11	10
Loans / Grants-Housing	18	22
Nursing Homes/Residential Services	13	19
Employment	9	4
Appeal Board	7	3
Appliances/Furniture	2	6
Other (includes Non Jurisdiction & Inquiry)	<u>83</u>	<u>15</u>
<b>Total</b>	<b>376</b>	<b>398</b>



## WORKPLACE HEALTH, SAFETY AND COMPENSATION COMMISSION

	2006/2007	2005/2006
<b>Compensation</b>		
Discontinued / Reduced Amount / Calculation	17 8	22 7
Long-term Disability Benefits	<u>1</u>	<u>-</u>
<b>Subtotal</b>	<b>26</b>	<b>29</b>
Appeals Tribunal	10	6
Benefits – Delay	1	-
Claim Denied	15	22
Administration	7	5
Medical Payments	2	3
Deeming	2	3
Employability Assessments	2	1
Health and Safety	-	2
Complaints Regarding Staff	4	12
Retraining	1	-
Medical Rehabilitation	4	6
Permanent Partial Impairment	2	3
Others (includes Non Jurisdiction & Inquiry)	<u>34</u>	<u>6</u>
<b>Total</b>	<b>110</b>	<b>98</b>



## EDUCATION

	2006/2007	2005/2006
Administration	1	3
Transportation	1	6
Children with Special Needs	4	12
Student Loans	2	16
Employment	3	4
Home Schooling	-	1
Appeal Process	1	1
Access to School Records	1	1
Suspensions	3	6
Complaints Regarding Staff	2	5
Others (includes Non Jurisdiction & Inquiry)	<u>14</u>	<u>9</u>
<b>Total</b>	<b>32</b>	<b>64</b>

## NB POWER CORPORATION

	2006/2007	2005/2006
Employment	1	-
Service Issues	1	4
Disconnection	11	24
Payment Schedules	3	3
Billing-Amount / Calculation	18	9
Security Deposit	6	2
Administration	1	-
Damage Claims	4	2
Other (includes Non Jurisdiction & Inquiry)	<u>16</u>	<u>8</u>
<b>Total</b>	<b>61</b>	<b>52</b>





## HEALTH AND WELLNESS

	2006/2007	2005/2006
Mental Health	10	4
Hospital Employment	2	3
Administration	1	2
Complaints Regarding Staff	-	1
Medicare	5	16
Permits / Licenses	1	1
Homemaker Services	-	1
Ambulance Services	1	1
Special Needs Programs	1	-
Public Health	5	3
Addiction Services	2	2
Vital Statistics	2	4
Others (includes Non Jurisdiction & Inquiry)	<u>10</u>	<u>2</u>
<b>Total</b>	<b>40</b>	<b>40</b>



## TRANSPORTATION

	2006/2007	2005/2006
Road / Bridge Maintenance	2	12
Employment	14	10
Damage Claims	6	2
Access / Right of Way	1	2
Property Issues	7	2
Administration	1	1
Expropriation Procedures	1	3
Complaints Regarding Staff	3	1
Highway Signage	-	1
Others (includes Non Jurisdiction & Inquiry)	<u>12</u>	<u>2</u>
<b>Total</b>	<b>47</b>	<b>36</b>

## PUBLIC SAFETY

	2006/2007	2005/2006
Permits / Licenses	16	16
Administration	1	-
Classification – Transfer	1	-
Complaints Regarding Staff	3	1
Coroner Services	1	2
Emergency Measures	1	4
Employment	-	2
Other (includes Non Jurisdiction & Inquiry)	<u>14</u>	<u>16</u>
<b>Total</b>	<b>37</b>	<b>41</b>



## JUSTICE AND ATTORNEY GENERAL

	2006/2007	2005/2006
Administration	4	1
Complaint Regarding Staff	4	4
Employment	-	3
Support Payments and Orders	5	8
Insurance Branch	2	1
Others (includes Non Jurisdiction & Inquiry)	<u>29</u>	<u>12</u>
<b>Total</b>	<b>44</b>	<b>29</b>

## MUNICIPALITIES

	2006/2007	2005/2006
Administration	5	1
Employment	6	5
Expropriation	1	1
Local Service Districts	1	-
Municipal By Laws	12	9
Property Issues	7	2
Right to Information	1	4
Roads/Streets	2	3
Services	11	1
Water Sewage	10	5
Others (includes Non Jurisdiction & Inquiry)	<u>16</u>	<u>1</u>
<b>Total</b>	<b>72</b>	<b>32</b>



