

# Joining The Herd II

**A Collection of Learning Activities Designed to Support the Manitoba Social Studies Curriculum for Grades 6, 9, and 12**



**Manitoba Ombudsman  
March 2011**

## "Joining the Herd"

Why the bison theme?

By the time Manitoba became a province in 1870, the great herds of American Bison that once roamed the prairies had all but disappeared. The bison symbol, however, continues to represent Manitoba and its earliest beginnings. For example:

- Manitoba's first official coat of arms, granted in 1905, showcased a bison standing on a rock;
- A pair of bronze life-sized bison flank the grand stairway in the legislative building;
- Since 1957 the province has honoured individuals who have made a distinctive contribution to the life of Manitoba with the Order of the Buffalo Hunt; and
- The Province of Manitoba adopted a stylized bison as its logo in 1984.

The Manitoba Ombudsman's Office has also adopted a bison theme to represent the process of learning about, and participating in, Manitoba's government. *Joining the Herd* (2007) and *Joining the Herd II* (2010) assists teachers and students in their journeys to active and informed citizenship. Students who have "joined the herd" are aware of how Manitoba's government works and understand how they can participate in it.

## Acknowledgements

The Manitoba Ombudsman's Office would like to thank Nadine Bedoret for her assistance in developing the activities contained in *Joining the Herd II*.

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## INTRODUCTION

It is with great pleasure that we introduce an expanded version of *Joining the Herd: A Handbook on Participating in Manitoba's Government*, first published in 2007.

*Joining The Herd II: A Collection of Learning Activities Designed to Support the Manitoba Social Studies Curriculum for Grades 6, 9 and 12* will assist teachers in cultivating student interest and awareness regarding their rights and responsibilities as citizens. One of the primary themes of *Joining the Herd II* is that the Manitoba Ombudsman exists to advocate for fairness and to assist citizens in exercising their democratic rights. This includes making a complaint when people feel that they have not been treated fairly by government, not received information from the public sector, or believe that their personal information has not been handled properly by the public sector. In teaching students about their right to actively participate in a democracy, we illustrate how their participation can and does positively affect how government operates and treats its citizens.

*Joining the Herd II* educates students about the Manitoba Ombudsman's role in the context of government, while satisfying many of the skills, knowledge, and values outcomes for Grade 6 Social Studies, Grade 9 Social Studies, and Grade 12 Law. It can be used to complement and enrich existing Social Studies resources.

Included in *Joining the Herd II* are a number of ready to use classroom resources designed to actively engage students, including case studies, role plays, problem solving, vocabulary exercises, crossword puzzles, and exercises in critical thinking. Learning activities are structured to create a dialogue about the different forms of government participation, the importance of privacy and access to information, and fair decision making by government. The case studies contained in *Joining the Herd II* will educate students about the various roles that the Manitoba Ombudsman plays, including work that the office does in regards to *The Ombudsman Act*, *The Personal Health Information Act*, and *The Freedom of Information and Protection of Privacy Act*. Evaluation questions and answer keys are included for ease of instruction.

*Joining the Herd II* is divided into three sections that correspond to each grade level. The curriculum outcomes satisfied by the learning activities are specifically outlined. To ensure clarity, many of the activities contain a section called "Teacher's Notes" that provides additional background information about the activities, tips on how to proceed with the lesson plans, as well as the Ombudsman's decision and recommendations that correspond to the case studies.

It is our sincere desire that teachers will use the learning activities that we have created to enrich students' learning. We hope that the resources we have developed will assist in educating students about the active role that government plays in their lives, as well as the role of the Manitoba Ombudsman as it relates to fair and equitable treatment of citizens by government.

## **ABOUT THE OFFICE OF THE OMBUDSMAN**

The Ombudsman is an independent officer of the Legislative Assembly and is not part of any government department, board or agency. The Ombudsman has the power to conduct investigations under *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act*, *The Personal Health Information Act*, and *The Public Interest Disclosure (Whistleblower Protection) Act*. The office has a combined intake services team and two operational divisions – the Ombudsman Division and the Access and Privacy Division.

### **The Intake Services Team**

Intake Services responds to inquiries from the public and provides information about making complaints under *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act*, *The Personal Health Information Act* and *The Public Interest Disclosure (Whistleblower Protection) Act*. Intake Services analyzes each complaint to determine jurisdiction and provides information about referral and appeal options. Information is provided about how to address concerns informally and how to submit a complaint to the Ombudsman. Individuals may contact Intake Services for additional assistance if matters cannot be resolved or if additional information is needed.

Intake Services staff are often able to contact a department or agency to clarify or expand upon the reasons for its action or decision, and then convey that information to a complainant. Intake staff can clarify the authority for an action or decision, based upon their experience and knowledge of statutes, regulations, and government policies. In other instances, intake staff can review information a complainant has already received to ensure that he or she understands it. Information provided by Intake Services about problem solving can be a valuable tool to assist individuals in resolving issues on their own. The ability to resolve concerns informally and quickly reduces the need for formal investigation.

When a complaint cannot be resolved, Intake Services is responsible for gathering and analyzing information in preparation for the complaint investigation process. This can involve gathering documents, researching applicable policy and preparing background reports on the history of a complaint or issue.

### **The Ombudsman Division**

#### ***The Ombudsman Act***

Under the provisions of *The Ombudsman Act*, the Ombudsman investigates complaints from people who feel that they have been treated unfairly by government. "Government" includes provincial government departments, crown corporations, and other government entities such as regional health authorities, planning districts and conservation districts. It also includes all municipalities. The Ombudsman cannot investigate decisions made by the Legislative Assembly, Executive Council (Cabinet), the Courts or decisions reflected in municipal policy by-laws.

The Ombudsman may investigate any matter of administration. While *The Ombudsman Act* does not say what matter of administration means, the Supreme Court of Canada has defined it as ...*everything done by governmental authorities in the implementation of government policy*.

Most of the public's everyday interactions with government will be with its administrative departments and agencies, rather than with the legislative or judicial branches. Experience tells us that it is in the administration of government programs and benefits, through the application of laws, policies, and rules, where the public encounters most problems or faces decisions they feel are unfair or unreasonable. These are the "matters of administration" about which a person who feels aggrieved can complain to the Ombudsman.

In addition to investigating complaints from the public, the Ombudsman can initiate his/her own investigations. She can investigate system-wide issues to identify underlying problems that need to be corrected by government, with the hope of eliminating or reducing any gap between government policy and the administrative actions and decisions intended to implement those policies.

*The Ombudsman Act* imposes restrictions on accepting complaints when there is an existing right of review or appeal, unless the Ombudsman concludes that it would be unreasonable to expect the complainant to pursue such an appeal. This can occur in situations when the appeal is not available in an appropriate time frame or when the cost of an appeal would outweigh any possible benefit.

The Ombudsman may decline to investigate complaints that the complainant has known about for more than one year, complaints that are frivolous or vexatious or not made in good faith, and complaints that are not in the public interest or do not require investigation. The Ombudsman's investigative powers include the authority to require people to provide information or documents upon request, to require people to give evidence under oath and to enter into any premises, with notice, for the purpose of conducting an investigation. Provincial laws governing privacy and the release of information do not apply to Ombudsman investigations. It is against the law to interfere with an Ombudsman investigation.

The Ombudsman has a wide range of options available in making recommendations that the government may use to correct a problem. After completing an investigation, the Ombudsman can find that the action or decision complained about is contrary to law, unreasonable, unjust, oppressive, discriminatory or wrong. He/she can find that something has been done for an improper reason or is based on irrelevant considerations. If he/she makes such a finding, he/she can recommend that a decision be reconsidered, cancelled or varied, that a practice be changed or reviewed, that reasons for a decision be given or that an error or omission be corrected.

Because the Ombudsman is an independent officer of the Legislative Assembly and accountable to the Assembly, people can be assured that his/her investigations will be neutral. Broad and substantial powers of investigation ensure that his/her investigations will be thorough.

After conducting a thorough and impartial investigation, the Ombudsman is responsible for reporting his/her findings to both the government and the complainant. Elected officials are responsible for accepting or rejecting those findings and are accountable to the public.

### ***The Public Interest Disclosure (Whistleblower Protection) Act***

*The Public Interest Disclosure (Whistleblower Protection) Act* (PIDA) was proclaimed as law in Manitoba on April 2, 2007. The purpose of PIDA is to give government employees and others a clear process for disclosing significant and serious wrongdoing in the Manitoba public service and to provide protection from reprisal.

The Act applies to provincial government departments, Crown corporations, regional health authorities, child and family services agencies and authorities, universities, personal care homes, and the independent offices of the Legislative Assembly. It also applies to designated bodies, where at least 50% of the funding of the organization is provided by the government. This includes child-care centres, agencies that provide support services to adults and children, social housing services, family violence crisis shelters and licensed or approved residential-care facilities.

The Act identifies the Ombudsman as one of the parties to whom a disclosure may be made, and sets out other specific duties in responding to disclosures, investigating allegations of wrongdoing, and reporting on activities arising from the Act.

The Act defines wrongdoing as:

- an act or omission that is an offence under an Act or regulation (breaking the law);
- an act or omission that creates a substantial and specific danger to the life, health or safety of persons or the environment (not including dangers that are normally part of an employee's job);
- gross mismanagement, including mismanaging public funds or a public asset (government property); and
- knowingly directing or advising someone to commit any wrongdoing described above.

The Ombudsman is responsible for responding to requests for advice, responding to and investigating disclosures of wrongdoing, referring matters to the Auditor General where appropriate, and reporting annually to the Legislative Assembly.

Disclosures of alleged wrongdoing are made to the Ombudsman in confidence. This means that the office will, to the extent possible, protect the identity of an individual who in good faith makes a disclosure of wrongdoing. A person who makes a disclosure is acting in good faith if the person honestly believes that the allegation made constitutes wrongdoing and if a reasonable person placed in the same circumstances would have arrived at the same belief based on the facts reported.



Responding to disclosures require staff to conduct several interviews with the whistleblower and thoroughly review the allegations in relation to the definition of “wrongdoing.” This must be done before the Ombudsman can decide that, on the face of it, the disclosure meets the test for investigation under the Act. Given the serious nature of an allegation of wrongdoing, and because personal and professional reputations could be at stake, it is of utmost importance that the office handle these investigations sensitively, thoroughly and as quickly as possible.

## **The Access and Privacy Division**

### ***The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act***

Under the provisions of *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA), the Ombudsman investigates complaints from people who have concerns about any decision, act or failure to act that relates to their requests for information from public sector bodies or trustees, or a privacy concern about the way their personal information has been handled. Access and privacy legislation also gives the Ombudsman the power to initiate his/her own investigation where there are reasonable grounds to do so.

The Ombudsman has additional duties and powers with respect to access and privacy legislation and these include:

- conducting audits to monitor and ensure compliance with the law;
- informing the public about access and privacy laws and receiving public comments;
- commenting on the implications of proposed legislative schemes or programs affecting access and privacy rights; and
- commenting on the implications of record linkage or the use of information technology in the collection, storage, use or transfer of personal and personal health information.

FIPPA governs access to general information and personal information held by public bodies and sets out requirements that they must follow to protect the privacy of personal information contained in the records they maintain. The Ombudsman has jurisdiction over public bodies, which include:

- provincial government departments, offices of the ministers of government, the Executive Council Office, and agencies including certain boards, commissions or other bodies;
- local government bodies such as the City of Winnipeg, municipalities, local government districts, planning districts and conservation districts;
- educational bodies such as school divisions, universities and colleges; and,
- health care bodies such as hospitals and regional health authorities.

PHIA provides people with a right of access to their personal health information held by trustees and requires trustees to protect the privacy of personal health information contained in their records. The Ombudsman has jurisdiction over trustees, which include:

- public bodies (as set out above);
- health professionals such as doctors, dentists, nurses and chiropractors;
- health care facilities such as hospitals, medical clinics, personal care homes, community health centres and laboratories; and
- health services agencies that provide health care under an agreement with a trustee.

Under FIPPA or PHIA, a person can complain to the Ombudsman about various matters, including if he or she believes a public body or trustee has:

- not responded to a request for access within the legislated time limit;
- refused access to recorded information that was requested;
- charged an unreasonable or unauthorized fee related to the access request;
- refused to correct the personal or personal health information as requested; or
- collected, used or disclosed personal or personal health information in a way that is believed to be contrary to law.

After completing an investigation, if the Ombudsman finds that the action or decision complained about is contrary to FIPPA or PHIA, he/she can make recommendations to the public body or trustee to address the complaint-related issues.

When the Ombudsman has not supported a refusal of access complaint, or when he/she has supported a complaint but the public body or trustee has failed to act on the Ombudsman's recommendation, an access applicant may appeal to the Manitoba Court of Queen's Bench. The Ombudsman can also appeal a refusal of access to the court in place of the applicant and with the applicant's consent. However, when appealing under FIPPA, the Ombudsman must be of the opinion that the decision raises a significant issue of statutory interpretation or that the appeal is otherwise clearly in the public interest.

If the Ombudsman believes an offence has been committed under the Acts, he/she may disclose information to the Minister of Justice, who is responsible for determining if any charges will be pursued through prosecution in court.

Access and privacy matters are complicated. Manitoba Culture, Heritage and Tourism provides information on FIPPA, including instructions on how to apply for access to information, how to request a correction to personal information, and how to complain to our office and appeal to court at [www.gov.mb.ca/chc/fippa/index.html](http://www.gov.mb.ca/chc/fippa/index.html).

Manitoba Health provides information on PHIA, including an informative Question and Answer section that addresses most of the issues a person might raise when first inquiring about their rights under the Act at [www.gov.mb.ca/health/phia](http://www.gov.mb.ca/health/phia).

More information about the Ombudsman's office can be found on our website at [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca). A copy of the Acts mentioned above can be found on the statutory publications website at [www.gov.mb.ca/chc/statpub/](http://www.gov.mb.ca/chc/statpub/).

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A Collection of Learning Activities Designed to  
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for Grades 6, 9, and 12



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## Grade 6 Social Studies

### ***Grade 6 Social Studies Skills Outcomes that Correspond to the Manitoba Ombudsman Learning Activities in Joining the Herd II***

#### **Active Democratic Citizenship**

- **6-S-105** Recognize bias and discrimination and propose solutions.
- **6-S-102** Make decisions that reflect fairness and equality in their interactions with others.

#### **Managing Information and Ideas**

- **6-S-201** Organize and record information in a variety of formats and reference sources appropriately.

#### **Critical and Creative Thinking**

- **6-S-301** Evaluate the advantages and disadvantages of solutions to a problem.
- **6-S-302** Draw conclusions based on research and evidence.
- **6-S-304** Distinguish fact from opinion and interpretation.

