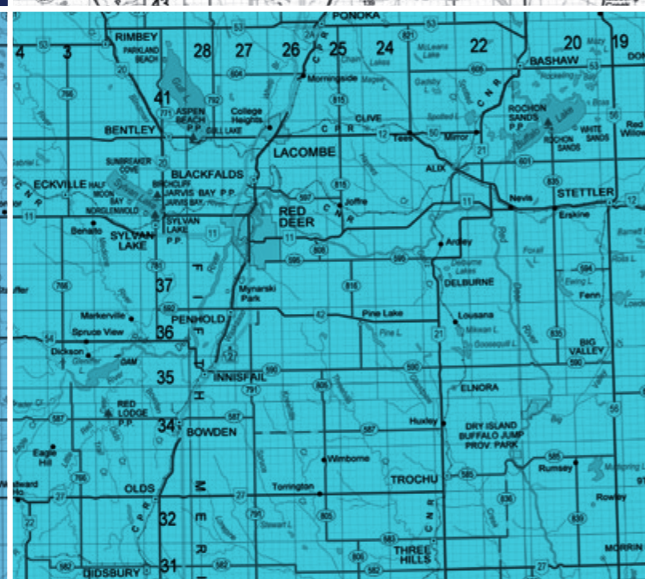
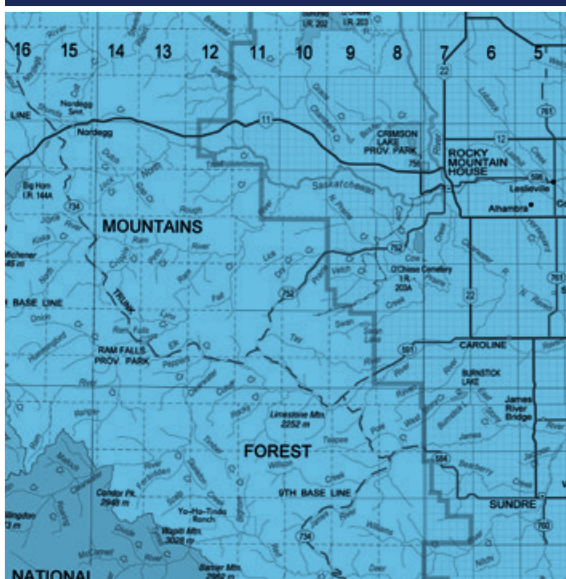
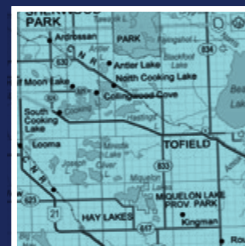


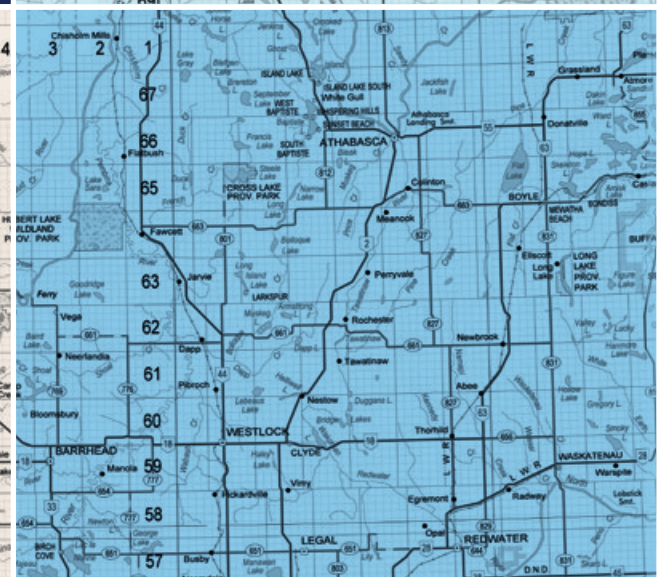
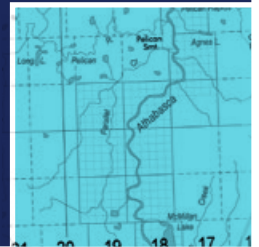


—ALBERTA—  
OMBUDSMAN



2019-20  
Annual Report

# —ALBERTA— OMBUDSMAN





To the Honourable Speaker  
of the Legislative Assembly

The Alberta Ombudsman's office is pleased to  
present its 53<sup>rd</sup> Annual Report to you and through  
you, to the Legislative Assembly.

The Report has been prepared in accordance with  
section 28(1) of the *Ombudsman Act* and covers the  
activities of the Alberta Ombudsman's office for the  
period April 1, 2019 through March 31, 2020.

Respectfully,

A handwritten signature in black ink, reading 'Marianne Ryan'.

Marianne Ryan  
Alberta Ombudsman

Fall, 2020  
Edmonton, Alberta

## — Vision

Equitable treatment for all

## — Mission

To provide oversight to ensure fair treatment through independent investigations, recommendations and education for all Albertans

## — Values

Integrity | Respect | Accountability | Independence



*"... I want to thank you for existing, for reaching out to me when I was feeling hopeless about this situation and for acting as a voice for us disabled folks. It means a lot to me to know that you are here for us Albertans, standing up for human and disability rights when we are unsuccessful doing so ourselves."*

*— from a complainant*

# Table of Contents

<b>2</b>	Message from the Ombudsman
<b>4</b>	Who We Are
<b>5</b>	Organization Chart
<b>6</b>	2019-20 Year at a Glance
<b>11</b>	What We Do
<b>17</b>	Building Mutual Trust Proves a Worthy Investment
<b>20</b>	Ombudsman Investigation Sparks Province Wide Policy Change
<b>22</b>	College and Ombudsman Recognize Guideline Need
<b>24</b>	Failure to Notify Leaves a Couple in the Dark and Without Coverage
<b>26</b>	Education and Awareness
<b>30</b>	An Amazing 47-Year Career with the Ombudsman
<b>32</b>	Financial Statements



# Message from the Ombudsman



When I meet someone for the first time, I am often asked what kind of work does an Ombudsman do? Through the many discussions, including those with the Albertans who contact my office, I have come to learn the profession is not yet widely understood. With this in mind, we take every opportunity to engage with Albertans who are not yet aware of our role as their voice of fairness.

The fundamental purpose of the Ombudsman is to be of service to the people. In providing oversight, too often we see avoidable instances of unfairness stemming from a disagreement with a decision, poor service delivery, or inadequate communication. Albertans should feel confident in their right to access services available to them and the organizations entrusted to deliver services should understand their duty to act fairly.

When a breakdown occurs and a complaint of unfairness invites our involvement, the Ombudsman's goal is not only to take action on the complaint but to bring about improvements that restore lost confidence in the delivery of the public service. This benefits both the complainant and the public authority.

Our subject-matter expertise lies in procedural fairness – administrative and legal principles that ensure decision makers follow specific rules throughout the decision-making process. We define those principles in our Administrative Fairness Guidelines published on our website. We respond to complaints about unfair treatment by provincial government authorities, municipalities, designated professional organizations, and in this way, help people adversely affected in the course of a decision or decision-making process. Ombudsman investigators probe into the circumstances of an event or incident, collect and analyze relevant evidence and work to understand the complainant's situation so next steps toward determining fairness can be taken.

Apart from helping individuals resolve a particular complaint, we also serve public sector organizations. They also benefit when complaints are resolved through a fair process. In addition, investigations bring to their attention systemic issues to which the Ombudsman recommends practical improvements. In these cases, we look to derive an understanding of why the issue came to be, what lessons are available to learn and what steps are necessary to bring fair treatment back in line.

What does this mean to the average Albertan? It means that when someone is treated unfairly and all other avenues to resolve the issue have been exhausted, they can come to us for help.

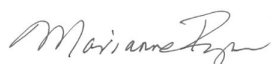
Our 53<sup>rd</sup> annual report tells the story of who we are and how we remain accountable to those invested in the outcomes of our work (our complainants, the authorities we investigate and elected officials in the Alberta Legislative Assembly).

We report our business results and through real case examples, illustrate steps in our investigative process from assistance at intake to full investigations of complex or systemic issues. Further, through a series of articles, we review the types of large-scale reform that can occur when organizations and authorities embrace recommendations geared toward positive, solutions-focused steps.

In 2019-20, we continued to see growth in the number of complaints received as we worked to assist complainants at a quicker rate. Early resolution of complaints proved an effective strategy in achieving this objective as did the establishment of SMART (specific, measurable, attainable, realistic and timely) goals.

It has been three years since I accepted my appointment as Ombudsman and while we celebrate our 2019-20 achievements, we recognize the onset of the COVID-19 pandemic marks a time like no other in our history. As we make plans to adapt our services to meet public health restrictions and the changing needs of Albertans, we know we enter uncharted territory.

I'd like to thank each member of my staff for their enduring commitment to fairness and even while working remotely, maintaining a high degree of productivity. Together, we will rise to meet the challenges of this unusual time and continue our work as Albertans' voice of fairness.



**Marianne Ryan**

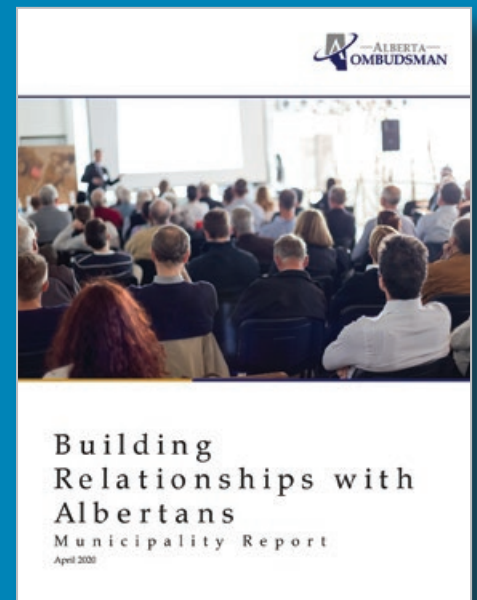
Alberta Ombudsman

## Building Relationships with Albertans – Municipality Report

Early in 2019-20, we commemorated the two-year anniversary since municipalities joined the Ombudsman's jurisdiction with the release of a report.

