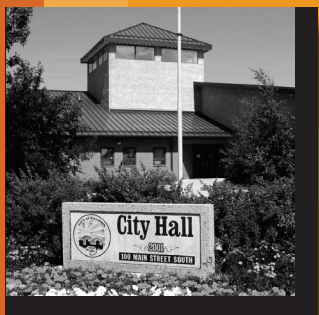
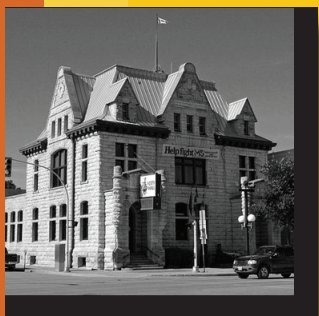




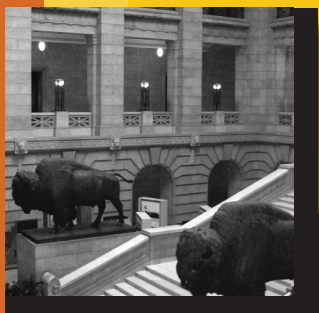
Achieving Fairness



Your Guide to Dealing with Government



Provincial departments
Provincial agencies
Crown corporations
Boards
Commissions
Rural municipalities
Cities & towns
Local government districts
Planning districts
Regional health authorities



Manitoba Ombudsman
Independent, Impartial, Fair



About this guide

Achieving Fairness: Your Guide to Dealing with Government was produced by Manitoba Ombudsman to assist you in solving conflicts, disagreements, problems or issues with government that are of an administrative nature. The guide is intended to provide information and practical advice on how to work with government to resolve problems on your own. We recognize, however, that this will not always be possible, so we have included information about our office that describes our jurisdiction and our complaints investigation process.

If you have concerns about access to information and privacy matters, please see our *User's Guide to FIPPA: Access to Information and Protection of Privacy Guide*.

Acknowledgements

Much of the advice in this guide is based on many decades of experience in handling complaints about government administration both in Manitoba and other jurisdictions. We would like to thank Saskatchewan Ombudsman and New Brunswick Ombudsman, and many other Ombudsman offices around the world, for inspiration and ideas.

Other publications in this series

Understanding Fairness: A Handbook on Fairness for Manitoba Municipal Leaders (2009)

Table of Contents

Introduction	3	Making contact in person, by phone, or in writing	15
Fairness	4	Tips for telephone and in-person contacts	15
Talking about fairness	5	Tips for making written complaints	17
Procedural fairness	6	Follow up	19
Substantive fairness	7	Who to contact	20
Relational fairness	7	The Ombudsman	21
Putting it all together	8	Ombudsman investigations	21
Government decision making	9	Making a complaint to the Ombudsman	22
Decisions made on preset conditions or criteria	9	Intake services	23
Decisions made on a case-by-case basis	10	Investigations	24
Decisions made by boards and commissions	12	Investigation outcomes	24
Understanding government decisions	13	Ombudsman recommendations	25
Solving problems on your own	14	Ombudsman reports	25
Understanding the problem	14	In closing	26

INTRODUCTION

Most Manitobans deal with a provincial government department or agency, or a municipal government, many times a year. If you have a driver's licence, pay property taxes, use electricity, need a building permit, take public transit, camp or cottage in a provincial park, or receive a benefit such as social assistance or a child care subsidy, you deal with government. You can probably think of numerous other ways in which you interact with government, too.

Given the frequency of these kinds of interactions, there may be times when you're not satisfied with the services you have received. Perhaps you feel that you have been treated unfairly. Maybe you feel that a government decision that affects you is wrong. Whatever the case, there are options for you regarding how to handle the conflict or disagreement that you are experiencing.

This guide was developed to provide some practical advice about dealing with government. If you're unhappy with a situation and would like to achieve a different outcome, there are several options available to you including internal complaint mechanisms, formal appeal processes, legal challenges, and external review options such as the Manitoba Ombudsman's office. But you may not know where or how to start. That's where this guide may help.



