



OFFICE OF THE OMBUDSMAN
Public Workers Union Building Tanteen, St. George's, Grenada

24th April, 2017

H.E. Dame Cecile La Grenade GCMG, OBE, PhD
Governor-General
Office of the Governor-General
P.O. Box 369
Point Salines
St. George's

Dear Excellency

Annual Report – Office of the Ombudsman

I have the honour to submit to you the Seventh Annual Report of the activities of the Office of the Ombudsman, for the period 1st January 2016 to 31st December 2016.

This Report is made pursuant to Section 32(3) of the Ombudsman Act 24 of 2007.

Yours faithfully,

Ronnie Marryshow
OMBUDSMAN (Ag.)



OFFICE OF THE OMBUDSMAN
Public Workers Union Building Tanteen, St. George's, Grenada

24th April, 2017

Hon. Michael Pierre
Speaker
House of Representatives
Parliament Building
Tanteen
St. George's

Dear Mr. Speaker,

Annual Report – Office of the Ombudsman

I have the honour to submit to you a copy of the Seventh Annual Report of the activities of the Office of the Ombudsman, for the period 1st January 2016 to 31st December 2016.

This Report is made pursuant to Section 32(3) of the Ombudsman Act 24 of 2007.

Yours respectfully,

Ronnie Marryshow
OMBUDSMAN (Ag.)



OFFICE OF THE OMBUDSMAN
Public Workers Union Building Tanteen, St. George's, Grenada

24th April, 2017

Senator the Hon. Chester Humphrey
President of the Senate
Parliament Building
Tanteen
St. George's

Dear Mr. President

Annual Report – Office of the Ombudsman

I have the honour to submit to you a copy of the Seventh Annual Report of the activities of the Office of the Ombudsman, for the period 1st January 2016 to 31st December 2016.

This Report is made pursuant to Section 32(3) of the Ombudsman Act 24 of 2007.

Yours faithfully,

Ronnie Marryshow
OMBUDSMAN (Ag.)

Office Location



Office of the Ombudsman
Public Workers Union Building
Tanteen, St. George's, Grenada.

TABLE OF CONTENTS

| | |
|-------------------------------------------------------------------------------|----|
| OFFICE LOCATION | 4 |
| TABLE OF CONTENTS | 5 |
| FOREWORD | 6 |
| MISSION STATEMENT | 8 |
| VISION | 8 |
| CORE VALUES | 8 |
| STAFF OF THE OFFICE | 9 |
| SAMPLE OF COMPLAINTS | 11 |
| Sample Complaint #1 | 12 |
| Sample Complaint #2 | 12 |
| Sample Complaint #3 | 13 |
| Sample Complaint #4 | 13 |
| Sample Complaint # 5 | 13 |
| Sample Complaint #6 | 14 |
| ANALYSIS OF COMPLAINTS | 15 |
| Complaints in 2016 | 16 |
| Complaints from 2015 | 21 |
| Complaints from 2014 | 24 |
| Complaints from 2012 | 27 |
| Complaints from 2011 | 28 |
| COMPARING THE RESIDENCE OF COMPLAINTS FOR THE YEARS 2015 AND 2016 | 32 |
| FORMS OF INITIAL CONTACT WITH THE OFFICE | 33 |
| OUTREACH ACTIVITIES | 34 |
| SUMMARY OF COMPLAINTS | 35 |
| Other Private entities | 35 |
| Ministry of Agriculture, Lands, Forestry, Fisheries and the Environment | 36 |
| OUTREACH PROGRAMME SCHEDULE 2016 | 37 |
| SHORT BRIEF ABOUT THE OFFICE | 39 |
| ACTIVITIES OF OFFICE FOR 2016 | 41 |

FOREWORD



It is my privilege and pleasure to write this Foreword to the 7th Annual Report of the Office of the Ombudsman. 2016 was both a challenging and exciting year for the Office as a number of coincidental and unplanned things happened, all of which made the year under review what it is.

January was the last month for Ombudsman Raphael Donald, while the Office warmly welcomed its first female Ombudsman, V. Nadica Mc Intyre, in February. The staff of four once again comprised a good balance of two males and two females.

Ms. Mc Intyre immediately set about implementing the Work Plan for the year and also sought to tackle other important issues which needed to be given priority such as the completion of the 2015 Annual Report and Budget Plan for 2017. Attempts were made to address new complaints more efficiently as well as seek resolutions to those which were ongoing and outstanding to as far back as 2010. Unfortunately she had to leave us to seek urgent medical attention abroad.

This led to my appointment as Acting Ombudsman which I assumed in addition to my responsibilities as Complaints Officer. I must say that the Office adjusted and coped well with the challenges encountered, and for that I take this opportunity to express special thanks to the Investigations Officer (Mr. Marlhon Benjamin), and Executive Secretary (Ms. Beverley Baptiste). Ms. Allison Gay served as the replacement for Ms. Baptiste who went on vacation in December.

During the course of 2016 various meetings were held between the Ombudsman's Office and Permanent Secretaries and Heads of Department in several Ministries, aimed at resolving some of the long outstanding complaints referred to earlier. Although our goal was not fully achieved, these meetings have further enhanced the working relationship between our Office and the Ministries in question which augurs well for 2017. I am thankful for the advice and support given and look forward to even greater collaboration in the future as we strive to improve the quality of service rendered to the general public.

High on the list of achievements for the year under review was the two-day UN-sponsored Workshop to dialogue on the possible establishment of a National Human Rights Institution, spearheaded by the Ministry of Foreign Affairs. The Office of the Ombudsman was appropriately represented by the Ombudsman, Complaints Officer, and Investigations Officer. A four-member team from the Commonwealth Secretariat also engaged senior participants from key Government Ministries, Non-Governmental Organizations and Civil Society representatives in a "conversation" about what would be the best model for Grenada. The Workshop is clearly just the first step in the process.

The Ombudsman and Investigations Officer met with the Chairman and staff of the Integrity Commission to establish a closer working relationship between the two entities. A commitment was made to share valuable information and work jointly as far as possible to assure there is transparency in all public and private sector operations. Networking has already begun to take place and will no doubt continue in the years ahead.

I am happy to report that new and improved Complaints/Human Resource software has been installed as planned.

The Outreach Programme was expanded in 2016. Although the number of persons accessing this service in their communities remains disappointingly low, it is hoped that this situation will be improved in 2017 with the increased use of social media to better promote the Outreach and other activities. This year's Report therefore provides a peek not only into what was done but what remains to be done or improved upon.

Despite what some may say or think, Grenadians and visitors to our dear land continue to benefit from the services of the Office of the Ombudsman. Grenada, like many other Nations, needs an efficiently functioning Institution working for the promotion and protection of equality and fairness on behalf of everyone in our society.

I would like, in conclusion, to express thanks to all complainants, whether from the public and private sector, as well as Permanent Secretaries and Heads of Departments, and Officers in supervisory positions in the Public Service. Your contributions are what made this Report possible.



Ronnie Marryshow
OMBUDSMAN (Ag.)

MISSION STATEMENT

To provide effective service through complaints handling procedures that are timely, while ensuring that the highest levels of confidentiality and impartiality are always maintained.

VISION

The furthering of good governance by protecting the individual from injustice and unfairness.

CORE VALUES

Independence

The Office operates with autonomy and the absence of control from Government, political or other parties.

Confidentiality

The Office believes in ensuring that its business is conducted in the most professional and confidential manner and without any possibility of compromise.

Impartiality

The Office shall always hold true to the practice of neutrality and objectivity to arrive at the truth and thus not seek to take sides in any investigation being undertaken.

Integrity

The Office seeks to ensure that all its activities are carried out in ways that bespeak high levels of professionalism, trust, honesty and in an atmosphere of concern for the rights and feelings of all.

In consideration of all the above the Office of the Ombudsman pledges always to carry out its activities with **accountability** and **transparency**.

