

News release

August 28, 2007

Alberta Ombudsman Celebrates 40 Years Focused on Fairness

Edmonton... Forty years and 15,000 investigations later, Canada's first Ombudsman has quietly and steadily improved access to fairness in government for the benefit of all Albertans. "As we celebrate the 40th anniversary of the Ombudsman's office in Alberta, I have been continually impressed by how effective a tool this institution has been in assisting citizens and improving the administration of government" states G. B. (Gord) Button, Alberta's seventh Ombudsman.

Alberta was the first province in Canada to establish an Ombudsman office, effective September 1, 1967. Now every province but Prince Edward Island has an Ombudsman. As a result of Alberta's initiative, Canada became the fourth Commonwealth country – after New Zealand, Guyana and the United Kingdom - to establish an Ombudsman's office.

Under the terms of the *Ombudsman Act* the vast majority of investigations must be conducted in confidence. Subsequently the specific findings and recommendations become known only to the parties involved. Over the years the Ombudsman has found unfairness in about one-third of the files investigated. As a result of a department's or authority's acceptance of the Ombudsman's recommendations citizens have received rightful benefits, access to programs, additional services, apologies, explanation and reconciliation.

While resolving complaints of individual citizens may have been the primary goal of the Alberta Legislature when it passed the *Ombudsman Act* in 1967, most Albertans have received equal benefit from the recommendations the Ombudsman has made over the years to improve the overall fairness of government programs and services. The Ombudsman has made the results of large scale investigations conducted on his own motion public and this has also resulted in positive change. However, the investigation of individual complaints from citizens resulting in recommendations to government departments and other authorities to change and improve administrative processes has had an equally significant impact on improving the fairness of government administration.

"Citizens should take satisfaction from the fact that by bringing their complaint to the attention of a independent third party such as the Ombudsman, their complaint may result in findings that not only provide redress for them but often results in positive change that benefits both the government agency and the public at large," Button points out.

Ombudsman investigations have resulted in improvements in the many areas. Some examples are:

- Improved quality and administrative fairness of written decisions;
- Departments and agencies have established and improved appeal mechanisms;
- Citizens must be informed of possible appeal mechanisms;
- Departments and agencies and individual decision makers must operate within their authority and must only exercise the discretion they are given;
- Independence is required between original decision makers and those hearing appeals;

- Understanding has been gained in fundamental administrative fairness principles such as ensuring citizens have the right to be heard and citizens have the right to be informed of the reasons for a decision;
- Plain language and open communication has been encouraged; and
- Standards of professionalism, politeness and timeliness have been reinforced.

The Ombudsman has devised a fairness checklist which is often consulted by public bodies when they develop or review their processes.

The Alberta Ombudsman is an officer of the Legislative Assembly of Alberta and reports directly to the Legislative Assembly. The Alberta Ombudsman operates independently from any part of the Alberta government and individual elected officials. The authority for the Alberta Ombudsman to investigate complaints is found in the Alberta *Ombudsman Act* and includes the decisions and actions of provincial government departments, boards, agencies, commissions, designated professional organizations and the patient concerns resolution process of Regional Health Authorities.

For more information about the Alberta Ombudsman visit www.ombudsman.ab.ca.

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Backgrounder

Alberta Ombudsman Celebrates 40 Years Focused on Fairness

2007 marks the 40th anniversary of the Alberta Ombudsman's office, the first such office in North America. With a mandate to investigate complaints about the decisions and actions of provincial government departments, boards, agencies, commissions, designated professional organizations and the patient concerns resolution process of regional health authorities, the Ombudsman undertakes confidential, impartial investigations at no cost to the complainant or refers citizens to a contact, department or complaint mechanism when the matter falls outside the Ombudsman's jurisdiction to investigate.

History

In 1965, Carlton W. Clement, QC chaired an independent committee which concluded Alberta needed a provincially-legislated Commissioner to respond to complaints by citizens who were dissatisfied with the service they received from provincial government departments and agencies. The Legislative Assembly agreed and appointed the first Alberta Ombudsman, George B. McClellan, on September 1, 1967. As a result, Canada became the fourth Commonwealth country – after New Zealand, Guyana and the United Kingdom – to establish an Ombudsman's Office.