#### **Communication**

- **6-S-400** Listen to others to understand their perspectives.
- **6-S-403** Present information and ideas orally, visually, concretely, or electronically.
- **6-S-404** Elicit and clarify questions and ideas in discussions.
- **6-S-405** Articulate their beliefs and perspectives on issues. *Examples: maps, charts, outlines, concept maps...*

## ***Grade 6 Social Studies Knowledge and Values Outcomes that Correspond to the Learning Activities in Joining the Herd II***

### **Cluster 4: Canada Today: Democracy, Diversity, and the Influence of the Past**

#### **6.4.2 Government in Canada**

- **6-KP-049** Describe the main features of the Canadian government.  
*Include: parliamentary system, federal democracy.*
- **6-KP-052** Identify the main responsibilities of municipal, provincial, First Nations, and federal governments in Canada.
- **6-KP-053** Identify elected or appointed municipal, provincial, and federal government representatives and describe their main responsibilities.  
*Include: Governor General, Manitoba Lieutenant-Governor.*
- **6-VC-004** Appreciate the benefits of living in Canada. *Examples: freedoms, education, health, safety...*

#### **6.4.5 Canadian Democracy in the World Context**

- **6-KC-004** Identify the ideals of democracy and describe the influence of democracy on quality of life for Canadians.
- **6-VC-002** Be willing to support the ideals of democracy and contribute to local democratic processes.



## Government in Our Lives - Purse/Wallet Activity



**THEME:** Government and the laws it passes affect many aspects of a person's life.

### OBJECTIVES:

- Students will be able to recognize the role of government in providing services to its citizens.
- Students will be able to distinguish the different levels of government and their areas of responsibility.
- By identifying various provincial and municipal government services, students will be able to better understand the Ombudsman's jurisdiction.

### MATERIALS:

Teacher materials:

- The services and levels of government handout
- Your purse/wallet
- A black/white board

### **\*Teacher's Notes\***

- Hand out the services and levels of government sheet and ask students to quickly review it. Explain that each level of government has responsibility for certain services that are provided to the public.
- Circulate around the room and ask various students to take an item from your purse/wallet. (Do this one at a time to make sure that you keep track of your personal effects.) Examples may be a set of car or house keys, your provincial health card, your driver's license, insect repellent, a cell phone, a wrapper to be thrown away, a package of gum, a coin, a passport, a bottle of water, or postage stamps.
- When a student pulls an item from your purse/wallet, ask them what service you think it represents and the level of government responsible for this area. For example:

***Your health card*** - Health care - Provincial;

***Driver's Licence*** - Driver licensing - Provincial;

***Stamps*** – Postal service - Federal;

***Garbage*** – Waste removal – Municipal;

***Coin*** - The Mint – Federal;

***Bottle of Water*** – Fisheries and Oceans - Federal; Water Stewardship - Provincial; or Water treatment –Municipal;

***Insect Repellent*** - mosquito spraying in Manitoba – Municipal; pesticide approvals - Provincial

***Passport*** - Immigration - Federal

- Have students write the service and level of government that each item represents on their Government in Our Lives handout.
- Continue until you have emptied your purse of all of the items.
- Initiate a discussion with students about how several aspects of a person's life are affected by government. Use this discussion to introduce the role of the Ombudsman in making sure that people are treated fairly by the government. Also talk about the jurisdiction of the Manitoba Ombudsman. (Deals with complaints about Manitoba provincial and municipal governments).



## Government In Our Lives

Service	Level of Government

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## The Five W's of the Manitoba Ombudsman

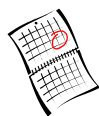
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**Who:** The Manitoba Ombudsman is an \_\_\_\_\_ of the Legislative Assembly. He/she is \_\_\_\_\_ by the Lieutenant Governor on the recommendation of a committee made up of elected members from different political parties in Manitoba.



**What:** The word Ombudsman comes from \_\_\_\_\_ and means representative of the people. The Manitoba Ombudsman receives and investigates complaints from citizens about \_\_\_\_\_ departments, agencies, and municipalities. The Ombudsman works to ensure that provincial and municipal governments are treating their citizens fairly and he/she is \_\_\_\_\_, which means that he/she does not take anyone's side when investigating a complaint.



**When:** The Manitoba Ombudsman's office was created in the year \_\_\_\_\_.



**Where:** The Manitoba Ombudsman has two offices in Manitoba. One is in Winnipeg, and one is in \_\_\_\_\_.



**Why:** In a \_\_\_\_\_ society where citizens have rights and freedoms, it is important to have an impartial individual overseeing the government to ensure that people are being treated \_\_\_\_\_.



**How:** The Ombudsman has the power to \_\_\_\_\_ government actions and decisions and he/she writes a public \_\_\_\_\_ once a year. This report talks about what kinds of issues he/she investigated, how he/she resolved complaints, and the \_\_\_\_\_ that he/she made to improve the way that the government serves its citizens.

### **\*Teacher's Notes\***

Read through each section together and have students try to determine the answers based on the contents of the word bank. This will help to actively engage them.

### **Answer Key- The Five W's of the Manitoba Ombudsman**

**Who:** officer, appointed

**What:** Sweden, provincial, impartial

**When:** 1970

**Where:** Brandon

**Why:** democratic, fairly

**How:** Investigate, report, recommendations

## How the Ombudsman Works: Splitting the Orange



**OBJECTIVES:** This activity is designed to illustrate the work done by the Manitoba Ombudsman. It highlights the importance of fact finding, active listening, and mediation and negotiation in the resolution of complaints.

**MATERIALS:** One orange, a knife, napkins, and the role play notes.

### **\*Teacher's Notes\***

This is a role play activity that requires two students and a teacher. The teacher will play the role of the parent, and the students will play the role of siblings. Each of the siblings wants an orange, but there is only one left. They begin to fight over it. The parent is not paying attention because he/she is reading a book. When the argument becomes increasingly hostile, the parent steps in and says "I am going to solve this problem by cutting the orange and giving each of you half!" Instead of being satisfied, each of the siblings looks extremely disappointed. One of them explains that they only wanted the peel of the orange, and the other says that he/she only needed the fruit portion.

After the activity is complete, the teacher will engage the class in a discussion about the meaning of the role play. The following is a list of questions that could be asked and discussed:

- Do you think that the parent did a good job at resolving the conflict? Why?  
***Most students will recognize that the resolution was inadequate and answers will segue nicely to the next discussion questions.***
- What do you think the parent could have done differently to resolve this situation?  
***The parent could have listened, asked questions, and tried to fact find.***
- What did the parent *not* do that he/she should have done?  
***The parent should have asked the siblings why they were fighting over the orange and proposed different solutions to them instead of arbitrarily making a decision.***
- Why do you think the siblings were so dissatisfied with the outcome?

***Because neither of them received what they wanted or needed, and they did not feel that they were being listened to.***

- What could the siblings have done to improve the outcome?  
***They could have remained calm and tried to resolve the issue more amicably, and they also could have been more specific in communicating what they needed.***
- What skills would the parent have to possess to resolve the issue in a way that ensured everyone was satisfied?  
***Patience, active listening, detailed questioning, and a problem solving approach.***

**TYING THIS ACTIVITY TOGETHER:** Talk about the work of the Manitoba Ombudsman and how it relates to splitting the orange.

When people make a complaint about government, the Ombudsman has to be very careful to listen to what the complainant is saying. The Ombudsman also needs to hear both sides of the story and remain neutral. It is very important that the Ombudsman knows all of the facts of the case in order to make the right decision. If the Ombudsman does his/her job well, people will feel like they have been treated fairly, but if he/she does not, the complainant will leave upset and dissatisfied.



## **ROLE PLAYING NOTES**

### **Role Play Notes -Sibling #1:**

You are upset because you need the orange that your sibling wants. You begin fighting over it and are not willing to give it up. You tell him/her that you need it more than they do, and you will do whatever you have to in order to get it. After your mom or dad cuts the orange and gives half of it to you and half to your sibling, you act very disappointed and upset, and explain that you only needed the peel because you are using it for your science fair project.

### **Role Play Notes -Sibling #2:**

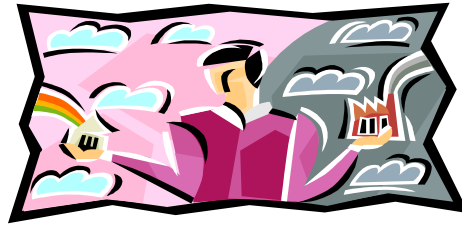
You are upset because there is only one orange in the house and you need it, but your sibling wants to take it from you. You fight over the orange and say rude and disrespectful things to your sibling about how they always have to have their way, and they are spoiled rotten. After your mom or dad cuts the orange and gives half of it to you and half to your sibling, you act very disappointed and upset, and explain that you only needed the fruit part for a fractions assignment you are doing in math class. Now you are going to get a zero because you will not be able to do your assignment.

### **Role Play Notes -Parent:**

Your two children are fighting over the last orange in the house. You sit reading next to where they are arguing and try to ignore them as best as you can. When their argument gets out of hand, you step in and say "I'll settle this matter. Give me the orange!" You proceed to cut the orange in half and give a portion to each of the children. They are very disappointed with your solution to the problem.

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## Fairness



The dictionary defines fairness as:

***Free of favouritism or bias, impartial, just to all parties, equitable, consistent with rules, logic, or ethics.***

Sometimes it is easier to define fairness by thinking about its opposite: unfairness or injustice. If we think about times or events in our lives when we felt that we were not treated fairly, this can help us to think about what fairness really means.

Take time now to think about an event or time in your life when you felt that you were treated unfairly. It could involve an experience with a friend, a parent, a teacher, or a club.

- Write the 5 W's of what happened - Who, What, Where, When, and Why
- List the ways that you were treated unfairly.

**Summary: My unfair situation**

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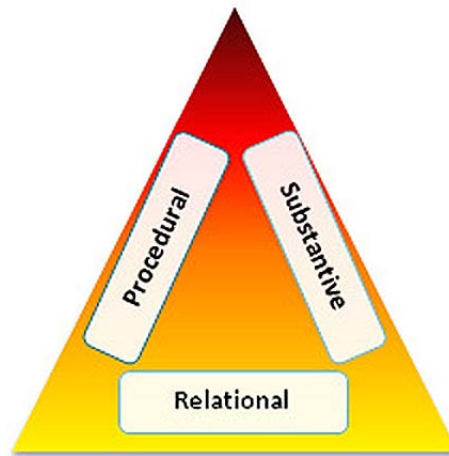
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Joining the Herd II

### **\*Teacher's Notes\***



- Give students at least 10 minutes to complete their unfair situation summary and list.
- When the students identify what was unfair about their situation, keep in mind the three sides of the fairness triangle.
- Following the discussion and sharing session, ask them to draw the fairness triangle on the back of their paper. Link what they have said about their unfair situations to the three elements of fairness in order to help them understand what each side of the triangle means. Explain that a collapse in any of the three sides of the fairness triangle results in people feeling that they have not been treated fairly.
- Discussing the fairness triangle will also help students to create the collective definition of fairness as a class.

**Substantive Fairness: (Outcome)** This relates to the fairness of a decision itself. For example, the decision must be reasonable and well understood by those affected by it. The decision cannot discriminate on the grounds of race, religion, disability, sexual orientation, etc. The decision should also not create an unnecessary burden or obstacles for the person affected by it.

**Procedural Fairness: (Process)** This element of fairness has to do with how decisions are made. It includes the steps followed before, during, and after a decision is made, how quickly a decision is made, and how consistently rules and policies are applied. Being given the opportunity to present your side of the story is part of procedural fairness.

**Relational Fairness: (Treatment)** This includes how people are treated during the decision making process. Examples of relational fairness include listening actively, respecting the individual's confidentiality, and demonstrating empathy, courtesy, and truthfulness.

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## Case Study: The Missing Chair



An individual contacted the Manitoba Ombudsman for assistance with a concern about the Manitoba Housing Authority (MHA). He explained that he was living in an MHA apartment and that his new leather chair had gone missing. He had given MHA staff permission to enter his apartment to remove his old chair in order to make room for his new one, but when he returned home a short time later, his new chair was missing too.

He contacted the MHA property manager and explained that two chairs had been removed while he was not at home, the old one as arranged, and the brand new leather chair that was a gift from his daughter. The property manager would not accept fault for the removal of his new chair.

### Questions for Understanding

- 1) If you were the Manitoba Ombudsman, what would you do to try and solve this problem?

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- 2) What would you recommend that the Manitoba Housing Authority do? Why?

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### **\*Teacher's Notes\***

After discussing the students' answers to questions 1 and 2, inform them of how the Manitoba Ombudsman informally resolved this situation.

#### **The Manitoba Ombudsman's Response:**

After hearing the individual's side of the story, the Manitoba Ombudsman contacted the MHA for more information. When the MHA looked into the matter, they determined that the authorization to remove the chair was mistakenly given to two staff persons, both of whom entered the individual's apartment and removed a chair. MHA agreed to meet with the individual, and asked that the individual provide a receipt for the new chair. His daughter was able to provide a receipt, and the individual was reimbursed the purchase price of the new chair.

**\*Discuss similarities and differences between the student's and the Ombudsman's response in this case.\***



## Case Study: The Missing Cat



The Manitoba Ombudsman was contacted by a youth who was quite upset. She explained that she was living on her own in an apartment but was under the supervision of Child and Family Services. Part of this supervision included a government social worker visiting her from time to time to make sure that she was okay. This worker had visited her apartment while she was not home, and taken her cat away.

The youth explained that no one had told her that her cat was going to be taken away, and that she could not find out anything about where the cat had been sent. She was scared that it may have been given to the Humane Society and that it might be put down.

### Questions for Understanding

1) In your own words, explain why you think that it was unfair to take the girl's cat away. Be specific.

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2) What do you think would be a fair solution to this problem?

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### **\*Teacher's Notes\***

After discussing the students' answers to questions 1 and 2, inform them of how the Manitoba Ombudsman informally resolved this situation.

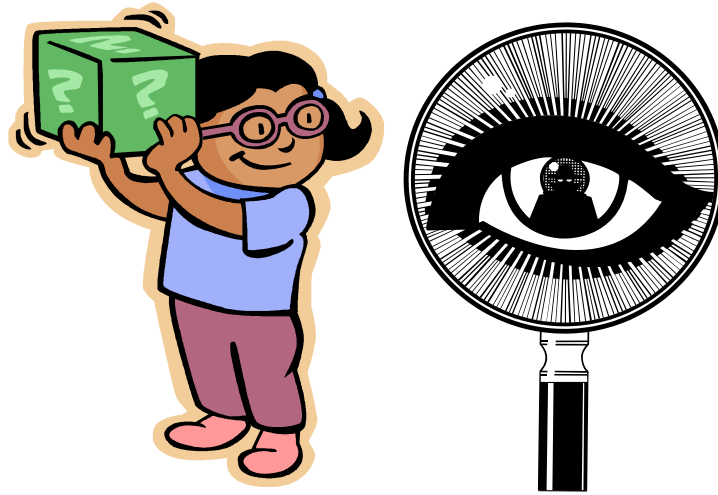
#### **The Manitoba Ombudsman's Response:**

The Manitoba Ombudsman contacted the government department to discuss the situation. The social worker's supervisor agreed that the situation should have been handled differently. He said that he would speak to his staff to get some more information, and that he would also try to find the cat.

The cat was found, and with the help of her family, her social worker, and a veterinarian, the youth was able to make a plan agreed upon by the government department so that she could keep her cat. The review by the Manitoba Ombudsman was helpful because it led to more open discussions between the youth, her social worker, and staff from the government department.

