



OMBUDSPERSON
BRITISH COLUMBIA

ANNUAL REPORT

2021 • 2022



ABOUT OUR OFFICE

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

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

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

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

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



OMBUDSPERSON
BRITISH COLUMBIA

October 2022

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

Dear Mr. Speaker,

It is my pleasure to present the Ombudsperson's 2021/2022 Annual Report to the Legislative Assembly.

The report covers the period April 1, 2021 to March 31, 2022 and has been prepared in accordance with section 31(1) of the *Ombudsperson Act* and section 40(1) of the *Public Interest Disclosure Act*.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia





CONTENTS

| | |
|--|----|
| MESSAGE FROM THE OMBUDSPERSON | 2 |
| YEAR AT A GLANCE | 4 |
| MAPPING A PATH FORWARD | 5 |
| OUR WORK UNDER THE <i>OMBUDSPERSON ACT</i> | 12 |
| INTAKE AND EARLY RESOLUTION | 17 |
| INVESTIGATIONS..... | 19 |
| PUBLIC REPORTING AND MONITORING | 22 |
| OUTREACH AND COMMUNITY ENGAGEMENT.... | 28 |
| PROACTIVELY PROMOTING FAIR AND REASONABLE PUBLIC SERVICES..... | 32 |
| OUR WORK UNDER THE <i>PUBLIC INTEREST DISCLOSURE ACT</i> | 37 |
| CASE SUMMARIES | 45 |
| YEAR IN NUMBERS | 69 |
| STAFF AND FINANCES | 84 |
| CASE SUMMARY AUTHORITY INDEX | 87 |



MESSAGE FROM THE OMBUDSPERSON

2021/22 was an extraordinary year for all of us. As the COVID-19 pandemic continued to disrupt our lives we grappled with the shift to a 'new normal'. The pace of significant changes to public programs in the last two years has been unprecedented and concurrently, the demand for oversight of public services has increased. The message is clear: the service that my office, and Ombuds offices around the world, provides is needed more than ever.

There is no question that the various measures governments have taken during the pandemic continue to leave some members of the public believing they have been treated unfairly. We continued to see the impacts of the pandemic in every aspect of our work this past year. Members of the public complained to us about pandemic-related service changes across the public sector. Our Pandemic Work Coordinating Committee identified a number of issues to which we could proactively respond. In May, in collaboration with our provincial and territorial Ombudsman counterparts, we issued *A Cautious Way Forward*, a guidance document that identified and discussed important fairness principles for public bodies to consider when using vaccine certification systems.

Our individual complaint investigations led to a wide range of positive outcomes in relation to health care complaints. We helped to address barriers facing doctors seeking to practice in the province, helped a woman get the heart medication she needed, and helped to expedite a critically needed surgery that had been repeatedly cancelled. This report illustrates the difference my office's investigations make for individuals

and how individual complaints can lead to systemic improvements. When people have been treated unfairly, we're here to help.

The need for our services was also apparent as we delivered our still new mandate under the *Public Interest Disclosure Act*. We continue to share our knowledge and expertise with people calling for advice about the Act, and public employees appreciate having an independent, safe place to bring their disclosures of potential wrongdoing or concerns of reprisal. With the Attorney General's announcement of a timeline for the expansion of the *Public Interest Disclosure Act* to the broader provincial public sector, we also began the process of engaging with the agencies, tribunals, boards and commissions that were part of the first phase of expansion. In support of this implementation work, our Public Authority Consultation and Training (PACT) team continued to develop a wide range of training and resources for public bodies and an online course that outlines key information for their employees.

PACT's educational and consultation services continue to fill a need across the broader public sector. From our virtual fairness workshops including our popular Fairness in Practice course, to consulting with public bodies on the development of policies and issuing additional "quick tip" resources for decision makers, demand for strengthened fairness training among staff in public bodies continues to increase.

The public investigative reports that we published this past year highlight significant issues requiring public attention and systemic change. We issued three public investigative reports, which made recommendations to address significant issues of fairness in local government, youth custody and workers' compensation. While I was pleased to see the recommendations in two of these reports accepted, I am disappointed that

the government did not accept the recommendations made to the Ministry of Labour in *Severed Trust*, our report on a gap in the workers' compensation system that had significant consequences for an injured worker. The ministry's rejection of these recommendations in particular leads me to renew my call for the Legislative Assembly to mandate a legislative committee to consider all of our reports. As I have outlined previously, this is a practical and cost-effective way to assist legislators to give our reports focused attention.

Through our monitoring work, we continued to track the implementation of recommendations made to public authorities in our past public reports. Two monitoring reports issued this year showed the value of this ongoing work to improve public administration, as almost all of our recommendations from those reports have been implemented or are underway.

Also on the public reporting front, we worked with the Information and Privacy Commissioners of BC and Yukon and the Ombudsman of Yukon to develop and release *Getting Ahead of the Curve*, a best practice guide that highlights the need for fairness and privacy protections in the use of artificial intelligence in public sector decision making.

In 2021/22, we began the first phase of our transition to outcome-based performance measures, contracting with Leger 360 to conduct a survey with a representative sample of British Columbians to gauge awareness and understanding of our office and role. It was gratifying to see that the results reflect a high degree of agreement that our office provides services in a way that is consistent with our values. At the same time, however, there is a low level of awareness of our office. We will be working hard to improve awareness; when people don't know they can come to our office, fairness concerns may go unaddressed. The results of this survey suggest that there is a significant unmet need for the services our office provides.

In all of our work, a key priority continues to be Reconciliation with Indigenous Peoples. We made significant progress on the development of our Indigenous Communities Services Plan last year.

Consistent with our commitment to Reconciliation, the plan aims to strengthen our partnerships with Indigenous service providers, community leaders and individuals to ensure all Indigenous Peoples across BC are treated fairly by provincial and local public authorities under our jurisdiction.

When our phone lines open each morning, we hear the voices of people who are struggling – with confusion about how government works, with mental health and addictions challenges, with frustration about bureaucratic systems, and with the pandemic and how it has made access to government services in many cases harder. I want to acknowledge the exemplary work of the public facing staff of my office who listen and respond to every complaint and enquiry we receive with empathy and patience. Our Intake and Early Resolution team is our office's front door and I know all those who come to that door are welcomed and their concerns are taken seriously. For some members of the public, it is the first time someone has taken the time to listen.

The last year has been challenging for British Columbians. We have seen the ongoing impacts of the pandemic but we also saw fires, landslides and flooding that forced many from their homes. The uncertainty created by these events underscores the need for the fair delivery of public services that people rely on every day. And when people feel they haven't been treated fairly, our office will continue to be there, to listen, to investigate, to resolve and to hold government to a high standard of fairness and accountability in the delivery of public services.

Sincerely,



Jay Chalke
Ombudsperson
Province of British Columbia

YEAR AT A GLANCE



8,215

Complaints and enquiries under the *Ombudsperson Act*



78

Public Interest Disclosure Act enquiries and reports received

Top 3 complaint issues



1,913

Disagreement with decision or outcome



1,512

Process or procedure



938

Communication

Top 3 public bodies by complaint volume



509

Ministry of Health



487

ICBC



477

Ministry of Children and Family Development



39

Tailored training and fairness consultations



1,246

Complaints assigned to investigation



95

Communities reached through virtual public webinars

8:80

8 Indigenous Consultation Circles held with 80 participants



42

Media interviews



21%

Increase in website traffic (unique page views)

MAPPING A PATH FORWARD

MAPPING A PATH FORWARD

*This past year we released the office's sixth 5-year **Strategic Plan**. The plan was developed through consultation with staff, public servants, community agencies and members of the public all of whom greatly informed our assessment of our current state, our progress during the previous five-year strategic plan, and our future direction. Our new plan renews our vision, mandate and core principles, establishes goals and objectives, and identifies key strategies that will help us ensure we are delivering the best possible service to the public.*

Our Vision

FAIRNESS & ACCOUNTABILITY IN BRITISH COLUMBIA'S PUBLIC SERVICES

Our Mandate

BRITISH COLUMBIA'S
INDEPENDENT VOICE
FOR FAIRNESS AND
ACCOUNTABILITY



OUR GOALS

1 Deepen our connection with the public

2 Enhance and modernize our services


3 Expand our investigative impact on fairness in public services

4 Help authorities to prevent unfairness before complaints arise

5 Support implementation of whistleblower protections across the broader public sector

6 Advance and support Reconciliation through our work with Indigenous Peoples

7 Be an inclusive, supportive and engaged workplace



Principles that Guide our Work

- FAIRNESS
- ACCOUNTABILITY
- INTEGRITY
- RESPECT
- IMPARTIALITY
- SERVICE

OUR INDIGENOUS STRATEGIC APPROACH

Goal six of our Strategic Plan is “advance and support Reconciliation through our work with Indigenous Peoples”. Under this goal, we seek to build ongoing committed relationships of renewal, reciprocity, responsibility and respect with Indigenous communities and organizations. This responsive partnered approach will link to all aspects of our work, encouraging an enhanced understanding and expansion of whom we serve, how we serve, and what accountability and transparency mechanisms are desired, feasible, and effective.

Internal capacity development is essential to these service delivery improvements. We will develop guidelines for collaboration and referral resources. We will provide regular training on the legal frameworks, shared histories and colonial structures that impact Indigenous Peoples, as well as culturally safe strategies and trauma-informed approaches for working with people of varying backgrounds, lived experiences and identities.

“The wolf has long been a symbol of guardianship, loyalty and most of all, spirit. Always present in the shadows having watchful eyes on the territories... Not often is the wolf seen during the day, but most often in the evenings among moonlit skies. Just as the Ombudsperson reflects in the work they do working diligently to ensure the rights of people are met.”

*Ləkʷəŋən (Lekwungen) artist
Brianna Dick*

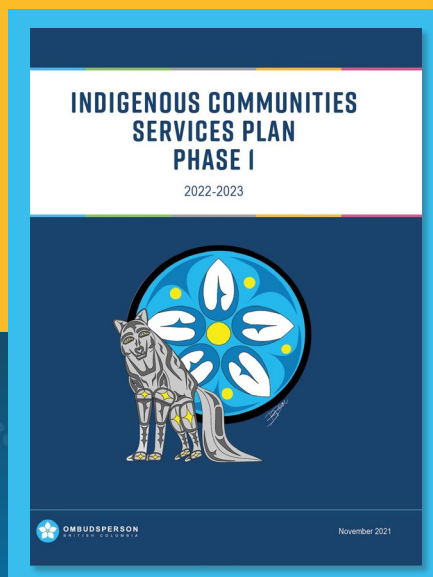


Indigenous Communities Services Plan

In 2021, we started development of an Indigenous Communities Services Plan (ICSP). The plan aims to strengthen relationships with Indigenous service providers, community leaders and individuals to ensure all Indigenous Peoples across BC are treated fairly by provincial and local public bodies under our jurisdiction. The ICSP sets our frameworks for how we will work collaboratively with Indigenous Peoples.

In November 2021, we released Phase One of the plan outlining our key activities to that point which included staff cultural literacy training, virtual community round tables and focus groups. Phase One also set

out our plans for Ombudsperson Pathfinders across the province. Planning for Phase Two is now under development with additional planning and engagement, as highlighted in the Outreach and Engagement section of this report (see page 28).



We heard the community express issues around trust and that in building genuine relationships, there needs to be consistent, honest and open communication. To foster trust and maintain relationships grounded in reciprocal accountability, steps need to be taken to centre relationships first. We heard that we need to move at the speed of trust; relationships take time. Cultural safety will take a shift in practice. We were advised to emphasize person-centred and strengths-based service to respect the integrity and autonomy of Indigenous Peoples.

PERFORMANCE MEASUREMENT: PHASE ONE: GAUGING AWARENESS

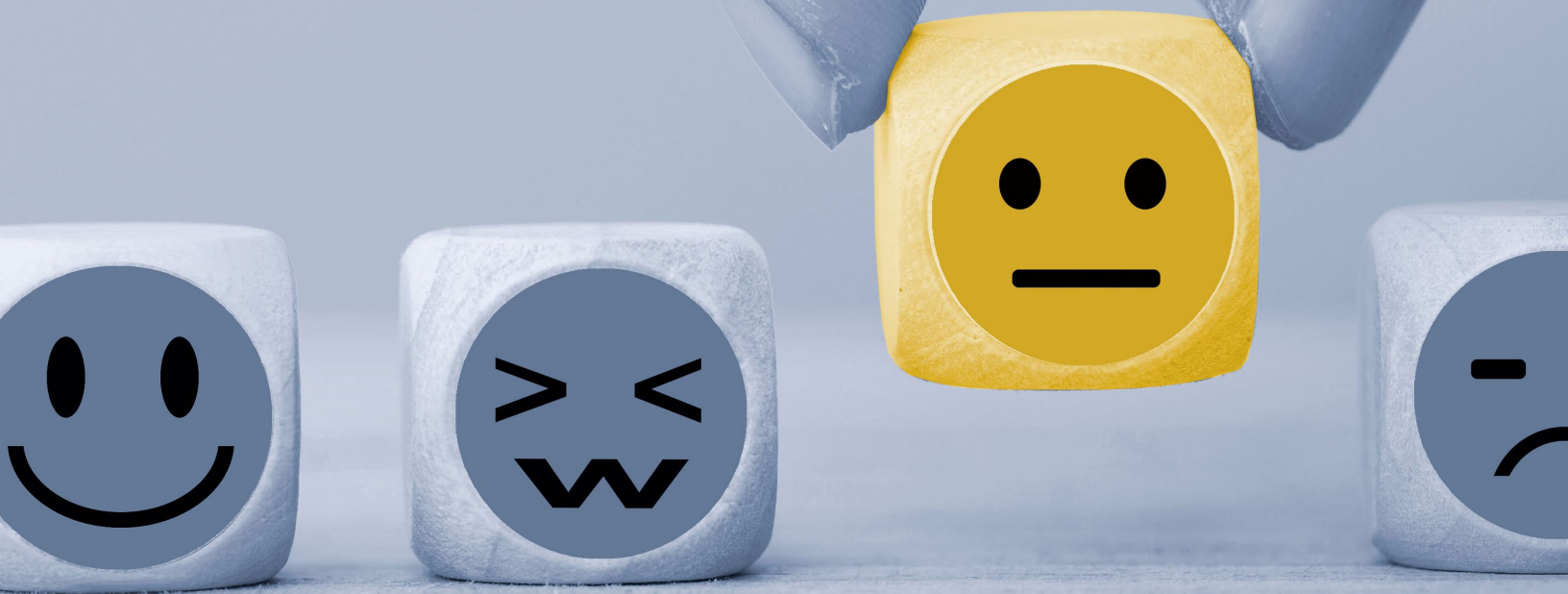
A key priority of the office is to improve how we measure the outcomes of our work. Our efforts in this area have included engaging with an expert consultant who completed an interjurisdictional review of practices in the Ombuds and oversight sector, and beginning a series of surveys that will provide more meaningful insight into how we're providing our service and its impact. The purpose of this new performance measurement model is to better reflect the impacts of our services rather than relying mainly on output measurement.

Our survey work will unfold in three phases. In 2021/22 we focused on the general public and we publicly committed to conducting this work by posting the survey measurements on our website. Phase Two will survey staff from public bodies in 2022/23 and the third phase in 2023/24 will survey people who access our services. This three-year cycle will continue and will allow us to track, in an ongoing and data-driven way, the impact and effectiveness of our office.

What the Public is Telling Us – Results of the 2022 Public Awareness Survey

This past February, we worked with market research firm, Leger 360, to conduct an online survey with a representative sample of adult British Columbians to assess and track levels of awareness of the office.

In total, 1,530 British Columbians participated in the online survey between February 21 and March 7, 2022. We asked the public a number of questions, including the following key metrics that will be used directly in our performance measurement work.



Key Findings

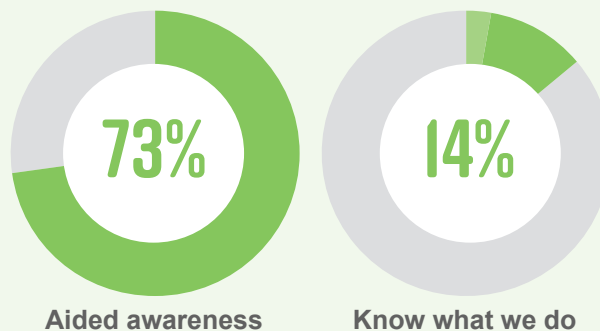
Only three in ten (31%) believe there is **any** organization in BC whose purpose is to make sure the people of BC are treated fairly by local or provincial public sector organizations.

Percent of the surveyed public who know where to go if they believe they have been treated unfairly by a provincial or local public authority

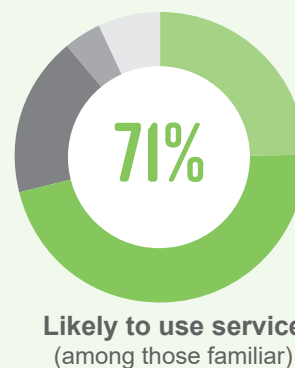


Positively, nearly three quarters (73%) of British Columbians surveyed reported being aware of our office when aided, and among those people, a further 71% are likely to use our services. Still, despite “knowing” the name, few (14%) are familiar with what we do.

Percent of the surveyed public who are aware of the purpose and services of the Office of the Ombudsperson



Percent of the surveyed public who would take their complaint about a provincial or local public authority to the Office of the Ombudsperson



Among those aware of our office, 61% think we're independent from the public bodies we have jurisdiction over and 27% are not sure.

Percent of the surveyed public who think the Office of the Ombudsperson is independent of the provincial and local public authorities it investigates





OUR WORK UNDER THE OMBUDSPERSON ACT

OUR APPROACH

For over 40 years, the Ombudsperson has been listening to and investigating complaints from members of the public about maladministration by provincial and local public bodies in British Columbia. One of the laws that guides our work, the *Ombudsperson Act*, gives us jurisdiction over more than 1,000 public bodies in BC with the goal of making public services fair for all.

When people come to our office, they bring a wide range of concerns about how they have been treated by public sector bodies, as well as many questions about how to get their issues resolved. Our job when each enquiry or complaint comes in, is to determine how best to help. Sometimes our Intake and Early Resolution Team can find a solution to a complaint quickly, through a call to the public body or an expedited investigation.

When a complaint is more complex, we assign it to one of our three investigative teams that specialize in key areas – regulatory programs, social programs, and health and local services. These teams have specific expertise that enables them to fully investigate the complaint and determine if unfairness has occurred.

When we see trends and clusters of complaints, we consider whether there may be a systemic issue at play and whether a systemic investigation is warranted. Through all of this work, we also look for areas where our Public Authority Consultation and Training team may be able to help public sector organizations proactively strengthen administrative fairness in the work they do.

