

Notes for Remarks
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***Embedding Equity through Ombudsman Systemic
Investigations***

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King Canute was a much maligned figure. The story of him commanding the waves to cease and finding that they wouldn't has become a paradigm of the foolish self-importance of people in government. There is another version of the story.

Canute was having increasing trouble coping with the activists in his Cabinet - or the 11th century equivalent - who wanted to embark on all sorts of ambitious ventures. Finally, in exasperation, he had the Cabinet accompany him to the edge of the sea, where several retainers had placed his throne. The King sat down and shouted a command for the waves to cease. After a minute or so, he turned to his activists and said, "See? There are some things that governments just can't do."

Good governance is an explicit assumption of responsibility for leadership and stewardship. Fundamentally it is about accountability – the requirement to explain and accept responsibility for carrying out an assigned mandate in light of agreed upon expectations.

Accountability is central to democracy, even more now as we see a lower and lower voter turn-out and an electorate driven by self interest. From where I sit, I see a number of pressing challenges to which we must respond: the challenge of keeping our massive and powerful governments accountable to the people; the challenge of integrating equity into our public institutions; and the challenge of ensuring that equity is offered in services provided by all public institutions. These same challenges apply to each and every organization that you represent. They are not mine; they are our challenges. They are vital to the protection and flourishing of our values and to democracy.

The Ombudsman's office is a vehicle by which we can hold government accountable, where we can make systemic change, where we can embed equity. My office pays particular attention to those who are vulnerable or marginalized to ensure the playing field is evened – and access to City services is equitable.

We all know that people tend to adopt certain attitudes if they have power and are causing change to happen, and other attitudes if they are affected by change being caused by others. My office thinks about these things as a central requirement for all the work that we do. Similarly, we recognize that equity starts out with the principle that we are not all the same, that we are all different, that we have different talents and needs.

We understand that fairness in light of the inclusive notion of equity, means people and groups are treated differently according to circumstances and contexts in order to give them access to equitable results. It is important to intend to be fair in treatment, but we must provide greater emphasis on the effects or impact of that treatment in evaluating fairness.

And so that is how I approach my role as the City of Toronto's first Ombudsman. Toronto is the sixth largest government in Canada. Our office acts as an intermediary for a richly diverse public of which half were born outside Canada, a public of which a third at home speak one or more of 140 languages other than English or French. These

are significant statistics, since it means that the chances are that a person with a complaint was dealing with a public servant of a very different cultural background, with differing expectations of what should have happened, and what now should happen to end the dispute.

Governments shape laws, set policies, provide services. It is one thing to advertise equity, and something quite different to create the space for equity to become meaningful. It is one thing to defend and advance one's own rights, and another to create a culture in which everyone's rights are protected and advanced. It is difficult work to engage in the understanding of competing interests, finding compromise, accommodating others and working together to resolve differences in the views and lived experiences of others.

Public service is most accessible to those who can navigate the established processes, who fill out the forms correctly. Public service favours those with education, those who can meet the bureaucracy on its own terms. It also should not surprise us that marginalized communities have greater difficulty in gaining access and receiving equitable treatment.

As Ombudsman, I see the impact of government on real people. In particular, I can see where institutions, policies, practices, and attitudes which were commonplace in past decades impact on today's communities. There may be gaps where policies have not kept pace with shifts in family structure, income patterns, or demographic characteristics of the population. It is our capacity to conduct systemic investigations, particularly when they are in the public interest that will make the difference in this regard.

Systems reviews bring about widespread improvements for everyone, not one person at a time. When laws, policies, processes, procedures are improved, all Toronto residents and visitors benefit from fairer, more equitable service in the city.

Making complaints is much more than just a right – it is an opportunity for ordinary people to shape the way governments provide services. At the same time, never has the challenge to provide equitable service been greater and the resources less.

The rights of every person in this room are in jeopardy if we permit anyone to plead fiscal imperatives as an excuse for not behaving justly, fairly, and equitably or as an excuse to restrict the right to have complaints reviewed independently.

Every time you hear about a service change or program efficiency, ask yourself:

- How will this change affect the rights of all people to be served equitably?
- How will this change affect those who are most vulnerable and least able to defend their interests?
- Is this public consultation really hearing from the people who will be most impacted by the changes?

- If I, as a resident ever have a complaint about this matter, where is my assurance that it will have an independent investigation?

If you are not satisfied with the answer, you are hearing a clarion call for action.

And it might just be that the Ombudsman can help.

Advocacy for ourselves involves getting a bigger share of the pie. Advocacy for an equitable society means making the pie bigger.