



OMBUDSPERSON
BRITISH COLUMBIA

ANNUAL REPORT

2023•2024



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.

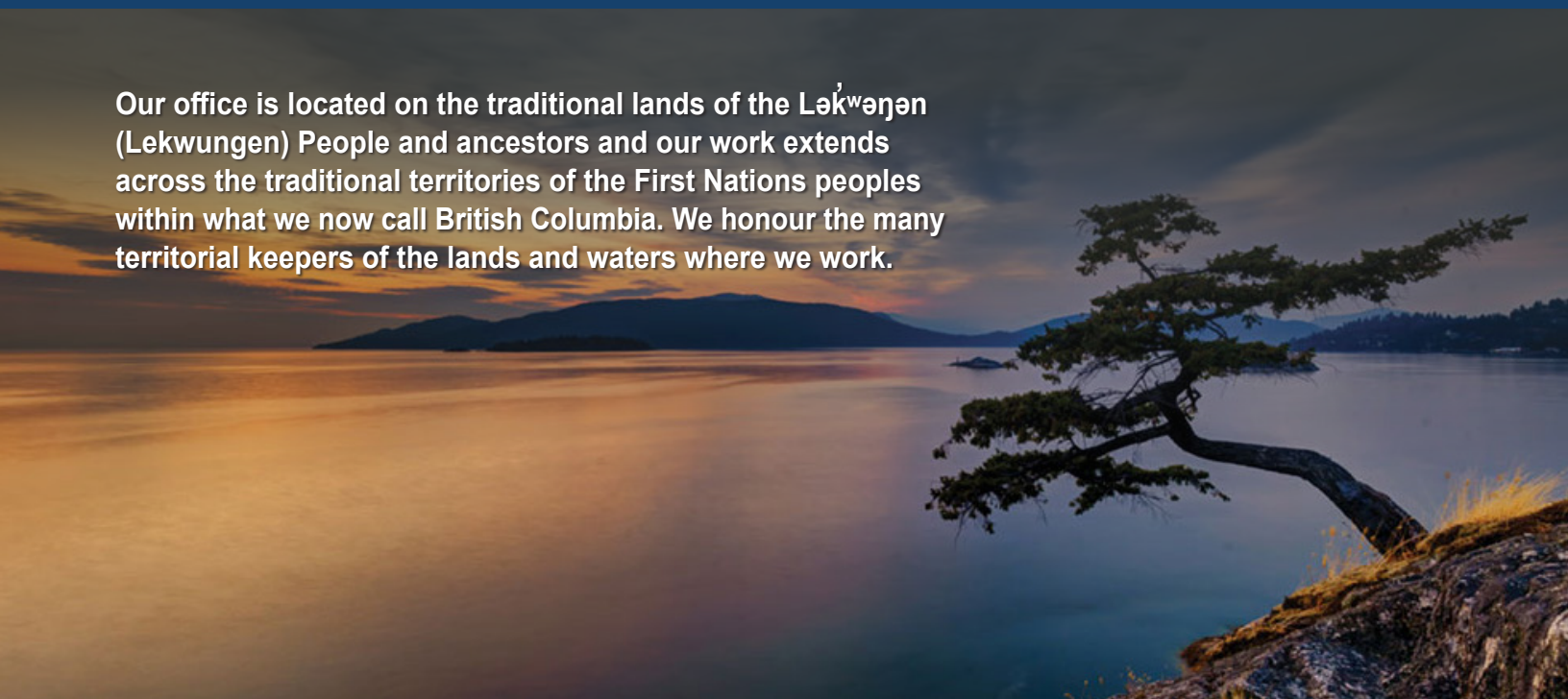
The Ombudsperson has a broad mandate to investigate complaints involving provincial ministries; provincial boards and commissions; Crown corporations; local governments; health authorities; colleges and universities; schools and school boards; and self-regulating professions and occupations. A full list of authorities can be found in the *Ombudsperson Act*. The Office of the Ombudsperson responds to approximately 7,000 to 8,000 enquiries and complaints annually.

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

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

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

Our office is located on the traditional lands of the Lək̓ʷəŋən (Lekwungen) People and ancestors and our work extends across the traditional territories of the First Nations peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.





OMBUDSPERSON
BRITISH COLUMBIA

September 2024

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 2023/2024 Annual Report to the Legislative Assembly.

The report covers the period April 1, 2023 to March 31, 2024 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

YEAR AT A GLANCE	4
WHO WE ARE	5
OUR WORK UNDER THE <i>OMBUDSPERSON ACT</i>	14
INTAKE, EARLY RESOLUTION AND INVESTIGATIONS	19
OUTREACH AND COMMUNITY ENGAGEMENT	22
INDIGENOUS INITIATIVES	25
PUBLIC AUTHORITY CONSULTATION AND TRAINING	29
THE PEOPLE WE HELPED: A YEAR IN REVIEW	34
Housing and affordability	35
Health and health care	44
Local government	50
Justice	54
Infrastructure and transportation	60
Services to children, youth and vulnerable adults	66
Employment and professional regulation . . .	70
Education	72
Environment	76
OUR WORK UNDER THE <i>PUBLIC INTEREST DISCLOSURE ACT</i>	80
THE YEAR IN NUMBERS	87
FINANCES	99
IN MEMORIAM	101
CASE SUMMARY AUTHORITY INDEX	104



MESSAGE FROM THE OMBUDSPERSON

When I reflect on what our team accomplished in 2023/24, I am struck by how the work we do opens doors to fairness and accountability to British Columbians.

We often talk about our “no wrong door” approach. When people contact us, we listen with respect and do our best to connect them with the most appropriate avenue to have their concerns addressed, whether through our office or elsewhere. Many people use our online Complaint Checker to help determine if the public body their complaint is about is one that we can investigate. Whether their complaint falls under our jurisdiction or not, the Complaint Checker guides them to the most appropriate complaint pathway and provides tips on how to effectively raise a complaint.

This year, the complaints we investigated brought housing and affordability issues into focus. The well-known stories of people struggling to make ends meet are translating into complaints to our office about public services intended to address these challenges. For example, we helped an individual receive the child care subsidy amounts they were entitled to and as a result, *thousands* of other families in the same situation received additional child care subsidies. In this, as in many of our investigations, I am reminded of the difference that a single complaint can make.

We released our report into an own-motion investigation conducted into government’s response to the 2021 fires and floods that displaced thousands of British Columbians from their homes and communities. This investigation shone a light onto BC’s outdated, under-resourced and inaccessible emergency support programs – programs that are meant to support people impacted by extreme weather

events. Positively, government committed to implementing all 20 recommendations we made. Our investigations – whether individual or systemic – open doors to more equitable and just conditions for all.

During the year we finally saw movement in achieving fair treatment for elderly Doukhobors who, as children in the 1950s, were detained at New Denver. This detention arose because of a conflict between government and adults in the Sons of Freedom Doukhobor community – a conflict for which these children bore no responsibility. We first reported on this issue in 1999 and in July 2023, we renewed our call for government to apologize to and compensate the detainees. I was heartened when in response to our report, government agreed to apologize. That very welcome apology came after so many years; in the community on February 1, and in the legislature on February 27, 2024. The premier committed to work with the community on the issue of compensation. We continue to monitor the implementation of our recommendations.

Each year, as part of our investigative work, we visit custodial centres across BC, including correctional and psychiatric facilities. This work allows us to enter through the doors the public cannot. It allows us to determine whether policies and procedures are being implemented and followed. It also gives residents the opportunity to voice their concerns, to be heard from behind closed doors.

With the coming into force of the *Accessible BC Act*, we reflected on the accessibility of our office. In an important step toward our goal of modernizing and enhancing our services, we published our first Accessibility Plan which lays the foundation for how we will address barriers

and open doors to our services and programs for people living with disabilities.

Our Indigenous Initiatives team continued to make meaningful connections with Indigenous Peoples and community-serving organizations across the province. When Indigenous people open our door, we aim to respond with respect and a trauma-informed approach. Our regional Pathfinders visited First Nations and Indigenous community-serving organizations across BC, meeting with community members and supporting individuals in making complaints. As a result of their ground-breaking work, we have seen a steady increase in complaints from Indigenous people.

Ensuring our staff are trained and supported to do this work remains one of our highest priorities. Ongoing training and supports make sure that our staff can perform at their best and can confidently and effectively attend to the needs of the ever-changing public that we serve.

While we are seeing encouraging results from these efforts, there is still much work to be done. Results from our complainant survey show that our staff are doing a good job of explaining our process and potential outcomes; however, many people are still not familiar with our role and how we can help. If people are unaware of our services, they cannot open our door for help. Over the coming three years, we will be conducting six targeted outreach campaigns to increase awareness and knowledge of our office, so that the complaints we do receive are those we can help with. By connecting directly with those who need us most, we can better understand and address gaps in our services.

Our Public Authority Consultation and Training (PACT) team continued to work closely with public authorities, proactively opening doors to our services by offering voluntary fairness consultations and trainings. This year, PACT developed two new educational resources, held 35 Fairness in Practice workshops for over 1,600 participants, and hosted two in-person Fairness

Days to connect directly with public sector employees.

Our work under the *Public Interest Disclosure Act* (PIDA) continues to open doors to current and former employees of public sector bodies. This past year saw the largest expansion of PIDA since its launch in 2019. An additional 69 public organizations were brought under PIDA in 2023/24, including the provincial health authorities and the K-12 public school system, extending wrongdoing disclosure rights to 200,000 further employees. Over the past five years, more than 250,000 public sector employees have gained access to the reporting mechanisms and protections under PIDA. And requests to our office reflect the impact of this expansion. This past year, PIDA-related enquiries and requests for advice more than doubled. As we approach five years since PIDA was enacted, we look forward to contributing our learning and expertise as part of the Legislative Assembly's five-year review, with the goal of strengthening the legislative framework for public interest disclosure.

As we close a door on the year that was, I am thankful for the doors we continue to open for British Columbians. I want to thank the public and public authorities for trusting us and for having the courage to speak up whether it be a request for advice, a query or a complaint. As ever, I am grateful to our staff, for their tireless work and collective effort to make public services fair and equitable for all. The future looks bright.

Sincerely,



Jay Chalke
Ombudsperson
Province of British Columbia

YEAR AT A GLANCE



6,969

Enquiries and complaints under the *Ombudsperson Act*



4,528

Online complaint checker users

Organizations most complained about



465

Insurance Corporation of British Columbia



401

Ministry of Children and Family Development



389

Ministry of Social Development and Poverty Reduction

Top 3 complaint concerns



2,711

Disagreement with decision or outcome



1,647

Process or procedure



1,080

Communication



1,673

Participants attended 35 Fairness in Practice workshops



84

Connections made with First Nations, Métis and Indigenous communities



67

Indigenous community-serving organizations visited



229

Enquiries and reports under the *Public Interest Disclosure Act*

Whistleblowing



200,000+

Employees newly protected under PIDA



69

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

WHO WE ARE



OUR VISION

FAIRNESS & ACCOUNTABILITY IN BRITISH COLUMBIA'S PUBLIC SERVICES

OUR MANDATE

We are responsible for overseeing fairness and accountability in the public sector. We do this by hearing people's concerns about unfair treatment, systemic practices or wrongdoing, and conducting impartial investigations to identify whether steps should be taken to address them.

We address the problems we find by negotiating resolutions, making findings and recommendations, and reporting to the Legislature and the public on our results. Through education and consultation, we also support public sector organizations to proactively build fairness into their programs and services.

OUR WORK

FAIRNESS

ACCOUNTABILITY

INTEGRITY

RESPECT

IMPARTIALITY

SERVICE

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

OUR ACCESSIBILITY PLAN

This year we published our first [Accessibility Plan](#). The 2023/26 plan sets out five accessibility goals for our office, which are aligned with our Strategic Plan commitments:

1. **Deepen connections with a diverse public**
2. **Enhance and modernize our services to people with disabilities**
3. **Connect accessibility and reconciliation through an intersectional and distinctions-based approach**
4. **Increase fairness in public administration for people with disabilities**
5. **Be an inclusive, supportive and engaged workplace**

We have identified specific priorities and actions to reach each of these goals. For example, we will be implementing recommendations from an accessibility audit of our building, updating our website to be more accessible and providing plain language training to staff.

The plan was informed by consultations with staff and feedback from our office's Accessibility Committee.

MEASURING OUR IMPACT

A key priority for our office is to improve how we measure the outcomes of our work. The purpose of our performance measurement model is to better reflect the impacts of our work. This work is being completed in a three-year cycle. In phase one (2021/22), we surveyed the public, and in phase two (2022/23), we surveyed the public bodies we oversee. Last year, we conducted phase three by surveying those who make a fairness complaint about a public body to our office. This survey cycle will continue, allowing the office to track the progress we make, and to make evidence-based decisions moving forward.

2023/24 Complainant Survey

In January 2024, we launched an online complainant survey on our website. The survey was live for six months and was shared with complainants by email. We mailed a paper copy of the survey if requested. To improve our response rate, staff followed up by email to remind complainants, where possible, to complete the survey.



From January 15 to May 31, 2024, we invited 1,008 complainants whose files were closed to complete the online survey. In total, 197 complainants completed the survey, a 19.5% response rate.

This survey data will be used to establish baseline metrics to measure our office’s performance in relation to two strategic goals.

What we heard

The survey highlighted several areas where we are providing good service to complainants. We are explaining our process and the possible outcomes, we are accessible, we are professional and we treat people with respect and fairness. At the same time, we have an opportunity to improve complainant’s perceptions of our independence and impartiality. We also heard that we need to

improve our timeliness. These results reiterate themes that we are working to address and help us to identify priorities for improvement.

A qualitative analysis of the small sample of respondents whose file was settled suggests that, not surprisingly, the outcome of a person’s complaint impacts their overall satisfaction with our service. People whose complaints were not investigated were much more likely to be dissatisfied with our service, while those whose complaints were resolved were satisfied with our service, believed we are independent and were likely to recommend our office. However, we are interpreting these results cautiously, given the sample size. In future surveys, we will aim to increase the number of respondents to better understand the links between service and outcome.

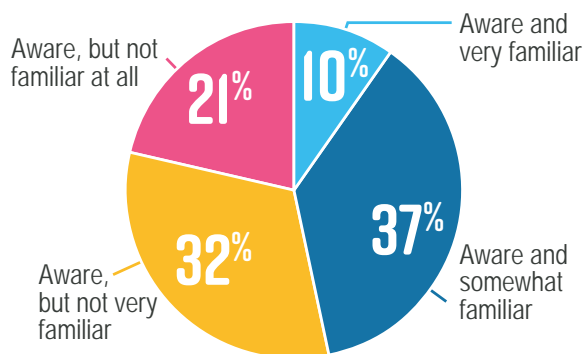
KEY HIGHLIGHTS

Strategic Goal 1: Deepen our connection with the public

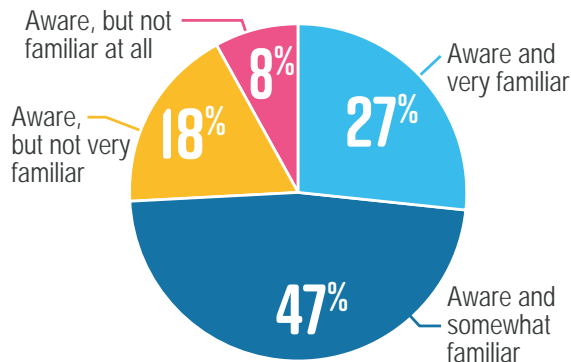
Familiarity with Ombudsperson’s role

Awareness and familiarity with our office improved after people contacted us (from 47 percent to 74 percent), indicating our team is doing a good job at informing complainants of our role. Despite this, we still see a sizable percent whose familiarity with our role could be improved upon.

Before contact



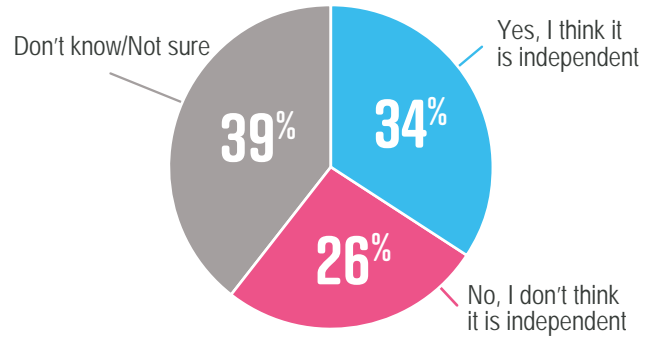
After contact



Q2. How aware and familiar are you with the Office of the BC Ombudsperson and what it does?

Belief in independence

Perceptions of our independence are low. In fact, a majority of complainants are not sure or don't think we are independent. Clearly more work needs to be done in this regard to improve perceptions of our office's independence.

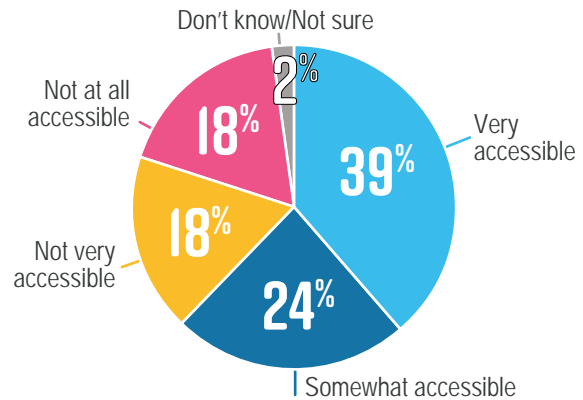


Q13. To the best of your knowledge, do you think the Office of the Ombudsperson is independent of the provincial and local public sector organizations it investigates?

**data may not add to 100% due to rounding.*

Accessibility of services

Six-in-ten complainants surveyed said our services are accessible. With the launch of our Accessibility Plan and the priorities identified, we expect this to improve over the coming years.

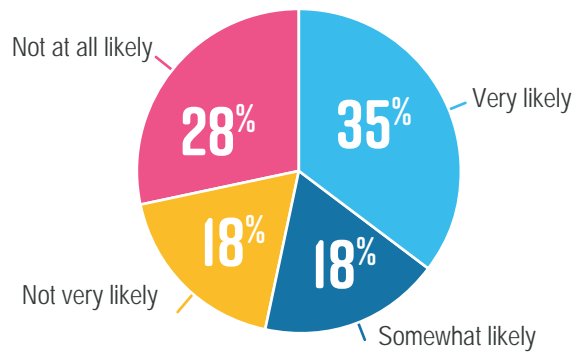


Q3. Based on your recent experience with our office, how accessible did you find our services?

**data may not add to 100% due to rounding.*

Likelihood to recommend

Respondents were divided in their likelihood to recommend our office to others with 53 percent indicating they are likely to recommend and 46 percent unlikely to recommend our office to others.



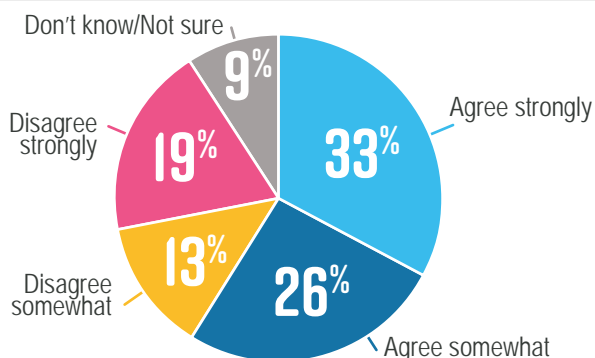
Q12. How likely would you be to recommend our office to others

**data may not add to 100% due to rounding.*

Strategic Goal 2: Enhance and modernize our services

Complaint process awareness

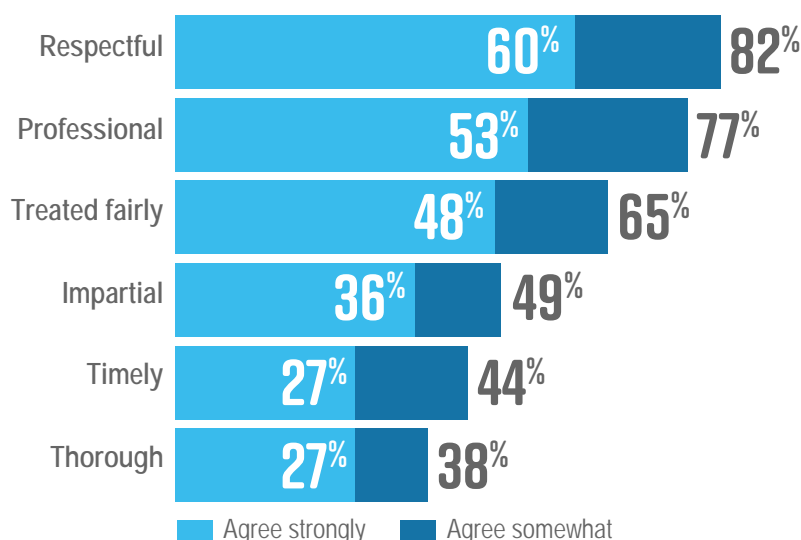
Our staff are doing a good job explaining our process and what outcomes are possible. However, three-in-ten disagree that we explained our process and another nine percent who aren't sure or don't know if we explained our process who don't know or not sure.



Q4. Based on your recent experience with our office, how much do you agree or disagree that we explained our process and possible complaint outcomes.