WE LISTEN TO
COMPLAINTS

WE REVIEW
AND REFER

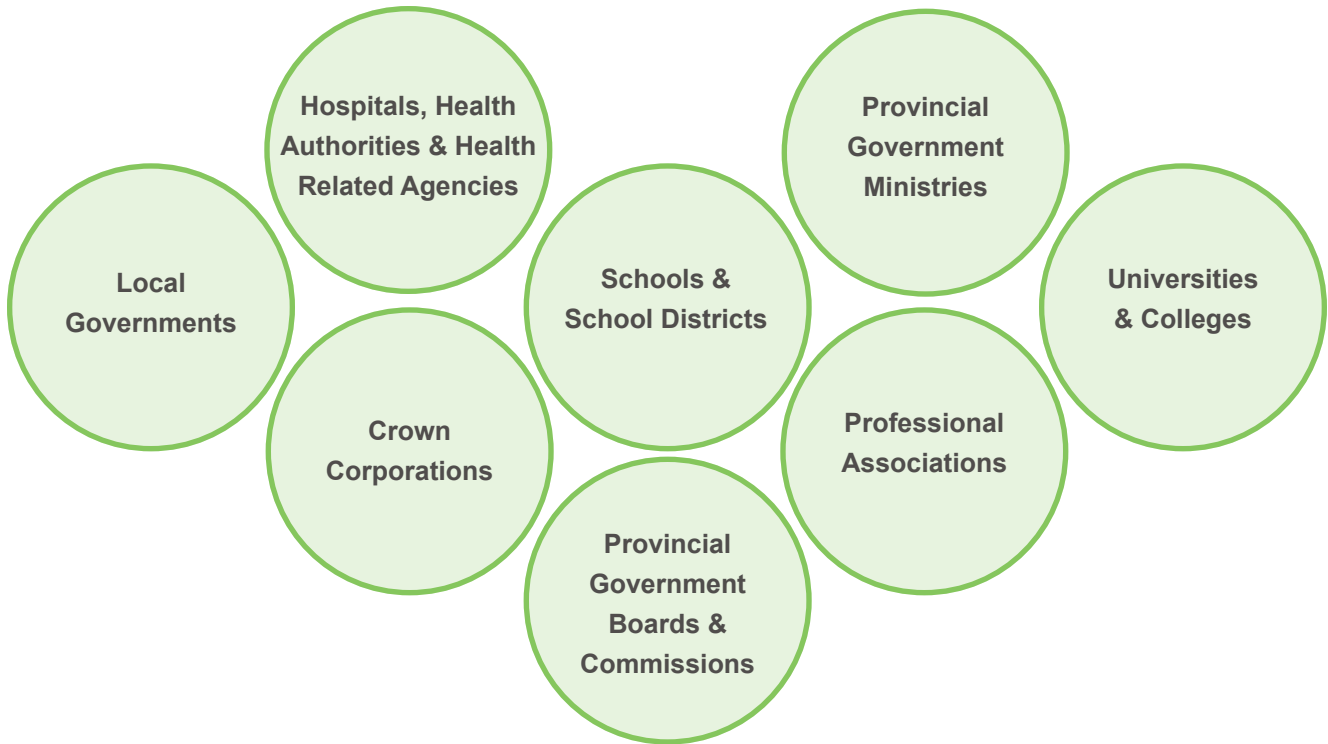
WE INVESTIGATE
AND RESOLVE

WE RECOMMEND
CHANGE

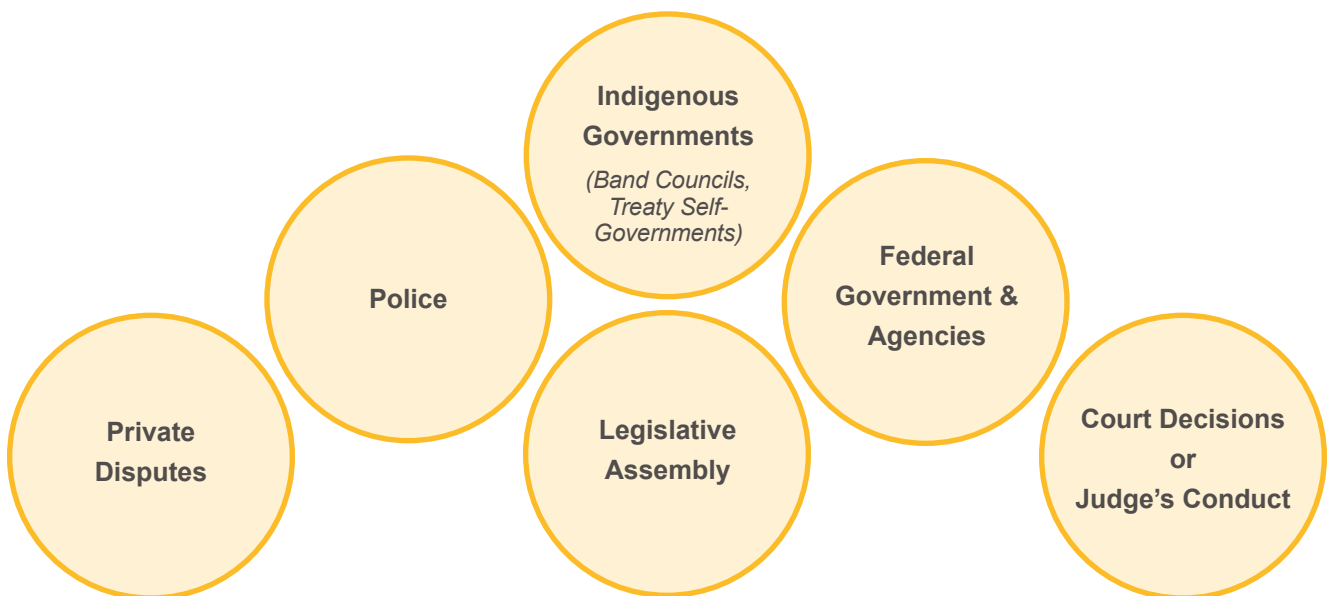
WE EDUCATE
AND CONSULT

THE PUBLIC BODIES WE CAN INVESTIGATE

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



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



OUR INVESTIGATIVE PROCESS



Complaints and Enquiries

Phone | Online | In person | Written



Intake

Jurisdiction assessment | Referrals



Early Resolution Program

Short time-frame | Brief investigation

Complaint Investigation

Full analysis | Formal investigation



Systemic Analysis

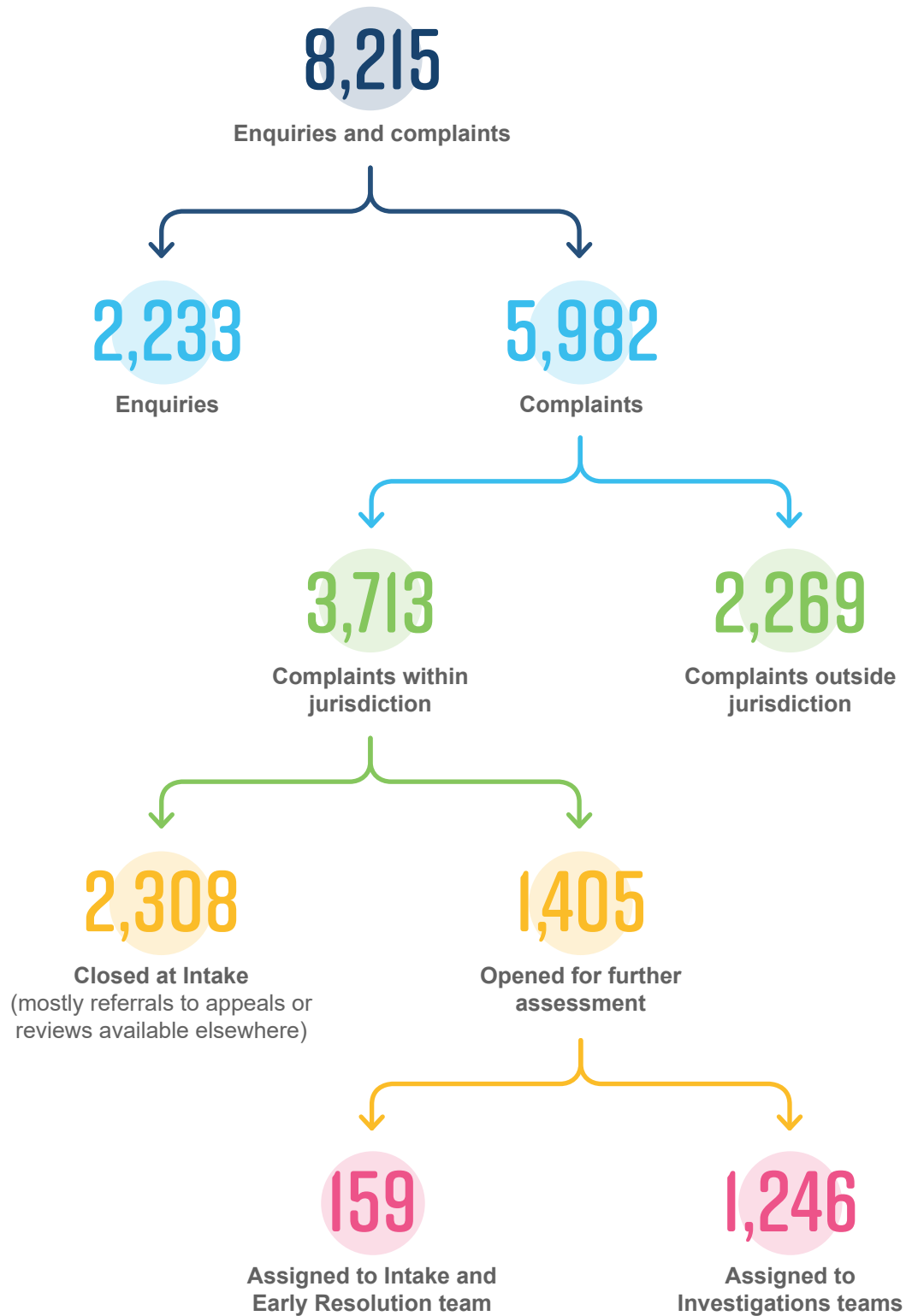


Potential Systemic Investigation

Initiated by the Ombudsperson | Broad focus |
Published reports and recommendations

NUMBERS AT A GLANCE

Complaints and Enquiries Received in 2021/22



INTAKE AND EARLY RESOLUTION

INTAKE AND EARLY RESOLUTION

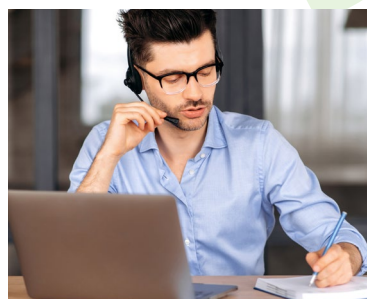
Our Intake and Early Resolution Team is our first line of contact for the public. The team fields every enquiry and complaint that we receive and determines how best to move forward. In assessing complaints, the team asks a variety of questions including:

- Is the complaint about a public organization under our jurisdiction and if not, where can we refer the person to for assistance?
- If the complaint is about a public body we have jurisdiction over, are there any other review or appeal processes available that have not been accessed?
- Is this a matter of administrative unfairness that can be investigated?
- Can the issue likely be resolved through early resolution or does it need to be assigned for investigation?

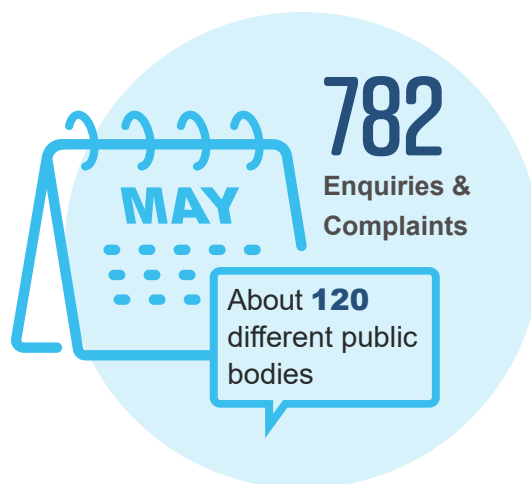
With a deep knowledge of public authority complaint handling systems, the team guides those who contact our office to public bodies' internal complaint pathways if they haven't already been accessed. Dealing directly with organizations can often resolve complaints efficiently and effectively. If these avenues have been exhausted, our Intake Team will then see if our office can play a role. Whether it's a reimbursement of funds or an explanation of why a decision was made, sometimes we can resolve complaints through an expedited investigation. In other cases, we will assign complaints to one of our investigative teams for further analysis.

"I just want to say a huge thank you for taking the time to listen to me – it was the first time in a long time that I felt really heard."

– Complainant



Month at a Glance: May 2021



INVESTIGATIONS

INVESTIGATIONS

Investigations are at the core of our work under the *Ombudsperson Act*. This past year, over 1,200 complaints were assigned to one of our three investigative teams. Through our rigorous and impartial approach, we look at all sides of an issue using our legal authority to access a broad range of information which helps us gain a deep understanding of the concerns the public bring to us. After investigating, we sometimes determine that public bodies have followed their own

rules and treated people fairly and reasonably. In other cases we conclude that a person was treated unfairly. In those cases we recommend steps the public body can take to fix the unfairness for the individual and, in some cases, more broadly for past or future users of the service. In some investigations, we issue a public report with recommendations aimed at improving the delivery of public services.

Common Investigative Outcomes



A better explanation or clearer reasons for a decision



A new hearing or reconsideration of a decision



An apology



Training for Employees



Access to a benefit previously denied



A commitment to follow policy in the future



A refund or reimbursement of expenses



Changes to policy, procedures and sometimes to legislation



1,246

Cases were assigned
to investigations

Claudette's husband's leg amputation surgery had been delayed and they were not advised of a new date. As a result of our investigation, the surgery was expedited.

Dwayne brought a complaint to our office that the town he lived in had unfairly dismissed proposals to save a historic train station from demolition. The Ombudsperson's investigation found the town had not considered the building's heritage status and as a result the station was not demolished and next steps were reconsidered.

Mateo was having issues with his landlord and requested an in-person hearing with the Residential Tenancy Branch (RTB) because he had challenges understanding English over the phone. He was told this was not possible. As a result of our investigation, the RTB put in a process to allow for a wider range of accessible formats.



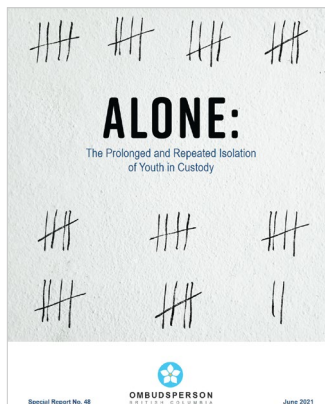
PUBLIC REPORTING AND MONITORING

PUBLIC REPORTING AND MONITORING

The Ombudsperson conducts systemic investigations that may have the potential to impact a large number of people. These investigations typically result in public reports that contain findings and recommendations and lead to significant system-wide improvements. We monitor the implementation progress of recommendations we make and release investigative updates publicly, an important way of holding public bodies to account.

The Ombudsperson may also report publicly on individual complaint investigations where those investigations result in findings and recommendations under the *Ombudsperson Act* and where issuing a report is in the public interest.

Reports Released in 2021/2022



Alone: The Prolonged and Repeated Isolation of Youth in Custody

This report describes our investigation of the use of separate confinement at the two youth custody centres in BC, located in Burnaby and Prince George. We obtained and analysed records related to

each use of separate confinement in youth custody over a three-year period, from January 1, 2017 to December 31, 2019. The Ombudsperson found the use of separate confinement was unjust, unsafe and disproportionately impacted Indigenous youth.

The average duration of separate confinement increased three-fold at the Burnaby centre, from 36 hours to 108 hours. Three youth in particular were confined for long periods of time – 38 days, 41 days and 47 days. One youth was separately confined for 78 days over an 81-day period. Prolonged isolation was most commonly used to respond to youth who were self-injuring or

suicidal. Prolonged periods of isolation for these reasons were experienced almost exclusively by Indigenous and racialized girls.

The report also finds youth who were separately confined had limited and inconsistent access to educational, mental health and cultural supports. Isolation rooms posed safety risks for youth and staff. Communication, including meetings with mental health supports, sometimes took place through a door meal slot, and youth in several cases were subjected to repeated use of force and forcible removal of their clothing.

Every instance of separate confinement at BC's youth custody centres over a 3-year period: January 1 2017 to December 31 2019.

Burnaby Youth
Custody Services
Centre

Prince George
Youth Custody
Services Centre



110 YOUTH

SEPARATELY CONFINED

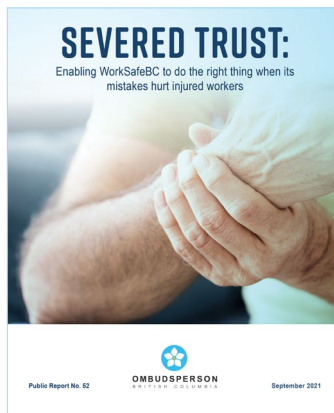
307 TIMES

This includes **23 youth** separately confined **33 times** for more than 72 hours.

The report makes 26 recommendations to the Ministry of Children and Family Development which operates both centres. The ministry has told us it will endeavour to implement all of the recommendations, including:

- Complete an independent review of the use of force in youth custody that includes recommendations and associated plans for implementation that will be shared with the Ombudsperson.
- Develop and implement trauma-informed alternatives to separate confinement that include access to educational, mental health and cultural supports.
- Amend BC's *Youth Justice Act* to require that youth in custody with complex mental health needs be transferred to a facility that is equipped to provide trauma-informed, culturally safe treatment for such youth.

- Amend BC's *Youth Justice Act* to require consideration of the social history of Indigenous youth for all decisions made about them while in custody.
- Amend the *Youth Custody Regulation* to prohibit the use of separate confinement for more than 22 hours, limit the repeated use of separate confinement and prohibit the separate confinement of youth who are especially vulnerable to its harms, including those under the age of 16 and those with complex mental health needs.
- Establish an independent review body that will review all separate confinement decisions and will have the power to order that youth be released from separate confinement.
- Establish regular inspections of youth custody centres in accordance with international standards that focus on legislative compliance and matters related to the health, safety and human rights of youth in custody including separate confinement and the use of force.



Severed Trust: Enabling WorkSafeBC to do the right thing when its mistakes hurt injured workers

This report focused on a cabinet maker, “Mr. Snider”, who lost the tips of some of his fingers in a workplace accident.

As is normal in the case

of an injured worker, he received care and benefits through the workers’ compensation system administered by WorkSafeBC. However, after a few months, those benefits were terminated because WorkSafeBC insisted Mr. Snider could return to working with the same tools that caused his injury.

Shortly after he returned to work, a second, more serious, accident occurred, and WorkSafe’s own Review Division ruled that WorkSafeBC was wrong to have terminated Mr. Snider’s benefits following the first accident. WorkSafeBC awarded Mr. Snider benefits for

the second accident on the same basis as any other injured worker, but did not compensate him for its own role in this tragedy. We asked WorkSafeBC to apologize and to implement changes in its practices in order to mitigate the risk of this happening to anybody else. WorkSafeBC did those things. But they declined to pay Mr. Snider any money beyond the schedule of benefits, saying they are not legally able to do so.

Recommendations Accepted by WorkSafeBC

1 Implement a form requiring physicians to specify the physical limitations of injured workers.

2 Implement a supervisor-review process when case managers determine that seriously injured workers are capable of returning to work.

3 Revise occupational rehabilitation reporting forms to declare whether the mechanism of injury was reviewed when reporting on a worker’s ability to return to work.

Recommendations Rejected by Ministry of Labour

1 Propose amendments to legislation to create a fund to enable WorkSafeBC to compensate individuals who are grievously and irreparably damaged by the decisions and mistakes of the organization.

2 Provide the worker with an ex-gratia payment (determined by a retired judge) in recognition of the second accident which occurred due to the mistakes of WorkSafeBC in handling his initial claim.

3 Pay the reasonable legal expenses incurred by the worker to make representation to the retired judge.

Because the existing legislation prevents WorkSafeBC from acting, the Ombudsperson recommended that the Minister of Labour bring forward legislation that would give WorkSafeBC the ability to voluntarily pay money to someone in the extraordinary event where WorkSafeBC

determines that their own error has caused a grievous injury. Given the time it would take for these legislative changes to be developed, we recommended that government make an ex-gratia payment to Mr. Snider in recognition of the harms he suffered.

The Ministry of Labour rejected the three recommendations the Ombudsperson made to provide restitution to Mr. Snider in this case, and to future workers who are similarly harmed:

1. Propose amendments to the *Workers Compensation Act* to create a mechanism and a fund to enable WorkSafeBC, on its own initiative and at its sole discretion, to provide monetary compensation to seriously injured workers harmed by WorkSafeBC errors.
2. Compensate the injured worker by way of an ex-gratia payment to be determined by a retired Supreme Court of British Columbia judge pending the legislative changes.
3. Pay the reasonable legal expenses incurred by the injured worker to present his case to the retired judge.



A Bid for Fairness: How \$10,000 in Property Tax Debt Led to a Vulnerable Person Losing Their Home

A Bid for Fairness details the case of “Ms. Wilson”, whose personal challenges made it difficult for her to pay her \$10,000 property tax bill, even though she

had the funds. Her failure to pay resulted in her home being sold in a tax sale auction, a statutory process that allows municipalities to collect unpaid taxes by selling properties two years after taxes are first due. In Ms. Wilson’s case, her house was sold by the City of Penticton for \$150,000, at a time when the fair market value of her house was assessed at \$420,000. When the sale completed one year after the auction, Ms. Wilson was evicted and she lost approximately \$270,000 of equity in her home.

The investigation found that the City of Penticton called Ms. Wilson only once and did not contact the Public Guardian and Trustee or Interior Health who have the legal mandate to make inquiries as to whether an adult is vulnerable and needs support or assistance.

WHAT WE FOUND:

CITY OF PENTICTON

Failed to adequately consider whether Ms. Wilson needed help and did not contact a public body that could assist her

Inadequate, inconsistent, and inaccurate descriptions of the tax sale process in the City’s correspondence to Ms. Wilson made the process unfair

15

Communications to Ms. Wilson from the City of Penticton about her property taxes and the tax sale of her home

MINISTRY OF MUNICIPAL AFFAIRS

The statutory scheme that governs tax sales is unjust

MOST

Communications contained errors and/or deficiencies

There are no guidelines to protect vulnerable people during property tax sales

The report also finds that written communication from the city both leading up to and following the sale of Ms. Wilson’s home contained numerous errors including incorrect deadlines and inaccurate references to sections of the *Local Government Act* and at the same time, failed to include key information that would have informed Ms. Wilson about the consequences of the tax sale process.

