

Chapter 6

Dealing with Government Agencies

Your new life in Canada, you will come into contact with various government agencies. These agencies are created to serve the citizens of Canada. You should not hesitate to use them to help you.

You will be able to use an agency's resources and assistance more effectively if you know how it works. You can learn this through personal experience or by doing some research to discover more about the agency. For example, you can research the agency by reading about it or by speaking with its staff.

This chapter introduces you to three government agencies that citizens might encounter:

- the Employment Standards Branch.
- Residential Tenancy Office
- Victim Services

Occasionally, you may find that the staff of a government agency treats you unfairly. If this occurs, you should not hesitate to express your concerns to the staff.

Most government agencies have internal complaint procedures that deal with citizen concerns. We give as examples the complaint procedures for two agencies: the police and the Insurance Corporation of B.C. (ICBC)



Making Government Agencies Work for You

Our government agencies provide important services to Canada's citizens.

Canada has a tradition of strong social programs to assist people who need help. This may include financial, medical, or counseling assistance, to name a few. The following examples describe some commonly used government services and agencies you can call for help.

Disputes with Employers

Most Canadians work for a company or organization.

Union members A union is a formal association of employees at a workplace, which has the legal right to negotiate working conditions for employees in the association. If you are a member of a union and are having difficulties with your employer, you can contact your union representative for assistance.

Non-union workers Many of us are not members of a union. All provinces in Canada have legislation that sets standard working conditions for employees who are not part of a union.

These laws set standards for:

- minimum wages
- vacation allowance
- overtime payments
- maternal leave benefits (which women can receive before and after having a baby).

These laws may even set standards for working conditions in particular industries such as farm-work, domestic work or in the garment industry.

You may find that you are not being treated fairly by your employer according to the law. Most provinces have agencies to provide education and assistance regarding employment standards laws.

In British Columbia, staff of the **Employment Standards Branch** of the Ministry of Employment and Investment counsel employees and employers about their rights and responsibilities under the law.

Employment Standards administers a process for resolving employer/employee conflicts. According to the law, you also have a right to a formal meeting at which

you can give evidence for your claim against your employer. An independent decision maker hears the case and decides on the remedy—for example, ordering the employer to pay earned wages to an employee. Check the blue pages in your phone book to contact this agency.

Landlord and Tenant Disputes

In Canada, our home is very sacred to us, whether we own or rent it. Our society recognizes that *tenants* (people who rent their homes), like *landlords*, (people who own property and rent it to others) have important rights.

From time to time, a tenant may have a dispute with the landlord over issues like rent increases, inadequate repairs or maintenance or the repayment of the damage deposit. Likewise, a landlord may feel that a tenant is mistreating the house or apartment. Sometimes these disputes become so serious that the landlord may try to *evict* the tenant (force the tenant to move out).

Most provinces have established government agencies to help tenants and landlords settle their disputes in a peaceful way. In British Columbia, the **Residential Tenancy Office** of the Ministry of the Attorney General helps to educate tenants and landlords about their rights and responsibilities under the law.

This office also organizes *arbitrations*. An arbitration is a formal meeting in which the tenant and the landlord present evidence to an independent decision maker who decides the rights and responsibilities of each party in a dispute.

If you are part of a landlord/tenant dispute, contact this government agency for assistance. You can find their phone number in the blue pages of your phone book.

Helping Victims of Crime

Canadians are proud that we live in a safe society in which crime is the exception rather than the rule. However, you, someone in your family or a friend may one day be the victim of a crime. Most provinces in Canada have *victim services* programs to help individuals deal with the trauma of being a victim of crime.

In British Columbia, the *Victims of Crimes Act* creates various rights and entitlements to services for people who are the victims of crime. You can find out more about these programs by calling the Victim Information Phone Line (1-800-563-0808). There are specialized programs for victims of sexual assault.

Many victim services programs are located in local police stations to offer a broad range of support and information. These services are coordinated and administered by the Victim Services Division of the Ministry of the Attorney General.

British Columbia has also created the *Criminal Injury Compensation Act* to help victims of crime and their families. The Act provides financial compensation for personal injury and loss of income in particular cases. To find out more about criminal injury compensation in B.C., contact your local Workers' Compensation Board office. The office is listed in the white pages of your phone book.

These are just three of many government agencies that service citizens. Other agencies, like the B.C. Human Rights Tribunal help citizens protect their rights. See Chapter 4 for a discussion of human rights laws. Do not hesitate to use these agencies. To find out more about any particular government agency, visit your local public library or contact the agency directly.