It describes what we learned while providing oversight to this new jurisdictional sector. We shared observations from our first two years working with municipal leaders addressing complaints while building an understanding of our office's role as a neutral, independent third party. Most importantly, we reported on the experiences of municipal complainants and explored how our office helped facilitate resolution of their complaints.

To download a copy of the report, please visit [www.ombudman.ab.ca](http://www.ombudman.ab.ca).



## Who We Are

As the first of its kind in North America, the Alberta Ombudsman's office was established on September 1, 1967 when the *Ombudsman Act* was proclaimed by the Alberta government. This legislation assigns the Ombudsman the authority to address complaints of unfair treatment by provincial government authorities, municipalities, the Patient Concerns Resolution Process of Alberta Health Services, health professions and designated professional organizations.

Our office assesses the fairness of administrative decisions, which affect the rights, privileges or interests of individual Albertans. What's more, we serve Albertans by getting to the root of an issue and making recommendations to improve the delivery of the public service in question.

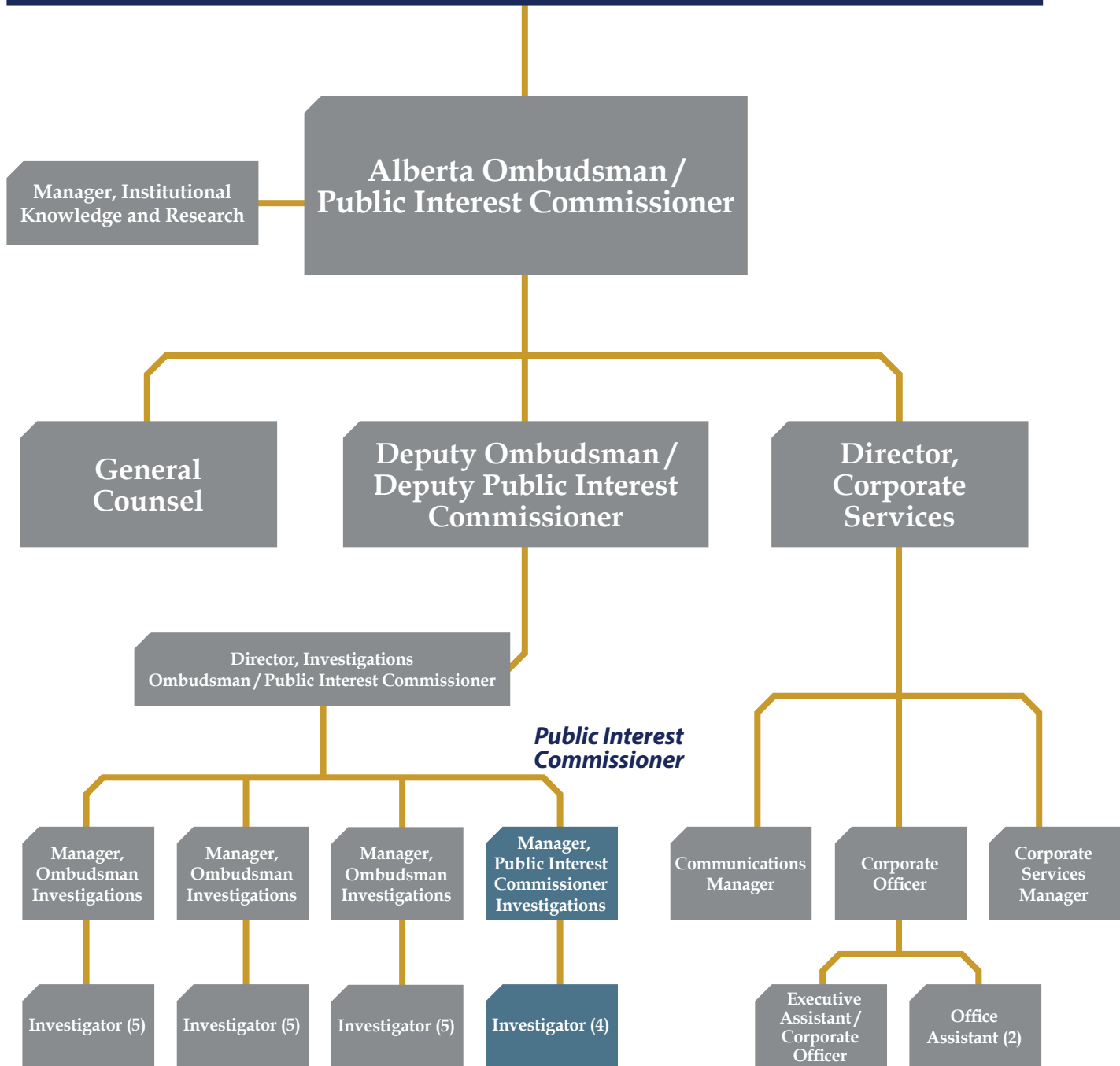
We are organized into three teams of investigators and their managers, corporate staff members, general counsel and executive managers. All take pride in their roles and the efficient and effective operation of the office.

The Ombudsman is also Alberta's Public Interest Commissioner, mandated by the *Public Interest Disclosure (Whistleblower Protection) Act* to investigate allegations of wrongdoing in the public service and protect whistleblowers from reprisal. Led by the Commissioner and her Deputy, this team investigates serious and significant matters of wrongdoing that may be unlawful, dangerous to the public or injurious to the public interest.

The two offices maintain separate operations but share corporate services and executive management.



## Legislative Assembly of Alberta Standing Committee on Legislative Offices



This organization chart reflects a reduction from 33 Ombudsman full-time employees in fiscal year 2019-20 to 30 in 2020-21.

# 2019-20 Year at a Glance



**5,179**  
**TOTAL CASES  
RECEIVED**

**Up 3% over last year**



**3,603**  
**ASSISTANCE  
PROVIDED AT  
INTAKE**



**1,576**  
**INVESTIGATIONS  
COMMENCED**

# 2019-20

## Year at a Glance

### Business Plan Highlights

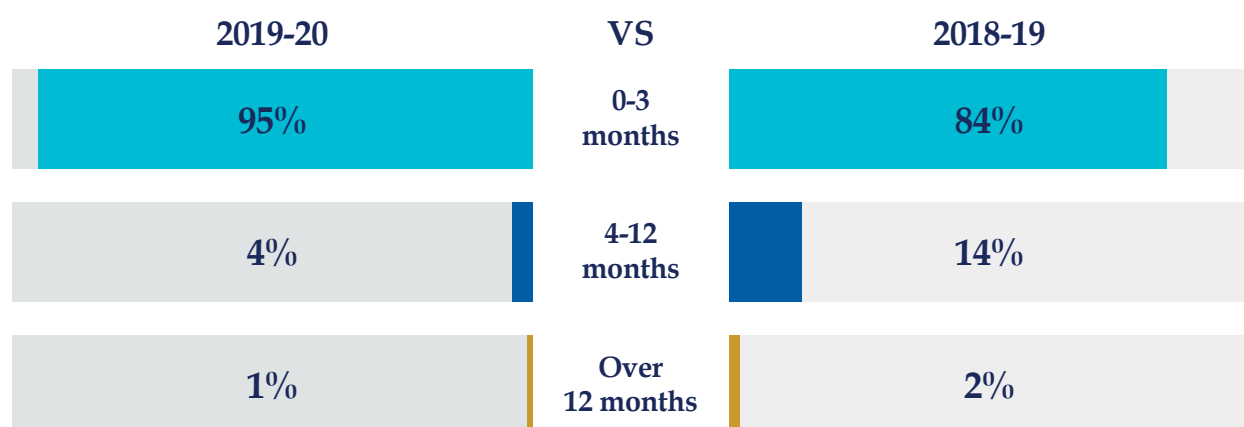
With our vision, mission and values in mind, the business plan for 2019-20 identified three high-level goals and the way our staff intended to meet those goals over the course of the fiscal year. Here's a look at the highlights from 2019-20.

**Goal 1:** The Ombudsman's office will continue to develop best practices to ensure efficient, timely and thorough investigations.

A foundational pillar of the office's function is to conduct timely, efficient and thorough investigations to ensure Albertans have been treated fairly while accessing public services. A cooperative authority, familiar with our role and responsive to the early resolution step in our investigative process, is often able to avoid the time and resources required for a full investigation.

Early resolution has proved to be an effective step in our investigative process as in 2019-20, we closed 30% more complaints during the early resolution phase of our investigative process than in 2018-19. Overall for 2019-20, we realized an 8% increase in closed complaints from 2018-19. In 2019-20, we were able to significantly reduce our investigation timelines over 2018-19 as shown below:

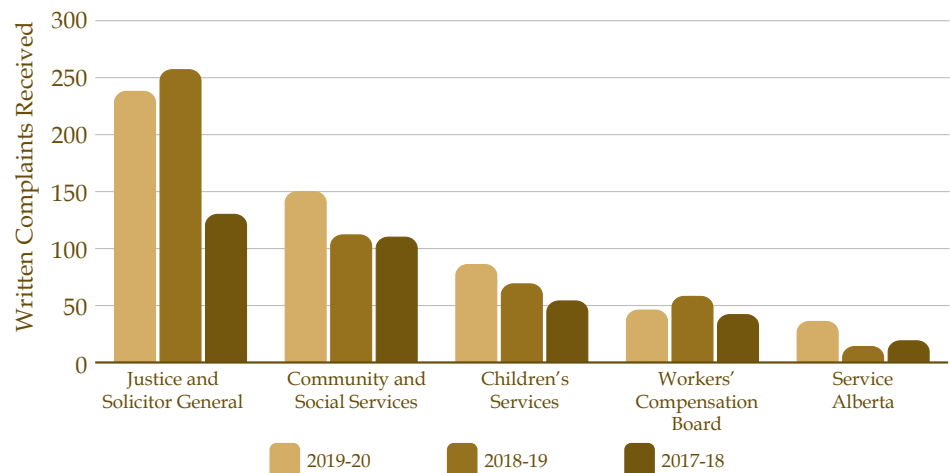
#### Comparison of Time Taken to Close Written Complaints