**\*Discuss similarities and differences between the student's and Ombudsman's response in this case.\***

## Thinking about Privacy: Guess Who?



Explain to students that they are going to play a game where they try to guess the secret identity of classmates. Give each student a piece of lined paper and tell them to write the following information on it about themselves. Then ask them to fold it in half so that the information is hidden:

1. ***Nickname***
2. ***Favourite colour***
3. ***Favourite TV show***
4. ***Favourite food***
5. ***Hair colour***
6. ***Their pet(s)***
7. ***Boy/girl***
8. ***How many brothers/sisters they have***
9. ***Age***
10. ***Birthday***
11. ***First letter of last name***
12. ***First name***
13. ***Full name***

Collect the lists and then distribute them randomly among students. Have a student volunteer read out his/her list, one detail at a time, starting from the top. At this point, classmates can try to guess who the person is. If a student guesses wrong, they are out of that round, and cannot guess again until the next round.

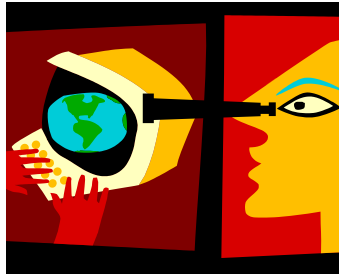
### **\*Teacher's Notes\***

This activity is designed to get students to recognize what kind of information constitutes personal information. Another goal of this activity is to have students understand that a person can be identified by exposing very little information about themselves, and that they have to be careful about what kind of information they provide through online activities.

After the game is complete, discuss why it was easier to guess the secret person as more information was given, and as the information became more specific. Make sure that they understand that each piece of information on the list provided a clue.

Reinforce how important it is when using the internet to share only personal information that cannot identify them or put them at risk. Ask them to identify the items on the list that they think are the riskiest to share, and those items that are very general in nature and okay to share.

## Privacy Quiz



- 1) Some of your friends are having a competition to see who can accumulate the most friends on their social networking profiles. You have started getting friend requests from people that you do not really know that well. You:
  - a) *Accept them because you want to get as many friends as possible*
  - b) *Find out more about the person and make sure that they are the one actually making the friend request.*
  - c) *Deny the request because you only give your closest friends access to your profile*
  
- 2) When you send an e-mail, it is private, and only you and the person receiving it can read it.
  - a) *True*
  - b) *False*
  
- 3) When you are surfing the internet, websites can collect the following information about you:
  - a) *Your personal preferences, for example, whether you visit French or English websites*
  - b) *The software that you are using*
  - c) *Your approximate location*
  - d) *All of the above*
  
- 4) It is very easy to share stories and pictures with your friends on social networking sites. When you are posting items, you should:
  - a) *Post anything and everything that is funny. Your friends will love it!*
  - b) *Not post anything. It is a creepy world out there.*
  - c) *Think before you post. Would you be comfortable if your parents, teachers, university admissions officer, or boss saw your profile?*

- 5) How many Canadians have their identities stolen each year?
- a) 6,000
  - b) 12,000
  - c) 18,000
- 6) If your profile on a social networking site is set so that only your friends can see it, your profile is completely private.
- a) True
  - b) False
- 7) In Manitoba, you have the right to complain to the Ombudsman's Office if:
- a) *You think your personal information was improperly collected, used, or disclosed by a public body such as a hospital, a university, or the City of Winnipeg, etc.*
  - b) *You request information from a public body but you have difficulty getting it.*
  - c) *All of the above*

## **\*Teacher's Notes\***

The privacy quiz is an opening activity designed to get students thinking about their own privacy rights and how important it is to protect their personal information. Be sure to tell students that the quiz is not for points and that they are doing it to assess their own knowledge about privacy. At the end of the quiz, ask students if they learned anything new about privacy and if so, what? Use this as a platform for discussion and as an opportunity to answer any questions they may have.

### **Answer Key to Privacy Quiz**

- 1) **B-** Finding out more about the person making a friend request ensures that only people you really trust will have access to your profile. This is important for safety and privacy reasons.
- 2) **B-** False. There is a digital imprint of the e-mail left behind which can be accessed and read by other people.
- 3) **D**
- 4) **C-** Remember that it is much easier to post items on the Internet than it is to remove them. Because social networking sites involve many users, your personal information could end up in the hands of people you do not know very well.
- 5) **B-** 12,000. Having your identity stolen can adversely affect your credit rating which can affect your ability to secure a loan or buy a home in the future.
- 6) **B-** False. Other users can see it as well.
- 7) **C-** All of the above.

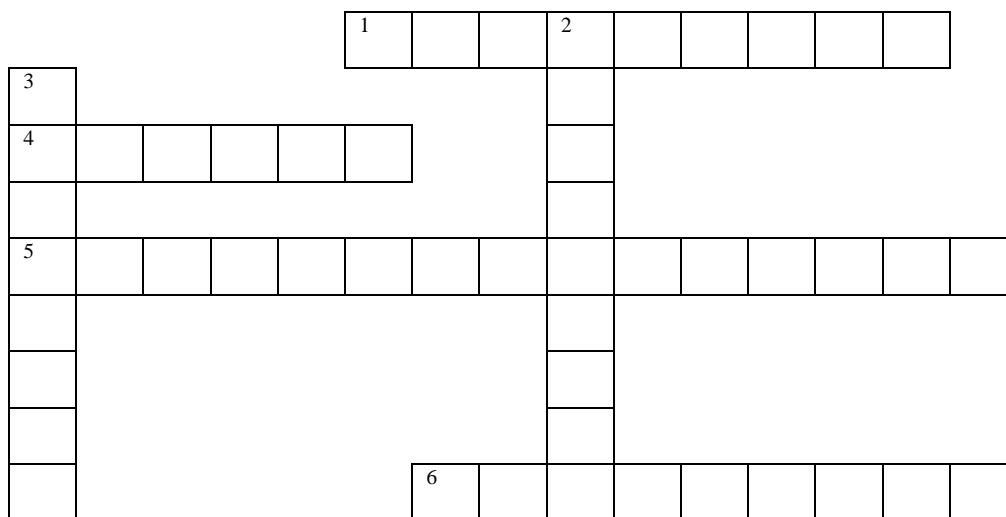
Privacy Quiz adapted from:

Office of the Privacy Commissioner of Canada. "My Privacy. My Choice. My Life. My Privacy Everyday" 2008. Web. July 8 2010 <<http://www.youthprivacy.ca/en/myprivacyquiz.html>>

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## The Manitoba Ombudsman: Crossword Puzzle



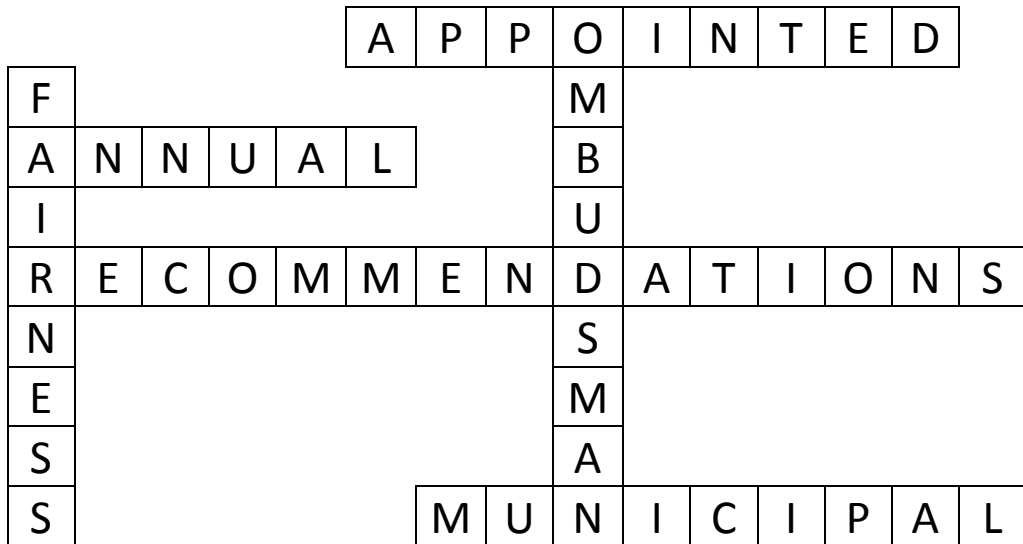
### ACROSS

- 1 The Manitoba Ombudsman is not elected, he/she is \_\_\_\_\_.
- 4 The Ombudsman writes and publishes this report once a year.
- 5 After completing an investigation, the Ombudsman has the power to make \_\_\_\_\_ for change in order to improve the way that government works.
- 6 The Manitoba Ombudsman investigates complaints from citizens about provincial and \_\_\_\_\_ governments.

### DOWN

- 2 This term originated in Sweden and means representative of the people.
- 3 The Manitoba Ombudsman is impartial and does not take the government's side or the people's side. The Ombudsman works for \_\_\_\_\_.

## The Manitoba Ombudsman: Crossword Puzzle



# Joining The Herd II

A Collection of Learning Activities Designed to  
Support the Manitoba Social Studies Curriculum  
for Grades 6, 9, and 12



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## Grade 9 Social Studies

### *Grade 9 Social Studies Skills Outcomes that Correspond to the Manitoba Ombudsman Learning Activities in Joining the Herd*

#### **Critical and Creative Thinking Skills**

- **S-301** Analyze the context of events, accounts, ideas, and interpretations.
- **S-302** Draw conclusions and make decisions based on research and various types of evidence.
- **S-305** Compare diverse perspectives and interpretations in the media and other information sources.
- **S-307** Propose and defend innovative options or solutions to address issues and problems.

#### **Communication Skills**

- **S-400** Listen to others to understand their perspectives.
- **S-401** Use language that is respectful of human diversity.
- **S-402** Express informed and reasoned opinions.
- **S-404** Elicit, clarify, and respond to questions, ideas, and diverse points of view in discussions.
- **S-405** Articulate their perspectives on issues.
- **S-406** Debate differing points of view regarding an issue.

## ***Grade 9 Social Studies Knowledge and Values Outcomes that Correspond to the Learning Activities in Joining the Herd II***

### **Cluster 1: Diversity and Pluralism in Canada**

#### **Learning Experience 9.1.3: Living Together in Canada**

- **KP-043** Give examples of diverse approaches to conflict resolution.
- **VP-014** Value non-violent resolutions to conflict.

### **Cluster 2: Democracy and Governance in Canada**

#### **Learning Experience 9.2.1: Law, Order, and Good Government**

- **KC-005** Give examples of ways in which government affects their daily lives.
- **KP-044** Describe the division of power and responsibilities of federal, First Nations, provincial, and municipal governments.

#### **Learning Experience 9.2.2: Representing Canadians**

- **KP-046** Give examples of ways in which people can individually and collectively influence Canada's political and social systems.
- **VC-002** Value their democratic responsibilities and rights.

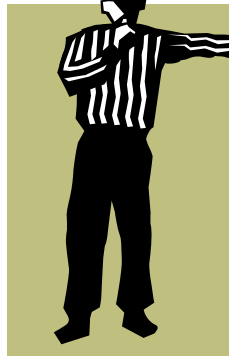
#### **Learning Experience 9.2.5: Democratic Ideals in Canada**

- **VC-001** Appreciate democratic ideals in Canadian society.

#### **Learning Experience 9.2.4: Citizen Participation**

- **KC-013** Describe their responsibilities and rights as citizens of Canada and the world.
- **VP-015** Be willing to exercise their responsibilities and rights as citizens living in a democracy.

## The History of The Ombudsman



<u>Word Bank</u>		
Ho'oponopono	Censorate	Mohtasib
Ancient Rome	Sweden	Accountability
1970	1809	

### Origins of Ombudsmanship

The term **ombudsman** (*om-buds-man*) originated in \_\_\_\_\_ over 200 years ago, but the concept is much older than that. The principle of having an impartial individual to investigate complaints and protect the rights of citizens dates back 2500 years to \_\_\_\_\_.

Areas throughout the world have a history of ombudsmen, even though they go by different names. Muslim areas of the world refer to the ancient \_\_\_\_\_; a term derived from Hisba meaning \_\_\_\_\_. Mohtasib oversaw officials by touring through towns, cities, and marketplaces each day. When disputes did arise, they helped to resolve them.

Ancient China had the \_\_\_\_\_, a group that acted as a government watch dog to ensure that the rights of people were being respected. In modern day Hawaii, the practice of \_\_\_\_\_ includes respected community elders resolving disputes to ensure unity.

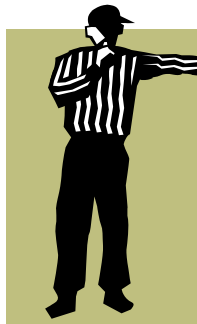
### North American Beginnings

The word ombudsman comes from the ancient Swedish term "**umbuds man**" which means representative of the people.

The first ombudsman was created by the Swedish Legislature in \_\_\_\_\_, but the idea did not catch on in North America for another 150 years. Today, there are ombudsman offices in nine provinces and one territory. Manitoba's Ombudsman Office was established in \_\_\_\_\_, making it the 4<sup>th</sup> province in Canada to establish an ombudsman.

## The History Of The Ombudsman

### \*Answer Key\*



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## The Ombudsman at Arm's Length



*"Nearly all men can stand adversity, but if you want to test a man's character, give him power."*  
-Abraham Lincoln (1809 - 1865)

Although we live in a democracy and enjoy many rights and freedoms, it is sometimes concerning to think that when we vote, we **relinquish** much of the control over our country to our elected representatives. One concern that citizens often have revolves around who oversees the people that possess power in our society.

The good news is that many governments and agencies in Canada have an ombudsman that oversees their work. From universities to the Canada Revenue Agency and other government bodies, people are given the opportunity to exercise their right to complain to an ombudsman if they feel that they have been treated unfairly.

In Manitoba, the Ombudsman is appointed by the Lieutenant Governor on the recommendation of an **all-party committee** of the **Legislature**. But wait a minute... does something seem strange? How can a person **appointed** by the government be tasked with investigating government actions and possible wrongdoings? How can the government hire its own **watchdog**, and expect the public to trust this person to be **non-partisan** and act independently?

The answer to this question has many parts. First of all, the Ombudsman is neutral. The Ombudsman is not associated with any political party, and his/her job is to **advocate** for fairness. He/she does not take the government's side when there is a complaint, nor does he/she take the public's side. The Ombudsman promotes the principles of fairness, openness, and **accountability** in government. The Ombudsman is an independent officer of the Legislative Assembly, and is accountable to the Legislative Assembly. This arm's length distance is what ensures his/her independence and impartiality.

The Ombudsman's investigative powers include the authority to require people to provide information or documents upon request, to require people to give evidence under oath and to enter into any premises, with notice, for the purpose of conducting an investigation. So in addition to being neutral and impartial, broad and substantial powers of investigation ensure that Ombudsman investigations will be thorough.

## Questions for Understanding

1) Why do you think it is so important for democratic countries to have an ombudsman?

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2) Name and explain some of the things that could happen if an ombudsman were to act in a way that was not neutral and impartial.

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3) What do you think arm's length means? Why do you think it is important that the ombudsman operate at arm's length from the government?