FAIRNESS

What is fairness? And what does fairness have to do with your problem or concern? There is a good chance that if you have been unhappy with a decision by government, you may have felt that something was not fair. Perhaps you felt a specific decision or action was not fair, or something happened during the decision-making process that was not fair, or you felt that you were not treated fairly. Sometimes we say something isn't fair when something has happened to us that just doesn't feel right.

We expect our governments – federal, provincial and municipal – to act in a fair, open and transparent manner. While this statement may seem like common sense, to actually define “fairness” in any given situation can sometimes be difficult. Complex issues and conflicting perceptions of fairness often result in genuine disagreements even when people are acting in good faith. Fairness can mean different things to different people. Our understanding of fairness is influenced by our own beliefs, perspectives, values, skill-sets,

needs and desires in any situation. Perceptions of fairness may also be greatly affected by circumstance.

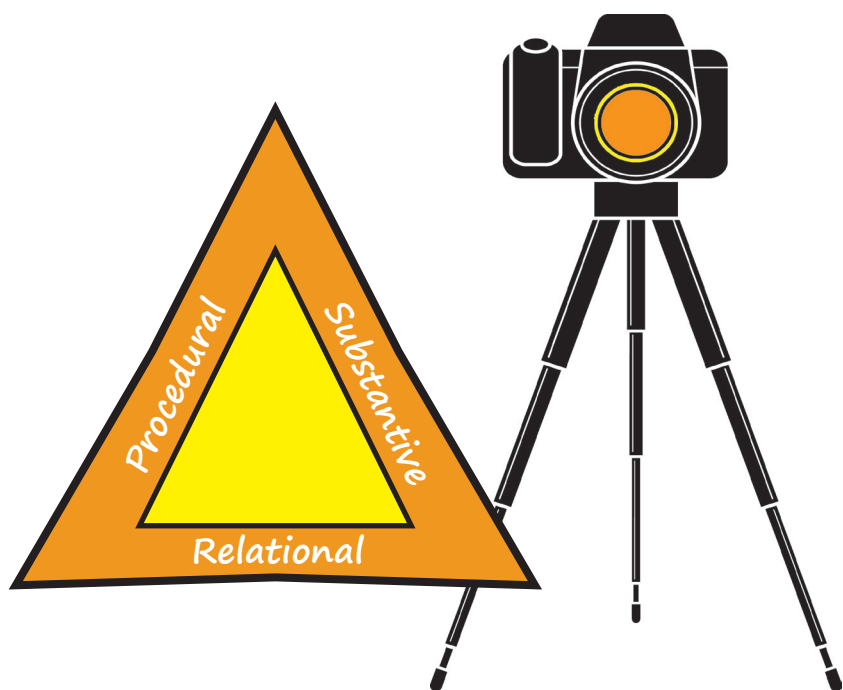
While this characterization of fairness might make it seem impossible for any consensus to be reached, there are common principles of fairness that can be applied to overcome the issues of perspective and circumstance.

Understanding these common principles is the first step in building a foundation to talk more about fairness, or more often its opposite – unfairness. Using a common language to describe fairness can help to define a problem or concern more clearly, making it easier to discuss and to resolve.

What's Fair?

Talking about fairness

We like to think of fairness as a concept with three components or parts, such as a triangle with three sides or a tripod with three legs. Each side or leg is an important piece of the whole – the structure would not be sound if any piece was missing or broken. If fairness were a triangle, its three sides would be **procedural fairness**, **substantive fairness** and **relational fairness**. Big words, but these concepts can be easily explained.



Procedural fairness describes the process or the steps taken in making a decision. **Substantive** fairness looks at the decision itself. **Relational** fairness is focused on how you are treated during the decision-making process.

Let's examine each of these aspects of fairness more closely because understanding each type of fairness requires you to ask different questions and consider different factors.

