



# Ontario Ombudsman

How the Ombudsman can help  
resolve complaints effectively  
and efficiently

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

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# Ontario Ombudsman

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# Complaint handling

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## Early Resolutions

Individual complaints  
Quickly resolved

## Investigations

Individual complaints  
More difficult issues

## Special Ombudsman Response Team

Systemic investigations

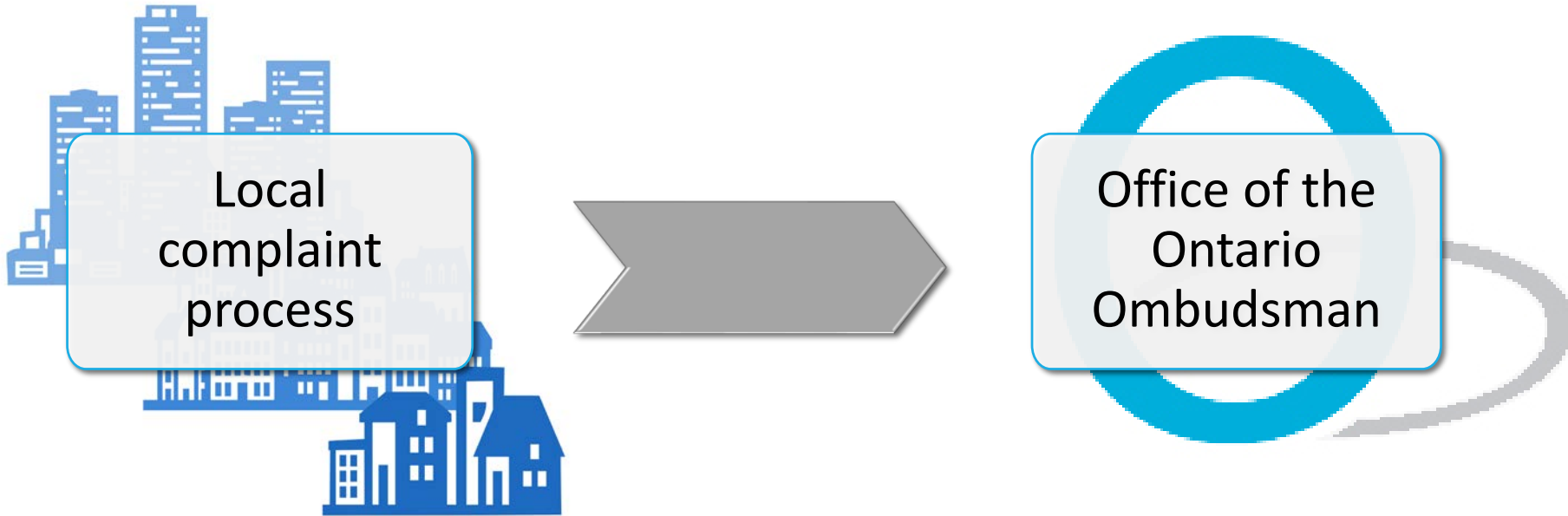
## Legal

Complex issues  
Research  
Training



# Process

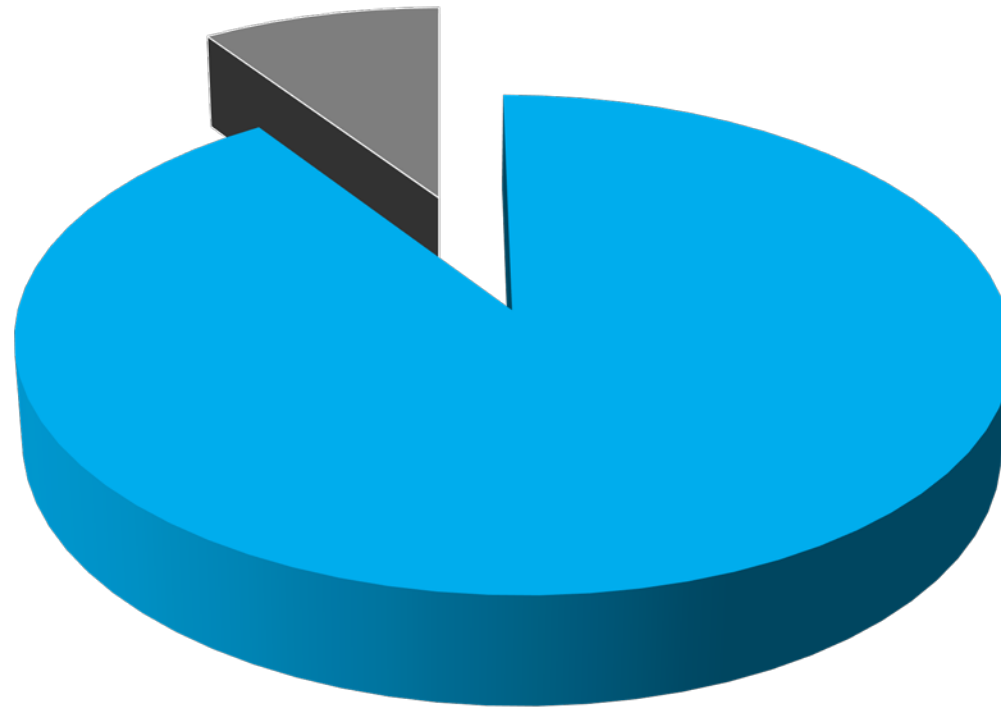
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# Municipal complaints since January 1, 2016