Challenging a Government Agency's Decision

At some point you may feel that you are being treated unfairly by a government agency. Perhaps an agency is not giving you a benefit that you think you are entitled to, (such as unemployment benefits). Or an agency has demanded that you provide information or payment to the government (such as an income tax payment) which you think is unjust.

Normally you will have a right to *appeal* the agency's decision. An appeal is a request for someone else to reconsider the original decision. You can find out directly from the agency whether you have a right or option to appeal a decision.

Sometimes you may believe that you are being treated unfairly because the conduct of a government employee was rude and disrespectful.

Many government agencies have a complaint system for responding to citizens' concerns about unfair treatment. You should also know that some non-government agencies and industries have complaint systems for their clients and customers.

Complaint systems exist for:

- ☑ any decision, action or policy of a provincial government agency (contact the Ombudsman)
- ☑ discriminatory actions by almost anyone (contact the Canadian or B.C. Human Rights Tribunal)
- ☑ the actions of police officers (contact the B.C. Police Commission or the RCMP Public Complaints Commission)

- ☑ the behaviour of members of professions such as doctors, lawyers, psychologists or accountants (contact the professional organization that regulates its members: e.g. the Law Society or the College of Physicians and Surgeons)
- ☑ the contents of newspaper items, including opinion columns and advertisements (contact the B.C. Press Council)
- ☑ the contents of radio and TV broadcasts (contact the Canadian Radio and Television Commission).

If you believe that someone in a position of authority has treated you unfairly, you may wish to bring their behaviour to the attention of the proper officials.

Your first step is to find out whether there is a complaints system. Call or write to the relevant government agency, the office of your MP or MLA, or the B.C. Civil Liberties Association.

If there is no formal complaint system, it is usually best to bring your concerns to the attention of the supervisor of the government employee you wish to complain about.

It is not usually necessary to hire a lawyer to use a complaints process. Even if you can afford legal advice, this will not necessarily help you. In fact, it might even make the process more difficult. Government officials who might have responded to you personally in a sensitive and helpful manner sometimes become defensive and less co-operative when dealing with a lawyer. However, if the complaint is very serious, a lawyer is trained to protect your rights and may provide invaluable assistance to you.

Time limits Find out whether there is a time limit for making your complaint or appeal, and make it within that time. Most complaints or appeals should be submitted by letter. You should supply three sorts of information:

- ☑ a general description of the issue or specific incident you wish to complain about
- ☑ a description of the specific actions you wish to have investigated
- ☑ a description of the kind of response that would satisfy you. For example, you might want the public official to be disciplined, or just to apologize to you. In some cases you might also want financial compensation.

You may be very angry or upset because of the incident. Even so, a firm but polite

letter will usually get the most positive response.

Interviews You may be asked to attend an interview, or to give a further statement. If you are nervous about doing so, ask if you can bring along a support person to assist you.

You may also wish to contact a citizens group for help. Many groups are familiar with complaint systems. They can advise you about what to expect. Someone from this organization may be able to go to the interview with you to explain the process and to try to make sure you are treated fairly.

In British Columbia there are many organizations that work with New Canadians with particular backgrounds. For information about community organizations that may be able to assist you, contact your local library to find a copy of the local community services directory such as the “Red Book” in Greater Vancouver.

Reviews and appeals Like most democratic institutions, complaint systems are not perfect. You may not get the response you want, and even if you do, it may take a long time. If your complaint is not successful, there is usually a second step for reviewing the original response. If you decide to ask for a review or appeal, it is usually to your advantage to have the advice and assistance of someone who understands the review process. You may even wish to have a lawyer represent you.

If there is no formal review process, and you wish to pursue your complaint further, you will have to approach a senior government official directly.

Protections from retaliation A final word: you should **never** be afraid to use a complaint process for fear of retaliation. It is highly unlikely that this will occur.

If, for any reason, you think that officials of the agency are harassing you or trying to punish you for making a complaint, you can take action. Immediately contact your local MP or MLA’s office, or the B.C. Civil Liberties Association. Canadians do not tolerate this behaviour by government officials.

Government Complaint Systems

Complaints Against the Police

Our police have a responsibility to serve and protect Canadian citizens. Their role is to enforce the law and to help citizens, not to harm them. This may be very different from the situation in your former country.

Canadians have given the police extraordinary powers, such as the right to possess and use guns, to arrest people and to use reasonable physical force when necessary.

The police have a very difficult and demanding job. They deserve our respect and support.