STAFF OF THE OFFICE



Mr. Raphael Donald
Ombudsman - January, 2016



Ms. V. Nadica Mc Intyre
Ombudsman - from February, 2016



Ms. Allison Gay
Data Entry clerk/Admin
Assistant - December, 2016



Ms. Beverley Baptiste
Executive Secretary

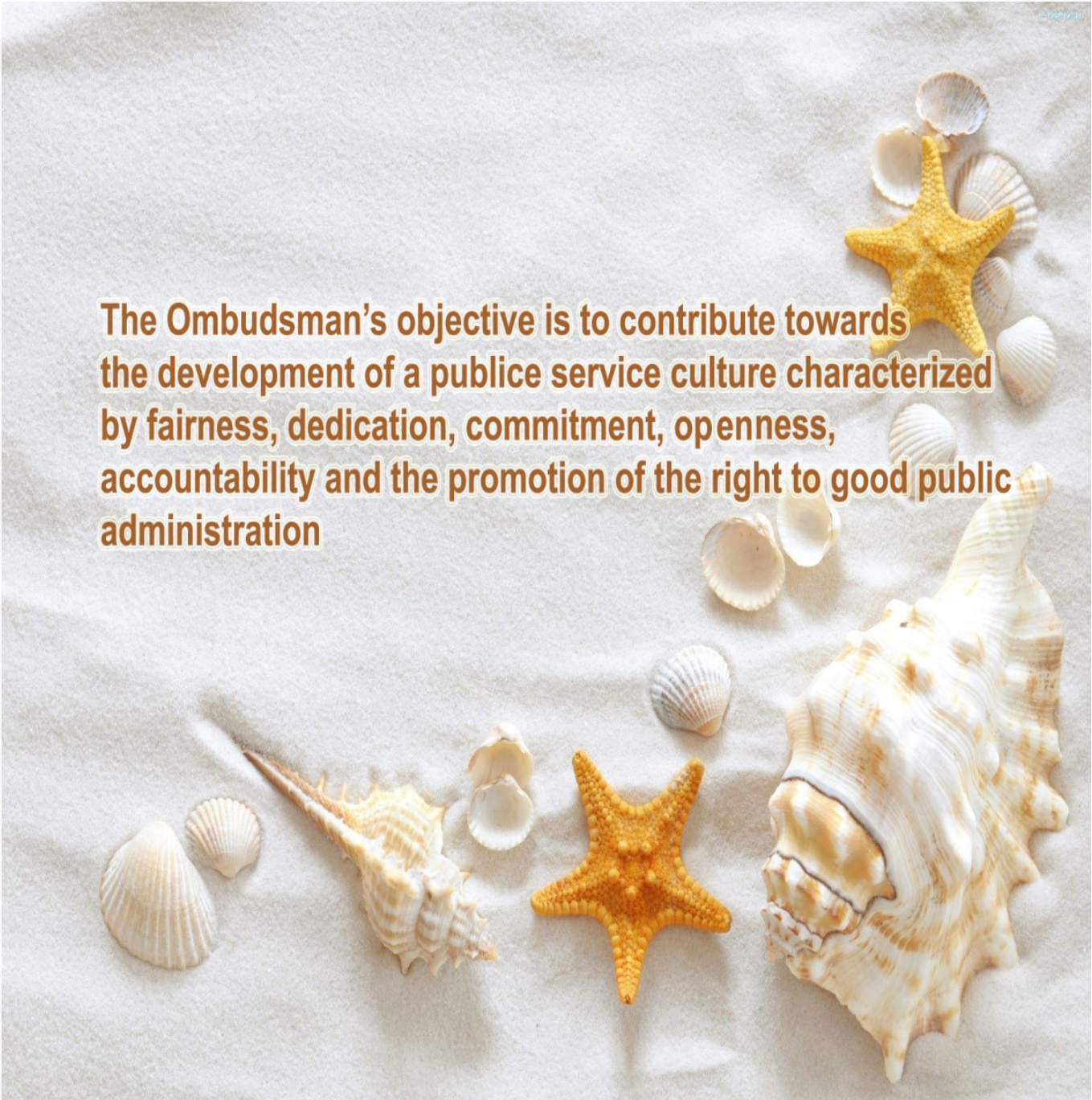


Mr. Marlhon Benjamin
Investigations Officer



Mr. Ronnie Marryshow
Complaints Officer

Mr. Donald's tenure as Ombudsman ended on 31st January, 2016. The Office expresses its sincere gratitude for his contribution and wishes him the very best in his future endeavours. It also acknowledges and appreciates Ms. Mc Intyre's contributions and continues to remember her in prayers as she requested.

A photograph of various seashells and starfish scattered on a light-colored sandy beach. The shells include several small, ribbed scallop shells, a few larger, more complex shells, and two bright yellow starfish. The text is overlaid on the left side of the image.

The Ombudsman's objective is to contribute towards the development of a public service culture characterized by fairness, dedication, commitment, openness, accountability and the promotion of the right to good public administration

SAMPLE OF COMPLAINTS



It's
OK
to complain

Sample of Complaints

SAMPLE COMPLAINT #1



Lodged in February 2016, this complainant – a retired female police officer – complained about her former employer for negligence, insensitivity and possible discrimination. Having attained the rank of Corporal, she was dismissed from the Royal Grenada Police Force in July, 1981 during the period of the Grenada Revolution after serving for almost ten years. Having made several applications, beginning in 1985, she was finally reinstated in the Force, only to be given a new number and at a lower rank (Constable). This decision seemed unjust, given the fact that other persons in similar situations were being reinstated at the same rank they had before.

The complainant, who eventually retired a few years ago, served with distinction and was a model police officer according to the evidence the Ombudsman's Office has on her. Notwithstanding this, there have been several failed efforts to have her services joined for pension purposes. The complainant had served for a total of thirty two years and seven months. Our recommendations, while being noted, have not yet been addressed so far by the relevant Authority. Is this a case of

discrimination meted out to a former female police officer? This Office is eager to have this matter resolved in 2017.

SAMPLE COMPLAINT #2



An elderly lady who lives in her modest home in a rural village in St. George complained in July 2016 about not having safe access to her property. With the construction of another house nearby, it was now unclear to her where exactly the allowed road was. This lady who was quite unsteady on her feet also expressed concern that there was no proper drain between the two houses for water to run off. Following a request by the Office of the Ombudsman for a review of the matter to ascertain proper boundaries and the verification of the access road, a survey was done of the area. The Lands and Surveys Division and Physical Planning Unit worked together to resolve the matter to the satisfaction of the complainant in less than four months.

Sample of Complaints

SAMPLE COMPLAINT #3



A Grenadian citizen, who is a follower of the Muslim faith, complained that her constitutional rights were being infringed upon and she was discriminated against by the Immigration Department. She claimed during her visit to our Office at the beginning of September, 2016 that her request to have her passport renewed was denied because her ears were not visible on her photograph. This she found particularly difficult to accept given the fact that she had a similar photo on her previous passport. Her case was formally directed to the Immigration Department and the Ministry of National Security, Public Administration, Disaster Management, Home Affairs, Information and Implementation, following which a new passport was issued without any undue problems.

SAMPLE COMPLAINT #4

This complaint has to do with assistance for a young man who was wounded in a hit and run accident in 2013. Both parents have independently sought assistance (mother in July, 2016; and father in August, 2016) from the Office of the Ombudsman in obtaining a medical report from General Hospital authorities. The year has long gone and no report has been provided, a

straight case of undue delay in our view. It was brought to the attention of this Office that the young man was charged \$880.00 in order to obtain the medical report.

SAMPLE COMPLAINT # 5

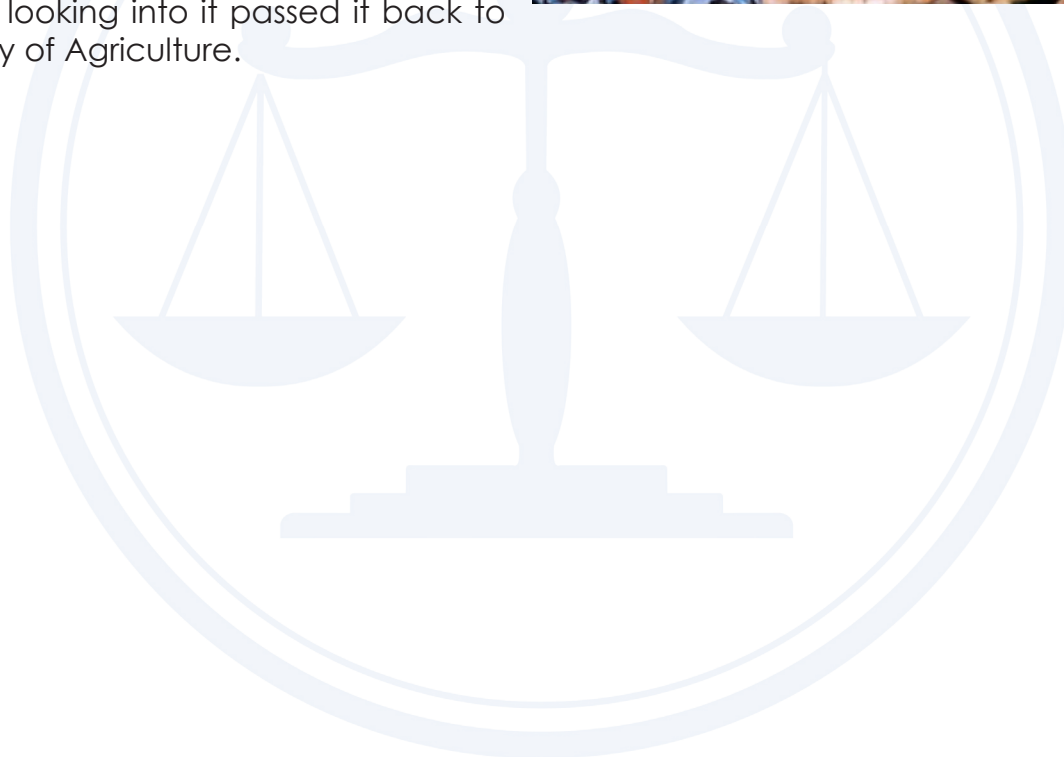


During the year under review a complaint was made against the Child Protection Authority by a former employee. The complainant who was employed for six years had her employment terminated with immediate effect three years ago on the grounds of ill health. A quotation from the doctor who examined her, and contained in her dismissal letter, said she was suffering from "obesity, depression and malingering". The CPA itself quipped that it is "cognizant of how this may affect your performance and attendance at the workplace". Consequently, the complainant is seeking compensation for her years of service.

