



## NEWS RELEASE

October 30<sup>th</sup>, 2018  
*For Immediate Release*

### Investigative Update

#### **Government implements majority of B.C. Ombudsperson's recommendations following investigation into health ministry firings**

**Victoria** – B.C.'s Ombudsperson Jay Chalke released an investigative update today titled, *Interim Assessment of Implementation of Recommendations – Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters*. This report assesses government's progress implementing the 41 recommendations in the Ombudsperson's 2017 report into Ministry of Health employment terminations and related issues.

*Misfire* was the result of the most resource-intensive investigation in the 40-year history of the Ombudsperson's office in B.C. After receiving over 4 million records and interviewing 130 witnesses, the investigation found that government had acted wrongly in, among other things, firing seven Ministry of Health employees, suspending or terminating contracts and access to health data, and announcing that the fired employees were the subject of an RCMP investigation.

Government accepted all of the 41 recommendations in *Misfire*. These recommendations sought to address both individual harms and broader systemic issues. Today's assessment highlights that the majority of these recommendations have been implemented, with only four outstanding. Four other recommendations were assessed by the Ombudsperson as implemented but will be subject to further review over the next year in order to give more robust effect to the recommendations.

"The effort and collaboration required to make these important improvements in the public service has been very significant and I am heartened by the progress to date," said Ombudsperson Jay Chalke. "Taken together, these steps help mitigate the risk that the series of events in 2012 could reoccur."

Key implemented recommendations include:

- Apologies and *ex gratia* payments to those who have been impacted have been made
- New policies have been developed focusing on a number of areas including conflict of interest and approach to human resource investigations and outcomes
- A University of Victoria scholarship in memory of deceased former employee Roderick Maclsaac is now in place
- Two new pieces of legislation were passed in the Legislature in 2018. Public Interest Disclosure legislation will give "whistleblowers" a legal framework to make their disclosures and will ensure investigations that result are conducted in a fair manner. In addition, just cause dismissal practices will be independently and regularly reviewed by the Merit Commissioner to ensure government complies with the applicable law and policy.



“These are very important steps that government has taken to make sure it is acting in a manner that is accountable and transparent, both to its own employees, but also to the public.” said Chalke. “What I’d like to see now, and I know work is underway, is that the remaining recommendations also be implemented.”

Outstanding recommendations from *Misfire* are:

- Concluding the assessment of the financial impact on employees who were disciplined but not fired
- Finalizing payments to individuals working for three contracted entities
- Implementing the recommendations of interim monitor The Honourable Thomas Cromwell related to the settlement terms of reopened grievances of the fired bargaining unit employees
- Completing ongoing implementation of the reconciliation efforts to create a more positive workplace culture at the Ministry of Health

The Ombudsperson will continue to monitor the implementation of the *Misfire* recommendations until all are assessed as completed. The Ombudsperson will publish a further assessment after the provincial government provides its next implementation report which is due April 30<sup>th</sup>, 2019.

View the full Investigative Update: <https://www.bcombudsperson.ca/sites/default/files/OMB-Misfire-Update-2018v20.pdf>

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### **About the Office of the Ombudsperson**

The Office of the Ombudsperson receives enquiries and complaints about the practices and services of public agencies within its jurisdiction. Its role is to independently and impartially investigate these complaints to determine whether public agencies have acted fairly and reasonably, and whether their actions and decisions were consistent with relevant legislation, policies and procedures. In addition to investigating individual complaints, the Ombudsperson also conducts systemic investigations into complex issues. The Ombudsperson has jurisdiction over a wide range of public agencies, including provincial government ministries, crown corporations, government boards, schools, universities and colleges, local governments and self-regulating professions.