However, sometimes we may have concerns about the conduct of police. Like elected representatives, the police are accountable to citizens. To make the police responsible to citizens, our democracy has created complaint systems so the public can express concerns about police conduct.

Complaining about police conduct If you believe that you have been mistreated by the police, you can make a complaint. For example, in British Columbia, to complain about a municipal police officer, you can make a written complaint to the Chief Constable of a police department. Or to complain about an RCMP officer, write to the Commanding Officer of the Detachment. In your letter, state that you wish to make a complaint under the Police Act (for municipal police) or the RCMP Act (for RCMP officers).

Writing a letter of complaint In your letter, state that you wish to make a complaint under the *Police Act* (for municipal police) or *RCMP Act* (for RCMP officers). In your letter of complaint, you should include the following information:

- the time and location of the incident
- a description of what happened
- the name(s) and/or badge number of the police officer(s) involved, or a description of them if you do not have this information
- your name, address and telephone number and those of any witnesses
- what you want done to remedy the situation. For example, you may want an explanation for the conduct, an apology or the police officer to be disciplined.

Investigation of complaints When your complaint is received, it will likely be investigated by the internal investigation section of the police department or by a senior member of the police force. You may be asked to supply further information, or attend an interview. It will generally take several months before you receive a written response to your complaint. If you are not satisfied with the police response, ask for a review of the decision.

The police complaint system is designed to correct police behaviour. It is not designed to give you financial compensation for your injuries or other harm you have suffered. You can speak to a lawyer to discuss your other legal options.

For more information on the police complaint process in B.C., contact the office of

the B.C. Police Commissioner (for municipal police), and the RCMP Public Complaints Commission (for RCMP) or the B.C. Civil Liberties Association (for any police force).

Complaints Against ICBC Canadians are attempting to reduce our reliance on the automobile to reduce air pollution. However, many people need to use their cars in their daily lives. The Insurance Corporation of B.C. (ICBC) is the primary agency that provides insurance for cars and trucks. You *must* purchase this insurance before you can drive.

ICBC is a *quasi-government* agency. This means that, although ICBC was created by the government of British Columbia and it receives public funding, it has a lot of independence to administer insurance programs.

Complaints If you have concerns about the decision or conduct of ICBC staff, you can express your concerns in a number of ways. For example, you may be dissatisfied with the decision of the claims adjustor. The claims adjustor is the staff person who decides how much compensation you will receive after a car accident. You can speak to the Claims Manager about your concerns.

If you continue to be dissatisfied, then speak to the Manager for the Claims Centre. If these discussions do not resolve your concerns, contact ICBC's Public Inquiries Department. They will refer you to a Customer Relations Officer who can take a fresh look at your concerns. If you have a dispute over a claim, there is also the opportunity to have an independent assessment. If you have concerns about settling and accident claim, you can also contact a lawyer who will advise you about your legal rights.

Where there is no complaint procedure In Canada, you can come into contact with hundreds of government agencies. Some agencies, like the police and ICBC, have well defined procedures to deal with citizen concerns. However, many do not.

Where there is no clear procedure, it is often up to you to express your concerns and to continue to pressure the agency if you do not receive satisfaction from staff at the lower levels. It is usually best to start with the supervisor of the person you wish to complain about. If you do not get satisfaction, go to the next level in the organization to express your concerns. Continue to work your way up through the organization until you have gone "right to the top".

Office of the Ombudsman

In addition to internal complaint procedures within particular government agencies, many provinces have independent agencies specifically designed to assist citizens who feel that they have been treated unfairly by government.

In British Columbia, the Office of the Ombudsman (1-800-567-3247) responds to complaints from citizens about allegations of unfair treatment by any provincial government agency. The Ombudsman can review the conduct of every provincial government agency and some non-government agencies. These agencies include:

- ☑ universities and colleges
- ☑ local government agencies and
- ☑ professional associations that regulate lawyers, doctors and psychologists and others.

The Ombudsman and her staff receive complaints, investigate them and, if appropriate, make recommendations to the government agency. The Ombudsman takes your complaint only if you have already complained directly to the government agency and you have not been satisfied with the response. For more information contact the Ombudsman's Office and ask for their latest Annual Report or other publications.



Stand Up For Your Rights

When dealing with government agencies, you can expect that their staff will be helpful and respectful to you. After all, they are designed to serve you, the citizen. However, when they are not, do not hesitate to raise your concerns either formally through a complaint system or informally by contacting the employee's supervisor.

By raising your concerns, you are making government officials accountable. And that is valuable, not only for your own benefit but for all citizens in our democratic society.