Values we demonstrate

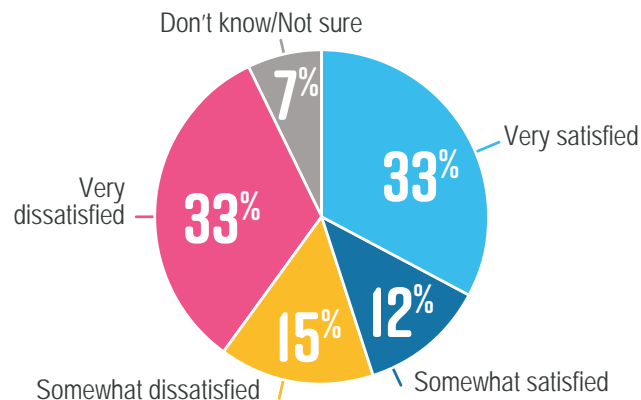
Complainant perceptions are positive on most of the key attributes that we associate with our office: respectful, professional and fair treatment. And the timeliness of our service can be improved. We also have an opportunity to improve perceptions of our impartiality.



Q5. Based on your recent experience with our office, how much do you agree or disagree with the following statements about the staff you interacted with.

Overall satisfaction

Overall, satisfaction with the level of service received is mixed. Slightly more respondents indicate they were not satisfied (48 percent) than were satisfied (45 percent).



Q11. Thinking about the service you recently received, and not the outcome of your complaint, how satisfied are you with the level of service you received?

WORKPLACE CULTURE

A key priority for the office is to demonstrate and build a respectful workplace. From employee wellness to staff engagement, we are committed to ensuring our staff have the tools necessary to perform and be their best. We support staff with initiatives such as flexible work arrangements, our commitment to diversity, equity and inclusion, a focus on accessibility and reconciliation, and making our workplace environment culturally, psychologically and physically safe. We proactively host events and provide various training opportunities around anti-racism, disability and accessibility, Indigenous initiatives, and the use of inclusive language. We also actively promote days of significance through staff events, additional reading materials, recommended training and presentations. These initiatives support our staff to grow and develop their skills and in turn, help us to better serve the diverse public who need us.

This commitment to building a positive workplace is reflected in our 2024 Work Environment Survey results:

- 99% of staff surveyed agreed that *“Employees in my work unit are clear on the ethical values expected in performing their work”*
- 96% of staff surveyed agreed with the statement: *“A healthy atmosphere (e.g., trust, mutual respect) exists in my work unit”*

Office totem unveiling

Our office, along with the Office of the Information and Privacy Commissioner and the Office of the Merit Commissioner commissioned a totem pole, carved by Master Carver Tom LaFortune.

The pole, called **Sustenance**, was designed and carved by Tom in 2023, made from western red cedar found in the Jordan River area. His design features both the salmon and the eagle and includes the themes of watching, gathering, sharing and transparency. These ideas are resonant with the work that the independent offices undertake in exercising our mandate overseeing the public sector.



Staff training

Our office is committed to continuing to meet the needs of our staff when it comes to building our capacity and competency related to equity, diversity, inclusion and accessibility.


Staff participated in bystander intervention training offered by Victoria's Intercultural Association. The training focused on how to recognize instances of racism, how to respond and intervene, and how to have difficult conversations related to race and de-escalate situations.

The Victoria Disability Resource Centre facilitated an engaging **disability inclusion and awareness training** session that provided an overview of the different types of disabilities and the impacts of each on people's lives. The session also addressed effective communication strategies and best practices for promoting inclusion, and dispelled common myths and stereotypes related to disability.

The BC Chapter of the Canadian Mental Health Association offered two sessions – one for staff and one for executives:

- A two-hour training for our intake and investigative staff on **de-escalation strategies** helped our team better understand crisis situations and build capacity to recognize and respond to conflict and difficult situations while working with the public.
- Our office partnered with the Office's of the Information and Privacy Commissioner, Merit Commissioner, and Police Complaint Commissioner for two executive activation sessions. Officers, deputies and leaders participated and discussed best practices and information on the role of leaders in **stewarding psychological safety and workplace mental health and well-being**.

We also began to look at our office's practices related to promoting equity, diversity, inclusion and accessibility. This was a phased process in which all staff were invited to participate in focus groups to explore what our office is doing well, and opportunities for advancing diversity, inclusion and equity in the office. We will prioritize alignment with the ongoing development and implementation of our accessibility plan and seek to integrate diversity, equity and inclusion into this work. This will guide us through the next few years in building our capacity to provide equitable services to the public.



OUR WORK
UNDER THE
OMBUDSPERSON
ACT

Our approach

Since 1979, the Ombudsperson has been receiving, referring and investigating complaints from the public. Under the *Ombudsperson Act*, we have jurisdiction over more than 1,000 public authorities across BC. And with each question and complaint brought to our office, it's our job to listen with patience and respect, ask questions to understand the complaint and determine how best to help. Sometimes we refer the complainant to another organization that is better able to help – whether to the authority the complaint is about or to the right oversight mechanism. Other times, our Intake and Early Resolution team can quickly resolve a complaint by doing an expedited investigation of the public body the complaint is about.

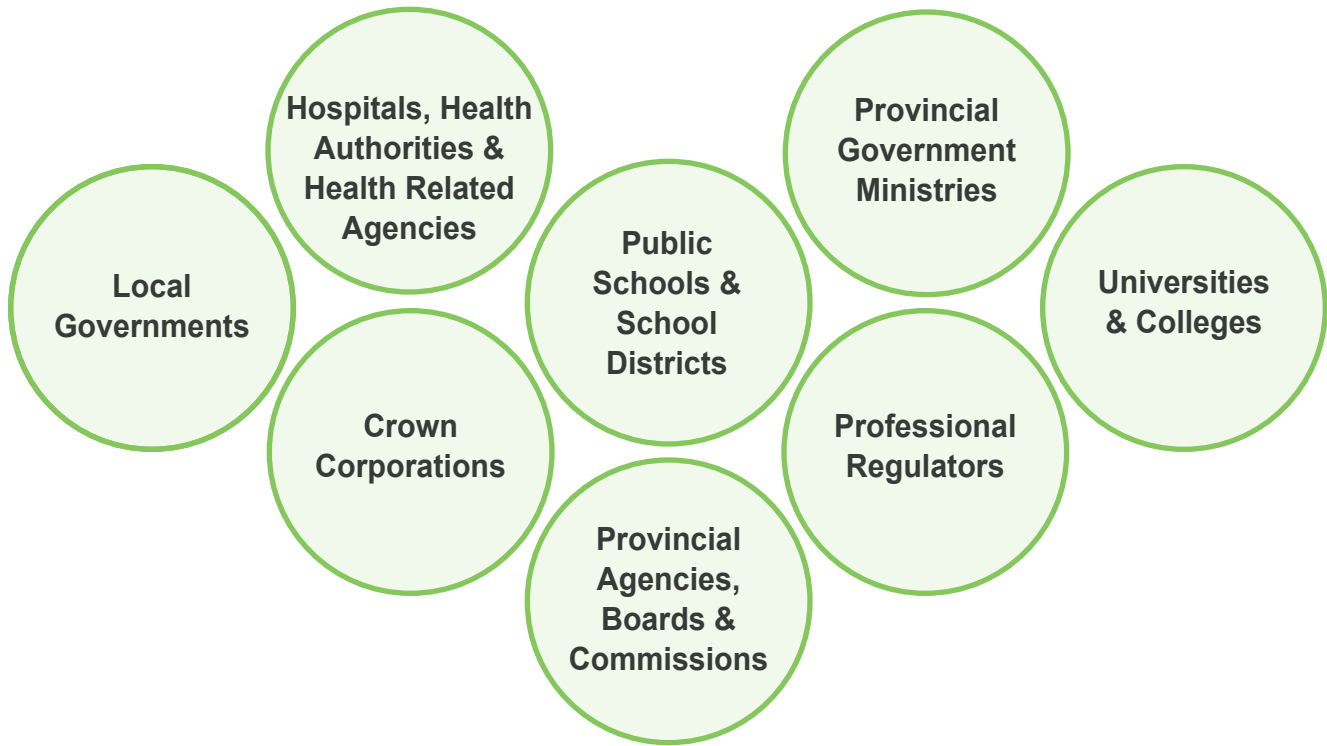
More complex complaints are assigned to one of three investigative teams that focus on three key areas – health and local services, social programs, and regulatory programs. These teams review the complaints assigned to determine the best course of action. This often includes conducting a rigorous and impartial investigation into the matter to establish whether unfairness has occurred and, importantly, how the public body can fix the unfairness.

We also watch for complaint trends and systemic issues or complaints that impact many people. We investigate and report our findings and recommendations publicly – all the while staying in tune with issues impacting public authorities we oversee and looking for opportunities to proactively provide advice and guidance to strengthen public administration.

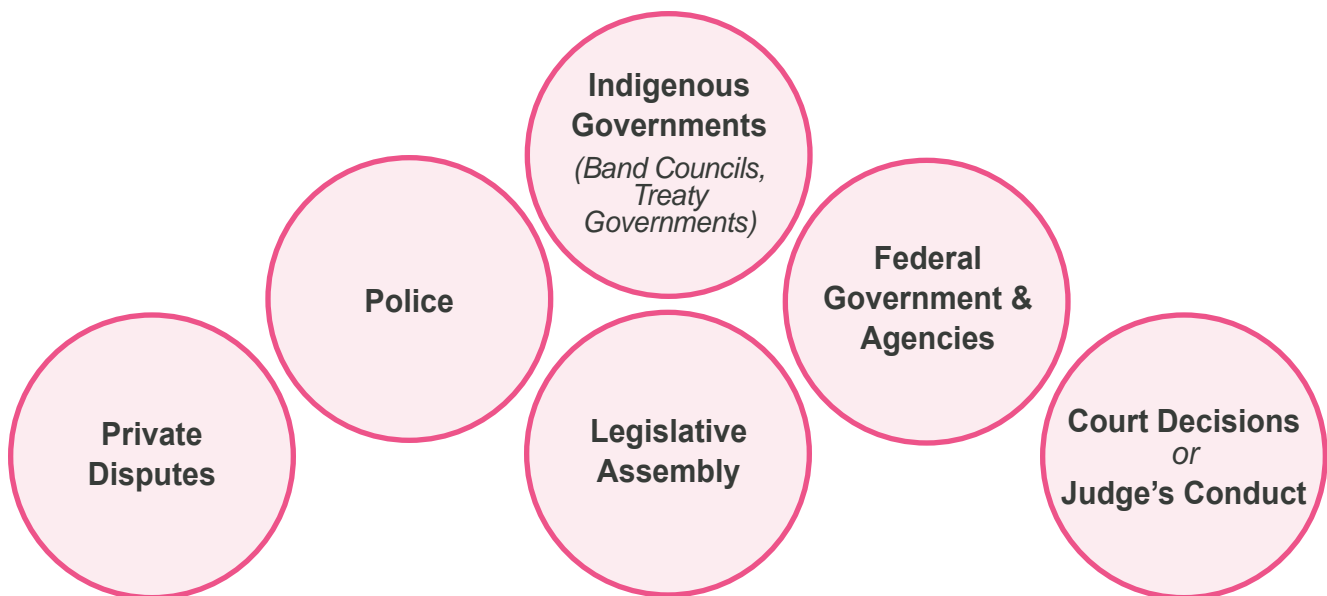


Public authorities we investigate

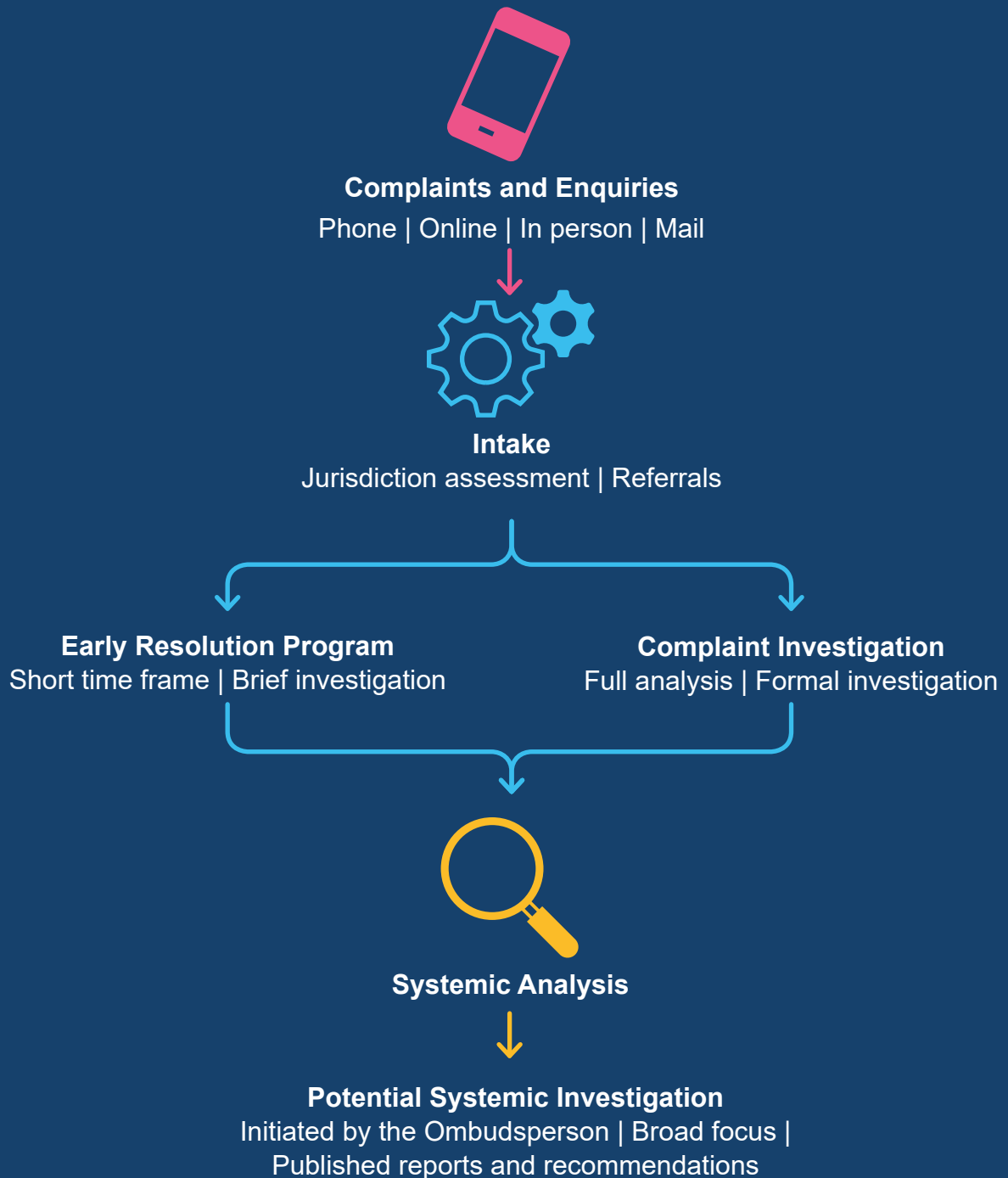
The *Ombudsperson Act* outlines which public authorities our office has jurisdiction over. We **can** investigate a wide range of local and provincial organizations, including:



There are also many organizations that we **cannot** investigate. When we receive enquiries and complaints about these organizations, we do our best to steer the complainant in the right direction by referring them to an organization that can help.

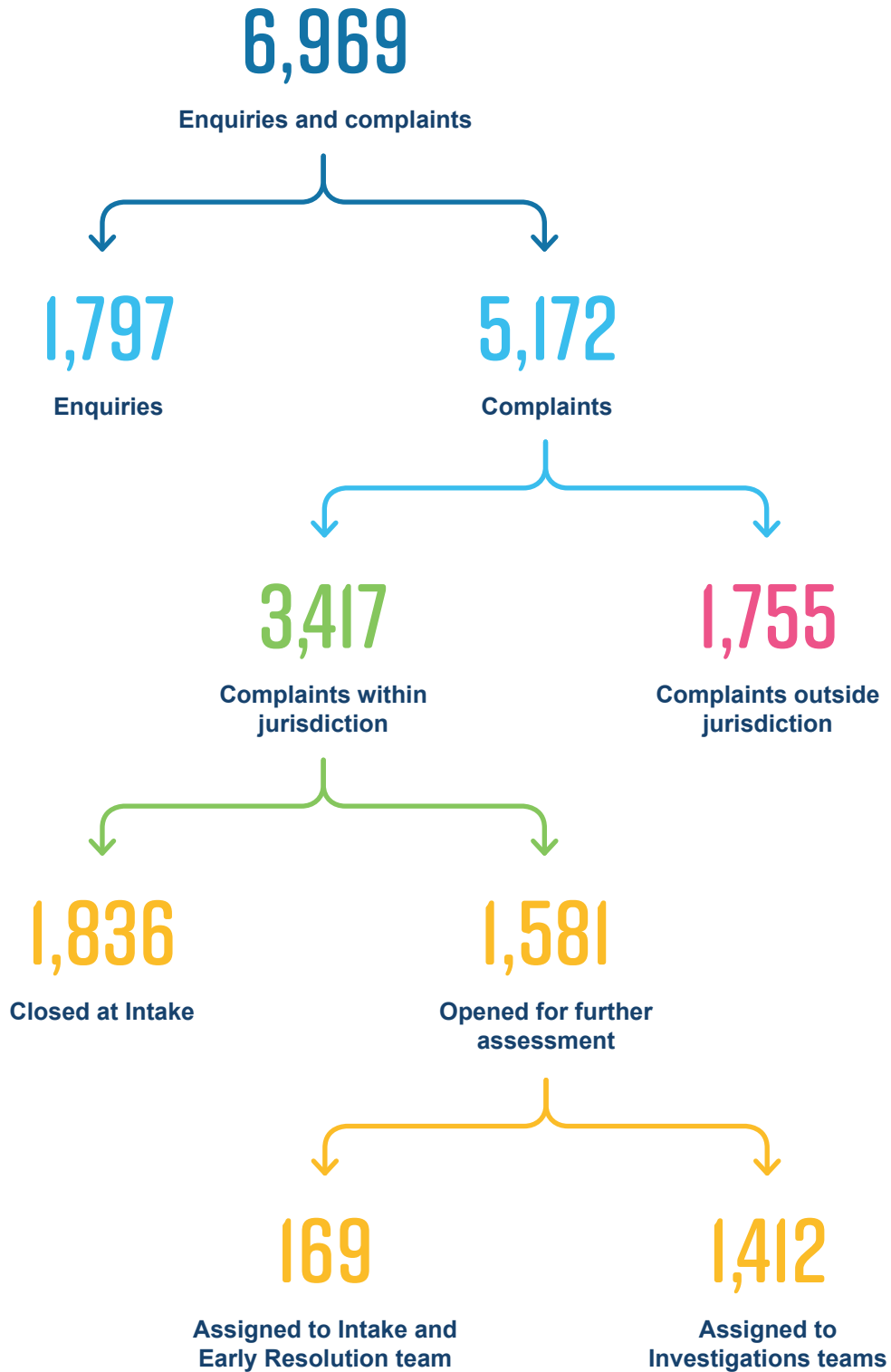


Our Investigative Process



NUMBERS AT A GLANCE

Complaints and Enquiries Received in 2023/24





INTAKE, EARLY RESOLUTION AND INVESTIGATIONS

Intake and early resolution

Our skilled Intake team handles each enquiry and complaint that comes in, whether by phone, online complaint form, mail, fax or in person. Guided by a trauma-informed approach, the team takes the time needed to listen with respect and asks key questions to assess how best we can help. As the first point of contact with our office they lay the foundation for what happens next.

Open door approach

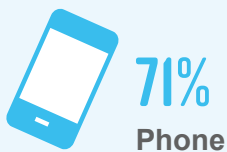
Our Intake team uses a **no wrong door approach**. While they encourage people to make complaints directly to the public body they are concerned about, they welcome and listen to every complaint and enquiry that comes to our office. The team has a vast knowledge of public body complaint processes and guides complainants to internal processes before they make a complaint to us. In our experience, making a complaint directly to the organization involved often results in efficient and effective resolutions.



If all internal complaint avenues have been exhausted or are not appropriate, our Intake team will determine how our office can help. Sometimes, they can escalate the matter and resolve it through our early resolution process. These short-term investigations often lead to quick resolutions for the complainant.

In other times, they can assign the file to one of our investigative teams for further analysis and a possible investigation.

How we heard complaints



Investigations

In 2023/24, **1,412** jurisdictional complaints were assigned to one of three investigative teams. Once assigned, our experienced investigators independently review and assess the complaint and decide whether to investigate. Our investigators have authority to gather a broad range of evidence to investigate a complaint – some can be incredibly complex and can take several months to conclude, while others can be resolved in less than a week. If an investigation identifies unfairness has occurred, our investigators will propose a resolution. These investigations result in a range of resolutions from reversing unfair decisions to issuing an apology.

When we notice patterns in complaints or when actions of a public authority have the potential to impact a great number of people, our Systemics team may conduct an “own motion” investigation. These comprehensive investigations result in public reports that include recommendations to remedy unfairness found, leading to significant system-wide improvements. The Systemics team also monitors public bodies’ implementation of accepted recommendations to hold them to account for their commitments.

Common investigative outcomes



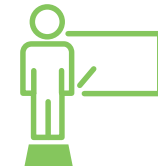
A better explanation or clearer reasons for a decision



A new hearing or reconsideration of a decision



An apology



Training for employees and the public authority



Access to a benefit previously denied



A commitment to follow policy in the future



A refund or reimbursement of expenses



Changes to policy, procedures and sometimes to legislation



OUTREACH AND COMMUNITY ENGAGEMENT

OUTREACH AND COMMUNITY ENGAGEMENT

Through our outreach and engagement activities we continue to work toward our office’s strategic goal to deepen our connection with the public. Over the past fiscal year, we connected in a variety of ways with the public, community-serving organizations and public authorities.