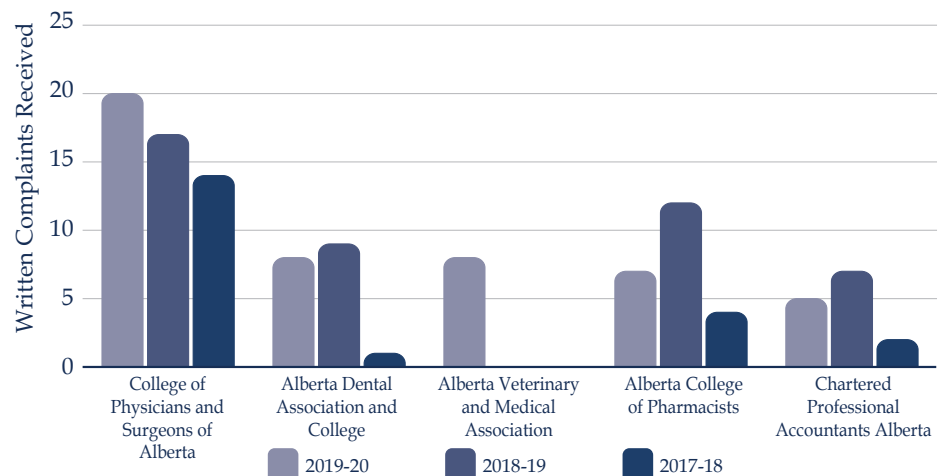
## Volume of Complaints for Jurisdictional Sectors Comparison of 2019-20 Top Five Entities

The volume of written complaints we have received about provincial government authorities, designated professional organizations and municipalities, varies from year to year. These graphs demonstrate this fluctuation by comparing the five entities we received the most complaints about in 2019-20 to previous years.

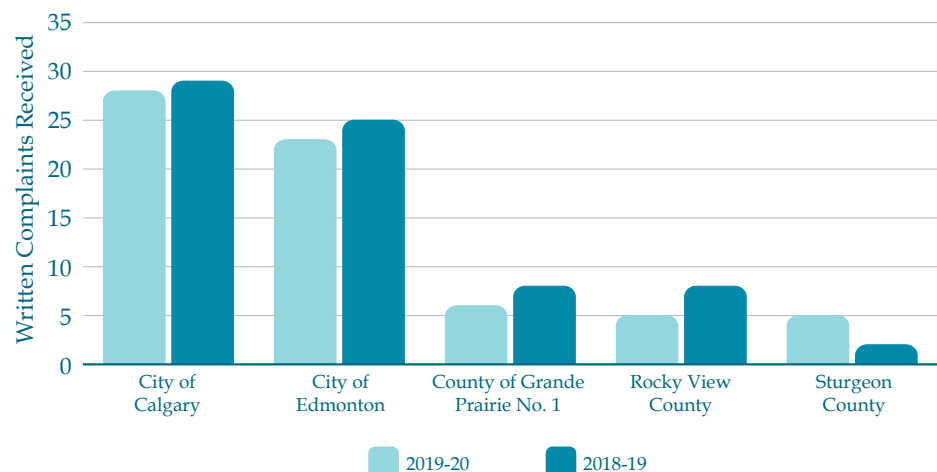
### Provincial Government



### Professional Organizations



### Municipalities\*

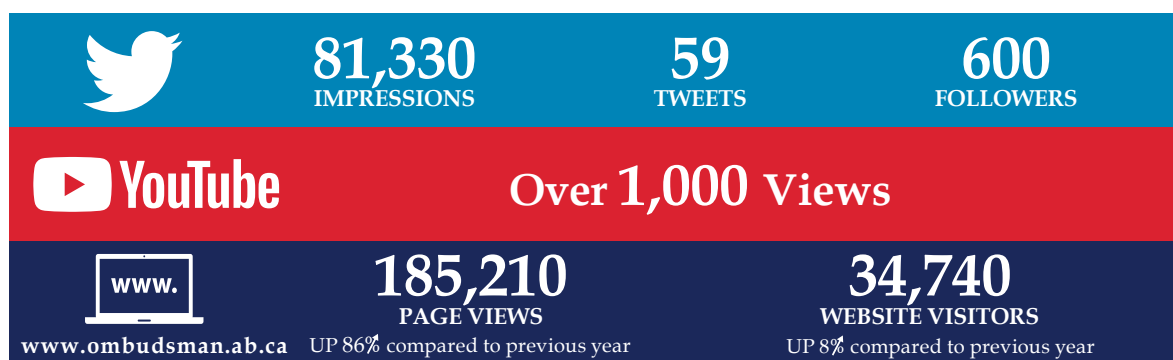


\*Alberta Ombudsman received jurisdiction of municipalities, effective April 1, 2018

**Goal 2: Fairness is promoted to Albertans and authorities through education and awareness.**

The Ombudsman office works to ensure authorities within our jurisdiction, as well as Albertans, are aware of our role and the services we provide. Awareness and education initiatives are valuable as they afford us an opportunity to enhance Albertans' understanding of the service available through our office when they believe they have been treated unfairly.

In 2019-20, our digital presence remained strong and continued to grow as we engaged with Albertans online. Our website offers a broad selection of information including our latest reports, frequently asked questions, case summaries and how to file an online complaint.



Further, the office conducted or participated in 52 events including presentations on what we do, forums on fairness, trade shows, and interviews with media. We promoted good decision making and our Administrative Fairness Guidelines in visits to Alberta's adult provincial correctional facilities and added educational webinars as a tool in our program toolkit.

Listed here are some of the organizations and events where we engaged with others on the role of the office, administrative fairness and elements of good decision making:

- Members-elect Orientation and Trade Show, Legislative Assembly of Alberta
- Correctional Services Induction Training, Justice and Solicitor General
- Municipal Affairs Training Sessions in Lethbridge, Westlock, Olds, Wainwright and Grande Prairie
- Provincial Correctional Centres in Edmonton, Calgary, Lethbridge, Medicine Hat, Peace River, Red Deer and Fort Saskatchewan
- Edmonton Immigrant Services Association
- School at the Legislature Program, Legislative Assembly of Alberta
- Public Law Career Day, Faculty of Law, University of Alberta



**Goal 3:** The Ombudsman's office will ensure the relevant legislation is meeting the needs of Albertans and her office has the ability to fulfill its roles and responsibilities.

New this year, as a way to achieve this outcome and others, staff were required to develop specific, measurable, attainable, realistic and timely (SMART) goals as part of the strategic planning process. Each individual had the opportunity to consider the office's strategic outcomes and advance their ideas for activities, tasks and projects to assist. This resulted in over 80 individual SMART objectives that supported strategies on the office's business plan.



Of significant value was a jurisdictional assessment of Ombudsman legislation across 12 jurisdictions; the collection and collation of important reference materials by members of our administration team; and the development of a comparative matrix that contrasts the various jurisdictions.

Next steps include the formulation and advancement of a proposal to address gaps in the legislation and collaborating with legislators to modernize the *Ombudsman Act*.

## What We Do

Under the *Ombudsman Act*, we have the authority to investigate any administrative decision, recommendation, act or omission performed by a jurisdictional authority. In other words, we investigate to safeguard people's rights to fair treatment and to determine if the delivery of public services has been consistent with the relevant legislation, policies and procedures of the organization.

Administrators making decisions that will significantly affect a person's rights, interests and privileges have a duty to act fairly. Our office uses guidelines rooted in natural justice to determine whether an authority has provided its services in a procedurally fair manner.

The *Ombudsman Act* describes the duties and functions of the Alberta Ombudsman, including the authorities that fit into our jurisdiction:

- Alberta provincial government departments, agencies, boards and commissions
- Alberta municipalities
- Patient Concerns Resolution Process of Alberta Health Services
- Self-regulated health professions proclaimed under the *Health Professions Act*
- Other designated professional authorities

## Assistance Provided at Intake

The Ombudsman believes people should have recourse to address their complaints, whether the complaint lies in the Ombudsman's jurisdiction or not. Therefore, the Ombudsman provides a good referral service for complaints both within or outside of government. An investigator may provide information on how to access the appropriate agency's review process or if the matter is outside the Ombudsman's jurisdiction. This may also include directing callers to another avenue such as banking or insurance ombudsman, one of several federal ombudsman, another provincial legislative officer or possibly a legal remedy.



Some examples of assistance provided at intake are:

- An elderly woman was mentally exhausted dealing with her husband's dementia. She needed help, but didn't know how to get it. The Ombudsman investigator referred her to both the Health Advocate and the Senior's Advocate.
- A young woman in rental housing complained the property owner took too much money from a bank account but he ignored her attempts to resolve the matter. Until she spoke with an Ombudsman investigator, she was unaware of the Residential Tenancy Dispute Resolution Service and was grateful to learn there was somewhere to take her concerns.
- A woman could not afford veterinary care urgently needed for her dog. The Ombudsman investigator referred her to a charity, which could possibly provide assistance.

## Jurisdictional Assessment

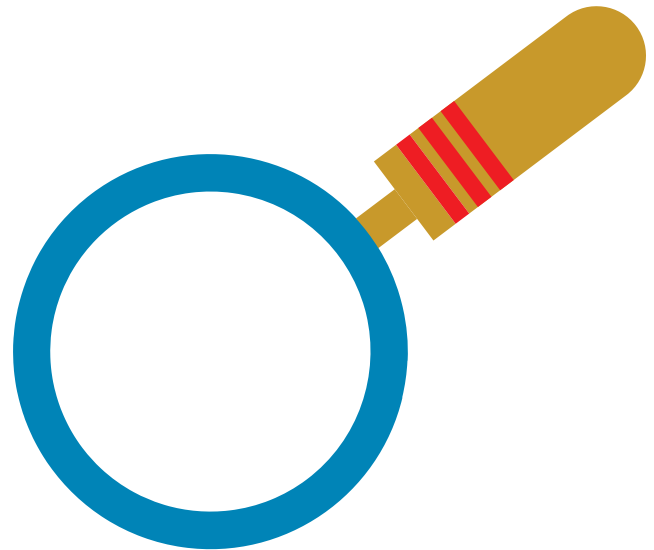
When the Ombudsman receives a written complaint, the first step is to determine if the Ombudsman has jurisdiction and if the complainant has exhausted all available appeals or reviews. Often complaints are multifaceted. Determining jurisdiction over any part of a complaint requires peeling back one layer at a time.