Procedural fairness

Procedural fairness focuses on the steps the decision maker takes before and after making a decision. At minimum, procedural fairness requires that:

- You (or the person who will be affected by a decision) are given advance notice that a decision will be made. You need to know what issue is being considered, and be provided with a reasonable amount of time to prepare any submission for the decision maker.
- You are given the information that will be considered when a decision is made. To help formulate your position, you need access to the information that the decision maker will be reviewing when he or she makes the decision.
- You are given a meaningful opportunity to state or present your case. If a decision affects you personally, you have the right to share your opinion. Depending on the situation, you may be able to state your case at a hearing, a public meeting, or through a written submission.
- You are given an opportunity to challenge or dispute any information that might be contrary to your position when a decision is being made.
- The decision maker be impartial or, in other words, unbiased and without a personal interest in the outcome of the decision.
- The decision maker be honest and give meaningful reasons for the decision that you can understand. Reasons for a decision should demonstrate in plain language that the decision maker has fully and fairly considered the issues. The reasons provided should be clear, genuine and specific. They must explain the “why” behind a decision. Merely quoting a statute or policy is insufficient. Reasons explaining what a decision is based on should demonstrate how the decision maker analyzed the evidence to reach the decision.

Substantive fairness

Substantive fairness relates to the fairness of the decision itself. For example:

- The person making the decision must have the authority under law to make the decision.
- The decision cannot require you to do something that is illegal or not authorized by law.
- The decision cannot be oppressive, meaning that the decision should avoid creating unnecessary obstacles for you.
- The decision cannot discriminate against you on any of the prohibited grounds listed in the Manitoba Human Rights Code or the Charter of Rights and Freedoms, such as marital status, race, religion, sexual orientation, or disability.
- The decision must be reasonable, and the reasoning behind the decision must be understandable to you and anyone else affected by it.

Relational fairness

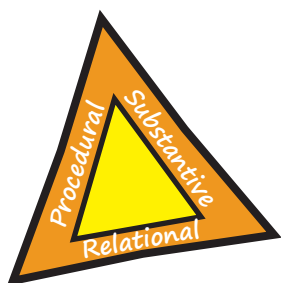
Relational fairness relates to how you or other people affected by the decision feel about the process and the outcome. Sometimes called the “soft” side of fairness, it means that the decision maker:

- takes the time to listen
- is approachable
- respects your confidentiality
- is honest and forthright
- does not mislead you about what he or she can or cannot do
- apologizes if he or she makes a mistake

Putting it all together

Using these three components of fairness, you should be able to look at a decision or action that you think is unfair to determine if:

- the process leading up to the decision was fair (procedural fairness)
- the decision or outcome itself was fair (substantive fairness)
- you felt like you were treated fairly (relational fairness)



Remember

The path to a good decision does not always follow a straight line. The three aspects of fairness may not be considered separately or sequentially, nor will the distinction between procedural, substantive and relational fairness always be crystal clear.

We believe that these principles of fairness apply in most decision-making situations, government or not. Once you begin thinking of fairness in these terms, you may find them helpful in personal decision-making circumstances too.

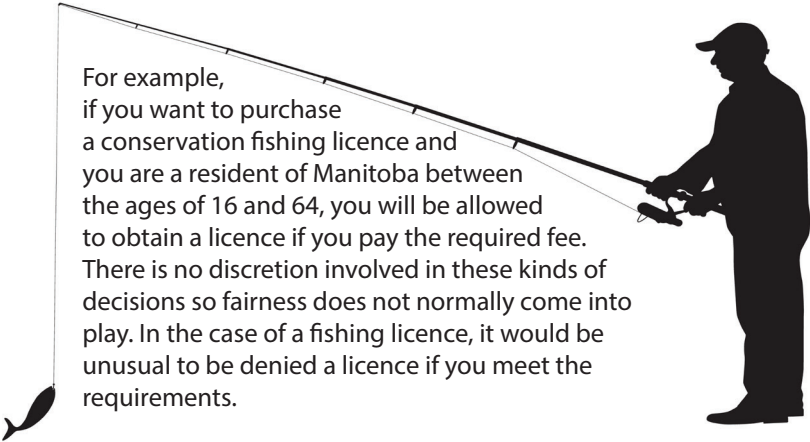
GOVERNMENT DECISION MAKING

To better understand how fairness and its different components apply in practical terms, we need to look at the different ways in which governments make decisions.

Decisions made on preset conditions or criteria

When government decision makers follow pre-established criteria, they are making non-discretionary decisions. Often the criteria are set out in laws or regulations. These kinds of decisions are the most straightforward. Non-discretionary decisions are usually yes/no decisions and can be easy to understand.