Provincial outreach and intake tours

We visit communities across the province to be present, visible and accessible to all British Columbians. This year we visited:

- **Haida Gwaii & north central coast:** Masset and Daajing Giids, and the mainland cities of Terrace, Kitimat and Prince Rupert
- **Lower Mainland:** Mission, Maple Ridge, Coquitlam, Richmond, North Vancouver and Squamish



Our community visits are an opportunity for the Ombudsperson and staff to meet and build relationships with community-serving organizations. We also meet with public bodies to reinforce our role and speak to any complaint

trends we may be seeing. We also operate an in person “intake clinic.” These clinics give the public the opportunity to connect with us face-to-face with their complaints about BC public authorities.

In addition, this year we continued our dialogue with Indigenous community-serving organizations to speak about our office’s commitment to reconciliation and to build trust in and awareness of the office’s Pathfinder initiative.

Presentations, webinars and events

In April 2023, we held our second **public legal education initiative** to continue to open doors and share information with legal advocates and those who provide front-line access to justice service to members of the public. This session, held at UBC’s Robson Square, brought together staff from eleven organizations across the Lower Mainland to talk about our respective services and how we can work together to improve access to justice. As a result of our efforts, we have been invited to give presentations about our intake process to front-line workers to support their work and, in turn, help them to refer complaints we can help with to our office.

We also presented about our office and how we help to several community service organizations this year, including the North Shore Seniors Coalition, Inclusion BC, and BCEdAccess. We also participated in the BC Confederation of Parent Advisory Councils’ Parent Education Conference in Richmond, where we were able to connect with many parents and caregivers from across the province.

Webinars

This year our office hosted two webinars to promote two investigative reports – *Misinformed* and *Fairness in a Changing Climate*. Both webinars were an hour long, with time for question and answers. In total, over 200 attendees from a variety of public and community-serving organizations joined us, and participants were interested in hearing about our findings and recommendations.

Correctional centre visits

Our investigative team visits each adult correctional centre in BC during the year as part of our outreach efforts. We tour the facilities and meet face-to-face with BC Corrections staff, Correctional Health Services staff, and individuals in custody. These visits allow us to gain a deeper understanding of the unique context of correctional centres, raise awareness

of the services we provide and promote fairness in decision making. It’s also an opportunity to hear from individuals in custody about any issues or concerns emerging at each facility.

In our meetings with staff, we discuss any complaint trends and the issues raised by individuals in custody to learn more about the issues and how they are being addressed at the centres.

Totem raising ceremony

The Ombudsperson and several staff witnessed a totem raising ceremony in May 2023 at the Vancouver Island Regional Correctional Centre in Victoria. The totem, which represents a connection to culture and community, was carved by more than 50 individuals in custody at the centre, guided by master carver Tom LaFortune.



A large, hollowed-out log in a forest, with the text "INDIGENOUS INITIATIVES" overlaid in white. The log is the central focus, showing its natural texture and the way it has been shaped into a tunnel. The background is a lush green forest, and the overall image has a green tint. On the right side, there is a vertical bar with colored segments: pink, orange, grey, green, and blue.

INDIGENOUS INITIATIVES

INDIGENOUS INITIATIVES

The work of our Indigenous Initiatives team supports our goal to advance and support reconciliation through the Indigenous Community Services Plan (ICSP).

With Phase 2 of the ICSP underway, we continued to make meaningful connections with Indigenous Peoples, First Nations communities and Indigenous organizations through our outreach efforts with the Pathfinder program. We have continued to build new relationships across BC and strengthen existing ones, while moving at the speed of trust.

2023/24 highlights

With the goal of raising awareness of our office and building relationships with diverse and distinct groups of Indigenous Peoples, it was important for us to be present in communities across the province. This year our four regionally based Pathfinders visited 84 First Nations and 67 community-serving organizations across BC meeting with leaders and community members within Nations, delivering presentations, sharing information about the role of our office, and supporting individuals in connecting with our office to make a complaint. The success of our efforts is evident in the steady increase in Indigenous complaints our office is receiving.



The top jurisdictional authorities people who identify as being Indigenous complained to our office about:

Ministry of Children and Family Development



BC's Health Authorities



Ministry of Social Development and Poverty Reduction



Ministry of Public Safety and the Solicitor General



ICBC



These five authorities represent two-thirds of all complaints made by Indigenous people.

Seabird Island First Nations Festival May 2023

Staff set up a booth at the Seabird Island First Nations Festival to build trust in the community and raise awareness about our office. Held on the last weekend in May, this festival includes a series of tournaments – war canoe races, soccer and baseball – and features cultural performers, arts and crafts, and a variety of vendors. Our staff were welcomed by community and made several community connections.



Tla’amin Complaint Clinic
June 2023

In June, a team of staff headed to the Tla’amin First Nation near Powell River. This was our first complaint clinic for Indigenous Peoples and was hosted at the community health centre.

South Island Powwow
September 2023

This annual event, put on by the Songhees Nation in recognition of the National Day for Truth and Reconciliation, recognizes survivors and their families in the spirit of reconciliation. Thousands of people attend each year to celebrate Indigenous cultures and their collective resiliency. Several of our staff participated the South Island Powwow at Royal Athletic Park. Our booth was very busy.

64th All Native Basketball Tournament
February 2024

The All Native Basketball Tournament is one of the largest sporting events in BC. This week-long event draws thousands of Indigenous athletes and their families to Prince Rupert. It’s not just about basketball – it’s also become a well-known cultural event. We were fortunate to be able to have a booth, and our team made connections and spoke about our office’s efforts toward reconciliation with Indigenous people from across the province.



Gathering Our Voices March 2024

In March, Pathfinders and some staff attended the provincial gathering at the Victoria Conference Center to support and honour Indigenous youth for their resilience, strength and leadership. Our staff met with many Indigenous youth from across BC to foster relationships and trust with our office and to build awareness of our services and how we can help.



Community presentations

As organizations learn about the role of our office and begin to recognize us as a trusted resource, we are increasingly being invited to present about our work so Indigenous organizations can learn more about how we help. Here are some of the organizations we presented to this year:

- First Nations Health Authority
- Helping Spirit Lodge
- Carnegie Downtown East Side Community Centre
- Reach Community Health
- Indigenous Housing Society
- Vancouver Aboriginal Community Policing
- Britannia Community Centre
- Prince George Friendship Centre
- Fraser Valley Métis Association
- Victoria Native Friendship Centre

Indigenous learning and competency development

A key part of our commitment to reconciliation is to ensure services are culturally safe for Indigenous complainants and Indigenous staff of the public authorities we investigate. Increasing our staff’s Indigenous and anti-racism competencies continues to be of the utmost importance.

Staff participated in several internal training opportunities, including San’yas Indigenous Cultural Safety training, anti-racism training, facilitated learning circles with a focus on reconciliation and more.

We highlighted Indigenous days of significance throughout the year, providing staff with carefully curated resources and encouraging them to learn more about Indigenous Peoples and history through workshops and experiential learning opportunities. Many staff participated in events and activities with the Moosehide campaign, National Indigenous Peoples Day, Red Dress Day, the National Day for Truth and Reconciliation, and Louis Riel Day.





PUBLIC AUTHORITY CONSULTATION AND TRAINING

Year in Numbers



Tailored workshops delivered to public authorities



General Fairness in Practice workshops



Workshop participants



Educational resources
1 Quick Tip | 1 guide



Requests for voluntary fairness consultations with public authorities



Registrations for *Fairness 101* online course



Registrations for *Speaking up Safely* online course

How we help public authorities deliver fair services

The Public Authority Consultation and Training (PACT) team works proactively with public authorities in BC to support good public administration and the delivery of fair programs, services, and decision-making processes. The team offers training and education on administrative fairness, printed and digital educational resources, and voluntary consultations to support fairness in BC's public sector. The PACT team also offers education and resources for public organizations that fall under BC's whistleblowing legislation, the *Public Interest Disclosure Act*. This year our PACT team also started working with Indigenous groups, and we are receiving requests from Indigenous governments for consultation and training on administrative fairness.

Fairness education and training

The PACT team delivers online and in-person administrative fairness workshops to public sector organizations across BC. These workshops cover topics such as:

- what administrative fairness means in public service delivery
- how to make and communicate decisions fairly
- exercising discretion fairly
- effective complaint handling

In 2023/24, the PACT team delivered 35 workshops to over 1,600 public sector employees from a variety of public authorities, including:

- BC Housing
- BC Family Maintenance Agency
- Community Living BC
- Compliance and Enforcement Collaborative (*Ministry of Public Safety and Solicitor General*)
- Fraser Health
- Interior Health
- Ministry of Forests
- Public Guardian and Trustee
- RoadSafetyBC
- WorkSafeBC

“Loved the information, how well it was presented. Could have spent so much more time listening to these presenters.”

– Workshop Participant

“Amazing! Texted my boss and said man my brain is exploding on ways to do better and make a gold standard.”

– Workshop Participant

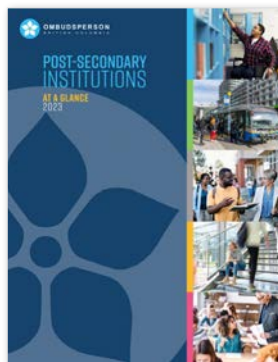
Fairness educational resources and publications

The PACT team also develops educational resources and publications about administrative fairness, such as best practice guides and quick reference materials. These resources are available on our website and focus on offering practical information to support fairness in BC's public sector.

This year, the team developed two new educational resources:



Reasons for Reasons
A quick reference guide that provides tips for decision-makers on the importance of providing meaningful and understandable reasons for how and why a decision was made.



Post-Secondary Institutions at a Glance
A short guide that provides an overview of the types of complaints our office receives about post-secondary institutions in BC.

Fairness 101 is a free, introductory online course on administrative fairness. It provides an overview of administrative fairness in a variety of different contexts. Learners are guided through a series of interactive scenarios that support them in learning how to apply principles of administrative fairness in their work. This year, over 1,000 public servants registered for the course.

Launched in 2021, **Speaking Up Safely** is an online course about the protections that the *Public Disclosure Interest Act* provides to current and former public sector workers in BC. Over 450 public servants registered for our Speaking Up Safely online course in 2023/24.

Fairness Day

The PACT team hosted two in-person **Fairness Day** events this year – one in Victoria in May and another in Vancouver in November. These events provided an opportunity for public sector employees to meet our staff, including the Ombudsperson, who spoke about the importance of our oversight role and our work to proactively help public authorities deliver services fairly. Our educational resources were also displayed, and many participants took copies with them to share with their staff. In total, 108 staff from 43 different authorities joined us at the two events.



Voluntary fairness consultations

Through voluntary fairness consultations, the team collaboratively works to provide practical fairness advice and suggestions on the program, policy or decision-making process the authority is working on. Here are two examples of consultations completed:

Insurance Council of BC

The Insurance Council of BC reached out to the PACT team to provide feedback on the development of its Accommodation Policy and accommodation request form for those licensed or seeking to be licensed with the council. The team reviewed the policy and form and provided input on how to best to include the principles of administrative fairness. The council was pleased with our feedback and incorporated it into its final versions of the policy and form.

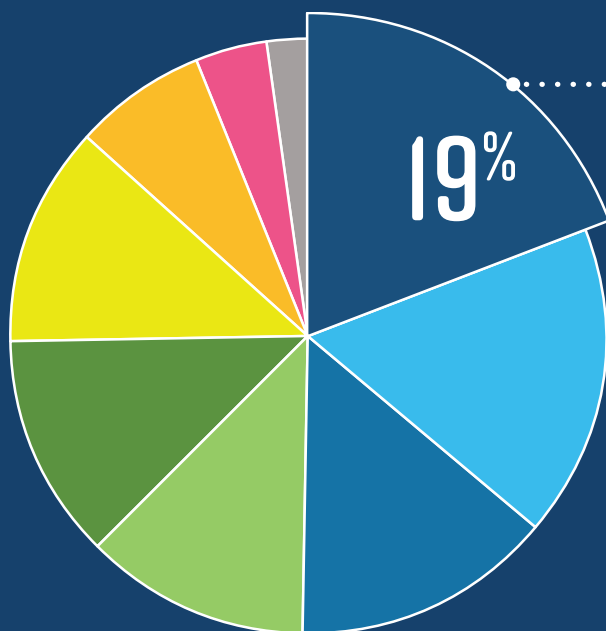
Strathcona Regional District

The Strathcona Regional District requested the team review and provide feedback on its draft Bylaw Enforcement Policy. With our unique perspective on fairness, we were able to provide specific feedback on how to improve and enhance fairness within the processes and procedures established by the policy. This included ensuring that the district's enforcement priorities are clear, and that staff enforce bylaws equitably. The team also offered suggestions on how to provide notice of enforcement action and how to take appropriate steps to fairly address individuals who contact the district with frivolous, repeat or vexatious complaints. The district was appreciative of the feedback provided.



A blue-tinted photograph of an open door leading into a hallway. The door is dark with a glass insert and a silver handle. The hallway is visible through the doorway, showing a wooden floor and a window. The walls are covered in horizontal siding. On the left side of the image, there is a vertical bar with segments of red, orange, yellow, green, and blue. The text "THE PEOPLE WE HELPED: A YEAR IN REVIEW" is overlaid in white, bold, sans-serif font on the left side of the image.

THE PEOPLE WE HELPED: A YEAR IN REVIEW



HOUSING AND AFFORDABILITY

This category includes programs and services delivered by the Ministry of Social Development and Poverty Reduction (MSDPR), the third most complained about authority this year; the Ministry of Housing; which is responsible for the Residential Tenancy Branch and other housing and finance-related public organizations such as BC Housing, the Ministry of Finance, and the BC Lottery Corporation.

Housing and affordability are key issues among British Columbians and we see this same trend in the type of complaints coming to our office. This year, we received more complaints about housing and affordability issues than any other category.

In 2023/24, we received 900 housing and affordability-related enquiries and complaints. The top three most complained about public authorities were:

Ministry of Social Development and Poverty Reduction

 389

Ministry of Housing

 222

BC Housing

 120

All three were among the top 20 most complained about public authorities.

Housing complaint trends

Our top complaints about the Ministry of Housing are related to the Residential Tenancy Branch (RTB) with 150 complaints from tenants and 56 from landlords. Common complaints we received related to RTB’s hearing process, decisions, and the arbitrator’s conduct and appeals.

Common complaints we hear about BC Housing include delays about its housing registry and waiting list, eligibility for rental subsidy programs such as the rent supplement program, the Shelter Aid for Elderly Renters, as well as evictions.

Affordability complaint trends

The Ministry of Social Development and Poverty Reduction continues to be one of the most complained about authorities. The top five complaint topics about the ministry we heard this year are:

- Crisis supplements
- Employment supplements
- Person with Disabilities applications and eligibility
- Third Party Administration or service restrictions
- Shelter allowance

We hear complaints most often about taxes, including BC’s speculation tax, and we continue to hear complaints about the BC Employment Benefit for Workers, a one-time, tax-free benefit announced by the Ministry of Finance as part of its COVID-19 Action Plan. We published a report last year – *No Notice, No Benefit* – about how the ministry had failed to communicate changes in the eligibility criteria and then unfairly sought repayment of the benefit.

STORIES OF PEOPLE WE HELPED

Disrespectful hearing

Ministry of Housing – Residential Tenancy Branch

The complaint: Audry contacted our office with concerns about a Residential Tenancy Branch (RTB) hearing. The hearing was about repairs and quiet enjoyment issues she said were not being addressed by her landlord. Audry was upset about how the arbitrator treated her during the hearing.

What we did: RTB recently began to record its hearings. This is an important step in improving the accountability and transparency of the RTB. In our investigations, we may obtain a copy of the recording to help us determine what happened.

We listened to the recording of the hearing and agreed that the arbitrator was rude and unprofessional. The arbitrator refused to answer Audry's questions about the process. After an unsuccessful attempt to settle the dispute, the arbitrator denied Audry a hearing despite her right to one.

We also found problems with the written decision. The decision incorrectly stated that the parties reached a settlement. The arbitrator unfairly relied on information gathered during settlement discussions to make findings against Audry. The way the arbitrator described Audry's

behaviour in the decision appeared inaccurate, based on the recording.

How we helped: The RTB acknowledged the concerns about the arbitrator's conduct and how the arbitrator made their decision. An RTB manager met with the arbitrator to discuss their conduct and the training needed to avoid similar issues from happening again.

The RTB also wrote to Audry and acknowledged its errors and apologized for her experience.

The RTB took several steps to review how hearings are conducted and provide staff with best practices for settlement discussions. It updated its training materials and provided two training sessions about conducting settlements, which were delivered to all its arbitrators. The RTB has committed to continue to provide training on best practices for settlement discussions through its monthly practice meetings with arbitrators.

Why it matters: Everyone is entitled to fair and respectful treatment. In Audry's case, staff training could have prevented unfairness from occurring.

Rent overdue

Ministry of Social Development and Poverty Reduction

EARLY RESOLUTION

The complaint: Aki was applying for income assistance through the Ministry of Social Development and Poverty Reduction with help

from a community integration specialist (CIS). Aki owed two months rent and was worried he would have to move out of his BC Housing unit if he did not receive assistance from the ministry that month. He needed a letter from a

debt collector confirming that his vehicle had been repossessed before the ministry would process his application. He tried for over a month to get the letter but wasn't having much luck. Aki was also having trouble reaching the CIS who had offered to help him get the letter.

What we did: We asked the ministry about Aki's application, whether the CIS could help him get the letter from the debt collector, and what crisis funding might be available. The ministry said it would look into his application. Aki also emailed the ministry and said that he had finally reached the debt collector and requested the letter.

How we helped: The CIS was watching for the letter and would provide the ministry with a decision (approving or denying the application) as soon as it was received. Until then, the ministry said it would issue food vouchers to Aki.

The ministry received the letter from the debt collector the next day and determined Aki was eligible for income assistance. The ministry

issued Aki assistance for two months (covering the current month of overdue rent as well as the upcoming month's rent, which would be due soon) and provided him with a shelter crisis supplement to pay for the remaining month of overdue rent.

“Thank you for your help. I've seen some of the toughest times in my history of living in [city]. You helped put my mind and heart at ease. Thank you for being there.”

– Aki

Why it matters: Effective communication can improve service and support individuals, like Aki, through tough times.



Starting it off right

Ministry of Social Development and Poverty Reduction

The complaint: Jill had received disability assistance in the past and had recently reapplied for disability assistance with help from a social worker. When the Ministry of Social Development and Poverty Reduction approved her application, Jill asked for her assistance to be backdated to account for the time it took her and the social worker to reapply. The ministry told her that was not possible.

What we did: When a person is reapplying for disability assistance, staff ask for a monthly income report. Staff then schedule a phone call to review the applicants' circumstances. If the applicant meets the requirements, they are eligible for assistance when the ministry receives the monthly report.

In Jill's case, the ministry made a mistake. It started her disability assistance on the date of the phone call, nearly two months later.

How we helped: As a result of our investigation, the ministry paid Jill the disability assistance she was overdue to receive. It also apologized to her for its mistake and explained the re-application process.

Why it matters: Correcting mistakes and compensating those affected are important elements of fairness, ensuring that individuals like Jill receive the benefits they are entitled to.

Lost in translation

Ministry of Finance

EARLY RESOLUTION

The complaint: Diya and her husband had lived in their home for 30 years. Her husband, who had always looked after the bills, had recently passed away. Diya received a speculation tax notice for \$30,000 from the Ministry of Finance. As English was not her first language, she was having a hard time trying to resolve the matter, even though she had called the ministry a few times.

What we did: We contacted the ministry to see if a staff member could call Diya back with an interpreter to discuss her concerns.

How we helped: A ministry staff member called Diya and with the help of an interpreter, they completed the speculation tax exemption declaration together. This meant Diya did not have to pay the speculation tax. The ministry sent Diya a letter in the mail confirming that she had no tax outstanding. It also told her she could ask for an interpreter when she called next year to complete the declaration.

Why it matters: Diya's complaint was resolved efficiently with clear communication and the help of an interpreter. This case is an example of how accessible services can prevent costly and unfair situations.

Reasons delayed

BC Financial Services Authority

The complaint: Gerrie made a complaint to the BC Financial Services Authority (BCFSA) about her strata manager. Ten months later, she received a letter from the BCFSA stating that it would not investigate her complaint. Gerrie was concerned about the delay and said the letter did not explain why the BCFSA would not investigate her complaint.

What we did: The BCFSA told us it was experiencing an increase in the number of complaints it receives and explained the steps it has taken to improve its process. It triages complaints to categorize each based on risk. This allows it to respond to high-risk complaints more quickly. Gerrie's complaint wasn't categorized as high-risk, so it took the BCFSA more time to respond.

The BCFSA also recognized that its original letter did not explain the reasons for its decision in enough detail. For a decision to be fair, it is important to provide clear and understandable reasons.

How we helped: The BCFSA sent Gerrie another letter explaining the reasons for its decision. It also updated its letter template to make sure others are provided with reasons for how decisions are made.

Why it matters: A delayed decision and an inadequate explanation can be unfair even if the substantive decision is correct. Members of the public, like Gerrie, are entitled to timely communication by public authorities.



FEATURED REPORT: **NO NOTICE, NO BENEFIT**

In November 2023, we published a report that tells the story of two people who applied for the BC Emergency Benefit for workers – a one-time, tax-free payment of \$1,000 announced by the Ministry of Finance at the

height of the pandemic as part of its COVID-19 Action Plan. Both people received the benefit. Some months later, however, the ministry told them that the eligibility criteria had changed, they were no longer eligible for the benefit and had to pay back the full amount.

Our investigation found that the ministry did not inform these two people, and thousands of other British Columbians, of the revised eligibility criteria. Because of the lack of notice, asking them to repay the benefit was unfair.

Information about the benefit, and the application was available on the ministry's website. To receive the benefit, people had to agree to file their 2019 taxes if they hadn't already done so. Later, this requirement was changed: recipients had to file their 2019 taxes by January 1, 2021.

While the ministry updated its website to show this change, it did not communicate the tax filing deadline to people who had already applied. The ministry expected recipients of the benefit to subscribe to its information bulletin system to learn of changes to the program. However, even if a benefit recipient did subscribe, none of the bulletins mentioned the retroactively imposed tax filing deadline.

