



The Ombuds Office in Canada Today: Learning and Working Together

2013 Joint Conference

June 9 – 12, 2013

Westin Nova Scotian, 1181 Hollis Street
Halifax, NS

Sunday, June 9

1) Systemic Investigations for the Small Office

Kim Carter, Ombudsperson, Province of British Columbia

Dave Murray, Manager of Investigations, Office of the BC Ombudsperson

Bruce Ronayne, Executive Director of Intake and Systemic Investigations, Office of the BC Ombudsperson

8.45 – 9.30 Registration and continental breakfast – Atlantic Mezzanine

9.30 – 4.30 Workshop – Lunenburg Room

Have you thought only large offices with lots of staff can conduct systemic investigations well? Think again! This interactive one-day workshop will teach you how you can plan and conduct an effective and credible systemic investigation with a small team – even one or two people. A combination of lecture, discussion and hands-on exercises in planning and conducting a systemic investigation will be part of the learning process.

Continental breakfast, lunch, breaks and materials included

2) Training and Explaining about Ombuds work – no matter who your audience

Dan Tucker, Senior Advisor & Special Lecturer, Dalhousie University. Professional Coach and consultant in Human Resources Management, Labour relations and Leadership and Change Management

12.45 Registration – Atlantic Mezzanine

1.00 – 4.00 Workshop - Seaport Room

As ombudsman, we often spend time explaining what we do and how we do it. Sometimes we're training new staff, sometimes we're talking to constituents and others in our organizations. This workshop will help you with those activities – whether for training or explaining.

We invest time and effort in hiring the best candidate for our organizations, but that is just the beginning. Now we have to provide training and orientation in how we do our work. The workshop will deal with such topics as preparing new employees for entry into the ombudsman workplace and how to ensure that they are well equipped to integrate fully and become a productive member of your team.

We also engage with individuals and groups who may not be familiar with the ombuds role and we need to educate them about what we do. This workshop will identify how to construct a message your audience will remember.

This highly interactive session will engage participants in the principles of training, different learning styles, and adapting your presentation to adult learners whether they are new staff, new leaders, or others you want to educate about how we do our work. We will draw upon relevant literature in the field as well as the experience and observations of the participants and the facilitator.

Coffee break and materials included

Main Conference

* Indicates plenary sessions with simultaneous interpretation

Monday, June 10

7.30 – 9.00 Conference Registration - Atlantic Mezzanine

8.00 – 8.45 Continental Breakfast

8.45 – 9.15 *Welcome and Opening Remarks – Atlantic Ballroom

Ross Landry, Nova Scotia Attorney General and Minister of Justice

Dwight Bishop, Ombudsman of Nova Scotia

Ian Darling, FCO Past President and Planning Committee Co-Chair

Kristen Robillard, President of ACCUO

9.15 – 10.45 *Keynote Address

Atlantic Ballroom **The Psychology of Stories: Storytelling and Ombuds Work**

Jonathan White, Media Psychologist, Fielding Graduate University

Dr. Jonathan White proposes that two of the most powerful forces shaping our lives are (1) the way we tell our own story and (2) the stories we hear from others. As a media psychologist and lecturer, he lives, writes, and teaches his philosophy about shaping and choosing our stories wisely. Dr. White will delve into the interesting role of stories in ombudsperson work – both the stories we hear and the stories we tell.

10.45 – 11.00 Break

11.00 – 12.30 *Communication and the Gen Factor: Are we all on the same page?

Atlantic Ballroom Rachel Barnett, Assistant Ombudsman, Dayton and Montgomery County Ombudsman Office.

In our work as Ombuds we communicate with people of all ages and backgrounds. As individuals, we fall into generational categories, often called traditionalists, baby boomers, generation x and millennials. Do our backgrounds and histories, by virtue of when we were born, influence the ways in which we communicate? Apparently they do. Join our colleague from the Dayton and Montgomery County Ombudsman Office for this session and learn about how the 'Gen Factor' may influence our communication with each other and those who seek our services.