An example of a case that required a detailed jurisdictional assessment is:

An employee of Alberta Health Services (AHS) complained she could not access her pension. The Ombudsman's jurisdiction over AHS is limited to the Patient Concerns Resolution Process (PCRP). Since the woman had health problems, PCRP might have a role but she was complaining about her treatment as an employee, not a patient.

The woman was a member of the Local Authorities Pension Plan (LAPP), administered by Alberta Pensions Service Corporation. Both are government agencies within the Ombudsman's jurisdiction. The Ombudsman investigator informed the woman she could ask LAPP to review the AHS decision about her pension eligibility. While the Ombudsman cannot investigate employment-related issues within AHS, the LAPP decision was eligible for our office to review.

Although access to her pension was the focus of the complaint, other potential avenues of redress existed that might eventually lead back to the Ombudsman. It's not unusual for a complainant to contact us numerous times, as they navigate the often complex steps needed to resolve a problem.



## Written Complaints – Early Resolution

Once a written complaint is determined to be jurisdictional, an investigation is undertaken. Early resolution is a preliminary investigative step where the investigator takes action to resolve the issue informally and as efficiently as possible. Investigators go where the case takes them. Early resolution techniques can work quickly or become almost the equivalent of a full investigation.

The following two examples are written complaints we addressed at the early resolution phase of our investigative process:

On occasion Ombudsman investigators may offer advice aimed at avoiding future problems.

A registered member of the College of Registered Dental Hygienists of Alberta (the college) complained that the college announced it was moving forward the deadline for renewing practice permits and the payment of the accompanying annual fees by one month. This decision would ensure enough time to process all applications, benefiting both registered members and the college. The college notified members that late fees may be levied against members not meeting the new deadline.

The Ombudsman investigator suggested to the college the dates for renewal must be set in the bylaw. While the college council had approved the new deadline, it did not follow the formal process required to change the bylaw. After conversations with the investigator, the college sought legal advice on its own and confirmed that the proposed changes would require bylaw change. While the changes made sense to everyone, it became clear that following a fair administrative process was required for proper implementation.

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A call from the Ombudsman office can be a little alarming but one small town administrator found the Ombudsman investigator helped her work through a difficult problem. The issue stemmed from a complaint to the Ombudsman's office that sparked contact with a municipality for the very first time.

"My first reaction was oh no, what's gone wrong? A call from the Ombudsman can be a little intimidating. I thought surely the municipality is in trouble for something but it turned out to be nothing like that. It was a good learning experience.





Everything about it was positive,” Dianne Roshuk, Chief Administrative Officer for the Village of Nampa, recalls.

“The investigator was very clear with her questions and well informed about the issue. She explained the Ombudsman’s role and I found her to be welcoming, pleasant and understanding. This is not something you want to see drag on. We wanted to deal with it as soon as possible and the process was very efficient,” Ms. Roshuk reports.

The advantages of the Ombudsman’s involvement are still becoming apparent to municipal leaders in this newest jurisdictional sector. With 53 years of experience working with provincial government authorities, we understand the power collaborative relationships have in resolving matters fairly.

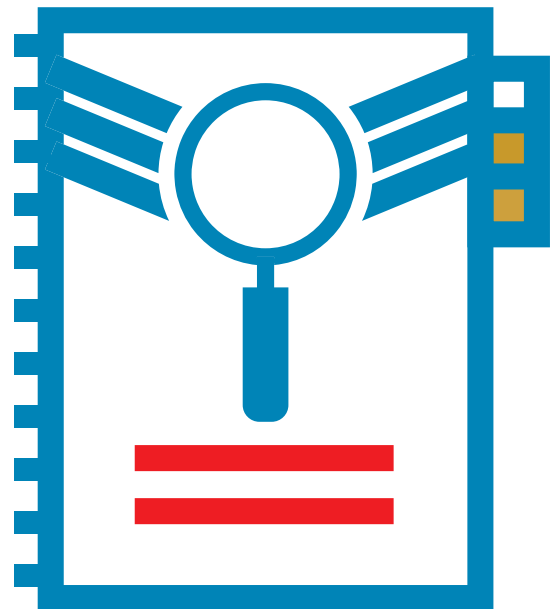
## Written Complaints – Full Investigation

There are many reasons the Ombudsman may proceed to a full investigation. A full investigation may be required if the issue is complex and will require detailed research, site visits, file reviews or interviews; if the issue is systemic in nature and has the potential to affect multiple individuals, a full investigation may be required; and the Ombudsman may consider advancing the case if all attempts at early resolution have failed.

The following two examples are written complaints we addressed through full investigation:

It makes sense that people who consume institutional food are often its greatest critics. Therefore, it isn’t a surprise that inmates in provincial jails frequently complain to the Ombudsman about the meals they are served.

While the Ombudsman addresses every complaint about diet it receives, full investigations take place less regularly. We took a closer look at a food-related complaint from an inmate about Lethbridge Correctional Centre.



The Ombudsman discovered that the meals provided by a private contractor are quality checked to see they meet Canada's Food Guide to Healthy Eating in terms of nutrition and calories. Adjustments are made for people with special needs. While the complaint did not meet the Ombudsman's threshold for unfairness, she did suggest that when the department renews the contract as it does every three years, it should invite an independent review to ensure the proposed meals still meet the required standards.

In responding to the Ombudsman, the department agreed to consider her suggestions and observed that it could improve the description of food services in the inmate handbook. It undertook to outline the diet meets Canada's Food Guide including the caloric intake. The handbook will also describe how inmates may submit complaints about the food.

---

Appeal decisions must be understandable to be fair. Clarity may help an appellant accept the result even when disappointed with the outcome.

A woman complained the Assured Income for the Severely Handicapped (AISH) Appeal Panel denied her request to backdate her benefits from the AISH program. She appealed the director's decision on compassionate grounds after she and her husband had incurred significant debt after doctors diagnosed her with lung cancer.

The Ombudsman opened an investigation with the provincial chair of the appeal panels copying in the Appeals Secretariat, which provides administrative services for appeal panels. The secretariat and the Ombudsman have developed a collaborative relationship and through the investigation, the secretariat acknowledged our concerns. The secretariat agreed the appeal panel decision was confusing, difficult to understand and the panel's application of the legislation was unclear. Finally, the panel's decision did not address the complainant's main point that she based her appeal on compassionate grounds.

Investigators communicated with the appeal panel to discuss ways to address the deficiency in the letters, particularly the lack of clarity and use of plain language. The solution was better training and a tip sheet. In response to the Ombudsman's recommendation letter, the chair told the Ombudsman it holds decision-writing training twice a year aimed at plain language. The training also calls for the citation of the legislative authorities.

The woman stated she was very happy with the outcome. She finally felt heard and was gratified her complaint had an impact even though she did not receive the benefit she sought.

# Trust

## Building Mutual Trust Proves a Worthy Investment



Calgary is home to approximately 30% of Alberta's population. In addition to other municipalities, building a working relationship with the city of Calgary was a priority for the Alberta Ombudsman when it acquired jurisdiction over all Alberta municipalities on April 1, 2018.

Calgary expressed concern about how the Ombudsman's expanded role would add to and benefit local complaint resolution processes for addressing citizens' concerns. The city also shared concern for the additional staff resources required to manage this significant new workload, particularly in a fiscally constrained environment. By working in a collaborative manner over the past two years, a trusted working relationship has evolved.

Some of the cases that helped in this development are:

- A man complained about a trespass notice banning him from the municipal complex for one year due to his behaviour with city staff. The city relies on internal procedures to guide decision making when issuing trespass notices. Although not disputing the validity of the trespass notice itself, the Ombudsman investigator found the city did not apply its own procedures fairly in this case. Corporate security management for the city agreed and had in fact already started drafting a new procedure and a new trespass notice form. New procedural guidelines and trespass notice forms are now in place to ensure the provision of reasons for issuing a trespass notice, whether those reasons were verbal or in writing, and information about the appeal process,

including review by the chief security officer. The Ombudsman investigator found the city contacts acted professionally and were collaborative in resolving this complaint. As a result, the city will be better prepared to respond to future trespass incidents.

- An Ombudsman investigator met with the city's human resources management staff while investigating a personnel-related complaint from an employee on an extended health-related leave of absence. The investigator found the city has and continues to try to find a suitable position to accommodate the employee's medical and vocational restrictions. There had been very little communication between the city and employee for several months. The city's human resources management agreed to send their employee a letter advising of previous and ongoing accommodation efforts.
- Three cases dealing with claims management provided clarity about Calgary's ability to release information to the Ombudsman. A claims management case occurs when a complainant asks the city to pay for damage or loss due to injury or damage caused by the city or its employees. The *Municipal Government Act* states the city is not liable unless the city is negligent. Initially, the city was reluctant to provide information about matters that might end up in court. These cases started a dialogue with the city about how much information could be released to our office. Ombudsman legal counsel explained that legal opinions by city lawyers are privileged and do not have to be released to the Ombudsman, but the claims information is not privileged. Reaching an agreement on this point not only helps support the working relationship to the city of Calgary, it also helps the Ombudsman explain the issue to other municipalities.
- At the invitation of the city, Ombudsman staff from our Calgary office received a presentation and tour of the city's 311 call centre. Our staff were impressed not only by an operation that handles 1 million calls a year, 24 hours a day with 80% of calls answered in 30 seconds, but also with the obvious dedication and volunteerism demonstrated by 311 staff.
- Our investigators met with the city auditor and a manager with the city with respect to a complaint our office referred to the city's whistleblower program. We discussed how the Ombudsman would refer complainants to the appropriate city process and when the complainant has exhausted all avenues available to them, the Ombudsman would then determine our jurisdiction to investigate. In this case, the whistleblower program declined to investigate the complaint because the complainant was already involved in a different process.
- As interaction with the city increased, Calgary began to see the advantages of participating in the Ombudsman's early resolution process. A key case in the transition was an employee relations complaint. Prior to this, the city had taken the position they would not disclose personnel information to our office

outside of a full investigation, which requires a formal signed letter from the Ombudsman to the chief executive officer. Until then, the initial referral for all complainants was to the city's 311 process unless the complainant had a final decision from the city. The city agreed to provide information to assist our office in resolving this complaint, and it helped to demonstrate that early resolution could often be a more effective way to resolve complaints.

