

Promoting respect

Ensuring equity



Presenting the Ombudsman, Ms. Johanne Savard



TRAINING AND PROFESSIONAL EXPERIENCE

After her studies in political science, at Concordia University, Ms. Savard obtained her law degree from Université de Montréal. She is a member of the Québec and Canadian Bars since 1980. Ms. Savard has also studied public administration at *École nationale d'administration publique de Montréal* (ENAP) and is a "Certified Mediator" recognized by the Québec Bar and the *Institut de Médiation et d'Arbitrage du Québec*.

Ms. Savard was head of the Labour and Employment law group and member of the Board of Directors of a major law firm as well as a member of the Board of Directors and Executive Committee of *Lex Mundi*, the world's largest international association of independent law firms; she also chaired the *Women and the Law* Committee of this association.

In 2003, Ms. Savard left the private practice of law and became the first Ombudsman of Ville de Montréal. Together with her team, she offers to citizens a free last resort recourse through which they obtain an independent assessment of the municipal situation they are complaining about. Her interventions with municipal officials almost always lead to the satisfactory resolution of problems that have been identified. In 2007, her mandate was renewed by the City Council of Ville de Montréal, unanimously.

Ms. Savard is a member of the *Forum of Canadian Ombudsmans*, the *International Ombudsmans' Association*, the *International Ombudsmans' Institute*, the *Association des Ombudsmans et Médiateurs de la Francophonie* and the *Association des responsables de la gestion des plaintes du gouvernement du Québec*.

EXPERTISE

Ms. Savard has a solid experience in the field of human and fundamental rights protected by various charters. For over twenty years, she has used Alternative Dispute Resolution techniques and approached difficult situations with an eye for preventing conflict and/or finding practical and efficient solutions.

SOCIAL COMMITMENT

Ms. Savard has always been actively involved in community action.

She chaired the Board of Directors of two daycare centres, including the *Centre de la petite enfance Papillon* where handicapped and non-handicapped children share their everyday life and experiences.

She was a long-time member and twice the Chairperson of the organizing committee of the annual fundraising ball of the *Montréal Alzheimer Society*.

She sat on the Board of Directors of the *Rotary Club of Old Montréal* for many years and was president of the club in 2005 - 2006. Ms. Savard was twice the recipient of the "*Rotarian of the Year*" award to highlight her sustained involvement in community action. The *Rotary Club of Old Montréal* also handed her the *Paul Harris Fellow* certificate, in 2006, in appreciation of her tangible and significant implication for the furtherance of better understanding and friendly relations among peoples of the world.

In 2005, the *Carrefour des Communautés* awarded her the *Médaille des arts et métiers du multiculturalisme* for the quality of her work and for her involvement in the *legal, social and intercultural fields*.

She was also member of the *Conseil des gouverneurs* of Resto Plateau for two years.

The OMBUDSMAN DE MONTRÉAL, in a nutshell



CREATION OF THE POSITION

The Montréal City Council created the **OMBUDSMAN DE MONTRÉAL** position at the request of citizens' groups who attended the 2002 *Sommet de Montréal - Workshop on Democracy*. There was then no equivalent position in any Canadian city. Ms. Savard is the first incumbent of the position which she holds since 2003.

MANDATE

The **OMBUDSMAN DE MONTRÉAL** is a **non political** and **impartial** entity, **independent** from the municipal administration and elected officials. She is responsible for ensuring that citizens receive the municipal services and advantages to which they are entitled and are treated fairly and equitably, with justice and respect, by Ville de Montréal employees and representatives.

The **OMBUDSMAN DE MONTRÉAL** intervenes when she has reasonable grounds to believe that the rights of a person or a group of persons have been adversely affected, or are likely to be, due to an act, a decision, a recommendation or an omission of a Ville de Montréal employee or representative (Central Departments and Boroughs), a paramunicipal agency or a City-controlled corporation.

The general mandate of the **OMBUDSMAN DE MONTRÉAL** is defined in the *By-Law concerning the Ombudsman* which confirms its jurisdiction over most of Ville de Montréal's administrative decisions. The **OMBUDSMAN DE MONTRÉAL** also offers the only available recourse to ensure the respect of the values and commitments found in the *Montréal Charter of Rights and Responsibilities*: when a citizen's complaint is based mainly on this Charter, the **OMBUDSMAN DE MONTRÉAL** can even intervene in regards to decisions voted by City Council, the Executive Committee or a Borough Council.

The **OMBUDSMAN DE MONTRÉAL** has broad investigation powers and City representatives must cooperate with her and her team. Upon completion of an investigation, she may recommend any measure she deems appropriate: in the vast majority of cases, her **RECOMMENDATIONS** are accepted and implemented by the City.