The Ombudsperson’s investigation also examined the provincial legislative framework governing tax sales. The report identifies gaps including the absence of a requirement to provide specific notice to a homeowner of a pending tax sale and a concern that the starting bids at tax sale auctions are too low to maximize the likelihood that homes are sold at a fair price. The starting bid for Ms. Wilson’s home was just over \$10,000.

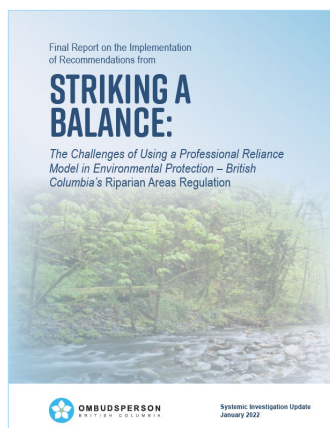
The report makes five recommendations to the Ministry of Municipal Affairs. These recommendations include developing plain language template letters for tax

sales, amending the *Local Government Act* to require municipalities to provide adequate notice to property owners, studying the issue of linking minimum bids to property values rather than taxes owing and issuing best practice guidelines to municipalities about how to protect vulnerable people whose home may be at risk of a tax sale. The ministry accepted all of the Ombudsperson's recommendations.

The report also recommends that the City of Penticton compensate Ms. Wilson in the amount of \$140,922.88, representing approximately one-half of her lost equity. The City of Penticton initially rejected this recommendation, but agreed to this recommendation one week after the public release of the Ombudsperson's report.

Our Investigative Updates Released in 2021/22

One of the key ways our work can effect change in the administration of government programs is by making recommendations that result from investigative findings of unfairness. Our recommendations may involve individual remedies or systemic change, and often contain timelines that we expect a public body to adhere to. To ensure accepted recommendations are implemented, we liaise with public bodies and ask for regular, specific and verifiable information on the progress being made. We regularly issue monitoring reports on our assessment of public bodies' implementation of our recommendations. In 2021/22, we issued two monitoring reports relating to two previous investigations.



Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia's Riparian Areas Regulation

We issued our final investigative update of an investigation highlighting gaps in oversight of the

regulatory scheme that seeks to protect some of BC's most sensitive ecosystems.

Our initial 2014 report *Striking a Balance* examined the Ministry of Forests, Lands and Natural Resource Operations' (now known as the Ministry of Forests) use of what's known as a professional reliance model in the protection of land surrounding streams, lakes and inland waters when development occurs.

Under the *Riparian Areas Protection Regulation*, government relies on environmental professionals to conduct assessments and make recommendations to protect riparian areas from development, while government provides oversight. The Ombudsperson's investigation found there were significant gaps in how this system operates and recommended changes to strengthen oversight, compliance with the law, public accountability and transparency.

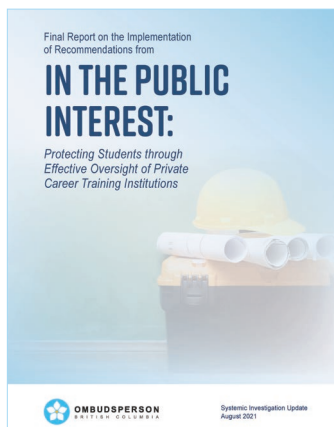
The Ombudsperson's 2014 report made 25 recommendations, 18 of which have now been implemented including:

- All individuals who are eligible to conduct assessments under the *Riparian Areas Protection Regulation* must now complete a mandatory training course. The list of individuals who have successfully completed the course is publicly available.
- The ministry, in cooperation with the relevant professional associations, completed and released professional practice guidelines. These guidelines set out a standard of professional conduct for individuals who conduct assessments.

- The ministry now establishes expiry dates for assessment reports, ensuring information and recommendations in those reports reflect current site conditions.

Some of the key recommendations where work is still in progress include:

- Strengthening the use of site visits to track compliance and taking appropriate action where non-compliance is detected.
- Developing and implementing a process for post-development effectiveness monitoring and reporting.
- Ensuring regular public reporting on the *Riparian Areas Protection Regulation*.



***In the Public Interest:
Protecting Students
Through Effective
Oversight of Private
Career Training
Institutions***

There are currently more than 55,000 students attending 300 certified career training institutions in British Columbia. These

institutions offer training programs for diverse careers, including licensed practical nurse, audio technician, pipefitter, commercial pilot, and heavy equipment operator.

We issued our final investigative update into the provincial government's oversight of private training institutions in the province. The report highlights improvements to the regulatory regime resulting from the Ombudsperson's recommendations in its 2015 report *In the Public Interest: Protecting Students Through Effective Oversight of Private Career Training Institutions*.

The report made 36 recommendations focusing on three key areas – the need for students to have more information about their rights, the need to strengthen complaints processes and the need to increase

oversight and enforcement of institutions' compliance with regulatory requirements. All but two of these recommendations are now implemented, resulting in important changes including:

- Institutions are now required by law to provide students with, and display at a visible location on campus, statements of students' rights. These documents will be translated into key languages and will emphasize students' rights to important information, including a written enrolment contract and information about tuition refund policies.
- Site inspections by the ministry before approving a program, improved public information about recent and upcoming site inspections, and a better process for notifying students about when inspections will take place.
- Improved complaint processes including clear timelines and regulatory protection from retaliation when students bring a complaint forward.

Two of the 36 recommendations remain unimplemented. The Ombudsperson called for public reporting on student employment outcomes and related matters post-graduation with the intention that students could use this information to inform their decision about which institution to attend. The report also recommended that students who did not have access to the complaints process in 2009/10 and were not able to file a tuition refund be given compensation.



OUTREACH AND COMMUNITY ENGAGEMENT

OUTREACH AND COMMUNITY ENGAGEMENT

Through our outreach and engagement initiatives, we strive to build awareness of our office, focusing on those who need our services the most. We also educate the wider public on what fair public services are and what they have the right to expect when interacting with public bodies. As we continue to deepen our connection with the public, we will build on our current outreach activities that include social media and advertising campaigns, virtual webinars and presentations, media relations and as the pandemic allows, in-person events.

Public Webinars and Presentations

Complaining 101: Public Webinar Series



This past year, we continued our webinar series, Complaining 101, an interactive presentation for the public on how to complain in a way that will be heard. Based on our 40-plus years of complaint handling expertise, these webinars provide an introduction to our web-based Complaint Checker that provides information about common complaint pathways in the province as well as concrete tips on how to best bring complaints forward.

During the year, we held two interactive Complaining 101 sessions, connecting with the public from across the province. These webinars also provided the public with an opportunity to learn more generally about the role of our office and to ask questions about our mandate and complaint handling process.

Engaging with Key Stakeholders

Connecting with organizations that share information about our work with their networks continues to be an important priority for us. Some of our outreach efforts are aimed at ensuring that legal advocacy and non-governmental organizations know when and how to refer people to us. We also took part in a number of virtual conferences and events with our national and international Ombuds colleagues. This allowed us to share our work and gain valuable insight into approaches in other jurisdictions.

We delivered a number of virtual presentations to key stakeholders including:

- Newcomer organizations
- Justice/prisoner rights organizations
- Seniors' organizations
- Law students/law schools
- International Ombudsman Institute, Canadian Council of Parliamentary Ombudsman, and Forum of Canadian Ombudsman

Sharing Our Reports

Our public reports are an important way to ignite public dialogue around the issues that our work focuses on. The Supreme Court of Canada has recognized the important role of the Ombudsperson in “marshalling public opinion”. This past year, our reports generated significant media interest and resulted in engaged dialogue on social media.

The office also offers public webinars based on our reports. Following the release of our report *Alone: The Prolonged and Repeated Isolation of Youth in Custody*, we hosted a one-hour webinar highlighting key findings and recommendations from the report. Sixty stakeholders from across Canada participated in the webinar and it resulted in four presentation requests

from community organizations in BC including the Elizabeth Fry Society and West Coast LEAF. A recording of this webinar is available [here](#).

Marking Days of Significance

Recognizing days of significance is an important way to share our values and approach with the public. This past year, we marked a number of days including:

International Ombuds Day

On the second Thursday of October each year, people from around the world take time to celebrate the role of Ombuds. There are impartial complaint resolution experts in many different settings from colleges and universities to banks and federal government departments. This day each year is a chance for Ombuds to collectively post and share information about the value of the work we do.



National Day for Truth and Reconciliation

As our Reconciliation journey continues we released a collage of our staff showing what reconciliation means to them. We also posted a statement on our website honouring survivors and embracing a future where all people are treated equitably and fairly.



Transgender Day of Visibility

We marked this day externally by reminding the public that we are welcoming of all gender diverse, non-binary and trans people. We also held an educational workshop for staff.

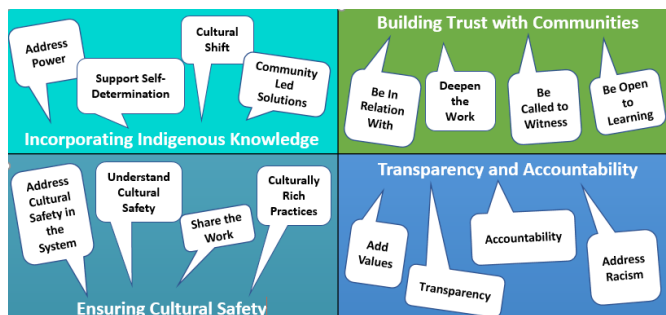


Our Indigenous Engagement

This past year we developed Phase One of our Indigenous Communities Services Plan (ICSP). This plan aims to strengthen our relationships with Indigenous service providers, community leaders and individuals to ensure all Indigenous Peoples across BC are treated fairly by provincial and local public bodies under the Ombudsperson's jurisdiction. A key strategic goal of our office is to advance and support Reconciliation and to commit to relationships with Indigenous Peoples that focus on renewal, reciprocity, responsibility and respect.

An important part of ensuring that our office is as culturally safe as possible, is hearing from a diverse range of Indigenous people, community support organizations and leaders about how our service can and should be delivered. Building on our nine engagement sessions we held in 2020/21, we held an additional eight virtual engagement circles with Indigenous community members in the Lower Mainland, Vancouver Island, Kootenays, Okanagan Cariboo, North Coast and Nechako regions. We also held circles with Urban Indigenous community members in northern and southern regions of BC as well as Indigenous youth, Inuit and Métis peoples. Key messages that arose from these circles included:

- the need to incorporate Indigenous knowledge in our service
- the importance of building trust with communities and moving at the speed of that trust
- ensuring cultural safety in all aspects of our process
- the need for enhanced transparency and accountability
- the importance of incorporating examples of feedback into our plan



On-site Visits

As part of our investigative outreach activities, our staff typically visit a variety of custodial and residential sites around the province, including psychiatric hospitals, correctional settings and mental health and addiction treatment facilities. This is an opportunity to explain the work that we do and gives us a chance to listen to challenges being experienced by staff and those who live in these facilities. Site visits support our work to be “eyes and ears on the ground” ensuring that policies and procedures are being implemented fairly and complaints are being dealt with effectively. During the pandemic, in-person site visits were largely put on-hold; however, virtual site visits did occur throughout 2021/22 with a number of centres.

Site Visit Spotlight – Red Fish Healing Centre

In October, the Ombudsperson and senior staff met with staff of the new 105-bed Red Fish Healing Centre for Mental Health and Addictions in Coquitlam. We toured the facility and met with staff and shared information including a digital display that provides information for patients about how to bring complaints to our office.

IF YOU HAVE A COMPLAINT, WE MAY BE ABLE TO HELP.

Including:

- Challenges accessing services or privileges
- Unfair decisions
- Lack of clear explanations
- Loss of personal items
- Lack of respect for your rights
- Difficulty obtaining a second doctor's opinion
- Barriers accessing the Mental Health Review Board
- Trouble accessing a private meeting with a lawyer or our staff

The BC Ombudsperson investigates complaints of unfairness. When we find that provincial or local public sector organizations, such as hospitals and health authorities, are treating people unfairly we recommend change and aim to help fix the problem.

Our services are free and confidential.

Toll-free 1-800-567-3247 | www.bcombudsperson.ca

A vertical bar on the left side of the page, composed of five colored rectangular segments: pink at the top, followed by orange, light grey, lime green, and cyan at the bottom.

PROACTIVELY
PROMOTING FAIR
AND REASONABLE
PUBLIC SERVICES

PUBLIC AUTHORITY CONSULTATION AND TRAINING

Our Year in Numbers



29

Tailored workshops
delivered to public sector
organizations

+



10

General Fairness in
Practice workshops
for public employees



5

Fairness educational
resources published



15

Requests from public
organizations seeking voluntary
fairness consultations



542

Registrations for Fairness 101
online course



50

Registrations for Speaking up Safely
online course (launched February 2022)



1,080

Workshop participants

Our Training and Consultation Approach

The Public Authority Consultation and Training (PACT) team works proactively with BC public organizations to help support fairness in the public sector. The team is focused on supporting public organizations to ensure they have fair decision-making processes and deliver their programs and services fairly. We offer training and education on administrative fairness, including printed and digital educational resources, and voluntary consultation to enhance fairness in BC's public sector. The PACT team also offers education and resources for public organizations who fall under the *Public Interest Disclosure Act*.

Our Workshops and Courses

PACT delivers online and in-person administrative fairness workshops to public sector employees across BC. This year, because of the pandemic, we delivered all workshops online. The workshops cover topics such as: what administrative fairness means in public service delivery, how to make and communicate decisions fairly, implicit bias, exercising discretion fairly and essential skills in effective complaint handling.

This past year, the PACT delivered 39 workshops to over 1,000 employees of public sector organizations across BC, including:

- Adult Corrections
- City of Vancouver
- Community Living BC
- Coroners Service
- Island Health
- Ministry of Advanced Education and Skills Training
- Ministry of Children and Family Development
- Ministry of Citizens' Services
- Ministry of Finance

- Residential Tenancy Branch
- WorkSafeBC

“The facilitators did a great job explaining the material in a clear and engaging way. The breakout activities made learning real and practical.”

— Workshop participant

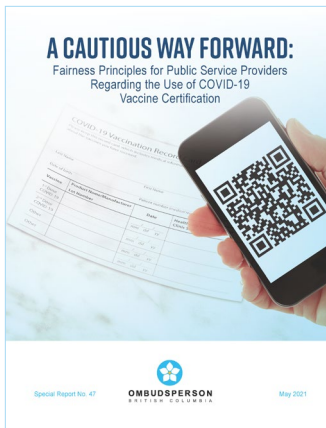
The PACT team also delivers fairness education via online courses. Fairness 101 is a free, introductory online course on administrative fairness. It provides an overview of administrative fairness in a variety of different public service contexts. Learners explore a series of interactive scenarios to support them to learn how to apply principles of administrative fairness in their work. This year 542 people registered for the course from various public organizations.

Fairness Guides and Quick Tips

The team also offers best practice guides and quick reference materials on administrative fairness. This year we added two new Quick Tip resources:

- ***Leading Practices in Conducting Appeals:*** This quick reference guide sets out some of the key elements of a fair appeal process and a checklist of factors to consider when conducting an appeal.
- ***Reducing Bias in Decision Making:*** This quick reference guide provides information about bias in decision making and public service delivery. It provides tips to help decision makers understand the impact bias can have on decision making and steps to take to respond to issues of bias.

This past year we also published two joint reports – one a national report with the Canadian Council of Parliamentary Ombudsman (CCPO) – and another a joint report with the BC and Yukon Ombudsman and Information and Privacy Commissioners.

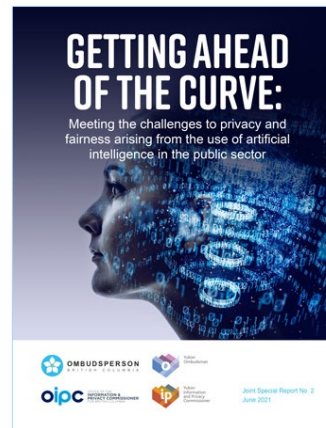


A Cautious Way Forward: Fairness Principles for Public Service Providers Regarding the Use of COVID-19 Vaccine Certification

With the pandemic in its second year, and governments across Canada exploring the development of COVID-19

vaccination certification systems, the Canadian Council of Parliamentary Ombudsman (CCPO) – comprised of provincial and territorial Ombudsman whose mandate it is to ensure people are being treated fairly in the delivery of public services – released a national guidance document focusing on how these systems could impact the delivery and receipt of public services. Expressing concerns about public services being limited based on vaccination status, this guide called on provincial and territorial governments to consider fairness principles when contemplating potential approaches to delivering public services during the pandemic. Principles include:

- Before implementation, clear direction for the use of vaccination certification must be given by government via legislation or publicly available policy
- Any vaccine certification program must be evidence-informed and all decisions must be subject to review and appeal processes
- Accommodations must be made for those who have not received the vaccine, including alternative service delivery options
- Decisions to restrict access to a service based on a person's vaccination status must be done in a transparent, procedurally fair manner and be clearly communicated to the affected person in an accessible way



Getting Ahead of the Curve: Meeting the challenges to privacy and fairness arising from the use of artificial intelligence in the public sector

In June, the BC and Yukon Ombudsman and Information and Privacy Commissioners released

a special joint report *Getting Ahead of the Curve*, that raised a number of fairness and privacy concerns about the use of artificial intelligence (AI) by government when making decisions affecting members of the public. As humans are increasingly replaced by machines to make decisions it is important to protect fairness and privacy when AI is used in delivery of services to the public. AI systems typically use proprietary software programs that employ algorithms to make decisions. The report notes that AI is replacing the judgement of human decision makers in the administration of public services around the world from predicting recidivism rates of offenders to approving building permits to determining car insurance premiums.

Other concerns highlighted in the report include the challenge of upholding the key tenets of fairness:

- Explaining how a decision is made if an algorithm is used
- Providing notice that AI is being used in decision making
- Building in effective appeals from AI-generated decisions

The report makes several recommendations aimed at organizations delivering services to the public including:

- Public bodies to commit to guiding principles for the use of AI that incorporate transparency, accountability, legality, procedural fairness and protection of privacy. These principles should apply to all existing and new programs or activities, be included in any tendering documents by public authorities for third-party contracts or AI systems delivered by service providers, and be used to assess legacy projects so

they are brought into compliance within a reasonable timeframe.

- Public bodies to notify an individual when an AI system is used to make a decision and describe how the AI system operates in a way that is understandable to the individual.
- Government to promote capacity-building, co-operation, and public engagement on AI. This should be carried out through public education initiatives, building subject-matter knowledge and expertise on AI across government ministries, developing capacity to support knowledge sharing and expertise between government and AI developers and vendors, and establishing or growing the capacity to develop open-source, high-quality data sets for training and testing such systems.
- All public bodies to complete and submit an Artificial Intelligence Fairness and Privacy Impact Assessment (AIFPIA) for all existing and future AI programs for review by the relevant oversight body.
- Special rules or restrictions for the use of highly sensitive information by AI.

Voluntary Consultations

PACT also offers voluntary fairness consultations to public organizations in BC. During a voluntary consultation, PACT works collaboratively with the public organization to provide practical advice and suggestions to support fairness in decision-making processes and program and service delivery.

The Public Authority Consultation and Training team received consultation requests from several public organizations this year. A few voluntary consultations are highlighted below:

- **Ministry of Education:** The Ministry of Education reached out to the PACT team for advice and feedback on appeal best practice guidelines they had created for school boards in BC. The ministry was creating guidelines to support school boards to develop fair appeal bylaws and processes under section 11 of the *School Act*. The team provided

extensive administrative fairness feedback on the guidelines focused on ensuring the appeal process was fair to all people involved, including students and their families. Feedback and resources were provided on fair and adequate reasons and on how to support decision makers to draft adequate and appropriate reasons for appeal decisions. We also provided feedback on the importance of having an accessible and effective complaint process to address student and family concerns and a resource to support the development of fair complaint processes.

“Thanks also for your feedback. It was incredibly helpful and we’ve been able to use it to revise the guidelines.”