12.30 – 1.30 Lunch – Atlantic Mezzanine

1.30 - 3.00 Breakout sessions will be presented in English (E) or French (F) or bilingually (E/F)

Breakout 1 (E/F) Investigation processes improvement: Do we walk the talk?

Atlantic Ballroom David Boudreau, Special Advisor, Office of the Commissioner of Official Languages

Benjamin Brzezynski, Associate, Patient Care Quality Office, Vancouver Island Health Authority

Pierre Coulombe, Director, Office of the Commissioner of Official Languages

Graham Fraser, Commissioner of Official Languages

In 2011-2012, the Office the Commissioner of Official Languages completed an internal audit of its investigation processes, revised its investigation processes and established service standards. Similarly, in 2012, the Vancouver Island Health Authority completed an evaluation and improvement of its own multi-stage complaints management framework. Representatives from both organizations will describe the issues that made the new approaches necessary, the improvements made, and the challenges and successes associated with the outcomes.

Breakout 2 (E) Into the Breach: The Emerging Role of Canada's Ombudsmen in Improving Accountability in Canadian Health Care

Harbour Suite A

William Lahey, Associate Professor, Schulich School of Law

There is a widely held view that accountability is a weakness of Canada's health care system and that improved accountability is critical to an improved system. Canadian governments have taken steps to improve accountability but they are modest compared to the steps that have been taken in other countries. Meanwhile, Canada's ombudsmen are playing a growing role in dealing with complaints about public administration in the broader health care system. In doing so, they are playing a role of growing importance in the governance and administration of Canadian health care. In the process, they are validating and expanding the relevance of the office of the ombudsman to the most essential values and concerns of Canadians.

Breakout 3 (F) Conflict is an asset

Bedford Room

Joëlle Thibault, Ombudsman, Hydro-Québec

Organizations concerned with efficiency and keeping its customers and employees know how to transform conflicts into opportunities. Ombudsmen who work in these organizations play an important role in optimizing conflict management. This session will discuss winning strategies that can help you play a proactive role and contribute to continuous improvement in your organization.

Breakout 4 (E) 1) Using Mediation to go Deeper in Ombudsing

Harbour Suite B Marc Johnson, Undergraduate Ombudsperson, University of Alberta

This presentation will provide a better understanding, about clients in conflict with a focus on what motivates positions and will provide some practical micro-skills to manage highly emotional situations.

2) Sharing OPO's Lessons Learned in providing conflict resolution services

Frank Brunetta, Procurement Ombudsman

Having a unique mandate of servicing the business and federal procurement communities, the Office of the Procurement Ombudsman has created an effective way to help these communities address contracting issues. The Federal (Deputy) Procurement Ombudsman will highlight the lessons his office has learned regarding the provision of these services to the communities it serves over the past five years.

3.00 – 3.20 Break – Atlantic Mezzanine

3.20 – 4.45

Breakout 5 (E) Who are we to Judge? Working with specialists (& big egos)

Atlantic Ballroom Kelly Chessie, Assistant Ombudsman, Ombudsman Saskatchewan

Karen Topolinski, Assistant Ombudsman – Ombudsman Saskatchewan

Public services are often delivered by people with professional designations and those professional, burdened with a myriad of oversight mechanisms, might rightly ask about the need for an Ombudsman and question his or her ability to review their services. Ombudsman Saskatchewan considered that dynamic when it began to plan and then execute a strategy to enhance its services in the health care field where services are primarily delivered by health care professionals.

Relevancy and the need for additional Ombudsman oversight were concerns that we needed to address if we were going to be effective in improving fairness in the design and delivery of publicly funded health care services. This workshop is an overview of the strategy, its delivery, ongoing progress and early results to respond to the question of “who are we to judge?” The workshop will invite discussion about how these strategies are transferable to work with professionals in various specialties such as universities, financial institutions and others.