Ultimately, after the ministry's audit of benefit recipients, more than 12,000 British Columbians were required to repay a benefit because of a new deadline they were not aware of.

The Ombudsperson made three recommendations to the Ministry of Finance to remedy the unfairness found:

- Provide written notice to all affected benefit recipients that if they have filed their 2019 taxes since January 1, 2021, or agree to do so within 90 days, the ministry will return the benefit or forgive the debt owed.
- Develop and make public a review process specific to decisions to issue or recover the benefit.
- Develop a process to ensure changes to public information are clearly identified and where those changes will impact an individual's eligibility, communicate the information to affected individuals.

To date, the ministry has rejected all three recommendations.



FEATURED CASE SUMMARY

BC AFFORDABLE CHILD CARE BENEFIT

Ministry of Education and Child Care

The BC Affordable Child Care Benefit (ACCB), delivered by the Ministry of Education and Child Care, is a monthly payment to help eligible families with the cost of child care. It is an important part of the province's Poverty Reduction Strategy.

The amount of funding a family receives depends on several factors such as:

- family size
- type of child care and age of children
- the number of days of care needed
- any special needs of the children
- household income

Before April 2022, the ACCB was delivered by the Ministry of Children and Family Development.

Our office received two complaints about the ACCB and how it was administered. Our investigations found the ministry had acted unfairly in how it determines the payment amount a family receives. The ministry accepted the recommendations we made to address the unfairness.

Issue #1: Transition months

The amount of ACCB a family may receive decreases over time, as the age of the child in care increases. Children under 19 months are eligible for the highest maximum benefit. The benefit decreases when children turn 19 months and it decreases again when they turn 37 months. This is set out in the Child Care Subsidy Regulation. The months where a child ages into the next category are transition

months. Since 2007, the ministry had paid families the lesser benefit amount at the start of the transition month (which the ministry said was the intended policy), even if the child did not reach that age until later in the month (the regulation required the pro-rated lesser amount only be paid as of the child's birthday). The ministry told us it did not realize that the regulation was inconsistent with the ministry's policy intent, and when it learned of this problem, it took steps to fix it.

On September 13, 2021, a change to the regulation allowed the lower benefit amount to be applied on the first day of the month where a child reached 19 months and 37 months. However, before this change to the regulation, the ministry's practice did not follow the law. The benefit amount decreases as a child ages, so families received less in transition months than what the regulation said they should receive. The ministry paid the lower benefit amount before the child reached the transition age.

For many years, the ministry did not know its practice was inconsistent with the regulation. Our investigation revealed that, as of November 27, 2020, the ministry knew the way it was administering the benefit did not follow the regulation.

We found that this was contrary to law under s.23(1)(a) of the *Ombudsperson Act*.

To address this issue, we recommended that the ministry identify all benefit recipients who had a transition month between November 27, 2020, and September 13, 2021, and to pay them the benefit amount they should have received. The ministry agreed.

By March 2024, the ministry had identified 3,702 families eligible for 3,767 payments totalling \$801,034.76 (some families may receive payments for more than one transition month, for example, in the case of siblings). This includes families who received the subsidy from February 2020 to October 2020, due to backdated benefits that were issued after November 27, 2020.

The ministry is taking steps to confirm contact information for eligible families to provide the payments.

We are pleased that the ministry is compensating affected families, and we will continue to monitor and report publicly on the ministry's progress in locating and compensating all affected families.

Issue #2: Defining “full-time care”

The ministry calculates the benefit amount a family receives by calculating the number of full days where child care is required, for work or other eligible reasons including going to school and looking for work. A family can receive the benefit for up to 20 days each month. We received and investigated a complaint from a parent who worked a full-time schedule but did not receive a full-time benefit. The ministry denied the parent the benefit because she worked 12-hour shifts, four days in a row, followed by four days off. Despite this parent working full-time hours, the ministry calculated her subsidy based on the 16-days she worked each month. The ministry's calculation did not consider that she worked full-time hours. This was unfair and it adversely impacted this parent by reducing the benefit amount she received.

Our investigation revealed that the ministry's full-time benefit calculation assumed people could demonstrate a need for child care five days per week. For example, this included caregivers who work a 'standard' Monday to Friday work week. As a result, full-time shift

workers or parents with irregular schedules, might not be considered as working full-time or having full-time child care needs. This also meant that a parent who worked part-time, five hours a day, five days a week (25 hours a week), received a higher benefit than a parent who worked 12 hours a day, four days a week (48 hours a week).

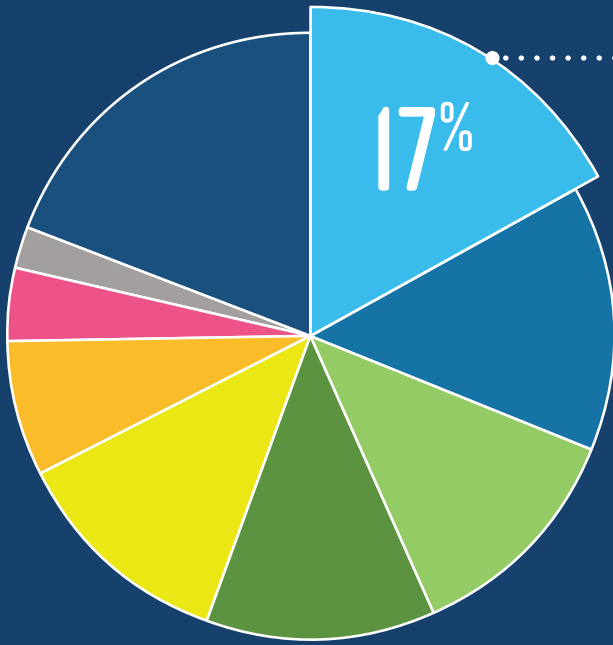
We found that the Child Care Subsidy Regulation unfairly distinguished between the people eligible for this benefit based on their work schedules. The regulation was improperly discriminatory, contrary to s.23(1)(a)(iii) of the *Ombudsperson Act*.

The regulation unfairly disadvantaged those with full-time work schedules that did not follow the 'standard' five day per week work schedule. When we brought this to the ministry's attention, it agreed that the wording of the regulation created inequity based on how it treated people's work schedules.

To remedy the unfairness, we recommended that the ministry compensate the parent who made the complaint because the way the ministry calculated her eligibility was inconsistent with practice and she should have been eligible for the full subsidy. The ministry agreed and compensated the parent for the benefit shortfall.

We also recommended that the ministry seek approval to amend the regulation relating to full-time care. The ministry agreed to begin this work. In March 2024, the ministry told us about the changes it is considering. It has consulted with First Nations rights and title holders and Indigenous partner organizations about the approach it is considering. We are encouraged by the ministry's progress, and hope for a timely change to the regulation.

We will continue to monitor and report publicly on the ministry's progress in implementing our recommendation.



HEALTH AND HEALTH CARE

This category includes programs and services delivered by the Ministry of Health, BC's five regional health authorities, the Provincial Health Services Authority, and other health and emergency-related public organizations, such as the Mental Health Review Board and BC Emergency Health Services.

In 2023/24, we received 825 enquiries and complaints about health and health care issues.

Provincial health authorities

650

Ministry of Health

131

Health and health care complaints and enquiries are the second most common type of complaint we receive. And while complaints have decreased (particularly those related to the Ministry of Health) since the pandemic, we continue to receive plenty of complaints from the public about unfair services and treatment.

Health and health care complaint trends

The largest number of complaints were about a disagreement with a decision or outcome, followed by complaints about a process or procedure, treatment by staff, and communication.

The most common health care related complaints we received were:

- Hospital services, including acute care
- Mental health and substance use services
- Quality of care

STORIES OF PEOPLE WE HELPED

Three weeks too long

Ministry of Health – Health Insurance BC

The complaint: Taylor contacted us with concerns about their Medical Services Plan (MSP) coverage. Taylor lives with an ongoing medical condition and requires routine testing and ultrasounds. They were advised by their doctor's office that their MSP coverage was not active. When Taylor contacted Health Insurance BC (HIBC), they were informed that their coverage was cancelled because they did not meet the provincial residency requirements.

Taylor reapplied for MSP coverage and was told there was a 21-day waiting period. They could not afford to pay out of pocket for the services they urgently required.

What we did: We investigated to see whether HIBC had acted reasonably in cancelling Taylor's MSP coverage without notice. We also investigated to see if the 21-day waiting period was fair given Taylor's ongoing medical condition.

How we helped: HIBC admitted it made a mistake when it cancelled Taylor's coverage. HIBC retroactively reopened Taylor's account. HIBC also apologized to Taylor and agreed to implement measures to prevent this mistake from happening again.

HIBC will now give eligible residents three months' notice before their MSP coverage is cancelled. HIBC also committed to train its intake staff on this new process.

Why it matters: Fair decisions require adequate notice so that individuals like Taylor are not left in vulnerable situations.

A crisis in care

Island Health

EARLY RESOLUTION

The complaint: Rei's father was in hospital. She contacted our office concerned about the delays she was experiencing in receiving responses from Island Health regarding the concerns she had raised with them. She was worried that low staffing levels at the hospital were impacting her father's care and safety. As she did not live locally she hired a private care attendant to assist with his care. Rei was also worried about the delay with her father's placement in a long-term care home and that her father would lose his spot on the waitlist while he was hospitalized. As her father's health had declined, they really needed him to be transferred to a long-term care home once he was released from hospital. Rei reached out to us when she did not receive a timely response to her complaint from Island Health.

What we did: We contacted Island Health to make enquiries and facilitate someone from Island Health contacting Rei back to discuss her concerns. The Patient Care Quality Office (PCQO) and program leaders at the hospital contacted Rei to discuss her concerns.

How we helped: As a result of the discussion with Rei, a manager apologized for the clinical gaps and shortages and offered to help her contact the clinical team with future concerns about her father's care. Island Health also transferred her father to a new unit at the hospital. Rei was pleased with her conversation with the PCQO.

A long-term care access manager later contacted Rei and apologized for the delays and miscommunication. The manager also discussed Rei's concerns with her about finding long-term care for her father. After leaving the hospital, Rei's father was moved into a long-term care facility.

Rei was happy for the oversight of our office and thanked us for being there for her and her family.

Why it matters: Responding promptly to complaints can resolve issues efficiently. The clear communication that eventually occurred between Rei and Island Health led to a long-term care solution for Rei's father.

A technical distinction that resulted in an increased safety risk

Northern Health

The complaint: Sherri contacted us on behalf of her sister, Luna, who receives full-time care at a Northern Health long-term care facility. Sherri was informed by the facility that a male resident, who lived on the same floor as Luna, had sexually assaulted her sister. Luna was unable to consent to sexual activity. Sherri complained to Northern Health's Patient Care Quality Office (PCQO) and demanded the man be moved to a different facility. The PCQO

told Sherri that the facility had "started the process" of moving the man, but when Sherri didn't hear any more from Northern Health, she complained to our office.

What we did: We investigated to see if Northern Health applied its policies fairly in responding to this serious incident. We discovered that about five months after Sherri made her complaint, Northern Health determined

it could not legally move the man to a different long-term care facility without his consent. Northern Health failed to tell Sherri this.

We also determined that Northern Health should have immediately reported the assault to the Minister of Health under BC's *Hospital Act* but had failed to do so.

We also looked at whether Northern Health's policies for responding to serious incidents like this were adequate, given that the facility in question is governed by the *Hospital Act* rather than the *Community Care and Assisted Living Act*.

Because the facility where Luna lives was run under the *Hospital Act*, an internal investigation wasn't mandatory. By comparison, an assault in a long-term care facility operated under the *Community Care and Assisted Living Act* would have triggered a mandatory investigation by Northern Health's licensing department. We were concerned by this relative lack of oversight for *Hospital Act* facilities.

In our 2012 report, *The Best of Care*, we highlighted the issue of having two different laws for long-term care. The two different laws result in inequities in care, oversight and costs to residents. The lack of adequate oversight for *Hospital Act* facilities is concerning, and this case shows why.

How we helped: Following our investigation, Northern Health immediately reported the

sexual assault to the Minister of Health. It apologized to Sherri and Luna for failing to tell them it didn't move the man to a different facility and clearly explained why the decision was made. Northern Health also acknowledged the critical importance of ensuring Luna's safety and security in long-term care.

To address inequities under the two laws, Northern Health agreed to change its policies to increase accountability and oversight in long-term care facilities operated under the *Hospital Act*. Those changes are expected to be implemented in 2025. The policy change will give residents in *Hospital Act* facilities protections similar to those in facilities run under the *Community Care and Assisted Living Act*.

Northern Health also agreed to amend its existing policies to address several deficiencies and to provide training for all staff on the revised *Hospital Act* procedures for cases of suspected sexual assault. Our office will be monitoring Northern Health's ongoing implementation of these actions.

Why it matters: A lack of administrative oversight can have serious implications for people's safety. Amending existing policies and providing training for staff can ensure that Luna, and others in similar situations, receive safe and effective care.

How would she know?

Ministry of Health – Health Insurance BC

The complaint: Selá made an urgent complaint to our office. When she renewed her driver's licence, she learned that her Medical Services Plan (MSP) coverage would be cancelled in four days. Before asking for help from our office, Selá called Health Insurance BC (HIBC), which runs MSP. Selá

believed HIBC made an error after she called them during the pandemic to ask about restrictions on coverage due to some trips out of the province. She thought HIBC may have misunderstood and thought she was leaving the province for a long period of time.

What we did: An HIBC representative explained that it had determined Selá was on an extended absence beginning in 2021, based on the phone call with her. HIBC planned to cancel Selá's account two years later, which is in line with the allowable extended absence rule. HIBC did not send Selá a letter about the planned cancellation. Its practice is to send a cancellation letter only if the beneficiary requests one.

We reviewed with HIBC ways to improve its service delivery. The notes staff added to Selá's MSP file made it hard to know what was said during the 2021 call, whether she requested an extended absence or if she had been informed of her future MSP cancellation date. Also, we didn't think it was fair to ask people to request an MSP cancellation letter, especially when they don't know they have to request one. HIBC agreed that a better system of note taking was needed. It also agreed that staff training and

new instructions would help to prevent similar situations from occurring. HIBC now sends a standard letter if an extended absence is applied on a beneficiary's MSP account.

How we helped: With Selá's out-of-province trip dates clarified, HIBC cancelled the extended absence on her account, confirmed active MSP coverage and mailed a BC Services Card to her.

HIBC also agreed to investigate internally other situations where MSP beneficiaries may not be notified about their MSP cancellation. HIBC will share the findings of those investigations with us and we will monitor the settlement.

Why it matters: Selá's complaint revealed gaps in service delivery and led to improvements in standard procedures. Reviewing internal processes and providing the right training can improve service delivery and prevent unfairness.

Costly delay

Ministry of Health - BC Pharmacare

The complaint: Niles contacted us with a complaint about the Special Authority program at Pharmacare. Special Authority grants full or partial coverage to a drug or device that otherwise would not be covered or would be only partially covered. Coverage is provided to patients in specific medical circumstances. Niles's wife, Nelly, required a transmitter for blood sugar monitoring that cost \$900 for a three-month supply. Nelly's doctor applied for Special Authority approval well in advance of her supply running out. After several unsuccessful attempts to have the request approved, the doctor advised Nelly to buy a new transmitter to avoid medical complications.

What we did: During our investigation, we consulted Pharmacare staff, who told us there was a significant backlog on Special Authority applications. We also learned that under the current framework patients are not reimbursed if they purchase a transmitter without first getting Special Authority approval for renewal. We were concerned about the fairness of this situation, as Nelly's doctor was unable to get the request approved in time despite his best efforts and timely application.

How we helped: As a result of our investigation, Pharmacare issued a backdated five-year Special Authority coverage for Nelly and agreed to refund the cost of her transmitter.

To address the backlog of applications, we suggested that Pharmacare update its website to reference current processing timelines and to advise medical professionals not to apply more than once. Pharmacare agreed.

“We have received the money for reimbursement of funds ... I cannot thank you and your office enough for your service. I was nowhere without your help.”

– Niles and Nelly

Why it matters: Administrative delays like the one experienced by Nelly can lead to costly and potentially dangerous outcomes. When there is a delay, authorities need to make sure individuals are not negatively impacted while a decision is being made.

Crossed wires

Ministry of Health – Health Insurance BC

The complaint: Geun contacted our office with a complaint about his Medical Services Plan (MSP) coverage. He had received a letter from Health Insurance BC that said his request for continued MSP coverage was rejected. The reason for this decision was that he did not have “maintained status” in Canada. Based on Geun’s communications with Immigration, Refugees and Citizenship Canada (IRCC), MSP concluded that he had applied for a new work permit **after** his Post-Graduation Work Permit (PGWP) expired.

Geun told us he had applied for an extension **before** his PGWP expired, as directed by IRCC.

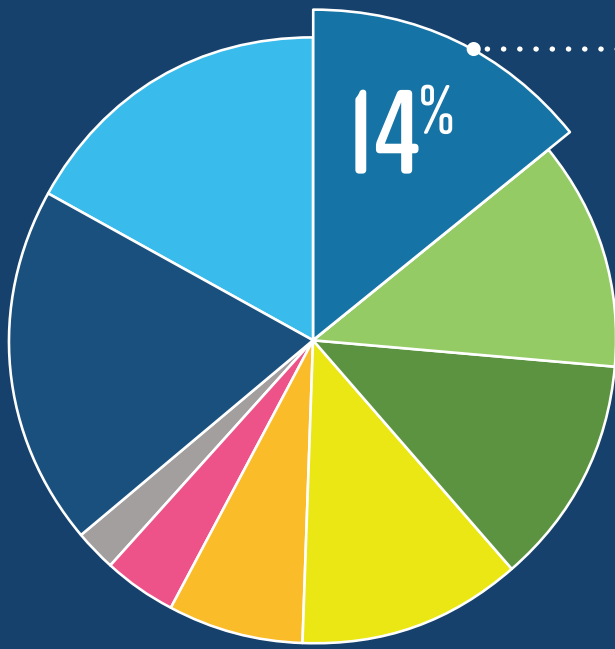
After a few months, Geun contacted Immigration, Refugees and Citizenship Canada (IRCC) about his PGWP extension application and was told it hadn’t been processed. Records showed he was directed to apply for a work permit and restoration of status instead.

What we did: Maintained status holders are legally authorized to continue to work or study in Canada even though they don’t have a valid

permit. They may also be eligible for temporary MSP coverage. Our office’s review of Geun’s MSP account showed he did apply for a PGWP extension before its expiry and that IRCC directed him during the application process to apply for a work permit and restoration of status. We concluded that Geun did not fail to maintain his status. On the contrary, he lost his maintained status because of the IRCC’s contradictory directives.

How we helped: During our investigation, MSP agreed that Geun was not at fault for failing to maintain his status and issued temporary MSP coverage on an exceptional basis. Furthermore, when Geun received permanent resident status, his MSP account was updated and he was issued retroactive open-ended coverage.

Why it matters: Geun’s case is an example of how miscommunication can have serious consequences. Ensuring that individuals are given clear and accurate information is key to fair outcomes.



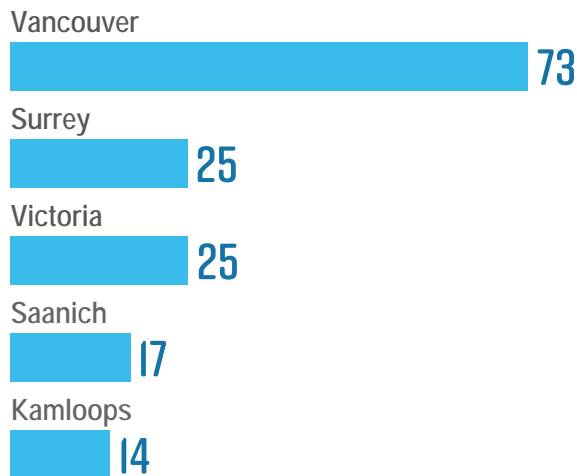
LOCAL GOVERNMENT

This category includes the Ministry of Municipal Affairs, all BC municipalities, regional districts, the Islands Trust, improvement districts, libraries and park boards.

This year we received 647 enquiries and complaints about local government, with 505 about municipalities, 108 about regional districts and 34 about other local public bodies, including the Ministry of Municipal Affairs.

Local government complaint trends

The most complained about municipalities are:



Of the 108 complaints we received about regional districts, 11 were about the Cowichan Valley Regional District, and 9 were about each of the Regional District of Nanaimo and the Central Coast Regional District. We also received 7 complaints about each of the Regional District of Okanagan-Similkameen and the Capital Regional District.

The top complaints related to local government we hear about include:

- bylaw enforcement
- zoning/development/official community plans
- fees and charges
- council member conduct
- city/municipal services (such as garbage collection, water)

STORIES OF PEOPLE WE HELPED

Recycle that explanation

City of Vancouver

The complaint: Staff from a garbage company were parking their trucks in the middle of laneways while working. Marco believed this was against a City of Vancouver bylaw, so he made a complaint to the city. Marco said the city didn't take any enforcement action and wouldn't look at his photographic evidence of the bylaw violations.

What we did: In Vancouver, public utility vehicles like garbage trucks are allowed to stop and park in laneways when they are working. But when city staff spoke to Marco, they didn't tell him this. Staff did not clearly explain why his complaint did not lead to enforcement.

Various types of evidence, including the photographic evidence, are allowed in bylaw dispute resolutions proceedings. The city's decision to reject Marco's evidence was not in line with the provincial legislation.

How we helped: After our investigation, the city contacted Marco and explained why it did not act on his complaint. It told Marco how the bylaw applied to garbage trucks. It also told him it should have accepted his evidence.

