

Premier Kathleen Wynne
Speech to Sharpening Your Teeth Investigative Training Course
October 25, 2016

ONTARIO OMBUDSMAN PAUL DUBÉ: It's really an honour for me to welcome the Premier, Kathleen Wynne, as our next keynote speaker. C'est un grand honneur pour moi d'accueillir la première ministre de notre province. Premier Wynne, I started telling you a bit about this group as we made our way up, and let me tell you a little bit more, because it's quite a remarkable group. We have gathered here an extraordinary assortment of investigators and public servants, and we have ombudsman representatives from as far away as Antigua, Tonga, Ukraine, and Nebraska. We have people from Ombudsman offices in Nova Scotia, Manitoba, the Yukon, and other Ombudsman and legislative offices in Ontario. We even have a significant delegation from Hamilton. [laughter] Doesn't that sound like a Wayne and Shuster line?

But the important point is that we have people from many organizations that we actually oversee, sitting at the same table as the watchdogs. That's because even though we call this course 'Sharpening Your Teeth', our real aim is to not only teach watchdogs how to bite, but actually to ensure that they get the best bang for their buck. So in my remarks to this group yesterday, I spoke of the importance of building trust and credibility with all stakeholders, and being impartial. We advocate for fairness, but not for the parties in a complaint. And the New Brunswick Ombudsman echoed those sentiments this morning.

The point I was trying to make is that figuratively, it's as important for us to work on our handshakes as it is to sharpen our teeth. It's all about ensuring that our investigations are well-planned and our recommendations are persuasive, even compelling, so we can promote positive change in the organizations we oversee. And that's why, ever since this course was first offered in 2007, we've welcome representatives from the Ontario government as speakers and participants, to demonstrate to them as well as our international colleagues the value of appropriate and productive working relationships between the overseer and the overseen.

And while you are only the second Premier to address this course – your predecessor was here in 2007 – we are honoured and extremely grateful that you're here. We've also welcome every Secretary to the Cabinet who has served since we started this course – Tony Dean, Shelly Jamieson, Peter Wallace, and Steve Orsini – to share their perspective on how ombudsman investigations can help them improve government services. As Mr. Orsini said last year, "We believe transparency and accountability are huge enablers of change," and I couldn't agree more.



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Our Office has resolved thousands upon thousands of complaints, made recommendations that benefit millions of Ontarians, and we certainly believe in the power of openness, transparency, and independent oversight.

Now, a few words about Premier Wynne's background.

Kathleen Wynne was first elected to the Ontario Legislature in 2003 as the MPP for Don Valley West, and re-elected in 2007, 2011 and 2014. She became the leader of the Ontario Liberal Party in 2013. On June 12, 2014 her government was re-elected with a majority mandate.

Before becoming an MPP, Premier Wynne served as a trustee on the Toronto District School Board. Prior to that, she led citizens' groups in a number of grassroots community projects and played a major role as an organizer and facilitator.

She and her partner, Jane, live in North Toronto – in my neighbourhood actually.

I just want to say that my team and I are extremely grateful for the busiest person in the province to take the time to come and speak to us today. So please join me in welcoming Premier Wynne!

PREMIER KATHLEEN WYNNE: Thank you Paul. It's a real pleasure to be here. Good afternoon everyone, bonjour. Thank you for those of you who have traveled, you know, from Hamilton and Tonga – thank you for coming those distances.

I want to begin by showing my respect for the long history for indigenous people in Ontario by acknowledging that Toronto has been a sacred gathering place for many indigenous people of Turtle Island for thousands of years, and we're gathered on the territory of the Huron Wendat and Petun First Nations, the Seneca and most recently the Mississaugas of the New Credit. Today, Toronto is still home to many indigenous people and I'm grateful to them for the opportunity to work together toward reconciliation.

This region is also home and a gathering place for people from around the world. Again, I want to welcome our international visitors attending this conference. I think it's a great opportunity for you to share your experiences and I believe you'll learn, or have learned a great deal, from our Ombudsman's office, Ontario's watchdog. And I said I'm not so sure about the sharp teeth – I'm glad the

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handshake as part of that, Paul, because I do see it very much and important part of how we move forward – not by biting, but by shaking hands.

I have always believed that government must be a force for good in people's lives. That requires a commitment to partnership; it requires a commitment to transparency and accountability. And it means we have to take responsibility when things go wrong and be willing to work with others to find solutions. I actually don't know any other way of doing it and I don't know any other way of improving.