Alberta is currently served by the seventh Ombudsman, G.B. (Gord) Button.

Making an impact by improving fairness

The goal of the Ombudsman is to create fairer administration for all Albertans. Investigation of a specific complaint may raise examples of isolated unfairness, but it may also shine a spotlight on systemic issues which, when rectified, create better government experiences for all citizens.

The following specific examples highlight how in recent years the Ombudsman has prompted positive systemic change:

- the Protection for Persons in Care (PPIC) 2005-2006 Annual Report says their administrative fairness improved "as a result of the recommendations of the Alberta Ombudsman. To ensure that investigations completed by PPIC are administratively fair, significant changes were made to the complaints and investigation process".
- following an investigation into the administrative fairness of a review panel of the Agriculture Financial Services Corporation (AFSC), President Brad Klak indicated the AFSC will review various committees and processes to incorporate the Ombudsman's recommendations for improved fairness in all their processes.
- millions of dollars were returned to low income mothers and children and inter-governmental communication was improved as the result of an investigation into the Maintenance Enforcement Program and welfare interface.
- significant changes were made to government supervision of day cares following the investigation into the circumstances surrounding a child strangulation at a day care playground.
- the Alberta Dental Association and College accepted and acted on the Ombudsman's recommendations for communicating its decisions to the public in a fairer manner.

The everyday efforts of the Ombudsman's Office have also improved the fairness of Citizen Appeal Panels, policies and investigative practices on workplace harassment within government and Workers' Compensation Board appeal processes. The Office has successfully prompted numerous apologies for complainants over the years for unfair treatment they received and pressed for significant policy and legislative changes to improve fairness. The oversight of the Ombudsman has improved processes by creating identifiable and effective appeals, improving standards for timeliness and politeness in response to citizen complaints and promoting clearly written, plain language government documents and correspondence to complainants. The Office has promoted the right for citizens to be heard and to know the case against them and has continually refocused civil servants on their original mandate, questioning whether the intended service was provided.

Other improvements include better communication between government departments, greater separation between original decision makers and those hearing appeals and increased independence of boards. The names of decision makers are more readily available and there is greater accountability as the result of clearer delegation of authority. The Office has also helped provincial civil servants in improving their understanding of the concepts of Administrative Fairness, thereby encouraging fairer government administration for all citizens.

Evolving jurisdiction over time

In 1967, the Ombudsman's jurisdictional reach granted by the *Ombudsman Act* included Alberta government department, boards and agencies. There was an immediate question of jurisdiction over the Workers' Compensation Board (WCB): legal opinions held that the WCB was not a provincial agency within the meaning of the *Ombudsman Act*. An amendment was passed and on April 25, 1968, the Ombudsman's jurisdiction expanded to include the WCB. The Ombudsman's jurisdiction was again challenged in 1969 by the Minister of Municipal Affairs who questioned the Ombudsman's ability to investigate a Provincial Planning Board decision. Chief Justice J.V.H. Milvain ruled the Ombudsman did indeed have jurisdiction to investigate.

1972: the *Ombudsman Act* was amended to allow the Ombudsman to keep, for up to 48 hours, original departmental documents, files and other pertinent items in an investigation.

1977: a Select Standing Committee affirmed the need for complainants to complete departmental appeals prior to complaining to the Ombudsman but refused to consider expanding jurisdiction over municipal governments and nursing homes.

1978: the *Act* was further amended to allow the Ombudsman to launch investigations based on a Ministerial Order. The amendment also excluded investigations of hospitals.

1980s: the Ombudsman's jurisdiction over mental patient complaints was challenged repeatedly with the release of the Drewry Report which led to major amendments to the *Alberta Mental Health Act*. In 1988, the new *Mental Health Act* resulted in an amendment to the *Ombudsman Act*, removing two mental health hospitals and the Mental Health Patient Advocate from the Ombudsman's jurisdiction.

1994: the Ombudsman recommended the government review the mandate of the Mental Health Patient Advocate, noting the lack of remedy for voluntary patients and some involuntary patients to mental health hospitals.

1996: the *Ombudsman Act* was amended to include protection for persons who make or assist in making a complaint under this Act.

