

# The Record

May/June 2010

## Inside

---

**I just want to say**  
Toronto's Ombudsman  
talks about fairness

**staff stuff**  
Doing things right and an  
Ombudsman Investigation

**what's getting  
people hot**  
What we are hearing


**what's in a word?**  
The Ombudsman: a snapshot

**out and about**

---

*We each know what we mean  
when we say we have a right to  
be treated fairly and we each  
have a pretty good idea of what  
fairness is supposed to mean.*

*But if there are 50 people  
out there, we would get 50  
different definitions. Read about  
what Fiona Crean, Toronto's  
Ombudsman has to say.*



Your Ombudsman

**It's all about fairness.**

# I just want to say



Ignoring differences may be ignoring legitimate needs. The reality is that not everyone is at the same starting place, in fact, some people aren't even on the same field.

Second, none of us can feel confident that we will always do well on this so-called fair playing field. We may not worry about wheelchair access

respond to a request for information. Ms B and Ms C are both native English speakers. Mr. A uses English as a third language, and at that, never in a business context.

It could be argued that it's unfair to give Mr. A the same number of days as Ms B and

Ms C because Mr.

A has to go through more steps - perhaps getting the help of a

friend, or even a translator.

Wherever we are, finding our middle ground and standing together on it, we can demonstrate our own humanity as we defend the right of others to be treated fairly.

## ***Equal means fair: fair means equal?***

I've been out and about a lot recently talking to people about this idea of fairness. Everyone has something to say about it.

At a recent talk I gave to a group of seniors, many of whom wore hearing aids, one member of the audience didn't think that treating people differently was fair. I stepped back from the microphone and replied. I explained that I had delivered my message equally to everyone; is it my problem that only the first row heard me?

Some would say treating people differently is unfair, discriminatory and if some people don't reap benefits, well, that's the way it goes! If we have treated everyone equally, we are relieved of any responsibility for the results, aren't we?

Actually there is a two part response to this. First, to treat everybody the same may result in discrimination.

today, but we would if tomorrow we had a stroke or an accident. We may not worry too much about poverty until we lose our job. These experiences can change the playing field. They can make getting fair treatment more difficult or even inaccessible.

We need to consider each person's circumstances. Things like education, literacy level, ethnicity, creed, culture, language, geographic location, family status, gender, sexual orientation, socio-economic status and disability can all present potential challenges for people.

So, providing the same service in the same way to everyone isn't necessarily fair. Providing services differently according to each person's needs and circumstances is what's fair.

Fairness is about common sense and it is about good business because it reduces disagreements. Sorting out how to best provide services fairly may sound simpler than it looks.

For example, a public servant gives Mr. A, Ms B and Ms C ten days to

## ***Providing services differently according to each person's needs and circumstances is what's fair.***

Ask what kind of a city we want Toronto to be? What kind of environment, what kind of atmosphere do we want in our neighbourhoods, in our homes, in our communities?

That's actually the challenge for all of us in all of our relationships. That is fairness seen from both ends of the telescope: being treated fairly as our right, treating others fairly as our responsibility.

Fiona Crean, Ombudsman

## ***Pat on the back for doing things right***

The Office of the Ombudsman's mandate is concerned with transparent, fair, timely and accessible public service.

While there are times when the Office investigates and finds wrongdoing, the Office also recognizes and congratulates the good work that the City of Toronto is doing.

Dr. Ann Cavoukian, Ontario's Information and Privacy Commissioner recently praised the City because it "...provides an excellent example of how a government organization can take the proactive approach in disseminating government records."

Toronto Building and the Corporate Access and Privacy Office worked together to open up routine access to building plan files which has reduced the need for formal requests by the public.

This is an important step toward open and accountable government.

Kudos to you Toronto Building and the Corporate Access and Privacy Office!

The Ombudsman's Office noticed that the Civic Engagement Office posted some promising Toronto Civics 101 statistics since offering the course in the spring of 2009.

Civic Engagement posted that 175 people from across the city, with a wide range of ages, lengths of residency, diversity, interests and experiences were selected to participate.

They have delivered six sessions, four topics, nine presentations and have offered four locations. They have posted 58 online resources (reading materials, agendas,

glossaries, exercises) and boast of 13,753 online visits.

They have developed a blog ([torontocivics101.blogspot.com](http://torontocivics101.blogspot.com)) and can be found on social media sites like Twitter and Facebook.

This is the kind of public engagement that can turn into a two-way communication channel to improve Toronto's services for and residents' understanding of municipal governance.