— Consultation participant

- **Ministry of Children and Family Development:** The ministry requested support in developing an administrative fairness webinar presentation for staff. We met with staff at the ministry and offered ideas and feedback on the development of the training. The PACT team shared our knowledge, resources and educational materials with the ministry to support them to develop the webinar presentation. The ministry developed the presentation and the PACT team then provided additional feedback and support before the presentation was finalized. The presentation was well received and will be developed into an internal webinar for ministry staff.
- **Local government sector:** During the last year, we worked with several local governments who reached out for feedback and support on their policies and procedures. This included providing administrative fairness feedback and advice on a District’s complaint handling process on a policy setting out the approach to the enforcement of a Building Bylaw and a Regional District’s Bylaw Enforcement policy. In each instance, we worked collaboratively with local government staff to review their draft policies and provided practical advice on how they could ensure their policies were administratively fair.

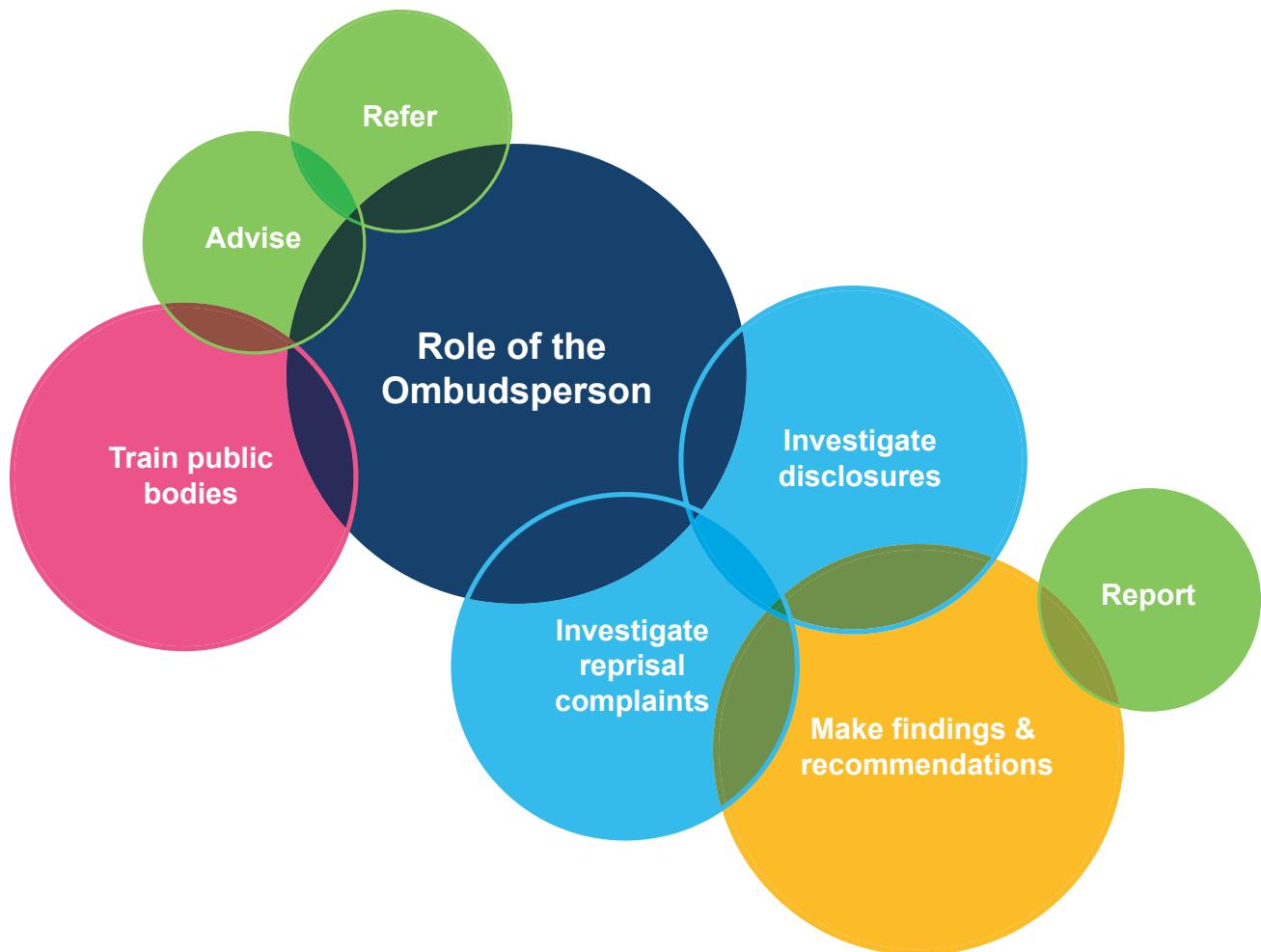
OUR WORK UNDER THE PUBLIC INTEREST DISCLOSURE ACT

OUR ROLE

On December 1, 2019 the Ombudsperson's mandate materially changed with the coming into force of BC's new whistleblower protection law, the *Public Interest Disclosure Act* (PIDA). The Act provides current and former public sector employees of eligible organizations with a legal framework to bring forward concerns about wrongdoing in their workplace and protects them from reprisal for doing so. The Ombudsperson has the statutory mandate to both provide advice and conduct investigations into allegations of wrongdoing if employees do not wish to report these concerns internally

to a specified senior official with their employer. The Ombudsperson has the sole mandate in the province to investigate allegations of reprisal.

The Public Interest Disclosure team conducted investigation and implementation activities remotely during the pandemic. Interviews with disclosers, respondents and witnesses were conducted effectively by teleconference. Investigators tailored their practices so that all interviews could still be completed by summons and under oath.



Enquiries and Requests for Advice

This past year, employees came to us with a range of enquiries and requests for advice. We were able to provide information about what constitutes wrongdoing and reprisal under PIDA, clarify the process for reporting wrongdoing and reprisal, and outline our procedures for conducting investigations in response to disclosures received.

Some of the questions we heard include:

- *Who will know that I've spoken to you?*
- *Do I have to give you my name?
Can I make an anonymous report?*
- *My co-worker and I would like to make a report together – can we do that?*
- *I want to keep my job. How can I be protected?*
- *I think this issue is bigger than my workplace – can I report a systemic issue?*
- *If I make a report, what happens next?*
- *Do I need to have proof to make a report? What if I don't have any documents?*
- *If I tell you my concerns, can you just investigate to see what is going on?*
- *When will my organization be covered by PIDA?*
- *Does PIDA cover issues that happened in the past?*

Assessing Disclosures

Every report of wrongdoing made to our office is assessed on its merits to determine if an investigation is warranted. When we receive a disclosure, we conduct a two-stage assessment to determine whether the allegation is within our jurisdiction and whether there is any bar to us investigating or other valid reason not to investigate. Reports of wrongdoing must meet specific criteria to be eligible for investigation under the Act.

An Investigator will contact the person who made the report to ensure we have enough information to determine whether:

- they are a current or former employee of an eligible public organization
- the alleged wrongdoing relates to an eligible public organization
- the allegations meet the threshold of wrongdoing
- our investigation of the allegations is barred by any provision in the Act

Our Investigative Process under PIDA

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

ADVICE



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

DISCLOSURE



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

ASSESSMENT



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

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

INVESTIGATION



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

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

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

REPORTING AND RECOMMENDATIONS



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

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

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

Investigative Work This Past Year

The Public Interest Disclosure team conducted investigations into thirteen disclosures and one reprisal report in the 2021/22. We referred part of one of those disclosures to another independent office of the Legislature. For the numbers of cases we dealt with under PIDA see page 81.

Six investigations were concluded, resulting in three reports to authorities in the year. There were no findings of wrongdoing. Even if wrongdoing is not found, the Ombudsperson can make recommendations to remedy other matters of concern identified during the course of an investigation. This year, the Ombudsperson made four recommendations following the completion of two investigations. There were two recommendations to each of the chief executives involved:

INVESTIGATION 1

An investigation into vehicle use was carried out. The Ombudsperson recommended steps be taken to:

- a) improve knowledge management during the transition between supervisors
- b) improve tracking of the public body's vehicle fleet

INVESTIGATION 2

An investigation into the retaining and payment of expert witnesses was carried out. The Ombudsperson recommended that the public body:

- a) develop instruction on how to address third party billings that have not received prior approval
- b) ensure its staff are trained on the updated procedures

All four of the recommendations made were accepted. One has since been fully implemented, and the implementation of the remaining three will be monitored by our office. We will report on the implementation of these remaining recommendations in a future report.

During the year we discontinued three investigations begun in the previous year. Based on the information we obtained, we determined further investigation of these matters was not in the public interest and did not continue to investigate.

PIDA requires that we report whether the Ombudsperson is of the opinion that there are systemic problems that give rise to wrongdoing. We will continue to monitor this issue and provide updates in future reports. The Ombudsperson is of the opinion that given the recent coming into force of PIDA it is premature to identify any systemic problems giving rise to wrongdoings.

PIDA Implementation and Education

As new public authorities are brought under PIDA, our role in raising awareness and supporting the implementation of PIDA continues to expand. The Ombudsperson continues to develop resources and training materials to support public bodies to fulfill their role under PIDA.

The Ombudsperson Marks PIDA Day



Our office hosted its third annual conference virtually to raise awareness of emerging issues in relation to PIDA.

This year our focus was *Lessons in Whistleblowing*.

The conference was attended by 90 participants, including leaders from across provincial sector organizations.



Dr. Cindy Blackstock, Executive Director of First Nations Child and Family Caring Society, and Officer of the Order of Canada, delivered a keynote address on the long-term consequences of ignoring whistleblowers by highlighting the story of Dr. Peter Bryce who, in the early 20th century, attempted to raise

concerns about residential schools with his employer, the Government of Canada.

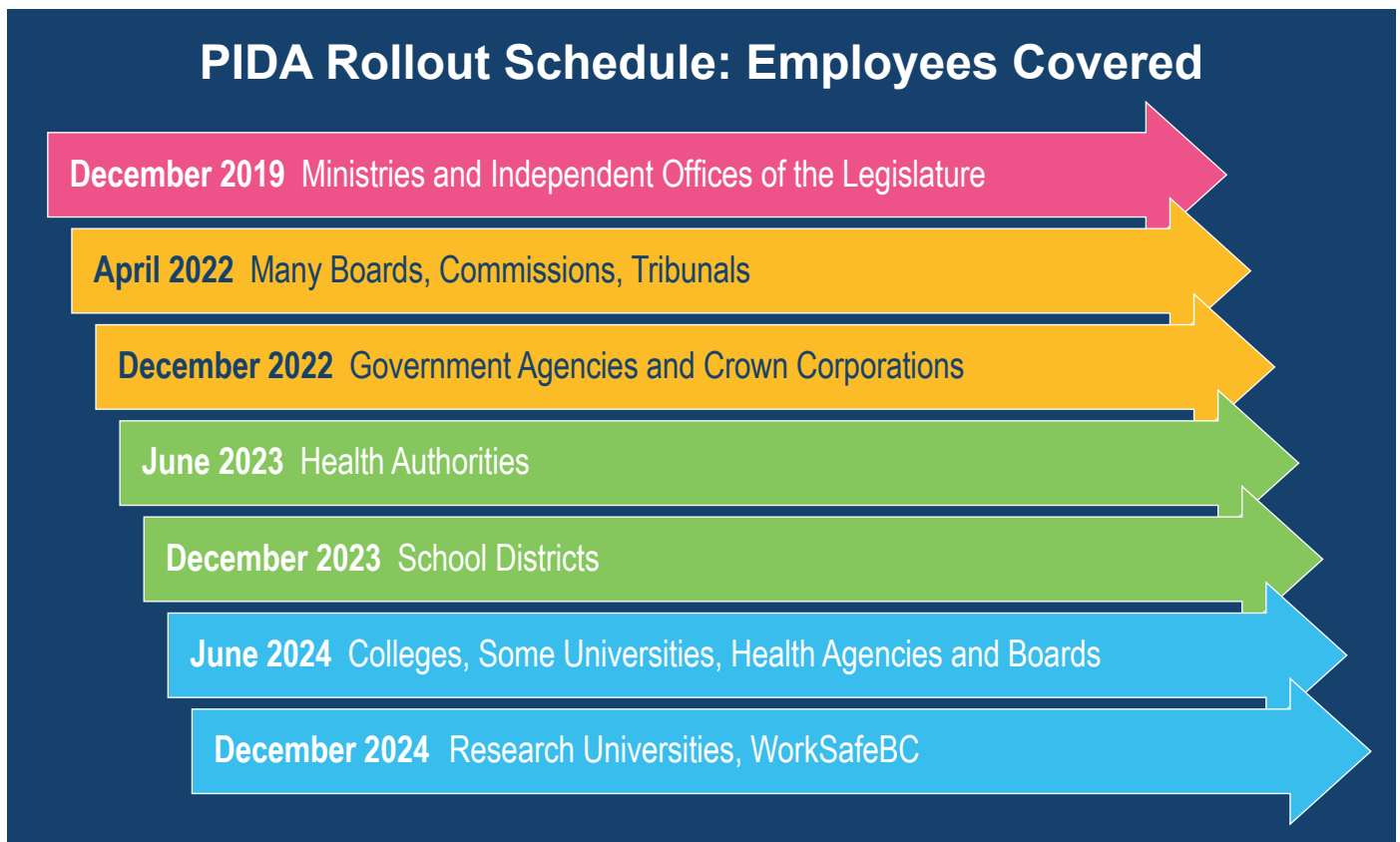
Conference attendees also participated in one of four break-out sessions:

- One session was specifically for Designated Officers in the public service and was facilitated by the Ombudsperson and Bobbi Sadler, Deputy Minister & Head of the Public Service Agency.
- Three additional break-out sessions were delivered by Ombudsperson Officers and staff to a mix of attendees from various organizations and stages of implementation under PIDA.

Attendees of each interactive workshop shared experiences and discussed strategies for how public bodies can promote integrity and accountability in the

public service. At the end of the break-out sessions a number of key themes were reported back to the group:

- PIDA is one mechanism among many for raising concerns
- Thorough assessment of disclosures is critical
- Objectivity matters when assessing allegations of wrongdoing
- Organizational culture impacts an employee's willingness to disclose wrongdoing
- Everyone involved needs to be treated fairly
- Issues raised by employees are complex with many layers
- Managing the tension between the confidentiality provisions of PIDA and the need to gather information can be difficult



Rollout and Future Phases of PIDA in BC

On July 29, 2021 the government announced the schedule for the expansion of the scope of the *Public Interest Disclosure Act*. The expansion of PIDA's application to the broader public sector will follow a phased approach. Each phase will bring another sector of public organizations and their respective employees under the jurisdiction of PIDA. The phased rollout began April 2022 and will finish in December 2024, at which point approximately 350,000 public sector employees will be covered by PIDA.

The Ombudsperson is a resource for public organizations scheduled to come under PIDA. In early 2021, our office began assisting the organizations scheduled to be included under PIDA in April and December 2022 with their implementation preparations. In total, 63 one-on-one meetings with senior executives were held to assess their organizational structure, to clarify their roles and responsibilities under PIDA, and to offer resources and assistance specific to their organizational needs, including:

- Sample procedures
- Guidelines for implementation timelines
- Educational materials
- General advice and consultation services

The team also delivered six tailored presentations to senior leaders of public sector organizations, employers' associations and at professional conferences about how to implement PIDA.

During our meetings, we gained insight into some of the challenges that organizations face in the implementation process. Some of the key themes we heard include:

- How to align current policies and practices with PIDA requirements
- How to determine who should be appointed as the Designated Officer
- Best practices for communicating the available avenues to report concerns under PIDA

- How to manage disclosures and the administration involved within current budgetary constraints
- How to educate supervisors about their responsibilities under the Act.

Educational Resources and Training

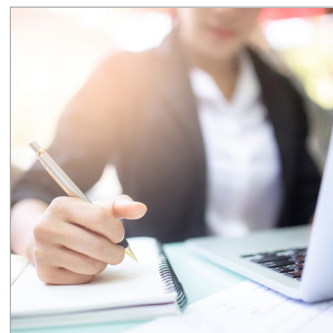
Based on these insights and to support organizations in implementing PIDA, the Public Authority Consultation and Training (PACT) team developed a number of online resources to help public sector employees and supervisors understand their rights and responsibilities under PIDA.



Speaking Up Safely

In February 2022, a new online course called *Speaking up Safely: Your Rights & Responsibilities Under BC's Public Interest Disclosure Act* was launched. This free,

one-hour online course covers the protections that PIDA provides to current and former public sector employees who witness or know of serious wrongdoing occurring in their workplace, and outlines the various options available for reporting wrongdoing and reprisal.



Webinar: Supervisor Responsibilities

Following the release of the Speaking up Safely course, the team produced a webinar called *Public Interest Disclosure Act: Supervisor Responsibilities*. This pre-

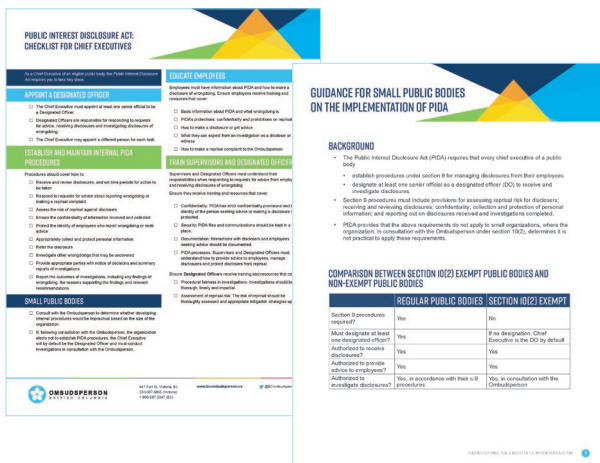
recorded webinar covers the essential responsibilities for supervisors under PIDA and provides practical tools to help supervisors fulfill their roles under the legislation.

In addition to our courses, this year we added four new written resources:

- **Checklist for Chief Executives:** This document outlines recommended and mandated preparations and ongoing activities to ensure that organizations are compliant with PIDA. It includes suggested timeframes for each activity.
- **Guidance for Small Public Bodies:** This brief guide explains the options available for small organizations implementing PIDA.
- **Sample Section 9 Procedures:** Section 9 of PIDA stipulates that each organization must have internal procedures to manage requests for advice and disclosures. These sample procedures are PIDA compliant and were shared with public bodies to assist in the development of their own procedures.
- **Reprisal Risk Assessment Tool:** As part of its internal procedures, PIDA requires that organizations have procedures for assessing risks that reprisals may be taken against disclosers. This tool assists organizations with their assessment of reprisal risks.

National Whistleblower Awareness Day

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



CASE SUMMARIES

CASE SUMMARIES

Case summaries help tell the story of our office and what we do. They provide examples of the kinds of individual complaints that come to us and highlight outcomes when we find that either a public body acted unfairly or rules were followed as they were intended.

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

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



HEALTH



No phone? Not fair

COVID-19



Fraser Health

Practices adopted by public bodies must respect human rights.

Rich contacted our office from a facility where he was being detained under the *Mental Health Act*. Among other concerns, he told us he was not allowed to use the phone.

When we investigated, we were told by staff that because of a COVID-19 outbreak, use of the communal phone was restricted. This concerned us as denying

involuntarily detained people access to the phone could be contrary to the Canadian Charter of Rights and Freedoms. After speaking with staff, we were told that denying Rich access to the phone was an error. Staff at the facility committed to notifying facilities across Fraser Health that residents must be able to access the phone during COVID-19 outbreaks.

A voice heard

Assisted Living Registrar

Making decisions based on all relevant information is a key pillar of administrative fairness.

Meg's 97-year-old mother was living in an assisted living facility in Kelowna and her health was declining to the extent that she was needing palliative care. Meg was concerned about the care her mom was receiving and also felt the facility was doing a poor job communicating with her. Meg filed a complaint with the Assisted Living Registrar (ALR) who investigated her concerns but found that they were unsubstantiated.

Not happy with how her concerns were addressed Meg contacted our office. We reviewed the investigation. It appeared that all the available records had not been

obtained or reviewed by the ALR in the course of their investigation. We also noted that there were some communication issues between Meg and the facility manager.

As a result, the ALR agreed to re-open its investigation. It also committed to ongoing training of investigators to ensure they review all sections of the *Assisted Living Regulation* when conducting investigations.

Unjustly detained

Fraser Health

Notification of people's rights when being involuntarily detained is a fundamental aspect of being treated fairly.

Carmen contacted our office concerned about her sister Aisha's involuntary admission and detention at Surrey Memorial Hospital under the *Mental Health Act*. Among other concerns, Carmen said her sister was not notified of her rights upon admission to the hospital.

We reviewed Aisha's medical records and noted that the legally required forms were not completed. We also found that Aisha's consent for treatment contained a vague description of her course of treatment with no specific recommendations by the attending physician. There were no copies of her rights notification or forms related to notification of a near relative.