1997: discussion commenced to expand jurisdiction over regional health authorities and health professions. The jurisdiction over health professions was granted in 2001 with the enactment of the *Health Professions Act*, giving the Ombudsman jurisdiction over 28 health professions as their schedules are proclaimed. (To date, schedules have been proclaimed by 20 of 28 health professions.)

2001: the Ombudsman received jurisdiction over three accounting profession by the enactment of the *Regulated Accounting Profession Act* and two forestry professions via the *Regulated Forestry Profession Act*.

2003: the enactment of the *Veterinary Profession Act* brought this profession under the jurisdiction of the Ombudsman and a further amendment to the *Ombudsman Act* created jurisdiction over the complaint resolution process of regional health authorities, the Alberta Cancer Board and the Albert Mental Health Board once their enabling legislation is proclaimed.

2006: the *Patient Concerns Resolution Process Regulation* was enacted which granted the Ombudsman jurisdiction over the patient concerns resolution process of regional health authorities.

2007: the Ombudsman was granted expanded jurisdiction by the enactment of the *Agrology Profession Act*.

Historical perspective from a long-serving staff member

In 1973, Diann Bowes was hired into the "steno pool" in the Ombudsman's Office. 34 years later in 2007, Ms. Bowes continues in her role as an Ombudsman's investigator. She has truly seen it all.

After stints as the lawyer's secretary and the Ombudsman's secretary, Ms. Bowes was promoted in 1980 to investigator/complaints analyst and hasn't looked back. She's outlasted every Alberta Ombudsman and still has the passion to promote greater administrative fairness in Alberta government.

"I know for certain that as a result of the efforts of our Office, we have made government fairer," Ms. Bowes explains. "There is definitely a greater understanding of administrative fairness (within the departments, boards and agencies) because of us."

Ms. Bowes says that while every Ombudsman comes to the position with a different set of experiences and priorities, the focus on fairness has remained constant throughout. What has changed over time, she says, is the nature of government.

“Government is far more complex now,” she says, “and with that change in structure comes more accountability. People with complaints definitely have a stronger demand for accountability now than in years past.”

One of her fondest memories is from the early days with Ombudsman George McClellan, who was one of a handful of mourners at the funeral of a former mental health patient at Alberta Hospital, Ponoka. Mr. McClellan was instrumental in securing the release of the patient after more than 30 years in hospital after he was held under a Lieutenant-Governor’s Warrant, without any review of his confinement. Mr. McClellan’s recommendation for the patient’s release was accepted, as was his recommendation that a monthly pension be paid to the former patient.

“I saw how committed (Mr. McClellan) was to this work, and it was a real lesson to me in the difference the Ombudsman’s Office can make,” she says.

Ms. Bowes says it’s sometimes difficult for investigators to remain separate from the people and situations they encounter through investigations.

“It’s a real challenge to be detached without dehumanizing ourselves,” she says.

The Ombudsman looks ahead

While Ombudsman Gord Button has about a year left in his current five-year term, his focus is much further down the road.

“We operate and manage as though there is continuity and consistency in direction,” he explains. He hasn’t yet decided if he’ll apply for a second five-year term, but regardless of who holds the position, a plan is in place to propel the Office forward into the next decade.

The Ombudsman recently released his second Strategic Business Plan, encompassing fiscal years 2007-2008 through 2009-2010. The Plan builds on the success already achieved in the first Plan “towards continuous improvement and fulfilling our mandate”, he says.

There are four key objectives for the next three years:

- 1) effective and efficient workload management, achieved through bolstering infrastructure, systems and staffing;
- 2) excellence in investigations through timely completion, quality outcomes, good communication with complainants, staff mentoring and greater emphasis on proactive (“own motion”) investigations;
- 3) improved workplace wellness and staff development through such things as improved workspace ergonomics, development of a resource library and positive and timely communication, both internally and externally;
- 4) enhanced knowledge and understanding of the role of the Ombudsman through an annually-updated communications strategy (including annual rural tours throughout the province), a user-friendly and updated Website and a satisfaction survey for both clients and provincial departments, boards, agencies and professional organizations.

The Ombudsman says the satisfaction survey will be a valuable tool to “assess the perception of the quality of our service. It will help identify issues where we are not necessarily meeting expectations and identify what is working or not working with our relationships with departments and authorities.”