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*"The problem of power is how to achieve its responsible use rather than its irresponsible and indulgent use - of how to get men of power to live for the public rather than off the public".*

Robert F. Kennedy

### **\*Teacher's Notes\***

Read through the first page with students one paragraph at a time. Ask students if they know the meaning of the bolded terms. If they give you accurate definitions, write them down together. Give them time with a dictionary to define the remaining terms in their own words. Go over them together. Re-read the first page together to ensure understanding and then get the students to individually answer questions 1-3. Discuss responses together as a class.

\* The bolded words are defined below.\*

**Relinquish:** To let go, release, give up, or surrender.

**All-Party Committee:** A committee of government made up of representatives from each political party.

**Legislature:** A group of people given the responsibility and power to make laws for a province, country, or state.

**Appointed:** Selected for a job or position.

**Watchdog:** A guardian or defender against improper or illegal action.

**Non-Partisan:** Not connected to, influenced by, or supporting any one political party. Neutral, independent, and unbiased.

**Advocate:** To speak, plead, or argue in favor of.

**Accountability:** An obligation or willingness to accept responsibility or to account for one's actions.

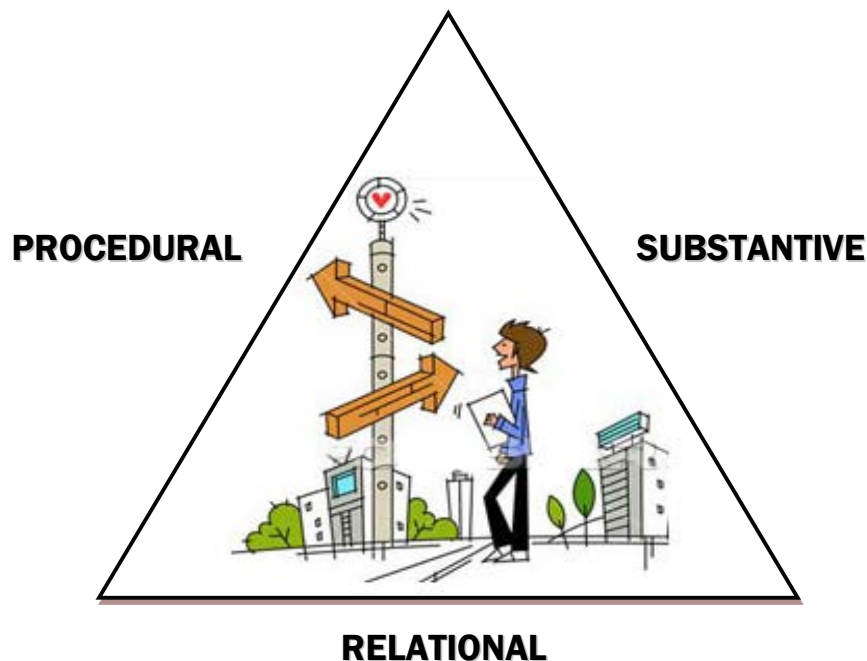
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## Fairness

The dictionary defines fairness as:

***Free of favouritism or bias, impartial, just to all parties, equitable, consistent with rules, logic, or ethics.***

If we look at the fairness triangle, each side represents one aspect of fairness. When an individual feels that they were not treated fairly, it is the result of a collapse of one or more sides of the fairness triangle. When any side of the fairness triangle is ignored or overlooked, it jeopardizes a fair outcome.



*"Though force can protect in emergency, only justice, fairness, consideration, and cooperation can finally lead men to the dawn of eternal peace."*

Dwight Eisenhower

### **Substantive Fairness:**

**(Outcome)** This relates to the fairness of a decision itself. For example, the decision must be reasonable and well understood by those affected by it. The decision cannot discriminate on the grounds of race, religion, disability, sexual orientation etc. The decision should also not create an unnecessary burden or obstacles for the person affected by it.

### **Procedural Fairness: (Process)**

This element of fairness has to do with how decisions are made. It includes the steps followed before, during, and after a decision is made, how quickly a decision is made, and how consistently rules and policies are applied. Being given the opportunity to present your side of the story is part of procedural fairness.

### **Relational Fairness:**

**(Treatment)** This includes how people are treated during the decision making process. Examples of relational fairness include listening actively, respecting the individual's confidentiality, and demonstrating empathy, courtesy, and truthfulness.



## An Exercise in Fairness

Sometimes it is easier to define fairness by thinking about its opposite: unfairness or injustice. If we think about times or events in our lives when we felt that we were not treated fairly, this can help us to think about what fairness really means.

Take time now to think about an event or time in your life when you felt that you were treated unfairly. It could involve an experience with a friend, a parent, a teacher, or an organization.

In the next 10 minutes:

- **Write a summary of the situation.**
- **List the reasons that you feel you were treated unfairly.**

Summary of my situation:

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The reasons that I was treated unfairly: (List a minimum of 3 reasons)

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\*Now look back at the fairness triangle. Next to each reason that you listed, write down which part of the fairness triangle it applies to.

Ex. If you were disciplined by your parent and you did not feel like they listened to you when you were telling your side of the story, that reason would fall under **relational fairness**. Why? Because you were not treated with respect.



### **\*Teacher's Notes\***

Read through the first two pages of the activity as a class. Make sure that students fully understand what is meant by procedural, substantive, and relational fairness, because their ability to complete the exercise depends upon their understanding of these terms.

Have them complete “An Exercise in Fairness” on their own and then ask for volunteers who are comfortable sharing their situation with the class. Discuss. At the end of the activity, explain that citizens need to feel that they are being treated fairly by government, and when they are not, they have the right to make a complaint to the Manitoba Ombudsman.

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## Case Study: Workers Compensation Board Benefits



The Workers Compensation Board (WCB) has existed in Manitoba since 1916, and its mandate is to prevent and reduce workplace injuries and disease. It takes money that it collects from employers to create a financial insurance plan for employees who are injured or killed at work.

A man contacted the Manitoba Ombudsman's office when his WCB benefits were unexpectedly cut off. He explained that his previous employer had provided WCB with videotaped evidence of him performing physical labour that he claimed he could not perform due to chronic back pain.

He felt that WCB had unfairly terminated his benefits because he should have been given an opportunity to respond to the allegations presented in the videotapes submitted by his employer. He also felt that it was unfair that WCB had accepted the evidence from a third party at face value.

The WCB stated that because the videotaped evidence clearly indicated that the employee had lied about his medical condition and the ability to perform his work duties, they were not required to notify him in advance of the termination of his benefits. They also stated that they were not required to provide him with an opportunity to respond to the allegations that could result in a suspension of his WCB benefits.



**Instructions:** The case study that you just read presents two different points of view on an issue. In the space below, write a summary for each of the points of view. Then use this summary to determine what you think should have been done to rectify the situation. Be specific about the course of action that you believe should have been taken to resolve this issue. After you have completed this exercise, you can compare your answers to the recommendations of the Manitoba Ombudsman.

**Your proposed solution to the problem:**

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### **\*Teacher's Notes\***

Read the case study together to ensure understanding, and then give students approximately 20 minutes to complete the points of view chart and solutions. Make sure to provide enough detail about the Workers Compensation Board to ensure that students understand its mandate and role. When students are done, solicit their feedback and discuss. Following this discussion, read them the Manitoba Ombudsman's response and recommendation.

#### **The Manitoba Ombudsman's Recommendation:**

When the Manitoba Ombudsman contacted WCB about this case, they stated that they were following an internal policy which stipulated that advance notice of termination of benefits would not be provided if important information had been misrepresented by the worker.

The Ombudsman held that although they were following an existing policy, when something as important as a termination of benefits is at stake, WCB should give the worker an opportunity to review and dispute the information provided by a third party prior to making a final decision.

WCB responded by stating that the worker's complaint had been considered by the Board of Directors of WCB and that they would be changing their internal policy for the future by:

- ***Notifying the worker immediately of the existence of evidence against him/her regarding misrepresentation of his/her medical condition or level of disability.***
- ***Providing the worker up to five business days from the date of notification to respond to the allegations.***

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## What Is In a Complaint?

### Democratic participation

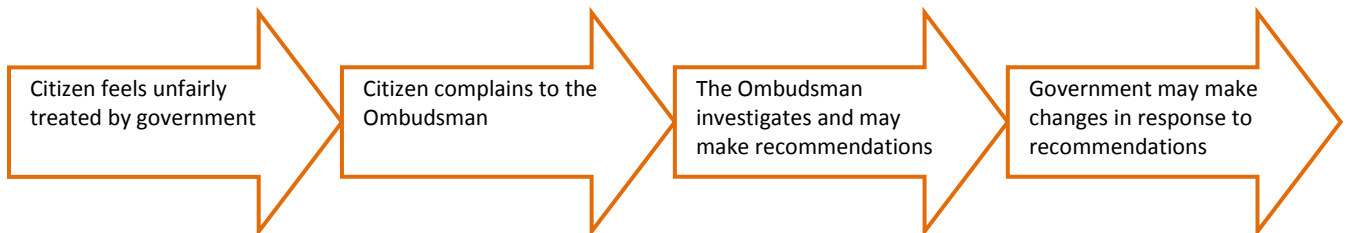
We often tell people to be proud of the fact that they live in a democratic country where citizens enjoy many rights and freedoms. We also tell them that there are many ways to participate in the democratic process such as voting, running for political office, or joining a political party.

### Complaining is participating!

Many people do not realize that participation in democracy is sometimes far more subtle, but just as powerful in bringing about change. For example, did you know that by expressing your concerns when you feel unfairly treated by a government department or agency, you are participating? Yes, that's right, complaining is a form of democratic participation.

### By vocalizing your concerns, you help to improve government

To put it in perspective, in undemocratic countries, people do not have the right to complain when they feel that they have been treated unfairly, and no one is designated to receive and investigate complaints. When citizens are not given the right to complain about injustice, government is not made aware of its own flaws, and so it never works to improve itself. This is why it is so important to have an Office of the Ombudsman where people can voice their concerns.



Although no one wants to be seen as a whiner or a chronic complainer, when it is done right, complaining can result in positive changes to government and in benefits for society as a whole.



*"To improve is to change; to be perfect is to change often."* Winston Churchill

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## Case Study: Unlicensed Drainage and Manitoba Water Stewardship

### Background Information

Draining water off land is very common in the agriculture sector in Manitoba. Farming is a big part of our economy, and farmers look for ways to increase the number of fields they can seed, and to seed them faster to get better crop yields. If a farmer wants to drain water off a field on his or her property, that water has to go somewhere and may end up on someone else's property. In Manitoba, if you want to drain water off your land you must apply to Manitoba Water Stewardship to get a drainage licence. The licensing process helps to make sure that one person's water drainage will not cause damage to another person's property.

Manitoba Water Stewardship receives and processes applications for drainage licences and also does inspections to make sure that people are draining water properly and only doing it when they have a licence. At the end of 2005, there was a backlog of approximately 700 outstanding licence applications and 1200 inspections that needed to be completed.

This backlog caused an increase in complaints. Many people in the province were upset because their land was being damaged due to illegal drainage. Because of the high number of complaints, the Manitoba Ombudsman's Office decided to do a **systemic investigation** into what was happening within Manitoba Water Stewardship. A systemic investigation is a broad investigation by the Ombudsman that looks at system-wide issues and not just one complaint.

### Here is what the Manitoba Ombudsman's Office found:

- Manitoba Water Stewardship did not have enough employees to do the work that they were supposed to be doing including issuing licences and performing inspections.
- Farmers were not being educated about the environmental effects of water drainage and how to drain water in a more environmentally-friendly way.
- People draining water from their land illegally were not being stopped, and there were no consequences for their actions.
- Some landowners were given permission by the department to drain their land without a licence and some were not. People were not being treated the same.
- Landowners downstream were not being asked about how water drainage would affect them.

## The Environmental Impact

Water drained off land in Manitoba ends up in our largest body of water, Lake Winnipeg (the 10th largest freshwater lake in the world!).

Water drained from agricultural land contains deposits of fertilizer, pesticides, and livestock manure that end up in Lake Winnipeg. All of these substances upset the balance of nitrogen and phosphorous in the water, and result in the uncontrollable growth of blue-green algae. Blue-green algae clogs fishing nets, washes up on beaches, is toxic for animals if they ingest it, threatens fish populations, and is dangerous for humans to swim in. It can also suffocate other aquatic life because it consumes oxygen and prevents sunlight from entering the water. Algae blooms produce toxins that can be harmful to the liver or nervous system if large amounts of water are swallowed.



**After the systemic investigation, the department implemented the following recommendations made by the Ombudsman:**

- *That the Department of Water Stewardship and conservation districts work together and share information about water drainage and its effects*
- *That the department develop a new enforcement policy and a plan to take action when illegal drainage occurs*
- *That punishments be established for people who are draining water illegally, including stop-work orders.*
- *That the department hire new staff to be able to deal with the backlog of inspections and licence applications.*
- *That the department complete and publish an environmentally-friendly drainage manual that will educate the public.*

## Questions for Understanding

1) Why was it important to complain about the water drainage issue?

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2) What were some of the positive changes that were made in government because people chose to complain?

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3) What could have happened if no one complained about the water drainage issue?

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4) Who benefitted because some people chose to complain? How?

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### **\*Teacher's Notes\***

Read through “What is in a Complaint?” as a class and discuss. To put things in perspective for students, contrast Canada’s democratic complaint mechanisms with those in countries run by dictators. Read through the case study together to ensure understanding. Ask students to complete the questions for understanding with a partner and then discuss as a class. See possible answers below:

- 1) If no one had complained, the issue would have become worse and the problem would not have been addressed. If property owners are suffering property damage and their livelihood is being affected, they need to take the initiative to resolve the situation by making a formal complaint.
- 2) Manitoba Water Stewardship hired new staff to take care of the backlog of drainage applications, the government published a drainage manual to educate the public about the environmental impact of draining land, the government created specific punishments and fines for people who drain their land illegally, and government departments started working together to share important information and solve the water drainage problem.
- 3) The environmental effects could have become worse, more animals and humans could have had serious health issues because of exposure to the blue-green algae, and more money would have been paid to farmers claiming damages to their land.
- 4) Lake Winnipeg and its marine life benefitted, our environment benefitted, the people using the lake benefitted, farmers and property owners benefitted, employees in Manitoba Water Stewardship benefitted because of a reduced workload and proper staffing levels, and society as a whole benefitted.

