

Fair Practices Office

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Department of Families

Manitoba



Presentation Overview

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Background

- In 2010, the Manitoba Ombudsman conducted an extensive investigation of the Employment and Income Assistance program in response to a complaint from twelve community organizations that provide services to Employment and Income Assistance program participants.
- Among other concerns, the complainants questioned whether participants in the program were being treated fairly.

Background

- The Ombudsman recommended a number of measures to enhance both consistency and fairness, including the implementation of service standards and a complaint resolution process.
- Community advocates urged the government to create a Fair Practices Office.
- The Fair Practices Office was established in July 2012.

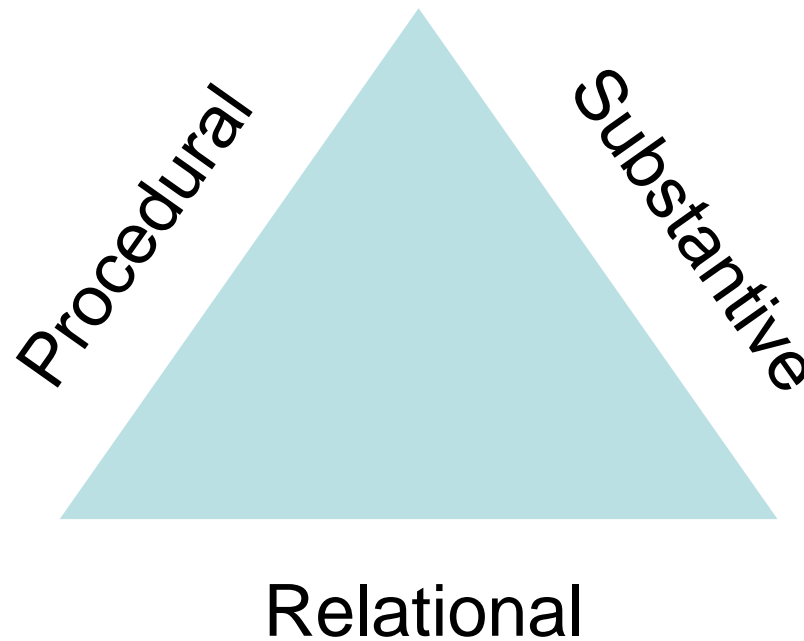
Scope of Responsibility

The Fair Practices Office (FPO) provides assistance to Manitobans applying for, or receiving services under, the following programs:

- Employment and Income Assistance
- Community Living Disability Services
- Children's disAbility Services
- Early Learning and Child Care (Subsidy)

What is “Fairness”?

The Fairness Triangle



Procedural Fairness

- Procedural fairness describes the process or the steps taken in making a decision; it requires that:
 - you have advance notice that a decision will be made and the nature of the issue to be decided,
 - you are given an opportunity to make a submission and challenge any information,
 - the decision maker is impartial,
 - the decision maker gives meaningful reasons for a decision that are easy to understand.

Substantive Fairness

- Substantive fairness relates to the fairness of the decision itself; it requires that:
 - the decision maker has the authority under the law to make the decision,
 - the decision cannot require an illegal act,
 - the decision cannot be oppressive,
 - the decision cannot be discriminatory, and
 - the decision must be reasonable and the reasoning understandable by those affected by it.

Relational Fairness

- Relational Fairness relates to how you or other people affected by the decision feel about the process and the outcome; it requires that the decision maker:
 - takes the time to listen to concerns and answer questions,
 - is approachable,
 - respects your confidentiality,
 - is impartial,
 - does not mislead you about what he/she can or cannot do, and
 - apologizes if he/she makes a mistake.

The Role of the Fair Practices Office

- The FPO provides confidential and impartial assistance to Manitobans applying for, or receiving services under, select Department of Families programs who feel they have not been treated fairly.
- The FPO provides information, referrals, and recommendations to the public, program participants and other stakeholders in order to resolve these issues.
- The FPO investigates complaints, mediates disputes and makes recommendations to program staff based on investigative outcomes.

The Role of the Fair Practices Office

- The FPO maintains records and conducts statistical analysis to help identify repetitive complaint patterns that may require systemic changes.
- The FPO may make recommendations to Government on policy and procedure changes designed to improve service delivery and enhance fairness within the programs overseen by the FPO.

The FPO does not:

- Engage in case management. Clients are expected to maintain communication with their worker at all times. Client requests for new information must be made to their worker directly.
- Act as an advocate for a client. If requested, the FPO can refer clients to a variety of advocacy organizations.
- Make decisions or issue orders. If an investigation suggests that unfairness has occurred, the FPO will make recommendations to senior staff on how the unfairness could be corrected and/or prevented in the future.
- Provide information or testimony to the Social Service Appeal Board.

The Complaints Process

- The FPO is intended to enhance but not replace existing complaints procedures.
 1. When conflicts arise, clients must first make attempts to speak to their case worker about their concern.
 2. If they are unable to resolve the issue with their worker, clients should ask to speak to the supervisor in charge.
 3. If clients are not able to resolve their issue with the supervisor, they may contact the FPO for assistance.

FPO Investigation Procedure

1. The FPO will gather information from the client including their case history and details of their current concern.
2. The FPO may review applicable program policies and procedures with Program Specialists, access program records and speak with staff.
3. Initially, the FPO will work with the client and the program supervisor assigned to the case to clarify information. Ideally, complaints will be resolved informally when all parties have a complete understanding of the issues involved.

FPO Investigation Procedure

4. If the FPO determines that the client has been treated unfairly, the FPO will make recommendations to program management to resolve the issues raised by the client and/or on how the unfairness could be prevented in the future.
5. If the issues remain unresolved, the FPO will contact senior management to discuss the recommendations.
6. The FPO will contact the client with the results of the investigation and/or to follow up to ensure the matter has been resolved.

FPO and Appeals

- Clients contacting the FPO for assistance maintain their right to file an appeal with the Social Service Appeal Board on any and all appealable issues.
- The appeal may be filed before, during or after the involvement of the FPO.
- If the FPO is able to resolve the client's concern to their satisfaction, the client may choose to withdraw their appeal before a scheduled hearing.
- If the FPO is not able to resolve the client's concerns, they will be advised of their right to file an appeal if the matter is one that can be appealed.

Confidentiality and Consent

- While committing to confidentiality, the FPO must be able to share relevant information with parties to a complaint. Information is collected and shared under the Freedom of Information and Protection of Privacy Act and the Personal Health Information Act.
- The FPO will receive consent from any complainant prior to commencing an investigation or negotiation with the program on their behalf.
- Clients who wish to have an advocate act on their behalf must provide written consent authorizing the FPO to discuss their personal information with their advocate.
- Personal information will not be used or disclosed for any other purpose without consent or unless required to do so by law.

Contact Us

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Due to limited staffing, in person meetings are by appointment only.

If you are receiving Federal Income Assistance and wish to register a complaint, please contact the allegations and complaints coordinator for Indigenous and Northern Affairs at 1-855-504-6760.