All efforts to meet with the CPA Director to discuss the matter have come to naught as the Director has been repeatedly making excuses for not being able to meet with anyone from the Ombudsman's Office.

SAMPLE COMPLAINT #6

This complaint was made in April by a complainant who was employed in the Ministry of Agriculture, Forestry and Fisheries. Having been contracted to work on a project in 2011, her employment was subsequently extended. The complainant said that her travelling allowance was then taken away which left her “in an extremely tenuous position of being basically nowhere, with no job security”. The matter, which remains ongoing, was referred to the Department of Public Administration who after looking into it passed it back to the Ministry of Agriculture.



ANALYSIS OF COMPLAINTS



Analysis of Complaints

Complaints in 2016

Table 1: Status of Complaints made against the State-owned Entities in 2016

| PUBLIC AUTHORITIES | STATUS OF COMPLAINTS MADE | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------|-----------|--------------|---------------|---------------------|
| | Total | Closed | Ongoing | Advice Given | Dis-continued | Beyond Jurisdiction |
| Min. of Agriculture, Lands, Forestry, Fisheries and the Environment | 7 | 1 | 5 | | | 1 |
| Ministry of Tourism, Civil Aviation and Culture | 1 | | 1 | | | |
| Min. of Communications, Works, Physical Development, Public Utilities, ICT & Community Development | 3 | | 1 | | 1 | 1 |
| Physical Planning Unit | 2 | 2 | | | | |
| Min. of Education and Human Resource Development | 3 | | 3 | | | |
| OTHER [Private Entities] | 15 | | | 13 | | 2 |
| Child Protection Authority | 4 | 1 | 2 | | 1 | |
| Ministry of Labour | 9 | 2 | 7 | | | |
| Min. of Health and Social Security | 4 | | 2 | 1 | 1 | |
| Min. of Finance and Energy | 2 | 2 | | | | |
| Inland Revenue Department | 1 | | 1 | | | |
| Housing Authority of Grenada | 1 | | 1 | | | |
| Prime Minister's Ministry, Ministry of National Security, Public Administration, Disaster Management, Home Affairs, Information & Implementation | 2 | | 1 | | | 1 |
| Royal Grenada Police Force | 7 | 3 | 4 | | | |
| Grenada Airports Authority | 2 | 1 | | 1 | | |
| Magistracy Department | 3 | 1 | | | | 2 |
| Min. of Carriacou and Petit Martinique Affairs and Local Government | 3 | 2 | 1 | | | |
| Grenada Postal Corporation | 1 | | | | 1 | |
| Ministry of Legal Affairs | 1 | | | | | 1 |
| NAWASA | 3 | 1 | | 2 | | |
| TOTAL | 74 | 16 | 29 | 17 | 4 | 8 |

Table 1 above gives an overview of the status of the complaints received at the Ombudsman's Office for the calendar year, 2016. Similar to the last two years, the highest number of complaints was recorded against OTHER [private entities]. Complaints recorded in this category are approximately twenty percent or fifteen (15) of the 74 complaints. Approximately eighty seven percent (13/15) of the complainants that are classed in this category received advice or were referred to another institution where their grievances could be appropriately dealt with. The remaining thirteen percent (2/15) were beyond the Ombudsman's jurisdictions.

OTHER [private entities] is not a Public Authority or Statutory Body. Act 24 of 2007 prohibits the Ombudsman from investigating complaints in this category; however, he or she is privileged to make inquiries into same.

The Office often deals with frequent complaints from this category. Only fifteen (15) of these are reflected in Table 1 above. The others were not recorded for various reasons which may include inter alia:

1. The time of occurrence of the complaint (in most cases some of these occurred before the establishment of the Office).
2. The matter is in court.
3. The level of seriousness of the complaint.
4. Issues relating to pension.
5. Financial or employment assistance.

**PRIVATE
SECTOR**

Nevertheless, aggrieved citizens routinely visited the Office even after it was explained to them that their complaints are beyond the legal jurisdiction of the Ombudsman, or after they had been given advice or received a referral. Some of those who were told that the Office cannot handle their complaint just did not seem willing to go anywhere else. At those times, the Ombudsman was able to maximise the human resource at her disposal, namely, the Complaints Officer, who is a trained Counsellor and Social Worker with several decades experience. It turned out that on most occasions, after a session or two, these persons were able to accept the inevitable, leave relatively satisfied and very appreciative of the fact that they were at least earnestly listened to.

It is difficult to measure how effective the Office has been in 2016, or past years for that matter, when it comes to complaints handling. Resolution of complaints does not always meet community expectations or the expectations of the Public Authorities against whom the complaints are made. Instead it depends greatly on the rule of law, the current economic situation of the country, and in many instances the level of cooperation received from the public sector. In addition, it must always be borne in mind that the Ombudsman can neither command nor demand any given Public Authority or Statutory Body to adhere to his/her recommendations. However, it is anticipated that these entities will act in the interest of good governance.

Analysis of Complaints

The need for an alternative complaints resolution system besides the court in a democratic society like ours cannot be over emphasized. This is so when the following is taken into consideration:

- A significant number of complaints being made are trivial matters which can be amicably resolved outside of the already congested judicial system;
- The economic situation of many of the complainants prevents them from taking legal actions;
- Many complainants are senior citizens whose mental and physical health may deteriorate while awaiting court decisions.

The overall benefit of expediting the administrative processes in the public sector, contributes to productivity and economic development. Seen in this light, the Office of the Ombudsman plays a crucial role in advocating on behalf of these aggrieved complainants.

Table 2: Number of Complaints Recorded as OTHER (Private Entities) over the last four years.

| Year | Total complaints | OTHER (Private Entities) |
|-------------|-------------------------|-------------------------------------|
| 2013 | 124 | 19 |
| 2014 | 100 | 26 |
| 2015 | 94 | 36 |
| 2016 | 74 | 15 |

The trend in the total number of complaints received for the year and the number of complaints recorded as OTHER (Private Entities) when compared to the recent past remains unchanged. Ombudsman Mc Intyre noted that and decided to employ different strategies for promoting the Community Outreach program. In her overarching methodology, it is hope that more citizens will learn about the existence of the Office and its function. Those who are already aware would be better educated about the type of complaints that the Office can handle.

Various complainants have expressed their concern about the frequent change in Ombudsman. It has been observed that a few complainants who called, for example, to speak to one Ombudsman did change their minds about complaining when they learnt that that Ombudsman had been replaced. On the contrary, some former complainants who learned about a new Ombudsman had revisited the Office with their complaints in the hope of getting a different response.

The Ministry of Labour

Nine complaints or approximately twelve percent (9/74) of the total complaints registered for the calendar year, 2016, were recorded against the Ministry of Labour. Two of which (2/9) were concluded during the period under review, while the remaining seven (7/9) continue to be under investigation.

Ministry of Agriculture, Lands, Forestry, Fisheries & the Environment

Seven complaints were recorded against this public entity for the period under review, that is (7/74) or approximately nine percent. As it relates to the status of complaints for the Ministry of Agriculture, Lands, Forestry, Fisheries & the Environment, about fourteen percent (1/7) was closed. Approximately seventy one percent (5/7) is ongoing, and another estimated fourteen percent (1/7) was beyond the legal jurisdiction of the Ombudsman.

Land, and its value, has both practical and cultural significance in the lives of many individuals and communities. As such, it is one of the most prevalent complaints coming before this Office against the Ministry of Agriculture. They are usually not very easy to resolve. Therefore, the Ombudsman Office is embarking on a systematic approach to enhance the processing of those complaints which, in the end, would result in an improved working relationship with this Ministry.

Royal Grenada Police Force (RGPF)

Approximately forty three percent (3/7) were resolved while the remaining four continue to be under investigation.