We asked the city to remind its staff about making decisions that are clear and follow the bylaw. We suggested its staff take regular training and asked the city to use a peer review process to help make more consistent enforcement decisions. The city agreed to our recommendations.

Why it matters: Public authorities must ensure that their decisions are consistent with the law and provide clear responses to complaints and concerns, like those raised by Marco.

Who let the dogs out?

Fraser Valley Regional District

The complaint: A dog owner, Ash, complained to our office that the Fraser Valley Regional District mailed him two bylaw tickets for failing to license his dogs. While Ash paid both fines, he felt it was unfair – he never received a reminder notice regarding the tickets.

Ash adopted the dogs in 2021. He contacted animal control at the regional district to report his new dogs. But animal control's attempts to follow up by email and phone were not successful.

Six months later, Ash received the tickets with no notice or warning. He tried to dispute the tickets but was unsuccessful. The outstanding amount was sent to a collection agency.

What we did: It is best practice for local governments to tell residents about possible enforcement action. This gives residents a chance to follow the bylaw or to ask questions. It also provides residents with the opportunity to tell their side of the story.

The district requires residents to renew their dog licences each year. The district mails invoices to dog owners with existing accounts in November. It also advertises to remind dog owners that licence fees are due by year-end. Early the following year, the district mails reminder notices for unpaid accounts. Staff usually follow up by phone to let dog owners know they will receive a ticket if they don't pay on time. Staff make thousands of these calls each year.

Ash's account was in good standing with the district; he had followed dog licensing requirements for many years. If Ash had received a licence reminder in 2021, he would have paid the fee.

We asked the district why it didn't mail a reminder notice to Ash instead of issuing him tickets.

How we helped: The regional district's licensing process was solid, but Ash's situation showed that it could be better. The district agreed to update its process so all dog owners would be mailed an additional reminder invoice before a ticket is issued.

In Ash's case, the district applied a credit to his account for the amount of the second ticket as it recognized its error for failing to send Ash a reminder notice. It will also notify him when the credit has been used on his account and there is a balance due.

Why it matters: For a process to be fair, relevant information must be communicated in a timely manner. Adequate communication could have prevented the unfairness that Ash experienced.

Fenced in

City of Kamloops

EARLY RESOLUTION

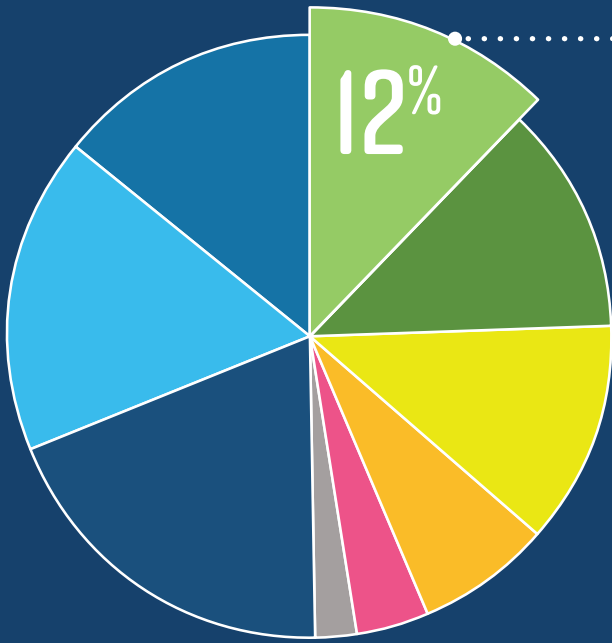
The complaint: Neil believed his neighbour's fence was too high and was not in line with the City of Kamloops bylaw. He made a bylaw complaint to the city but was unaware of any steps it was taking to resolve his complaint.

What we did: We asked the city about the status of Neil's complaint and to contact him. The city told us that it was working to resolve Neil's concerns, and a staff member met with Neil and his neighbour to discuss the complaint.

How we helped: The city confirmed that it expected Neil's neighbour to comply with the height bylaw and lower his fence within two weeks. Neil was thankful for our help and pleased to be in contact with city staff.

Why it matters: Keeping individuals like Neil informed about the steps being taken to resolve a complaint is key to fair service delivery.





JUSTICE

This category includes programs and services delivered by the Ministry of Public Safety and Solicitor General, Ministry of Attorney General and other justice-related public organizations, such as the Law Society of British Columbia and the Civil Resolution Tribunal. The justice category is the fourth most complained about category, with the majority of those complaints relating to BC adult correctional centres.

In 2023/24, we received 585 justice-related enquiries and complaints. The top three authorities complained about were:

Ministry of Public Safety and Solicitor General

364

The Law Society of British Columbia

61

Ministry of Attorney General

56

We often hear complaints about the RCMP and municipal police. Similarly, we sometimes receive complaints about a judge's conduct and court decisions. As these are outside of our jurisdiction, we do our best to refer people to the most appropriate complaint pathway.

Correctional centre complaint trends

BC Corrections continues to be one of the most complained about programs and makes up most complaints received about the Ministry of Public Safety and Solicitor General.

The most common types of complaints from people in custody and their families this year were:

- Use of segregation and other discipline, including the hearing process
- Access to health care services while in custody and food and diet, such as specific dietary requests
- Lack of amenities, living conditions including access to phones, mail and visitation

In addition to receiving and investigating complaints, each year, our staff visit these centres to proactively hear about any issues or concerns emerging at each facility. The visits also provide staff with the opportunity to hear about any challenges being experienced by facility staff. Being on the ground offers first-hand insight into the actual workings of the centres – from how policies and procedures are being followed to how complaints are being responded to.

STORIES OF PEOPLE WE HELPED

A picture is worth a thousand words

Vancouver Island Regional Correctional Centre (VIRCC)

The complaint: Liam, who was in custody at VIRCC, contacted our office with concerns about a use-of-force incident. The incident occurred when Liam was removed from his cell by a Cell Entry and Extraction (CEE) team.

What we did: We investigated Liam's concerns about the use-of-force incident. In doing so, we reviewed all the available evidence, which included handheld video footage of the incident, as well as written and verbal accounts from Liam and the members of the CEE team.

But when we reviewed the video footage, we noted that the incident of force was almost entirely obstructed by other members of the CEE team. It appeared this was a function of limited physical space in the cell leaving the handheld operator without a clear line of sight to Liam.

Since the video was obstructed, the only evidence was Liam's account versus the CEE team's account. In such cases, it is difficult to determine what happened and reach a definitive conclusion.

At the time, the Adult Custody Policy required one CEE team member to carry a handheld video camera. We investigated to see whether an obstructed view was a common problem with the CEE teams' handheld video footage. We reviewed 25 events and found that a blocked line of sight was common, especially in small physical spaces, and particularly when the CEE team first entered a space.

BC Corrections told us that it was piloting the use of helmet-mounted video cameras at the Okanagan Correctional Centre (OCC). In the pilot project, CEE team members wore helmet-mounted cameras, providing multiple angles and lines of sight. We reviewed helmet-mounted video footage for incidents at OCC and found that the combination of both helmet-mounted and handheld footage provided clear documentation of the team's work. The

OCC pilot program provided strong evidence supporting the expansion of helmet-mounted video cameras to all centres.

How we helped: We proposed that BC Corrections permanently adopt the pilot program and expand it to all BC Corrections centres. Our proposal was accepted and BC Corrections revised the Adult Custody Policy to require CEE teams to have at least two staff wear helmet-mounted video cameras in addition to carrying handheld cameras when doing their work.

Why it matters: A single complaint like Liam's can improve policies and procedures for many. When staff in a custody centre use force, it needs to be carefully documented. Liam's complaint led to important changes that improve accountability.

There's more to the story

North Fraser Pretrial Centre

The complaint: While in custody at North Fraser Pretrial Centre, Jim tried to get a job at one of the centre's workshops. When Jim was not selected for the job, he complained to the centre. He was told the workshop was closed over the summer and that there was a waitlist. Jim didn't believe this was true, so he contacted our office.

What we did: We investigated how the centre had responded to Jim's concerns about the workshop job.

Jim told us he had applied several times for jobs but was never hired. Through the course of our investigation, we found out that staff had safety concerns due to Jim's behaviour. However, staff did not tell him why he was not

approved for the jobs he applied for. We were also concerned that people in custody wouldn't know how the centre decided if they were eligible for work in the correctional centre.

How we helped: The centre agreed to explain to Jim why he wasn't eligible to work. It also agreed to update its information guide for people in custody to explain how the centre decides if someone is eligible for a work program.

Why it matters: Providing clear and understandable reasons for a decision is a key pillar of administrative fairness. Jim was entitled to adequate information about decisions that impacted him.

The danger of miscommunication

Civil Resolution Tribunal

The complaint: Raya was a newcomer to Canada with limited English skills. She did not know much about the Canadian legal system.

In 2021, Raya received a registered letter with a Notification of Dispute from the Civil Resolution Tribunal (CRT). She signed the notice indicating she received the letter, but Raya never opened it. The letter was from someone she had argued with and she did not know why the person was writing to her. She feared that the mail may contain toxic substances.

Because Raya never responded to the notice, the CRT made a default decision and order. When she asked the CRT to cancel the order, it refused. Because she didn't know that she had to provide the reasons why she didn't know about the dispute, the CRT decided she deliberately refused to respond to the notice.

What we did: We investigated to see if the CRT had acted fairly. We saw how hard it was for Raya to tell her side of the story and that she had trouble understanding how the CRT worked. However, CRT decisions are final; only the court can review them.

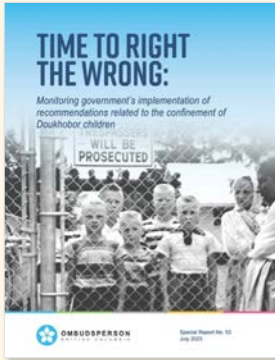
How we helped: The CRT acknowledged that many parties are vulnerable, are self-represented, and have limited knowledge of English and the Canadian legal system. It agreed to improve its process by:

- changing its template letters
- updating its website to explain how to cancel a default order
- continuing to improve its letters to ensure they are clear

The CRT also said that a complainant can tell it if they are concerned about a risk of violence from another party. In those cases, the CRT will try to ensure that its dispute resolution process does not expose parties to a risk of further violence. The CRT also confirmed that complainants have access to a translator on request.

Why it matters: Raya's complaint led to changes so that future users would receive clearer information which will help prevent an unfair outcome.

FEATURED REPORT: *TIME TO RIGHT THE WRONG*



This July 2023 report drew attention to government's inaction in issuing an unconditional apology and compensation to the approximately 200 children apprehended and confined at a former

tuberculosis sanatorium in New Denver between 1953 and 1959.

The children were taken from their parents who identified as Sons of Freedom Doukhobors and who opposed government policies and regulations. In 1999 our office investigated these events and found what happened to these children "unjust and oppressive." We called on the Attorney General to apologize and compensate those who were, by then, adults.

Finally, 70 years after these events occurred and in response to this report, government has committed to apologizing in the fall of 2023, and to preparing a "recognition package".

In February 2024, in two community events held in Castlegar and Grand Forks, the Attorney General apologized for the detention of Doukhobor children. On February 27, the premier apologized in the legislative assembly, with many survivors and their families and descendants present. The premier committed to further work with the Doukhobor community on the compensation package. Our office will continue to monitor the details of the compensation package.

71
years since first Doukhobor children were apprehended

1953

25
years since our initial report recommended an unconditional, clear and public apology and compensation

1999

July 2023:
Government committed to an apology and recognition package after our office issued an update report

2023



February 27, 2024:

Hon. D. Eby: I rise today to address an historic wrong. Too many people have waited too long for this moment in our Legislature.

Members of the Doukhobor community arrived in Canada 125 years ago. They sought refuge after enduring persecution in czarist Russia...

...Between 1931 and 1959, hundreds of Sons of Freedom members were convicted and handed sentences of up to three years.

After many years of unrest and troubled relations, the province forcibly removed children from their homes and communities. These children were placed in forced education facilities, including a former sanitarium in New Denver. They were mistreated physically and psychologically. Parents and other adult relatives could only visit their kids through the barrier of a chain-link fence. As a father, I ache imagining that pain, where children paid the price for the conflicts of adults.

Constitutional protections would not let that happen today, and it should not have happened then. These actions caused immense and immeasurable harm...

There is no more sacred a relationship than that of parent and child. That relationship was

broken for an entire community. The resulting harms have echoed for generations.

The province of British Columbia recognizes the hurt and the trauma experienced by the Sons of Freedom and by the broader Doukhobor community. **Today, on behalf of the province of British Columbia, we acknowledge and apologize for these past injustices.**

To build on this apology, the province will be contributing \$10 million to support the Doukhobor community.

...My commitment to you and to all those who couldn't be here today is that we will work with you to make this right.

The steps we take today will help those impacted by these injustices so that they're able to access the support they need, however it looks, in order to heal.

...

Today marks a milestone in the history of our province. While we cannot undo the harms of the past, we can recognize and hold up survivors while we continue our work together to ensure that such a violation of human rights, of human dignity, of families, never happens again.

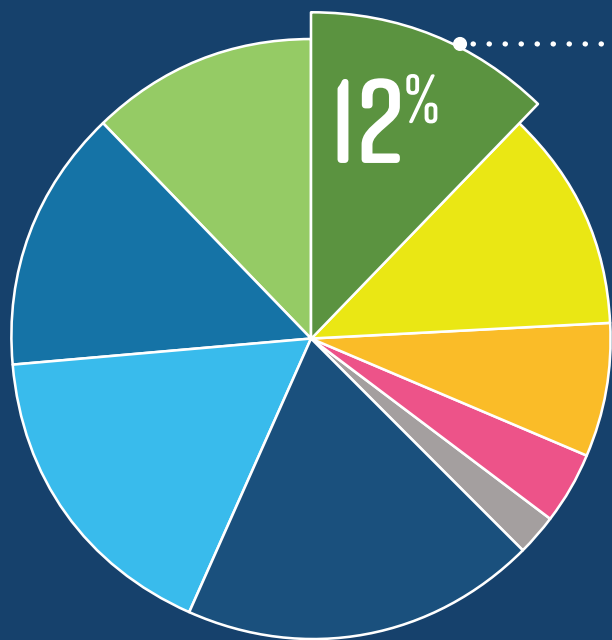
2024

February 1, 2024:

Attorney General issues apology in the community

February 27, 2024:

Government apologizes, and commits to working with community to 'make this right'



INFRASTRUCTURE AND TRANSPORTATION

The Infrastructure and Transportation category includes one of the most complained about public bodies: ICBC. This category also includes BC Hydro and other organizations, such as the BC Utilities Commission and the Ministry of Transportation and Infrastructure.

In 2023/24, we received 579 infrastructure and transportation-related enquiries with 80 percent of those being about ICBC.

ICBC



BC Hydro



Ministry of Transportation and Infrastructure



Vehicle Sales Authority



Infrastructure & transportation trends

Most of the complaints we received about ICBC concerned motor vehicle accidents, such as

complaints about insurance coverage and not surprisingly, complaints about collision and accident claims, and ICBC's no-fault benefits. These accounted for almost half of all ICBC-related complaints. The second highest number of complaints about ICBC related to driver licensing, including road and driver licence testing. We also received complaints about terms of insurance, Autoplan Brokers, vehicle registration and access issues and problems relating to identification.

BC Hydro complaints focus mostly on billing, disconnection and reconnection issues, and meters.

Complaints about the Ministry of Transportation and Infrastructure tend to be related to road maintenance and conditions, flooding due to mismanaged culverts or drainage.

STORIES OF PEOPLE WE HELPED

A delayed consequence

ICBC

The complaint: Cael was pulled over by the police and was given a ticket for driving without a valid licence. The ticket led to an automatic 90-day driving prohibition. Nearly a year later, Cael received a notice of intent to prohibit him from driving issued by RoadSafetyBC (RSBC). The notice said he would be prohibited from driving for 90 days, but since it was received nearly a year after the ticket was issued, Cael mistakenly believed his driving probation was over.

Cael and his mother complained that RSBC took nearly a year to send the notice.

What we did: We learned through our investigation that the delay in issuing the notice was because of an error by ICBC. ICBC entered Cael's birthday incorrectly when it recorded his ticket in its system. We also

learned that a series of other communications issues, including mail delivery delays caused by the 2021 atmospheric river, complicated Cael's case and impacted RSBC's ability to administer his driving prohibition.

How we helped: ICBC wrote to Cael and apologized for its data entry error. RSBC also acknowledged that the standard letters it uses can be confusing and unclear. RSBC said it was working with ICBC to revise its standard letters, with a particular focus on plain language and clarity.

Why it matters: Cael's complaint resulted in an apology and a commitment to revising and improving procedures. Correcting administrative errors when they are identified is part of fair service delivery.

Busy beavers!

Ministry of Transportation and Infrastructure

The complaint: A beaver dam was causing significant flooding on Thom and Linda's farm. The beavers had blocked a culvert under the road, causing water to pool and flood their property. In 2018, the Ministry of Transportation and Infrastructure tried to prevent the beavers from blocking the culvert by installing wire gates. The beavers returned two years later when the gates failed, causing more flooding. Thom and Linda asked the ministry to fix the culvert again, but they didn't hear back.

What we did: We investigated to see if the ministry had responded to Thom and Linda's complaint adequately.

Our investigation revealed that the ministry knew about the beaver dam blocking the culvert but was unable to work on it due to restrictions on working near a stream. As a result of our

investigation, the ministry agreed to review the situation.

How we helped: In the following weeks, the ministry received an emergency exemption to the rules about working near a stream. It sent a crew to clear the blocked culvert. With the culvert cleared and a backup built, the water was once again flowing.

The ministry agreed to have a contractor visit the site throughout the summer. It also said it would install new beaver gates to prevent the beavers from blocking the culvert again.

Why it matters: Thom and Linda's complaint is an example of how acknowledging and responding to complaints in a timely manner can resolve issues efficiently.



Underpaid and overcharged

BC Hydro

The complaint: Brett cancelled his BC Hydro account because he was moving. This meant he didn't receive the cost-of-living credit that had recently been announced by the BC government. The credit was to be applied by BC Hydro to customer bills. Brett called BC Hydro to complain. BC Hydro staff reopened his account and closed his account a few days later so Brett could receive the credit. But because his account was reopened, Brett was billed for electricity use at his old home after he moved out. Concerned that this was unfair, Brett reached out to our office for help.

What we did: We reviewed BC Hydro billing records for Brett's account as well as government documents about the cost-of-living credits. We also spoke to BC Hydro staff about

Brett's complaint. It appeared Brett should have been eligible for the cost-of-living credit without reopening his account. We were concerned that BC Hydro's decision to charge Brett for electricity on his old account was unreasonable.

How we helped: BC Hydro refunded Brett for the electricity charged to his account. BC Hydro also committed to identifying customers who closed their accounts in similar circumstances and providing the credit to those customers who open an account in the future.

Why it matters: Brett's complaint resulted in a commitment by the authority to identify others who were also impacted by an unreasonable decision. One complaint can benefit many.





Disconnected rules

BC Hydro

The complaint: People were illegally using undeveloped farmland to host events without permission from the owner, Mike. They managed to open a BC Hydro account to get service upgrades to the property and establish a hydro connection. Brenda, Mike's daughter, said BC Hydro did not require proof of tenancy or ownership before opening the account.

When Brenda contacted BC Hydro to close the unauthorized account, BC Hydro agreed to remove the electrical connection and upgrades. BC Hydro told Brenda to open an account in Mike's name so it could complete this work. Mike then received a bill for electricity used after BC Hydro closed the unauthorized account but before it disconnected the property.

BC Hydro would not waive the bill. Brenda paid the bill despite thinking it was unfair.

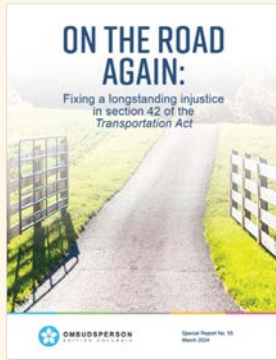
What we did: We investigated to see if BC Hydro had acted fairly in billing Mike for unauthorized hydro use on his property.

BC Hydro said Mike's situation was rare. However, it agreed to track this issue and, if necessary, consider changing its application review policy to prevent this from happening to another homeowner.

BC Hydro also acknowledged it could have remotely disconnected service to the property on the day the unauthorized account was closed which would have prevented Mike from being charged for electricity he did not use.

How we helped: BC Hydro apologized to Brenda and removed the charge from her father's account.

Why it matters: Taking responsibility, even in rare cases like Mike's, is a key part of fair service delivery.

FEATURED REPORT: **ON THE ROAD AGAIN**

In *On the Road Again*, a report we released in March 2024, our office called on the Ministry of Transportation and Infrastructure to address problematic road legislation that has real-life consequences for many British Columbians.

This report arose from two complaints that illustrated how uncertainty around road ownership can impact property owners. Section 42 of the *Transportation Act* states that in some cases, when public money is spent on maintenance, roads on private property can automatically be deemed to be public. This can occur without the property owner's knowledge or consent. And unlike other methods of creating highways, property owners are not compensated for the reduction in the size of their property when highways are created this way. Property owners have no easy way to determine the ownership of roads they use to access or cross their property, because roads created in this manner are not registered in the land titles system.

The first complaint was from a property owner who believed a road through her property was private, when in fact it was public. She was understandably surprised when she learned she was unable to prevent logging trucks from using the road through her property.

The second was from another owner who used what he believed was a public road to access to his own property. When the other owner blocked the road, he asked the ministry to remove the blockage, but because the road was private it refused.

Both property owners tried to determine the status of these roads by accessing and reviewing decades-old historical documents held by the ministry.

Our investigations into these two complaints found that the section of *Transportation Act* that governs this practice is unfair. These findings echo a similar report made by our office in 1985. The recommendations from that report remain unaddressed.