In all of the above cases, the complainants did not receive an increased material benefit, but they did receive a better explanation of the application of city policies and procedures. Ultimately, the city of Calgary and the Ombudsman share the goal of ensuring procedural fairness for the people of Calgary. Confirmation that the Ombudsman and the city of Calgary are able to work together in pursuit of this shared objective was found in comments from Calgary's city manager in response to recommendations the Ombudsman made at the outcome of a case.

*"The City appreciates the opportunity to use the early resolution process (ERP) your office has developed in future cases... Your office has been very helpful assisting The City to navigate this new jurisdiction and very open to input from The City on how both formal (full investigation) and ERP take place. I'd like to single out Bryan Michta in particular, whose willingness to engage in regular, open dialogue throughout various investigations has been instrumental to smoothing out what might have been a rocky transition to a new reality for both The City and your office."*

**David Duckworth, City Manager, City of Calgary**

Alberta Ombudsman, Marianne Ryan, also recognizes the advancements in cases underway with the city.

*"Working with the City of Calgary to each establish a dedicated point of contact for our respective offices proved to be highly effective. It created the opportunity to better understand processes and establish the best way forward to resolving Calgarians' complaints. Our sincere thanks to city staff from across the corporation for helping us better understand Calgary's position and for building a strong foundation for our future working relationship."*

**Marianne Ryan, Alberta Ombudsman**





# Ombudsman Investigation Sparks Province Wide Policy Change

A foster mother caring for two children with special needs expressed frustration when Children's Services (the department) set a different rate for each child and wouldn't explain why.

As a result of the Ombudsman investigation into her complaint, foster parents taking in children with special needs will benefit from a more defined rate assessment and review process.

Ms. Greene (not her real name) accepted two teenaged siblings into her care. Children's Service provides a basic daily rate for childcare but can add a "special rate" to compensate for the extra care required by some children. Examples might be providing extra assistance to help the child dress or more supervision in social settings.

In this case, both children had high needs, and so Ms. Greene asked the department to meet with her and assess special rates for both of the teenagers.

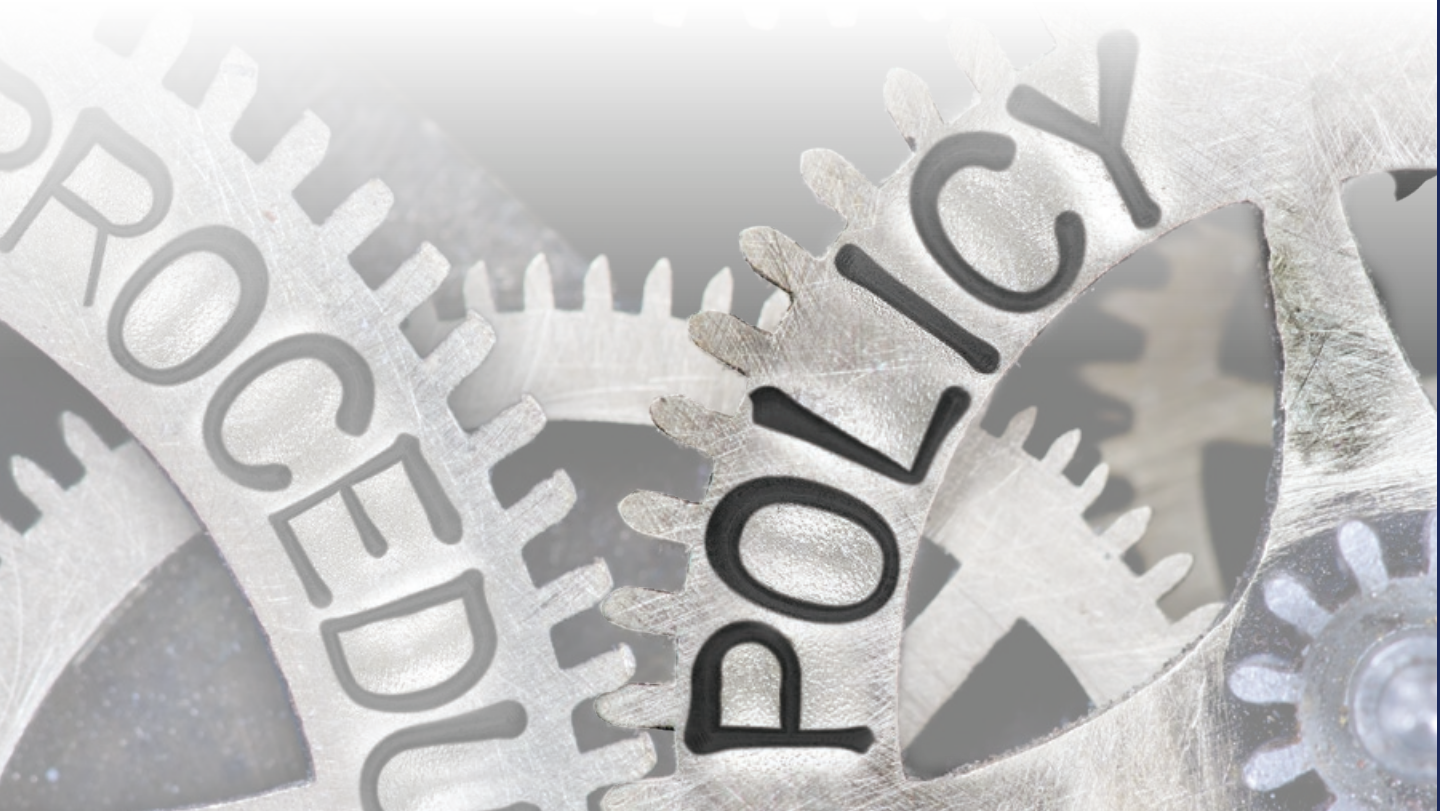
Social workers visited Ms. Greene to assess the children, but ran out of time and only assessed one child. Rather than complete the second assessment, the department decided to give the same special rate for both children. When Ms. Greene asked Children's Services to revisit the rate assessment, the department decided to reduce the special rate for both children. Ms. Green continued to ask for a review of the special rates, but after several months of delays, the department refused her request.

The department couldn't explain to Ms. Greene, or later to the Ombudsman, the criteria for these assessments. It turned out there were no set standards applied consistently across the province. Further, Children's Services couldn't identify a review or appeal process for Ms. Greene. Because of the Ombudsman's intervention, an administrative review was conducted resulting in the special rate for Ms. Greene being increased, and payment made backdated to the time of placement.

**Children's Services acknowledged the opportunity for improvement beyond this one instance. They accepted the Ombudsman's recommendation to create a province wide policy for rate assessment.**

It will also identify a review process.

Administrative fairness requires that all decisions be reviewable and the person affected should be provided an opportunity to participate in the review.







# GUIDELINES

## College and Ombudsman Recognize Guideline Need

After a court hearing into a contentious custody dispute, one parent submitted a complaint to the College of Alberta Psychologists (CAP or the college) alleging that a psychologist demonstrated bias, unprofessional behaviour, and engaged in a dual role. When his complaint was dismissed, he wrote the Ombudsman complaining that CAP's decision to dismiss was not administratively fair.

The role of self-governing health colleges is defined by the *Health Professions Act*. Colleges provide a number of services to the public and its regulated members such as defining scope of practice, setting standards for the profession, and ensuring those standards are met. While balancing the interests of all the parties may be challenging, the overriding task is to act in the public interest. The Ombudsman believed that priority was misplaced in this case.

The CAP investigation found some evidence its regulated member may have acted unprofessionally. This might have been a hard conclusion to avoid due to statements made by the judge who heard the case. The judge said the member's testimony was not credible. Other evidence supporting unprofessionalism was the fact that although hired to be neutral, the member appeared to take sides and seemingly acted as an advocate and litigation support for one party in the dispute. While acknowledging some of the evidence, CAP's acting complaints director dismissed the complaint. He concluded that a departure from normal practice could not automatically be considered unprofessional conduct. The Ombudsman did not disagree, but determined this premise must balance with the need to protect the public interest.

Upon review of the CAP complaint file, the Ombudsman found the college investigator failed to show how the member's action complied with the established standards of the profession. Further, the Ombudsman found that the investigator failed to address all of the major allegations and that the language used in the report created an apprehension of bias. This apprehension of bias was strengthened by the fact that a member of the college who had a previous working relationship with the member participated in the investigation.

The Ombudsman cannot impose clinical judgement on a health college, but she can point out errors in process and recommend that a college conduct a second and fairer investigation. CAP readily agreed to reinvestigate and agreed with a number of recommendations made by the Ombudsman. In this case, the recommendations of the Ombudsman coincided with the college's development of its own practice guidelines, a recusal policy, and training for acting complaints directors.