Breakout 6 (E) Settling differences: new approaches to measuring fairness in high security organizations

Harbour Suite B

Norman Dolan, PhD Candidate; Senior Investigator (Retired), Department of National Defence and Canadian Forces Ombudsman Office

This presentation will examine the concepts of fairness and organizational justice as they apply to the effectiveness of complaint resolution. Norman is currently conducting research on fairness and justice in ombudsman and complaint resolution systems in Canadian federal public sector organizations. The presentation will incorporate data from those studies into an examination of how the concepts influence the measurement of effectiveness in ombudsman and complaint resolution systems.

Breakout 7 (E) The Links Between Substance and Process: Lessons Learned from the Nova Scotia Task force on Bullying and Cyberbullying

Harbour Suite A

A. Wayne MacKay, CM., Q.C., Yogis and Keddy Chair in Human Rights Law and Professor of Law, Schulich School of Law, Dalhousie University

Substance and process are always closely linked and public policy is not just about achieving good results but also by achieving those results in a fair and inclusive way. Drawing upon his recent experiences as the Chair of the Cyberbullying Task Force in Nova Scotia, Professor MacKay will explore the links between substance and process in both the Task Force process itself and the recommended responses to the major problems of bullying and cyberbullying. From criminal sanctions to restorative approaches and all points in between there are many different ways to respond. The imperative of public engagement and particularly youth engagement, are central to both the Task Force process and its recommendations for action.

Breakout 8 (E) International Perspectives on the Higher Education Ombudsperson and Civil Society

Bedford Room

Moderator: Martine Conway, Ombudsperson University of Victoria

Jorge Ulises Carmona Tinoco, Defensor, Universidad Nacional Autónoma de México

Josef Leidenfrost, Austrian Student Ombudsman, Vienna, Austria

Others to be confirmed

This session features ombudsmen in higher education from different international contexts. Panelists will describe their own context, identify salient issues and address the common theme of how the ombudsman influences the development of civil society, inclusion and democracy.

4.45 – 6.00 Annual General Meeting - Association of College and University

Harbour Suite A **Ombudspersons**

Kristen Robillard - President

All welcome

6.15 – 8.00 Reception – Province House, 1726 Hollis Street (10 minute walk from the hotel)
Sponsored by NS Office of the Ombudsman, with special thanks to the Office of the Speaker, Hon. Gordie Gosse, for generous support.

CED, MARTY & DAVE, well-known on the Halifax pub scene, entertain with a repertoire ranging from blues to ballads to folk and know how to select classic songs that are full of heart - and often soaked in grit! There may be a singalong....

Tuesday, June 11

8.00 – 9.00 Continental Breakfast – Atlantic Mezzanine

9.00 – 10.30 *Creating Barrier-Free Services: Are You Accessible to All Your Constituents?

Atlantic Ballroom Moderated by *Bradley Moss, Deputy Citizens' Representative, Newfoundland and Labrador*

Panelists:

Kim Carter, Ombudsperson, Province of British Columbia

Fiona Crean, Ombudsman, City of Toronto

Brenda Tan, President, Ontario Patient relations Association

As Ombuds we strive to be inclusive and to fully engage the constituencies we serve. But how do we reduce or remove metaphorical and physical barriers to access to ensure everyone has the benefit of full participation in our processes, while staying alert for challenging behaviours? Our panel has extensive experience working with a diverse general public, as well as in the all-important area of health care. Join them for a discussion on barrier-free services.

10.30 – 10.45 Break – Atlantic Mezzanine

10.45 – 12.00 * The View From the Other Side: What Respondents Expect – & What They Get

Atlantic Ballroom Moderated by *Howard Sapers, Correctional Investigator of Canada*

Sean Kelly, Director of Correctional Services, Nova Scotia

Stewart Hyson, Assistant Professor of Political Science, University of New Brunswick

Every case that has a complainant also has at least one respondent – the person or people who, as ombuds, we seek out to hear the other side and to whom we may make our recommendations. This panel of respondents will help us

understand how our contacts are received; How do they see our role? What was particularly helpful? What is off-putting? What constructive criticism would they provide?

