



Ombudsman and Whistle Blower Annual Report

May 1, 2020 to April 30, 2021

Purpose – For Information

This report provides information on the activities of the Ombudsman Office and the 3rd Party Whistle Blower Service in fiscal 2021

Ombudsman's Office

From May 1, 2020 to April 30, 2021, the Ombudsman Office received 211 external contacts and 21 internal contacts. There was one open Ombudsman case at fiscal year-end.

The internal contacts were normally facilitated by simply listening and letting them come to their own resolution.

The external contacts have been from the public (approximately 20%) and the regulated community (approximately 80%). Typically, most of the contacts are resolved by explaining TSSA regulatory requirements and in some cases, brokering a resolution between TSSA and the regulated party. To date, all regulated sectors have contacted the Ombudsman's office. Most of the contacts, 60%, are regarding Fuels Safety.

Issues included regulation and code interpretation, the limit of TSSA's authority and fees charged.

There was a large increase in inquiries regarding certification and specifically exam services. Providing exam results in a timely manner and scheduling/rescheduling of exams were the main issues. Covid-19 impacted exam services as exams were often cancelled with little notice due to lockdown measures throughout the province. This was beyond TSSA's control. Additionally, TSSA had staffing issues and to alleviate this situation TSSA enrolled a 3rd party to assist with exam marking.

3rd Party Whistle Blowing Service

The Whistle Blowing Service includes a confidential 24/7/365 telephone hotline and internet portal that allows TSSA employees, regulated parties and members of the public to raise issues regarding alleged wrongdoings by TSSA personnel or to complain about TSSA activities/processes. There were twenty-two reported cases in FY2021. Seventeen cases were addressed and closed and five remain open. Although the Whistle Blowing service was primarily designed to confidentially report alleged TSSA wrong doings, it has had the added benefit of providing an independent external service so that persons can confidentially and securely report alleged wrong doings by parties regulated by TSSA. Twenty-one of the twenty-two cases pertained to regulated parties and the remaining one concerned TSSA employees.

Regarding the case concerning TSSA employees:

- The case resulted in TSSA's management better communicating change throughout the organization to reduce employee misunderstandings in TSSA's transformation to become an outcome-based regulator

Regarding the twenty-one cases concerning regulated parties:

- Fourteen cases required the dispatch of an inspector where:
 - Four cases could not be substantiated
 - One case had no safety concerns
 - Two cases had no non-compliances
 - One case was substantiated and orders for compliance were issued
 - Five cases were substantiated, and orders issued to become authorized
 - One case was miscommunication where the inspector facilitated a resolution
- One case was outside of TSSA's jurisdiction
- One case had no non-compliances
- Five cases remain open where:
 - Two have been assigned to inspection
 - Three are awaiting more information from the reporter

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