

About the Yukon Ombudsman

The Yukon Ombudsman is mandated under the *Ombudsman Act* to conduct investigations into complaints received from the public about unfair treatment in the delivery of public services.

The bodies subject to the *Ombudsman Act* are called “Authorities”. There are numerous Authorities subject to the Act, including each department in the Yukon government.

The Yukon Ombudsman is an independent officer of the Yukon Legislative Assembly and is appointed for a five-year term that can be renewed. The Yukon Ombudsman is appointed by the Commissioner of the Yukon on the recommendation of at least two-thirds of the Yukon Legislative Assembly.

The current Ombudsman, Diane McLeod-McKay, was appointed in June of 2013 for a five-year term, which was renewed in November of 2017. Her second term will expire in June of 2023.

The Ombudsman also serves as the Yukon’s Information and Privacy Commissioner and Public Interest Disclosure Commissioner.



Yukon
Ombudsman

The Ombudsman “can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds”.

*Chief Justice Milvain
Alberta Court of Queen’s Bench in
Ombudsman Act (Re), 1970 CanLII 798*

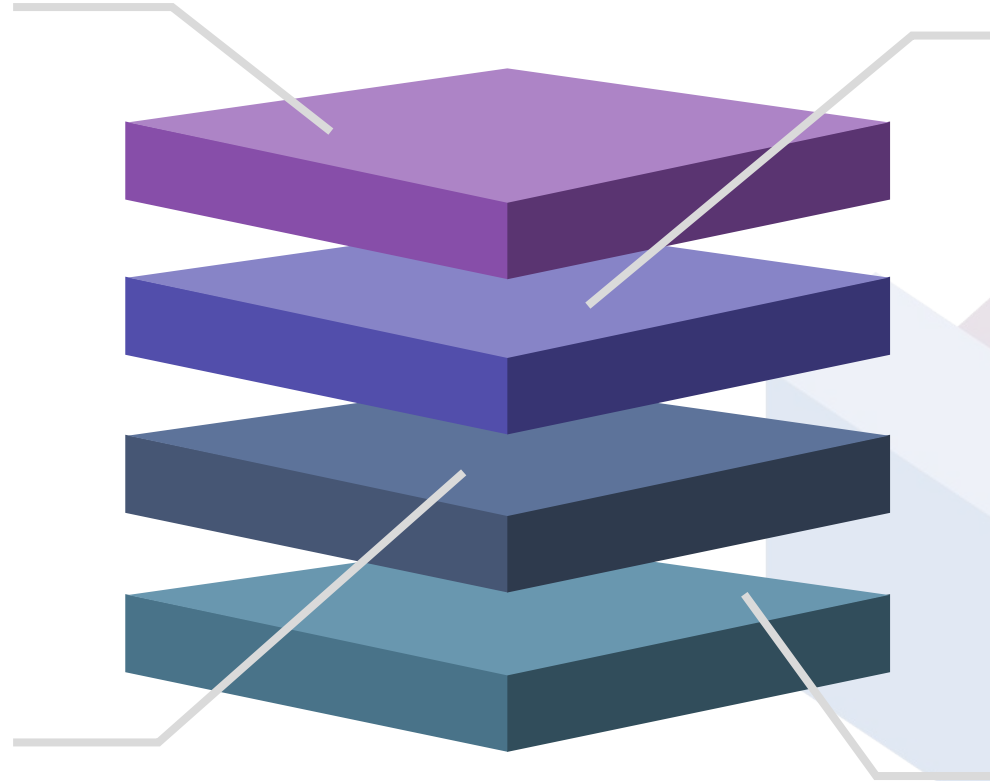
Ombudsman Guiding Principles

INDEPENDENT

The Ombudsman is an independent officer of the Yukon Legislative Assembly. She is accountable to the Yukon Legislative Assembly as a house officer. She does not report to any Minister or the Executive Council of the Government of Yukon.

CONFIDENTIAL

Complaints filed with the Ombudsman are confidential. The details of a complaint will be discussed only with the complainant and the Authority involved. The Ombudsman will not identify the complainant to the Authority unless it is necessary to do so to address the complaint.



IMPARTIAL & OBJECTIVE

The Yukon Ombudsman provides impartial and objective third-party oversight. The Ombudsman investigates complaints from any person(s) who feel they have been treated unfairly in the delivery of services by Authorities. Each department in the Yukon government is an “Authority” and is subject to oversight by the Ombudsman.

FREE

The services of the Ombudsman are available to any person who feels they were treated unfairly by an Authority and are free of charge.

Complaint Process

*All investigations conducted by the Ombudsman are based on a complaint.
The Yukon Ombudsman does not have authority to initiate an investigation on her own motion.*

SUBMIT YOUR COMPLAINT

Reach out to our office to discuss the issue. We can explain the steps necessary to submit a complaint.

01

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INTAKE & REVIEW

Upon receipt of a complaint, we will review the issue to determine our jurisdiction and whether it is appropriate to commence an investigation.

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INVESTIGATION

Complaints will be investigated informally, or in some cases a more formal investigation will be launched.

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OUTCOME

If we determine unfairness has occurred, we will:

- (a) try to help to resolve the matter [if the informal process is used] or
- (b) issue an investigation report with our findings, reasons and recommendations [if the formal process is used].