## Privacy Timeline

7:30	<b>Check your e-mail</b> - Even after you delete an e-mail, it leaves a digital “print” – even after you empty your trash the hard drive “prints” are still accessible and could be tracked down.
8:15	<b>Download a song to your iPod</b> - Online technologies take note of information like your e-mail address and what kind of songs you like.
8:42	<b>Late for doctor’s appointment</b> - Call medical centre to let them know — cellular phone calls can be easily intercepted; new telephones signal your whereabouts to satellites to deliver calls.
9:20	<b>Doctor’s appointment</b> - Blood samples contain DNA which could be tested for a wide variety of conditions. A doctor's diagnosis may need to be disclosed to an insurance company if you buy life or disability insurance.
9:29	<b>Send personal e-mail to older sister at work</b> - This can be read by sister’s employer; simple deletion does not erase it from the computer's hard drive.
10:30	<b>Drive car to school</b> - Your geo-positioning device plots your route to school and records your vehicle location at all times; photo radar cameras along the way record your speed and will have a speeding ticket sent to your home address if you drive above the legal speed limit.
11:00	<b>Enter school</b> - Cameras may record your entry into the building.
12:05	<b>Use bank machine at school</b> - System records details of transactions, cameras overhead or in machine record your behaviour.
12:20	<b>Return a book you bought yesterday.</b> For the return you are required to fill out a form that asks for your phone number and the number on your driver’s licence.
12:30	<b>Buy birthday gift for friend</b> - Credit card records details of purchase, retailer's loyalty card profiles purchase for points and directed discounts; banks may use spending patterns to help assemble a complete customer profile.
12:35	<b>Fill a prescription</b> - Manitoba has secure information about your prescription history available to pharmacies in the province.
1:00	<b>Return to school</b> - Cameras may record your return.
2:15	<b>Log onto Internet from a computer at school</b> - Your choice of chat groups and your messages can be monitored and a profile assembled by anyone, including police; some websites monitor your visits.
6:15	<b>Buy a fast-food meal</b> - Debit card purchase recorded, loyalty card tracks selections for marketing and targeted discounts.
6:30	<b>Pick up video</b> - Computer records viewing preferences; store may also sell your viewing preferences to other companies.
7:05	<b>Listen to phone messages</b> - Your phone has recorded callers’ phone numbers and displays your number when you call others, unless you enter a code to block the display.
7:45	<b>Complete first draft of an essay for school</b> - Computer records content and can also store keyboard speed, error rate, and length of pauses and absences.

## Questions for Understanding

As the timeline that you just read suggests, from morning until night, we leave behind an electronic footprint of which we are often not aware. Companies, organizations, and private individuals collect, analyze, merge, share, and sometimes even sell our personal information. Often this happens without our knowledge or our consent. Living in a digital world means that it is becoming more and more difficult to protect our personal information.

- 1) How important is privacy to you? What specific aspects of privacy loss worry you? If you are not concerned about privacy, explain why.

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- 2) Explain why e-mail messages continue to exist even after you have pressed the delete button.

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- 3) How do you feel about having your personal preferences and purchasing information sold to other companies? Explain why.

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### **\*Teacher's Notes\***

Read through the timeline as a class. Ask students if they were aware of the facts relating to personal information and privacy before reading the timeline. Discuss.

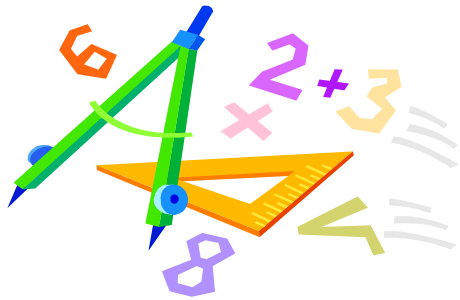
Have students complete the questions for understanding individually and then go over their answers as a group. Ask students if they know of any strategies to protect their personal information, and then read and discuss the tips below. Have students write down their top three tips; the ones that they consider most effective at protecting their personal information.

- Don't accept friend requests from people you don't know in real life.
- Read and understand privacy policies and use the privacy controls that are available.
- Be discreet about what you post online – remember, what you post stays online forever, so if you don't want future job and university interviewers to see it, don't post it!
- Don't do or say anything online that you wouldn't do or say offline.
- Check what your friends are posting and saying about you – even if you are careful, they may not be, and this could put you at risk.
- Do not open attachments from unknown senders.
- Use anti-spam, firewall, anti-virus and other privacy software, and keep it up to date.
- On social networking sites, provide enough information for your friends to identify you – but not so much that someone could use the information to steal your identity.
- Don't use the same password for social networking sites that you do for online accounts that have banking and credit card information.
- Use a disposable e-mail address instead of your usual one when giving contact information to unknown parties on the internet.
- Do not respond to spam in any way. Delete these messages without opening them.
- Regularly change your password for accessing your e-mail accounts.
- Do not provide your Social Insurance Number to anyone unless they can tell you under what specific federal law and for what specific purpose (ex. income reporting under law) it is required.
- Choose difficult passwords.

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## Case Study: A Day at the Beach



Jeremy was supposed to write his math exam on Tuesday, but it was such a beautiful day, he decided to feign illness in order to go to the beach with his friends instead. Some of Jeremy's friends took photos of their excursion, and someone posted them on Facebook.

When Jeremy returned to school on Wednesday, he brought the sick note that his mother had written for him, and made arrangements with his math teacher to re-write his exam the following day. When he got home from school that afternoon, Jeremy was confronted by his mother who was very angry and disappointed. She was aware that Jeremy had lied in order to skip his math exam because his older brother Josh had told her so.

Josh had been tagged on Facebook by a friend who had posted the photos of Jeremy at the beach on his Facebook wall. Josh did not hesitate to show these photos to his mother, who promptly called the school to tell Jeremy's math teacher that he would not be re-writing his exam. She also grounded Josh for 6 weeks.

## Questions for Understanding

1) Do you think what happened to Jeremy was an invasion of his privacy? Why?

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2) Could Jeremy have prevented the photos of his day at the beach from being circulated on Facebook? If yes, how?

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3) What does this case study say about social networking sites such as Facebook and privacy?

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### **\*Teacher's Notes\***

Read the case study together as a class. Have students complete the questions for understanding on their own. Discuss their answers together. Try to focus student discussion on the following:

- 1) The sanctity of personal information and ways to protect one's privacy
- 2) The way that participation in social networking puts control over personal information into other people's hands
- 3) Sharing personal information on the internet can make you vulnerable. There have been cases of "cyber-bullying".
- 4) Personal information posted on the internet such as photos is permanent, and often difficult to remove.

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## The Freedom of Information and Protection of Privacy Act (FIPPA)

Manitoba has had freedom of information legislation since 1988. Ten years later, in 1998, *The Freedom of Information and Protection of Privacy Act* (FIPPA) was passed in Manitoba. FIPPA allows people to request documentation and other recorded information from public bodies such as provincial government departments, school divisions, universities, hospitals, the City of Winnipeg, and other municipalities.

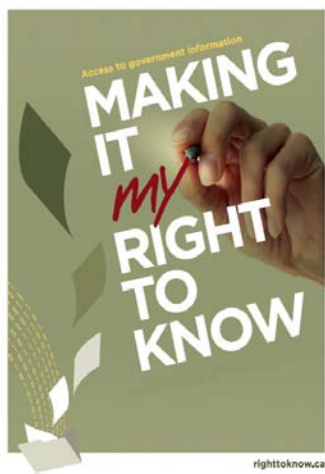
FIPPA gives you the right to complain to the Manitoba Ombudsman about not getting access to the information you requested, or any concern you may have about the handling of your FIPPA request for information. For example, you can complain that:

- You did not receive a response to your FIPPA request for information within 30 days (*the time limit for a response set in FIPPA*),
- You think the proposed fee for the information is too high (*FIPPA requires the public body to produce a fee estimate for search, preparation, and copying*), or
- You did not get access to all or some of the information you wanted.

In addition to establishing the right of access to government-held information, FIPPA also requires public sector bodies to protect the privacy of personal information about you that it holds. You can complain to the Ombudsman if you are concerned about a breach of your privacy where you think the public sector body:

- Should not have gathered your information,
- Used your information for some purpose different from how you expected it to be used, or
- Shared your information with some other person or organization inappropriately.

### More Information



Over 80 countries (as at 2009) have freedom of information legislation.

In Canada, all provinces and territories have freedom of information legislation and a commissioner or ombudsperson who is responsible for ensuring that individuals' access to information and privacy rights are respected.

Internationally, "Right to Know Day" is celebrated on September 28. Right to Know Day celebrates, once a year, the right of individual access to information held by public bodies and marks the benefits of transparent, accessible government.

## Questions for Understanding

- 1) Why do you think it is important to exercise the right to obtain government information?  
Think of at least three reasons.

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- 2) Why do you think it is important that government balance the need to provide access to information while protecting your personal privacy?

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### **\*Teacher's Notes\***

Read the information about FIPPA as a class and explain to students that because of this piece of legislation, people can request access to any documents and other recorded information held by government. FIPPA defines a "record" as a record of information in any form, including information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means including by graphic, electronic or mechanical means.

Why exercise the right to obtain government information?

- To find out more information about government priorities;
- To gain a better understanding of issues that are of particular concern to you;
- To actively participate in the democratic process; and
- To help make government accountable to its citizens.

*"The overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry."*

Justice Gérard La Forest, Supreme Court of Canada in *Dagg v. Canada* (Minister of Finance), [1997] 2 S.C.R. 403

*"Parliament and the public cannot hope to call the Government to account without an adequate knowledge of what is going on; nor can they hope to participate in the decision-making process and contribute their talents to the formation of policy and legislation if that process is hidden from view."*

Donald C. Rowat

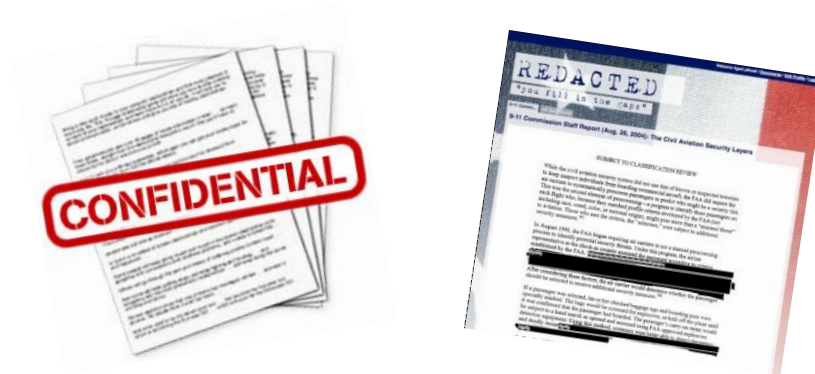
Explain further that FIPPA does not guarantee that every request for access to information will be granted - there are many exceptions specified in the Act. For example, FIPPA balances an individual's right of access to information with an individual's right to have their privacy protected. An individual can request access to government records containing their own personal information, but cannot receive records containing someone else's (a third party's) personal information, except in certain limited situations (for example, if the third party consented to the disclosure).

Have students complete the questions for understanding on their own, then discuss as a class. Read the FIPPA case study that follows this exercise.

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## Case Study: FIPPA in Practice



Katie was really happy with the job interview she had with a government department for a summer job that would give her some experience in her chosen field of study at university. When she found out that she didn't get the job, she was upset and disappointed. Her mom suggested that she follow up with the department to find out more about how she did in the job competition. Maybe she could learn something that would help with future job applications.

As allowed under *The Freedom of Information and Protection of Privacy Act*, Katie made an application for records about the job competition. The department refused access based on their belief that in giving Katie the requested records, they would be disclosing information about other job applicants, and that disclosing such information would be an unreasonable invasion of their privacy.

Katie made a complaint to the Ombudsman because she didn't want information about others; she wanted information about how she did in the job competition. As part of the review, the Ombudsman investigator looked at the records that were denied to Katie. Although the records contained personal information about Katie, they also contained information about other individuals. In discussions between the Ombudsman and the department, it was decided that some of the records could be released if they were severed or redacted (some of the information would be "blacked-out").

In the end, the department released severed versions of the Interview Guide that contained an interviewer's handwritten comments on Katie's answers to the interview questions, a chart of Katie's scores for each question, and a few other documents relevant to the request.

## Questions for Understanding

1) Some people say "knowledge is power". How does that concept apply in Katie's situation?

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2) Can you think of other situations where you might benefit from asking for government information? Think of at least three situations.

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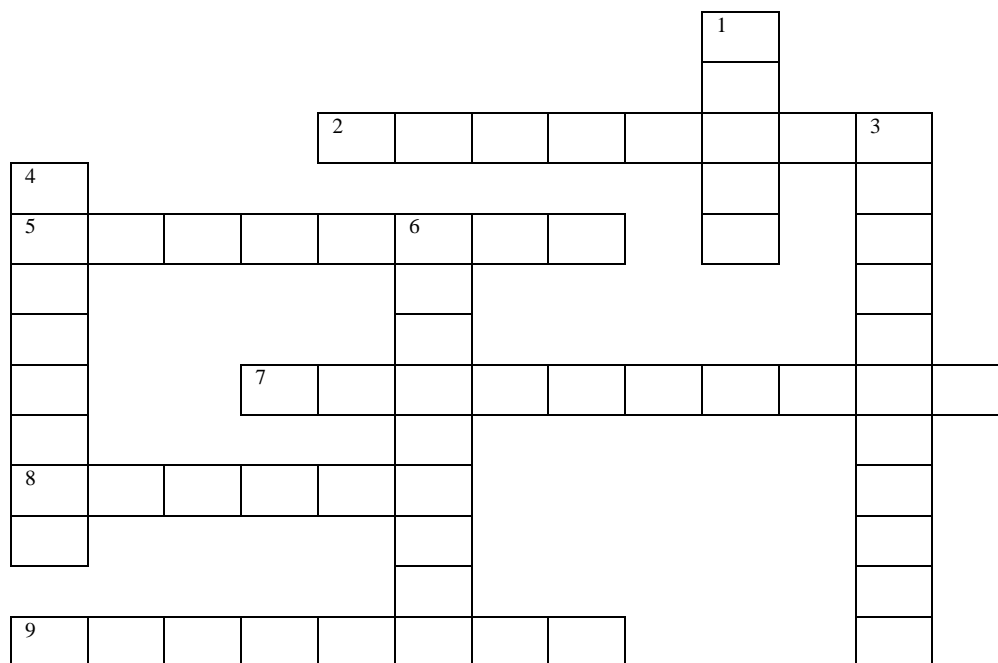
### **\*Teacher's Notes\***

Review the purpose of *The Freedom of Information and Protection of Privacy Act* and remind students that anyone can request access to documents and other recorded information held by public bodies. Read through the "FIPPA in Practice" case study together. Explain what is meant by severing or redacting a document, because some students may not understand this term. Have students complete the questions for understanding as a class, and then discuss as a class.

- 1) By receiving the requested information, Katie would find out about how the interviewers on the selection committee responded to her answers, and she would see the scores assigned to her answers. This kind of information would help Katie assess her own strengths and weaknesses, and help her to better prepare for the next job interview. Because Katie knew about FIPPA, she was able to eventually get the information she wanted, even though the department first denied her request. The department also learned more about FIPPA in the process - they were right not to release records with other people's personal information. They learned that they could release the information subject to severing.
- 2) There are numerous responses to this question. Discuss some of the proposed answers.