## ENVIRONMENT AND LOCAL GOVERNMENT

	2006/2007	2005/2006
Administration	-	5
Inspections	1	1
Local Service Districts	4	1
Permits-Licenses	-	4
Complaint regarding Staff	1	1
Employment	-	1
Pollution	8	6
Property Issues	3	7
Unsightly premises	1	-
Water Sewage	2	1
Others (includes Non Jurisdiction & Inquiry)	<u>12</u>	<u>4</u>
<b>Total</b>	<b>32</b>	<b>31</b>

## REGIONAL HEALTH AUTHORITIES

	2006/2007	2005/2006
Administration	2	3
Complaint Regarding Staff	4	5
Employment	4	10
Harassment (Employment)	1	1
Labour Relations Issues	5	-
Mental Health Services	2	1
Protection Services	1	-
Treatment	4	7
Extra Mural Services	2	3
Others (includes Non Jurisdiction & Inquiry)	<u>17</u>	<u>16</u>
<b>Total</b>	<b>42</b>	<b>46</b>

**SERVICE NEW BRUNSWICK**

	2006/2007	2005/2006
Administration	1	7
Complaint Regarding Staff	2	3
Employment	1	1
Permits/Licenses	10	4
Property Assessment	13	9
Property Assessment-Appeal Procedures	2	1
Registry Office – Procedures	2	1
Others (includes Non Jurisdiction & Inquiry)	<u>9</u>	<u>4</u>
<b>Total</b>	<b>40</b>	<b>30</b>

**POST-SECONDARY EDUCATION AND TRAINING**

	2006/2007	2005/2006
Community College-Admission Process	-	1
Community College-Programs	-	1
Community College-Others	4	3
Community College-Testing	3	-
Employment	14	7
Employment Programs	-	2
Grants-Loans	6	2
Complaints regarding staff	3	1
Student Loans	5	-
Others (includes Non Jurisdiction & Inquiry)	<u>7</u>	<u>14</u>
<b>Total</b>	<b>42</b>	<b>31</b>

**NB HUMAN RIGHTS COMMISSION**

	2006/2007	2005/2006
Administration	1	-
Complaints Regarding Staff	1	-
Investigation Procedures	3	6
Delay	3	4
Others (includes Non Jurisdiction & Inquiry)	<u>4</u>	<u>4</u>
<b>Total</b>	<b>12</b>	<b>14</b>

**OFFICE OF HUMAN RESOURCES**

	2006/2007	2005/2006
Benefits-Long Term Disability	1	2
Benefits-Group Insurance	1	-
Equal Employment Opportunity	-	1
Employment	2	-
Job Classification	-	2
Labour Relations	2	2
Pensions	4	4
Staffing Policy	1	1
Complaints Regarding Staff	2	-
Compensation Policy	-	2
Others (includes Non Jurisdiction & Inquiry)	<u>2</u>	<u>1</u>
<b>Total</b>	<b>15</b>	<b>15</b>



## ENERGY

	2006/2007	2005/2006
Payment Schedule	1	-
Others (includes Non Jurisdiction & Inquiry)	<u>12</u>	<u>-</u>
<b>Total</b>	<b>13</b>	<b>-</b>

## FINANCE

	2006/2007	2005/2006
Administration	-	1
Employment	2	2
Property Tax Sale	2	2
Sales Tax	1	1
Tax Rebate Programs	3	-
Others (includes Non Jurisdiction & Inquiry)	<u>3</u>	<u>5</u>
<b>Total</b>	<b>11</b>	<b>11</b>



## NATURAL RESOURCES

	2006/2007	2005/2006
Access to Property	1	1
Complaints Regarding Staff	1	2
Crown Land – Leases	3	1
Employment	2	6
Enforcement	-	1
Forest Protection	-	1
Permits – Licenses	2	3
Property Ownership	4	-
Others (includes Non Jurisdiction & Inquiry)	<u>3</u>	<u>6</u>
<b>Total</b>	<b>16</b>	<b>21</b>