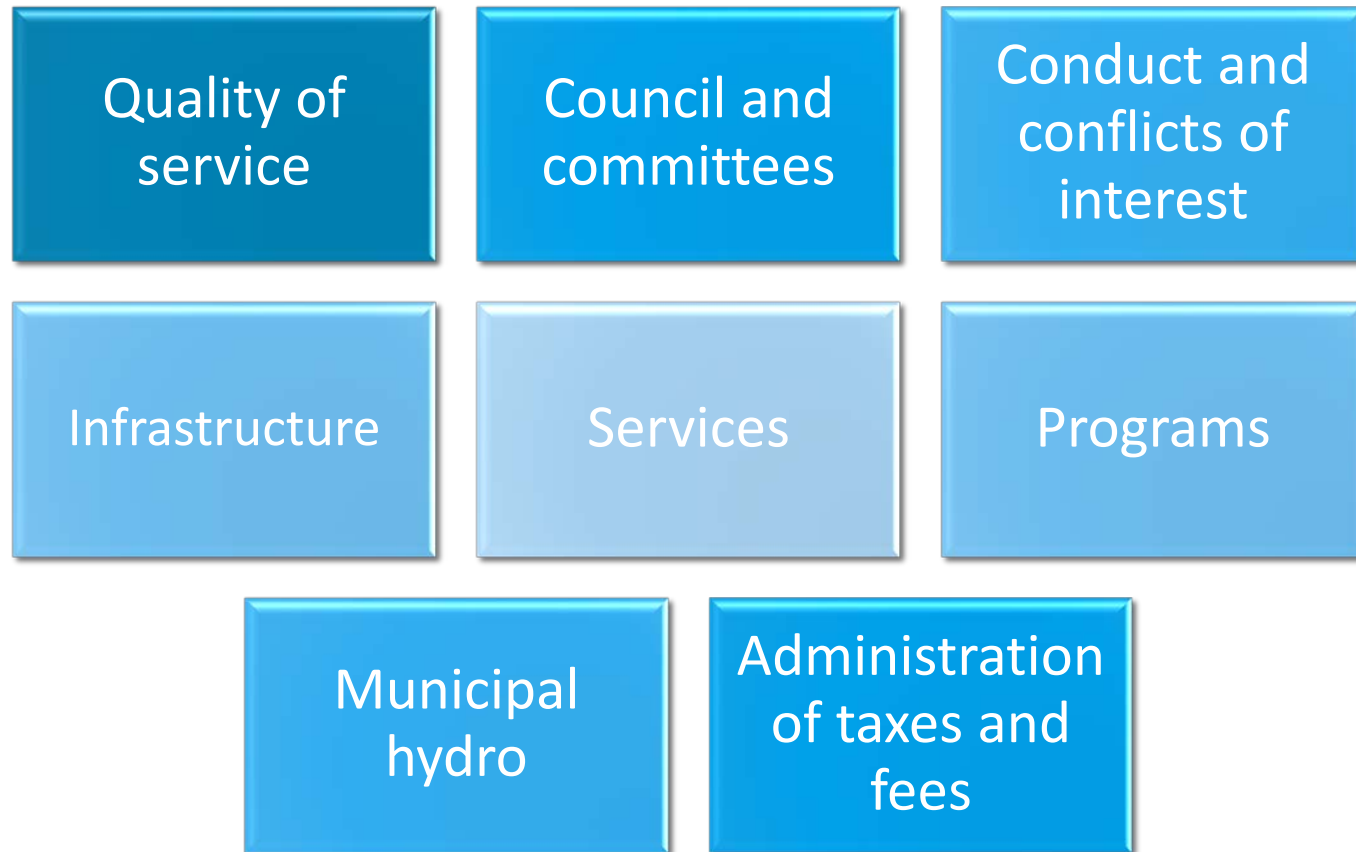


- Closed
- Open



# Types of complaints

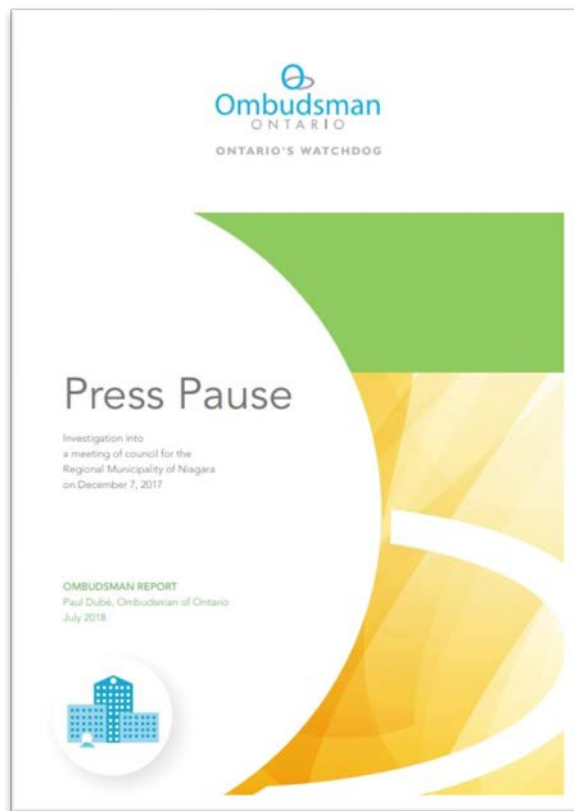
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# Municipal Investigations

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# Municipal Investigations





# Closed Meeting Investigations

 Tips for Municipalities

## Closed meetings: What is a 'meeting'?

As of **January 1, 2018**, the *Municipal Act, 2001* includes this definition of "meeting" under s. 238(1):

**"meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,**

**(a) a quorum of members is present, and**

**(b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.**


Every municipality and local board must pass a procedure by-law governing the calling, place and proceedings of meetings, and providing for public notice of meetings.

Meetings must be open to the public, unless they fall within the 14 narrow exceptions in s. 239 of the Act.

Questions? [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca)

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 Tips for Municipalities


## Closed meetings: Know the exceptions

The *Municipal Act, 2001* (s. 239\*) states that municipal meetings must be open to the public, with certain narrow exceptions. As of **January 1, 2018**, there are **14** exceptions – those shown in bold are new.

A meeting **MAY** be closed if the subject matter being considered is:

- The security of the property of the municipality or local board;
- Personal matters about an identifiable individual;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation;
- Advice subject to solicitor-client privilege;
- A matter in respect of which a closed meeting may be held under another Act;
- **Information explicitly supplied in confidence to the municipality or local board by another level of government or a Crown agency;**

\*NOTE: This text has been paraphrased in places for brevity; please consult the Act for the exact wording.





# Tips for municipal complaint resolution policies

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- General complaint policy approved by council and publicly posted, and staff trained on policy
- Distinguish between requests for service, complaints, inquiries, suggestions, and compliments
- Distinguish from any code of conduct applying to council, committee and local board members
- Establish separate process for monetary claims
- Provide staff contact and referral information where appropriate e.g. for code of conduct complaints





Helpful  
Tips

# Complaints policy

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- Specify whether anonymous complaints will be accepted
- Encourage complaint resolution at lowest level
- Include timeline for responding to complaints
- Official with ultimate responsibility for responding to complaint
- Keep record of every complaint received, any interaction between complainant and staff, and the result
- Clear delegation to staff to confirm scope of authority to address complaints





# Complaints policy

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- Where the competence or conduct of staff is subject of a complaint – ensure someone impartial responds
- All relevant information should be considered, and individuals should have opportunity to comment before a final decision is made
- Provide a written explanation concerning any decisions made in response to a complaint
- Advise complainant of where they can go next if they remain dissatisfied
- Prohibit retaliation for anyone attempting to use or using the policy
- Complaints should be treated in confidence
- Address how frivolous and vexatious complaints will be dealt with