Her interventions are essentially aimed at resolving the problematic situations she has identified, through negotiation, conciliation and mediation. If she does not receive a favourable response following a **RECOMMENDATION**, the **OMBUDSMAN DE MONTRÉAL** can report the situation to the Executive Committee, the City Council or the concerned Borough Council and request its support to resolve the problem. She may also comment on the situation publicly, if she deems it appropriate.

The **OMBUDSMAN DE MONTRÉAL** only acts as a last resort. Citizens who request her intervention, therefore, must have submitted beforehand the alleged problem to the concerned Department or Borough Director.

The **OMBUDSMAN DE MONTRÉAL** team is empathic, open and often innovative. Citizens who seek the **OMBUDSMAN DE MONTRÉAL**'s assistance are listened to with attention and their arguments are seriously considered without bias.

The **OMBUDSMAN DE MONTRÉAL** team must abide by applicable laws. They are not bound, however, by the City's "past or customary practices": they consider the origin and reasoning behind such practices/procedures and their interventions sometimes become golden opportunities to update or modernize municipal procedures which have been in effect for many years.



Through her interventions and investigations, the **OMBUDSMAN DE MONTRÉAL**'s approach is not so much to look for a guilty party but rather to find satisfactory and viable solutions to whatever problem she has identified. If after serious analysis, the **OMBUDSMAN DE MONTRÉAL** concludes that the situation with regard to which a citizen had complained does not justify her intervention, proper explanations will be provided to the citizen so that he/she understands the grounds of her conclusion.

The preventive and positive impacts of the **OMBUDSMAN DE MONTRÉAL**'s interventions are worth mentioning. New measures implemented following her interventions often lead to the correction of systemic problems and, therefore, prevent other citizens from facing similar difficulties.

The **OMBUDSMAN DE MONTRÉAL** has no jurisdiction, however, over any labour or employment related matter nor over any activity or decision of the Société de transport de Montréal. Her jurisdiction over the Service de police de la Ville de Montréal is also limited and she cannot intervene or investigate in relation to peace officers' acts/behaviours. Moreover, she cannot take on complaints concerning City Councillors or any member of their cabinet.

MISSION

- To offer citizens an attentive ear and a new look at their situation, without bias.
- To make City representatives more aware of the impact of their decisions and actions on citizens.
- To rapidly identify problems and, if need be, to intervene on behalf of citizens, with Ville de Montréal.
- To actively contribute to the finding of fair and reasonable short-term, medium-term and long-term solutions, when problems are identified.
- To ensure the respect of the commitments contained in the *Montréal Charter of Rights and Responsibilities* as well as of obligations resulting from Québec *Charter of Human Rights and Freedoms*, by all City representatives.
- To promote more broadmindedness and a better understanding of fundamental rights.

OUR VISION

- That owing to the **OMBUDSMAN DE MONTRÉAL**'s interventions, the quality of services offered to citizens by Ville de Montréal be the best possible.
- That Montréal's municipal services continue to evolve so as to meet the citizens' changing needs.
- That City representatives and citizens better understand their respective reality, expectations and constraints.
- That all of Ville de Montréal representatives and employees, as well as elected officials, respect and take into account the values and commitments contained in the *Montréal Charter of Rights and Responsibilities*.



OUR VALUES

In all of their actions, the **OMBUDSMAN DE MONTRÉAL** and the members of her team act with • **Empathy**, • **Respect**, • **Neutrality** and • **Impartiality**, and search for • **Just** and • **Equitable** solutions.

CHARACTERISTICS

The **OMBUDSMAN DE MONTRÉAL** offers a **last resort** recourse to citizens who feel they are adversely affected by a Ville de Montréal's decision: this recourse is easily **accessible, fast, efficient** and most of all, absolutely **free**.

APOLITICAL AND INDEPENDENT POSITION

Essential condition to its credibility, the **OMBUDSMAN DE MONTRÉAL** position is **apolitical** and completely **independent** from the municipal administration and its elected representatives. The current Ombudsman, Ms. Johanne Savard, was unanimously appointed by City Council, where sit elected representatives from all political parties and boroughs.

The **OMBUDSMAN DE MONTRÉAL** and her team are entirely dedicated to their mandate and they perform no other function within Ville de Montréal: they are not at risk, therefore, of finding themselves in a situation of conflict of interests, real or apparent. As a condition of employment, the **OMBUDSMAN DE MONTRÉAL** employees cannot have or have had close connections to a Montréal municipal political party or elected official.

The **OMBUDSMAN DE MONTRÉAL** enjoys a great deal of **autonomy** with regard to the organization of her office, her procedures and the handling of her files. Neither the municipal administration nor the elected officials can intervene on this score.