## ***The Ombudsman's latest Investigation Report***

The Ombudsman just released a report called *No Time to Waste*. It tells Toronto Water and Technical Services to take a good look at how they delivered services.

The Office received a complaint about a resident's problem with sewage backing up into her basement. The problem had been going on for eight years and the resident was fed up with the response from the City.

After a thorough investigation, the Office found the divisions' actions and omissions to be unreasonable and unjust. Some thirty months



have elapsed since the City's commitment to find a permanent solution for the resident. This delay is beyond any reasonable concept of timeliness.

Continued on page 4

# what's getting people hot



## Summertime issues

*No Time to Waste* Ombudsman Report continued from page 3.

In the meantime, the resident remains living in her “dream home” with ongoing sewage backups, smell, mould content and the noise and vibration from the frequent pumping of a temporary holding tank in front of her home.

***“It is how the City responds to mistakes that is the litmus test for good public service.”***

The Ombudsman notes that City leadership failed and the refrain, “it’s not my job” reverberated throughout this investigation.

Crean identifies that this problem isn’t about frontline

workers, it is about the lack of accountability and leadership that continues to result in serious consequences for the Toronto resident.

And although Crean criticizes Toronto Water and Technical Services for failing to respond appropriately to a resident’s problem, she notes that on the whole, public servants are talented and hard-working.

She reminds us all that, “it is *how the City responds* to mistakes that is the litmus test for good public service.”

Read the report on the website: [ombudstoronto.ca](http://ombudstoronto.ca)

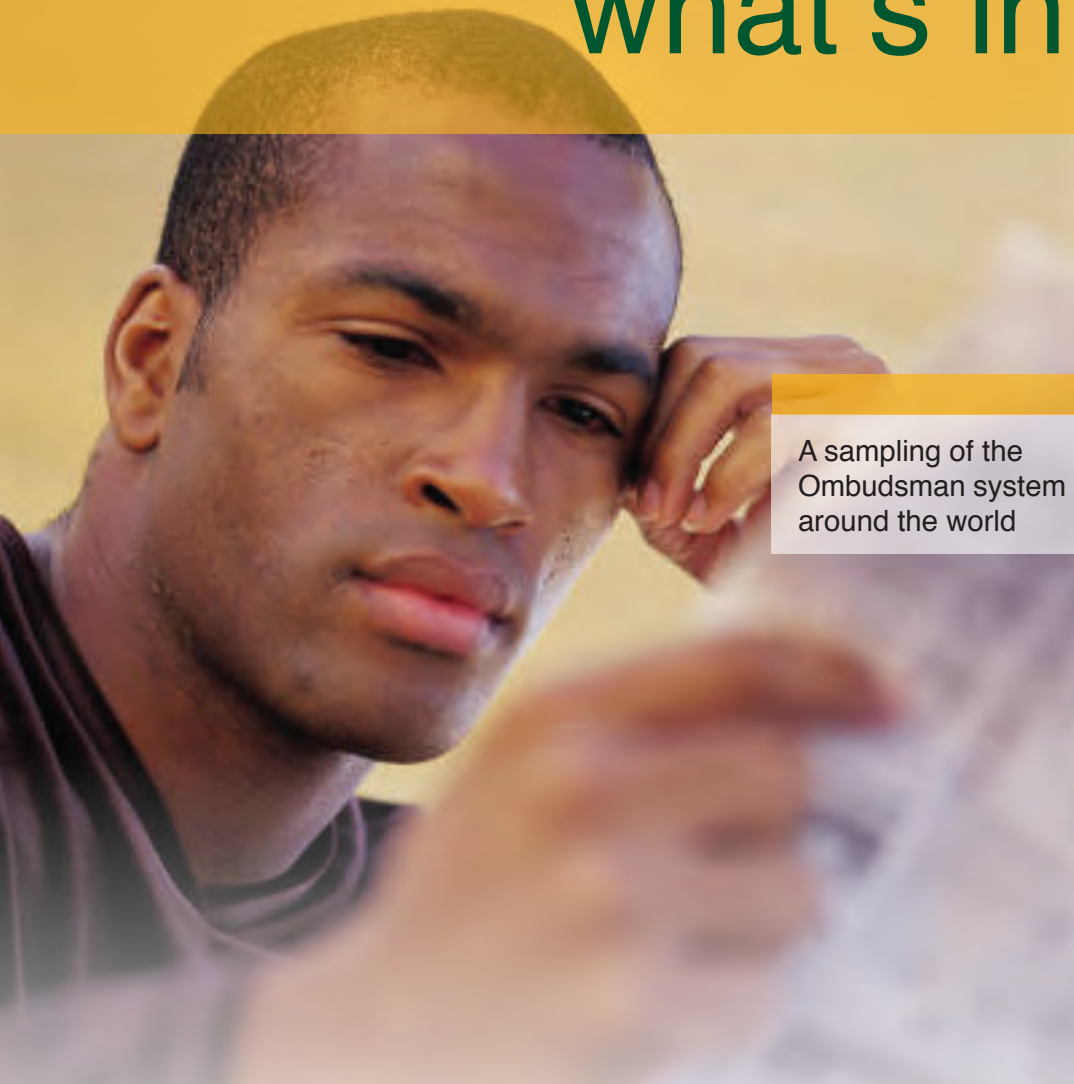
As the weather changes, so do the issues people are talking about.