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## The Manitoba Ombudsman: Crossword Puzzle



### ACROSS

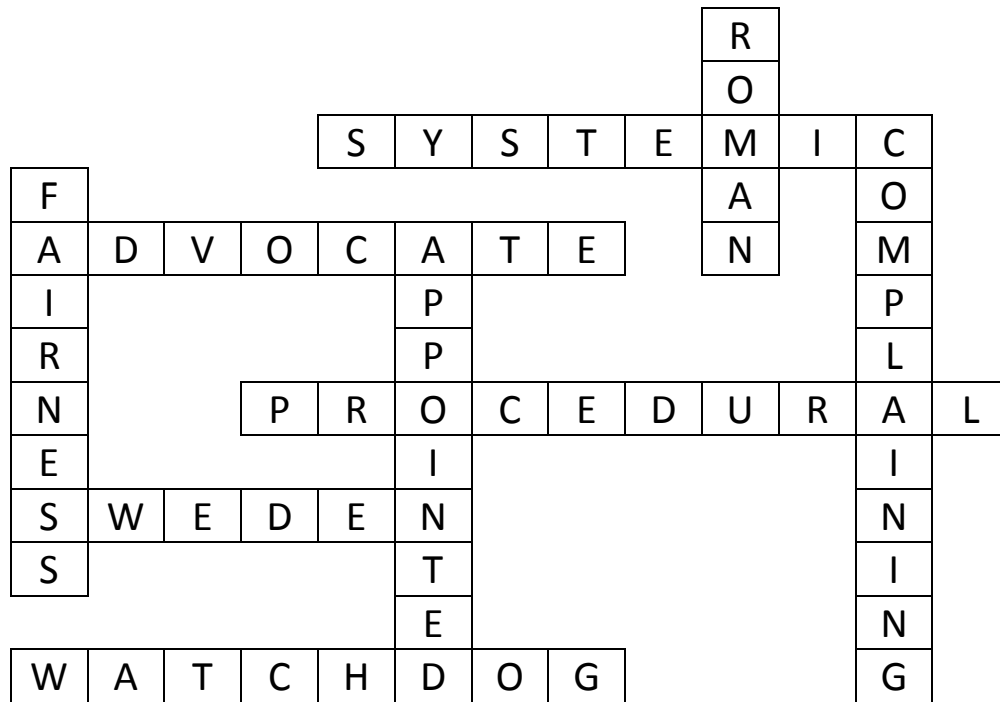
- 2 A Manitoba Ombudsman investigation that examines a system-wide issue or problem is referred to as a \_\_\_\_\_ investigation.
- 5 This term means to speak, plead, and argue in favour of.
- 7 The three sides of the fairness triangle include substantive, relational and \_\_\_\_\_ fairness.
- 8 The term ombudsman originated in this country.
- 9 This term is sometimes used to describe the Manitoba Ombudsman's role.

### DOWN

- 1 The concept of having an impartial individual to investigate complaints and protect the rights of citizens dates back 2500 years to this empire.
- 3 This is just one form of democratic participation.
- 4 The Manitoba Ombudsman is impartial and advocates for \_\_\_\_\_.
- 6 The Manitoba Ombudsman is \_\_\_\_\_ by the Lieutenant Governor on the recommendation of an all-party committee of the Manitoba Legislature.

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## Joining the Herd II



# Joining The Herd II

A Collection of Learning Activities Designed to  
Support the Manitoba Social Studies Curriculum  
for Grades 6, 9, and 12



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## **Grade 12 Law**

The Grade 12 Law learning activities contained in this section correspond directly to the Module 1: Fundamentals of Law outcomes listed below:

### **Module 1: Fundamentals of Law**

#### **Section 3: Evolution and Sources of Law**

- Historical Influences

#### **Section 4: Legal Institutions**

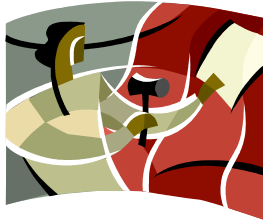
- Levels of Government and Jurisdictions

#### **Section 5: Sources of Rights and Freedoms**

- The *Charter of Rights and Freedoms*
- Fundamental Freedoms
- Legal Rights
- Human Rights Legislation

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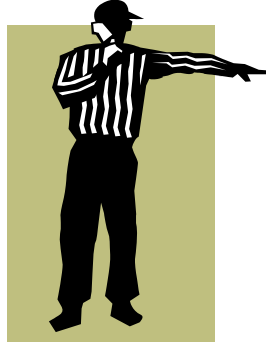
## Top 10 things you should know about the Manitoba Ombudsman



- 1) One of the primary goals of the office is to enhance fairness, openness, and accountability in government administration.
- 2) In Manitoba, the Ombudsman acts as an information and privacy commissioner. The office has jurisdiction over complaints that fall under *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.
- 3) The Manitoba Ombudsman is impartial and independent of government, and so is his/her team of investigators.
- 4) Complaints are dealt with in a strictly confidential manner.
- 5) The Ombudsman does not take sides. Complaints to the office are investigated thoroughly, impartially and independently.
- 6) The office can investigate provincial government departments and agencies, municipal governments, crown corporations, boards, commissions, and agencies directly or indirectly responsible to the government.
- 7) Your complaint under *The Ombudsman Act* must relate to a matter of administration. This means that you feel unfairly treated due to an administrative act, decision, or omission. Examples of administrative concerns include having to wait an unreasonable amount of time for a response, an arbitrary decision made against you, a misuse of discretion, or a government agency or department not following their own policies and procedures.
- 8) After an investigation has concluded, the Ombudsman may make recommendations to government and report publicly.
- 9) The office is located at 750-500 Portage Avenue in Winnipeg, 202-1011 Rosser Avenue in Brandon, and on the web at [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca).
- 10) Ombudsman services are free.

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## The History Of The Ombudsman



### Word Bank

Ho'oponopono  
Ancient Rome  
1970

Censorate  
Sweden  
1809

Mohtasib  
Accountability

### Origins of Ombudsmanship

The term ***ombudsman*** (*om-buds-man*) originated in \_\_\_\_\_ over 200 years ago, but the concept is much older than that. The principle of having an impartial individual to investigate complaints and protect the rights of citizens dates back 2500 years to \_\_\_\_\_.

Areas throughout the world have a history of ombudsmen, even though they go by different names. Muslim areas of the world refer to the ancient \_\_\_\_\_; a term derived from Hisba meaning \_\_\_\_\_. Mohtasib oversaw officials by touring through towns, cities, and marketplaces each day. When disputes did arise, they helped to resolve them.

Ancient China had the \_\_\_\_\_, a group that acted as a government watch dog to ensure that the rights of people were being respected. In modern day Hawaii, the practice of \_\_\_\_\_ includes respected community elders resolving disputes to ensure unity.

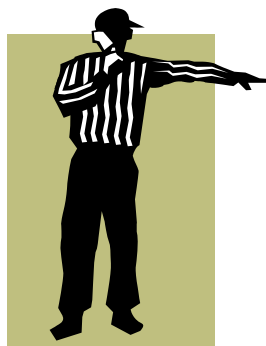
### North American Beginnings

The word ombudsman comes from the ancient Swedish term "umbuds man" which means representative of the people.

The first ombudsman was created by the Swedish Legislature in \_\_\_\_\_, but the idea did not catch on in North America for another 150 years. Today, there are Ombudsman Offices in nine provinces and one territory. Manitoba's Ombudsman Office was established in \_\_\_\_\_, making it the 4<sup>th</sup> province in Canada to establish an ombudsman.

## The History Of The Ombudsman

### \*Answer Key\*



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Ancient Rome  
1970

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Mohtasib  
Accountability

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## The Toothless Tiger?



**The Toothless Tiger  
Rears its Head  
as if to Roar  
but Yawns Instead.**

Sometimes laws are referred to as Toothless Tigers. Such laws are sometimes, but not always, legitimately seen as ferocious pieces of legislation that are actually powerless. They give the impression of fear but in reality they have no teeth. In other words, the laws are not used to their full extent or applied in a way that results in meaningful changes to society, or punishments for offenders. Under *The Ombudsman Act* of Manitoba, the Ombudsman does not have the power to make orders; he/she has the power to make recommendations:

*In making a report under subsection (1), the Ombudsman may **recommend***

- a) that a matter should be referred to the appropriate authority for further consideration; or*
- b) that an omission should be rectified; or*
- c) that a decision should be cancelled or varied; or*
- d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or*
- e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or*
- f) that reasons should be given for any decision, recommendation, act or omission; or*
- g) that any other steps should be taken.*

Some critics of Manitoba's *Ombudsman Act* say that it is toothless. Others say that the fact that the Ombudsman does not have the power to make orders is a good thing. For example, it creates a need for cooperation between the government and the Ombudsman's Office. Also, if people are fearful of consequences, they are less likely to admit their mistakes and even less likely to change their behaviour. Without order power, the government and the Ombudsman are forced to work together in a spirit of cooperation and problem solving, and government can look for ways to improve without fear of punishment.

If government departments or agencies refuse to follow his/her recommendations, the Manitoba Ombudsman may write about this refusal in the office's annual report or in a special report, leaving the matter in the "court of public opinion".

### **The Media as Ally**

The media examines the contents of the Ombudsman's reports and then reports on investigations that it believes to be of interest to the general public. This is where the term "court of public opinion" comes into play. When a large percentage of the public is outraged about something, they often make their opinions known to government, which in turn acts swiftly to remedy the problem.



## **Case Study: Manitoba Public Insurance**

### **MPI refuses to refund drivers who overpaid**

**Winnipeg Free Press 25/07/2008**

Roughly 2,000 drivers have been overpaying their Autopac premiums for years, but MPI is flouting a recommendation by Manitoba's ombudsman and is refusing to issue refunds.

The refunds would be worth about \$20 to \$40 to each driver, but each one would cost several times that to process, MPI said.

That's one reason why the Crown insurer won't delve into the history of the 2,000 policies and mail the motorists a cheque for their overpayments. That's despite the fact that MPI has known about the overpayments since 2004 and long ago alerted the affected drivers that their cars were improperly classified.

"We feel quite strongly that this is the correct approach," Gail Granger, director of corporate communications, said.

However, Manitoba Ombudsman Irene Hamilton called the practice unfair and inappropriate in her annual report.

The issue stems from a complaint lodged with Hamilton's office in 2005, by a driver who found out he'd been paying too much to insure his Toyota truck when he renewed his Autopac.

The error was caught thanks to a new computer system that matches the registration class with the manufacturer's vehicle identification number or VIN.

MPI refused to give him a refund for the 14 years he'd overpaid, saying the mistake was his fault. MPI argued that recalculating and refunding premiums to the estimated 2,000 customers who've overpaid would take dozens of staff many months. It's up to the customer to notice the vehicle description is inaccurate on their insurance forms, MPI added.

Hamilton said it's unfair to expect drivers to know their cars are wrongly classified, especially in the case of the complainant, whose truck was listed as a 1991 Toyota long bed two-wheel drive rather than a 1991 Toyota pickup two-wheel drive.

"Given the number of vehicles that are affected and the fact that, in the complainant's case, the distinction was pretty fine, I think it's a matter of inadvertence," Hamilton said. "It's not like anyone is setting out to provide MPI with wrong information."

And, Hamilton noted that if an overpayment victim's car gets totaled, they would get only the value of their existing vehicle, not the value of the more expensive vehicle they'd accidentally been insuring for years.

Hamilton made a formal recommendation to MPI to change its policy.

MPI refused -- a surprising move because the ombudsman's edicts are routinely followed.

The last time a government ignored the ombudsman was in 2006 when Mayor Sam Katz refused to release a poll on the OlyWest hog plant even though Hamilton said he was bound by access laws to make it public. After months of public scorn, Katz relented.

It's not clear exactly how much extra cash MPI has reaped over the years by accidentally overcharging customers -- an estimate puts it between \$40,000 and \$80,000. And just as many car owners were being undercharged.

Granger said MPI will refund premiums if an error is the company's fault. But it would set a dangerous precedent to offer refunds for mistakes made by drivers. "The good news is that technology is in place so we can automatically spot more errors in vehicle information," she said.

### **MPI to reimburse for overpayments Winnipeg Free Press 29/07/2008**

Manitoba Public Insurance has backed down on last week's decision not to reimburse roughly 2,000 customers who overpaid on their Autopac premiums.

The Crown corporation says it's now on board with a recommendation from the provincial ombudsman to provide refunds. "We had the opportunity to get some clarification from the ombudsman," said MPI spokeswoman Gail Granger Monday. "We have a pretty good working relationship with the ombudsman's office, so we had the opportunity to discuss this some more and come to an agreement on what would be reasonable.

"The ombudsman made a recommendation, and we're complying."

The overpayment issue stemmed from a complaint issued in 2005 to Manitoba ombudsman Irene Hamilton by a driver who realized he'd been overpaying for years to insure his Toyota truck. A new computer system that matches vehicle identification numbers with registration class turned up the error.

MPI said the mistake was the driver's fault, and refused to refund him.

Last week, the Crown insurer spurned a recommendation from Hamilton to reimburse those drivers who'd overpaid. MPI said it had informed affected drivers their cars were wrongly classified long ago, and said although each refund would be worth \$20 to \$40, it would cost several times that to process the refunds.

Hamilton said there was further discussion between her office and MPI on Friday, after news the insurer did not want to issue refunds hit the media.

"I certainly think that it's a fair result," Hamilton said of MPI's newly announced plans.

Granger said the refunds will only apply to 2004, the year in which the mistake was realized. "Refunding the overpayment for the year in which the error was discovered will be far more manageable," said Granger.

Granger said the total payout for MPI will be in the neighbourhood of \$50,000, but noted it's too early to say when Manitobans might see their cheques in the mail.

### **\*Teacher's Notes\***

This activity is meant to spark classroom discussion and debate. Draw attention to the fact that Manitoba Ombudsman reports can be a powerful tool. Although the Manitoba Ombudsman cannot force a government department or agency to implement his or her recommendations, he/she can use the annual report or other special reports as a way to inform the public about what has occurred.

In the MPI example that students will read about, the story hit Winnipeg newspapers and local media stations on the 25<sup>th</sup> of July. Four days later, MPI was announcing that it would reimburse drivers that had overpaid premiums. This is a case of swift justice!

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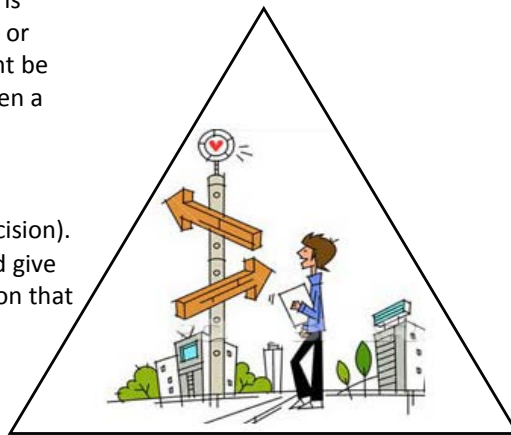
# Fairness

The dictionary defines fairness as: ***Free of favouritism or bias, impartial, just to all parties, equitable, consistent with rules, logic, or ethics.***

If we look at the fairness triangle, each side represents one aspect of fairness. When an individual feels that they were not treated fairly, it is the result of a collapse of one or more sides of the fairness triangle. When any side of the fairness triangle is ignored or overlooked, it jeopardizes a fair outcome.

**Procedural fairness** focuses on the steps you need to take before and after you make a decision. At minimum, procedural fairness requires that:

- The person who will be affected by a decision is given advance notice that a decision will be made.
- The person affected by a decision is given the information that will be considered when a decision is made.
- The person affected by a decision is given a meaningful opportunity to state or present his or her case.
- The person affected by a decision is given an opportunity to challenge or dispute any information that might be contrary to his or her position when a decision is being made.
- The decision maker be impartial, (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 are understandable to the person affected.