***"Because we continually strive to improve our service to our members and the public, we don't mind when the Ombudsman calls. We are open to feedback and believe the two-way communication ultimately improves processes."***

**Dr. Richard Spelliscy, Registrar and CEO for CAP reports.**

In order to meet the Ombudsman's recommendations, CAP created a guideline for psychological services used in litigation support and work product review/critique and also created a guideline for professional assessment of parenting time and responsibilities. Dr. Spelliscy says CAP was already taking steps to develop guidelines and so the Ombudsman's recommendation made finalizing a new policy a priority. The resulting product is groundbreaking as CAP found that similar guidelines in other Canadian jurisdictions are non-existent.

***"The college has high standards for self-regulation. We understand this is a privilege and we work to hold ourselves accountable," Dr. Spelliscy explained. He appreciated the collaborative approach taken by the Ombudsman investigator who he said took the time to understand CAP's obligations and processes. Dr. Spelliscy noted that CAP's strives for regulatory excellence in all that they do.***

"We don't always agree with the (Ombudsman) findings. However, we do share a mandate to work towards positive outcomes for the common good to serve the public interest. It's a productive working relationship and we value the opportunity to evolve and learn," Dr. Spelliscy concludes.

# Failure to Notify Leaves a Couple in the Dark and Without Coverage



A married couple working overseas for a charity was surprised when a casual conversation with an Alberta Health employee resulted in the termination of their Alberta Health Care Insurance (AHCI). Most people consider health insurance to be a necessity. Losing coverage can create serious adverse impacts. Not only was their insurance cancelled, they were sent an invoice by AHCI for the cost of providing two years of past insurance.

The Phillips (not their real name) maintain a strong relationship with Alberta and plan to return here at the end of their mission. Their adult children continue to be Alberta residents and remain eligible for AHCI. The decision to terminate the Phillips' coverage arose out of a casual remark Ms. Phillips made when participating in a phone call with AHCI aimed at helping a child maintain eligibility for AHCI.

Based on the remark, the official suspected the Phillips did not qualify for AHCI at the present time, but he did not express his suspicion. After the call, the official did some checking on social media and made the determination to terminate the Phillips' coverage based on their online posts. Initially the cancellation included the adult children, but later their coverage was reinstated.

There are special rules for missionaries that allow for extended coverage, but in the end the Ombudsman's investigation confirmed that the Phillips couple did not meet that criteria.



**From the Ombudsman's point of view, the unfairness was not the decision to investigate the Phillips' eligibility, or even the decision to terminate coverage. Unfairness was created by the way the decision was made.**

The people affected were not informed of the information on which the decision was based or given an opportunity to have input into the decision. They were not offered any review or appeal process. A basic principle of administrative fairness is people impacted by a decision should be consulted and allowed to present their side of the story. The investigation showed AHCI did not have an established process on how these decisions are made. The investigation found other provinces would not have made the decision in the same way. It struck the Ombudsman as unfair for AHCI to send an invoice for two years of coverage when no attempt was made to inform them.

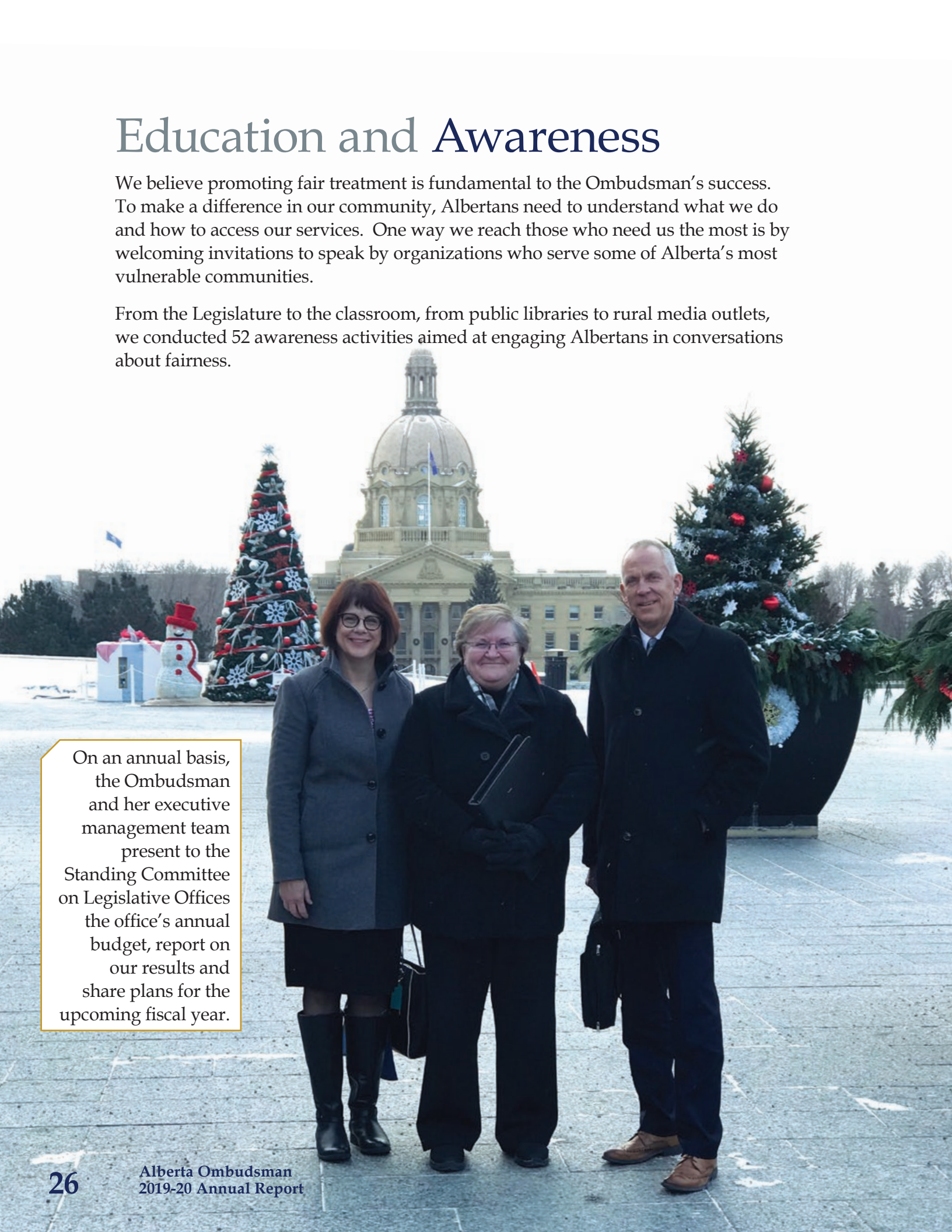
**Alberta Health accepted the Ombudsman recommendations. The invoice for two years of back coverage was rescinded, although ongoing coverage remained suspended until the couple physically returned to Alberta. The department has committed to better clarifying their procedures so that in the future the affected person will be able to participate in the decision.**

While the decision to rescind the Phillips' coverage was too casual and did not allow them fair input, the Ombudsman acknowledges the official was attempting to be diligent. It is the duty of the department to protect the integrity and cost effectiveness of the health care system by ensuring only eligible citizens receive a benefit paid for by Albertans as a whole.

# Education and Awareness

We believe promoting fair treatment is fundamental to the Ombudsman's success. To make a difference in our community, Albertans need to understand what we do and how to access our services. One way we reach those who need us the most is by welcoming invitations to speak by organizations who serve some of Alberta's most vulnerable communities.

From the Legislature to the classroom, from public libraries to rural media outlets, we conducted 52 awareness activities aimed at engaging Albertans in conversations about fairness.

A photograph of three people standing in front of the Alberta Legislature building. On the left is a woman with short brown hair and glasses, wearing a grey coat and black boots. In the center is an older woman with short blonde hair and glasses, wearing a black coat and black pants, holding a black folder. On the right is a man with short grey hair, wearing a black coat and dark pants, holding a black briefcase. They are standing on a paved area with snow. In the background, there are two large Christmas trees decorated with red and white ornaments, and a snowman figure. The Alberta Legislature building is visible in the background.

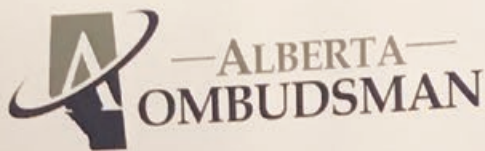
On an annual basis, the Ombudsman and her executive management team present to the Standing Committee on Legislative Offices the office's annual budget, report on our results and share plans for the upcoming fiscal year.



The Ombudsman and her staff visit Lethbridge Correctional Centre, one stop on their tour of all provincial adult correctional facilities across Alberta. We appreciated the opportunity to speak on administrative fairness in a correctional setting and hear concerns affecting inmates, correctional officers and health care staff.







## Our Mission

The Alberta Ombudsman provides oversight to ensure fair treatment through independent investigations, recommendations and education for all Albertans.

## Our Jurisdiction

The Ombudsman can investigate any administrative decision, recommendation, act or omission of:

- Alberta provincial government departments, agencies, boards and commissions
- Alberta municipalities
- Patient Concerns Resolution Health Services
- Self-regulated health professions under the *Health Professions Act* Alberta College of Optometrists
- Other designated professions including accounting, forestry, veterinary professions

[www.ombudsman.ab.ca](http://www.ombudsman.ab.ca)

We are here to help



## Get in Touch

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The 2019 Law Connect event, hosted by Calgary Public Library, gave members of the public the opportunity to ask questions and learn how to contact our office with their concerns.





At an information fair hosted by the Legislative Assembly Offices, we shared information about the Ombudsman's role alongside other representatives for the Officers of the Legislature.



Kids understand the importance of fairness! Participating with the School at the Legislature program and connecting with students from across Alberta is always a highlight for our staff.



Staff attended the University of Alberta Public Law Career Day to network and answer questions from law students on the principles of administrative fairness.



# An Amazing 47-Year Career with the Ombudsman



While retirement is a milestone most of us will achieve, not many of us will reach 47 years at the same office.

“When I started in 1973, the Ombudsman’s office was relatively new and the relationship between the office and many government departments was less than congenial. But, as departments became more familiar with the office, and as they discovered the office’s recommendations were well founded and evidence based, the Ombudsman’s credibility and working relationships throughout government improved,” reminisces Diann. “Of even more importance, departments learned Ombudsman investigations served to improve their processes.”