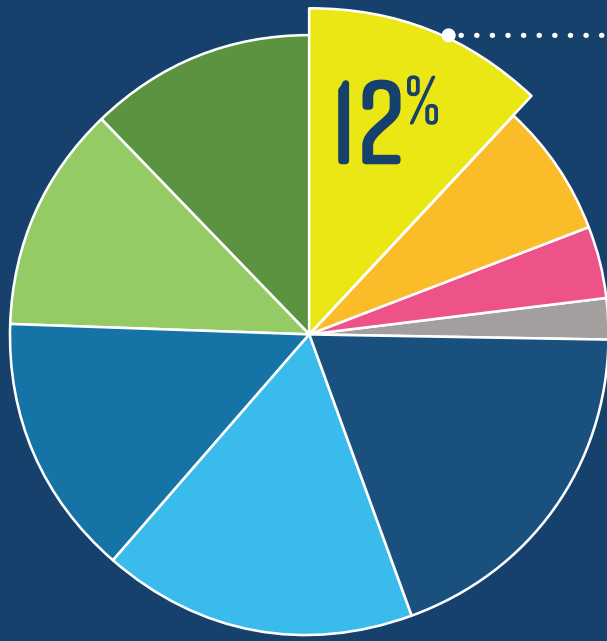
To address the unfairness, *On the Road Again* made seven recommendations to the ministry, including:

- changing legislation to prevent new public roads from being created under section 42
- registering all existing section 42 roads in the land title system
- developing a publicly accessible registry of roads created under section 42 and considering including roads in the registry on request as well as establishing a dispute resolution process

The ministry accepted and agreed to implement five of the seven recommendations. While it has not fully committed to two other recommendations (registering section 42 roads in land titles and establishing a non-court dispute resolution process), its response is sufficient for our office to also consider them accepted.

We will monitor the ministry's implementation of these recommendations.








SERVICES TO CHILDREN, YOUTH AND VULNERABLE ADULTS

This category includes programs and services provided by the Ministry of Children and Family Development, the Public Guardian and Trustee, the BC Family Maintenance Agency and Community Living BC.

We received a total of 571 enquiries and complaints about services for children and youth and vulnerable adults, with the most complaints about the Ministry of Children and Family Development.

Ministry of Children and Family Development
 401

Public Guardian and Trustee
 68

BC Family Maintenance Agency
 62

Community Living BC
 40

Children, youth and vulnerable adults complaint trends

The Ministry of Children and Family Development (MCFD) continues to be one of our most complained about authorities.

This year is no different. While we do receive complaints from some children and youth, most complaints are made by parents, guardians and caregivers.

The most common complaints we hear about MCFD involve child protection investigations. These include complaints about the investigative process and the reasons provided for child protection action. Other common complaints our office hears about include:

- access and visiting
- placement and quality of care
- family planning and other planning services
- communication concerns

Many other public bodies such as Community Living BC and BC Family Maintenance Agency, provide services to children, youth and vulnerable adults. We hear complaints about placement and program transitions, enforcement of child or spousal support orders, and financial management services, such as managing assets and paying bills.

STORIES OF PEOPLE WE HELPED

Addressing service gaps

Ministry of Children and Family Development

The complaint: Aubree, who cares for her niece, contacted us with concerns about an Indigenous Child and Family Service Agency. The agency delivers services through an agreement with the Ministry of Children and Family Development. Aubree told us she received incorrect advice from the agency, which prevented her from receiving a disability tax credit for eight years. Aubree brought her concerns to the agency, and the agency paid her for three years of the tax credits but did not pay her for the other five years.

Aubree also said that the agency had treated her disrespectfully when it cancelled a recreation pass for her niece without enough warning, and when she asked for a replacement for a jacket her niece lost.

What we did: We reviewed records and found that the agency's decision to provide three years of tax credits aligned with the findings from our office's 2022 investigation, *Short-Changed*. We explained this to Aubree so she understood the reasons for the agency's actions.

The agency confirmed Aubree's story about the recreation card and jacket and apologized to her.

How we helped: We proposed that the agency provide Aubree with more support services to assist with the care of her niece. It agreed and Aubree received more money for groceries. It also helped her find appropriate housing that better met her and her niece's needs.

Why it matters: We recommended the agency provide Aubree with additional support services to assist with the care of her niece. It agreed and Aubree received additional funds for groceries. And while the agency was unable to provide any further funding, it did help her to find appropriate housing that better met hers and her nieces needs.

A room and support

Community Living BC

EARLY RESOLUTION

The complaint: Shae contacted us with concerns about Community Living BC (CLBC). Shae told us CLBC did not have adequate housing for her and that she was being evicted from the hotel it paid for, for three nights. Shae told us that a non-profit agency offered her a spot in a tent city, but she needed housing with access to outreach staff for support.

What we did: Through our Early Resolution process, we reached out to CLBC. We learned that it was working on a permanent housing situation for Shae.

How we helped: CLBC confirmed it would be providing Shae with a local motel room while it finalized her housing. CLBC also connected her with an Assertive Community Treatment Team to access outreach staff for support.

Why it matters: Establishing clear lines of communication is important so that individuals like Shae are not left in uncertain or vulnerable situations.



FEATURED REPORT: **MISINFORMED**

Our September 2023 report, *Misinformed*, details the experience of a young woman, Alexandra, who the Ministry of Children and Family Development removed from an unsafe family home multiple

times during her childhood. At age 17, the ministry made a plan for her to go into the permanent custody of her aunt.

When the ministry applied to the court for Alexandra to be transferred from its care to the custody of her aunt, the ministry told Alexandra she should be eligible for a range of government-funded supports, including post-secondary supports. This was important to Alexandra, who planned to continue her education after high school. Alexandra agreed to the custody transfer on this basis. But what the ministry told Alexandra was not correct.

Alexandra later applied for post-secondary education funding and much to her surprise the ministry said she was not eligible because she was in her aunt's custody when she turned 19. This had significant financial impacts on Alexandra.

“I have been told over and over again that I will be able to get assistance when I want to go to school, and if I had known at sixteen that I would not get financial help if I chose to live with family as opposed to a foster family, I would have chosen differently.”

– Alexandra

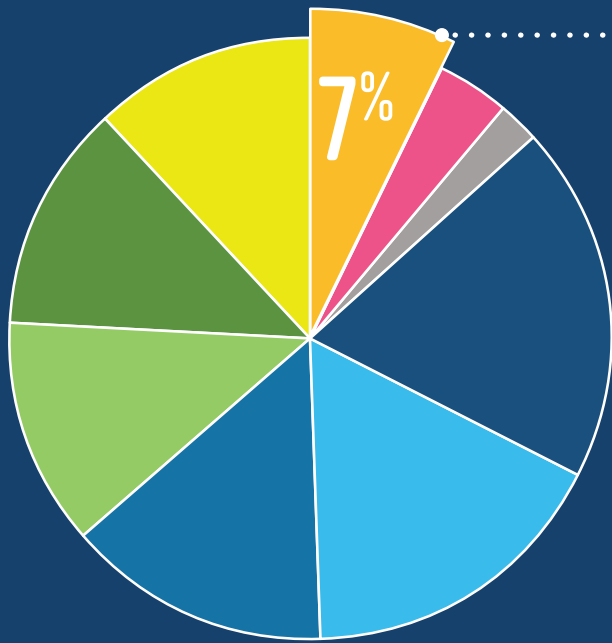
The ministry compounded its misinformation by not providing Alexandra with access to legal advice, as required by law, before the ministry applied for the court order. Alexandra and her aunt did not understand the consequences of the order when consenting to it. We also raised concerns that Indigenous youth may be disproportionately impacted by a lack of legal advice. Many Indigenous youth are involved in similar custody orders to Alexandra's.

We made five recommendations to the ministry including that it compensate Alexandra for the full value of the supports she was led to believe she would receive, which include tuition, cost of living, and health care expenses. The ministry rejected this recommendation. It also rejected our recommendation to conduct an audit to determine if other youth were similarly impacted. The ministry told us it did not think its own records would be reliable enough to do an audit.

We also recommended additional oversight for these kinds of custody orders. We recommended that the Public Guardian and Trustee review court applications like Alexandra's and provide advice to the court. The ministry did not accept this recommendation.

The ministry has agreed to two recommendations that it develop strategies to ensure that staff are aware of the benefits and limitations of permanency plans, and obligations for providing youth with legal advice.





EMPLOYMENT AND PROFESSIONAL REGULATION

This category includes professional regulatory bodies such as the College of Physicians and Surgeons of BC, the BC College of Nurses and Midwives, and Forest Professionals BC, as well public bodies such as WorkSafeBC, the Workers' Compensation Appeal Tribunal, the Labour Relations Board and the Ministry of Labour.

Most complaints in this category are about disagreement with a decision or outcome. We also receive some complaints about communications issues and delays.

This year we received 342 complaints and enquiries about public bodies in this category. Almost 60 percent of complaints were about WorkSafeBC.

WorkSafeBC



Ministry of Labour (20 from Employment Standards Branch)



College of Physicians and Surgeons



Trends in WorkSafeBC complaints

The most common complaints we received about WorkSafeBC in 2023/24 concerned benefits, including eligibility criteria to receive health care benefits and services, termination of benefits and payment amounts. We also heard complaints about how WorkSafeBC had handled medical evidence, such as the type of evidence it accepted and the worker's ability to select a service provider, and about return to work. In addition, we also received complaints about WorkSafeBC's Review Division.

STORIES OF PEOPLE WE HELPED

Patience is a virtue

WorkSafeBC

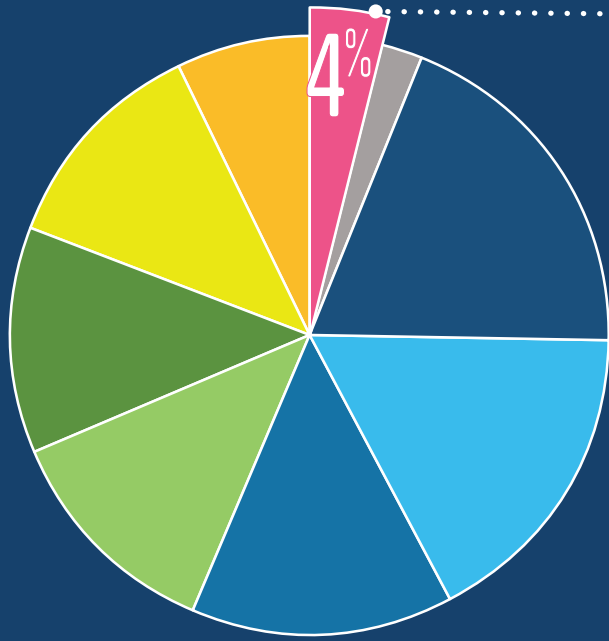
The complaint: Geoff has a disability that affects his memory. He complained to us about WorkSafeBC (WSBC). Geoff said that WSBC's electronic submissions portal in the Review Division only allowed one submission and that this was unfair because he needed to make many submissions. Also, Geoff needed to submit information as soon as it became available.

What we did: Our investigation confirmed that Geoff had been able to make the submissions he wanted but the online portal only accepts one submission at a time due to technical limitations. However, WSBC

told us that Geoff could contact the Review Division with questions or to make additional submissions.

How we helped: To address the complaint, WSBC agreed to update its online portal to explain its technical limitations. It will also tell users what they can do if they need assistance in making submissions.

Why it matters: Treating people like Geoff fairly by making information available and accessible is important.



EDUCATION

This category includes school districts, public colleges and universities, the Ministry of Education and Child Care, and the Ministry of Post-Secondary Education and Future Skills.

In 2023/24, we received 194 education-related enquiries and complaints, with 104 complaints about school districts and 54 about post-secondary institutions.

School district complaint trends

The most complained about school districts included:

Vancouver School District

14

North Vancouver School District

9

Mission School District

7

Surrey School District

7

The most common school district complaints were about:

- Student safety
- Special education
- Concerns about suspensions or student exclusion
- Enrolment issues

Public universities and college complaint trends

Looking at post-secondary institution complaints, last year, the University of British Columbia was the most complained about with 12 complaints.

The most common post-secondary complaints were about academic programs, such as course instruction, materials and academic appeals, and tuition and fees. We also heard concerns about human rights and disability accommodations and student discipline relating to academic and non-academic misconduct.

STORIES OF PEOPLE WE HELPED

Practically unfair

University of British Columbia

The complaint: Nolan contacted our office with concerns about the Counselling Psychology Program at the University of British Columbia (UBC). Midway through the semester, UBC removed him from the practicum. UBC initially told Nolan that his practicum was paused. It later told him that he would need to redo the practicum entirely in a later semester. Nolan was concerned that the decision and the reasons for it were unclear and unfair. He shared that this experience negatively impacted his well-being and his education.

What we did: We investigated to see whether UBC acted fairly when it removed Nolan from the practicum. UBC didn't provide Nolan with any warning that it was considering removing him from the practicum. It also provided conflicting information about how he could resolve the issues that were arising throughout the practicum. When UBC decided to remove Nolan, it did not clearly explain its decision or provide any reasons for it. We were concerned that the process UBC followed was unfair.

How we helped: UBC was responsive to our concerns. It apologized to Nolan, acknowledged its mistakes and refunded his tuition fees for the practicum. UBC agreed to work with the faculty members involved in practicums to ensure they understand their duty to be fair. It also updated its student and faculty handbook to make sure all parties understand what the university may do when a student is not meeting expectations during their practicum.

We are optimistic that these changes will improve the experiences of students in practicums at UBC.

Why it matters: Nolan’s education was delayed due to unclear and unfair processes. Ensuring that all members of a public organization understand what is expected of them is key to fair service delivery.

School’s out

School District 57 (Prince George)

The complaint: The Jones family received a letter from School District 57 (Prince George) stating that the parents could not go to their child’s school. The school district said the parents were behaving aggressively and refused to leave the grounds when asked.

The Joneses were unable to respond to the information in the letter because they were not aware they could appeal the district’s decision. The letter from the school failed to provide information about how to appeal its decision nor was this information publicly available. Concerned that the decision was unfair and not knowing what they could do, they reached out to us for help.

What we did: Under the *School Act*, districts can exclude people from school property. But those decisions must be fair. We investigated to see if the district had acted fairly in the way it informed the Joneses that they were not allowed to go to their child’s school.

Our investigation found that School District 57 did not provide the Joneses with information about how to appeal the decision or any

deadlines that applied. In addition, the information about the exclusion process was not publicly available.

How we helped: The district contacted the Joneses and acknowledged that its staff made an error when it did not tell them how to appeal its decision.

The district also changed its process to make it more fair by:

- making policy and appeal processes publicly available by posting them on its website
- updating its template letters to include information about how to make an appeal

Why it matters: For a decision to be fair, individuals like the Joneses must be provided with information about how the decision was made and information about how to request an appeal.

Graduation interrupted

University of the Fraser Valley

The complaint: Lise was a student in the School of Social Work at the University of the Fraser Valley (UFV). Three days before the end of term, UFV ended Lise's fourth-year internship without notice. Lise was required to redo the entire field internship.

Lise told us that UFV made this decision because of a conflict Lise had with her placement supervisor about the internship. Lise asked for support, which the supervisor denied. Lise said UFV didn't hear her side of the story, and she felt the appeal process was unfair.

What we did: Our investigation focused on whether UFV acted fairly in responding to Lise's complaints and her appeal of its decision.

We found that UFV's record-keeping on this matter was poor. Lise's records were missing important information, making it hard to know why her internship was cancelled, what happened during Lise's appeal and whether staff acted fairly when Lise asked for academic

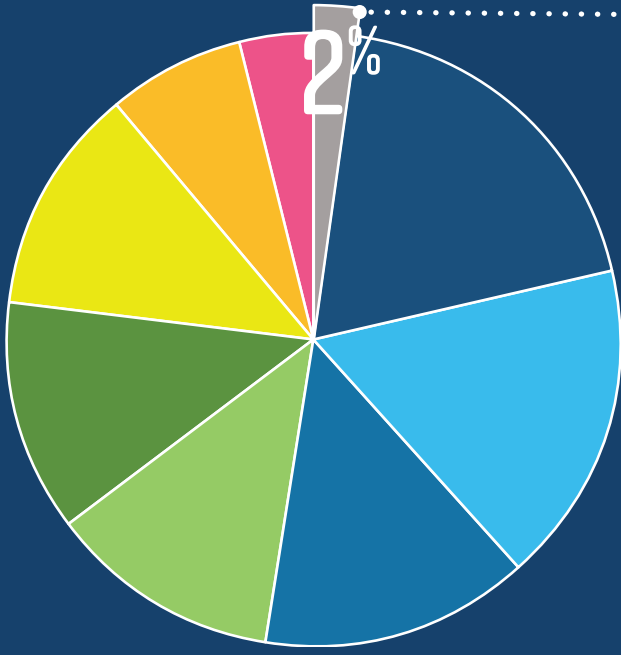
support. Key staff members involved in the decisions were no longer working with the university and were unable to fill in the gaps. We were concerned that UFV's lack of records about important academic matters was unfair.

How we helped: To make sure another student didn't have a similar experience, we suggested – and UFV agreed – to create a new policy to standardize records for internship evaluations. It also agreed to provide an accessible dispute resolution process for internships.

Lise successfully completed her internship. And the School of Social Work took steps to promote and support her successful completion.

Why it matters: Accurate and complete records can support fair decision-making processes. In Lise's case, it would have helped in reviewing or appealing a decision.





ENVIRONMENT

This category involves programs and services delivered by the Ministry of Forests, the Ministry of Emergency Management and Climate Readiness, and other environment-related public authorities, such as the Agricultural Land Commission and the BC Farm Industry Review Board.

In 2023/24 we received 99 environment-related complaints.

Ministry of Forests

35

Ministry of Environment and Climate Change Strategy

17

Ministry of Energy, Mines, and Low Carbon Innovation

13

Environment complaint trends

The most common environment-related complaints this year were disagreements

with a decision or outcome, concerns about a process or procedure, communication issues, delays and concerns about appeal or review processes. More specifically, complaints about the Ministry of Forests, are most often about access to or use of Crown Land including the lack of public consultation and transparency in decision-making, a key pillar of administrative fairness. The main complaint about Ministry of Emergency Management and Climate Readiness was about the Disaster Financial Assistance program and issues around delays, program eligibility, denials and appeals of decision. We also heard general complaints about the lack of support provided to prepare for and address climate disasters.

STORIES OF PEOPLE WE HELPED

Fairness crashing

Ministry of Energy, Mines and Low Carbon Innovation

The complaint: Jess was trying to secure a mineral claim through the Ministry of Energy, Mines and Low Carbon Innovation. When the claim was made public, Jess secured the claim, received confirmation and paid the fee. A few hours later she received a notification saying an error had occurred and all claims registered were revoked. She tried again two days later and the same thing happened.

Jess tried again when the claim was re-released for a third time. After submitting the claim, the ministry's website crashed and she received an error message. She relaunched the website and the claim had been sold to someone else.

Frustrated by her experience, Jess contacted us for help.

What we did: We investigated to see whether the ministry followed a fair process in determining the ownership of the claim.

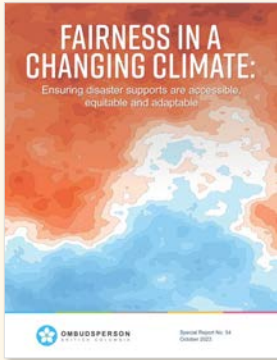
We learned that the ministry was experiencing several issues with its online claims process. The ministry was taking steps to address

these issues, including developing a policy for claim releases and investigating and addressing the problems that led to the website crash. It also committed to adding more IT resources. We were still concerned about the ministry's communications with Jess. She was not informed about the option to appeal the decision.

How we helped: The ministry wrote to Jess and explained the issues with the online claims process, and the steps it had taken to address each issue. The ministry also updated its website with information about appeals so individuals know what options are available should they disagree with the outcome or decision.

Why it matters: Keeping individuals like Jess informed about the steps taken to resolve a complaint is a key component of fairness.

FEATURED REPORT: **FAIRNESS IN A CHANGING CLIMATE**



In October 2023, our office released *Fairness in a Changing Climate: Ensuring Disaster Supports are Accessible, Equitable and Adaptable*. This systemic investigation report is a case study of the

provincial government’s response to the 2021 fires and floods that displaced thousands of people from their homes and communities, with some remaining displaced to this day. While volunteers and communities came together to help evacuees, the events of 2021 showed that existing government programs did not meet the demands of extreme weather events, which, with climate change, will only become more prevalent.

Our investigation examined two government programs that provide financial support to people who are displaced from their homes in a disaster:

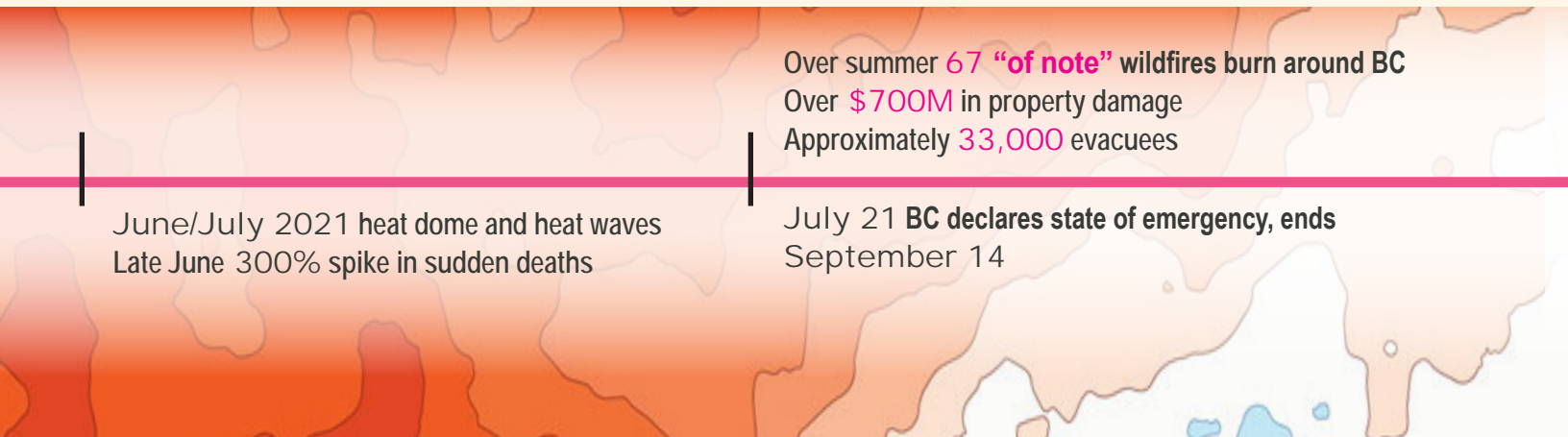
- Emergency Support Services (ESS) is intended to provide short-term financial support for basic needs like food and accommodation for the first 72 hours after a disaster.
- The Disaster Financial Assistance (DFA) program provides help for people who are underinsured or uninsured in specific events, such as the 2021 atmospheric river, to rebuild their homes.

