

## The Ombudsman



Just because you live in a democratic society, you are not automatically guaranteed that your democratic rights will always be respected.

### What do you do if you believe your democratic rights are being denied?

Some governments, including the Province of Manitoba, appoint an “Ombudsman” to help citizens who feel their rights have been denied. The person in this job is responsible for investigating complaints about provincial and municipal government decisions.

### When might you want to file a complaint with the Ombudsman?

There are many different reasons for needing the help of an Ombudsman.

**Example #1:** You decide to build a garage on your property. You get the building permit you need from your municipal office, and then you buy all the materials you need to build it. The municipality then decides to withdraw the building permit. You could file a complaint with the Ombudsman, who could investigate the decision.

**Example #2:** You plan a summer vacation at a provincial campground and when you arrive there, you find out that your reservation for the camping spot is cancelled. You could ask the Ombudsman to investigate why this happened.

In Manitoba, the Ombudsman is also the **access and privacy commissioner**. The Ombudsman investigates complaints about the government not providing citizens access to information, and not respecting privacy rights.

**Example #3:** You want to know what it cost to build a new bridge in your town and the municipal government refuses to give you that information. The Ombudsman could investigate to see if the municipality should release the information to you.

**Example #4:** All schools record and file information about students. One day when walking past the school outdoor garbage bin, you see student files containing private information spilling out of the bin and blowing around the schoolyard. Students have the right to expect that their information is kept private by the school, and a complaint about this privacy breach could be investigated by the Ombudsman.

**How can someone who is appointed by and works for the government have the freedom and power to actually investigate the government if there is a problem?**

When a government appoints an Ombudsman, that person is given the necessary freedom to do her or his work independently of the government. In Manitoba, the Ombudsman does not work for one department or a particular Ministry. Instead, he or she reports directly to the Legislative Assembly of Manitoba.

**Are there areas that the Ombudsman cannot investigate?**

When the Ombudsman investigates a complaint, individuals and employees of government departments and agencies must—by law—provide information or documents to the investigators. It is against the law to interfere with an Ombudsman's investigation.

The Ombudsman cannot investigate complaints about the laws made by the Legislative Assembly or bylaws passed by municipal councils. The Ombudsman does not investigate laws or the making of laws, but can decide if laws are being applied fairly. As well, the Ombudsman cannot investigate complaints about decisions made by judges.

**What happens after an investigation?**

Once the Ombudsman completes an investigation, she or he makes recommendations to government, but cannot order the government to take action. If the Ombudsman makes a recommendation and the government does not take action, the Ombudsman can comment on that case in the annual report that is presented to the Legislative Assembly. That report must be done at least once a year.



1. Explain in your own words the role of an Ombudsman.
2. Give two more examples of times a citizen might need the help of an Ombudsman.