Diann, who began as a stenographer, worked with all nine Ombudsman since Alberta opened as North America’s first parliamentary Ombudsman office in 1967. She rose through the ranks from secretary to the Ombudsman in 1976, to Ombudsman investigator in 1980. Her deep understanding of Ombudsman issues and her commitment to achieving fairness for all citizens earned her various promotions including manager of investigations and the role she most recently held, manager of strategic services.

A lot has changed since those first years. “Two major jurisdictional changes expanded our office’s reach,” she says. “In 1990, we began investigating certain designated professions including all professions under the *Health Professions Act*. Then in 2018, municipalities joined our jurisdiction and we acted on complaints from citizens concerned about fairness at the municipal government level.” The office adapted with advancements to early resolution strategies for investigations, digital case management systems and standardized procedures from intake to case closure.

Certain cases stand out in Diann’s memory. She tells the story of an own motion investigation into the death of a three year old child at a licensed daycare facility. While playing, the cord on the child’s jacket caught on the railing of a slide and went unnoticed by daycare staff until it was too late. The fatality review noted the daycare had failed to adhere to proper staff ratios. While the Ombudsman has never had jurisdiction over daycares, it does over the licensing branch. The investigation focused on the licensing procedures and resulted in 56 recommendations, all of which were accepted and implemented.

Fast forward to 2019 when Diann led an own motion into unfair processes by Alberta’s Mental Health Review Panels, the body responsible for holding hearings and making decisions related to the admission, detention and treatment of patients affected by a mental illness.

“Diann’s work on the own motion into Mental Health Review Panels has resulted in positive and far reaching improvements for patients experiencing mental health issues in Alberta,” states Marianne Ryan, Alberta’s ninth Ombudsman. “What’s more, she has been a key contributing member to the office’s management team and a valuable asset to our team approach for early resolution investigations.”

Even with the unprecedented, and for many, devastating impact of COVID-19, Diann continued to push hard until her last day on the job. In her farewell letter to staff, Diann concluded with,

*“Government is getting bigger and more complex all the time and computers are doing much of the work that used to be done by humans.*

*That human contact we have with people every day sets us apart. We are the problem solvers. We focus on who, what, where, and when because we have a real focus on process; but the reason why is the foundation and until this is known, the who, what, where, and when questions offer an incomplete answer to the puzzle.*

*So, be curious, always ask why.”*

**Thank you for your service, Diann. We will miss you.**



## Office of the Ombudsman

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Financial Statements

March 31, 2020

**OFFICE OF THE OMBUDSMAN**  
**FINANCIAL STATEMENTS**  
**Year Ended March 31, 2020**

Independent Auditor's Report

Statement of Operations

Statement of Financial Position

Statement of Change in Net Debt

Statement of Cash Flows

Notes to the Financial Statements

Schedule 1 – Salary and Benefits Disclosure

Schedule 2 – Allocated Costs

## Independent Auditor's Report

To the Members of the Legislative Assembly

### Report on the Financial Statements

#### Opinion

I have audited the financial statements of the Office of the Ombudsman (the Ombudsman), which comprise the statement of financial position as at March 31, 2020, and the statements of operations, change in net debt, and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In my opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Ombudsman as at March 31, 2020, and the results of its operations, its changes in net debt, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

#### Basis for opinion

I conducted my audit in accordance with Canadian generally accepted auditing standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Ombudsman in accordance with the ethical requirements that are relevant to my audit of the financial statements in Canada, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Other information

Management is responsible for the other information. The other information comprises the information included in the *Annual Report*, but does not include the financial statements and my auditor's report thereon. The *Annual Report* is expected to be made available to me after the date of this auditor's report.

My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information identified above and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I will perform on this other information, I conclude that there is a material misstatement of this other information, I am required to communicate the matter to those charged with governance.

## **Responsibilities of management and those charged with governance for the financial statements**

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Ombudsman's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless an intention exists to liquidate or to cease operations, or there is no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Ombudsman's financial reporting process.

## **Auditor's responsibilities for the audit of the financial statements**

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, I exercise professional judgment and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Ombudsman's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Ombudsman's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Ombudsman to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

[Original signed by W. Doug Wylie FCPA, FCMA, ICD.D]

W. Doug Wylie FCPA, FCMA, ICD.D  
Auditor General

July 7, 2020  
Edmonton, Alberta

# OFFICE OF THE OMBUDSMAN

## STATEMENT OF OPERATIONS

Year ended March 31, 2020

	<b>2020</b>		<b>2019</b>
	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
<b>Revenues</b>			
Surplus Sales	\$ -	\$ 328	\$ 1,651
	-	328	1,651
<b>Expenses - Directly Incurred</b> <b>(Notes 2(b), 3 and Schedule 2)</b>			
Salaries, Wages, and Employee Benefits	3,904,000	3,385,040	3,476,558
Supplies and Services	387,000	363,757	366,489
Amortization of Tangible Capital Assets	15,000	25,112	21,965
	<u>4,306,000</u>	<u>3,773,909</u>	<u>3,865,012</u>
Less: Recovery from Support Service Arrangements with Related Parties	<u>(467,000)</u>	<u>(326,951)</u>	<u>(387,376)</u>
Program - Operations	<u>3,839,000</u>	<u>3,446,958</u>	<u>3,477,636</u>
<b>Net Cost of Operations</b>	<u><u>\$ (3,839,000)</u></u>	<u><u>\$ (3,446,630)</u></u>	<u><u>\$ (3,475,985)</u></u>

The accompanying notes and schedules are part of these financial statements.

## OFFICE OF THE OMBUDSMAN

### STATEMENT OF FINANCIAL POSITION

As at March 31, 2020

	2020	2019
<b>Financial Assets</b>		
Accounts Receivable	\$ 1,300	\$ -
	<u>1,300</u>	<u>-</u>
<b>Liabilities</b>		
Accounts Payable and Accrued Liabilities	102,429	88,358
Accrued Vacation Pay	331,493	289,737
	<u>433,922</u>	<u>378,095</u>
<b>Net Debt</b>	<u>(432,622)</u>	<u>(378,095)</u>
<b>Non-Financial Assets</b>		
Tangible Capital Assets (Note 4)	111,530	102,787
Prepaid Expenses	22,914	13,068
	<u>134,444</u>	<u>115,855</u>
<b>Net Liabilities</b>	<u>\$ (298,178)</u>	<u>\$ (262,240)</u>
<b>Net Liabilities at Beginning of Year</b>	\$ (262,240)	\$ (223,166)
Net Cost of Operations	(3,446,630)	(3,475,985)
Net Financing Provided from General Revenues	<u>3,410,692</u>	<u>3,436,911</u>
<b>Net Liabilities at End of Year</b>	<u>\$ (298,178)</u>	<u>\$ (262,240)</u>

The accompanying notes and schedules are part of these financial statements.



## OFFICE OF THE OMBUDSMAN

### STATEMENT OF CHANGE IN NET DEBT

Year ended March 31, 2020

	2020		2019
	Budget	Actual	Actual
<b>Net Cost of Operations</b>	\$ (3,839,000)	\$ (3,446,630)	\$ (3,475,985)
Acquisition of Tangible Capital Assets	-	(33,855)	-
Amortization of Tangible Capital Assets (Note 4)	15,000	25,112	21,965
Increase in Prepaid Expenses		(9,846)	(6,511)
Net Financing Provided from General Revenue		3,410,692	3,436,911
<b>Increase in Net Debt</b>		\$ (54,527)	\$ (23,620)
<b>Net Debt at Beginning of Year</b>		(378,095)	(354,475)
<b>Net Debt at End of Year</b>		<u>\$ (432,622)</u>	<u>\$ (378,095)</u>

The accompanying notes and schedules are part of these financial statements.

## OFFICE OF THE OMBUDSMAN

### STATEMENT OF CASH FLOWS

Year ended March 31, 2020

	<u>2020</u>	<u>2019</u>
<b>Operating Transactions</b>		
Net Cost of Operations	\$ (3,446,630)	\$ (3,475,985)
Non-Cash Items included in Net Operating Results:		
Amortization of Tangible Capital Assets	25,112	21,965
Increase in Accounts Receivable	(1,300)	-
Increase in Prepaid Expenses	(9,846)	(6,511)
Increase in Accounts Payable and Accrued Liabilities	55,827	23,620
Cash Applied to Operating Transactions	<u>(3,376,837)</u>	<u>(3,436,911)</u>
<b>Capital Transactions</b>		
Acquisition of Tangible Capital Assets	<u>(33,855)</u>	-
Cash Applied to Capital Transactions	<u>(33,855)</u>	-
<b>Financing Transactions</b>		
Net Financing Provided from General Revenues	<u>3,410,692</u>	<u>3,436,911</u>
<b>Changes in Cash</b>	-	-
<b>Cash at Beginning of Year</b>	-	-
<b>Cash at End of Year</b>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>

The accompanying notes and schedules are part of these financial statements.

# OFFICE OF THE OMBUDSMAN

## Notes to the Financial Statements

Year ended March 31, 2020

### NOTE 1 AUTHORITY AND PURPOSE

The Office of the Ombudsman (the Office) operates under the authority of the *Ombudsman Act*.

The Office promotes fairness in public administration within the Government of Alberta, designated professional organizations, the patient concerns resolution process of Alberta Health Services, and Alberta municipalities.

### NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES

These financial statements are prepared in accordance with Canadian Public Sector Accounting Standards, which use accrual accounting.

As the Office does not have any transactions involving financial instruments that are classified in the fair value category, there is no statement of re-measurement gains and losses.

#### (a) Reporting Entity

The reporting entity is the Office of the Ombudsman, which is a legislative office for which the Ombudsman is responsible.

The Office's annual operating and capital budgets are approved by the Standing Committee on Legislative Offices.

The net cost of the operations of the Office is borne by the General Revenue Fund (the Fund) of the Province of Alberta, which is administered by the President of Treasury Board, Minister of Finance.