The Office is increasing staffing levels with an addition of three investigators and one complaint analyst, bringing the total staff complement to 24. This is the first time in the history of the Office that staffing levels have increased beyond 20, and the Ombudsman says the added resources will allow the Office to focus on more proactive investigations in coming years through “own motion” initiatives and the pursuit of systemic issues beyond specific complaint investigation.

“We will fulfill our role to constantly improve the way authorities deliver service,” he says. “Our focus on fairness beyond specific complaint resolution encompasses a commitment by authorities and decision-makers to be as good as they can be.”

1967 - 2007 by the numbers

35,000+	written complaints received by the Ombudsman since 1967
15,500+	total investigations concluded
31,000+	total files concluded for all reasons, including jurisdictional and non-jurisdictional complaints
140,000+	total oral enquiries received since 1977 when oral enquiry statistics were first recorded
1975	first year written complaints numbered more than 1,000
9	number of years written complaints totaled more than 1,000
2,129	highest number of written complaints in one year, in 1987 (more than 200 investigations were attributed to the collapse of the Principal Group)
6	number of Ministerial Orders resulting in investigations; the last was in 1995
10	number of Special Reports released by the Ombudsman's Office between 1970 and 1989
4	number of Special Reports released in 1979 alone
2	total staff complement in 1967 (the Ombudsman and his secretary)
16	total staff complement in 1973, including four in the newly-opened Calgary office
20	total staff complement in both 1990 and 2005, although due to budget cuts, staff was reduced to 17 in 1994
733	the average number of written complaints received annually in the last 10 years
5,384	the average number of oral enquiries received annually in the last 10 years

PROFILES OF THE ALBERTA OMBUDSMEN

George B. McClellan, 1967 – 1974

Alberta's inaugural Ombudsman, George McClellan, took office September 1, 1967 and completed his term April 1, 1974. He made history as Alberta's first Ombudsman and the first provincial Ombudsman in Canada.

Born in Moose Jaw, Saskatchewan in 1908, Mr. McClellan joined the RCMP in 1932, serving in British Columbia, Alberta, Saskatchewan and Nova Scotia. He was appointed Commissioner in 1963 and retired in 1967.

As Ombudsman, Mr. McClellan was a passionate advocate for improving provincial government administration and gained considerable public acclaim for the important injustices his Office rectified. His work had a lasting impact as he successfully pressed for several legislative amendments to the *Ombudsman Act* to ensure confidentiality, secrecy and independence.

Mr. McClellan was honoured with a Doctor of Laws degree by the Royal Military College in 1976 and in 1978, he was granted a similar degree by the University of Alberta. He passed away July 19, 1982 in Edmonton.

Dr. Randall E. Ivany, 1974 - 1984

As Alberta's second Ombudsman, Dr. Randall Ivany was appointed to his first five-year term on May 1, 1974. He was re-appointed to a second term in 1979.

Born in Newfoundland in 1933, Dr. Ivany was an electrical engineer prior to studying theology. Following Anglican Church ordination, he served various parishes prior to his 1964 appointment as Dean of All Saints Cathedral in Edmonton.

Dr. Ivany had a strong passion for promoting ombudsmanship internationally. As a founding member of the International Ombudsman Institute, he hosted the first International Ombudsman Conference in Edmonton in 1976, welcoming 45 Ombudsmen from 28 countries. He gained considerable public attention for the Office and steadfastly promoted the principles of fairer government administration.

Dr. Ivany received an honorary Doctor of Laws degree from the University of Alberta in 1981 and the Order of Canada in 1985. He passed away on September 24, 1988.

Brian Sawyer, 1984 - 1987

Brian Sawyer was Alberta's third Ombudsman from September 1, 1984 to May 15, 1987. A native of Montreal, he was born in 1930.

Mr. Sawyer began his 21-year career with the RCMP in 1951. After retiring in 1972 as Superintendent, he was appointed Chief of Police of the Calgary Police Service. Over the next 12 years, Mr. Sawyer implemented a decentralized approach and promoted greater co-operation between police and the public.