**Substantive fairness** relates to the fairness of the decision itself:

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

**Relational fairness** relates to how people affected by the decision feel about the process and the outcome. Sometimes called the "soft" side of fairness, it means:

- taking the time to listen;
- being approachable;
- respecting confidentiality;
- being honest and forthright;
- not misleading people about what you can or cannot do; and
- apologizing if you make a mistake.

## An Exercise in Fairness

Sometimes it is easier to define fairness by thinking about its opposite: unfairness or injustice. If we think about times or events in our lives when we felt that we were not treated fairly, this can help us to think about what fairness really means.

Take time now to think about an event or time in your life when you felt that you were treated unfairly. It could involve an experience with a friend, a parent, a teacher, or an organization.

In the next 10 minutes:

- **Write a summary of the situation.**
- **List the reasons that you feel you were treated unfairly.**

Summary of my situation:

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The reasons that I was treated unfairly: (List a minimum of 3 reasons)

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\*Now look back at the fairness triangle. Next to each reason that you listed, write down which part of the fairness triangle it applies to.

### **\*Teacher's Notes\***

Read through the fairness triangle information as a class. Make sure that students fully understand what is meant by procedural, substantive, and relational fairness, because their ability to complete the exercise depends upon their understanding of these terms.

Have them complete “An Exercise in Fairness” on their own and then ask for volunteers that are comfortable sharing their situation with the class. Discuss. At the end of the activity, explain that citizens need to feel that they are being treated fairly by government, and when they are not, they have the right to make a complaint to the Manitoba Ombudsman.

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## Fairness in Practice: Graduated Licence Case Study



Keith was driving home from work one night and was stopped by police because of a burned out tail light. When the police officer noticed that he was 17 years old and at the intermediate stage of the Graduated Driver Licensing Program, she issued Keith a roadside breathalyzer. He was found to have a blood alcohol level of .04.

According to the Graduated Driver Licensing Program, new drivers must maintain a .00 blood alcohol level at all times. Keith received an immediate 24-hour roadside suspension and was required to attend a hearing with Driver Improvement and Control. At his hearing, Keith received a three month driving suspension.

Keith appealed the three month driving suspension to the License Suspension Appeal Board (LSAB) stating that the suspension would cause him exceptional hardship. The following is a summary of the points that Keith made at the LSAB hearing:

- *He believed that his tail light was not defective and therefore the police officer did not have reasonable and probable grounds to stop his vehicle.*
- *He stated that he believed that the police officer stopped him in order to meet her "quota for the month."*
- *His employer could not always provide him with transportation home when he worked the late shift, and public transport was not available to him.*
- *A three month driving suspension would present undue hardship because his father would have to drive him to and from work, or he would be forced to quit his job.*

The LSAB upheld the original decision and told Keith that it would be "contrary to the public interest to retract his three month driving suspension". Keith contacted the Ombudsman's Office to make a complaint. He stated that the police officer should not have stopped him and that the driving suspension stemmed from him being pulled over. He alleged that the appeal board did not provide written reasons as to their decision, and did not explain what they meant by public interest. Keith also stated that he did not agree with their decision, or the process that they used to come to their decision.

**\*Note\*** Once a complaint has been raised to investigation at the Ombudsman's office, there are at least three possible outcomes. Upon a thorough and impartial investigation, the Ombudsman can choose to support the complainant and make a recommendation on his/her behalf. The Ombudsman can choose to partially support the complainant which means that one or more aspects of the complaint have merit but others do not. Or the Ombudsman can choose to not support the complainant at all.

## Questions for Understanding

- 1) Name and explain how any of the three components of the fairness triangle could apply to Keith's complaint. (\*Hint - You do not have to agree with Keith's complaint to recognize that he feels that he has been treated unfairly due to an alleged collapse in one or more of the components of fairness)

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- 2) If you were the Manitoba Ombudsman, would you support Keith's complaint?

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- 3) What reasons would you give to Keith to explain your decision? (Be specific)

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## **\*Teacher's Notes\***

**\*This activity should follow the fairness activity as it builds upon knowledge gained in that learning activity.**

Read the case summary together as a class to ensure understanding, and then have students complete the questions individually. Discuss answers as a group and then tell the class about the results of the Manitoba Ombudsman investigation. Talk about how their answers to the questions were similar or different from the Ombudsman's findings.

The Manitoba Ombudsman investigates complaints about administrative fairness. The investigator from the Ombudsman's Office looked at whether or not Keith was given written reasons for the appeal board's decision and also asked that the appeal board define what was meant by "Public Interest". The investigator reviewed the tapes from the hearing to ensure that Keith was given a fair opportunity to ask questions and to present evidence and information that supported his claim that the licence suspension would cause undue hardship. The investigator also examined the final decision that was made by the Licence Suspension Appeal Board to ensure that it was reasonable.

**Question #1: Substantive** - Keith did not feel that the decision itself was fair.

**Procedural** - Keith was upset that he was not given reasons for the appeal board's decision, and he did not agree with the way that they came to their decision.

**Question #2:** The Manitoba Ombudsman did not support this complaint.

**Question #3:** The Ombudsman's reasons for not supporting the complainant were as follows:

- The LSAB gave Keith the opportunity to present evidence and information that supported his claim of undue hardship.
- The LSAB members asked several questions and Keith was given the opportunity to respond to these questions. He was also allowed to ask questions of the board.
- The LSAB's decision was reasonable and made in the public's interest. Ex. to protect Keith's safety and the safety of those in the community.
- The LSAB was concerned that Keith did not take responsibility for his actions and instead blamed others including the police officer who stopped him and issued the breathalyzer.
- Upon request, the LSAB did provide written reasons for their decision and clarified what they meant by "contrary to the public interest".

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## Case Study: Use of Emergency Restraint Chairs in Correctional Centres



A male inmate in a Manitoba correctional centre complained to the Ombudsman that he was held in an emergency restraint chair for nine hours straight. Restraint chairs are used when inmates pose a physical threat to correctional officers or themselves, but the chair manufacturer cautions against restraining an individual for more than two hours at a time.

In addition, there are written rules about how correctional facilities should operate, including how and when restraint chairs are to be used. According to the rules, when an inmate is restrained, correctional officers should check on the inmate to ensure his/her well-being at regular intervals. They are also required to document these checks.

In this case, the correctional facility said that the inmate was restrained for a long period of time because of his offensive and violent behavior. When the matter was investigated, the Ombudsman found that the correctional officer's notes did not contain any details about the inmate's behavior, and did not account for keeping him in the restraint chair for nine hours. The notes also indicated that the inmate had not been checked on regularly to ensure his well-being.

## Questions for Understanding

- 1) Why do you think it is important that correctional institutions have formal rules about the use of restraint chairs?

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- 2) If you were the Manitoba Ombudsman, would you support the complainant or the correctional facility? Why?

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- 3) If you supported the complainant, what recommendations would you make to the correctional facility in this case?

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### **\*Teacher's Notes\***

After discussing the students' answers to questions 1 and 2, inform them that the Manitoba Ombudsman supported the complainant in this case and made the following recommendations:

***1) An inmate should not be confined in the restraint chair for longer than 2 hours.***

***2) If an inmate is going to be confined in the restraint chair for more than 2 hours, there are certain conditions that must be met.***

- ***The inmate must be checked on every 15 minutes while in the restraint chair.***
- ***The inmate's behavior that led to the use of the restraint chair should be specifically documented.***

***3) Correctional officers should receive ongoing training on how to properly use the emergency restraint chair.***

***4) A video camera must be used to record all events related to the use of the emergency restraint chair.***

\*Discuss similarities and differences between the student's and the Manitoba Ombudsman's response and recommendations in this case.\*

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## Procedural Fairness in More Detail



The idea that certain legal principles are so self-evident and obvious that they should not have to be written down dates back to the ancient Romans and their *Ius Naturale* (natural law). These laws form the basis of modern day principles of procedural fairness.

Procedural fairness concerns the procedures used to arrive at a decision. If the procedures are fair, then it is more likely that the decision will be fair. Maintaining procedural fairness is important because it protects individuals' interests and rights, while increasing transparency and instilling public confidence in the administration of justice.

When government entities including tribunals, boards, and commissions make decisions, they must follow the rules of procedural fairness. If they do not, then citizens have a right to apply to the courts to have the matter reviewed by a judge (judicial review).

When the Manitoba Ombudsman receives a legitimate complaint from a citizen who feels that an unfair decision has been made, an investigation takes place. Sometimes the investigation requires the determination of whether or not the principles of procedural fairness were respected, and if not, how that affected the decision.

### **The basic principles of procedural fairness require:**

- 1) Notification in advance regarding a decision about a matter that may affect a person's rights or interests
- 2) A hearing appropriate to the circumstances
- 3) Absence of bias
- 4) Evidence to support a decision

### What is the notification principle?

- If a decision maker will be considering a matter that may affect a person's rights or interests, then the person should be informed of the matter prior to the decision being made.
- A person should receive notice of a hearing, and notice of matters to be dealt with at the hearing.

### What is the hearing principle?

- A person has the right to be heard - he/she must have the opportunity to prepare and present their case or their side of the story, either verbally or in writing.
- A person must be informed in detail about the allegations against them and have the opportunity to respond to these allegations before a decision is made.

### What is the bias principle?

- The decision maker cannot have a personal interest in the outcome of the case, or be biased in any way. He/she must be impartial.
- The decision maker must balance and consider the evidence presented and not favour one party over another.
- Investigators and decision makers should ensure that there is no conflict of interest which would make it inappropriate for them to be investigating or deciding a case.

The Supreme Court of Canada has outlined the definition below to help people understand the bias rule:

***“The apprehension of bias must be a reasonable one...That test is “what would an informed person, viewing the matter realistically and practically -- and having thought the matter through – conclude? Would he think that it is more likely than not that the decision maker, whether consciously or unconsciously, would not decide fairly?”***

### What is the evidence principle?

- A decision must be based upon logical proof or evidence. Decision makers should not base their decisions on speculation or suspicion.
- A decision maker should be able to point to the evidence on which the decision is based and give reasons for their decision.

## Case Study: Baker v. Canada [1999] 2 S.C.R. 817

(Minister of Citizenship and Immigration)

Mavis Baker was a citizen of Jamaica who entered Canada as a visitor in August of 1981. She did not receive permanent resident status, but supported herself illegally as a live-in domestic worker for 11 years. She had four children while living in Canada who were all Canadian citizens. After the birth of her last child in 1992, Ms Baker suffered from post-partum psychosis and was diagnosed with paranoid schizophrenia. She applied for welfare at that time. Due to her medical condition, two of her children were placed in the care of their natural father, and the other two were placed in foster care.

Ms Baker received a deportation order in December 1992, after it was determined that she had worked illegally in Canada and had overstayed her visitor's visa. In 1993, Ms Baker applied to the Department of Citizenship and Immigration for permission to apply for permanent residence while living in Canada, based upon humanitarian and compassionate considerations under a section of the *Immigration Act*. Her lawyer assisted her in filing her application which included letters from her doctor and a social worker with the Children's Aid Society. These documents indicated that although she was still experiencing psychiatric problems, she was making progress. They also stated that she might become ill again if she were forced to return to Jamaica, since treatment might not be available for her there.

In her application, Ms Baker also made it clear that she was the sole caregiver for two of her Canadian-born children, and that her other two children depended on her for emotional support and were in regular contact with her. The documentation suggested that she would suffer emotional hardship if she were separated from them.

The Department of Citizenship and Immigration responded to Ms Baker's request in a letter dated April 18, 1994. The Immigration Officer handling her request stated that there were insufficient humanitarian and compassionate grounds to process Ms Baker's application for permanent residence within Canada. This letter contained no reasons for his decision.

Ms Baker's lawyer requested and was provided with the notes made by the investigating immigration officer who denied her application. The immigration officer's notes read as follows:

***Ms Baker is unemployed - on Welfare. No income shown - no assets. Has four Cdn.-born children- four other children in Jamaica- HAS A TOTAL OF EIGHT CHILDREN.***

***Says only two children are in her "direct custody". (No info on who has the other two). There is nothing for her in Jamaica - hasn't been there in a long time - no longer close to her children there - no jobs there - she has no skills other than as a domestic - children would suffer - can't take them with her and can't leave them with anyone here. Says has suffered***

***from a mental disorder since '81 - is now an outpatient and is improving. If sent back will have a relapse.***

***Letter from Children's Aid - they say Ms Baker has been diagnosed as a paranoid schizophrenic. - children would suffer if returned.***

***Letter of Aug. '93 from psychiatrist from Ont. Govm't. Says Ms Baker had post-partum psychosis and had a brief episode of psychosis in Jam. when was 25 yrs. old. Is now an outpatient and is doing relatively well - deportation would be an extremely stressful experience.***

***Lawyer says is sole caregiver and single parent of two Canadian born children. Ms Baker's mental condition would suffer a setback if she is deported etc.***

***This case is a catastrophe. It is also an indictment of our "system" that the client came as a visitor in Aug. '81, was not ordered deported until Dec. '92 and in APRIL '94 IS STILL HERE!***

***Ms Baker is a paranoid schizophrenic and on welfare. She has no qualifications other than as a domestic. She has FOUR CHILDREN IN JAMAICA AND ANOTHER FOUR BORN HERE. She will, of course, be a tremendous strain on our social welfare systems for (probably) the rest of her life. There are no H&C factors other than her FOUR CANADIAN-BORN CHILDREN. Do we let her stay because of that? I am of the opinion that Canada can no longer afford this type of generosity. However, because of the circumstances involved, there is a potential for adverse publicity. I recommend refusal.***

Following the refusal of her application, Ms Baker was served on May 27, 1994, with a direction to report to Pearson Airport on June 17 for removal from Canada. Her deportation was stayed pending the result of her appeal to the Supreme Court of Canada.

## Questions for Understanding

- 1) Do you feel that Ms Baker was treated fairly in regards to a form of hearing? Why?

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- 2) Ms Baker's lawyer challenged the decision of the Department of Citizenship and Immigration based on the bias rule. Why do you think he did this?

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- 3) Can you find any examples of bias in the immigration officer's notes? Explain.

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- 4) Ms Baker applied to receive permission to remain in Canada and apply for permanent residence on humanitarian and compassionate grounds. Based on the immigration officer's notes, do you believe that he paid sufficient attention to the humanitarian and compassionate factors in this case? Why? Be specific.

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### **\*Teacher's Notes\***

The paragraphs below outline the Supreme Court of Canada's decision in the Baker case and explain the reasons for its decision. This portion should be read to students after they have completed the case study questions and you have discussed them as a group.

#### **The Supreme Court's position on bias contained in the Immigration Officer's notes**

In my opinion, the well-informed member of the community would perceive bias when reading Officer Lorenz's comments. His notes, and the manner in which they are written, do not disclose the existence of an open mind or a weighing of the particular circumstances of the case free from stereotypes. Most unfortunate is the fact that they seem to make a link between Ms Baker's mental illness, her training as a domestic worker, the fact that she has several children, and the conclusion that she would therefore be a strain on our social welfare system for the rest of her life.