Un gouvernement responsable prend ses responsabilités quand il y a des problèmes, et collabore avec les autres pour trouver les solutions.

These beliefs and my experience in public life have instilled in me a great respect for the role of Ombudsman and the other independent officers of the legislature. I want to talk a little bit today about the concrete steps that we've taken to strengthen and to expand the role of the Ombudsman. But I'll tell you a little bit about my background before I go there.

Before I entered politics, I worked as a community mediator. Paul talked about my work as an activist and facilitator, but I actually I was working as a mediator as well. I believed that if we just as a society, collectively, we spent more time finding coming ground, if we thought more about outcomes and the importance of relationships along the way, and about how decision affect people and communities in the years that follow, then we would be able to come to better, more mutually beneficial agreements. And that is a belief and a skill set that I developed in mediation that has come in handy, many, many times in my political life.

I was also raising my three children at the time that I was doing that work. And I became increasing concerned over what was happening in their schools. There were resources being taken out of the classroom at the time. That to me was not part of the contract that we had in this province and I felt that it was unfair, not just to my kids – that wasn't the only point – it was not good for the entire province. So that was the catalyst; that was a watershed moment for me. And I've been involved in politics ever since. My mission is fairly straightforward. I'm trying to make government more open, inclusive enterprise because that is how we can build a more prosperous province and a fairer society. That's the foundation of my belief.

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Ma mission est de venir en aide aux personnes en rendant le gouvernement et la société plus juste et plus inclusive.

So I want to pause here to just make some basic observations about the environment that we are in right now. Changes in technology and consumer behaviours are driving change in people's expectation of government. We see that on a daily basis. Public expectations for accountability and openness are high and that is a very good thing. At the same time, and this is more problematic, trust in public institutions is not as high. Public institution trust is lower. We are in a more competitive global economy every day. Public resources are scarce. And for all these reasons and because we have an aging population and a variety of other social and economic and environmental challenges that we must overcome, we need to transform the way government works. That is the imperative confronting us. But, governments are inherently risk-averse. I think all of you in this room know that, particularly in this instant digital age of heightened accountability. This risk aversion is an obstacle to the well-established need to do things differently. It is interesting. We have a live example of this sort of context today.

So I go to many, many businesses, incubators, accelerators, where there are tech start-ups and they are people thinking about how innovation works and how we actually help young people to be risk takers. How we can get them to try things and how we can, by doing that, we come up with the next big idea. We have just had an experience in Ontario where the grade 10 literacy test was being put online, a new technological system, and it failed and we did not know why it failed last week. It turns out that the investigation is being done by the agency that does the testing and there was a hack. It was interfered with by some - we don't know who – some international group, it could have been somebody here. But there was something going on around the world. Twitter and other platforms were hacked as well. So now I go to Question Period and we are questioned about that as though somehow, we as a government did not do enough to prevent that from happening. Maybe that is true. Maybe that is true and we did not do enough and obviously there will be an investigation. But the point I am making is that there are so many forces on politicians and on government to squelch that risk taking, to push back on risk taking. I think it is a real problem. So I think that risk aversion is really an obstacle to the well-established need to do things differently. So we deal with that contradiction every single day, all of us in this room.

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There is often a tendency to try to keep threats at bay for as long as possible, to push them back. Sometimes there is an impulse to withdraw, to close off the government to government to try to protect ourselves from that, but I try at every instance to take the opposite approach because I do not think that is how we get good governance, I do not think it is how we get good decision making.

During my first year as premier, so in December 2014, we passed the Public Sector and MPP Accountability and Transparency Act. It is part of our Open Government initiative. We want to make Ontario the most transparent, open government in Canada. That is our stated objective, and it is not because we like the sound of that. That is not the point. It is because I know we have the capacity to improve government and to help people but we will never get there if we wall ourselves off from the very people that we are here to serve, so we have got to find a way to have better interaction and I think my beginnings in community as a facilitator of community activism and drawing people together to solve problems, or to vent or to challenge politicians, which is how I began, has meant that I am looking for ways of government doing that with people, drawing people in.