12.00 – 1.00 Lunch – Atlantic Mezzanine

1.00 – 2.30

Breakout 9 (F) Can Needs-based Communication Contribute to our Work as Ombudsman? If so, how?

Harbour Suite A

Lucie Allaire, Ombudsperson, University of Ottawa

In this interactive session, the ‘needs-based communication’ approach developed by Marshall B. Rosenberg in his book *Nonviolent Communication, A Language of Life*, will be used as the basis for a facilitated discussion examining how this approach can serve us in our work as ombudsman with the various communities we serve. Does this approach have a place in our lives, in our work? Is it possible and realistic to use this approach to influence change in our milieu?

Breakout 10 (E) The Best Laid Plans...

Atlantic Ballroom Dwight Bishop, Ombudsman, Province of Nova Scotia

Guy Parent, Veterans’ Ombudsman

Claude Dussalt, Deputy Protecteur du citoyen du Québec

The presenters will draw on their experiences to discuss how they approached particular issues. What were the lessons they learned, what worked well, what might have been more effective? This session will explore practical strategies for addressing complaints and for maximizing impact and flexibility in ombudsman service delivery.

Breakout 11 (E) Designing a New Landscape for “Duty to Accommodate” Challenges

Harbour Suite B Carter MacDonald, Ombuds, Camosun College

Natalie Sharpe, Director, Student OmbudService, University of Alberta

The duty to accommodate is more than a legal obligation. This session reframes accommodation as an art as well as a legal duty - it proposes that post-secondary institutions need to use an open, collaborative and creative process in designing, evaluating and refining all accommodation challenges.

2.30 – 2.50 Break

2.50 – 4.15

Breakout 12 (E) Reason-giving in theory and practice: administrative law meets real life

Atlantic Ballroom *Sheila Wildeman, Assistant Professor, Shulich School of Law, Dalhousie University*

Lack of adequate reasons is often a subject of investigation by ombuds-staff. In law and in the interest of leading by example, ombudsman must also give reasons for their own decisions. In a set of recent cases, the Supreme Court has given renewed attention to how courts should oversee administrative reasoning. This session will provide an overview of the duty to give reasons and the substantive expectations placed upon administrative reasoning, including the emerging duty of administrative decisions makers to be alert to Charter values in the exercise of discretion.

Breakout 13 (E) Emerging Issues in Municipal Oversight

Harbour Suite A *Panelists:*

Fiona Crean, Ombudsman, City of Toronto

Johanne Savard, Ombudsman, Ville de Montréal

Nikolaos Vogiatzis, doctoral candidate in Law, University of Hull

Larry Munroe, Auditor General, Halifax Regional Municipality

This workshop will explore emerging issues in municipal oversight. Speakers will discuss various issues aspects including: considerations in establishing an Ombudsman office, open meetings investigations, and complementary oversight structures.

Breakout 14 (E) Effective Management of Small Ombuds Offices

Harbour Suite B *Barry Fleming, Q.C., Citizens' Representative for Newfoundland and Labrador*
Bradley Moss, Deputy Citizens' Representative, NL

Managing a small office presents special challenges. Bring your questions and tips along to this interactive workshop on hiring, communications, morale, workload allocation and a host of other topics.