The **RGPF** is now incorporating a more proactive policing approach, which is the newer concept of policing that enlists the practice of preventing crimes before they happen. This is achieved by working with community groups to become informed of issues that should be remedied before a crime occurs. This also entails dealing with the community issues and addressing the concerns of people involved in every setting as frequently as possible to become aware of smaller incidents or disorderly behaviour that could lead to criminal activity. Two officers visited the Office of the Ombudsman on one occasion and held dialogue with staff regarding issues of concern in this locale to which the police can address or be of assistance. The Ombudsman (Ag.) applauds the **RGPF** for their approach towards community safety and advises that they continue along that path.

On the other hand, the issue of police investigating police in instances of misconduct, brutality or corruption when complaints are made by the public continues to be a problem. The current system in the **RGPF** does not lend itself to public oversight in these processes or procedures. Therefore, public complaints could be treated with varying degrees of credibility with very little assurance that they are investigated or resolved in an accountable or transparent manner.

Analysis of Complaints

Approximately five percent (4/74) of the complaints in 2016 were recorded against both the **Child Protection Authority (CPA)** and the **Ministry of Health and Social Security**. An analysis of status of the complaints registered against **CPA** on December 31st (of the said year) revealed that twenty five percent (1/4) was resolved. Fifty percent (2/4) is ongoing and the remaining twenty five percent (1/4) was beyond the Ombudsman's legal jurisdiction. For the **Ministry of Health and Social Security**, fifty percent (2/4) is ongoing, twenty five percent (1/4) was given an advice or a referral and another twenty five percent (1/4) was discontinued.

The Office of the Ombudsman is disappointed with the cooperation, or lack thereof, that was rendered by the **CPA** Director. That Authority needs to demonstrate that it can at all times be accountable and responsible for its actions, not only to this Office but also to the general public.

Some of the more frequent complaints coming before the Ombudsman had to do with the failure of lawyers to represent clients in court, even after having collected their legal fees. Various complainants complained that they paid in excess of \$1,500 dollars for legal representations which they never received.

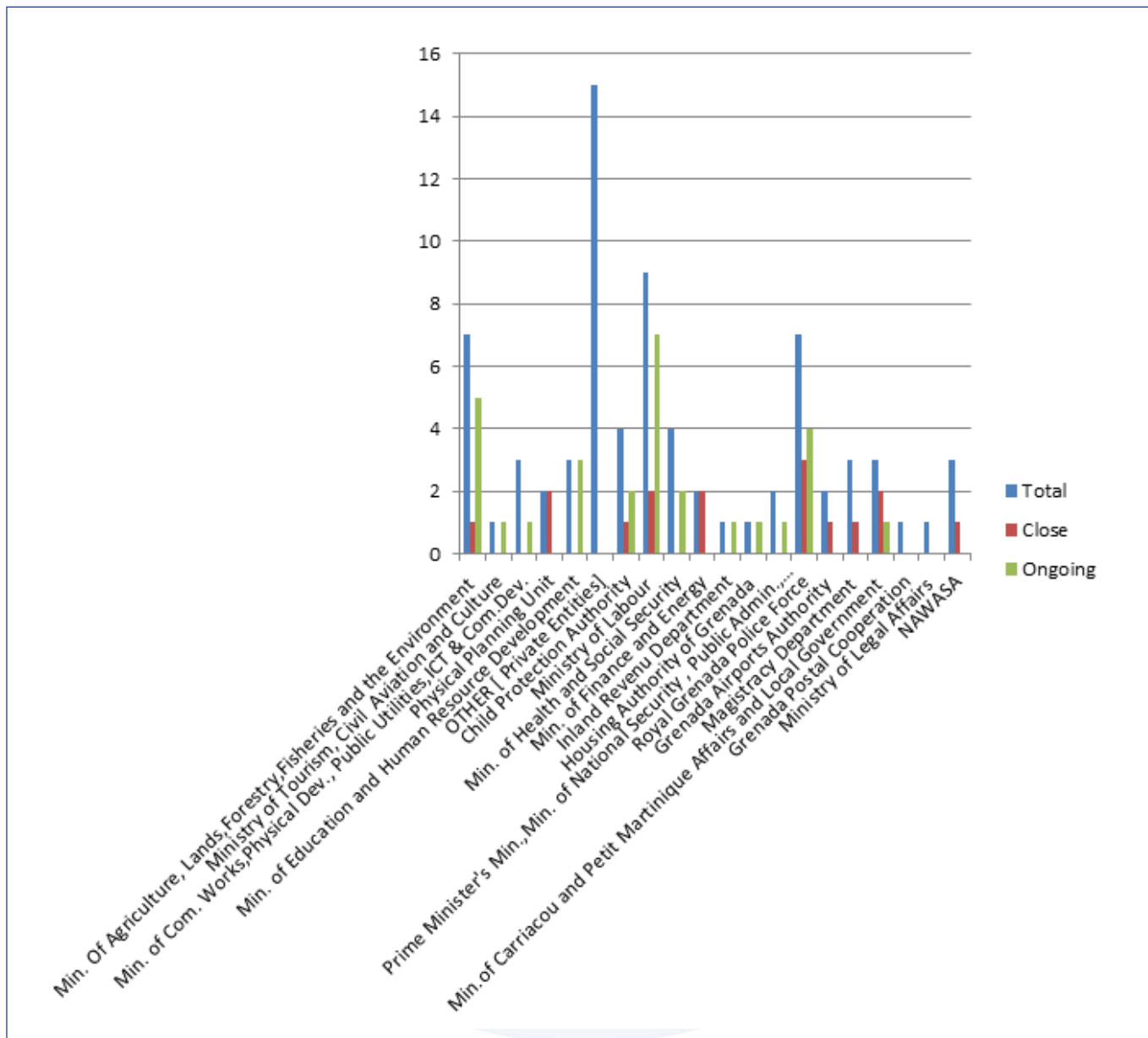


Requests to be refunded often go unheeded. This Office was informed that on one occasion a complainant accompanied by a police officer, visited the office of a renowned attorney in Grenada, in search of a sizeable refund since he was not legally represented in court. The attorney refused to acknowledge that he/she did not render the service and blatantly ordered the two individuals out of her office. Where can I go? What can I do? These are usually the questions the complainants are inclined to then ask themselves.

Persons with private complaints against lawyers visit the Ombudsman Office only to find out their matters are beyond the legal jurisdiction of this Office. In most cases, they are referred to the General Legal Council. Sadly, some of these same individuals have said to us they do not feel hopeful that their concerns will be addressed in a fair or virtuous manner.

Analysis of Complaints

The graph below is a representation of the status of complaints in Table 1



Complaints that are not resolved in the calendar year in which they were lodged at the Office of the Ombudsman continue to be investigated in the subsequent year(s). They are thus referred to as Rollovers.

Complaints from 2015

Unresolved matters from 2015 amounted to thirty two (32). This was reduced to twenty-one (21) at the end of 2016.

Analysis of Complaints

Table 3: Shows the Status of Complaints of Rollovers from 2015 to 2016

| PUBLIC AUTHORITIES | Status of Complaints | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------|-----------|---------------|------------------|---------------------|
| | Total | Close | Ongoing | Dis-continued | Advice/Referrals | Beyond Jurisdiction |
| Min. of Agriculture, Lands, Forestry, Fisheries and the Environment | 2 | 1 | | | 1 | |
| Min. of Communications, Works, Physical Development, Public Utilities, ICT & Community Development | 4 | | 4 | | | |
| Min. of Education and Human Resource | 1 | | 1 | | | |
| OTHER [Private Entities] | 2 | | 1 | | 1 | |
| Child Protection Authority | 1 | | 1 | | | |
| Ministry of Labour | 2 | 1 | | | 1 | |
| Min. of Health and Social Security | 6 | | 6 | | | |
| Min. of Finance and Energy | 3 | 1 | 2 | | | |
| Prime Minister's Min., Min. of National Security , Public Administration, Disaster Management, Home Affairs, Implementation & information | 1 | | 1 | | | |
| Royal Grenada Police Force | 5 | 1 | 4 | | | |
| Her Majesty's Prisons | 1 | 1 | | | | |
| Grenada Airports Authority | 1 | 1 | | | | |
| Min. of Carriacou and Petit Martinique Affairs and Local Government | 1 | | 1 | | | |
| National Insurance Scheme | 1 | 1 | | | | |
| NAWASA | 1 | 1 | | | | |
| TOTAL | 32 | 8 | 21 | 0 | 3 | 0 |