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PUBLIC REPORT

In some cases, the Ombudsman may decide that it is in the public interest to publish a report on a matter that was formally investigated.

What is fairness?

FAIR PROCESS MEANS:

The ability to participate in the process

- Enough notice is provided for responding
- Information about the process is available
- There is an opportunity to be heard
- There is an appeal process
- Reasons for decisions are provided
- There is good communication between parties
- Decisions are made in a timely manner

There is integrity and impartiality in the process

- Decision making is free from personal interest, preference or prejudice
- Review by an independent decision maker
- Conflict of interest protections
- High ethical and professional standards
- Code of conduct policies

**FAIR
PROCESS ?**

**FAIR
SERVICE ?**

FAIRNESS

FAIR DECISION ?

FAIR DECISION MEANS:

The decision is just and lawful

- Consistent with laws, regulations and policies
- Not arbitrary, but logical and understandable
- Not oppressive or unreasonable
- Not improperly discriminatory
- No unreasonable impediments to access

The decision is equitable

- Decisions based on complete and relevant information
- Consideration of specific circumstances
- Each case decided on its merits
- Appropriate use of discretion

FAIR SERVICE MEANS:

The service is accessible

- Accurate information is publicly available in online and printed formats
- Information provided is easy to understand
- Incorporates accommodation standards
- Accessible by a diverse range of people
- Culturally safe and inclusive

It is people-centered

- Timely, accurate and respectful
- Considerate of people's needs and circumstances
- Appropriate privacy protection

There is accountability and continuous improvement to the service

- Robust with an accessible complaints process that is responsible for handling and responding to complaints
- Continuous quality review
- Continuous service improvement

About Ombudsman Investigations

Under the *Ombudsman Act*, the Yukon Ombudsman has authority to conduct investigations into complaints received from a person or group of persons who feel that they were unfairly treated in the delivery of public services in the Yukon. The bodies that are subject to the Act are called ‘Authorities’.

Ombudsman investigations are conducted in a neutral and impartial manner. This means that the Ombudsman does not work on behalf of any party involved in the complaint. Her role is to get to the truth.

The Ombudsman gets to the truth of what occurred regarding the complaint by:

- identifying the facts associated with the complaint that she determines relevant, after she gathers evidence through records production and witness testimony;
- evaluating the facts against the applicable law or policy framework; and
- making findings about whether a complaint of unfairness is substantiated.

If the Ombudsman finds that unfair treatment has occurred, she has the authority to make any recommendation that she feels is appropriate to address the unfairness.



Power to Obtain Information



Under the *Ombudsman Act*, the Ombudsman has significant powers to obtain the information required for an investigation. She has the power to receive and obtain information from any persons and in the manner considered appropriate, including the power to:

- enter the premises of an Authority, converse in private with any person, and otherwise investigate a matter;
- require a person to provide information or produce a document or thing that relates to the investigation;
- make copies of information;
- summon and examine on oath any person the Ombudsman believes can give information relevant to her investigation; and
- receive and accept on oath or otherwise, evidence that the Ombudsman considers appropriate.

Exceptions to the Ombudsman's powers to obtain information



The *Ombudsman Act* allows the Minister of Justice to issue a certificate restricting the Ombudsman from accessing information that might:

- interfere with or impede an investigation or detection of an offence; or
- result in or involve the disclosure of deliberations of the Executive Council, or any of its proceedings or that of its committees that relate to matters of a secret or confidential nature and where disclosure of this information to the Ombudsman would be contrary or prejudicial to the public interest.

If a certificate is issued by the Minister of Justice, the Ombudsman is required to table the certificate in the Yukon Legislative Assembly.

The Ombudsman is not entitled to information if the person from whom the information is sought is prohibited by law from disclosing the information and disclosing it to the Ombudsman would violate their obligation of non-disclosure. For privileged information, any person from whom information is sought has the same privileges in regard to the information as they would have in court.

Confidentiality and Reporting



Confidentiality

The Ombudsman (and her staff):

- is required to maintain the confidentiality of all matters that come to her knowledge in performing her responsibilities under the *Ombudsman Act*;
- cannot be compelled to give evidence in a court or any other judicial proceeding;
- must conduct an investigation in private unless there are special circumstances in which public knowledge is essential to further the examination;
- may disclose information that the Ombudsman determines is necessary to further an investigation, prosecute an offence under the Act, or establish grounds for the Ombudsman's conclusions and recommendations made in an investigation report.



Reporting

If after an investigation is complete, the Ombudsman finds that unfairness has occurred, she is required to issue an investigation report containing her findings, reasons, and any recommendations she feels are appropriate to address the unfairness. The Ombudsman must provide a copy of the report to the Authority under investigation. She must also provide the complainant with any information that she feels is appropriate.

The Ombudsman has authority to issue a special report to the Yukon Legislative Assembly or to comment publicly about her work if doing so is in the public interest, or in the interest of an Authority or person.

The Ombudsman has authority to request an Authority to notify her of the steps taken to give effect to her recommendations made in an investigation report. If, after a reasonable period of time, the Authority has not taken any steps or has taken inadequate steps, the Ombudsman may submit a report about the matter to the Commissioner of the Yukon and to the Yukon Legislative Assembly.

Want more information about the Yukon Ombudsman?



CONTACT US



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