Legal and Legislative Services

May 28, 2009

To: All Municipalities in the Province of Ontario

Re: Petition Province to include hospitals under jurisdiction of Ombudsman

At the Council Meeting of May 25, 2009, the following resolution was passed, respecting the above referenced matter:

WHEREAS the Ombudsman is the "citizen representative" and the Office of the Ombudsman is responsible for responding to complaints affecting government organizations save and except hospitals, long-term care facilities and children’s aid societies, and

WHEREAS the Office of the Ombudsman has been advocating since 1975 to include hospitals under the jurisdiction of the Ombudsman, but to date, Ontario remains the ONLY Province in Canada who’s Ombudsman has no jurisdiction over hospitals and long-term care facilities, and

WHEREAS hospitals spend more than $20 billion in public money every year in Ontario, and

WHEREAS whether overseeing the police, the military or the Provincial Government, Mr. Marin has stated one of the beliefs that’s closest to his heart is that these bodies don’t exist for their own ends. They exist to serve the public. The public also has great expectations of the checks and balances that exist to keep the system functioning as it should, and

WHEREAS the historical reason for not including hospitals under the Ombudsman Act is extremely weak and is based on the fact they do not fall under the definition because they have their own elected boards, and

WHEREAS a municipal “board of directors” is directly elected by the public and the hospital board is not, and

WHEREAS the Office of the Ombudsman is quoted as saying, “Ontario is the only province in Canada whose Ombudsman does not have a mandate to oversee hospitals. Despite this, the Ombudsman’s Office receives many serious complaints about hospitals every year that cannot be investigated. A total of 276 complaints about hospitals were received in fiscal 2007-2008.”; and

WHEREAS the time has come for the Government of Ontario to include hospitals under the jurisdiction of the Ombudsman Act to ensure a high level of health care, fiscal responsibility, accountability, openness and transparency;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Town of Fort Erie that it hereby petitions the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman, and further

THAT: in the event the Premier responds negatively, the Municipal Council of the Town of Fort Erie respectfully requests and expects a full and complete explanation as to why the Province will not amend the Act as requested, and further

THAT: This resolution be circulated to all municipalities in the Province of Ontario for support, and further

THAT: The appropriate persons be so notified of this action. (CARRIED)
For your information, in our letter to Ombudsman, Andre Marin, we commented we were hopeful:

In closing, we are hopeful the timing is right for the Province to finally take action to include hospitals in the Ombudsman Act given the massive health care restructuring currently underway in Ontario.

For your further information, in our letter to Premier Dalton McGuinty, the following commentary was added:

Although the resolution speaks for itself, the timing could not be more prudent than now to include hospitals in the Ombudsman Act, especially with the uncertainty surrounding the massive restructuring of health services currently underway in Ontario. The public has no right of recourse to lodge complaints about hospital care or services, and to expect a fair and independent investigation. Such action leads to recommendations to improve care and services. Premier McGuinty, the LHIN Boards are famous for chanting “Right Care, at the Right Place, at the Right Time.” We believe including hospitals in the Ombudsman Act will provide the “Right Voice, at the Right Place, at the Right Time.”

We thank you for your considerations herein and are available to assist where appropriate. Please keep us informed of your progress in a realistic manner and not through a form letter. As stated in the resolution, in the event you determine not to move forward, Council respectfully requests and expects a full and complete explanation as to why the Province will not amend the Act as requested.

In closing, your municipality has no doubt heard of Fort Erie’s fight to keep its hospital open. Now this fight is spreading across the Province directly affecting rural and northern hospitals and directly impacting urban hospitals. All of our efforts to date, combined with the efforts of many others, including the Alliance to Save Ontario’s Small, Rural and Northern Hospitals, have failed to move the Premier or the Minister of Health.

Rather than give up, we continue to search for fair, equal and timely access to health care in Ontario.

We sincerely thank you in advance for your attention to this matter. Perhaps if the Premier hears from hundreds of communities, he will at least move to amend the Ombudsman Act to ensure openness and transparency of hospitals in the Province of Ontario.

Yours very truly,

Carolyn J. Kett, A.M.C.T.
Town Clerk

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