

Annual Report 2009-2010
Ombudsman's Remarks
André Marin

It's a double honour to be here today, presenting my fifth annual report as Ombudsman and marking the start of my second five-year term at the same time. While the report offers an opportunity to review the work we've accomplished and evaluate the government's response to our recommendations, I'm also pleased to have a chance to talk a bit about my vision for the next five years.

The Ombudsman's role has always been to ensure that the ordinary citizen isn't crushed by the government's bureaucratic juggernaut. But in tough economic times, that's all the more important. When government has to make difficult decisions to reduce deficits, the Ombudsman can be there for both the government and the people – watching for unfairness, investigating complaints and proposing impartial solutions.

This year's Annual Report offers some excellent examples of this in action. Our investigation of the government's funding cap on the colorectal cancer drug Avastin found that it was unfair and unsupported by medical evidence. So the government lifted the cap and now pays for the drug for those who need it – a fair solution that is in line with what other provinces are doing, with very little additional cost. The simple message of that case was that the government has every right to fund drugs or not to fund them – but once the decision to pay for a drug is made, any decisions on limiting access have to be based on medical evidence.

A lot of our other cases this year share this theme. Not surprisingly in a year where a lot of people were feeling the effects of the recession, we had a lot of complaints about the Ministry of Training, Colleges and Universities – and we did two major investigations that resulted in better monitoring of that sector. You'll also find several stories in our report about students who got better treatment from the ministry and from colleges, thanks to our help.

But this report includes some important stories that you may not have heard before. I know you are all familiar with our special investigations, and I'm proud that these have put our office on the map in the past five years. But the pro-active and follow-up work we do with government is the real untold story of our office, and I want to emphasize some of that today.

You may remember our first major investigation in 2005, where parents of children with severe special needs were being forced to surrender custody of their kids to

children's aid societies in order to get them into residential care. At that time, the province agreed this should not be happening, and it acted to fix the problem. But for the past two years, we have seen individual cases of this popping up again and again. Last year it was 24. This year it was 39. Families go to their government for help and they're told there's no money – but they discover there could be help available if they turn their child over to the state. That is bureaucratic dysfunction at its worst. But for our office, it was an opportunity to do what we do best.

Our staff worked individually with each family and all the various agencies that are supposed to help them, and they've worked out solutions. Sometimes they bridged a bureaucratic gap between ministries and stopped the families from falling through the cracks. We worked with the officials, not against them – and the families got the help they needed. And we did it without publishing a big report.

We intend to do more of all these things in future. There will be more broad, systemic investigations like the ones we did into property tax assessment and the lottery system – and we will follow up on them, as we have followed up on all 21 of our investigations to date. There will be thousands more individual case resolutions, like those contained in our report today. There will be more municipal closed meeting investigations. And there will be more pro-active work, dealing directly with government officials, to stop big problems before they fester and grow.

I'm very proud of the work that my staff and I have done so far and look forward to serving the public for another term. Our report also reflects some of the recognition our office has received from the ombudsman world and from experts in the field of public administration. One of those experts is Professor Gilles Paquet of Ottawa. I had never met him before this year, but we have very similar ideas about the importance of oversight of government, and how watchdog agencies like mine can actually help governments work better.

Prof. Paquet says the Ombudsman should always be looking for problems to fix, and creative ways to make organizations function better – it's what he calls "scheming virtuously." That's what we look forward to doing in the next five years – scheming virtuously to improve governance, and helping millions more Ontarians along the way.