For example,
if you want to purchase
a conservation fishing licence and
you are a resident of Manitoba between
the ages of 16 and 64, you will be allowed
to obtain a licence if you pay the required fee.
There is no discretion involved in these kinds of
decisions so fairness does not normally come into
play. In the case of a fishing licence, it would be
unusual to be denied a licence if you meet the
requirements.



Or, if you are a resident of Manitoba, have dependent children under the age of 18 who are in your care, receive the federal Canada Child Tax Benefit, and your family income does not exceed a specific level, you may qualify for the Manitoba Child Benefit. This financial assistance is available to all applicants who meet the criteria. It would be unusual to be denied the benefit if you meet the criteria.



The key to understanding non-discretionary decisions lies in the pre-set criteria. If you do not like the outcome or decision, look at the criteria, laws or regulations to ensure you meet them.

Decisions made on a case-by-case basis

When government decision makers have widely-set boundaries under the authority of a law or regulation to decide if a person is eligible for a particular benefit or other service, they are making discretionary decisions. This kind of decision making is usually done on a case-by-case basis. Because of the case-by-case consideration, it may sometimes appear that people are treated differently in similar situations.

You have the right to expect that decision makers who make discretionary decisions will follow the rules of fairness and that their discretionary decisions will be fair and justified. These are the kinds of decisions that are most often questioned, and these are frequently the decisions where the language of fairness emerges.

The City of Winnipeg has a “One-Time High Water Bill Adjustment Program.” Under this program, the City’s Water and Waste Department has the discretion to provide a customer with a one-time adjustment of his or her water and sewer bill.

An individual purchased a home which he intended to demolish in the future. Although the property remained vacant, water service to the residence continued. While the owner was away on vacation, a pipe broke in the basement of the vacant property resulting in the continuous flow of water. When the leak was discovered, the Water and Waste Department discontinued water service to the property. The property owner received a high water bill to cover the amount of water used during the period when the pipe was broken. The owner applied for a one-time adjustment of his bill.

In this case, the Department denied the request on the basis that the property owner had not made adequate arrangements to have his property monitored on a regular basis while he was away on vacation. This was a discretionary decision made by someone authorized to apply a policy to a particular set of factual circumstances and reach a decision to either grant or deny a benefit.

In Manitoba, the Public Trustee is a provincial government agency that manages and protects the affairs of Manitobans who are unable to do so themselves.

A client of the Public Trustee who owned a condominium was placed in a personal care home respite bed after being discharged from the hospital due to concerns about her ability to manage at home on her own. Health professionals involved with her care recommended a permanent supportive housing placement.

A family member of the client was concerned that the Public Trustee had not attended to the sale of the client's condo in a timely manner, leaving the client responsible for the costs associated with ownership of a condo while no longer living there.

Because it was not known when a supportive housing placement would become available, and because there was the chance that the client might be sent back home with home-care supports while awaiting a permanent placement in supportive housing, the Public Trustee kept the client's condo.

The Public Trustee has the legal authority to make discretionary decisions on a case-by-case basis. They make their decisions based on the laws that apply to them and the facts of the case. If you feel that a decision or action is unfair, you need to understand the criteria or laws that the government body must operate under as well as the facts on which they are basing their decision.

In another case, residents wanted their municipality to approve a request for a boat dock on public reserve land. Access to the residents' home was by water in the summer and river ice in the winter. The residents previously had docking arrangements with a private landowner, but when the landowner subdivided his property, docking privileges were withdrawn.

A municipal by-law governing activities on public reserve lands stated that council would consider and decide on requests on a case-by-case basis. In this case, council did not want to approve this kind of development on its public reserve lands as it could set a precedent for future requests, and they anticipated using the land in question for future drainage purposes.

Decisions made by boards and commissions

Decisions can also be made by specialized boards and commissions created by government. These bodies may be referred to as “administrative tribunals.” Some of these boards and commissions make decisions about rights or benefits, while others hear public complaints or appeals. Sometimes these bodies act in a formal court-like manner to settle disputes or adjudicate on specific matters. Formal, court-like bodies are considered to be “quasi-judicial” since their decisions directly affect the legal rights of a person.