We found unclear and confusing communication about these programs, unreasonable delays in providing support, a lack of flexibility in how supports were delivered, and a process that does not consider the distinct needs of people seeking support, including Indigenous evacuees, seniors, caregivers and people with physical and cognitive disabilities.

The report also emphasized that the delivery of disaster supports needs to be proactive and focused on the needs of people, and should consider the disproportionate and compounding impacts of disasters on individuals and communities.

The report made 20 recommendations to the Ministry of Emergency Management and Climate Readiness, including the following:

- Support community-led ESS with timely and effective surge support for large-scale disasters, integrated professional mental health care and a reliable communications hub for evacuees.
- Ensure that reception centres are accessible, and supports are flexible and responsive to the needs of all evacuees.
- Develop a plan to support people experiencing long-term displacement and consult broadly in doing so.



Over summer **67 “of note”** wildfires burn around BC
 Over **\$700M** in property damage
 Approximately **33,000** evacuees

June/July 2021 heat dome and heat waves
 Late June 300% spike in sudden deaths

July 21 **BC declares state of emergency**, ends
 September 14

- Support Indigenous self-determination in emergency management through capacity building, adequate funding and reporting on action taken.
- Identify ways to better communicate about DFA with people who have applied or who might need it.
- Ensure that the DFA program has capacity to process applications and appeals in a timely way.
- Develop a policy and process to reassess insurance availability in BC and the impacts on DFA as risks increase with the impacts of climate change.

The ministry has accepted and committed to implementing all 20 recommendations. We will be monitoring and publicly reporting on the ministry's implementation work.

Most people who applied for DFA had not received payment after six months – for some it was more than a year.

Making people wait in limbo for months on end is unacceptable. It took DFA nine months to tell us we didn't qualify for help. That was prime time for reconstruction. Now we are in the process of appealing the decision, which also takes time. ... So we continue to be in limbo and it looks like that will be the case for many months to come.


—evacuee



Mid-November **southwest BC hit by atmospheric river/severe flooding**
 Over **\$2.25B – \$5.625B** in property damage
 Approximately **17,000** evacuees

November 17 **BC declares state of emergency**

State of emergency extended 4x
 ends January 18, 2022



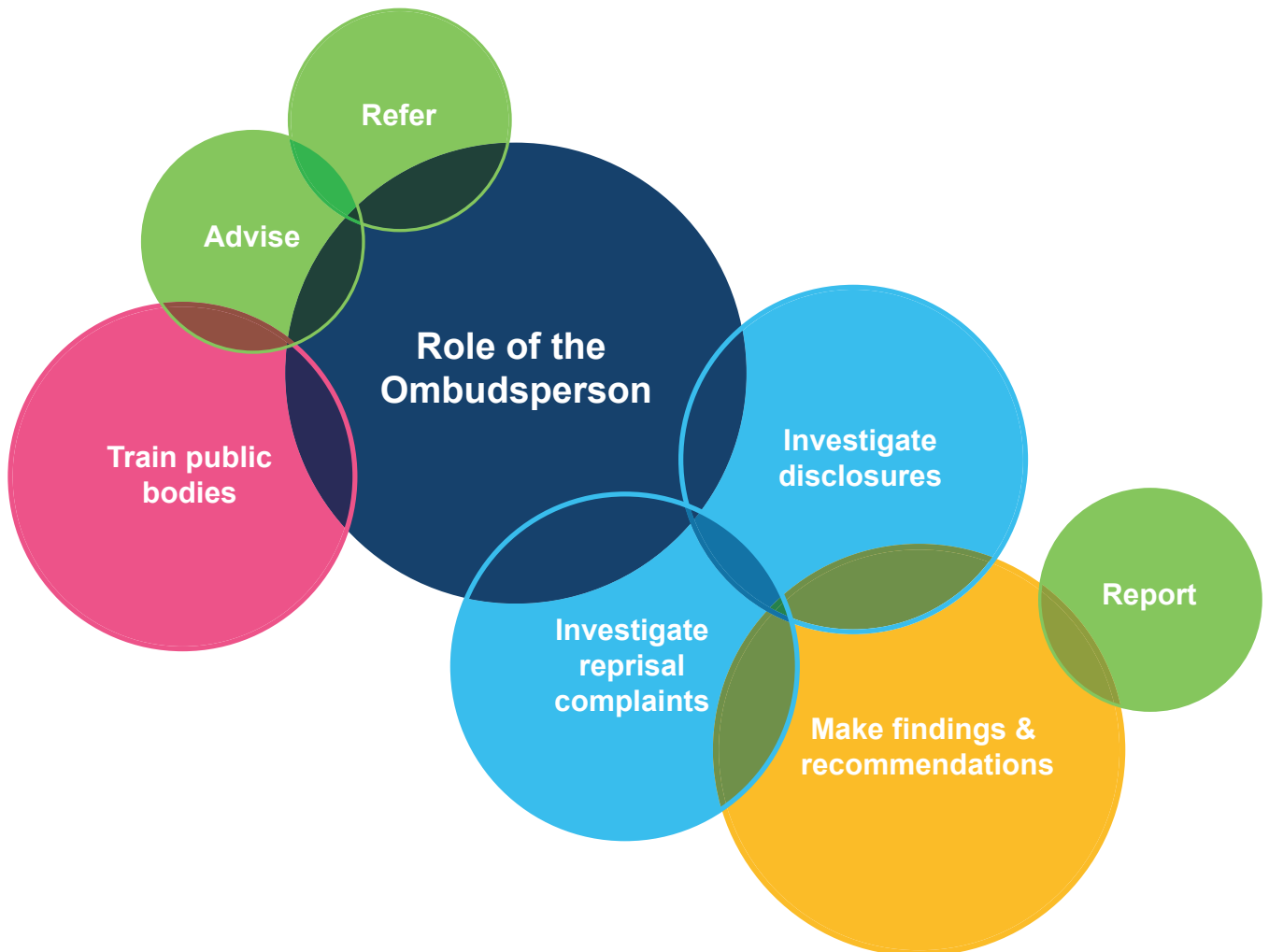
**OUR WORK
UNDER THE
*PUBLIC INTEREST
DISCLOSURE ACT***

Our role under the Act

The Ombudsperson's role and work under the *Public Interest Disclosure Act* (PIDA) is threefold:

- 1 Provide advice to public sector employees
- 2 Receiving and, where appropriate, investigating disclosures of wrongdoing
- 3 Receiving and, where appropriate, investigating allegations of reprisal

In addition, the Ombudsperson assists public bodies as they prepare to implement PIDA in their sector.



Our Investigative Process under PIDA

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

ADVICE



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

DISCLOSURE



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

ASSESSMENT



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

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

INVESTIGATION



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

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

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

REPORTING AND RECOMMENDATIONS



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

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

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

Implementation support

BC's whistleblower protection legislation, the *Public Interest Disclosure Act* (PIDA), first came into effect for BC ministries and independent offices of the Legislature on December 1, 2019. PIDA is being rolled out across the provincial public sector in seven phases. Following the launch of PIDA, subsequent phases included the launch of PIDA to employees of tribunals, agencies, boards and commissions, and Crown corporations under the Act.

This past year saw the largest expansion of employees covered by the legislation. In the months of June and December 2023, the Act rolled out to employees of health authorities, BC Emergency Health Services, and the K-12 public school system. With the addition of these public sectors, over 200,000 additional employees were covered under the Act. By March 31, 2024 more than 250,000 public sector employees have gained access to the reporting mechanisms and protections of PIDA.

Our office continues to support new public bodies to prepare for its roles and responsibilities under the Act. This year we:

- met with senior executives leading public bodies
- supported and advised on the development of policies and procedures
- offered resources and training
- provided consultation and advice on topics such as confidentiality and record-keeping
- delivered presentations to select audiences (such as unions or employer associations)
- hosted learning sessions with new designated officers

The implementation of PIDA in BC public school districts was coordinated with the assistance of the British Columbia Public School Employers Association (PSEA). Our team worked closely with the PSEA to ensure all 60 school districts understood its obligations under the Act, including:

- communications with employees about the Act were effective and accurate
- appropriate policies are in place to manage reports of wrongdoing



Whistleblower and Public Integrity Conference

On November 23, 2023, our office hosted its 5th annual Public Interest Disclosure conference in Vancouver. The focus of the conference was on ethical leadership and the important role senior leaders play in creating a healthy “speak-up” culture where employees feel safe raising concerns. The conference included speakers and panels discussing engaging topics:

- PIDA framework – the Ombudsperson’s and Public Service Agency’s approach to disclosure management
- ethical leadership and the intersectional nature/gendered experience of speaking up
- Indigenous perspectives on speaking up within community
- whistleblowing in Alberta’s Health Services – an investigation case study
- organizational culture and readiness for whistleblowing implementation

Over 100 people from across BC’s broader public sector attended the sold-out event. Participants were from diverse authorities, ranging from tribunals, commissions and Crown corporations to health authorities, post-secondary and school districts, as well as provincial government public sector leadership and representatives from three First Nations.

Speakers and panel members included:

- Deb Godfrey and Angela Weltz, BC Public Service Agency
- Emily Ohler, BC Human Rights Tribunal
- Eric Harris, Providence Health Care
- Bianca Austin, Alberta’s Office of the Public Interest Commissioner
- Chief Jen Thomas, Tsleil-Waututh Nation
- Chief Ian Campbell, Sk̓wx̓wú7mesh Úxwumixw (Squamish Nation)
- Patrick Kelly, Leq’á:mel Nation
- Marie-Noelle Savoie, BC Lottery Corporation
- Kevin Thien, BC Financial Services Agency
- Jon Evans, University of British Columbia
- Theodora Borissov, BC Energy Regulator
- Trevor Sanderson, University of Victoria
- Chris Beneteau, BC Public School Employers Association
- Rav Thind, Fraser Health
- Jay Chalke, BC Ombudsperson
- Stewart Cavers, BC Ombudsperson’s Office

The conference provided an excellent opportunity for attendees to reflect on best practices and advance our understanding of the practice of ethical leadership.



Investigative work

The public interest disclosure team conducted eighteen investigations into disclosures and one reprisal investigation in 2023/24. We referred one additional disclosure for investigation by our office under the *Ombudsperson Act*.

We completed four investigations this year – three disclosure investigations and one reprisal complaint investigation. Each included an accompanying report to the chief executive of the organization involved. One disclosure investigation resulted in a finding of wrongdoing by the BC Public Service Agency. Four recommendations were made to address the identified wrongdoing of systemic mismanagement. The two other disclosure investigations did not result in a finding of wrongdoing nor did we find reprisal had occurred in the reprisal investigation. Even when wrongdoing is not found, the Ombudsperson can make recommendations to remedy other matters of concern identified during an investigation. The Ombudsperson made two recommendations to one of the chief executives involved.

Investigation example

The PID team conducted an investigation into culvert installation practices by a public authority. While no wrongdoing was found to have occurred, the Ombudsperson recommended that the public body:

- engage an engineer to assess the identified installation to ensure its appropriate operation
- involve engineers in similar future projects

All of the Ombudsperson's recommendations were accepted. We are monitoring all recommendations made and will report on their implementation in a future report.

This year we discontinued two disclosure investigations:

- In one instance the information obtained during our investigation materially differed from that set out in the disclosure. As a result, we determined that it was not in the public interest to continue with our investigation.
- In the other instance, we referred the investigation to the public organization involved because it was better placed to take immediate steps to address any identified concerns.

PIDA requires that the Ombudsperson report any 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 still premature to identify any systemic problems giving rise to wrongdoing.

FEATURED REPORT: **HIRE POWER**

The investigation report that led to *Hire Power* was completed and delivered to the Public Service Agency in March 2024. As such, we are including it in this year’s annual report.

We examined whether the Public Service Agency (PSA), the centralized human resource organization for all provincial government ministries, followed its policy about temporary assignments that are offered to existing employees as developmental opportunities. We reviewed evidence suggesting that the Public Service Agency was not applying this policy to Order In Council (OIC) appointees who applied for temporary assignments. OIC appointees are government employees appointed by Cabinet. They are not required to be hired through a merit-based process. We investigated to determine whether **systemic mismanagement** had occurred.

Temporary assignment positions strengthen the knowledge and skills of the public service and better prepare employees to fill permanent positions. As such, these development opportunities are offered to public service employees who have already competed for their existing position under the public service’s merit-based hiring process. For these reasons, the PSA has a policy that prohibits OIC appointees from applying for temporary assignments.

However, for more than 10 years, OIC appointees could apply for these internal temporary assignment positions, despite not being eligible. The PSA’s policy was not being followed. Instead, because there was no process to screen them out, OIC appointees were in some cases offered positions. Over 10

years, 64 temporary assignments were offered to OIC applicants who were not eligible.

Most concerning, PSA instructed hiring ministries to follow a separate, unwritten process to facilitate the hiring of these individuals if they were successful in the competition. This process developed for administrative convenience: it was easier than fixing the screening process. As a result, regular public servants lost out on career development opportunities. This undermined the public service’s commitment to employee development.

The deviation from policy had gone on for so long that it had become an accepted part of the PSA’s practice. We found that the PSA’s conduct represented **systemic mismanagement** of the internal temporary assignment hiring process. This is wrongdoing under section 7(1)(d) of the *Public Interest Disclosure Act*.

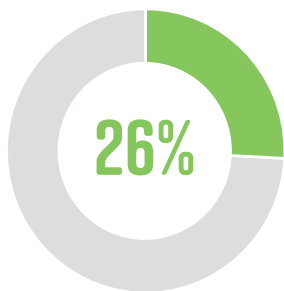
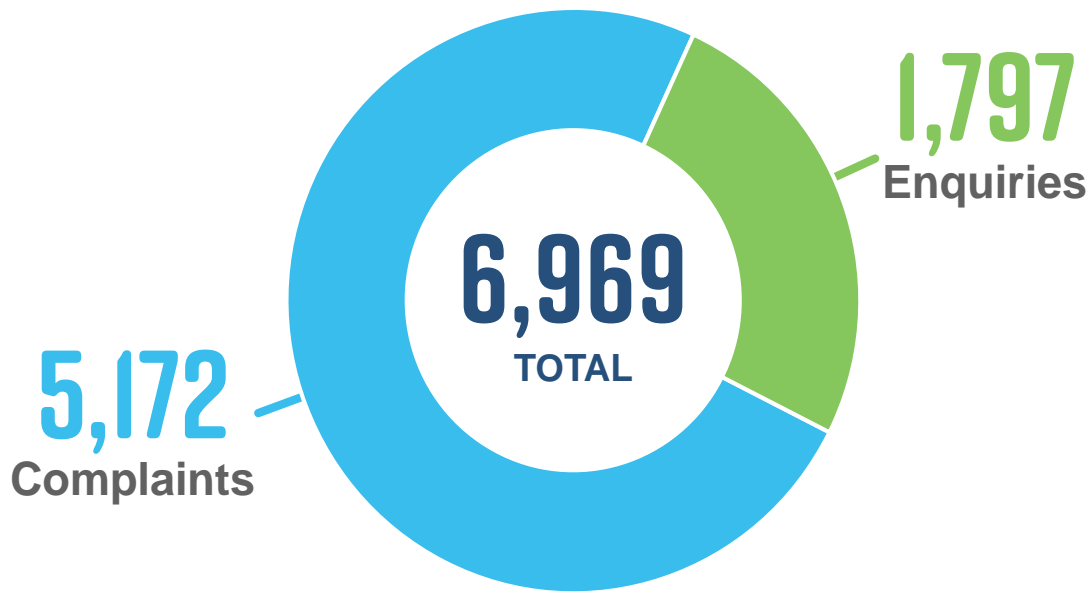
We made four recommendations to the PSA, all of which it accepted and committed to implement:

- Updating its hiring practices, procedures and materials to be consistent with its policy, and to assist ministries in identifying and screening out OIC appointees
- Writing to all deputy ministers and ministerial offices about the policy
- Where an OIC appointee applies on a temporary assignment, contacting the appointee to advise that they are ineligible, and contacting their supervisor if the appointee applies a second time
- Reporting to the Merit Commissioner annually on its compliance with these recommendations

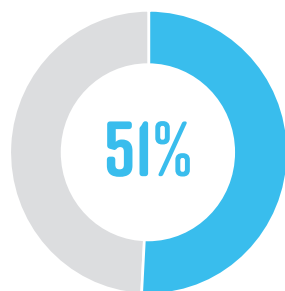
THE YEAR IN NUMBERS



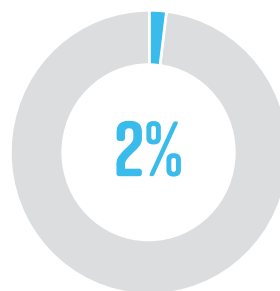
Complaints and Enquiries Received



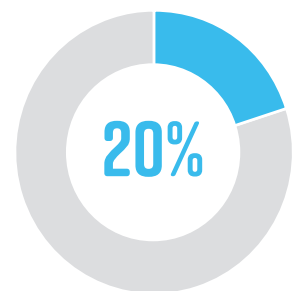
Enquiries



Complaints addressed and closed by intake

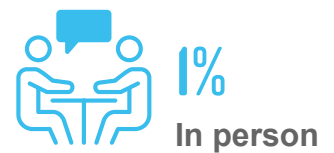
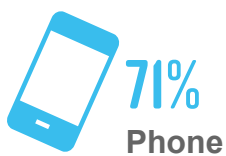


Complaints assigned to an Early Resolution Officer



Complaints assigned to an Investigator

HOW WE RECEIVED COMPLAINTS AND ENQUIRIES



Online Complaint Checker Usage



4,528

Complaint Checker users

Our online Complaint Checker tool provides the public with detailed information about how to make a complaint to the public authorities we receive the most enquiries and complaints about. We know that raising complaints directly with organizations before coming to us is the most efficient and effective way of dealing with complaints. Our Complaint Checker includes useful tips on how to make a complaint to our office, including whether we can or cannot investigate, and guides users down the right complaint pathway for assistance.