Our investigation raised concerns consistent with our office's findings from our public report, *Committed to Change: Protecting the Rights of Involuntary Patients under the Mental Health Act*. During the course of

our investigation, we became aware that there was a warrant to apprehend and detain Aisha with no expiry date issued under the *Mental Health Act*. We had considerable concerns that in this case, and more generally, the ability to issue warrants without expiry under the applicable section of the *Mental Health Act* affords broad powers of apprehension that could lead to unjust and disproportionate outcomes for the subject of the warrant.

We asked Fraser Health to cancel Aisha's warrant for apprehension under the *Mental Health Act*. The Ombudsperson also recommended improved compliance with legally required forms for involuntary detention in the province. Fraser Health provided us with a copy of the cancellation and agreed to implement our recommendations in the *Committed to Change* report.

A painful delay

Interior Health

Lengthy delays can sometimes have very serious implications when receiving public services.

Claudette came to our office concerned that her husband Serge's leg amputation surgery had been delayed and they were not advised of a new date. Claudette told us the surgery had been scheduled and cancelled a number of times and she was concerned that her husband's condition was quickly deteriorating. Claudette told us she had called Interior Health's Patient Care Quality Office (PCQO) but she was told it would take three weeks before they could look into her complaint.

Through our investigation of Claudette's complaint, we worked with the PCQO's Director of Patient Safety. As a result of our involvement in the case, the Director very quickly contacted clinical staff at the hospital and notified them about Serge's declining health. His surgery was rescheduled and took place within a few days of our notice of investigation into the complaint.



A request revisited

Island Health

When applying policies, it is important to look closely at exceptions to how the rules may be applied.

John contacted our office with a concern that he was not able to visit his spouse in the hospital because he was not vaccinated against COVID-19. John's spouse had suffered a serious stroke and was not expected to live for more than a few days.

When we contacted Island Health, we learned there were exemptions available for unvaccinated people

in certain circumstances. These included exemptions for visits to loved ones on compassionate grounds, which included end-of-life visits. Recognizing they had overlooked John's request, in response to our investigation, the health authority arranged for John to visit his spouse.

Overcharge overturned

Ministry of Health

One complaint can potentially impact many.

Marianne received the bill for her husband's residential care fees that she believed was too high. Not sure where to turn, she contacted us.

We investigated and found that indeed Marianne had been overcharged by \$404.87 because of an error in how the *Continuing Care Fees Regulation* was being calculated during a particular month. Marianne was

reimbursed as a result of this error. As our investigation concluded that a similar miscalculation was used for others, the ministry also committed to direct all health authorities to contact clients, their families or their estates who may have been potentially eligible for a refund. We confirmed this action was taken by the ministry and closed our file.



Bitten by decision

Ministry of Health

Even when public bodies follow their own rules in one area, administrative errors in related areas can sometimes happen.

Paula required oral surgery to repair an overbite but the procedure she needed was not covered by the provincial Medical Services Plan (MSP). She had contacted the Ministry of Health and was advised that the decision to not to cover the costs associated with her condition aligned with its policy and that the ministry would not be able to assist further.

Paula disagreed with this decision as the oral surgery she required was a result of a surgeon's errors. Frustrated, she contacted our office for assistance.

We reviewed the ministry's coverage schedules and applicable policies and confirmed that Paula's condition was not covered, and the decision not to extend coverage was fair. However, the ministry accepted that the woman's initial surgical consultation was eligible for MSP coverage as it followed an insured surgical procedure. As such, the ministry wrote to Paula's dental surgeon and requested that he reimburse her \$250. The ministry also wrote a letter to Paula advising her of its decision and that it had directed her surgeon to repay her.

A prescription for fairness

Health Insurance BC

Responding to complaints promptly is an important pillar of fair public service.

Mari contacted our office after experiencing difficulties refilling her prescription for her medications. She had applied for the monthly deduction payment option, but when Mari went to the pharmacy she was told she did not have coverage, and would have to pay the full cost. Mari called Health Insurance BC (HIBC) several times to inquire about her application for monthly deductions. The staff she spoke to told her it would take three to four days. Mari tried to escalate the matter by requesting to speak with a supervisor, but the supervisor never called.

We reached out to HIBC regarding Mari's concerns and learned that her application for monthly deductions of her premium had not been properly filled out. This meant that she would have to pay the full premium first, before she was given coverage, instead of only a portion per month. In response to our investigation, HIBC reached out to Mari to provide her with additional details about the monthly deductions program. HIBC also expedited Mari's monthly deduction application, which allowed her to fill her prescriptions a few days later.



Virtually unfair

Vancouver Coastal Health

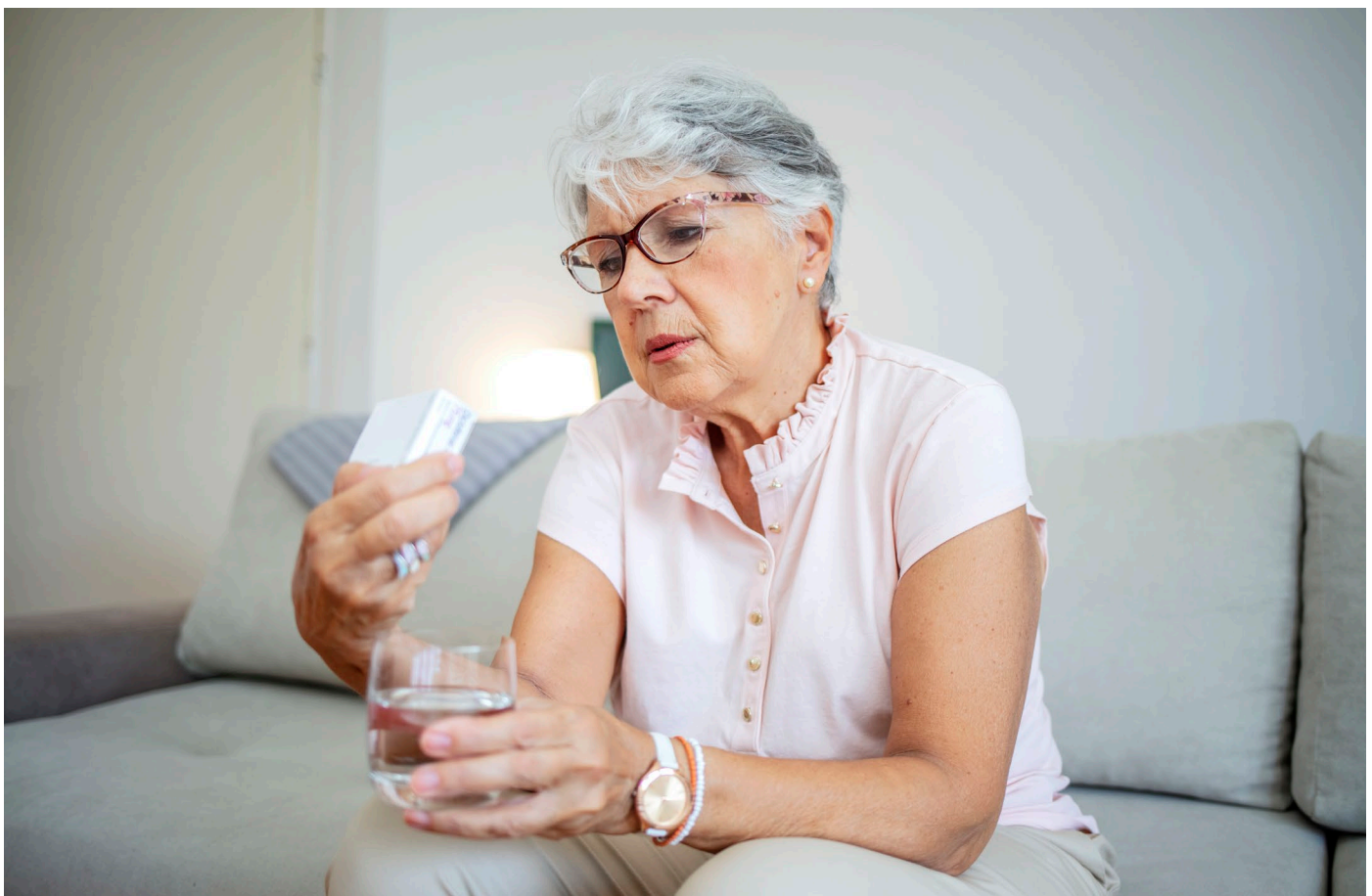
A decision and subsequent explanation that is not in line with established policies and orders can result in unfair treatment.

Katy called our office concerned about a decision made by a residential care facility in Vancouver Coastal Health to cancel virtual visits during a COVID-19 outbreak. She was scheduled to have a virtual visit with her mom but received an email advising her that all virtual visits were cancelled until further notice in accordance with direction from the Medical Health Officer (MHO). Believing the decision was unfair, Katy followed up and requested further explanation and was told that the facility was minimizing all unnecessary staff and resident contact for everyone's safety.

During our investigation, we were advised that the MHO had provided the facility with guidance on

infection control measures and activities that needed to be cancelled. However, we were not provided with any evidence that supported deviating from the facility's own COVID-19 safety policy of providing access to virtual visits.

We asked Vancouver Coastal Health (VCH) to apologize to Katy in writing for denying her access to her mom through a virtual visit. We also asked VCH to ensure that it did not restrict virtual visits during future COVID-19 outbreaks unless specifically required to do so. Vancouver Coastal Health agreed to implement both of these actions.



EDUCATION



COVID-19



Failure to communicate

Vancouver Community College

When an administrative error is made, it should be remedied in a timely manner and include a clear explanation of what happened.

Anya was attending an educational program at Vancouver Community College (the College) when courses went online due to COVID-19. Her professor told her she had the option to stop the program and begin again once in-person instruction resumed. Anya decided to do this and completed the paperwork to defer her tuition but later received a notice that the College considered her to have dropped the course. Feeling this was unfair, Anya reached out to us.

In reviewing documentation related to Anya's case and speaking with the Dean, we learned that Anya had received credit for all her fees and was being re-enrolled in her program but this had not been clearly communicated to Anya. Although the case appeared to be resolved, we were still concerned that Anya had to involve an outreach worker and her MLA in order to receive a response from the College. As a result of our investigation, the College provided Anya with details of the resolution in writing.

Recipe for fairness

Vancouver Community College

Fair decision making requires paying close attention to the rules and information that apply to individual circumstances.

Iris came to our office with a complaint that her tuition refund appeal after withdrawing from Vancouver Community College (the College) was denied. The Registrar's reason for the denial was that Iris had withdrawn five days after the start of the program. The College's Tuition and Refund Policy stipulated there is no refund of tuition or student fees if the withdrawal is after three days prior to the start date of the program. Feeling that it was unfair of the College not to refund her tuition fees since she didn't attend any classes and had to pay for the full year up front, Iris asked us to investigate.

Through the course of our investigation we determined that Iris's program, The Culinary Arts Diploma Program, is a standard cohort program and was eligible for a 50% tuition refund up to and including the fifth day after the start date of the program.

As the result of our investigation, Iris received a 50% tuition refund totalling \$4,929.87 as well as a written explanation of why the refund was being made.

A lesson in accessibility

Private Training Institutions Branch

Having clear and accessible public-facing information about programs and policies is a key aspect of delivering fair service.

Farhad contacted our office with a concern that he was trying to change the language of choice for instruction to Farsi on the Private Training Institutions Branch's (PTIB) website but he couldn't do so because Farsi was not included in the drop-down list of languages.

In speaking with staff at the PTIB, we learned that a digital form with a text field where applicants can

enter any non-available language was available as an alternative to the PTIB portal. The staff member apologized for not advising Farhad of this option. Staff also told us that the portal would be updated to ensure all language options are easily accessible.

A tutorial on fairness

Ministry of Advanced Education and Skills Training

Appeal processes should be broad enough to include people who experience similar instances of unfairness.

Rita was in the care of the Ministry of Children and Family Development (MCFD) for 12 years when she was growing up. When she applied for university in Alberta, she applied for the Provincial Tuition Waiver Program; a program that waives tuition fees for BC students who are former youth in care attending a public post-secondary institution in BC. Because Rita was going to university in Alberta, she was told she was ineligible for the program.

After reviewing policies relating to the program and speaking with several staff, the ministry agreed that the program was unnecessarily restrictive and invited Rita to apply for a tuition waiver and confirm her eligibility for the program. As a result of our investigation, the ministry also agreed to expand its appeals process to ensure other students in similar circumstances will be able to apply for the Tuition Waiver Program.



LOCAL GOVERNMENT



It takes a village

Village of Harrison Hot Springs

A fair process includes adequate notice, reasons for decision and information about appeal and review mechanisms.

Stu believed he had been treated unfairly after he was blocked from the comments section of the Village of Harrison Hot Springs' website. Stu was told by the Community Services Manager that one of his recent comments posted on its website breached the Village's Moderation Policy.

After investigating his complaint, we determined that several key principles of administrative fairness were overlooked when the decision to block his account was

made. Stu's account was blocked without notice, the Village did not provide him with reasons for its decision nor did it let him know he could seek a review of the decision to block his account.

We learned that the moderation service was provided by an external provider, not the Village. We proposed that the Village develop and implement its own online engagement policy embedded with fairness principles which it agreed to do.

A public apology

Town of Qualicum Beach

When the legislation or policy clearly spells out a test to apply, it should be applied consistently by staff so that similar cases are treated in a similar way.

Emma came to our office with a complaint that the Town of Qualicum Beach had treated her unfairly by not giving her an opportunity to be heard. A telecommunications company was proposing to build a wireless communications tower on land owned by the town. Emma had requested to appear as a delegate to Council to provide her feedback but was denied, a decision she felt was arbitrary.

Through our investigation, we reviewed a number of bylaws, procedures, meeting minutes and internal staff documents and determined that the decision was indeed made arbitrarily. As a result of our investigation, the town agreed to issue Emma a formal apology and announce it publicly. The town also agreed to provide staff with enhanced training relating to delegation requests.

Consider all options

District of Hope

When a public body has to choose a course of action from various options, fairness demands decision makers are aware of all available choices.

Dwayne, a member of the Coalition for the Preservation of the Hope Station House, brought a complaint to our office that, among other things, the District of Hope had unfairly dismissed proposals to save the historic train station from pending demolition.

Given the imminent destruction of the building, we conducted an expedited investigation that determined the District's decision to demolish the building was made without considering all available options. In making the decision to tear down the station, Council was presented with two options: to either demolish the building, or to transfer title to a local First Nation. However, Council

was not presented with a third option of moving the building.

The Ombudsperson's investigation also noted the District did not adequately consider the building's heritage status when making its initial decision.

As a result of our involvement in this case, the District agreed to not demolish the building and to reconsider the issue. The District initiated a new decision-making process to determine the fate of the building and a stop work order was subsequently issued by the provincial government's Heritage Branch.

A burning question

Town of Comox

Fairness requires discretion be exercised in good faith, based on relevant considerations and consistent with the applicable legislation.

Clay contacted our office after his neighbour was permitted to replace his gas-burning fireplace with a wood-burning one which is not allowed under the Town of Comox's Building Bylaw. While the Town approved the permit, it acknowledged that the work was not in line with the spirit of the Building Bylaw. Clay informed the Town that his neighbour had intentionally misled them and was told that if this was the case, the permit could be revoked, but Clay never heard back.

Our investigation revealed that the Building Bylaw did not explicitly account for inactive wood-burning appliances such as a disconnected fireplace. In view of this gap in the bylaw, the Town decided that the process of removing the gas-burning insert from the inactive fireplace, and then installing a wood-burning insert in the inactive fireplace, did not trigger the Building Bylaw restrictions. We thought this exercise of discretion by the Town was reasonable in the circumstances. However, we were concerned by the gap in the bylaw. We asked

staff to recommend that Council amend the bylaw to account for inactive wood-burning appliances, which they agreed to do.

We were also concerned with the Town's response to Clay's bylaw complaint and asked the Town to develop and/or revise its bylaw complaints and enforcement policies to be in line with recommendations in our [*Bylaw Enforcement: Best Practices Guide for Local Governments*](#).

Our investigation also found the Town's investigation into the transparency of the permit application may have been insufficient. We asked the Town to reinvestigate the permit application and to share the results of their investigation with Clay and our office. As a result, the town reopened their investigation and reported back as they had agreed to do. We viewed the Town's actions as adequate in the circumstances and concluded our investigation of Clay's complaint.

Ask first please

District of Central Saanich

Bylaw inspections should be conducted in the most minimally intrusive way possible and only relate to the bylaw being enforced.

Chris called our office concerned after the District of Central Saanich inspected their property and house without their permission following complaints from neighbours that they were using their property as a campground.

In our investigation, we noted that the District's records were silent regarding the lack of consent that Chris described. Although the District had the authority to enter the home, we would expect a local government to do so in the fairest way possible. In our report, *Bylaw Enforcement: Best Practices Guide for Local Governments*, we outline that inspections should be done in the most minimally intrusive way possible

and only inspect what is relevant to the bylaw being enforced. In Chris' case, the inspection of the property included closets in the house that did not appear to be in any way be connected to the potential operation of a campground. Our investigation confirmed that consent for entry had not been obtained by the homeowner prior to the search, and adequate reasons for the inspection were not provided.

As a result of our investigation, the District committed to amending the bylaw to obtain and document consent before entering a private dwelling and to conduct inspections that are minimally intrusive and connected to the alleged bylaw contravention.

A reply leads to further study

Village of Chase

Listening to complaints and providing a meaningful response is an important aspect of administrative fairness.

EARLY RESOLUTION

Tony was concerned that an elected councillor for the Village of Chase had not recused himself during a presentation to Council. The presenter was the councillor's employer. Tony complained to the Village about his concerns but did not receive a response.

Initially, we were informed by the Village that they had no intention to reply to Tony's complaint. However, due to our Early Resolution team's efforts to facilitate communication, the Village decided to respond and inform Tony that it is the responsibility of each Council

member to identify any conflicts of interest and seek independent legal advice if unsure whether a conflict exists.

As a result of our enquiries, the Village's Mayor and Council took a further look at its conflict of interest guidelines and Tony received an official letter from the Mayor informing him of the Village's plan to address its conflict of interest guidelines, including having Council attend a workshop on the issue.

HOUSING



Asking to be heard

Residential Tenancy Branch

Public bodies are responsible for ensuring their programs and services are easily accessible to a diverse range of people.

Mateo connected with our office with a number of concerns about the Residential Tenancy Branch (RTB), including issues he was having due to the fact that English is not his first language. Following a dispute with his landlord, Mateo requested an in-person hearing because he had challenges understanding conversations in English over the phone. Mateo was told that in-person hearings were only conducted for individuals with medical exemptions. Feeling this was unreasonable, Mateo contacted us.

Through our investigation, we learned that a publicly available RTB policy allowed for alternative hearing

formats in situations where language may be a barrier, but an internal RTB policy contradicted this information. We also learned that the RTB only considered requests for alternate hearing formats when they were presented via certain channels, but this information may not be clear to all RTB users. Accordingly, we proposed that the RTB create a specific form for individuals to request alternatively formatted hearings, and we asked that it modify its internal policy to align with this form and the external policy. The RTB implemented both of our proposals.

Finally approved

Ministry of Social Development and Poverty Reduction

The public has a right to timely responses regarding decisions that impact them.

EARLY RESOLUTION

Sho called us extremely concerned that he may lose his rental suite imminently. Sho was receiving income assistance from the Ministry of Social Development and Poverty Reduction. He had sent in his required Intent to Rent paperwork but had not received approval back from the ministry.

Our Early Resolution Officer accessed our contacts in the ministry and Sho's file was marked as urgent. As a result, Sho had his application processed and approved and his housing was secured.

A debt erased

Ministry of Finance

It's important to minimize any unnecessary regulatory or administrative burdens associated with the public accessing programs and services.

Blake called our office concerned that the City of Vancouver was pursuing him for money owed in connection with Vancouver's Empty Homes Tax. Blake had lived in the home for more than 20 years, had explained this to the City several times, and had made his annual declaration. Despite this, his claim was not accepted and he was told that he owed more than \$19,000 in unpaid taxes and interest.

We discovered that Blake's collection notices were being sent by the Ministry of Finance in relation to BC's Speculation and Vacancy Tax. We also learned that the ministry's records listed Blake's mother as co-owner of the property. The notices were being sent because she had not made her required annual Speculation and Vacancy Tax declarations. When we explained our

findings to Blake, he informed us that his mother passed away several years ago. It appeared that the executor of her estate had failed to remove her name from the property title.

We relayed this information to the ministry and were advised that if Blake could provide a copy of his mother's death certificate, it could erase the debt. Blake promptly sent a copy of the death certificate and his home's status was revised in the ministry's system, meaning the debt was erased.