Access to the **OMBUDSMAN DE MONTRÉAL**'s files is exclusively limited to her team and municipal representatives or elected officials cannot interfere in any way in the elaboration of her conclusions or her **RECOMMENDATIONS**.

The **OMBUDSMAN DE MONTRÉAL** must however:

- respect the City's policies and norms with regard to the management of her human, material and financial resources; and
- every year, submit to City Council a written report on the performance of her duties and her functions, over the preceding 12 months.



INVESTIGATION POWERS

When the **OMBUDSMAN DE MONTRÉAL** decides to intervene or investigate, she must, in accordance with the *By-law concerning the Ombudsman*, inform the director of the relevant Borough or Department. The **OMBUDSMAN DE MONTRÉAL** must invite the author of the contested decision or act to be heard and she has the right to request any information, document or explanation she deems relevant. At the end of her investigation, she must also prepare a reasoned report on her findings.

The *Cities and Towns Act* also confirms that the Ombudsman has the right to obtain from any person, all of the information she deems necessary.

Within the scope of their investigations, the Ombudsman and her team can, therefore, directly request from any person, all the information they deem appropriate.

ENABLING LEGISLATION

The **OMBUDSMAN DE MONTRÉAL**'s jurisdiction and powers are defined in the following laws and by-laws:

- The *By-Law concerning the Ombudsman* (by-law 02-146 as modified by by-law 02-146-1)
- The *By-Law concerning the Montréal Charter of Rights and Responsibilities and the Right of Initiative* (by-law 05-056 as modified by by-law 05-056-1)
- Sections 573.14 to 573.20 of the *Cities and Towns Act* (R.S.Q., chapter C-19).

LOGO

The **OMBUDSMAN DE MONTRÉAL** logo is made of the two key letters of the function, the **O** of Ombudsman and the **M** of Montréal.

The **O** forms the heads and the **M** the bodies of two people shaking hands, a sign of good communication and respect.

The **O** also represents the island which is home to Ville de Montréal and the universal ring it forms symbolizes unity and continuity.

The stylized **M** recalls the corner of a table, where people exchange ideas and work together towards problems resolution.

This signature's blue color is no accident. Blue symbolizes communication, self expression, creativity and peace. In this logo, it also represents the water surrounding Montréal.



Services offered by the OMBUDSMAN DE MONTRÉAL



STRUCTURE AND ORGANIZATION

The **OMBUDSMAN DE MONTRÉAL** team is made up of several people including the Ombudsman, the Deputy Ombudsman, advisors/investigators and legal advisors. The team is supported by two secretaries.

CODE OF ETHICS

Each member of the **OMBUDSMAN DE MONTRÉAL** team must respect the *Code of Ethics* adopted by her office, in 2005. This *Code of Ethics* is posted in our office and on our Web site, both in English and French.

COMPLAINT FORM

Citizens who need our assistance can easily find, on our Web site, the *Complaint Form* which can be completed and returned online. This procedure makes the recourse to the **OMBUDSMAN DE MONTRÉAL** even more accessible and easy. The Form is also available in a printed version.

Citizens may submit their request by mail, e-mail, fax, phone or even in person at our office: before showing up to our office, however, citizens should make an appointment beforehand so as to ensure that an investigator will be available to meet with them.

ACCESS TO THE OMBUDSMAN DE MONTRÉAL'S OFFICE

The **OMBUDSMAN DE MONTRÉAL**'s office is located on the ground floor of the Montréal City Hall, in suite R-100, a few steps away from the Champ-de-Mars metro station. The building is accessible to people with reduced mobility through the Place Vauquelin entrance.

SWIFT SERVICE

Within a maximum period of 24 working hours following the reception of their complaint, citizens who seek the **OMBUDSMAN DE MONTRÉAL**'s assistance receive a verbal confirmation that our office has received their complaint and a short explanation of the ensuing steps.

Thereafter and within a period generally not exceeding two (2) working days, the **OMBUDSMAN DE MONTRÉAL** forwards to the complainants a written *Acknowledgement of Receipt* in which the name and contact information of the person appointed for handling their file is confirmed.

As a general rule, 90% of the people who seek the **OMBUDSMAN DE MONTRÉAL**'s assistance receive a final answer in their file, within one (1) month or less.

Most complaints requiring a thorough investigation are finalized within two (2) months or less.

CONFIDENTIALITY

Protecting the confidentiality of our interventions and files is of utmost importance. The people we deal with, whether citizens or City employees, must feel free to confide in us everything they deem relevant, without any fear that they may undergo reprisals. This confidentiality is provided for in the *By-law concerning the Ombudsman* as well as in the *Cities and Towns Act*.

All our files are kept in locked filing cabinets, in offices which are also locked every night: Ville de Montréal employees, managers, elected officials or representatives do not have access to them.