Because of the formal nature of administrative boards and commissions, the requirement for fairness is extremely high, especially the requirement for procedural fairness. Often boards and commissions have established rules of procedure to ensure that procedural fairness requirements are met. Some of them have rules of procedure established by provincial law.

The example below illustrates the importance of procedural fairness to people who appear before boards and other administrative tribunals.

An individual appealed a decision denying compensation for certain crops ruined by flooding to the Manitoba Disaster Assistance Appeal Board. Due to an oversight, the individual was not given information about the hearing process or the Board’s rules of procedure prior to the hearing, as the board would normally do. As a result, the individual did not have a fair opportunity to prepare for the hearing. The failure to provide proper notice was a breach of procedural fairness. The Board agreed to grant a new hearing to the individual.

In Manitoba, there are approximately 200 specialized provincial government agencies, boards and commissions that vary in size, complexity, and responsibility. For example, the *Manitoba Human Rights Commission* is authorized by the Human Rights Code to mediate and investigate complaints of discrimination, to refer matters to adjudication, to educate the public and promote human rights. The *Automobile Injury Compensation Appeal Commission* is the appeal body for individuals who disagree with an Internal Review Decision made by the Manitoba Public Insurance Corporation about their entitlements to benefits under the no-fault Personal Injury Protection Plan. Landlords and tenants may appeal orders and decisions issued by the Residential Tenancies Branch of government to the *Residential Tenancies Commission*.

For more information on boards and commissions, please see:
<http://www.gov.mb.ca/government/abc> or phone 204-945-1883.

Understanding government decisions

If you want to challenge a decision or action that you think is unfair, it is important to understand the authority of the decision maker and the basis of his or her decision. This will provide a necessary context for your fairness analysis, allow you to communicate with the decision maker in terms they are familiar with, and help you avoid making unnecessary arguments about things that were not part of the decision.

Research the decision maker's authority. It may be limited to considering whether or not you have met pre-set criteria; it may be the authority to consider facts and circumstances and make a decision

within the bounds of pre-determined policy; or it may be based on legal obligations and criteria set by provincial law.

Often, when a decision is communicated to you in writing it will come with an explanation of the authority for the decision, usually law or policy, and the facts and circumstances taken into account in making the decision. Written decisions sometimes also contain valuable information about any available right of review or appeal. If a decision is given verbally, you can ask what was considered in making the decision and if there is any further right of review or appeal.

SOLVING PROBLEMS ON YOUR OWN

Regardless of the type of decision being made by government, sometimes conflicts, disagreements, or differences of opinion arise. Trying to resolve a problem on your own is often the best first step. To help you solve problems on your own, consider the following strategies and suggestions.

Understanding the problem

Using the fairness language we discussed earlier, assess the issue or problem you think is unfair to determine if:

- the process leading up to the decision was fair (procedural fairness)?
- the decision or outcome itself was fair (substantive fairness)?
- you were treated fairly (relational fairness)?

This assessment may require some thought and analysis. Depending on the situation, one or all of the different components of fairness may come into play.

Next, gather all of the relevant information you will need to frame your concern, including dates, times, names, and other details.

If you plan to approach a government organization with your concern, consider the questions you would like to ask. It may be helpful to write your questions down.

Also, it is important to be clear about what you want to achieve as a result of your complaint. For example, are you seeking an apology, a change in policy, a service or benefit that you believe should have been provided but was not, or something else?



Making contact: in person, by phone, or in writing

Sometimes a telephone call is a good way to begin, especially if you are not certain where to direct your complaint. Different government organizations have different complaint handling procedures. The organization may ask you to put your complaint in writing, particularly if it is complicated or there is significant history to the issue. If you think that an in-person meeting with a department representative would be helpful, ask for a meeting.

Tips for telephone and in-person contacts

Talk to the right people

Try to ensure that you are speaking to the most appropriate person regarding your complaint. If the first person you talk to about your problem does not have the authority to change the decision or action you are complaining about, ask to talk to someone who does have the authority. If you do not feel that the person you are speaking with is adequately addressing your concerns, ask to speak to that person's manager or supervisor. Persist until you feel that you are being understood and that your concern is being taken seriously.

