

Notes for Remarks

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***The Ombudsman in the Municipal Equation.
Serving the Public: Communicating and Seeing Complaints as
Opportunities***

Toronto Transit Commission Managers
TTC Hillcrest Facility, Toronto
September 4, 2012



Thank you for this invitation. It is a privilege to talk with you about the role of an ombudsman.

Transportation is the great leveller - we all use it: rich and poor, the newly arrived, seniors, children, people with disabilities, residents who speak no English, visitors.

Today I want to talk to you about the challenges and opportunities that, from my vantage point, you have. And I want to tell you a bit about my role in local government and how that relates to your work.

As managers of the third largest transit system in North America, you are uniquely situated to make a difference in the lives of 1.6 million citizens and residents who ride the TTC every day. It is actually quite staggering to think about the sheer volume of people you move around the city. You are positioned to provide access around this city to so many.

There are kids in some communities who may never have used transit. Their alienation and disaffection may be profound. Think of what the TTC does to open up the city for such youth? You can promote the way that people experience Toronto – as they travel to work, to school, to shop, to visit all parts of this urban sprawl. What opportunities ahead as you transform and modernize the TTC.

But first let's look at the nature of 21st century city government. As is the case of most Municipal governments, the City of Toronto has a monopoly on public services – a resident has nowhere else to go when the quality of service is not up to standard.

Second, the services provided to the public affect the lives of the people in very fundamental ways – the water we drink, the parks we play in, the daycares our children go to, the roads we travel on – the buses, trams and trains that we use. They are all an integral part of our daily lives.

Third, the resident, the public, is paying out of their own pockets for the services being provided, and the public has the right to have value given for money spent. The public expects and demands not only good service, but it demands accountability – the duty to explain and justify actions. It calls for the duty to act impartially without bias and to do so as trustees on behalf of all citizens. And the public demands these things far more from city government than it does for the provincial and federal governments.

There is a context to all this. A quick scan would tell us that:

- the public service is at a very low ebb in terms of morale
- that the decision making process has speeded up beyond measure
- that cuts of people and programs are debated publicly in ways that make it very challenging for you to manage

- that time for thoughtful policy making and considered best advice to Council has diminished
- that budget is tighter than ever, yet demands on transit have never been higher

That context makes your job that much more difficult. But with every challenge comes an opportunity. Mistakes happen in large organizations. The TTC is no exception.

Sometimes systems or policies can be wrong and need looking at. The litmus test for individuals about the value of a service is how well things work when a problem arises. Because things do go wrong. Plain and simple. People understand that.

What they don't understand is why it seems so difficult to fix them. Why it often takes so much time to get a simple answer. That's why retail companies spend so much time telling us how great their "returns" policy is even before you buy the product.

Your stated core value is one of "valuing time". Putting that into action in responding to complaints should not be difficult but it often is in public service. We become paralyzed by our rules, defensive about our actions.

Look at the case we dealt with of returning over 1,000 tokens when the TTC replaced its tokens with a new design. The TTC's notice said you could go to head office up to a certain date and exchange the tokens. Well the resident did just that within the prescribed timeline. She even had a brochure showing the advertised deadline. But not until she had been to her Councillor, a legal clinic and then our office did the TTC respond.

They had withdrawn the brochure soon after it was released and changed the deadline but only put that new notice on the TTC's website. Eventually the TTC honoured the claim because the resident had relied on **their** public information. Just think how much time, aggravation and money were spent...to say nothing of the organization's reputation!

Lest you think I only have bad stories about the TTC, have you heard about your bus driver on the Parliament run who greets her passengers with daily renditions of "Wheels on the bus go round and round?" The crustiest of passengers crack a smile. Or the College street car driver who moves riders through the tram by suggesting there are free cookies at the back?

So what is an Ombudsman? It's actually a Swedish word that means representative of the people. A creature of the *City of Toronto Act*, our office opened in 2009, only the second municipal Ombudsman in Canada, the first being Montreal.

I am an Officer of City Council separate and independent from the public service reporting directly to Council. You think you have it hard with one boss, try 45!

The Ombudsman concept involves the public, on the one hand – and the civil service on the other hand. We are squarely in the middle – impartial – with no vested interest in the outcome of a complaint except that the public was treated fairly by the City's public service.

We look at three aspects of fairness.

1. Substantive fairness concerns the fairness of the decision itself.
2. Procedural fairness is about how the decision was made – the steps followed before, during and after a decision is made.
3. And equitable fairness has to do with how people are treated.

We are an office of last resort, one which the citizen can only come to when they have exhausted all other avenues. Our services are free, confidential and exempt from MFIPPA. The role of an Ombudsman is to provide that 'check and balance' – to even the playing field between the citizen and their government. Our approach to this work is one of prevention, problem solving and conflict resolution.

It is about being accessible, adaptable and informal. Getting the right fix often means working our way up through the system, at each level giving the appropriate official an opportunity to fix the problem, or to explain why the solution that we are going after doesn't fix the problem.

Sometimes we conduct investigations. In that capacity we have broad powers that we use carefully. We can obtain documents, enter premises, interview officials. But at the end of an investigation, I can only make recommendations. And that is all I want – because it is your job to manage, not mine. It is Council's job to govern, not mine. It is my job to point out where things go wrong and recommend improvements to public administration. It is about finding systemic fixes and serving the public interest.

We are not here to do your work or supplant your decision making authority. It is not about blame or going after public servants. It is about ensuring fair administration.

Lots of residents have difficulty in being heard by a large city bureaucracy. We pay special attention to those who are vulnerable or marginalized to ensure the playing field is evened. People who live in Rexdale have just as much right as those living in the Annex to fair treatment.

If you take anything away from this session I ask that it be this: Explain our role to your staff and point them to the online tools we have for them. Call us. We are here to help.