4.30 – 6.00 Forum of Canadian Ombudsman – Annual General Meeting and Election of Officers

Harbour Suite A

Kevin Fenwick – President

All welcome

6.30 Join a group for dinner at a selection of interesting restaurants in a range of prices

Wednesday, June 12

8.00 – 8.45 Continental Breakfast – Atlantic Mezzanine

8.45 – 10.00

Breakout 15 (E) Making a Case for Fairness in Policy Development

Atlantic Ballroom Kevin Fenwick QC Ombudsman Province of Saskatchewan

Aaron Orban, Assistant Ombudsman, Ombudsman Saskatchewan

Since 2009, and as part of their model of cooperative influence, Ombudsman Saskatchewan has conducted “policy consultations” with government agencies where the Ombudsman and his staff review “fairness” within the policy development process, policy frameworks and specific policy content of government agencies. This session will present an overview of the tools used by Ombudsman Saskatchewan to assess “fairness” and discuss the potential influence ombudsman and similar offices can have in the formation of public policy.

Breakout 16 (F) Writing a Good Report

Harbour Suite A Nancy Chamberland, Ombudsman, Université Laval.

Ombudsman reports are public and writing a report, whether annual, case-related or on a particular topic, requires skill and care. This session will analyze factors to consider when writing a report to achieve fair and effective results.

Breakout 17 (E) Text-Matching Software: Gimmick or Godsend?

Harbour Suite B Jayson MacLean, Graduate Ombudsperson, University of Alberta

In the never-ending war against cheating and plagiarism, instructors and academic institutions have begun to enlist the services of text-matching software programs, as provided by companies like Turnitin. But do they work? This presentation will discuss some recent findings on the issue.

10.00 – 10.15 Break

10.15 – 11.30

Breakout 18 (E) A Role For Restorative Approaches in Post Secondary Disciplinary

Harbour Suite A **Frameworks**

Jennifer Llewellyn, Associate Professor, Shulich School of Law, Dalhousie University and Director, Nova Scotia Restorative Justice Community University Research Alliance

Others TBC

Evidence shows that punitive measures alone do not result in behavior change. The restorative justice approach takes this focus away from the 'act', explores the impact on all parties involved and can create an opportunity to move forward. After a year of implementing restorative justice practices for non-academic infractions and a pilot project with police and the department of Justice, we have seen the possibilities, but not without challenges.

Breakout 19 (E) Reasonableness as a Criterion for Ombudsman Action

Atlantic Ballroom *Greg Levine, Barrister and Solicitor*

This session will explore the concept and the use of reasonableness as an evaluative standard for ombudsman work. Drawing on legal conceptions, such as the reasonable person standard of tort law, this session will consider reasonableness as a standard of evaluation for ombuds offices and how that evaluation applies to the work we do.

Breakout 20 (F) Ethics, equity and law

Harbour Suite B *James Crombie, Associate Professor of Philosophy, Université Sainte-Anne*

This presentation will present the four distinct meanings of the term 'ethics': theoretical ethics or metaethics, descriptive ethics, normative or prescriptive ethics and professional ethics. Within this framework, it will then propose a philosophical approach to the concept of 'equity' and some proposals for how to think about the role of ethics committees, mediators and ombudspersons in the context of the rule of law

11.30 – 12.00 Free time to check out of the hotel

12.00 – 1.00 Lunch – Atlantic Mezzanine

1.00 – 2.30 *Walking the Talk: Ethical Issues and Standards of Practice

*Atlantic Ballroom Nora Farrell, Ombudsperson, Ryerson University, FCO Board Member
Jay Solman, Ombudsperson, Simon Fraser University*

Can you think of a major profession that does not have a Code of Ethics? Have you wondered why the Canadian ombuds field has not yet produced such a document? At this session we'll talk about why the Forum of Canadian Ombudsman is developing and proposing the adoption of a Code of Ethics for its members. We'll receive some expert input on effective codes of ethics and present some options for discussion. In this interactive session, we'll be seeking your opinion and your ideas on how best to proceed.

2.30 – 3.00 * Wrap Up and Farewell

*Atlantic Ballroom Barry Fleming, Citizens' Representative, Newfoundland and Labrador
Dwight Bishop, Ombudsman, Nova Scotia
Linda Carlson, Executive Director of Investigations, BC Ombudsperson's Office
and Planning Committee Co-Chair*