TOP 3 JURISDICTIONAL AUTHORITIES VISITED



BC municipalities



Hospitals and health authorities



ICBC

TOP 3 NON-JURISDICTIONAL AUTHORITIES VISITED



Civil disputes



Employment



Banks and credit unions

The Concerns People Contacted Us About

2,711
Decision

1,647
Process or procedure

1080
Communication

916
Treatment
by staff

795
Delay

672
Accessibility

513
Other

296
Administrative
error

265
Review or
appeal process

122
Employment
or labour relations

23
COVID-19

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

Top Complaints and Enquiries by Public Authority

TOP FIVE MINISTRIES



401

Ministry of Children and Family Development



389

Ministry of Social Development and Poverty Reduction



364

Ministry of Public Safety and Solicitor General



222

Ministry of Housing



131

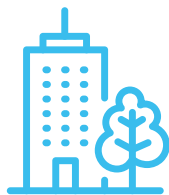
Ministry of Health

TOP FIVE NON-MINISTRIES



465

ICBC



199

WorkSafeBC



152

Fraser Health



140

Vancouver Coastal Health



128

Island Health

Top 20 Authorities in 2023/24

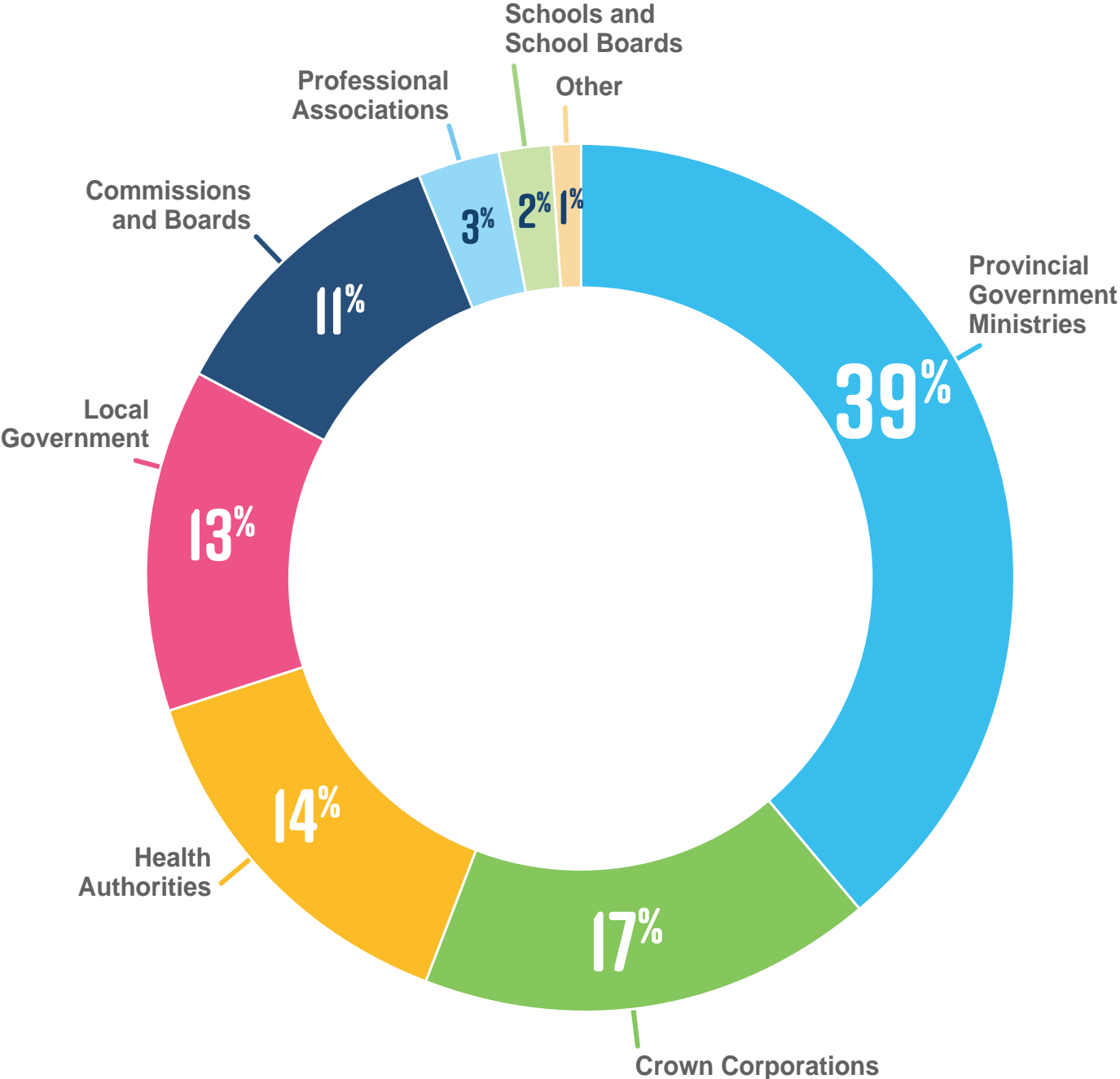
By Complaint and Enquiry Volume

Authorities	Complaints and Enquiries Received	Difference from Last Year
ICBC	465	↓ 28
Ministry of Children and Family Development	401	↑ 20
Ministry of Social Development and Poverty Reduction	389	↑ 9
Ministry of Public Safety and Solicitor General	364	↑ 15
Ministry of Housing	222	↓ 20
WorkSafeBC	199	↓ 31
Fraser Health	152	↓ 6
Vancouver Coastal Health	140	↑ 25
Ministry of Health	131	↓ 68
Island Health	128	↓ 26
BC Housing	120	↑ 52
Provincial Health Services Authority	98	↑ 3
Ministry of Finance	95	↓ 6
Interior Health	85	↓ 38
City of Vancouver	73	↑ 3
Public Guardian and Trustee	68	↑ 19
BC Family Maintenance Agency	62	↓ 1
Law Society of British Columbia	61	↑ 4
Ministry of Attorney General	56	↓ 4
BC Hydro and Power Authority	55	↓ 16
Total	3,364	

The top twenty authorities represent **48%** of all complaints and enquiries received

Jurisdictional Complaints and Enquiries Received

By Authority Category

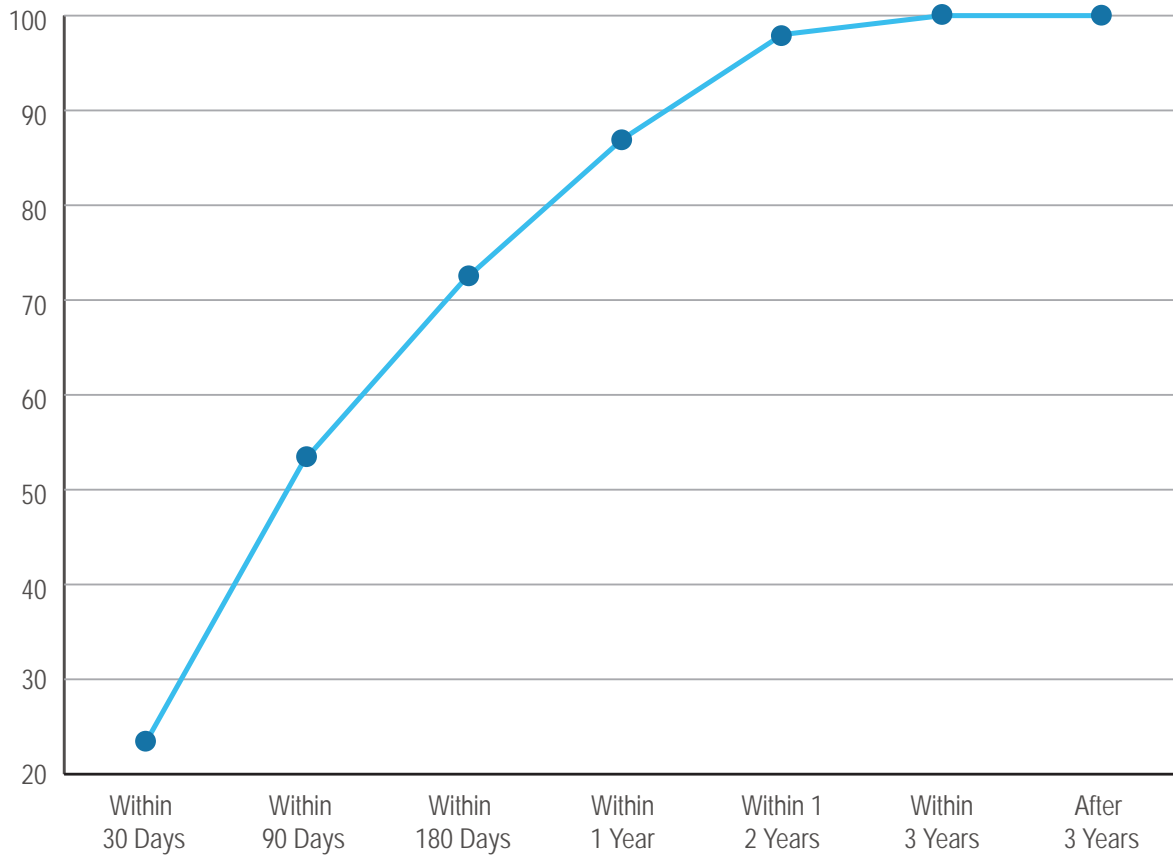


Jurisdictional Complaints and Enquiries Received

By Authority Category

Provincial Government Ministries (39%)		Health Authorities (14%)	
Ministry of Children and Family Development	401	Fraser Health	152
Ministry of Social Development and Poverty Reduction	389	Island Health	128
Ministry of Public Safety and Solicitor General	364	Interior Health	85
Ministry of Housing	222	Vancouver Coastal Health	140
Ministry of Health	131	Provincial Health Services Authority	98
Ministry of Finance	95	Northern Health	48
Ministry of Attorney General	56	Crown Corporations (17%)	
Ministry of Forests	35	ICBC	465
Ministry of Labour	26	BC Housing	120
Ministry of Transportation and Infrastructure	25	BC Family Maintenance Agency	62
Ministry of Post-Secondary Education and Future Skills	20	BC Hydro and Power Authority	55
Ministry of Environment and Climate Change Strategy	17	Community Living BC	40
Other Ministries	76	BC Assessment	21
Local Governments (13%)		BC Financial Services Authority	19
City of Vancouver	73	Other Crown Corporations	26
City of Surrey	25	Professional Associations (3%)	
City of Victoria	25	Law Society of British Columbia	61
District of Saanich	17	College of Physicians and Surgeons of BC	18
City of Kamloops	14	BC College of Nurses and Midwives	11
City of North Vancouver	13	Other Professional Associations	39
Islands Trust	13	Schools and School Boards (2%)	
Village of Sayward	12	School District 39 (Vancouver)	14
City of Burnaby	11	School District 44 (North Vancouver)	9
Cowichan Valley Regional District	11	School District 75 (Mission)	7
Other Local Governments	423	School District 36 (Surrey)	7
Commissions and Boards (11%)		Other Schools and School Boards	67
WorkSafeBC	199	All Others (1%)	
Public Guardian and Trustee	68	Universities	41
Coroners Service	31	Colleges	13
Civil Resolution Tribunal	24	Libraries	5
Human Rights Tribunal	19	Parks Boards	3
BC Emergency Health Services	18		
Other Commissions and Boards	138		

Length of Time to Close Investigative Files



	2023/2024*		Cumulative Closures %	Performance Objectives**
Closed in 30 Days	264	23%	23%	---
Closed in 31 to 90 Days	343	30%	53%	70%
Closed in 91 to 180 Days	211	18%	72%	85%
Closed in 181 Days to 1 Year	179	16%	87%	90%
Closed in 1 to 2 Years	125	11%	98%	95%
Closed in 2 to 3 Years	15	1%	100%	100%
Closed in more than 3 Years	5	0%	100%	--

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

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

Complaints and Enquiries Received

by Electoral District

Electoral District	Received	Electoral District	Received	Electoral District	Received
Abbotsford South	38	Langley-Willowbrook	23	Surrey-Newton	23
Abbotsford West	18	Maple Ridge East	37	Surrey-Panorama	64
Abbotsford-Mission	23	Maple Ridge-Pitt Meadows	62	Surrey-Serpentine River	25
Boundary-Similkameen	71	Mid Island-Pacific Rim	44	Surrey-White Rock	28
Bulkley Valley-Stikine	17	Nanaimo-Gabriola Island	56	Vancouver-Fraserview	26
Burnaby Centre	19	Nanaimo-Lantzville	32	Vancouver-Hastings	30
Burnaby East	24	Nechako Lakes	16	Vancouver-Kensington	15
Burnaby North	21	North Coast-Haida Gwaii	29	Vancouver-Langara	25
Burnaby South-Metrotown	19	North Island	65	Vancouver-Little Mountain	24
Burnaby-New Westminster	29	North Vancouver-Lonsdale	32	Vancouver-Point Grey	19
Cariboo-Chilcotin	32	North Vancouver-Seymour	32	Vancouver-Quilchena	26
Chilliwack North	54	Oak Bay-Gordon Head	31	Vancouver-Renfrew	19
Chilliwack-Cultus Lake	29	Peace River North	29	Vancouver-South Granville	45
Columbia River-Revelstoke	30	Peace River South	18	Vancouver-Strathcona	86
Coquitlam-Burke Mountain	27	Penticton-Summerland	54	Vancouver-West End	47
Coquitlam-Maillardville	44	Port Coquitlam	56	Vancouver-Yaletown	42
Courtenay-Comox	36	Port Moody-Burquitlam	32	Vernon-Lumby	46
Cowichan Valley	62	Powell River-Sunshine Coast	38	Victoria-Beacon Hill	76
Delta North	31	Prince George-Mackenzie	37	Victoria-Swan Lake	57
Delta South	21	Prince George-North Cariboo	38	West Kelowna-Peachland	34
Esquimalt-Colwood	54	Prince George-Valemount	65	West Vancouver-Capilano	45
Fraser-Nicola	44	Richmond Centre	16	West Vancouver-Sea to Sky	32
Juan de Fuca-Malahat	46	Richmond-Bridgeport	12	Total	3,345
Kamloops Centre	58	Richmond-Queensborough	27		
Kamloops-North Thompson	37	Richmond-Steveston	16		
Kelowna Centre	29	Saanich North and the Islands	51		
Kelowna-Lake Country-Coldstream	26	Saanich South	64		
Kelowna-Mission	21	Salmon Arm-Shuswap	54		
Kootenay Central	39	Skeena	36		
Kootenay-Monashee	47	Surrey City Centre	60		
Kootenay-Rockies	42	Surrey North	20		
Ladysmith-Oceanside	45	Surrey South	18		
Langford-Highlands	34	Surrey-Cloverdale	18		
Langley-Abbotsford	32	Surrey-Fleetwood	29		
Langley-Walnut Grove	19	Surrey-Guildford	22		

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

Public Interest Disclosure Act by the Numbers

229

Enquiries and disclosure reports received in 2023/24



95

total disclosures dealt with
(74 disclosures received + 21 carried over from previous year)



* 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



Public Interest Disclosure Report for the Office of the Ombudsperson

There are two avenues for reporting wrongdoing under the *Public Interest Disclosure Act*:

- internally within an employee’s organization
- externally to the Ombudsperson

For Ombudsperson employees the external option is the Office of the Auditor General.

The Act requires that the Office of the Ombudsperson, as a public body covered by the Act, report the number of disclosures that it received in the year. The Act also requires the Ombudsperson to report the number of disclosures received by the Auditor General about our office, if the Ombudsperson has been notified of those disclosures.

For the reporting period of April 1, 2023 to March 31, 2024 the following information was reported:

Section 38(1)	0
Disclosures of wrongdoing in respect of the Office of the Ombudsperson:	
Section 38(2)	0
(a) the number of disclosures received, including referrals of disclosures: and the number acted on: and not acted on:	
(b) the number of investigations commenced as a result of a disclosure:	0
(c) in the case of an investigation that results in a finding of wrongdoing	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

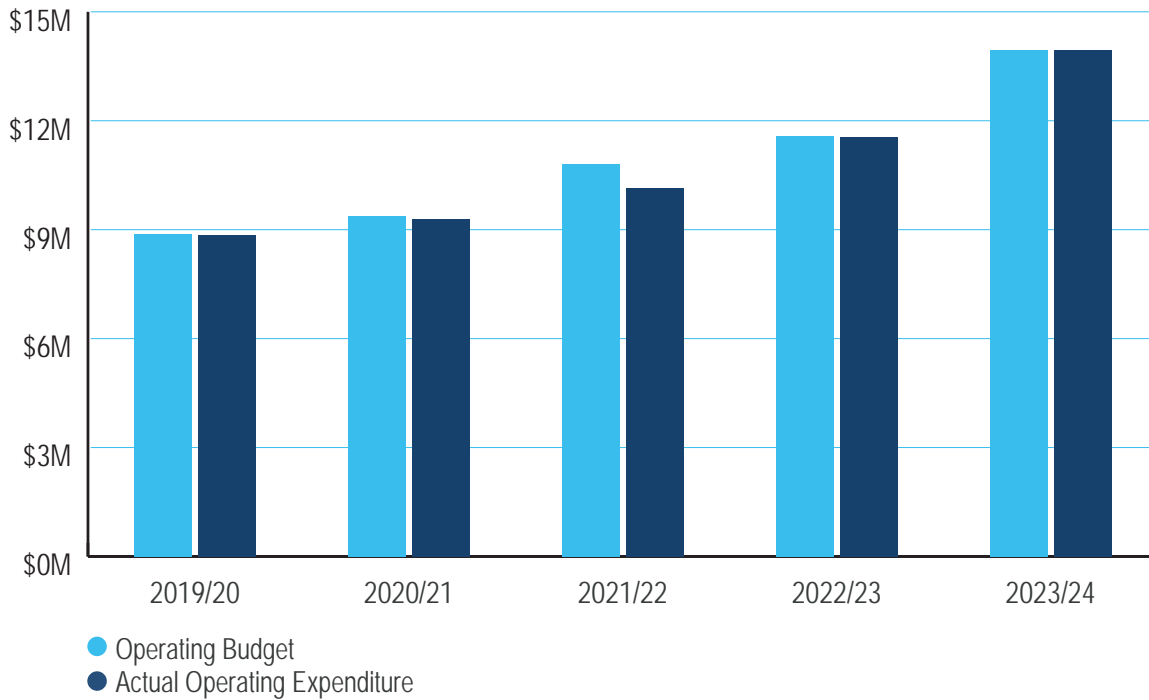
FINANCES



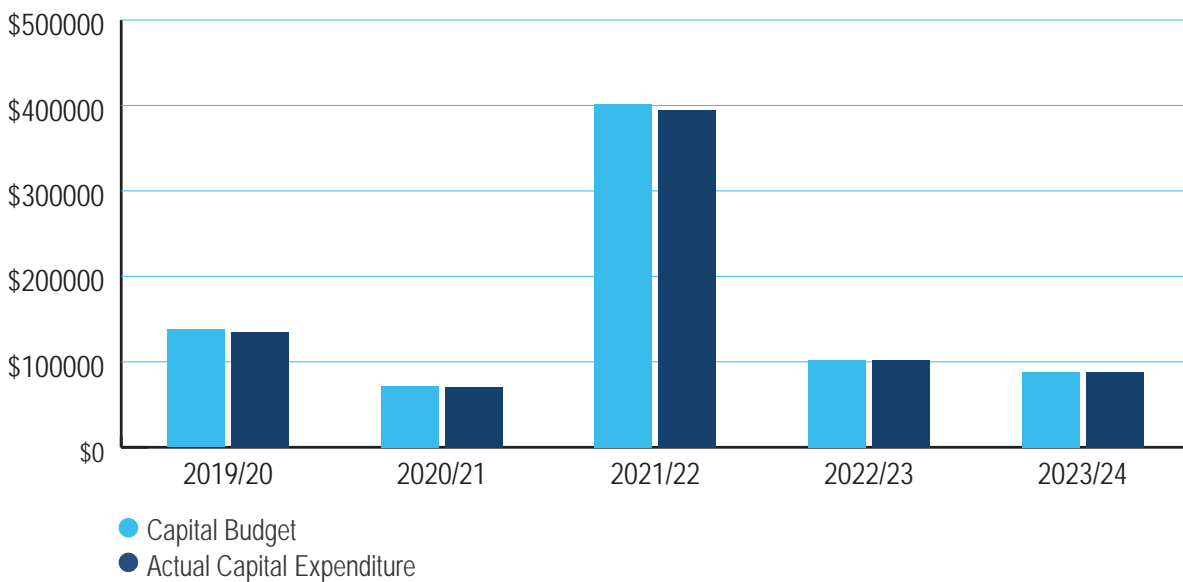
Our Finances

The 2023/24 annual operating budget for the Office of the Ombudsperson was \$13,956,000.

Operating Budget and Actual Expenditures by Fiscal Year



Capital Budget and Actual Expenditures by Fiscal Year



A vibrant garden scene featuring a stone path leading through various flowers. On the left, there are tall green plants with white and blue flowers. In the center, a stone path leads towards a manicured hedge. On the right, there are yellow daisies and pink flowers. At the top, a trellis is covered in white flowers. The background shows more greenery and a clear blue sky.

IN MEMORIAM



IN MEMORIAM

Karl Friedmann (1938-2023)

BC's first Ombudsman. 1979-1985

“Every complaint resolved will restore someone’s belief in not only the efficiency, but the essential humaneness of our system of government.”

– Ombudsman, Karl Friedmann

1981. *The Garibaldi Case.* Office’s first public report. Residents who lived at the base of a cliff that was at risk of a landslide said they were unfairly being asked to move by government who wanted to acquire the land.

1981. *The Lotteries Case.* Ombudsman Friedmann found that the Ministry of the Provincial Secretary and Government Services provided insufficient detail to the public about the disposition of lottery revenue – about \$50 million between 1974 and 1981.

1984. After years of wrangling over a complaint which pitted a small seafood restaurant, King Neptune, against the BC Development Corporation, in a landmark decision the Supreme Court of Canada unanimously decided that the Ombudsman’s authority to investigate a “matter of administration” included “everything done by governmental authorities in the implementation of government policy,” excluding only the legislature and the courts.



IN MEMORIAM

Stephen Owen (1945-2023)

BC's second Ombudsman. 1986-1992

“Individual fairness is the end to which western democratic society aspires; accountability is the means by which it achieves it.”

– Ombudsman, Stephen Owen

1987. *The Skytrain Report.* Residents living in the shadow of the new Skytrain in Vancouver complained about the negative effects of the transit line on their properties and community.

1988. An investigation into the Licensing of the Knight street Pub found then Premier Bill Vander Zalm's principal secretary had exerted undue pressure on the BC Liquor Distribution Branch to give a pub licence to a supporter of the premier's party.

1990. An investigation into complaints regarding the provision of public services to children, youth and their families. Public Report #22 made 17 recommendations aimed at improving services to youth including the establishment of a single authority within government to ensure “uniform, integrated and client-centred provincial approaches to policy setting, planning and administration of publicly funded services to children, youths and their families”.

CASE SUMMARY AUTHORITY INDEX

COMMISSIONS AND BOARDS

Civil Resolution Tribunal	57
WorksafeBC	71

CROWN CORPORATIONS

BC Financial Services Authority	40
BC Hydro and Power Authority	63, 64
Community Living BC	68
ICBC	61

HEALTH AUTHORITIES

Island Health	46
Northern Health	46

LOCAL GOVERNMENT

City of Vancouver	51
City of Kamloops	53
Fraser Valley Regional District	52

PROVINCIAL GOVERNMENT MINISTRIES

Ministry of Attorney General	58, 59
Ministry of Children and Family Development	67, 69
Ministry of Education and Child Care	42
Ministry of Emergency Management and Climate Readiness	78
Ministry of Energy, Mines and Low Carbon Innovation	76
Ministry of Finance	39, 41
Ministry of Health	
Health Insurance BC	45, 47, 49
BC Pharmacare	48
Ministry of Housing	
Residential Tenancy Branch	37
Ministry of Public Safety and Solicitor General	
North Fraser Pretrial Centre	56
Vancouver Island Regional Correctional Centre	55
Ministry of Social Development and Poverty Reduction	37, 39
Ministry of Transportation and Infrastructure	62, 65

SCHOOLS AND SCHOOL BOARDS

School District 57 (Prince George)	74
University of British Columbia	73
University of the Fraser Valley	75

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)



OMBUDSPERSON
BRITISH COLUMBIA