In addition, the conclusion drawn was contrary to the psychiatrist's letter, which stated that, with treatment, Ms Baker could remain well and return to being a productive member of society. Whether they were intended in this manner or not, these statements give the impression that Officer Lorenz may have been drawing conclusions based not on the evidence before him, but on the fact that Ms Baker was a single mother with several children, and had been diagnosed with a psychiatric illness. His use of capitals to highlight the number of Ms Baker's children may also suggest to a reader that this was a reason to deny her status. Reading his comments, I do not believe that a reasonable and well-informed member of the community would conclude that he had approached this case with the impartiality appropriate to a decision made by an immigration officer. It would appear to a reasonable observer that his own frustration with the "system" interfered with his duty to consider impartially whether the appellant's admission should be facilitated owing to humanitarian or compassionate considerations. I conclude that the notes of Officer Lorenz demonstrate a reasonable apprehension of bias.

#### **Reasons for the Court's decision: the words of one of the Supreme Court judges that decided the Baker case**

The officer was completely dismissive of the interests of Ms Baker's children. I believe that the failure to give serious weight and consideration to the interests of the children constitutes an unreasonable exercise of the discretion conferred by the section of the Immigration Act.

In my opinion, reasonably close attention should have been paid to the interests and needs of the children in this case. Children's rights, and attention to their interests, are central humanitarian and compassionate values in Canadian society. Indications of children's interests as important considerations governing the manner in which H & C powers should be exercised may be found, for example, in the purposes of the Act, in international instruments, and in the guidelines for making H & C decisions published by the Minister herself.

I would allow the appeal, and set aside the decision of the Officer on April 18, 1994. The matter will be returned to the Minister for redetermination by a different immigration officer.

### **Final note**

The original decision to have Ms Baker deported to Jamaica was overturned and the Department of Citizenship and Immigration was ordered to have a different immigration officer examine the request and issue a new decision.

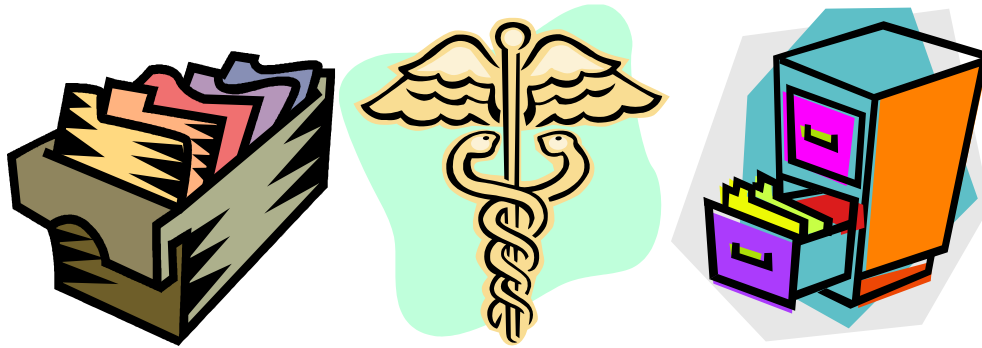
### **So how did this story end?**

Mavis Baker became a permanent resident of Canada on December 21, 2001.

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## Why Should I Care About Electronic Health Records?



Manitoba, like other provinces and territories across Canada, is creating an **Electronic Health Record (EHR) Information System**. This is an information system that allows authorized persons to electronically view and share health information about an individual in a secure environment.

In an EHR, medication, laboratory and diagnostic imaging information will be made available to certain authorized users such as medical specialists, family doctors, nurses and pharmacists for the purpose of providing health care to an individual. Based on their roles in the health care system, some users will be able to see more information than others on the EHR. For example, there could be users who are capable of seeing all EHR information on all individuals.

While each province and territory is responsible for building the EHR in their community, the systems are being built according to a blueprint developed by Canada Health Infoway and the priorities of each province and territory. One day, the different EHR systems across Canada will be able to share information with each other as needed. Canada Health Infoway says:

*An EHR provides each individual in Canada with a secure and private lifetime record of their key health history and care within the health system. The record is available electronically to authorized health care providers and the individual anywhere, anytime in support of high quality care. This record is designed to facilitate the sharing of data - across a continuum of care, across healthcare delivery organizations and across geographical areas.*

This is a huge project. Creating EHRs for all Canadians is estimated to cost about \$10 billion. The projected annual savings for having such a system is up to \$7 billion.

## Questions for Understanding

1. What are the benefits of having an Electronic Health Record?

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2. Can you think of any risks of having an Electronic Health Record?

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## **\*Teacher's Notes\***

### **Some advantages may include:**

- immediate, up-to-date availability of a patient's health record to appropriate health care providers (ex. knowing about a person's allergy in an emergency could save their life)
- reducing the need for the patient to repeat their history to various health care professionals; reducing duplicate tests (saves time, reduces frustration)
- accuracy? (no longer the risk of messy handwriting; but what about the risk of pressing the wrong drop-down box?)
- availability of a record of health information that patients may otherwise forget over time
- there will be a data trail of who used the information and when (privacy breaches can be determined)
- patients can request audit trails to determine who saw their records

### **Some risks may include:**

- who in the system will be available when health care is provided to explain to the patient their rights, the risks and the benefits of the EHR? (this takes time, costs money, is complicated and requires expertise)
- will a patient have the choice of having their information placed on the EHR?
- more information than necessary -- some of it very sensitive -- being available to an authorized user (ex. information on patient's HIV status)
- unauthorized use by an authorized user (ex. the following case study from Alberta; the many examples of health care providers selling information about "celebrity" patients)
- it is now less clear who is responsible for the accuracy and security of the patient's health information than with paper-based systems -- the individual provider? the hospital where that provider works? the EHR? what about when information crosses borders?
- risk of hackers outside of the system (even NASA has been the victim of hackers)

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## Case Study: Privacy Breach Nets a Hefty Fine



***The following case from Alberta demonstrates how important it is to be respectful of other people's confidential health information. It also outlines some of the ramifications of the unauthorized use of an Electronic Health Record.***

A female clerk working at a medical office began an extramarital affair with a married man whose wife was undergoing cancer treatment at the time. Over a 9 month period, the clerk accessed the wife's medical information 17 times on 6 different days. The information that she obtained from the EHR included biopsy and lab test results, as well as CT scans.

In addition to the unauthorized access, the clerk further contravened Alberta's *Health Information Act* (similar to Manitoba's *Personal Health Information Act*) when she used the woman's personal health information for her own purposes. She informed the husband that his wife's state of health was fragile, and suggested that they begin to plan for their future together. At this point, the husband ended the affair and disclosed to his wife what had happened. The wife then reported the personal health information privacy breach to the Alberta Privacy Commissioner.

In April 2007, the clerk pleaded guilty to the offence under Alberta's *Health Information Act* and was fined \$10,000. The judge in the case was perplexed at the clerk's explanation that she was sorry for what she had done, but was not aware that she was doing anything wrong. He further stipulated that he could have fined her \$10,000 for each of the 6 privacy breaches for a total fine of \$60,000!

## Questions for Understanding

- 1) Why do you think that the Alberta Judge in this case chose to impose such a substantial fine? (\$10,000)

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- 2) What is your position on Electronic Health Records? Why?

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### **\*Teacher's Notes\***

Read through the case study as a class and then have students complete the questions for understanding on their own. Have some students share their answers and discuss as a class. For the second question, make sure to remind students to read through the benefits and disadvantages of Electronic Health Records and to use this as the basis of their answer. Ensure that they support their opinion with facts including any other reasons that they can think of that support or invalidate the use of Electronic Health Records.

Let students know that this was the first case in which a fine was laid under the *Health Information Act* in Alberta. The privacy commissioner who received notification of the breach advised crown counsel who proceeded by laying charges.

### **Answer Key**

- 1) The judge set a precedent in this case that judges and prosecutors can follow in future cases of a similar nature. He was sending a strong message to health organizations regarding the confidentiality of personal health information and the seriousness of privacy breaches.
- 2) Student responses will vary. This question was designed to have students think critically about the advantages and disadvantages of electronic health records, and to reflect on how they feel about health information and privacy issues.

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## Case Study: Jared's Dilemma



Sixteen year old Jared is surprised on Monday morning when he is called into the principal's office, and told that he's being suspended because of photos that were posted online.

It all started at a party that weekend. Someone took a picture (with a camera phone) of Jared drinking a can of something – it's impossible to read the label – and posted it on a photo sharing site with the caption "Jared gets his drunk on." Other people in the party photos are clearly drinking beer, so when the principal saw the photos he decided to suspend everyone that he recognized. He also decided to take Jared off the Student Council for setting a bad example.

Jared objects to the principal's actions: there's no proof that he was drinking in the photo, and he did not write the caption. Besides, what he does outside of school hours should not affect his school life. The principal points out that teachers are expected to behave themselves outside of school – the school board recommends that teachers not even have *Facebook* profiles, and some teachers in other cities have lost their jobs because of things they have posted – so it is fair to hold students to the same standard.

When he gets home, Jared looks for the photo online. He finds it, but cannot remove it. It was posted anonymously, and so he cannot even ask the person who posted it to remove it. He also finds out that the photo was tagged with his full name: it is the first thing that comes up when he does a *Google* search of himself. He wonders if it will still be online when he starts applying at universities or looking for a job.

Jared's mother is furious when she hears about the suspension. She's angry at Jared for going to the party, but also angry at the school and at whoever posted the photo. She contacts the company that runs the photo-sharing site and asks them to remove it, but they say they do not have any legal reason to interfere with one of their user's accounts. She makes Jared phone everyone who was at the party to ask if they posted the photo. Finally his friend Mark – who was not suspended because he was not in any of the photos, admits that he did it, and agrees to take down the photos. Jared's mother then does another *Google* search for Jared's name, and the picture is gone. When she does an image search, though, the photo and caption still appear in the search results.

## Questions for Understanding

- 1) Briefly summarize the events in this case study and list the issues it raises around privacy. (You should be able to identify at least three issues.)

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- 2) How serious do you think the issues raised here are? Why? Which is the most serious and why?

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- 3) Does this case study seem relevant to your own life? Why or why not?

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### **\*Teacher's Notes\***

Before starting the lesson, ask students how important their privacy is to them. Ask them to rate its importance on a scale of one to five, with one being a very low priority and five being a very high priority. Ask those who say it is unimportant why they are not concerned. (They may feel that they have nothing to hide, that nobody is interested in violating their privacy, or that privacy is over-rated.) Ask students to give specific examples of real or feared violations of their privacy, which you can write on the board.

Using the examples raised by students, have the class try to define what is meant by “privacy.” Is it an absolute (you either have privacy or you do not), or a relative thing (you can have more or less privacy)? Is privacy more important in some contexts than others (online vs. offline, at home vs. at school)?

Read the case study as a class and then have students answer the questions individually. Ask students if the importance rating that they gave privacy at the beginning of class changed after reading the case study. Discuss answers to the questions for understanding.

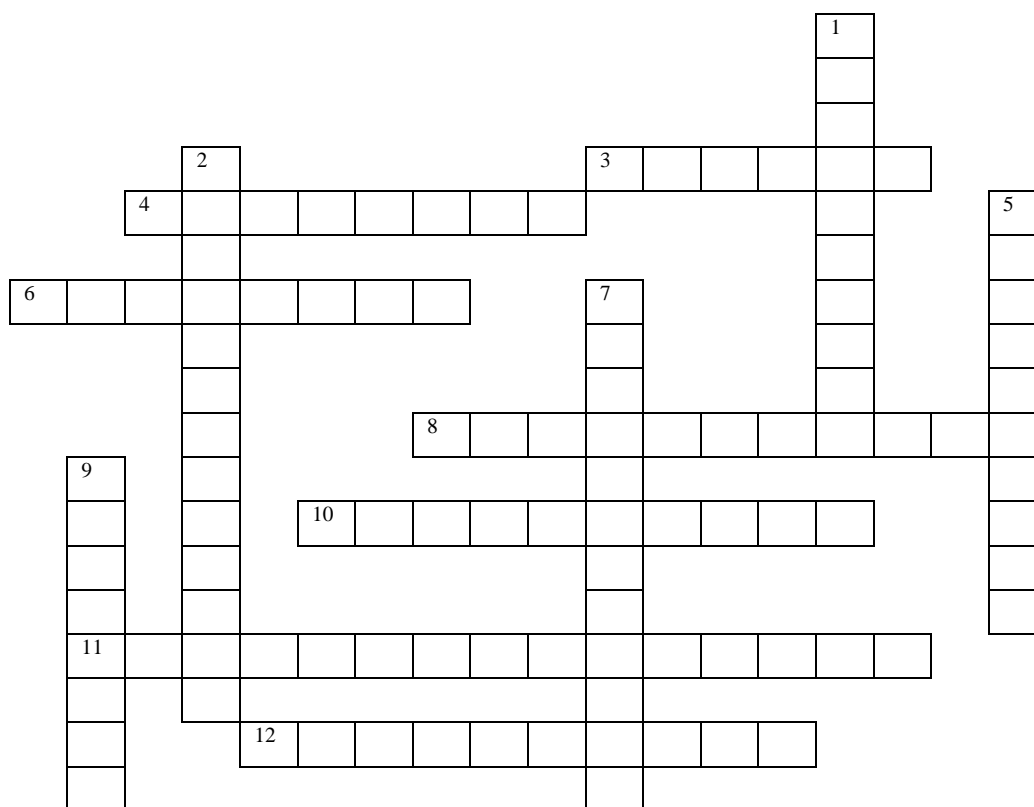
Case Study: Jared's Dilemma adapted from:

Media Awareness Network. “The Privacy Dilemma, Case Study 3”2010. Web. July 6 2010

[http://www.mediaawareness.ca/english/resources/educational/lessons/secondary/privacy/privacy\\_dilemma.cfm](http://www.mediaawareness.ca/english/resources/educational/lessons/secondary/privacy/privacy_dilemma.cfm)

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## Manitoba Ombudsman: Crossword Puzzle



### ACROSS

- 3 The word Ombudsman means "people's representative". It originated in this country.
- 4 Ombudsmen across Canada advocate for \_\_\_\_\_.
- 6 This type of Ombudsman investigation looks at system-wide issues to identify ways that government programs and services can be improved.
- 8 Manitoba's Ombudsman is appointed by the Lieutenant Governor on the recommendation of an all-party committee of the \_\_\_\_\_.
- 10 This aspect of fairness has to do with how decisions are made and includes, for example, the steps taken during the decision-making process.
- 11 Laws that are perceived to be ineffective are sometimes referred to as \_\_\_\_\_.
- 12 The three sides of the fairness triangle are substantive, procedural, and \_\_\_\_\_.

### DOWN

- 1 The Manitoba Ombudsman investigates decisions, actions, or omissions of provincial and municipal \_\_\_\_\_.
- 2 Complaining to the Ombudsman is a form of democratic \_\_\_\_\_.
- 5 In order to ensure impartiality, the Manitoba Ombudsman and his/her staff work at \_\_\_\_\_ from government.
- 7 The Manitoba Ombudsman does not have the \_\_\_\_\_ to investigate complaints about private citizens, businesses, medical decisions, or court decisions.
- 9 This province's first Ombudsman was appointed in 1970.

## Manitoba Ombudsman: Crossword Puzzle