Helpful  
Tips

# Complaints policy

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- Useful to set out examples of remedies that may be available: Changes in policy or practices, financial or remedial action as appropriate
- Complaint policy should cross reference the municipality's accessibility policy and accommodations
- Provide means for complainants to provide feedback about their experience with complaints process
- Complaint statistics (volume, issue, result, etc.) should be collected, analyzed, and reported on publicly
- Policy should indicate that complainant may contact the Ontario Ombudsman if they are dissatisfied with the municipality's final response to their complaint



# Looking forward ...

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- Mandatory policy on council-employee relations (s. 270(1)(2.1) *Municipal Act, 2001*)
- Mandatory codes of conduct
- Integrity commissioners



# Council-employee relations

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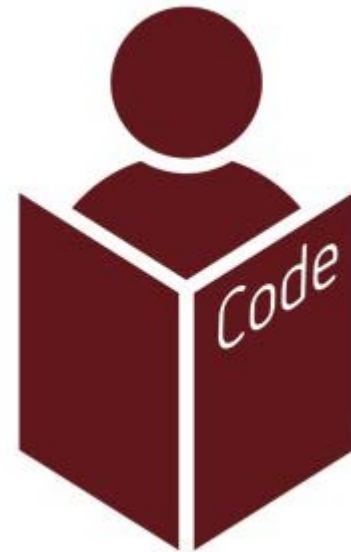
- Mandatory policy on “the relationship between members of council and the officers and employees of the municipality” (see s. 270(1)(2.1) of the Act)



# Developing a Code of Conduct Complaint Procedure

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- Adopt and publicize a code of conduct complaint procedure
- Accessibility of the complaint process
- Written Complaints
- Discretion to Decline to Investigate





# Developing a Code of Conduct Complaint Procedure

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- Time Limits for Complaints
- Confidentiality
- Acknowledgement of Complaints
- Notifying the Respondent of Complaint
- Responding to the Complaint
- Mediation/Informal Resolution
- Investigations and Inquiries



# Developing a Code of Conduct Complaint Procedure

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- Notice
- Access to information
- Records
- Investigative Fairness
- Hearing Procedure



# Developing a Code of Conduct Complaint Procedure

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- Reports
- Council's Consideration of Integrity Commissioner Reports
- Sanctions
- Annual Reports
- Municipal Conflict of Interest Act



# Complaints about Integrity Commissioners

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We consider whether:

- Acted in accordance with relevant legislation
- Considered issues before them
- Followed a fair practice
- Obtained and considered relevant information
- Provided sufficient reasons to support their decision based on the available evidence



# Review an Integrity Commissioner's process

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# Resources Available for You

The image displays a collection of resources from the Ombudsman Ontario website. At the top left is a screenshot of the website's homepage, featuring the Ombudsman Ontario logo, navigation links (HOME, HAVE A COMPLAINT?, WHAT WE DO, RESOURCES), and a search bar. Below the navigation is a banner with the text: "The Ontario Ombudsman promotes fairness, accountability and transparency in the public sector by investigating public complaints and systemic issues within his jurisdiction." and a button that says "LEARN MORE ABOUT THE ONTARIO OMBUDSMAN".

Overlaid on the website screenshot are several documents:

- Tips for Municipal Complaint Resolution Policies:** A document with a white background and blue header. It lists six tips:
  - 1 Every municipality should have a general complaint policy approved by council.
  - 2 The complaint policy should be publicly posted.
  - 3 The policy should specify if anonymous complaints will be accepted.
  - 4 There should be a clear timeline for responding to complaints, including a timeline for acknowledging receipt of the complaint.
  - 5 Staff should be trained on the policy.
  - 6 Complaints should be treated in confidence as much as possible. Resolution should be distinguished between requests for information from a committee and local board members and requests for information for these complaints.
  - 7 ...
- Codes of Integrity:** A document with a blue and white header. It discusses the Municipal Act and the Code of Conduct for local boards and committees.
- Closed Meetings: Know the exceptions:** A document with a green and white header. It explains that as of January 1, 2018, municipal meetings must be open to the public with certain exceptions. It lists 14 exceptions, including: "The security of the property of the municipality or local board", "A proposed or pending acquisition or disposition of land by the municipality or local board", "Labour relations or employee negotiations", "Litigation or potential litigation", "Advice subject to solicitor-client privilege", "A matter in respect of which the information is held under another Act", and "Information explicitly exempt from disclosure under the Access to Information Act".
- The Pocket Ombudsman Act:** A document with a dark blue header and white text, labeled "Official Version".

Other visible elements include a "Meet the Ombudsman" button, a "Message from the Ombudsman" button, and a photo of Ombudsman Paul Dubé.

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