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Toronto

Listening. Investigating. Improving City Services.

Ensuring Procedural Fairness for Self-Represented People : The Staff Perspective

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Presentation to the SOAR Annual Conference
November 1, 2018

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We work to ensure that City of Toronto services
and administration are fair to all.



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The Fairness Triangle



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Fair Process

- This concerns the steps taken before, during and after a hearing, including:
 - Did the person know what issues would be decided and that an adverse decision could be made?
 - Was the decision-making process adequately explained in advance?
 - Was there a reasonable opportunity to be heard or to present information?
 - Was the decision-maker unbiased?
 - Were reasons for the decision provided?
 - Was the decision made and communicated in a reasonable time?
- Fair process requires clear communication every step of the way.



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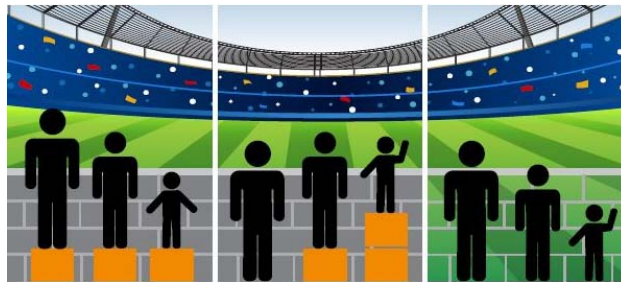
Fair Treatment

- Every person who deals with a government tribunal or agency has the right to be treated with dignity, respect and care.
- This is about questions such as:
 - Was the process well communicated and accessible?
 - Were staff approachable and helpful?
 - Was the person able to truly participate in the process?
 - Was there an absence of discrimination, both specific and systemic?
- Equality of treatment is not enough. The law requires that to be treated fairly, every person must be treated equitably.



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Ombudsman Toronto Stands Up for Fairness



Fairness is about impact, not effort



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Equity Focuses On Impact, Not Effort

- In order to be fair, the way we treat people must account for their individual circumstances and needs.
- This may include consideration of factors such as:
 - Level of education and literacy
 - Language
 - Ethnicity
 - Creed
 - Culture
 - Family status
 - Gender
 - Sexual Orientation
 - Social identity
 - Disability



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Ensuring Fair Process and Fair Treatment Can be Challenging

- Sometimes, it can be extremely difficult, for example when someone behaves in a way that is:
 - unreasonably persistent
 - argumentative
 - angry
 - trying to take over your process
 - rude (“you work for me”)
- Remember, though, that **everyone** is entitled to administrative fairness.



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Tips for Dealing with Challenging Behaviour

- Slow down and listen.
- Try to be aware of your own triggers; manage your emotions.
- Focus on the behaviour, not the person.
- Even if someone is behaving unreasonably, show them respect and professionalism.
- If you feel you are unable to effectively manage the situation, politely end the interaction (after warning the person that you will do so) and notify your supervisor.
- Keep records of difficult interactions.



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Tribunals and Agencies Should Have Policies and Practices for Responding to Unreasonable Behaviour

- If not properly handled, it can have a disproportionately negative impact on staff, service, time, resources and culture.
- Staff need training, support and tools to respond confidently and consistently.
- In some cases, Alternate Service Arrangements may be a useful tool for management to explore.



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Practice, Reflect and Learn

- Providing service to the public is not always easy.
- Sometimes, it is very hard.
- Make it your mission to enhance the fairness of your tribunal by the way you interact with members of the public every day.
- Develop and hone your skills for responding effectively to challenging behaviour. Review individual cases on your own and with your team; they are valuable teachers.



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Ways to Connect with Ombudsman Toronto


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