So this legislation was a big step forward. What it did was it expanded the provincial ombudsman's role into what we call the broader public sector. So the ombudsman now has the mandate to investigate unfair treatment by local municipal governments, school boards and universities. And the act also created an Office of the Patient Ombudsman to respond specifically to people's complaints about their treatment in the public health care system and it expanded the oversight powers of the integrity commissioner and the provincial advocate for children and youth, who are two other independent officers of the legislature. In addition to all of that, the bill included a number of reforms to make the activities of lobbyists, cabinet ministers, opposition members and members of the legislative assembly more open and transparent. At around the same time, we created another independent office of the legislature and that is the Financial Accountability Office of Ontario. So these independent accountability offices do not supplant existing mechanisms for people to access government information, to register complaints, or to seek better fair treatment, nor do they take the place of our policy development processes. Those all continue. They complement them and they have become an indispensable part of our approach to a healthy democracy and a fairer society.

Ontario's ombudsman is a vital part of this and here are some specific ways that the office helps me to do my job and helps make sure people are being supported and treated fairly. First, there is an early warning effect.

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So the ombudsman's office gets, I think, about 20,000 complaints a year. Is that right? Most of them are resolved informally without launching an investigation. And that's a good sign. It means that we can be responsive to complaints and collaborative in finding solutions. But, trends emerge, and sometimes that calls for an investigation, as you know. But, more often because we have instilled respect for the Ombudsman's Office across government, and I hope that the office feels that from the top down, there are good working relationships between government offices and the Ombudsman's Office. So, that these trends when they're discovered can be nipped in the bud or can at least be interrupted.

In some cases, just one person's experience reveals a design flaw in a particular program or in a service that's being delivered. And because the Ombudsman brings it forward, we're able to resolve the issue, not just for that individual, but across the system and for others who might have been treated unfairly. For these early warnings to work best, a few things need to happen. And it's important that they happen because that interruption that can take place can prevent, obviously, further unfair treatment into the future. Government needs to value the role of the Ombudsman and build good relationships with the office. And the Ombudsman's Office needs to demonstrate that its actions are independent, that they're nonpartisan, and entirely in the public interest. That they're about a fair process as a fair outcome and more constructive than critical.

I want to just commend our Ombudsman for the effort that he has put forward. Paul has been proactively reaching out to universities and municipalities and school boards and the public sector bodies that our legislation recently brought under the Ombudsman's purview to establish relationships and I think that is incredibly helpful. And by doing that, he's debunking the fears that his office is out to embarrass or to generate sensational, gotcha-style reports. And when his office does come calling, it'll be fully understood that they are there to help because of that relationship and to resolve legitimate complaints and to help identify solutions. And these are solutions that then help keep those complaints from arising again.

And that brings me to my second point, which is that the Ombudsman can be a constructive partner in identifying evidence-based solutions to complex public policy challenges. A recent example of this is the report in police training and the de-escalation of conflict. After receiving 176 complaints about police use of lethal force, the Ombudsman launched an investigation. They spoke to experts in police training and de-escalation, interviewed families who had lost loved ones, and reviewed approaches that were being taken in other places.

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And their report was an independent analysis of what has transpired and what we as a government can do to prevent such loss of life.

It was not the Ombudsman's intention to inflame an already tense emotional and significant matter of community safety. It was quite clear that was not the intention. Did not point fingers or blame police officers for the training that they received. And the Ombudsman's report contained 22 recommendations to benefit the police and public alike, and this summer our Minister of Community Safety and Correctional Services accepted all of them and said that they will be addressed within one year. So that was a successful and, I think, a model of how the relationship would work.

Third, an ombudsman needs to bring a certain perspective. Ontario's first ombudsman, Arthur Maloney, characterized his first task as humanizing government. And, I believe that this continues to hold true today. Government departments can fall into the habit of thinking of things from the program perspective, or the policy perspective, or the department perspective, and that's not what really matters. What ultimately matters is the perspective of the users, of people who we all serve. Families, single moms, patients, toddlers, college students, seniors, all of the people who are part of our communities, and they are the people who I serve. And, as premier, that's who I have to think about every day. That's who my whole team has to think about.

But government is big, the tasks are many, and it isn't always going to perform the way we designed it to perform. We understand that, and the media and the opposition are always going to point that out when it happens. They're going to do that at every opportunity. And that's fair, that's their job. But I can't on my own, obviously, or even with help of our entire legislature, investigate every one of those shortcomings. It's just not possible. But when people do fall through the cracks, I want to know why, I want to know how, I want that investigated so that we can make government more of a force for good in everyone's life. And so, I need help, and so do citizens. The role of someone who can hear their concerns, can raise them independently with those in power – that role cannot be overstated. It's incredibly important – that independence is key. An Ombudsman must always act as an independent, nonpartisan entity.