Analysis of Complaints

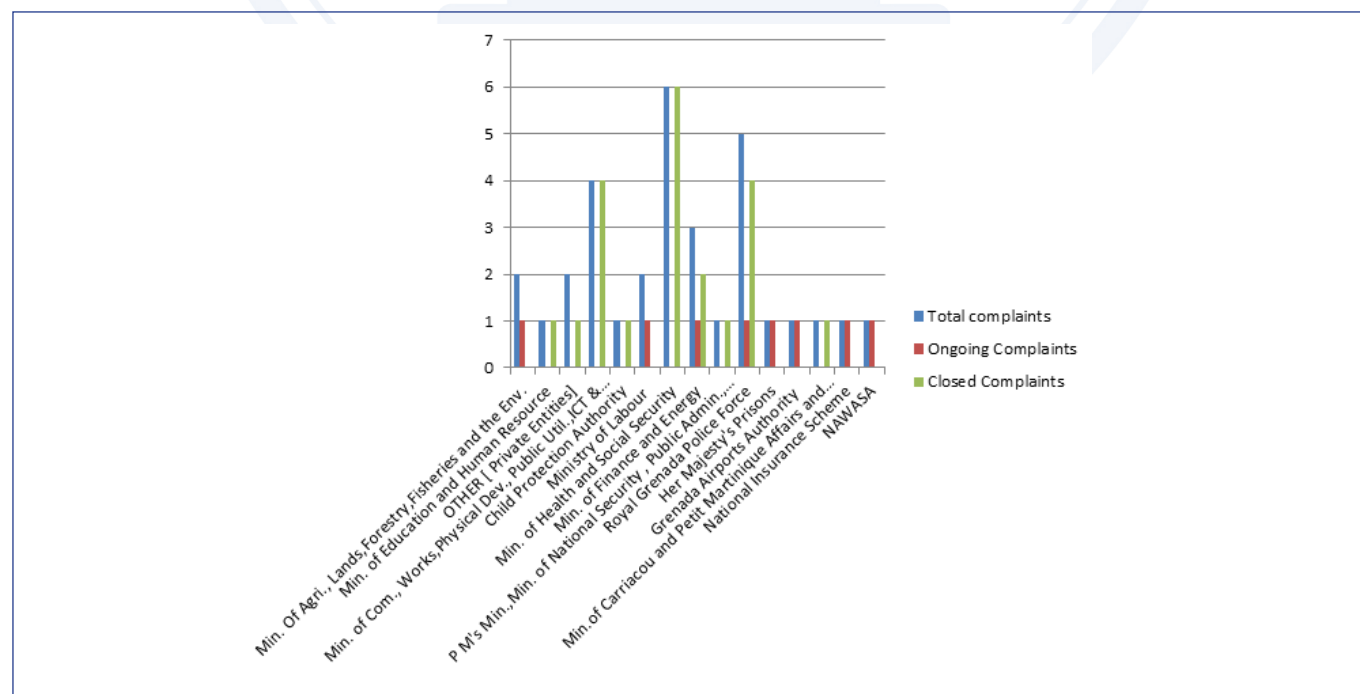
With reference to the table above, the **Ministry of Health and Social Security, Royal Grenada Police Force and Ministry of Communications Works, Physical Development, Public Utilities, ICT & Community Development** have the highest number of rollover complaints with counts of 6, 5 and 4 respectively.

The handling of complaints is an important way for Permanent Secretaries and other Heads of Departments to determine how accountable their Ministry or Department is to the public. It also provides valuable prompts to review organisational performance, staff productivity and efficiency.

It is very encouraging to see the growing number of persons with various degrees in the public sector. However, the level of professionalism, efficiency and knowledge of the operating procedures of the Public Service remains deficient. Education should alter one's outlook towards life. It is clear to the Office of the Ombudsman that the attitude of some of these professionals needs to be improved. Public officers must be cognisant of this fact and should each strive to be a good employee who is disciplined, have a good working knowledge of the job, and be flexible with an approachable and welcoming attitude. These factors, along with the fact the public officers have a duty to serve the general public should always be at the forefront of their minds.

When complaints are made to the Ombudsman, letters are written to the relevant Public Authorities, meetings are held and tasks are distributed among staff to facilitate the resolution process. Nevertheless, it remains a challenge to receive information from those to whom respective tasks are assigned in a timely manner. This reflects badly on the public service and is counterproductive.

The graph below shows the status of complaints for the rollovers from 2015 to 2016



Complaints from 2014

Unresolved matters from 2014 were eight (8). This was reduced to five (5) at the end of 2016.

Table 3: Shows the Status of Complaints of Rollovers from 2015 to 2016

| PUBLIC AUTHORITIES | Status of Complaints | | | | | |
|--------------------------------------------------------------------------------------|----------------------|----------|----------|---------------|------------------|---------------------|
| | Total | Closed | Ongoing | Dis-continued | Advice/Referrals | Beyond Jurisdiction |
| Physical Planning Unit | 1 | | 1 | | | |
| OTHER [Private Entities] | 1 | | | | | 1 |
| Royal Grenada Police Force | 1 | 1 | | | | |
| Ministry of Labour | 2 | 1 | 1 | | | |
| Min. of Health & Social Security | 1 | | 1 | | | |
| Min. of Social Dev. & Housing | 1 | | 1 | | | |
| Min. of Communications, Works, Physical Dev., Public Utilities, ICT & Community Dev. | 1 | | 1 | | | |
| TOTAL | 8 | 2 | 5 | 0 | 0 | 1 |

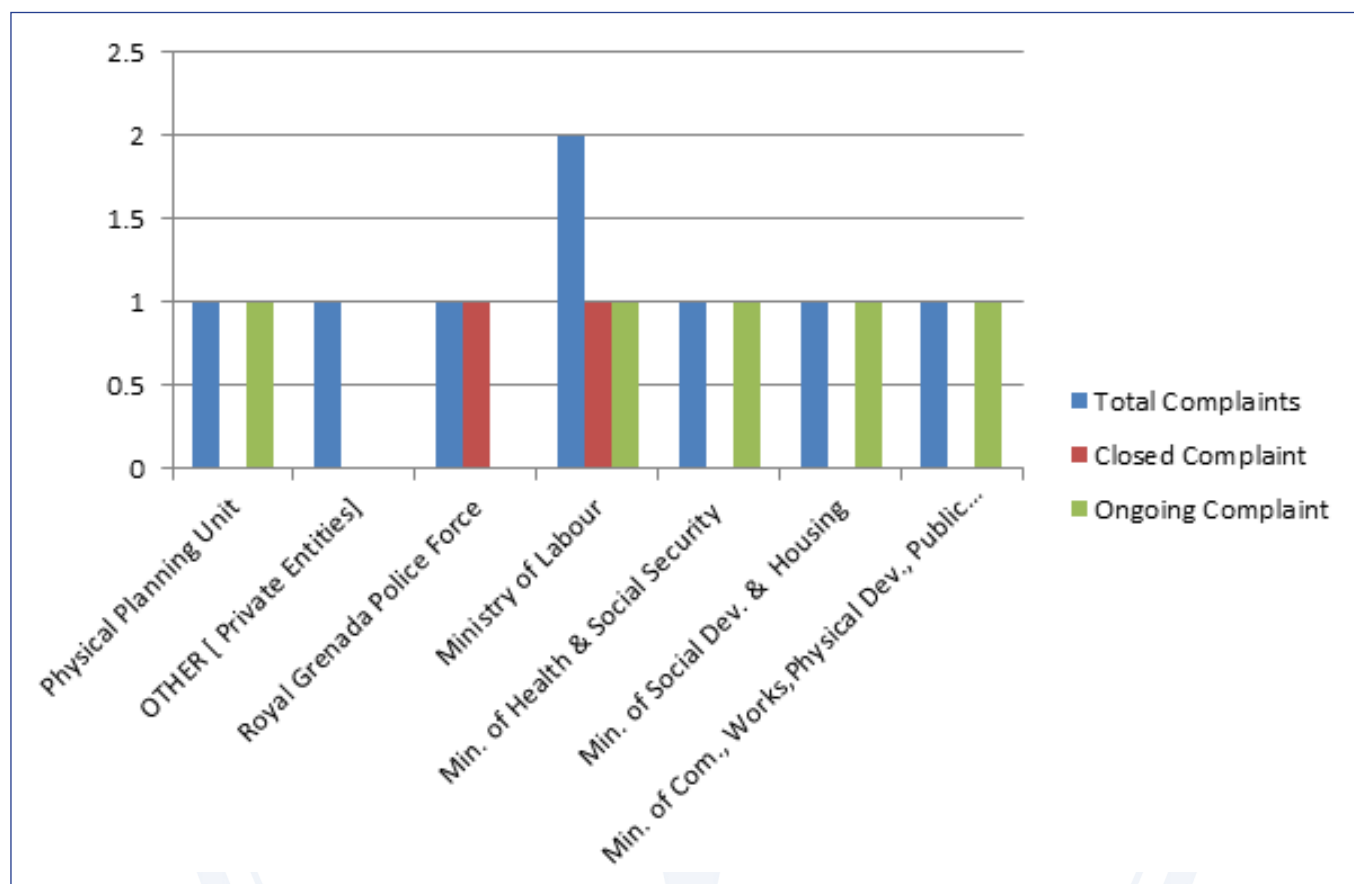
Represented in the above table is the current status of the eight complaints that were lodged in 2014 and remained unresolved in 2016. Two (2) of these complaints were resolved during the course of 2016. The other five (5) complaints remain unresolved and will continue to be under investigation in 2017.