## SCHOOL DISTRICTS

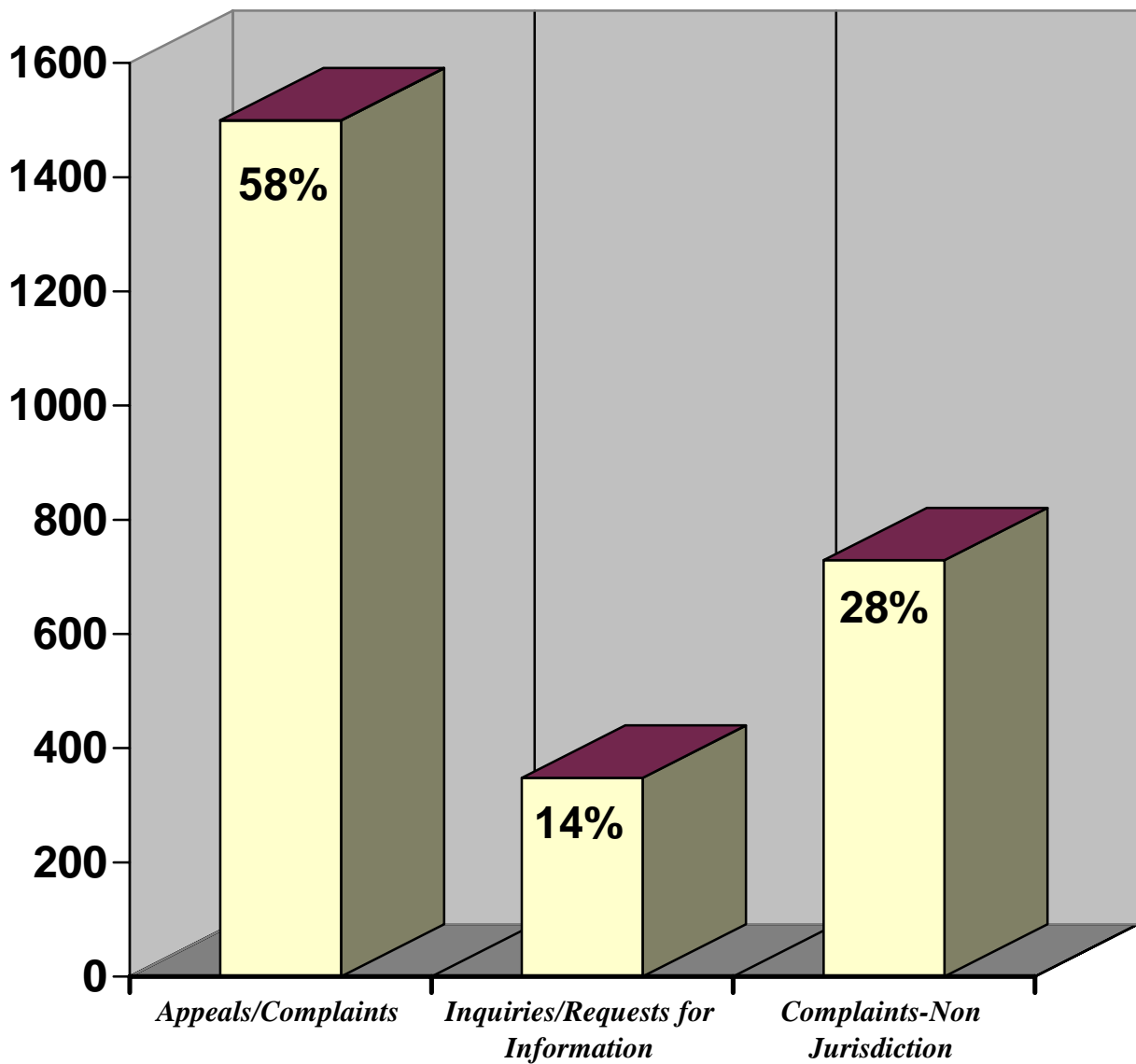
	2006/2007	2005/2006
Access to School Property	1	-
Administration	5	-
Appeal Process	2	1
Children with Special Needs	7	2
Closing of Schools	1	-
Complaints Regarding Staff	4	1
Employment	5	-
French Immersion Program	1	-
Suspensions	4	2
Transportation	3	2
Others (includes Non Jurisdiction & Inquiry)	<u>14</u>	<u>3</u>
<b>Total</b>	<b>47</b>	<b>11</b>





