

Notes for Remarks

by Fiona Crean
Ombudsman of the City of Toronto

Conflict Resolution and the Public Trust

It is a privilege to be speaking with members of a congregation that can lay claim to being part of the oldest Presbyterian Church in Toronto, the Scots' kirk, with a long history of community and caring.

So often I see situations where people lack power to make their lives livable, whole and healthy. It is reassuring to see people like yourselves who take up challenges to empower and strengthen others and to assist those who may be vulnerable. Toronto surely is a better place because of what you do.

Toronto has much to be proud of. Yet none of us can be satisfied with the status quo. Cities are known to be dehumanizing places. They seem to foster anonymity. They are structured to give privacy which often results in loneliness and 'alone-ness'.

The necessary regimentation to make the city work requires its own bureaucracy, a bureaucracy made in its own image, one which has rules to follow and which follows the rules, and enforces the rules impersonally, punctually – or not!

For those who are vulnerable and marginalized, sometimes the price we pay for our anonymity is more than we can afford. None of us can feel impervious to vulnerability.

We may not worry about wheelchair access today, but you will if tomorrow you have a stroke or an accident. We may not worry too much about poverty until we lose our job, have a health emergency, lose our housing, and lose our loved ones.

I am reminded of what Joe Fiorito, a journalist said about the tragic death of an elderly resident in a Toronto Community Housing complex. He wrote: “Was there no one person with the skills, the heart, the imagination, the initiative, the persistence or the ingenuity to find out if Al needed care, or intervention, or some simple human contact?” He also gave us all a diagnosis: “When many different people are responsible for a problem, no one is responsible for the problem.”

We have to remember that while Al had contacts with various officials in the Toronto Community Housing Corporation, he also had neighbours. What did they do? What about the other people in his building? The tragic story of Al's death is fundamentally about our urban society losing its ability to perform as a community.

As individuals, you as members of this community must realize that bureaucracies themselves – not the people who work in them – are entirely incapable of resolving human problems except by making us humans act more like machines.

It is when the system cannot respond, that you and I come in. We still have our moral compasses, and we must have them on call and ready for action when we see a bureaucracy gone astray, an error happen that has negative, sometimes untold consequences on an individual but about which the system has not contemplated.

We confirm that we are a community, that we are not isolated in compartments of gender, sex, culture, age, class, ethnicity. When we respect one another for our unique contributions, when we honour our differences, we can remind ourselves of the importance of listening to others, of trying to understand what others have to say.

I was asked to be here to talk about my work as the Ombudsman of the City of Toronto. My job is to help the people of Toronto in their right to be treated by the City and its programs and services fairly, without bias or discrimination.

I am independent of the public service, an officer of Toronto City Council. This is critical to the public in being reassured that my decisions are not tainted with political leanings or bureaucratic interference. It is inherent in large bureaucratic organizations that incidence of injustice and unfairness will occur.

Democracies have a vested interest in not only correcting any such incidence, but also in correcting the causes, taking steps to prevent repetition. Public trust is restored when government makes these corrections. If the public is to have confidence that this corrective process is correctly applied, it must be assured complaints are provided with independent investigation.

There is another essential ingredient in conflict resolution provided by my office: the power imbalance between individual and institution is regulated. This factor alone encourages individuals to pursue complaints in the face of governments which intimidate by sheer size and power.

Our services are offered at no cost, and are completely confidential. We are an office of last resort.

My jurisdiction kicks in after a person has tried to resolve the issue directly, and it hasn't worked to their satisfaction. So if a person has a complaint about city administration, and has not had it resolved to their satisfaction, we are accessible, wanting to be of service.

Now, intervening in the interests of fair treatment may sound simpler than it looks. You each know what you mean when you say you have a right to be treated fairly, and we each have a pretty good idea of how fairness is supposed to be defined. But I suspect that if there are 50 people out there, we would get 50 different definitions.

If I ask a different question: "How can we ensure in our own relationships that we treat others fairly?" you might even find the question offensive. Fair? Of course I'm fair. Always. To every one. Right!

It is always much easier for us to understand fairness when we are at the receiving end than when we are at the dealing end. Let's just say: fairness depends on circumstances and means different things to different people at different times.

Everyone has a view on 'fairness'. That view ranges from an intuitive understanding of unfairness to a deeply held personal conviction or the familiar refrain of "but that's not fair!" Is it fair that a main road is ploughed before the street on which my residence is located? Is it fair that someone is treated differently than others? Maybe even "better" than others? Even though that person is in circumstances where special treatment is, well, fair?

An ombudsman looks at fairness in a number of ways:

Substantive fairness concerns the fairness of the decision itself.

Procedural fairness is about how the decision was made – the steps followed before, during and after a decision is made.

And equitable fairness has to do with how people are treated. Equitable fairness means that people and groups are treated differently according to their special situations in order that the results are fair and inclusive.

To intend to be fair is important, but equity focuses on results. Most of all, fairness is about common sense and it is about good business because it reduces disagreements. It engenders public trust and creates confidence in those who have the power of making decisions. Fairness has two aspects: being treated fairly as our right, treating others fairly as our responsibility.

Thank you for your invitation and for listening to my words.