We reminded Blake to have the executor take the necessary steps to have his mother removed from title to avoid future collection notices.



TRANSPORTATION



The case of the coding error

ICBC

Public authorities should fix errors as soon as possible and inform individuals who were impacted by them.

Oli was trying to get his class 5 and motorcycle driver's licences at the same time. He passed his class 5 driving test, received his driver's licence and also passed the motorcycle knowledge and skills test. However, when he tried to book his motorcycle road test he was told that his motorcycle learner's licence had been cancelled. Oli did not understand why this had occurred. The ICBC representative also told Oli he would have to re-take the motorcycle knowledge and skills test before he could book his road test. Oli did this in order to be able to drive his motorcycle home, but he pursued his concerns about the cancelled licence with ICBC.

ICBC apologized to Oli and acknowledged an error was made in processing his motorcycle licence. Oli did not understand how the error was made, and he was concerned others may experience similar issues.

Unsatisfied with ICBC's actions, Oli contacted our office. Through our investigation, we were informed that the error ICBC had acknowledged in Oli's case was due to a computer coding error that automatically cancelled his motorcycle licence when his class 5 driver's licence was obtained. We learned that the ICBC representative Oli had been dealing with was not aware of the error. ICBC then fixed the problem and educated staff about what had happened.

On the road again

RoadSafetyBC

When delivering fair service it is important to set reasonable service delivery standards, including timelines for responding to an enquiry or concern.

EARLY RESOLUTION

Farrah fainted and her driver's licence was suspended until a neurologist could confirm with RoadSafetyBC that the fainting was not the result of a seizure. Four months after submitting the required paperwork to RoadSafetyBC, including the neurologist's report confirming that the fainting episode was not a result of a seizure, Farrah still had not received a response. Feeling frustrated, Farrah turned to us.

Through our expedited investigation, we learned that Farrah had made several attempts to follow up with RoadSafetyBC but was not able to make contact. We contacted RoadSafetyBC directly and as a result, a few days later, Farrah received an email informing her that her driver's licence was immediately reinstated.

Repair reconsidered

ICBC

A reasonable process requires that decisions are made based on all the relevant information.

Lee was acting as his mother's agent to finalize an insurance claim for an accident that occurred when he was driving her car. ICBC inspected the car and determined it could not be repaired because the costs of doing so exceeded the car's declared value. However, when the repair shop requested that ICBC cover the cost of a test to check the engine's viability, ICBC refused because its inspection indicated engine damage had occurred.

Lee disagreed with this decision and felt ICBC was pressuring his mother into accepting an undervalued cash payout. After he contacted our office, we reached out to ICBC. They told us that they were in fact prepared to pay for an engine viability test, but Lee went ahead with engine viability testing on his own and proved

the engine was not damaged. The repair shop told Lee that it estimated the cost of repairing the car was 56 percent of what ICBC valued the car to be, which Lee understood was within the standards which ICBC would repair a vehicle. As such, Lee did not understand why ICBC was refusing to repair the vehicle.

We relayed Lee's concerns to ICBC, and ICBC decided to reimburse Lee for the cost of the engine viability test and the associated investigative costs, as well as provide his mother the opportunity to accept a cash payout but retain the vehicle as salvage. Ultimately, Lee and ICBC reached an agreement for his mother's claim that was to her satisfaction.



CORRECTIONS



Safety is serious

Ministry of Children and Family Development

Proper documentation of complaints is essential in ensuring people are treated fairly.

Kennedy contacted our office concerned with how he was treated by Burnaby Youth Custody Services Centre. Kennedy was moved back to a unit where he felt he would not be safe. Within an hour of the move, Kennedy overdosed requiring hospital treatment. Feeling his mental and physical safety was in jeopardy, Kennedy asked us to investigate.

Through our review of Kennedy's situation, we were told the centre found his safety concerns to be unfounded. However, we found there was no record or documentation as to how, or if, the centre responded to Kennedy's safety concerns.

The centre informed us that it had requested an operational review regarding the overdose and

we recommended it also include a review of the documentation process in relation to Kennedy's complaint. This review found there was a lack of documented evidence of an investigation into Kennedy's safety concerns.

To resolve the issue and to ensure this did not happen again, it was recommended that the Youth Custody Operations Manual be amended to ensure issues of personal safety are classified as a serious complaint and are no longer resolved informally, and staff be made aware of the change. The ministry accepted this recommendation and the policy change was approved by the Provincial Director of Youth Justice.

A diet of discretion

Okanagan Correctional Centre

It is important to provide staff with guidance on how to consider individual circumstances, when exceptions to policy may be considered, and what information should factor into the exercise of discretionary power.

Reid, an inmate at the Okanagan Correctional Centre, was denied his request to change his diet. He reached out to us for help as he felt this denial was unreasonable.

Through our investigation, we reviewed the Adult Custody Policy (ACP), which provides direction on inmate diet selection, and learned that inmates are required to declare their diet selection upon admission. Any further diet changes are generally not permitted unless recommended by a health care professional. Essentially, inmates have only one opportunity to make their diet selection regardless of how long they are incarcerated.

We questioned whether it was fair to broadly restrict an inmate's ability to change their diet selection regardless of the length of incarceration. We suggested that BC Corrections revise the ACP and meal selection form to provide for change at a reasonable interval based on an inmate's change in circumstances. BC Corrections agreed and the ACP now allows inmates to change their original diet selection once after a continuous period of confinement of six months, in addition to any additional changes determined by a health care professional.



Unannounced visit

North Fraser Pretrial Centre

When appropriate, the Ombudsperson exercises extraordinary powers of investigation.

Our office received reports that inmates were being kept in unsanitary conditions in North Fraser Pretrial Centre (NFPC). Inmates raised concerns that the segregation area was in an unacceptable state. We were told that some cells were infested with rodents and piles of uncollected garbage. Inmates complained that they were not provided with adequate supplies to clean their individual cells. Inmates also reported they had been unable to shower on a regular basis and were denied access to clean clothing.

As part of our investigation, a decision was made to conduct an unannounced site visit to North Fraser Pretrial Centre in the Fall of 2021 to investigate the allegations and inspect first-hand the realities of incarceration at NFPC.

During the visit, the team noted that in general living quarters at NFPC appeared to be clean and the cells where inmates sleep were free of biohazards. The majority of the inmates interviewed did not raise significant concerns about the living conditions. Based on what the team observed and the records they reviewed, there appeared to be adequate cleaning schedules and training in place. The only cells they observed to be in a state of uncleanliness were vacant cells that were in the process of being cleaned.

However, despite the generally clean state of the centre, the team found inadequacies in rodent abatement. Inmates reported that rodents routinely passed through common areas and accessed individual cells. The team observed towels and makeshift screens laid across the base of cell and storage room doors, to prevent rodent transit. One inmate described being bitten by a rat while he slept a few nights prior. The team found that there was a longstanding rodent infestation at NFPC and the measures put in place to address the problem did not address the issue effectively.

The team identified problematic practices with respect to cell cleaning and disinfecting when inmates are transferred. Two inmates, who were unit cleaners, said that on occasion they observed new inmates placed in cells that had not been adequately cleaned and sanitized.

We asked NFPC to commit to securing the services of a pest control contractor with the capacity to bring NFPC to an acceptable standard. Based on pest mitigation reports we received, we proposed that NFPC employ the services of a general contractor/structural maintenance provider to fulfill pest control recommendations involving sealing and other mitigation work. While we recognized that the centre is located in an industrial area, it remains a 24-hour living and working environment for hundreds of people sharing a confined space and the conditions of confinement should be reasonably free of rodents, and help to prevent the spread of disease.

We proposed that NFPC develop a new practice for ensuring that a staff member thoroughly inspect each cell and certifies its cleanliness prior to placing an inmate in it. This inspection should check for cleanliness and biohazards in all locations within a cell, particularly those not immediately visible from the doorway such as under beds and mattresses. This process should include a method of recording individual cell inspections and biohazard cleaning.

NFPC accepted the proposals and we have determined that all actions have been completed. As such, we considered the matter settled and closed our file. The Ombudsperson appreciates NFPC leadership's candor, cooperation, and engagement during this investigation and their commitment to resolving the problems identified. These aspects of the centre's operation will be reviewed during future site visits.

WORK AND BUSINESS



Assignment “pending”

BC Financial Services Authority

Acknowledging and addressing complaints in a timely manner is a key pillar of administrative fairness.

Alison contacted us to tell us she had filed a complaint about her realtor with the BC Financial Services Authority (BCFSA) but had not received a response. We investigated and determined that Alison’s complaint had been screened in and was pending assignment to an investigator. Staff at BCFSA told us the delay was due to an increase in complaint volumes due to the pandemic, as well as the recent transfer of operations of the Real Estate Council of BC to the BCFSA.

As a result of our investigation, BCFSA agreed to re-establish contact with Alison, provide her with an update on the status of her complaint and assign a contact person to her file. BCFSA staff also confirmed they were making efforts to expedite investigations to address their current backlog.

Time for an appeal

Consumer Taxation Branch

For a decision to be fair, all information needs to be considered.

After Eli bought a car from a friend, he contacted us with concerns about the Provincial Sales Tax (PST) assessed by the Consumer Taxation Branch (CTB). Eli explained that vehicle ownership was transferred to him temporarily while the owner was out of the country, and so he felt he qualified for a PST exemption. Unfortunately, he had missed the 90-day deadline to appeal the assessment.

However, the CTB’s assessment, shared with Eli by email, appeared to be based on the vehicle’s Sanford Evans Gold Book value, rather than the lower,

depreciated value. This meant the PST owing had not been calculated fairly. Because Eli had disagreed with the overall assessment, he had not realized it was also calculated improperly.

To settle the complaint, the CTB apologized to Eli for its error and issued a revised Notice of Assessment reflecting the reduced PST outstanding. To Eli’s benefit, this second notice of reassessment also triggered a new opportunity for him to appeal the CTB’s overall decision to charge PST.

Diagnosing a problem

Health Employers Association

A fair process requires information provided to be adequate and accurate.

In 2013, Moe and his family moved to Canada. Moe, an internationally trained and practicing family doctor, contacted HealthMatch BC (HMBC), a division of the Health Employers Association, to inquire about practicing family medicine in BC. He was provided with the requirements for provisional registration based on the College of Physicians and Surgeons of BC's (the College) bylaws, including a template outlining the specific qualifications he required based on where he had graduated from medical school. HMBC submitted Moe's records to the College for an initial eligibility assessment and provided him with a series of training requirements that needed to be fulfilled before he could apply for registration.

Upon completion of his training requirements, which included 24 weeks of training rotations, Moe contacted the College of Family Physicians of Canada (CFPC) and was advised that he was not eligible for provisional registration.

Frustrated that he had been given incorrect information and that he had wasted a significant amount of time and money pursuing a registration pathway he was never eligible for, Moe contacted our office.

Following our investigation, we were concerned that HMBC had failed to fulfill its contractual role. We were also concerned that the registration guide was unclear and at times contradictory which misled Moe into believing he was eligible for certification without examination.

We recommended that HMBC take several actions to resolve the unfairness including:

1. Amend all templates so the "Provisional Registration" section clearly articulates the requirements of the College's bylaws.
2. Amend all internal family practitioner workflow guides and policies to include a requirement to either assess whether an applicant's postgraduate training will be recognized by the CFPC, or to provide a disclaimer that HMBC does not assess CFPC requirements and that applicants should contact CFPC.
3. If Moe files a legal claim, HMBC commits to negotiating in good faith to resolve the claim on a without prejudice basis.

HMBC agreed to implement all of these recommendations.

Reviewing the review

WorkSafeBC

Providing all of the required information about how a decision is made, including how to appeal, is key to making a decision fair.

Addi was seeking a review of a wage-loss benefits decision made by WorkSafeBC's Review Division but had failed to submit their request within the 90-day time limit. As such, Addi requested a time extension to the Review Division but the request was denied. With the impression that there was no opportunity to have the decision reconsidered, Addi contacted our office.

Our investigation focused on whether WorkSafeBC's Review Division provided enough information to Addi about the reconsideration and appeal options available for time extension decisions. We found that information about how Addi could submit a reconsideration was not provided to them.

To address the fairness concern, WorkSafeBC's Review Division agreed to ensure applicants are provided information about the reconsideration option for an extension of time decision. Staff also explained that there is no time limit for the reconsideration option and that Addi could still request a reconsideration of the extension of time decision.

With the fairness issue resolved and Addi's complaint settled, we closed our file.



INCOME AND BENEFITS



Crisis averted

Ministry of Social Development and Poverty Reduction

Acknowledging errors and working expeditiously to resolve them when the need is urgent is an important pillar of providing fair service.

Sherry recently lost her home and was sleeping in her friend's car. She had no food or money and had nowhere to go. She applied for income assistance through the Ministry of Social Development and Poverty Reduction and was told her application would take several days to process. Desperate for some immediate assistance, Sherry contacted us for help.

Our investigation found that Sherry's application was only partially completed and had not been submitted to the

ministry for review. As a result, her application had not been assessed for urgency or placed in a queue for response.

We discussed the situation with the ministry and the options available to support Sherry in completing her application on an expedited basis. A ministry staff member then contacted Sherry that day and assisted her with the application and was able to assess her eligibility. Sherry was approved for assistance and was issued a pro-rated cheque the same day.

Communication breakdowns

Ministry of Social Development and Poverty Reduction

Understanding, listening and hearing all sides of the story can help an organization to be more fair in administering important and often vital services to the public.

Drew reached out to us concerned with how the Ministry of Social Development and Poverty Reduction (MSDPR) administered their income assistance benefits. Drew was homeless and did not have a mailing address to receive income assistance benefit cheques. MSDPR put their cheques on hold because Drew had not picked up their cheques in person. Drew was also unable to apply for a renewal of their Permanent Resident card because MSDPR would not issue an advance of the Identification Supplement.

We spoke with a Community Relations and Service Quality Manager at MSDPR and learned that there had

been some challenges communicating with Drew. We also learned that Drew may be eligible for additional supports from MSDPR, but Drew was resistant to discussing these potential supports with staff. To resolve the issues, we recommended that MSDPR designate a staff member to connect with Drew directly and to provide additional support to them on a trial basis. MSDPR agreed and also provided additional oversight and support to its staff during this trial period. The manager confirmed that Drew had applied for a renewal of their Permanent Resident card and that a service request had been created to reimburse them.

New situation, basic fairness

BC Lottery Corporation (BCLC)

When a novel situation arises, going back to fairness basics can help.

Kallie won \$150,000 playing the lottery but the BC Lottery Corporation (BCLC) refused to release her prize. She was told that she needed to provide BCLC with a signed waiver from two friends who were with her when she bought the ticket confirming they had no claim on the winning ticket. One of Kallie's friends signed the waiver and the other spoke to BCLC on the phone and confirmed that they did not purchase the ticket, but refused to sign the waiver, resulting in BCLC denying Kallie her winnings. Frustrated, Kallie reached out to us for help.

We were concerned about whether BCLC's demand was authorized by the Rules and Regulations Respecting

Lotteries and Gaming, and whether BCLC could require Kallie to produce the signed waivers before releasing her lottery prize.

After some discussion and reconsideration of the situation, BCLC agreed to settle the complaint by releasing the winnings without further action by Kallie. BCLC also indicated that this situation was, in their experience, unique.

With Kallie's winnings released, we ceased our investigation.

Eligibility finally recognized

Ministry of Social Development and Poverty Reduction

Service fairness requires program administrators to reasonably use their discretion.

Lucas requested assistance from the Ministry of Social Development and Poverty Reduction to purchase food and medicine for his children, who were unexpectedly in his care for longer than usual. He was provided a \$40 crisis supplement by the ministry, but when he inquired about additional supports to assist with expenses, he was denied. Concerned, Lucas contacted us for help.

We reached out to the ministry and were informed Lucas' application for the Shared Parenting Assistance benefit had been denied because he did not have a court document confirming the children as dependents.

Although the ministry's decision was consistent with its procedure, we questioned whether it was reasonable. In Lucas' case, it appeared that the ministry had applied a "one-size-fits-all" approach. It was unclear why the ministry chose to only accept court documents given that other evidence was available.

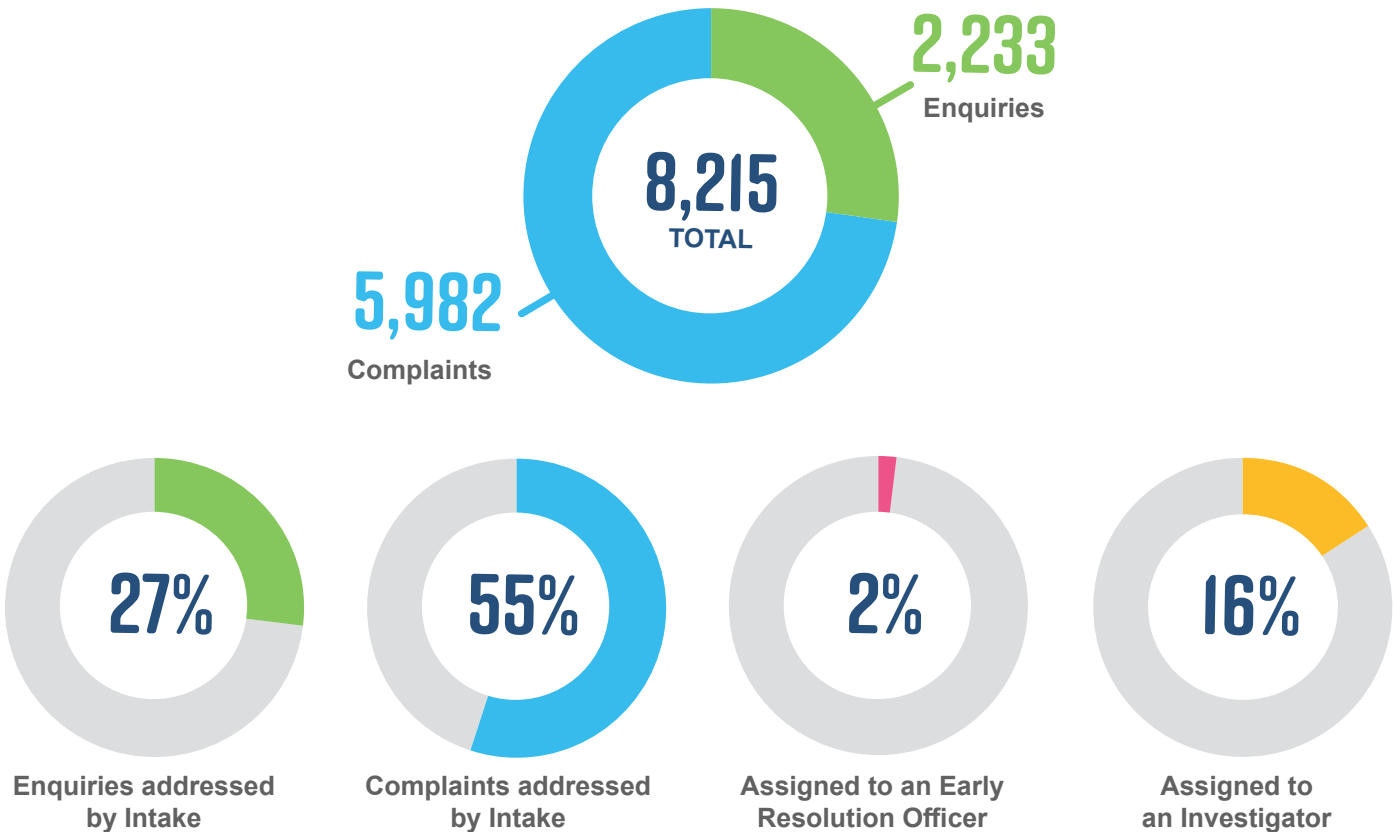
Through the course of our investigation, we learned that the ministry had changed its procedures and permitted ministry staff to make eligibility decisions based on the evidence presented in each case, instead of requiring proof in the form of a court document only.

Upon further review of Lucas' case and his original application for the Shared Parenting Assistance benefit, the ministry determined that Lucas was in fact eligible under the new policy and issued him with a payment of \$5,415 retroactively.

