



## Municipal Fact Sheet

### FAQs

The Ombudsman has the authority to investigate any decision, action, omission or recommendation relating to matters of administration that affect people in their personal capacity. The Ombudsman also has the authority to investigate allegations that a municipal council member is in a conflict of interest or has contravened a code of ethics.

**Q. We are a group of citizens that are unhappy with the direction council has decided to go on a certain matter. Will the Ombudsman take our complaint?**

- A. People sometimes feel that the Ombudsman should be more of an advocate for their position against a policy decision of their local council. The Ombudsman's role is not to be a citizens' advocate. Being neutral and impartial is fundamental to being an effective Ombudsman. Assuming the role of an advocate would undermine our neutrality. We must investigate in an impartial manner and come to a conclusion based on our investigative findings.

Councils have been given the right to govern the municipality. As a properly elected level of government, if a council makes a decision that is within its authority to make, and has not made it for an improper purpose, then the Ombudsman will not investigate.

**Q. How can the Ombudsman be impartial? Isn't the Ombudsman part of the provincial government?**

- A. The Ombudsman is not part of any provincial government ministry or agency, or municipality. In other words, the Ombudsman's Office has an "arm's length" relationship with the government organizations they can investigate.

Ombudsman offices are designed and structured to be impartial. People appointed as Ombudsman can only be removed "for cause" by the Legislative Assembly as a whole. They are given broad powers of investigation and the power to report publicly. These features insulate the Ombudsman from political interference. The job of an Ombudsman is to investigate complaints and recommend improvements to the administration and implementation of government programs and services.

**Q. Can the Ombudsman refuse to investigate a complaint?**

- A. Yes. The Ombudsman has wide discretion to decide which complaints will be investigated. Some of the things we consider when deciding whether to investigate a complaint include how old the complaint is, whether the matter is ongoing, whether there is still an avenue of appeal available, how serious (or trivial) the complaint is, and generally whether the circumstances of the case warrant investigation.

**Q. I am a member of council. Can I complain to the Ombudsman about another council member's behaviour?**

- A. The Ombudsman was given jurisdiction over municipalities so that citizens would have an avenue to complain about how municipalities were making decisions that affect them, and to give them an avenue to have concerns reviewed about whether council members were making decisions in the best interests of the community.

Our role is not to mediate or investigate disputes or arguments between elected officials. Those matters should be dealt with by the council – or by the voters in an election. The Ombudsman does not investigate political matters.

**Q. What type of recommendations does the Ombudsman make?**

- A. Ombudsman recommendations are made to help promote administrative fairness in government and to improve administrative processes.

For example, we have recommended that municipalities implement complaint-handling processes, so complainants have a local avenue of redress. We believe citizens are best served when municipalities have fair and effective ways to resolve complainants about them without us intervening.

**Q. Why should a municipality set up a process for reviewing code of ethics or conflict of interest complaints when the Ombudsman is available to review them?**

- A. Under provincial legislation, all municipalities must adopt a code of ethics bylaw that their council members must follow. The code of ethics must set out a process for dealing with contraventions of a Code of Ethics.

The Ombudsman is an office of last resort, meaning you must use all other available avenues or review or appeal first before the Ombudsman gets involved. The Ombudsman cannot replace any required local processes. Instead, we can review the processes and decisions made by these local review bodies to ensure they were fair and reasonable.

**Q. I am an employee of a municipality and I have a complaint about how I am treated by council. Can the Ombudsman help me?**

- A. The Ombudsman has no authority to replace the role of unions or grievance processes, interfere in collective bargaining, or advocate for employees against their employers. Employment-related complaints should be directed to relevant union officials or managers first.

Municipal employees who ‘blow the whistle’ about alleged wrongdoings at their workplaces are not protected under *The Public Interest Disclosure Act*.

**Q. I am a ratepayer. I complained about the conduct of a council member and my complaint was dealt with under the process set out in my municipality’s code of ethics. I don’t think it was reviewed properly. Can I complain to the Ombudsman?**

- A. The Ombudsman has the authority to review how your complaint was reviewed under the process set out in the Code of Ethics. Municipalities must review complaints in a fair and reasonable manner. We could review the matter to determine if there was a role for us.

**Q. I am a council member and I feel that a complaint that was made about me was not properly reviewed under the code of ethics. Can I complain to the Ombudsman?**

- A. We have the authority to review how complaints are dealt with under a code of ethics. However, our role is not to give advice to council members. If a council member needs help going through the process under the code of ethics, he or she should seek legal advice.