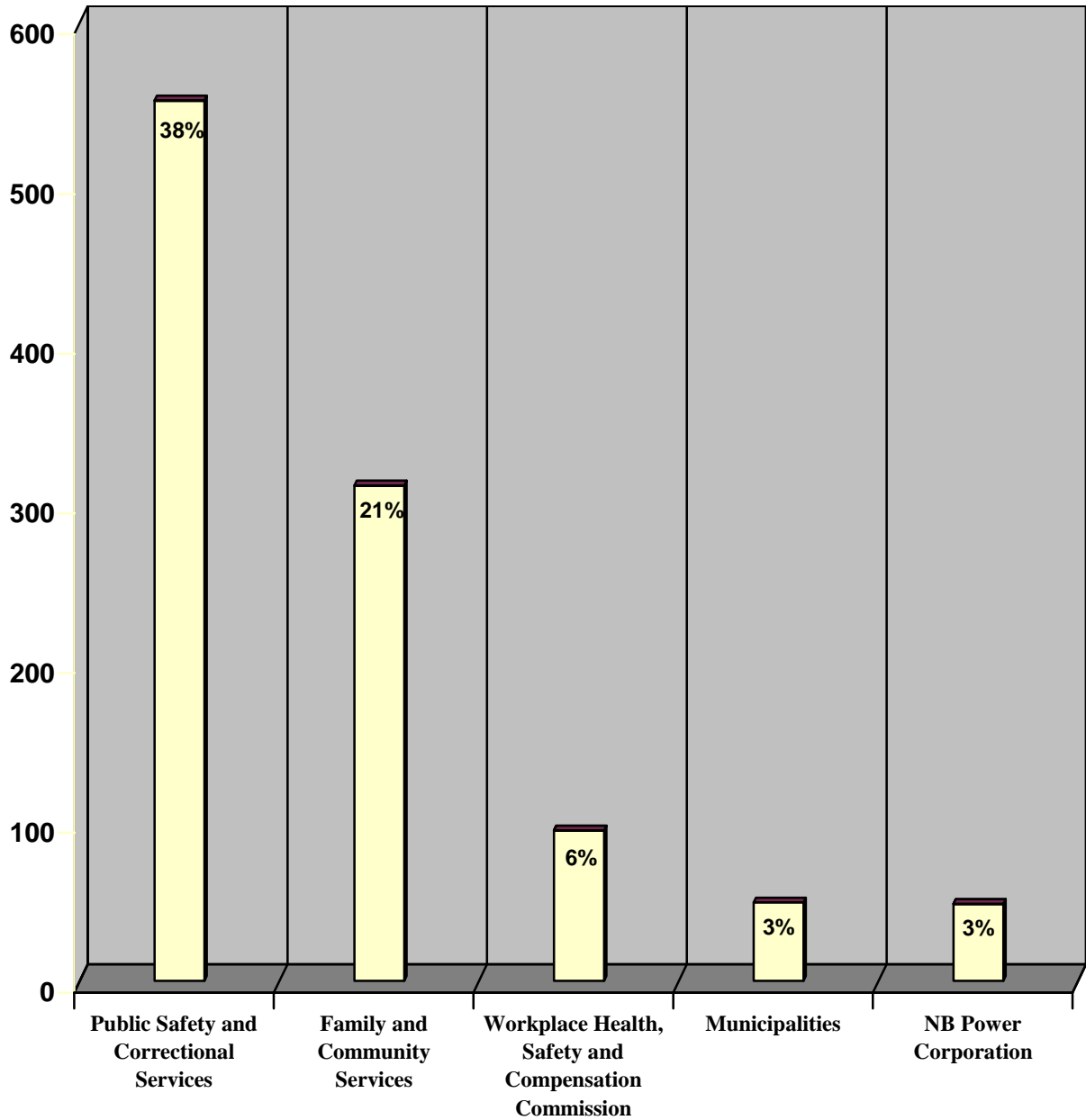
## CHARTS

### COMPLAINTS, INQUIRIES AND REQUESTS FOR INFORMATION RECEIVED IN 2006/2007





## FIVE MAJOR SOURCES OF COMPLAINTS





## OUTCOME OF COMPLAINTS