The foregoing is a summary of one of the outstanding complaints. The complainant in question was employed in a popular jewellery store in St. George's for approximately twelve years. She alleged that months before her dismissal she was led to believe that her job was in jeopardy.

She was dismissed over a "petty" issue that was blown out of proportion. Subsequently she was inadequately compensated with six hundred dollars. The matter was brought to the attention of the Labour Commissioner who scheduled three separate meetings to deal with the matter. The matter has since then been referred to the Minister for Labour because the employer never showed up to any of the meetings.

Analysis of Complaints

The graph below shows the status of complaints for the rollovers from 2014 to 2016



Unresolved matters from 2013 amounted to nine (9). This was reduced to six (6) at the end of 2016.

Table 4: Rollovers from 2013 into 2016

| PUBLIC AUTHORITIES | Status of Complaints | | | | | |
|--------------------------------------------------------------------------------------|----------------------|----------|----------|---------------|------------------|---------------------|
| | Total | Closed | Ongoing | Dis-continued | Advice/Referrals | Beyond Jurisdiction |
| Min. of Labour | 2 | | 2 | | | |
| Min. of Agriculture, Lands, Forestry, Fisheries and the Environment | 1 | | | | | |
| Royal Grenada Police Force | 2 | 1 | 1 | | | |
| Min. of Communications, Works, Physical Dev., Public Utilities, ICT & Community Dev. | 3 | | 3 | | | |
| Min. of Education and Human Resource | 1 | 1 | | | | |
| TOTAL | 9 | 2 | 6 | 0 | 0 | 0 |

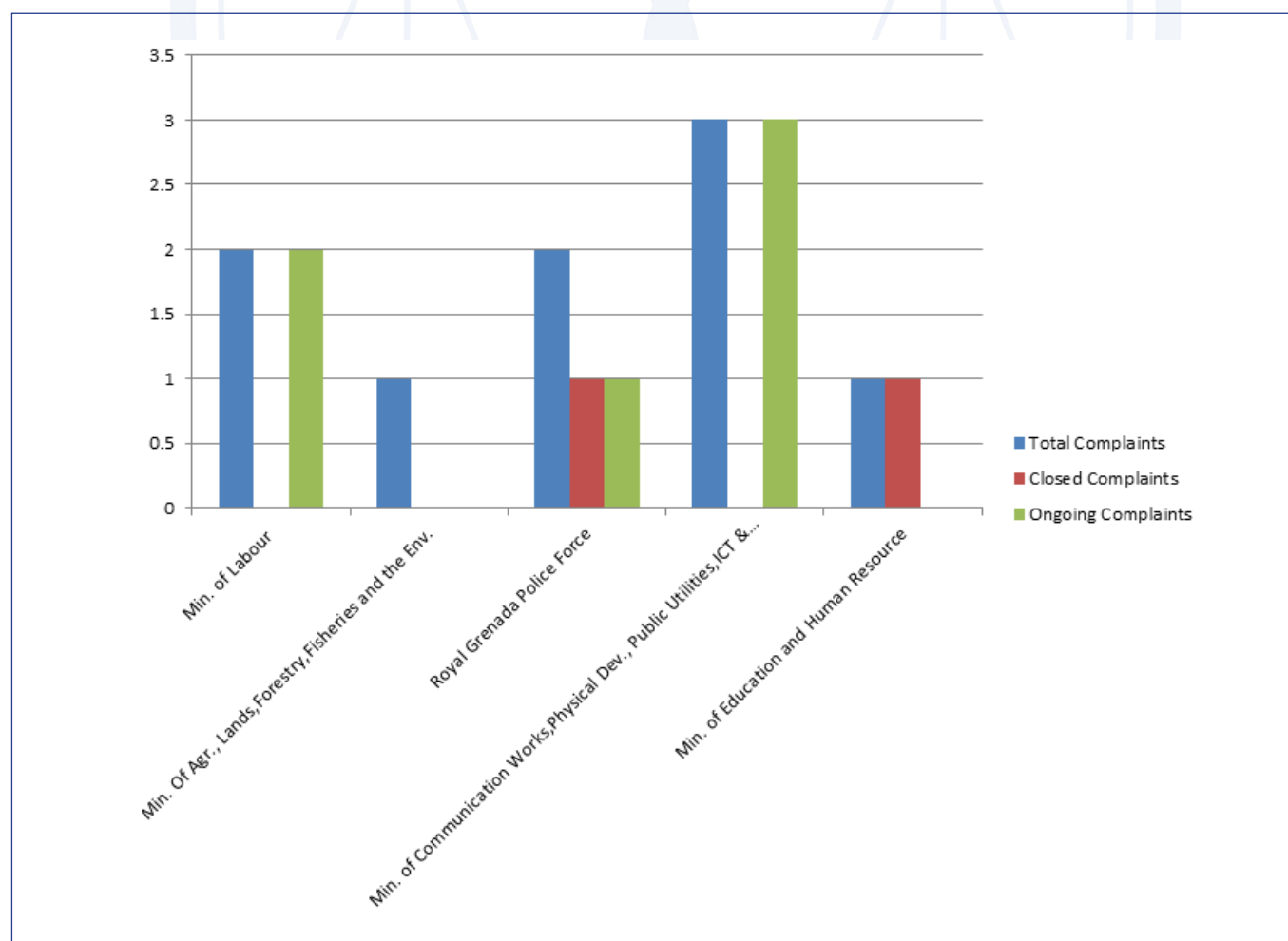
Analysis of Complaints

The table above illustrates the current status of the nine complaints which remained unresolved from 2013 to 2016. Two (2) of these complaints were resolved during the course of 2016. From the data represented in the table, it can be concluded that six (6) of the complaints remained unresolved and will continue to be processed as rollovers in 2017.

One of the outstanding complaints is about a complainant's neighbour who constructed his house on the opposite side of the road of the complainant. When it rains, the water from the roof of the newly constructed house, coupled with other water from the road and the shallow drain that runs adjacent to the neighbour's property, all flow onto the complainant's property.

The complainant complained on several occasions to the Ministry of Works and Physical Planning Division, but to no avail. On 27th July, 2011 he met the Permanent Secretary, and two senior officers from that Ministry to discuss the matter. He was informed that due to the rapid change in Permanent Secretaries, some complaints might have fallen through the cracks. As a last resort, he visited the Ombudsman's Office.

The bar graph below shows the status for complaints rolled-over from 2013 to 2015.



Complaints from 2012

Unresolved matters from 2012 amounted to ten (10). This was reduced to six (6) at the end of 2016.

Table 5: Rollovers from 2012 into 2016

| PUBLIC AUTHORITIES | Status of Complaints | | | | | |
|--------------------------------------------------------------------------------------|----------------------|----------|----------|---------------|---------------------|--------------|
| | TOTAL | CLOSED | ONGOING | DIS-CONTINUED | BEYOND JURISDICTION | ADVICE GIVEN |
| Min. of Labour | 2 | | 2 | | | |
| Min. of Social Dev. & Housing | 1 | 1 | | | | |
| Royal Grenada Police Force | 1 | | 1 | | | |
| Min. of Communications, Works, Physical Dev., Public Utilities, ICT & Community Dev. | 3 | 1 | 2 | | | |
| Min. of Education and Human Resource | 1 | 1 | | | | |
| T.A.M.C.C | 1 | 1 | | | | |
| Min. Of Agri., Lands, Forestry, Fisheries and the Environment | 1 | 1 | | | | |
| TOTAL | 10 | 5 | 5 | 0 | 0 | 0 |

The above table shows a numerical representation of the current status of the ten complaints which remained unresolved from 2012 to 2016. Five of these complaints were resolved on culmination of the activities in 2016. Nevertheless, the investigation into the remaining five (5) complaints will not cease. They will be treated as Rollovers in 2017.

Budgetary constraints and changes of Permanent Secretaries and Heads of Departments are some of the hindrances which contributed to the five complaints not being resolved. This Office has experienced difficulties contacting a few of these complainants who, in return, have not contacted the Office in some instances for years. In this regard, decisions are pending on whether to close or cease those investigations pursuant to Act #24 of 2007 Section 24, subsection 1(g) (i) and (ii).