The computerized system we use for the management of our files is specific to our office and its access is exclusively reserved to the members of the **OMBUDSMAN DE MONTRÉAL** team.

Our files are not subject to *Right of Access* legislation and the **OMBUDSMAN DE MONTRÉAL** and her employees cannot be compelled to testify before any court of law nor to provide any information or deposit any document relating to their investigations or interventions.

This confidentiality is not absolute, however. Complainants must understand that in order to adequately handle/investigate/resolve their problem, the **OMBUDSMAN DE MONTRÉAL** must discuss the relevant elements of their file with the municipal representatives concerned by or responsible for the given situation.

Finally, whenever she decides to intervene or investigate, the *By-law concerning the Ombudsman* requires that the **OMBUDSMAN DE MONTRÉAL** inform the director of the relevant Borough or Department and offer her/him the opportunity to explain the decision or resolve the situation. Whenever the **OMBUDSMAN DE MONTRÉAL** decides to intervene or investigate, this By-law also requires that she informs the General Manager of Ville de Montréal and forward him, at the end of the process, a copy of her written final findings.



HELPING AS MUCH AS WE CAN

Listening with empathy is at the heart of all of the **OMBUDSMAN DE MONTRÉAL**'s interventions.

When citizens submit problems that fall outside Ville de Montréal's jurisdiction or when the **OMBUDSMAN DE MONTRÉAL** does not have the right to examine the matter at stake, our team still tries to provide useful information and to redirect the citizen to another resource that could possibly help.

*If, because of a lack of jurisdiction over a particular situation, the **OMBUDSMAN DE MONTRÉAL** team must shut the door and refuse to investigate, we always try to open a window where the concerned citizen might find assistance.*

BILINGUAL SERVICE

The **OMBUDSMAN DE MONTRÉAL** offers complete services to citizens, in English or French. Its Web site is also available in these two languages.

MULTILINGUAL INFORMATION

Citizens of all origins must feel welcomed and comfortable in seeking our help: we have, therefore, included on our Web site home page, a short summary explaining the nature of the **OMBUDSMAN DE MONTRÉAL** mandate in the 14 languages most spoken in Montréal. Our poster, information pamphlet and bookmark also contain a short welcome message, in all of these languages.

People who request the **OMBUDSMAN DE MONTRÉAL**'s intervention, however, remain responsible for designating a representative who speaks either French or English, to act on their behalf, for the purpose of their file.



BRaille AND OTHER MEANS FOR CITIZENS WITH IMPAIRED VISION

Since 2006, the business cards used by the **OMBUDSMAN DE MONTRÉAL** team are embossed in Braille. Our name and phone number are also written in Braille on our multilingual bookmark. All our correspondence and texts on our Web site are written in *VERDANA* font, which is easier to read for people with impaired vision.

SIMPLIFIED LANGUAGE AND ALTERNATIVE SPELLING

Since 2006, information on the **OMBUDSMAN DE MONTRÉAL** is available in French, in *Simplified Language* and in *Alternative Spelling*, via the *Accès Simple* icon found on the Ville de Montréal Web site.

These texts were drafted with the help of Université de Montréal specialists and are mainly aimed at people with intellectual limitations: they explain, in simple terms, the **OMBUDSMAN DE MONTRÉAL**'s role and mandate.

In *Simplified Language*, we briefly explain the nature of the services offered. This text can also be listened to, on the Montréal *Accès Simple* Web site.

An incidental benefit worth mentioning: the *Simplified Language* text has turned out to be useful to people with limited understanding of the French language.

As for *Alternative Spelling*, it is a special *phonic language* taught in some French specialized school, to people unlikely to ever be able to learn traditional French spelling. This *phonic* language allows them to read useful information by sound and, as a result, to become more autonomous.



The **OMBUDSMAN DE MONTRÉAL** is proud to participate in these fantastic projects aimed at providing a maximum amount of information to all of the people who could require her services, regardless of their personal limitations.

OMBUDSMAN DE MONTRÉAL WEB SITE

Still many people do not comprehend the nature of our mandate and powers or understand important basic notions relating to municipal matters. This is why we added to our Web site a section named *Frequently Asked Questions* in which we explain, in simple terms, notions frequently referred to, in the course of our interventions. Citizens can consult this section to better understand some of the rules that they are often faced with when dealing with Ville de Montréal.

VIDEOS

The **OMBUDSMAN DE MONTRÉAL** is often solicited to present and explain her role and share her experience with various groups: she tries to answer these requests favourably as much as possible but, unfortunately, she cannot attend all events.

For that reason, we have created two videos in which the **OMBUDSMAN DE MONTRÉAL** explains the nature of her mandate and interventions. These videos are available in both English and French, on our Web site.

Montréal 



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