Be calm and courteous

When you are making a complaint, explain that you have a problem or concern and that you need assistance in solving it. Working with the government representative at this stage can be a helpful and effective way to gain valuable information about the decision or action you feel was unfair. Remember that the person you are dealing with may have competing pressures. Although having many responsibilities and tasks does not excuse poor customer service, the person you are speaking to may have multiple priorities that all need to be addressed. If the entire complaint process takes longer than expected and sometimes leaves you feeling frustrated, be patient and give the organization time to resolve your issue.

Listen

Listen carefully to the person you are speaking with. Make a deliberate effort to hear not only the words that the other person is saying but to understand the complete message. He or she may be giving you very important information. Resist the urge to interrupt. Do not become distracted by whatever else may be going on around you, or by forming counter arguments to make when the other person stops speaking. Ask questions, reflect, and paraphrase to ensure you understand the message. Even if the person you are speaking with cannot solve your problem, he or she can likely provide you with very valuable information.

Ask questions, and ask for action

Ask for clarification when you do not understand a policy or procedure. Some policies and procedures are quite complex and you are not expected to be an expert or understand everything immediately. Ask employees to identify the rules, policies, or laws that guide their actions and politely ask for copies. Ask the person how long it will take to deal with your concern, and if nothing happens, call back to check on any progress. If there is a degree of urgency involved, be sure to say so and explain why.

Keep written records

Some complaints can be very complicated and require gathering and understanding a lot of information. Take notes, and keep track of the names of people you have spoken to, when you spoke to them, and the outcome of each conversation. Also keep copies of written documents you may have received regarding your issue or the decision you believe is unfair.

Tips for making written complaints

What to include

Your letter should be clear, to the point, and explain why you think you have been treated unfairly. Try to summarize in a couple of sentences what your complaint is about, and try to avoid including excessive or irrelevant information. Your letter should be set out in a logical order and should include:

- the date
- your name, address and daytime telephone number
- a description of your problem, concern, or incident
- relevant dates, places and times
- relevant details of any telephone conversations and meetings
- any explanations you think are important
- any information that supports your position, rationale, or argument
- important information which was overlooked, or information which was incorrect, or new information since the decision was made
- copies of relevant documents
- the result you are seeking

Also explain what action you think should be taken to resolve your problem. This will give the organization a chance to fix a mistake or an omission.

If your request is reasonable and you have contacted the appropriate person with the authority to address your complaint, you are more likely to have your complaint resolved.

Ask for a response

Always request that your letter be acknowledged in writing. Ask the organization for an estimate of how long it will take to deal with your complaint. As with telephone and in-person complaints, if there is a degree of urgency involved, be sure to say so and explain why.

Keep records

Keep copies of all letters and other documents you send and receive, as well as details of all telephone calls or e-mail messages. You may need to provide evidence of your dealings with the organization, particularly if you decide to seek help elsewhere, such as from the Ombudsman. Organization of your records is also important. Consider arranging documents, photographs, or other evidence in logical order so you can easily find items you need.

Appealing a decision to a government board or commission

Read all of the letters and information that you receive about your complaint very carefully because some decisions can be formally appealed to a government board or commission. Decision letters may contain important appeal information including appeal procedures and deadlines. Different boards and commissions have different rules of procedure. If you are uncertain about how to prepare for your appeal, contact the appeal body and ask questions for clarification.

Follow up

Whether you make your complaint in person, by telephone, via e-mail or in writing, if you do not hear back in a reasonable time frame, call the organization to check on the progress of your complaint. If you are making your complaint in person or by phone, it can be helpful to ask when you can reasonably expect an answer.

If the organization cannot resolve your complaint, ask what right of appeal, if any, is available to you.

Ask if there is someone or another organization you can bring your complaint to instead. This could include your Member of the Legislative Assembly (MLA), the Minister of a specific department, or another complaint-handling or appeal body.

If your complaint is not resolved or dealt with in a reasonable time, you may make a complaint to the Ombudsman.