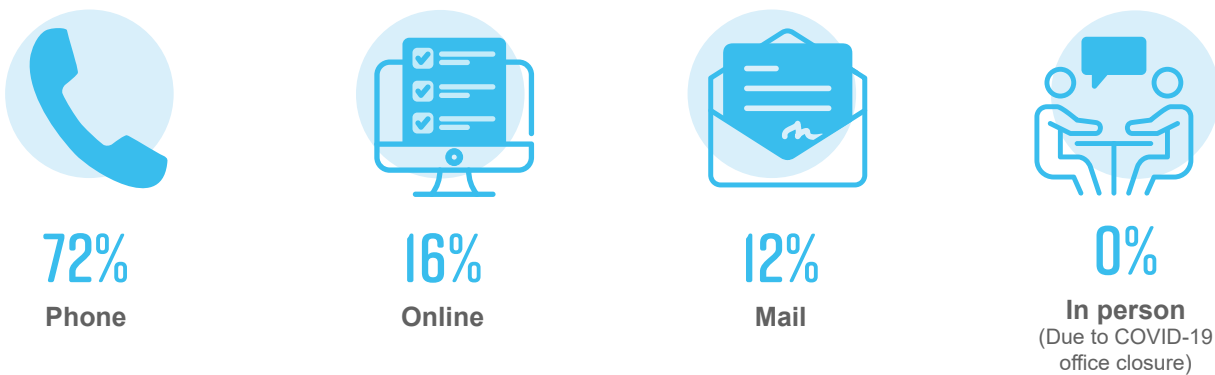
THE YEAR IN NUMBERS

Ombudsperson Act by the Numbers

COMPLAINTS AND ENQUIRIES RECEIVED



HOW WE RECEIVED COMPLAINTS AND ENQUIRIES



The Concerns People Contacted Us About

1,913
Decision

1,512
Process

938
Communication

796
Treatment
by Staff

526
Delay

286
Review or
Appeal Process

347
COVID-19

178
Other

399
Accessibility

264
Administrative
Error

45
Employment

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

Top Complaints and Enquiries by Public Authority

TOP 5 MINISTRIES



509

Ministry of Health



477

Ministry of Children and Family Development



350

Ministry of Social Development and Poverty Reduction



330

Ministry of Public Safety and Solicitor General



289

Ministry of Attorney General

TOP 5 NON-MINISTRIES



487

ICBC



179

Fraser Health



173

Vancouver Coastal Health



172

WorkSafeBC



150

Island Health

Top 20 Authorities in 2021/2022

By Complaint and Enquiry Volume

| Authorities | Complaints and Enquiries Received | Difference from Last Year |
|--|-----------------------------------|---------------------------|
| Ministry of Health | 509 | ↑ 208 |
| ICBC | 487 | ↓ 4 |
| Ministry of Children and Family Development | 477 | ↓ 4 |
| Ministry of Social Development and Poverty Reduction | 350 | ↑ 64 |
| Ministry of Public Safety and Solicitor General | 330 | ↓ 89 |
| Ministry of Attorney General | 289 | ↑ 86 |
| Fraser Health | 179 | ↑ 3 |
| Vancouver Coastal Health | 173 | ↑ 5 |
| WorkSafeBC | 172 | ↑ 7 |
| Island Health | 150 | ↑ 10 |
| Provincial Health Services Authority | 133 | ↑ 36 |
| Interior Health | 113 | ↓ 51 |
| Ministry of Finance | 112 | ↑ 23 |
| BC Housing | 112 | ↑ 30 |
| City of Vancouver | 91 | ↓ 140 |
| BC Hydro and Power Authority | 89 | ↓ 13 |
| Law Society of British Columbia | 71 | ↑ 18 |
| Public Guardian and Trustee | 63 | 0 |
| Human Rights Tribunal | 54 | ↑ 26 |
| Ministry of Forests | 52 | ↑ 9 |
| Total | 4006 | ↑ 131 |

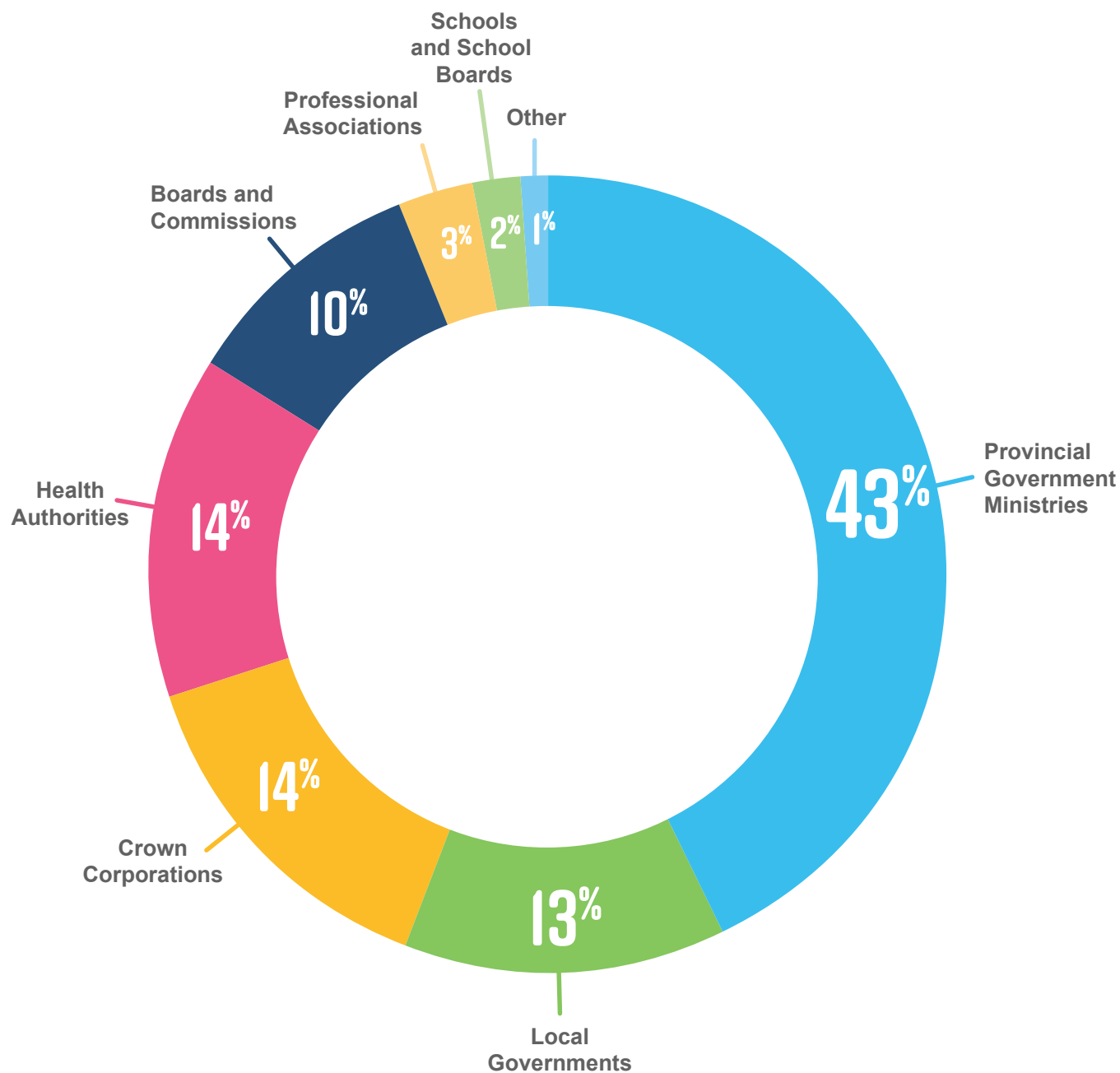
COMPLAINTS AND ENQUIRIES
RECEIVED ABOUT THE TOP 20
AUTHORITIES REPRESENT

49%

OF ALL COMPLAINTS
AND ENQUIRIES
RECEIVED

Jurisdictional Complaints and Enquiries Received

By Authority Category



Jurisdictional Complaints and Enquiries Received – By Authority Category

Ministries (43%)

| | |
|--|-----|
| Ministry of Health | 509 |
| Ministry of Children and Family Development | 477 |
| Ministry of Social Development and Poverty Reduction | 350 |
| Ministry of Public Safety and Solicitor General | 330 |
| Ministry of Attorney General | 289 |
| Ministry of Finance | 112 |
| Ministry of Forests | 52 |
| Ministry of Labour | 38 |
| Ministry of Citizen's Services | 32 |
| Ministry of Transportation and Infrastructure | 32 |
| Other Ministries | 112 |

Local Governments (13%)

| | |
|------------------------|-----|
| City of Vancouver | 91 |
| City of Surrey | 39 |
| City of Victoria | 34 |
| District of Saanich | 22 |
| City of Langford | 17 |
| Islands Trust | 15 |
| City of Nanaimo | 15 |
| City of Burnaby | 14 |
| Township of Langley | 14 |
| Other Local Government | 445 |

Crown Corporations (14%)

| | |
|------------------------------|-----|
| ICBC | 487 |
| BC Housing | 112 |
| BC Hydro and Power Authority | 89 |
| Community Living BC | 31 |
| BC Lottery Corporation | 13 |
| Other Crown Corporations | 19 |

Health Authorities (14%)

| | |
|--------------------------------------|-----|
| Fraser Health | 179 |
| Vancouver Coastal Health | 173 |
| Island Health | 150 |
| Provincial Health Services Authority | 133 |
| Interior Health | 113 |
| Northern Health | 41 |

Commissions and Boards (10%)

| | |
|---------------------------------------|-----|
| WorkSafeBC | 172 |
| Public Guardian and Trustee | 63 |
| Human Rights Tribunal | 54 |
| Civil Resolution Tribunal | 30 |
| Coroners Service | 22 |
| Workers' Compensation Appeal Tribunal | 21 |
| Other Commissions and Boards | 185 |

Schools and School Boards (2%)

| | |
|--------------------------------------|----|
| School District 44 (North Vancouver) | 8 |
| School District 36 (Surrey) | 7 |
| School District 39 (Vancouver) | 7 |
| School District 43 (Coquitlam) | 7 |
| Other Schools and School Boards | 69 |

Professional Associations (3%)

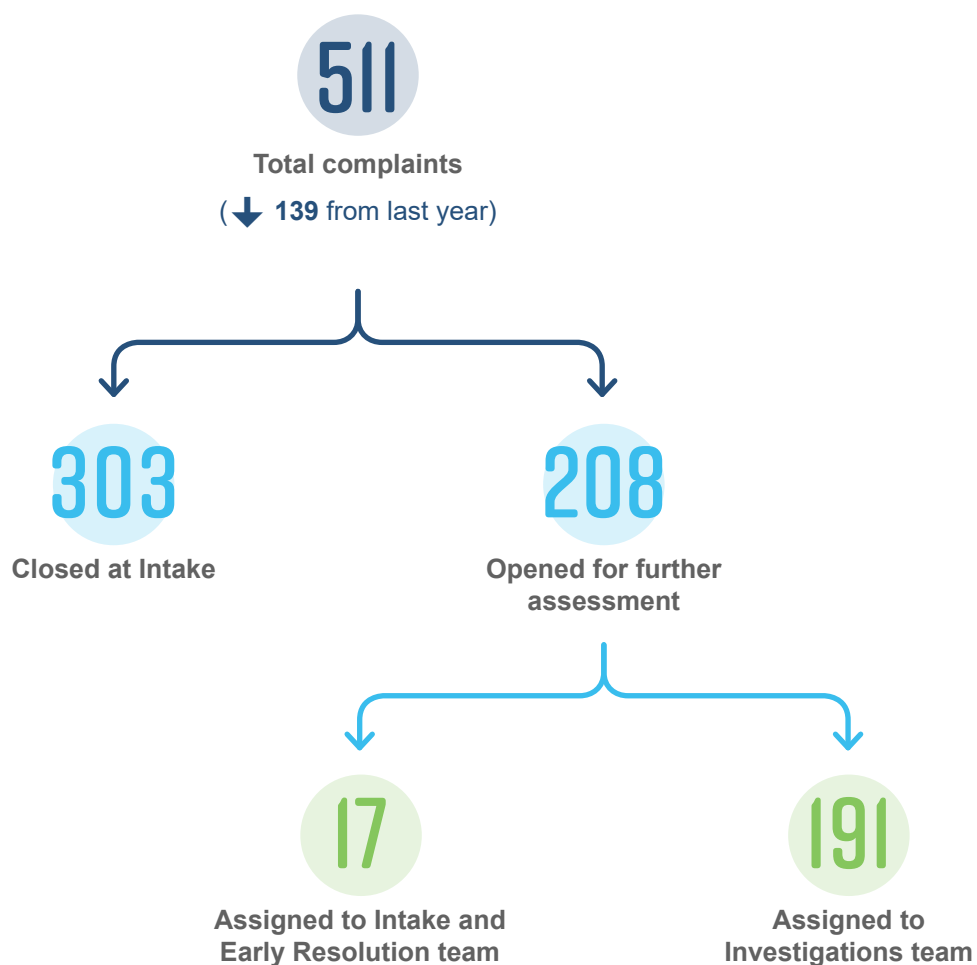
| | |
|--|----|
| Law Society of British Columbia | 71 |
| College of Physicians and Surgeons of BC | 22 |
| BC College of Nurses and Midwives | 13 |
| Other Professional Associations | 32 |

All Others (1%)

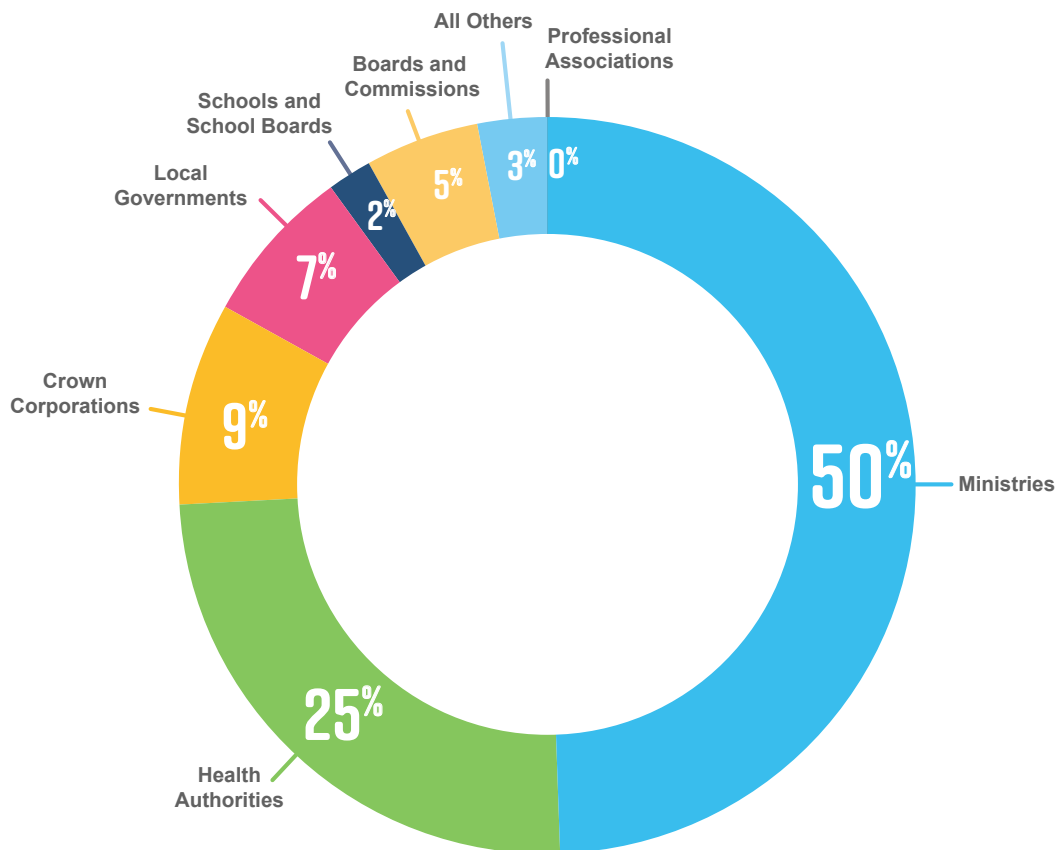
| | |
|--------------|----|
| Universities | 52 |
| Colleges | 23 |
| Libraries | 3 |
| Parks Boards | 1 |



COVID-19 Related Complaints Received in 2021/22



COVID-19 Related Complaints Received By Authority Category





Highest Percentage of COVID-19 Related Complaints and Themes by Authority



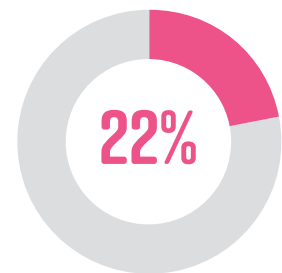
Ministry of Health

1. Access to vaccination appointments
2. Proof of COVID vaccination (accessibility, exemptions, etc.)
3. Provincial Health Officer orders and restrictions



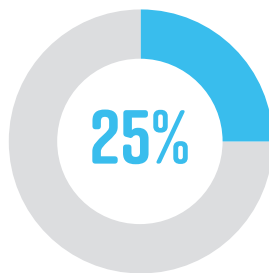
Ministry of Finance

1. BC Recovery Benefit (access, delay in processing applications)
2. Rural Property Tax (COVID-related delays, accessibility and penalties)
3. Vaccine and mask mandates



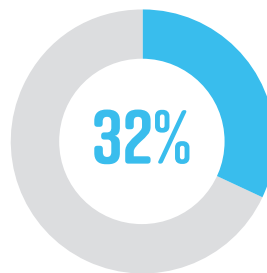
Ministry of Public Safety and Solicitor General

1. Quarantine and segregation of inmates in correctional centres due to COVID
2. Adequacy of COVID precautions in correctional centres
3. Inmate access to healthcare, visitors, canteen and programs



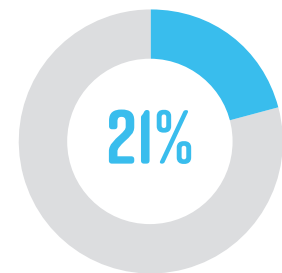
Island Health

1. Access to health care
2. Access to vaccine appointments
3. Concerns about proof of vaccine requirements and mask mandates



Provincial Health Services Authority

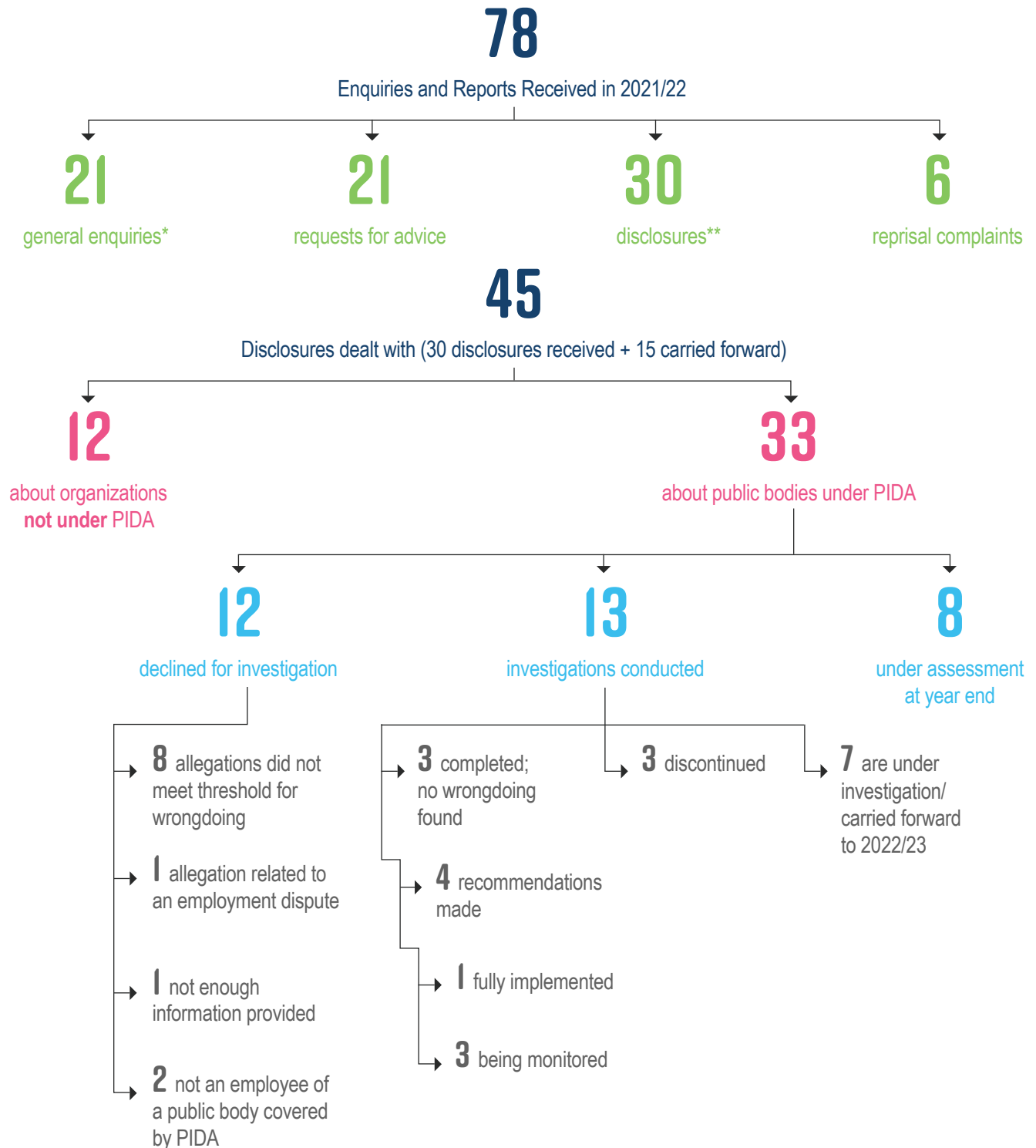
1. Access to vaccine appointments
2. Access and issue with proof of vaccine requirements
3. Communication issues and delays