L'Ombudsman doit toujours agir de manière indépendante et impartiale.

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And always act and be seen to be acting independently because perception and reality are not neatly separated – as we know from the abundance of media that we read every day. When an Ombudsman loses the ability to act or perceived to be acting independently are democracy just won't work as well. It's as foundational as that. People need to have an advocate to challenge the system from their perspective. And government needs that independent partner to help bring that perspective forward and to help it be more human, no matter how uncomfortable that can be on a given day. I will just say as a politician, I acknowledge that it can be uncomfortable, but I want you to know that I believe what I am seeing. This is what I believe; this is the way I believe it should work.

There is also a flip side to this humanizing government task that just as important. By emphasizing procedural fairness, resolving complaints as quickly as possible and having the level of personal contact with the people who seek out the help of the Ombudsman, you help people to see the government itself in more human terms. You are another face of government that people interact with – not as some kind of amorphous, unfeeling, immovable bureaucracy as it is sometimes portrayed; but rather as a collection of people, who just like all of them and all of us, make mistakes and want to fix them. We want to help others who want to treat people fairly. And I would suggest that in this age of eroding trust and heightened criticism, putting that human face on government matters enormously because to go back to where it began, government has to be a force for good. It is collective expression of how we want our society to work. And I know from experience and from examples set by some of the people in the room today that the best way forward, the way to help the most people and prepare our government and our society for the challenges that we know lie ahead, the best way to do that is by opening government up, and giving people more information and more access rather than less. Not just through the Ombudsman, but by using digital tools to engage more people in policy formation, by proactively releasing more information and more data, and by inviting criticism, quite frankly.

I often think about the distinction between – and this is to put in my own perspective as a politician. If you are politician on a local council or on a school board, or even an MPP or a provincial or federal politician and your constituency is a small community, people have access to you. People know where to find you; they actually can take matters in their own hands and they can get access to the people who represent them and they can get information. It gets harder and harder as constituencies get larger, as people get more detached from their elected representatives.

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And try as we might as politicians to connect with people, it is harder I believe now than it was when people were representing smaller numbers of people in smaller communities. That disconnect is the gap we're trying bridge by having digital platforms, by having digital strategies. That process of engagement and inviting criticism is part of building that bridge. By empowering independent offices to bring forward complaints, launch investigations and helping us find better ways of serving people of this province, we further bridge that gap. And when we do that, as Paul puts it, we get a win, win, win. Thank you to Ontario's watchdog and thank you for sharpening your teeth for the good of the people of the province, and all of you here for the interest that you've taken in this important work, for participating in this training, which is very thorough and for all that you do to strengthen our democratic system – it's very important to our society. Fairness may be something we learn early in life, but learning is a lifelong pursuit and so the more we learn by open and working together, the more we are able to build fairer and better ways of governing. And that how make government even more of a force for good in our lives. So, thank very much for the work that you do. Merci.

PREMIER WYNNE: I have time for a couple of questions. I see microphones set up – does anyone have a question they want to ask me? Or a comment. I take comments too. Comments, questions, criticism, whatever.

Q: I'm from the city of Hamilton. [laughter]

PREMIER WYNNE: All the way from Hamilton.

Q: I appreciate your remarks and observations about trust and confidence in government (inaudible) encouraging that trust and confidence, but looking south of the border, I'm concerned about the level of discourse in politics, and I wondered what your reflections are on that, [laughter] what legislative officers do to improve that.

PREMIER WYNNE: Well, I'm very worried about it. I mean, we can look south of the border to our American cousins who are here. We're watching with great interest, the election process. But we can't be too smug here about the level of discourse in Ontario, in Canada, you know? There are—there's a harshness, and I think social media is feeding that, is fuelling that, because people can anonymously say horrible things about each other online. And they can do that with impunity, pretty much.

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So I think our job is to introduce, insert, be as civil as we can. I think the more civility that we can bring to—that I can bring to the job of politician, that we can bring to our relationship between politicians and independent officers, the better off we will be. If we engage in an uncivil dialogue between each other, we're just fuelling that beast. And I think it's a real problem. I try very hard, and there may be clips of me at times being angry or being passionate about something, but I try very hard to attack people's ideas, not the person. I try very hard to take criticism in a way that is rational. And I think it's our responsibility to do that. And it's even more important in the current political environment as it gets hyper partisan. Anyone else have a comment or question?