The role of courts in reviewing a decision

The Court of Queen's Bench has the power to review government actions to ensure they are within the law. You may be able to use the court process to challenge the authority to make a particular decision, or the conditions and criteria on which a decision is based. For many disputes about monetary matters (currently under \$10,000), you can go to the Small Claims Division of the Court of Queen's Bench.

Who to contact

Trying to contact a government department?

Provincial and municipal government websites may be helpful. For example:

- www.gov.mb.ca
- www.winnipeg.ca
- www.brandon.ca
- www.thompson.ca
- www.churchill.ca
- www.wrha.mb.ca

Don't know who to call, or can't find the department's contact info?

Call a general line and ask to be directed to someone who can help you.

- provincial: call Manitoba Government Inquiry at 204-945-3744 or toll-free at 1-866-626-4862
- municipal:
 - Winnipeg: call 311
 - other municipalities: call your municipality's city hall or municipal office (find contact information for Manitoba municipalities at: <http://web5.gov.mb.ca/public/municipalities.aspx>)

Not satisfied with the response you are getting from a department?

Ask if the department has a customer relations or a fair practices office. These offices can give information, explain appeal options, and accept complaints about the manner in which your concerns have been handled.

Some examples include:

- MPI customer relations/fair practices office: 204-985-8117 (Winnipeg); 1-800-665-2410 (toll-free)
- WCB fair practices office: 204-954-4467 (Winnipeg); 1-800-362-3340 (toll-free)
- Manitoba Hydro customer contact centre: 204-480-5900 (Winnipeg); 1-888-624-9376 (toll-free)

THE OMBUDSMAN

Manitoba Ombudsman is an independent office of the Legislative Assembly and is not part of any provincial government department or agency, or municipal government.

The Ombudsman may investigate any **matter of administration**. Broadly defined, a matter of administration could include any practice, procedure, action or decision that government makes as it implements or administers its laws and policies.

Experience tells us that it is in the administration of government programs and benefits and in the enforcement of laws, policies, and rules that most citizens encounter problems or face decisions they feel are unfair or unreasonable. Sometimes practices, procedures, actions or decisions are inconsistent with, or contrary to, policy or legislation, or are otherwise unfair. These are the matters that a person who feels aggrieved can complain about to the Ombudsman.

Ombudsman investigations

The Ombudsman investigates complaints about provincial or municipal governments, including:

- provincial departments
- provincial agencies
- Crown corporations
- boards
- commissions
- rural municipalities
- cities and towns
- local government districts
- planning districts
- regional health authorities

Under *The Ombudsman Act*, the Ombudsman has the power to conduct investigations, make recommendations, and report

publicly. Investigations are completed in a thorough, impartial and independent manner.

The Ombudsman cannot investigate a complaint about:

- decisions of the Legislative Assembly (our elected officials)
- municipal policies in the form of resolutions and by-laws
- court decisions
- decisions of the federal government
- treatment decisions of a health professional
- private businesses
- private disputes

The Ombudsman may refuse to investigate a complaint if:

- the administrative act, decision or omission (the issue) is more than one year old
- there is still an avenue of appeal available to you
- the circumstances of the case do not warrant investigation

Making a complaint to the Ombudsman

Complaints to the Ombudsman must be made in writing in one of the following ways:

1 Write a letter to our office explaining your complaint.

2 Print and fill out the Ombudsman complaint form available on our website. The form is also available by calling our office at 204-982-9130 or 1-800-665-0531 (toll free in Manitoba).

3 Submit your complaint using our online complaint form at www.ombudsman.mb.ca. Note that if you use our online complaint form, you will still have to submit copies of any relevant documentation by mail, fax or in-person.

What to include in your complaint

- the name of the department, agency, municipality or other government organization being complained about
- a summary of the complaint with sufficient detail to explain the problem
- the dates, names and phone numbers of any person you have been in contact with about your complaint (for example, an employee, manager, supervisor, or others)
- information about any appeal hearing that may have been held and the outcome
- copies of any relevant documentation
- your full name, address and a phone number where you can be contacted

Intake services

All complaints to the Ombudsman are first reviewed by our Intake Services team. Complaints analysts review each new complaint to determine whether the Ombudsman has jurisdiction over the subject of the complaint and the organization being complained about. Where appropriate, Intake staff may call you to discuss referral and appeal options with you and provide more information

about how to address concerns informally, or ask for more information about your complaint.