## OFFICE OF THE OMBUDSMAN

### Notes to the Financial Statements (Cont'd)

Year ended March 31, 2020

#### NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES (Cont'd)

##### (a) Reporting Entity (Cont'd)

All cash receipts of the Office are deposited into the Fund and all cash disbursements made by the Office are paid from the Fund.

Net financing provided from General Revenues is the difference between all cash receipts and all cash disbursements made.

##### (b) Basis of Financial Reporting

###### Expenses

###### Directly Incurred

Directly incurred expenses are those costs the Office has primary responsibility and accountability for, as reflected in the Office's budget documents

In addition to program operating expenses such as salaries, supplies, etc., directly incurred expenses also include:

- amortization of tangible capital assets;
- pension costs, which comprise the cost of employer contributions for current service of employees during the year; and
- a valuation adjustment which represents the change in management's estimate of future payments arising from obligations relating to vacation pay.

###### Incurred by Others

Services contributed by other entities in support of the Office's operations are not recognized but disclosed in Schedule 2.

# OFFICE OF THE OMBUDSMAN

## Notes to the Financial Statements (Cont'd)

Year ended March 31, 2020

### NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES (Cont'd)

#### (b) Basis of Financial Reporting (Cont'd)

##### Valuation of Liabilities

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable, willing parties who are under no compulsion to act.

The fair values of accounts payable and accrued liabilities are estimated to approximate their carrying values because of the short term nature of these instruments.

##### Liabilities

Liabilities are present obligations of the Office to external organizations and individuals arising from past transactions or events, the settlement of which is expected to result in the future sacrifice of economic benefits. They are recognized when there is an appropriate basis of measurement and management can reasonably estimate the amounts.

##### Non-Financial Assets

Non-Financial assets are acquired, constructed, or developed assets that do not normally provide resources to discharge existing liabilities, but instead:

- (a) are normally employed to deliver the Office's services;
- (b) may be consumed in the normal course of operations; and
- (c) are not for sale in the normal course of operations.

Non-financial assets of the Office are limited to tangible capital assets and prepaid expenses.

##### Tangible Capital Assets

Tangible capital assets are recorded at historical cost and are amortized on a straight-line basis over the estimated useful lives of the assets. The threshold for capitalizing new systems development is \$250,000 and the threshold for major system enhancements is \$100,000. The threshold for all other tangible capital assets is \$5,000. Amortization is only charged if the tangible capital asset is put into service.

## OFFICE OF THE OMBUDSMAN

### Notes to the Financial Statements (Cont'd)

Year ended March 31, 2020

#### NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES (Cont'd)

##### (c) Net Debt

Net debt indicates additional cash required from the Fund to finance the Office's cost of operations to March 31, 2020.

#### NOTE 3 SUPPORT SERVICES ARRANGEMENTS

*The Public Interest Disclosure (Whistleblower Protection) Act* appoints the Ombudsman to also be the Public Interest Commissioner. The Office of the Public Interest Commissioner is a separate Legislative Office physically located with the Office of the Ombudsman.

The Offices of the Ombudsman and Public Interest Commissioner have a formal support services agreement (the agreement) for provision of shared services.

The Office of the Ombudsman's employees provide general counsel, communications, and corporate (finance, human resources, information technology, administration) services to the Office of the Public Interest Commissioner. The salaries and benefits costs of these Ombudsman employees are allocated to the Office of the Public Interest Commissioner based on the percentage of time spent providing the shared services.

The agreement authorizes allocation of other office services (i.e. photocopier fees, etc.) paid by the Office of the Ombudsman to be allocated, on a usage basis, to the Office of the Public Interest Commissioner.

The shared services allocation is included in the voted operating estimates and statement of operations as a cost recovery for the Office of the Ombudsman and as a supplies and services expense for the Office of the Public Interest Commissioner.

For 2019-20, the Office's cost recovery from the Office of the Public Interest Commissioner was \$326,951 (2019 \$387,376).



# OFFICE OF THE OMBUDSMAN

## Notes to the Financial Statements (Cont'd)

Year ended March 31, 2020

### NOTE 4 TANGIBLE CAPITAL ASSETS

	Useful Life (yrs)	Cost	2020	
			Accumulated Amortization	Net Book Value
Computer hardware and software	3	\$ 61,791	\$ 43,567	\$ 18,224
Leasehold Improvements	5	33,220	14,386	18,834
Office equipment and furnishings	5 or 10	128,499	54,026	74,473
		<u>\$ 223,510</u>	<u>\$ 111,979</u>	<u>\$ 111,531</u>

	Useful Life (yrs)	Cost	2019	
			Accumulated Amortization	Net Book Value
Computer hardware and software	3	\$ 111,408	\$ 111,408	\$ -
Leasehold Improvements	5	33,220	7,739	25,481
Office equipment and furnishings	5 or 10	115,803	38,497	77,306
		<u>\$ 260,431</u>	<u>\$ 157,644</u>	<u>\$ 102,787</u>

In 2019-20, tangible capital asset additions totaled \$33,855 and disposals totaled \$70,776. There were no tangible capital asset additions or disposals in 2018-19.

## OFFICE OF THE OMBUDSMAN

### Notes to the Financial Statements (Cont'd)

Year ended March 31, 2020

#### NOTE 5 DEFINED BENEFIT PLANS (IN THOUSANDS)

The Office participates in the multi-employer Management Employees Pension Plan and Public Service Pension Plan. The Office also participates in the multi-employer Supplementary Retirement Plan for Public Service Managers. The expense for these pension plans is equivalent to the annual contributions of \$349 for the year ended March 31, 2020 (2019 - \$355).

At December 31, 2019, the Management Employees Pension Plan had a surplus of \$1,008,135 (2018 surplus \$670,700), the Public Service Pension Plan had a surplus of \$2,759,320 (2018 surplus \$519,218) and the Supplementary Retirement Plan for Public Service Managers had a deficit of \$44,698 (2018 deficit \$70,310).

The Office also participates in the multi-employer Long Term Disability Income Continuance Plan. At March 31, 2020, the Management, Opted Out and Excluded Plan had a surplus of \$11,635 (2019 surplus \$24,642). The expense for this plan is limited to the employer's annual contributions for the year.

#### NOTE 6 BUDGET

The budget shown on the statement of operations is based on the budgeted expenses that the all-party Standing Committee on Legislative Offices approved on November 30, 2018. The following table compares the office's actual expenditures, excluding non-voted amounts such as amortization, to the approved budgets:

	<u>Voted budget</u>	<u>Actual</u>	<u>Unexpended</u>
Operating expenditures	\$ 4,291,000	\$ 3,748,797	\$ 542,203
Capital investment	<u>-</u>	<u>33,855</u>	<u>(33,855)</u>
	<u>\$ 4,291,000</u>	<u>\$ 3,782,652</u>	<u>\$ 508,348</u>

**OFFICE OF THE OMBUDSMAN**  
**Notes to the Financial Statements (Cont'd)**

**Year ended March 31, 2020**

**NOTE 7 CONTRACTUAL OBLIGATIONS**

Contractual obligations are obligations of the Office to others that will become liabilities in the future when the terms of those contracts or agreements are met.

Estimated payment requirements for the unexpired terms of these contractual obligations are as follows:

2020-21	\$ 20,364
2021-22	17,340
2022-23	15,180
	<u>\$ 52,884</u>

**NOTE 8 APPROVAL OF FINANCIAL STATEMENTS**

These financial statements were approved by the Ombudsman.

## OFFICE OF THE OMBUDSMAN

## Salary and Benefits Disclosure

Year Ended March 31, 2020

	2020			2019	
	Base Salary	Cash Benefits <sup>(1)</sup>	Non-Cash Benefits <sup>(2)</sup>	Total	Total
Senior Official <sup>(3) (4) (5)</sup> Ombudsman / Public Interest Commissioner	\$ 239,474	\$ 42,419	\$ 10,912	\$ 292,805	\$ 290,438
Executive <sup>(4) (5) (6)</sup> Deputy Ombudsman / Deputy Public Interest Commissioner	\$ 160,613	\$ -	\$ 37,375	\$ 197,988	\$ 132,308

- (1) Cash benefits are pension-in-lieu payments, and vehicle allowance.
- (2) Non-cash benefits include the Office's share of all employee benefits and contributions or payments made on behalf of employees including pension plans, CPP/EI employer premiums, extended health care, dental coverage, group life insurance, long-term disability premiums, parking, health spending account and WCB premiums.
- (3) For 2019-20, the Ombudsman / Public Interest Commissioner was not provided an automobile and did not receive a taxable benefit at December 31, 2019 (2018 \$0).
- (4) The Senior Official is both the Ombudsman and the Public Interest Commissioner and the Executive is both the Deputy Ombudsman and the Deputy Public Interest Commissioner. These positions do not receive additional remuneration for their Public Interest Commissioner roles. This schedule represents 100% of total salary and benefits for the Senior Official and the Executive for fiscal years 2019-20 and 2018-19.
- (5) Note 3 on the Notes to the Financial Statements provides information regarding allocation of shared services costs for financial statement presentation.
- (6) The Deputy Ombudsman / Deputy Public Interest Commissioner commenced on August 8, 2018.

## OFFICE OF THE OMBUDSMAN

## Allocated Costs

Year Ended March 31, 2020

		2020			
		Expenses - Incurred by Others			2019
			Business	Total	Total
Program	Expenses <sup>(1)</sup>	Accommodation <sup>(2)</sup>	Services <sup>(3)</sup>	Expenses	Expenses
Operations	\$ 3,446,958	\$ 291,454	\$ 35,000	\$ 3,773,412	\$ 3,826,537

(1) Expenses - directly incurred as per Statement of Operations.

(2) Accommodation - expenses allocated by the total square meters occupied by the Office.

(3) Business Services - costs include charges allocated by Service Alberta for finance services (accounts payable, pay and benefits), IT support, and IMAGIS - the financial and human resources system.









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