Q: Thank you for your presentation. I appreciate all the statements about open government.

PREMIER WYNNE: And where are you from?

Q: I'm from the Office of the Ontario provincial advocate. So we've had a lot of discussions about whistleblowers and you were talking about open access to government and sharing information. What sort of encouragements or protections do you think should be offered in Ontario to whistleblowers, both from the public and private sector?

PREMIER WYNNE: Well, you know, I think there's a great example of where we should be having a good discussion about what more we could be doing, you know. I think there should be protections for people who come forward and say what they're experiencing or what they are seeing. There are some protections in place, as you know, and I think if there are more protections that we should put in place – that's the kind of recommendation and discussion that I think would be very helpful for us to have, and certainly we'd be open to that.

OMBUDSMAN PAUL DUBÉ: There's also the protection of the Ombudsman's Office. We deal with things confidentially.

PREMIER WYNNE: Exactly. Yeah.

Q: And the Integrity Commissioner.

PREMIER WYNNE: And the Integrity Commissioner, yeah, that's right. A number of avenues.

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Q: Thank you for coming this afternoon. You mentioned the Ombudsman really helped and assist with different areas of government to improving it better with results and recommendations that they find. When we do investigations for the province of Ontario, we don't [inaudible] recommendations, but what we're finding is quite often ADMs, sometimes Deputy Ministers, would be really polar in their opinions of the work that we do. We have some that are very positive and appreciate the fact that we are a cost-recovery centre, so they would pay for our services. We have others who really question having to pay for it and are a bit more reluctant. Given the position you're in, what advice would you be able to give us to help us bridge that gap so we can continue the message you have with the ombudsman that our work really improves things, rather than fight the resistance of people where if there something bad in the investigation, it's bad and you just don't want to go there.

PREMIER WYNNE: So people get defensive, right. I think that goes back to the question about civility in our interactions. I think to the degree that those relationships I was talking about building up. You will know that there was a lot of anxiety in the broader public service when we brought in legislation that expanded the purview of the Ombudsman. We got lots of feedback that said don't do this; it's a dangerous thing to do. Nothing to see here; we're fine, thank you very much. I just know there's no human endeavour that is without the possibility of improvement so we pushed back on that. I think building those relationships and trying to meet people where they are; trying to understand what their concerns are and to build from that. You are always interacting with human beings. When you are interacting with human beings who are doing a job and who are wanting to do the best job possible. If we understand that and we understand that they're trying to protect their turf and not get into trouble themselves because that's the fear, that they are going to be undermined or they are going to be chastised or punished or worst for what they are doing. Even if that's not a realistic fear and even if intellectually they know that's not the case, I think emotionally that's where people go. And so, I think you have a very hard job because you actually have to be able to be pretty empathetic with people. I know that may not be in your job description, but I think that actually what you have to do; you have to understand where people are and sort of bring them along to work with you and help them understand that you are actually not there to threaten them; you're actually, as you said and as I've said, to make things better. Quite frankly, I have the same discussions with my colleagues. You can imagine there are politicians who were very happy if we didn't have independent offices of the legislature, you know.

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I try every time we get a report – and it's hard sometimes because the judgments can be very harsh – I try to always begin my approach with we are grateful for this; we are grateful for scrutiny; we are grateful for the examination of what we are doing because it will help us to serve people better. I think that's kind of long winded because I think it's as complex as that. I don't think there's easy fix to that.

OMBUDSMAN: If I may add to that our approach, and the team agrees, we try to show what's in it for them, that there is a value added by the work we do. And you're getting to get constructive feedback, you're going to have your processes validated. I try to explain what's in it for them.

PREMIER WYNNE: Ok, thank you very much everyone. Thanks for having me. Merci.

OMBUDSMAN: I just want to say thank you to the Premier. We could have gone on with this conversation all day. I want to say that I'm really heartened by your remarks. I had a similar reaction when I heard Steve Orsini, when I first got this job I listened to a videotape he did, and I thought, my God, he gets it, and you get it, and it's very heartening to hear the Premier understand and appreciate the nature of the work we do and what our role is, and we're very grateful for that. It's a beautiful icing on the cake for this course this week. Thank you very much, and we appreciate your presence. Merci.