Complaints from 2011

Unresolved matters from 2011 amounted to ten (10). This was reduced to six (6) at the end of 2016.

Table 6: Rollovers from 2011 into 2016

| STATUS OF COMPLAINTS MADE | | | | | | |
|--------------------------------------------------------------------------------------|-----------|----------|----------|--------------|---------------------|--------------|
| PUBLIC AUTHORITIES | TOTAL | CLOSED | ONGOING | DISCONTINUED | BEYOND JURISDICTION | ADVICE GIVEN |
| Grenada Ports Authority | 1 | 1 | | | | |
| Min. of Social Dev. & Housing | 3 | 1 | 2 | | | |
| Min. of Agric., Lands, Forestry, Fisheries and the Environment | 2 | 1 | 1 | | | |
| Royal Grenada Police Force | 1 | 1 | | | | |
| Min. of Communications, Works, Physical Dev., Public Utilities, ICT & Community Dev. | 1 | | 1 | | | |
| Min. of Labour | 1 | 1 | | | | |
| Min. of Finance & Energy | 1 | 1 | | | | |
| TOTAL | 10 | 6 | 4 | 0 | 0 | 0 |

Six (6) of the complaints were resolved during the course of 2016. Four (4) complaints remained unresolved and thus will continue to be processed as rollovers in 2017. The Ombudsman is grateful for the cooperation rendered by the relevant Ministries and Statutory Bodies which has led to the resolution of these long outstanding complaints.

Table 7: Comparison of status of complaints: 2015 vs. 2016

| year | Total | Closed | Ongoing | Advice / Referral | Discontinued | Beyond Jurisdiction |
|------|-------|--------|---------|-------------------|--------------|---------------------|
| 2016 | 74 | 16 | 28 | 18 | 4 | 8 |
| 2015 | 94 | 8 | 31 | 35 | 0 | 20 |

Analysis of Complaints

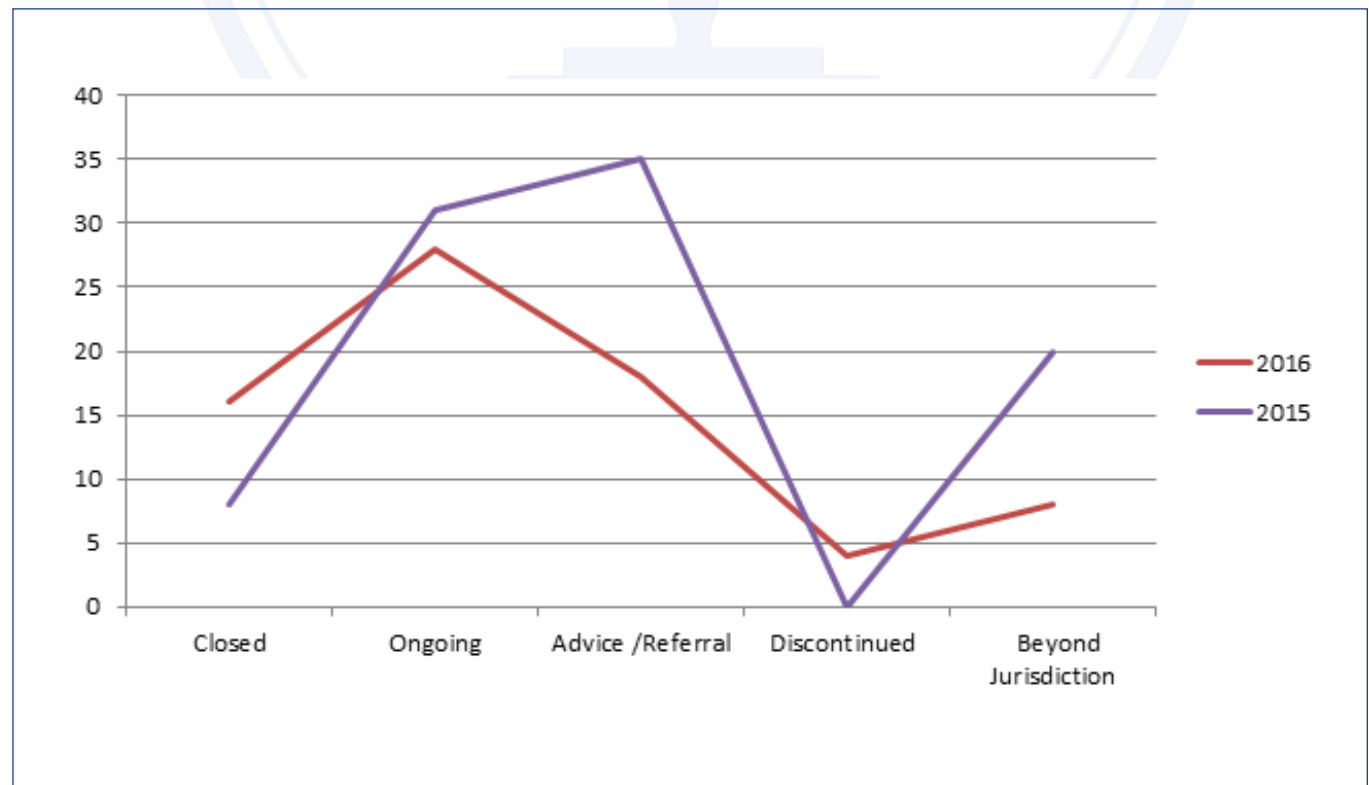
The table above illustrates a numerical summary of the status of complaints recorded at the Office of the Ombudsman for the calendar years 2015 and 2016.

From the data represented in the table above, it can be observed that the total number of complaints brought to the Office of the Ombudsman in 2015, amounted to ninety four (94 /168) or approximately fifty six percent as opposed to seventy four (74/168) or approximately forty four percent in 2016. Thus, there was a twelve percent decrease in the number of cases brought to the attention of the Ombudsman in 2016.

Upon further analysis, it can be noted that sixteen (16) of the seventy four (74) complaints or an estimated twenty two percent were closed in 2016 as compared to eight (8) of the seventy four (74) or approximately eleven percent in 2015. Analyzing the number of closed cases in 2016, there were sixteen (16/24) or approximately sixty seven percent as opposed to eight (8/24) or thirty three percent in 2015, an increase of about thirty three percent in complaints resolution in 2016.

Twenty-eight (28/59) or about forty four percent of the complaints for 2016 remained ongoing as opposed to the forty (31/59) or fifty three percent in 2015. The number of complaints discontinued was four for the period 2016 compared to zero in 2015. However, the number of complaints for which an advice was given amounted to eight (8/28) or twenty nine percent in 2016 as compared to twenty-five (20/28) or seventy one percent in 2015.

The graph below shows a pictorial comparison of statistics for the years 2015 and 2016.



Analysis of Complaints

The following table illustrates the distribution of visits to the Office of the Ombudsman for the Calendar Year 2016.

Table 8: Visits to the Office in 2016

| MONTHS | 2016 |
|---------------|-------------|
| Jan | 10 |
| Feb | 8 |
| March | 3 |
| April | 5 |
| May | 4 |
| June | 5 |
| July | 8 |
| Aug | 7 |
| Sept | 9 |
| October | 6 |
| Nov | 3 |
| Dec | 6 |
| TOTAL | 74 |