The Office is receiving inquiries about construction, building permits, park permits and other services related to the outdoors.

As always, if you have concerns with City services, contact 311 to find out who to speak to.

The Office is your last resort, only if you have been unable to resolve the problem with City staff.

# what's in a word?



A sampling of the Ombudsman system around the world

Sweden	1809
New Zealand	1962
Tanzania	1966
Alberta	1967
Guyana	1967
UK	1967
Mauritius	1970
Australia	1971
India	1971
Sri Lanka	1971
Fiji	1972
Zambia	1973
Nepal	1990
South Africa	1994
Uzbekistan	1995
Peru	1996
Bosnia & Herzegovina	2001

## *The Ombudsman: a snapshot*

The word Ombudsman means “representative” in Swedish. The modern concept began in Sweden in 1809 to create a balance between the powers of government and its citizenry.

The ombudsman concept however is very old. First Nations communities for a long time have had a variety of mechanisms to mediate between decision makers and the people.

Many Muslim communities had the ancient Mohtasib who toured through the towns and marketplaces on a daily basis to ensure that officials were acting correctly and morally, that customers were not cheated and to offer resolution of disputes.

In ancient times, China had an institution known as the Censorate. Its mandate was to monitor government administration to detect any maladministration which threatened the rights of the people.

Many cultures in the Pacific also offer examples. In Hawaii, there is a practice known as Ho’oponopono, which has respected elders resolve disputes according to principles of unity known as Lokahi.

And in Guam, the Ombudsman is called the Suruhanu, a term meaning a wise and capable healer who is regarded as having special capacities to resolve grievances.

## ***An ancient wrong set right***

The Mississaugas of New Credit First Nation recently settled the largest specific land claim in Canada's history including more than 100,000 hectares in the GTA.

The city of Toronto was originally sold in 1805 for 10 shillings. The measure to redress an ancient wrong was finally passed overwhelmingly in the community last month.

## ***Happy PRIDE***

The week of June 25th to July 4th marks this year's PRIDE celebrations. The Office sends out a celebratory hurrah and wishes you all a happy and safe PRIDE.

## ***Celebrating National Aboriginal Day***

On June 21, we joined with indigenous cultures in celebration and renewed promise for the role of Aboriginal Peoples in the future of Canada and the world.

In 1996, the Governor General proclaimed June 21, the summer solstice, to be National Aboriginal Day.

## ***Urban Alliance***

June 3, 2010, the Urban Alliance on Race Relations (UARR) had its Annual General Meeting (AGM). The UARR is 35 years old this year.

Congratulations!

Kim Renée Murray was the keynote speaker at the AGM; she spoke about the Truth and Reconciliation Commission of Canada.

It was created to research and document the history of the residential school system in Canada. Did you know the last residential school closed in 1996?

For more information, visit [www.trc.ca](http://www.trc.ca).

## **talk to us**

[ombuds@toronto.ca](mailto:ombuds@toronto.ca)  
416-392-7062,  
TTY 416-392-7100  
The Office treats all communication in confidence.

Be green! **Subscribe to an electronic copy of this newsletter by visiting our website:**

[ombudstoronto.ca](http://ombudstoronto.ca)

## **about Toronto's Ombudsman**

Fiona Crean is the City of Toronto's first Ombudsman and the Office opened in April 2009.

Her years as Ombudsperson for York University, and Executive Director of the Ontario Ombudsman's Office have given her significant experience in conflict resolution, good governance and promoting accountability in the public sector.

Prior to taking on her post, Fiona worked for a number of years at the Ontario Human Rights Commission and was the Assistant Deputy Minister in the Ontario Ministry of Community Safety and Correctional Services, responsible for addressing systemic racism and sexism.