Intake staff can sometimes attempt early resolution, which might involve contact with the government body to confirm or clarify information. When a complaint cannot be resolved at Intake, it is opened as an investigation file.

What happens when the Ombudsman investigates your complaint?

Once a complaint has been assigned to an Ombudsman investigator, several things will happen. The investigator will:

- call or write to you to clarify your complaint to ensure a mutual understanding of the issue to be investigated
- contact the department, agency, municipality or other government organization about your complaint
- investigate your complaint under *The Ombudsman Act*
- determine if the decision, act or failure to act that you complained about was unfair or unreasonable
- try to resolve the situation with the government organization if we support your complaint
- make a recommendation as a result of your complaint if we cannot informally resolve the situation
- discuss with you the findings and conclusions of our investigation and/or provide you with a report that outlines our findings and conclusions

Investigations

The Ombudsman Act enables Ombudsman investigators to obtain any information required to conduct a thorough investigation.

Ombudsman investigations rely heavily on gathering information and evidence, often from multiple sources, to fully analyze a complaint. Investigations can include a review of provincial legislation, municipal by-laws, resolutions, policies, or minutes. Other documents reviewed might include correspondence (written and e-mail), contracts, and notices. Physical evidence can include structures, photographs, and video files. Some investigations

may also include site visits to examine such items as equipment, culverts, dams, drainage ditches, or whatever is relevant.

In the course of an investigation, investigators have the authority to speak to anyone who they believe may have information related to the matter under investigation, and to enter into any government offices, with notice, for the purpose of conducting an investigation.

The Ombudsman's extremely broad powers of investigation ensure that investigations are thorough.

Investigation outcomes

The object of the information-gathering process is to obtain the information necessary to completely analyze a complaint. The investigator needs to determine the extent, if any, to which administrative actions or decisions are at odds with the intent of laws and policies. As well, the investigator will determine if you were treated fairly in the way those laws or policies were applied, or if you were subjected to an unfair result.

The Ombudsman will either:

- support your complaint in whole or in part and identify the corrective action, or
- provide you with a thorough explanation about why your complaint cannot be supported

Ombudsman recommendations

Some complaints that are supported in whole or in part are informally resolved during the investigation process. If a complaint cannot be informally resolved, the Ombudsman may make formal recommendations for administrative improvement.

If a complaint is supported, the Ombudsman can make a recommendation that:

- a decision be reconsidered
- a decision be cancelled
- a decision be varied
- a practice be changed or reviewed
- reasons for a decision be given

- an error or omission be corrected
- any other action be taken

When the Ombudsman makes recommendations to government, he or she may request the department, agency, or municipality to identify the steps that it has taken or proposes to take to implement the recommendations.

The vast majority of investigations under *The Ombudsman Act* are concluded without the need for formal recommendations.

Ombudsman reports

After an investigation, you will receive a report of our findings and conclusions. This report may be in the form of a letter to you, or depending on the circumstances, the investigation results may be reported to you over the phone or at an in-person meeting. If you have any questions about the information you receive, your investigator will be able to answer any questions.

Our findings and conclusions will also be reported to the government organization you complained about.

The Ombudsman will sometimes publish case summaries in annual reports or on our website, or publish special reports on certain matters.

IN CLOSING

Given the frequency of our interactions with government, problems or issues are bound to arise periodically. That's normal. The more you know about fairness and fair decision making, the easier it will be for you to achieve fair results, or help others achieve fair results, in those everyday interactions. We hope this guide will help.

Understanding the common principles of fairness and applying them to your own issue can help you pinpoint the crux of your issue and set the stage for further informed discussion. Then apply some tried but true problem-solving techniques. If you're still not achieving the outcome you want, contact our office to see if your problem or complaint is something we can help you with.

The Ombudsman Act:

<http://web2.gov.mb.ca/laws/statutes/ccsm/o045e.php>

Manitoba Ombudsman:

<http://www.ombudsman.mb.ca>



Manitoba Ombudsman

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