Fraser Health Authority

1. Access to vaccine appointments
2. Quality of care and program reduction
3. Visitation restrictions in long-term care and hospitals

Public Interest Disclosure Act by the Numbers



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

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

PIDA by the Numbers, continued

7

Reprisal complaints dealt with (1 carried over from previous year)

2

about organizations **not** under PIDA

5

about public bodies under PDA

2

declined because allegations did not meet threshold for reprisal

2

under assessment at year end

1

under investigation



Ombudsperson Act Complaints and Enquiries Received By Electoral District

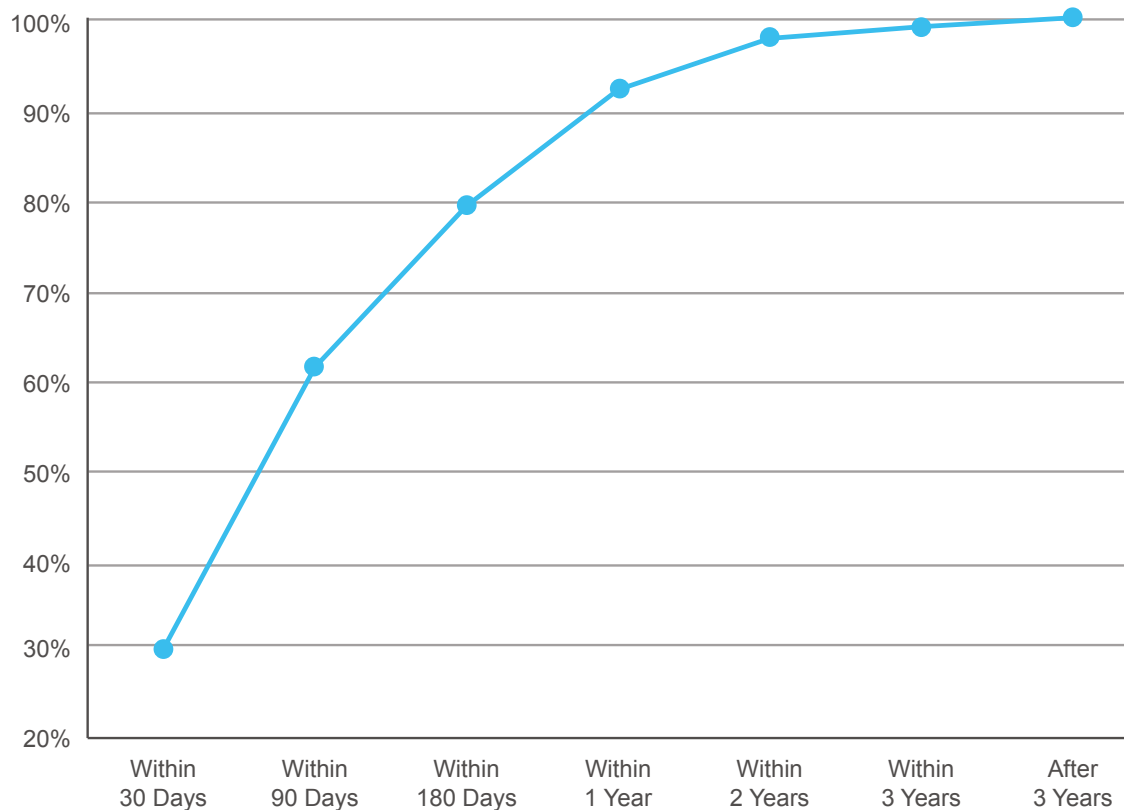
| Electoral District | Received |
|---------------------------|----------|
| Abbotsford-Mission | 48 |
| Abbotsford South | 53 |
| Abbotsford West | 40 |
| Boundary-Similkameen | 89 |
| Burnaby-Deer Lake | 31 |
| Burnaby-Edmonds | 33 |
| Burnaby-Lougheed | 26 |
| Burnaby North | 40 |
| Cariboo-Chilcotin | 30 |
| Cariboo North | 34 |
| Chilliwack | 33 |
| Chilliwack-Kent | 44 |
| Columbia River-Revelstoke | 27 |
| Coquitlam-Burke Mountain | 31 |
| Coquitlam-Maillardville | 47 |
| Courtenay-Comox | 66 |
| Cowichan Valley | 59 |
| Delta North | 25 |
| Delta South | 19 |
| Esquimalt-Metchosin | 47 |
| Fraser-Nicola | 47 |
| Kamloops-North Thompson | 56 |
| Kamloops-South Thompson | 81 |
| Kelowna-Lake Country | 39 |
| Kelowna-Mission | 43 |
| Kelowna West | 56 |
| Kootenay East | 34 |
| Kootenay West | 46 |
| Langford-Juan de Fuca | 79 |
| Langley | 28 |
| Langley East | 34 |
| Maple Ridge-Mission | 45 |
| Maple Ridge-Pitt Meadows | 59 |
| Mid Island-Pacific Rim | 54 |
| Nanaimo | 60 |
| Nanaimo-North Cowichan | 63 |
| Nechako Lakes | 24 |
| Nelson-Creston | 56 |
| New Westminster | 42 |
| North Coast | 14 |
| North Island | 57 |
| North Vancouver-Lonsdale | 40 |
| North Vancouver-Seymour | 18 |
| Oak Bay-Gordon Head | 37 |

| Electoral District | Received |
|-------------------------------|----------|
| Parksville-Qualicum | 59 |
| Peace River North | 34 |
| Peace River South | 22 |
| Penticton | 55 |
| Port Coquitlam | 67 |
| Port Moody-Coquitlam | 34 |
| Powell River-Sunshine Coast | 53 |
| Prince George-Mackenzie | 54 |
| Prince George-Valemount | 47 |
| Richmond North Centre | 22 |
| Richmond-Queensborough | 14 |
| Richmond South Centre | 21 |
| Richmond-Steveston | 18 |
| Saanich North and the Islands | 59 |
| Saanich South | 98 |
| Shuswap | 38 |
| Skeena | 24 |
| Stikine | 23 |
| Surrey-Cloverdale | 23 |
| Surrey-Fleetwood | 31 |
| Surrey-Green Timbers | 33 |
| Surrey-Guildford | 28 |
| Surrey-Newton | 18 |
| Surrey-Panorama | 77 |
| Surrey South | 40 |
| Surrey-Whalley | 47 |
| Surrey-White Rock | 43 |
| Vancouver-Fairview | 49 |
| Vancouver-False Creek | 52 |
| Vancouver-Fraserview | 33 |
| Vancouver-Hastings | 44 |
| Vancouver-Kensington | 20 |
| Vancouver-Kingsway | 27 |
| Vancouver-Langara | 19 |
| Vancouver-Mount Pleasant | 85 |
| Vancouver-Point Grey | 36 |
| Vancouver-Quilchena | 29 |
| Vancouver-West End | 67 |
| Vernon-Monashee | 66 |
| Victoria-Beacon Hill | 75 |
| Victoria-Swan Lake | 73 |
| West Vancouver-Capilano | 30 |
| West Vancouver-Sea to Sky | 42 |

3,763

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

Length of Time to Close Investigative Files



| | 2021/2022* | | Cumulative Closures % | Performance Objectives** |
|------------------------------|------------|-----|-----------------------|--------------------------|
| Closed in 30 Days | 357 | 32% | 32% | -- |
| Closed in 31 to 90 Days | 338 | 30% | 62% | 70% |
| Closed in 91 to 180 Days | 193 | 17% | 79% | 85% |
| Closed in 181 Days to 1 Year | 135 | 12% | 91% | 90% |
| Closed in 1 to 2 Years | 37 | 3% | 94% | 95% |
| Closed in 2 to 3 Years | 27 | 2% | 97% | 100% |
| Closed in more than 3 Years | 38 | 3% | 100% | -- |

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

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

Public Interest Disclosure Report for the Office of the Ombudsperson

There are two avenues for reporting wrongdoing under the *Public Interest Disclosure Act* (PIDA) – within an employee’s organization or externally to the Ombudsperson.

For Ombudsperson employees disclosing wrongdoing about the Office of the Ombudsperson, that external option is the Office of the Auditor General.

PIDA requires that the Office of the Ombudsperson, as a public body covered by the Act, report the number of disclosures that it has received. PIDA also

requires the Ombudsperson to report the number of disclosures received by the Auditor General about the Ombudsperson’s office, if the Ombudsperson has been notified of those disclosures.

In this reporting period, the Auditor General notified our office of a disclosure that it was proceeding to investigate.

For the reporting period of April 1, 2021 to March 31, 2022:

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

A vertical bar on the left side of the page, composed of five colored segments: pink, orange, light grey, lime green, and cyan.

STAFF AND FINANCES

OUR STAFF

The following were employed by the Ombudsperson as of March 31, 2022.

| | | |
|----------------------------|---------------------|--------------------|
| Agnello, Alexander | Gingras, Leoni | Morgan, Shauna |
| Akinyemi, Abisola | Goluza, Maria | Morris, Christine |
| Allary, Ella | Gormican, Erin | Morris, Taylor |
| Anderson, Krysty | Graham, Rebecca | Morrison, Kathleen |
| Anderson, Lorraine | Gray, Elizabeth | Moss, Michael |
| Andrew, Jolene | Green, Jaime | Oldham, Lindsay |
| Balogun, Adeola | Green, Matt | Osmond-Jones, Nick |
| Barlow, Ross | Greschner, John | Paradiso, David |
| Bates, Alaina | Henderson, Mark | Paul, Nathan |
| Bertram, Keir | Hillsburg, Heather | Perkey, Debora |
| Bertsch, Jennifer | Hinton, Erin | Pollock, Julie |
| Biscoe, Chris | Hintz, Elissa | Presnail, Megan |
| Blackman, Linda | Hlady, Janice | Purewall, Jaspreet |
| Blakeman, Candice | Horan, Anne | Rahman, Abid |
| Bockus-Vanin, Alycia | Hunt, Lindsay | Railton, Crawford |
| Bruch, Elizabeth | Jackson, Daniel | Rutledge, Jaye |
| Buday, Kylie | Jackson, Zoë | Sparks, John |
| Camara, Rose | Jamieson, Gabriella | Stanton, Rosemary |
| Cambrey, Brad | Jeakins, Katherine | Stewart, Megan |
| Cannon, Laurel | Jeske, Angela | Trahan, Stacy |
| Cavers, Stewart | Jones, Jennifer | Van Swieten, David |
| Chapman, Matthew | Kaga, Midori | Vossen, Julia |
| Charles-Roberts, Rachel | Kitt, Brittany | Wang, Pei |
| Chunick, Carly | Lapthorne, Jonathan | Warren, Rachel |
| Clark, Bruce | Litman, Graham | Welsh, Megan |
| Closson, Yvette | Lopez-Ramos, Sergio | Williams, Melanie |
| Cobby, Emma | Lyder, Róisín | Wiltse, Heather |
| Darling, Sara | Macmillan, Zoë | Wong, Althea |
| Davis, Harrison | Malan, Sarah | Yanisch, Carol |
| Downs, Dustin | Marotto, Carrera | |
| Edgar, Oliver | Matheson, Deidre | |
| Engbers, David Christopher | May, Andrea | |
| Evans, Lisa | McCarthy, Jill | |
| Forrest, Cris | McMillan, Christina | |
| Fuentes Osorio, Luis | McPherson, Colin | |
| Gardner, Victor | Miller, Leah | |
| Gataric, Milenko | Milligan, Sarah | |
| Giarraputo, Charisse | Morgan, Glenn | |

Co-op Students

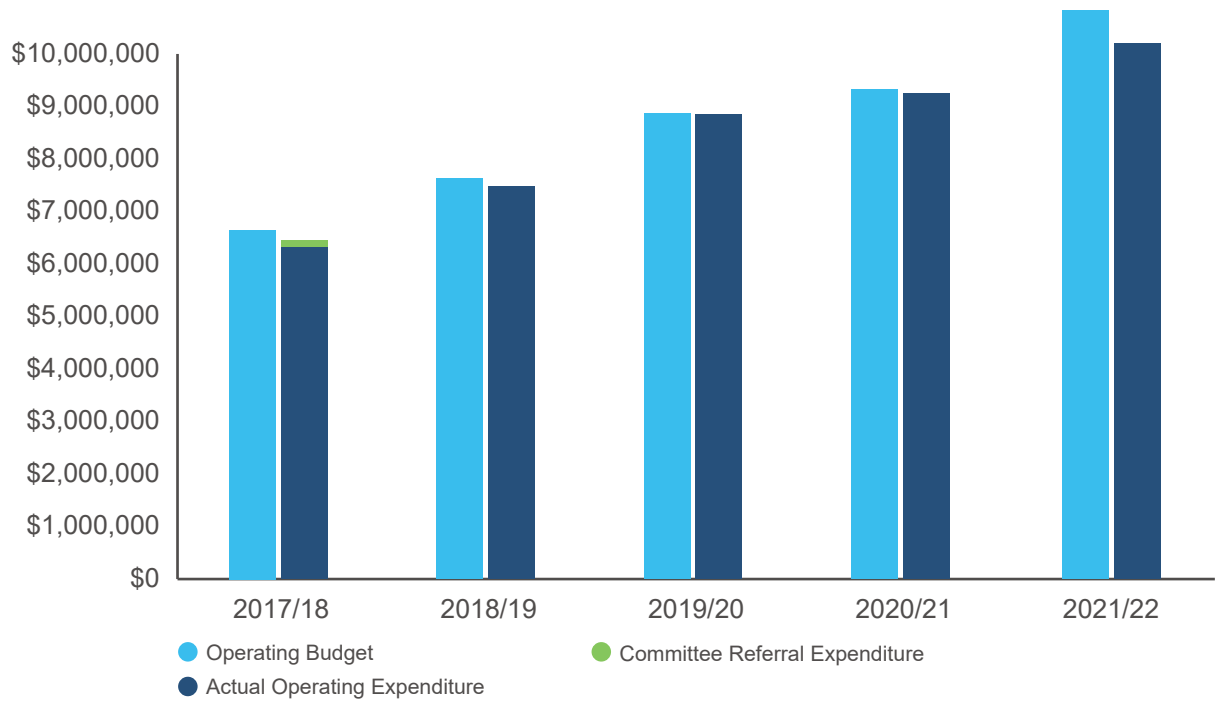
Co-op students joined the Office for four-month terms between April 1, 2021 and March 31, 2022.

Hodgins, Dorothy
Kim, Hanna
Kular, Aman
Masemann, Charlotte
Mjekiqi, Erza
Rullmann, Nico
Smith, Paige
Uganec, Zack
Van Fram, Amelia

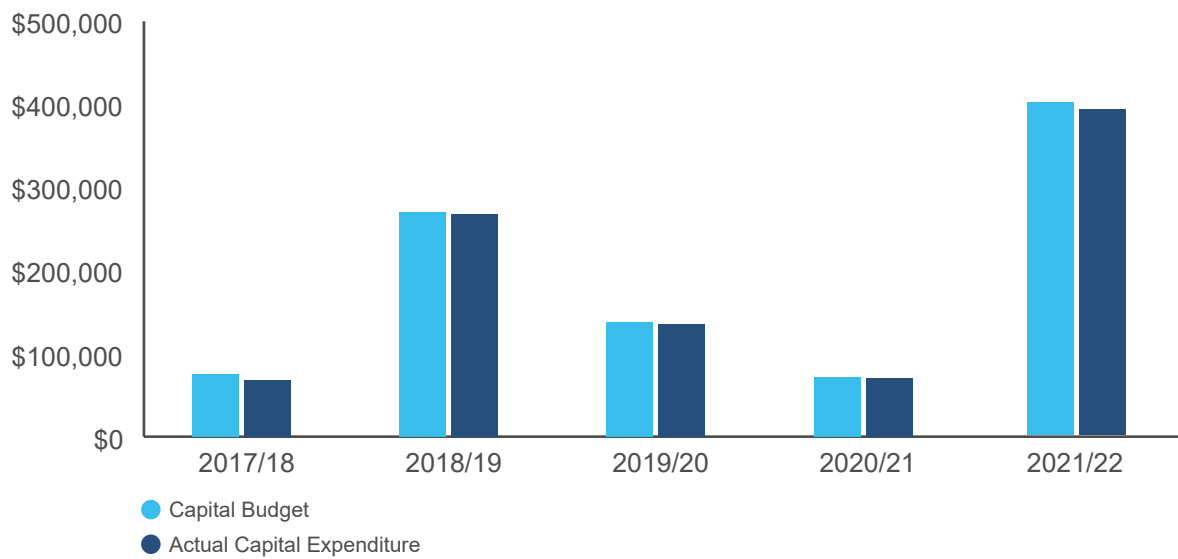
OUR FINANCES

The 2021/2022 annual operating budget for the Office of the Ombudsperson was \$10,802,000.

Operating Budget and Actual Expenditures by Fiscal Year



Capital Budget and Actual Expenditures by Fiscal Year



CASE SUMMARY AUTHORITY INDEX

HEALTH

| | |
|-------------------------------------|--------|
| ASSISTED LIVING REGISTRAR | 47 |
| FRASER HEALTH | 47, 48 |
| HEALTH INSURANCE BC | 50 |
| INTERIOR HEALTH | 48 |
| ISLAND HEALTH | 49 |
| MINISTRY OF HEALTH | 49, 50 |
| VANCOUVER COASTAL HEALTH | 51 |

EDUCATION

| | |
|---|----|
| MINISTRY OF ADVANCED EDUCATION AND SKILLS. | 53 |
| PRIVATE TRAINING INSTITUTIONS BRANCH . | 53 |
| VANCOUVER COMMUNITY COLLEGE | 52 |

LOCAL GOVERNMENT

| | |
|---|----|
| DISTRICT OF CENTRAL SAANICH | 56 |
| DISTRICT OF HOPE | 55 |
| TOWN OF COMOX | 55 |
| TOWN OF QUALICUM BEACH. | 54 |
| VILLAGE OF CHASE | 56 |
| VILLAGE OF HARRISON HOT SPRINGS | 54 |

HOUSING

| | |
|--|----|
| MINISTRY OF FINANCE | 58 |
| MINISTRY OF SOCIAL DEVELOPMENT AND POVERTY REDUCTION. | 57 |
| RESIDENTIAL TENANCY BRANCH | 57 |

TRANSPORTATION

| | |
|------------------------|--------|
| ICBC | 59, 60 |
| ROADSAFETYBC | 59 |

CORRECTIONS

| | |
|---|----|
| MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT. | 61 |
| NORTH FRASER PRETRIAL CENTRE. | 63 |
| OKANAGAN CORRECTIONAL CENTRE | 62 |

WORK AND BUSINESS

| | |
|---|----|
| BC FINANCIAL SERVICES AUTHORITY | 64 |
| CONSUMER TAXATION BRANCH | 64 |
| HEALTH EMPLOYERS ASSOCIATION | 65 |
| WORKSAFEBC | 66 |

INCOME AND BENEFITS

| | |
|--|--------|
| BC LOTTERY CORPORATION (BCLC) | 68 |
| MINISTRY OF SOCIAL DEVELOPMENT AND POVERTY REDUCTION. | 67, 68 |

MAIL:

PO Box 9039 Stn Prov Govt
Victoria BC V8W 9A5

TELEPHONE:

Victoria: 250.387.5855
Toll-free: 1.800.567.3247
Fax: 250.387.0198

EMAIL:

info@bcombudsperson.ca

IN PERSON:

2nd Floor • 947 Fort Street • Victoria BC

ONLINE:

bcombudsperson.ca

 [@BCOmbudsperson](https://twitter.com/BCOmbudsperson)

 [BC Ombudsperson](https://www.facebook.com/BCOmbudsperson)

