



Equity is a true justice

Could the strict enforcement of our Acts or accompanying directives be a source of injustice, instead of ensuring that everyone is entitled to what the law aims to provide?

Yes, this happens for various reasons, particularly because Acts cannot anticipate all possible cases. There's an exception to every rule! And some rules may be unclear or vague. An Act may also have "aged" and not cover new situations that arise in a society that changes faster than its laws. Protecteur du citoyen works to ensure that citizens are treated with complete equity. Sometimes, we need to keep an open mind when special or new situations arise and lead to outcomes not intended by an Act.

Equity is all about equality and taking differences into account. It's a matter of common sense.

"For almost 40 years now, we have helped thousands of people resolve problems in their dealings with the Québec government. Whether your difficulty is with a Québec government department or an organization like Société de l'assurance automobile du Québec (SAAQ) or Régie de l'assurance maladie du Québec, we are by your side to help".

La Protectrice du citoyen,
Pauline Champoux-Lesage

Special circumstances

A citizen who has suffered paranoid delusions for years according to her physician (excessive mistrust, faulty judgment) loses her employment assistance (social assistance) benefits from ministère de l'Emploi, de la Solidarité sociale et de la Famille (MESSF) because she refuses to complete an application for disability benefits from Régie des rentes du Québec (RRQ).

The woman alleges she cannot submit the application because she is convinced it will cause her problems with the various organizations with which she is in dispute. Her social assistance benefits were cancelled four months ago, placing her in a highly precarious financial situation and even forcing her to sell her furniture to provide for her needs. In the wake of these events, legal action has been taken to evict the woman from her home because she has been unable to pay her rent since her benefits were cancelled. The phone company has also disconnected her phone because she hasn't paid her bill.

Troubled by continuing delusions, the citizen finds herself in a desperate situation. Advised of her options for recourse with Protecteur du citoyen, the woman contacts the Protector's delegates and explains her situation. As she is unable to travel due to her delicate health,

delegates visit her twice at home to look into her special situation.

Following these visits, Protecteur du citoyen convinces ministère de l'Emploi, de la Solidarité sociale et de la Famille (MESSF) to pay the woman her social assistance benefits on the grounds of special circumstances. MESSF also agrees to retroactively repay her social assistance benefits from the previous four months.

Despite its complexity, this case demonstrates the importance of considering special circumstances before taking such drastic action as suspending or canceling a beneficiary's social assistance.

ACCESSIBILITY

CONFIDENTIALITY

FREE

IMPARTIALITY

SIMPLICITY



The arrival of triplets is an extra special event

Source L'imagerie



In 2003, a citizen gave birth to triplets in Québec. The hospital where the woman was admitted notified ministère de la Santé et des Services sociaux (MSSS) so she could receive \$6,000 from MSSS under its Multiple births subsidy policy.

After reviewing the case, MSSS refused to grant

the subsidy because the woman did not have valid refugee or permanent resident status. When he was told that subsidies were granted only to residents with recognized refugee status, the woman's spouse—who had this status—submitted a second application to MSSS.

To no avail, as MSSS again rejected the application based on the Multiple births subsidy policy, which specifies that the woman must have recognized refugee status to be

entitled to the subsidy. At the couple's request, Le Protecteur du citoyen took on the case and learned that MSSS had accepted the application but would withhold payment until the woman obtained resident status in accordance with the Québec Health Insurance Act.

Le Protecteur du citoyen concluded that MSSS was acting in accordance with its subsidy policy. However, considering that the arrival of three children so justified, Le Protecteur du citoyen requested faster assistance. MSSS agreed to make an exception and immediately pay said \$6,000 subsidy.

By following the policy to the letter, MSSS employees were only doing their job. However, we believe that the special circumstances of the arrival of three newborns made it necessary to be more flexible in applying the policy.

By your side...to help!

If l'Agence du revenu du Québec withholds a portion of your tax refund and you don't know why...

If you're having trouble with repayment of your student loan...

If you were in an automobile accident and received less compensation than what you were owed...

If your monthly employment assistance (social assistance) payment was cut and you don't understand why...

If the drug insurance plan is causing you grief...

Whatever the problem that's bothering you, we can help! Contact us toll free by phone or visit our website.

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Protector presents brief to Committee on Social Affairs

On February 22, Protector (Protectrice du citoyen) Pauline Champoux-Lesage met with the Committee on Social Affairs to present her brief on Bill 83, An Act to amend the Act respecting health services and social services and other legislative provisions.

The Protector views her parliamentary committee visits as a special opportunity to share with parliamentarians her comments and recommendations on bills under review. This helps her to keep their focus on the rights of each citizen.

Bill 83 spurred a number of comments and recommendations, including the following:

Good news

First, the Protector stated she was very pleased with the government's plans to improve the complaint processing system in the health and social services network and entrust Le Protecteur du citoyen with the duties currently assumed by the Health and Social Services Ombudsman. From now on, health network users will enjoy independent recourse, as Protecteur du citoyen comes under the responsibility of the National Assembly. These changes will make recourse more unbiased and thus more credible.

Everyone should be able to file a complaint

To enable every citizen to exercise the right to file a complaint regardless of circumstances, the Protector proposed that the bill be amended to allow anyone to make a complaint on behalf of a user at all levels of the health and social services network complaint review mechanism.

Private residence certification

The Protector was delighted by the government's desire to implement a private seniors' residence certification process for people referred by the network. However, Ms. Champoux-Lesage noted that other types of clientele living in private residences, particularly people with cognitive or intellectual disabilities, also require protection. The Protector therefore recommended that all private residences wishing to accommodate persons with special needs who are referred by the health and social services network be required to be certified.

The right to consent

Regarding the right of users to fully express their consent to information disclosure, Ms. Champoux-Lesage believes no changes should be made to the current practice. Rather, she recommended that the right to consent expressly to the sharing of health information be maintained. She believes that ministère de la Santé et des Services sociaux could implement a simple consent procedure.

For a summary of the brief submitted by Le Protecteur du citoyen to the National Assembly, visit www.protecteurducitoyen.qc.ca.



Source: L'imagerie

Who are we?

Le Protecteur du citoyen receives complaints from any individuals, corporations, or associations that believe they have suffered an injustice, error, or unfair treatment by a Québec government department or agency. To ensure its independence from government and Administration, the Protector is appointed by the National Assembly. This person is neutral and unbiased, and his or her delegates share this impartiality and independence.

The Public Protector Act authorizes the Protector and her delegates to conduct investigations, access to documents, and obtain answers to their questions.

Filing a complaint

To reach Le Protecteur du citoyen, simply call our Québec City or Montréal office. You will be connected to the Protecteur du citoyen receptionist, who will help you draw up your complaint, if necessary, and gather the information needed to review it. Complainants may also write to Le Protecteur du citoyen, visit one of its offices, or consult its website at www.protecteurducitoyen.qc.ca under "Filing a complaint." All applications are treated confidentially. This service is easy, fast, and free.

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