In his role as Ombudsman, Mr. Sawyer established a managerial system whereby Office investigators accepted active management of investigations once the Ombudsman initiated an investigation, concluding the file with a recommendation to the Ombudsman. This system is still in place today.

Mr. Sawyer left the Office of the Ombudsman in 1987 to pursue a private-sector position as Director of Corporate Security.

Aleck H. Trawick, 1987 - 1989

Born in Regina in 1945, Aleck Trawick served as Alberta's fourth Ombudsman from 1987 to 1989.

Mr. Trawick practiced law in Calgary after graduating with a Bachelor of Law degree from the University of Saskatchewan in 1969. He was devoted to the Law Society of Alberta, the Canadian Bar Association and several community and charitable organizations and worked extensively with the Canadian Mental Health Association.

As Ombudsman, Mr. Trawick personally conducted a major investigation into complaints against the Alberta Securities Commission and also led a two-year investigation into the government's role in the collapse of the Principal Group of Companies. This complex investigation included an in-depth look at the 30-year history of financial institution regulatory systems in Alberta.

Mr. Trawick left the Office of the Ombudsman in 1989 and returned to the practice of law in Calgary.

Harley A. Johnson, 1990 – 1997

Harley Johnson was appointed Alberta's fifth Ombudsman February 1, 1990. He was born in Vancouver in 1944.

Mr. Johnson began his career with the Royal Canadian Army and joined the Calgary Police Service in 1965. In 1986, Mr. Johnson was seconded to the XV Olympic Winter Games Organizing Committee as Manager of Olympic Security for the 1988 Olympic Winter Games. He returned to the Calgary Police Service in 1988 and retired from the force as Superintendent of Information Services in 1990. He is also the former Executive Director of the International Ombudsman Institute.

As Ombudsman, Mr. Johnson promoted a facilitative approach to informal complaint resolution. He oversaw a major joint investigation with the Alberta Human Rights Commission and conducted three separate Ministerially-ordered investigations into the selection and approval of foster parents, government procedures relative to construction contracts with the private sector and a client suicide at the Workers' Compensation Board offices.

Mr. Johnson completed his term in March 1997. He was appointed as the first Alberta Métis Settlements Ombudsman in March 2003 and served in this position until May 2007.

G.G. Scott Sutton, 1998 – 2003

Alberta's sixth Ombudsman was Scott Sutton, who held the Office from April 1, 1998 through June 30, 2003. He was born in 1946.

Prior to his appointment, Mr. Sutton's 32-year RCMP career included postings in three provinces and the Yukon. He gained diverse experience in numerous settings, including isolated rural locations, major

municipalities and at RCMP Headquarters in Ottawa. A keen advocate of and participant in community-based policing, Mr. Sutton developed great sensitivity for multiculturalism and human rights issues.

Mr. Sutton believed fairness was a standard to be practiced by all rather than a theory to be discussed or a model expected from others. During his tenure, the jurisdictional umbrella of the Office expanded to include three accounting professions, two forestry professions, veterinarians and certain health professions.

As Ombudsman, Mr. Sutton served as Vice President of the Canadian Ombudsman Association and as a member of both the United States Ombudsman Association and the International Ombudsman Institute.

G.B. (Gord) Button, 2003 – present

Gord Button was appointed September 15, 2003 as Alberta's seventh Ombudsman.

Born in Nipawin, Saskatchewan in 1951, Mr. Button joined the RCMP in 1971 and served in several postings throughout Alberta. In 1990, he was transferred to Newfoundland as Inspector and in 1999, he was transferred to Ottawa and promoted to Chief Superintendent as the Director General of Organizational Renewal and Effectiveness. He returned to Alberta in 2001, retiring in 2003 from the position of Officer in Charge of Criminal Operations for Alberta.

Mr. Button has incorporated significant changes to the way the Office of the Ombudsman conducts business. He instituted Alternative Complaint Resolution for less formal complaint handling, he created the position of Deputy Ombudsman and he developed a long-term Business Plan for the Office. During his tenure, several more health professions have come under the jurisdiction of the Office as well as the complaint-handling processes of Regional Health Authorities and the agrologist profession.

Mr. Button serves as Past-President of the Canadian Council of Parliamentary Ombudsman and was elected to the Board of Directors of the International Ombudsman Institute, representing the North American Region.

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