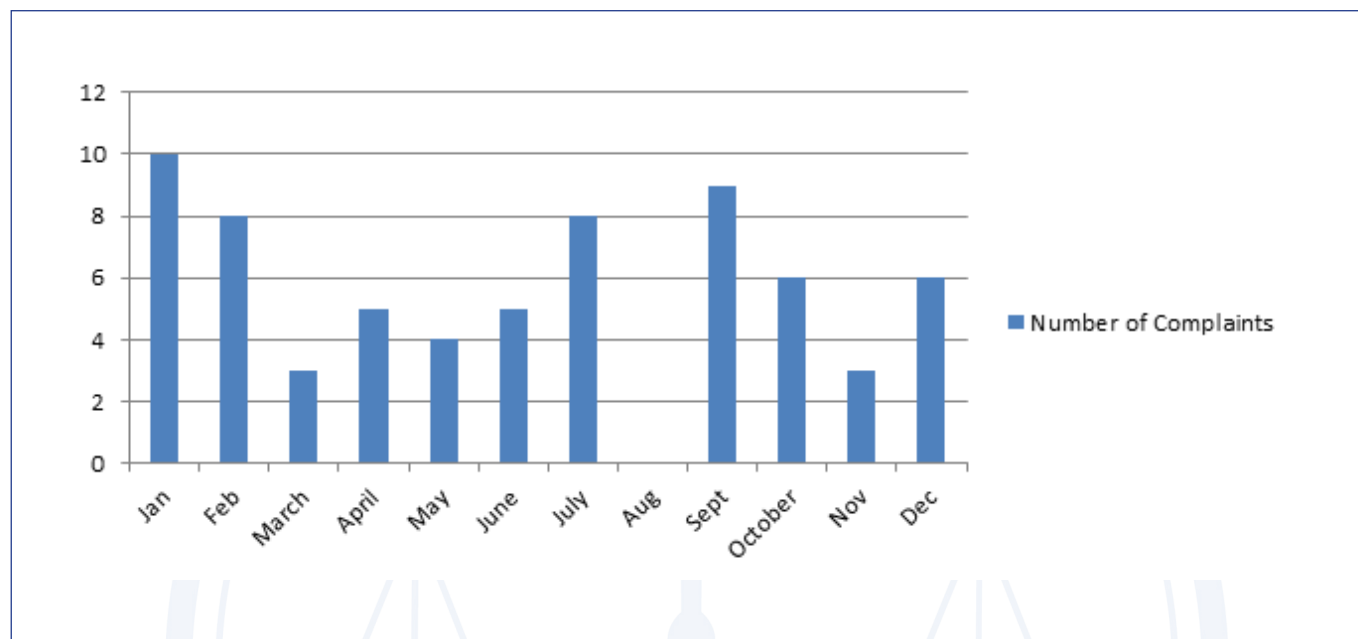
From the data represented in the table above and the line graph below, there was an average of approximately six (6) complaints per month throughout the year.

There was slight fluctuation in the number of complaints recorded per month during the course of 2016. The months of January, September, March and November were the exceptions, where 10, 9, 3, 3 complaints were recorded respectively. This may be due to the fact that there was no real publication via the media or otherwise relating to the role and function of the Office.

The Office recognised the need to work closely with the general public. It is believed that this will boost the public's confidence in the Office and also increase accessibility to complainants. Therefore, the Community Outreach program was allowed to continue throughout the year.

Analysis of Complaints

The bar graph below provides a pictorial representation of the distribution of complainants per month for the calendar year, 2016.



The table below shows the distribution of complainants per parish for the year 2016

Table 9: Distribution of complainants per parish for the year 2016

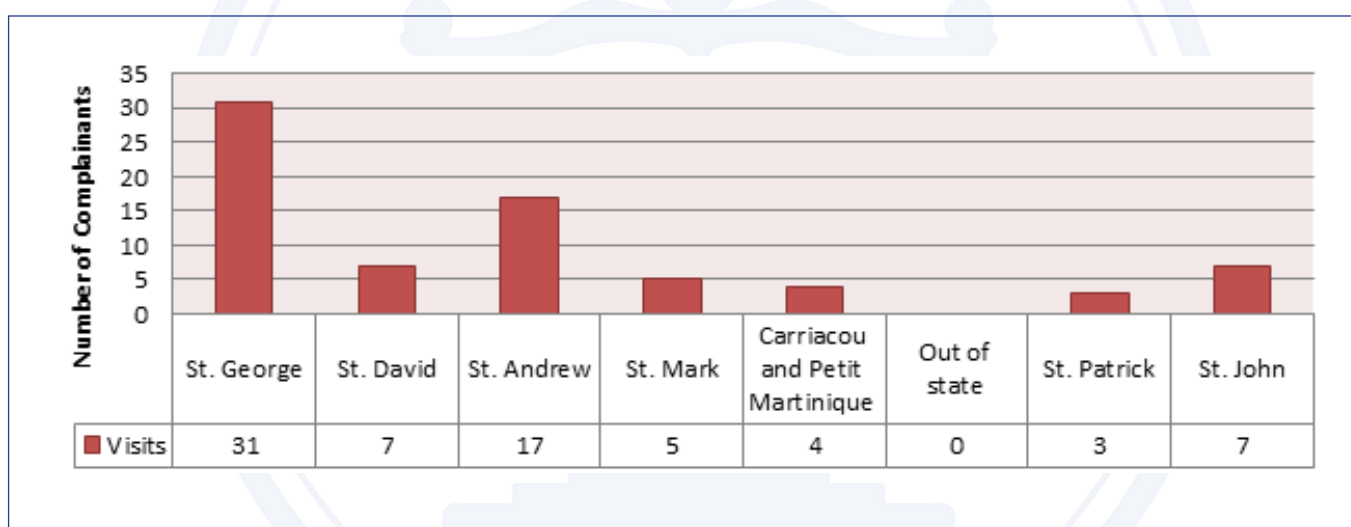
| Parish | Number of Complaints |
|--------------------------------|----------------------|
| St. George | 31 |
| St. David | 7 |
| St. Andrew | 17 |
| St. Mark | 5 |
| Carriacou and Petit Martinique | 4 |
| Out of state | 0 |
| St. Patrick | 3 |
| St. John | 7 |
| TOTAL | 74 |

Analysis of Complaints

According to the data presented in the above table, approximately forty-two percent (31/74) of the complainants who contacted the Office resided in St. George; twenty-three percent (17/74) in St. Andrew; seven of the seventy four complaints (7/74) about nine percent (7/74) resided in St. John whilst another seven resided in St. David; seven percent (5/74) in St. Mark; and an estimated seven percent, and five percent respectively in Carriacou and Petit Martinique and St. Patrick. No complaints were recorded from outside of Grenada during the year under review.

The distribution of complaints registered for the period January 1st to December 31st, 2016, merely reflects the population distribution of the country. This shows that the public awareness campaign of the role and function of the Office is deficient. The same has been alluded to by the Ombudsman and plans were made to address it.

Table 8: Distribution of complainants per parish for the year 2016



Comparing the residence of complaints for the years 2015 and 2016

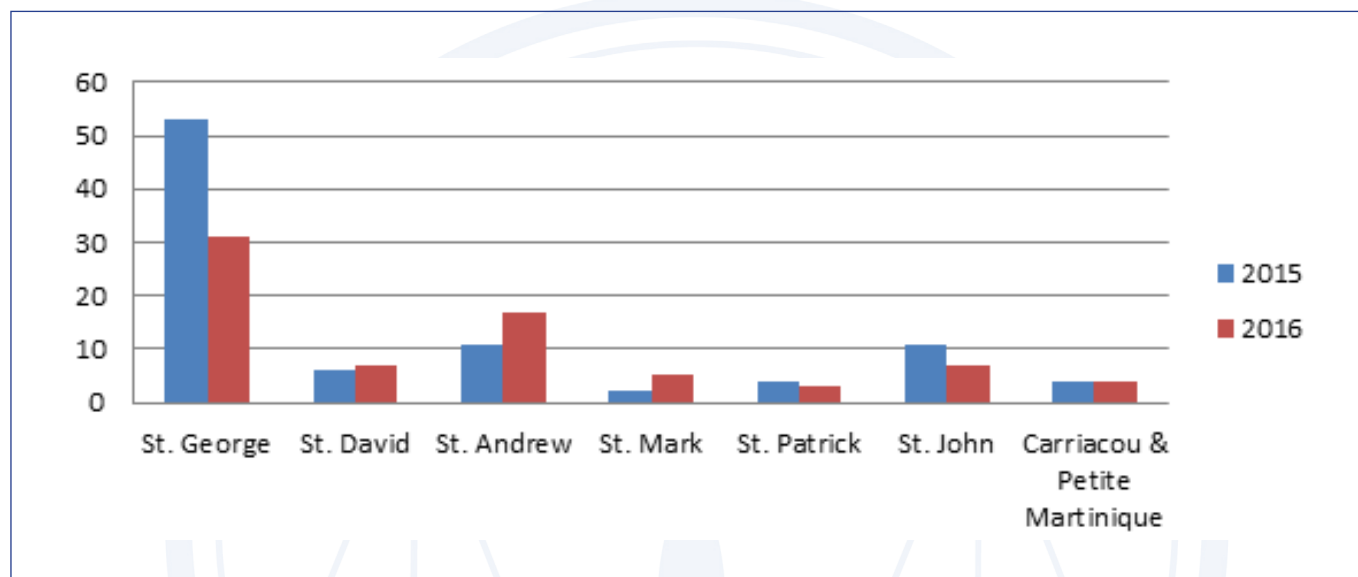
Table 10: Residence of Complaints 2015 vs. 2016

| PARISH | 2015 | 2016 |
|-------------------------------|-----------|-----------|
| St. George | 52 | 31 |
| St. David | 5 | 7 |
| St. Andrew | 11 | 17 |
| St. Mark | 2 | 5 |
| St. Patrick | 4 | 4 |
| St. John | 11 | 0 |
| Carriacou & Petite Martinique | 4 | 3 |
| Out of State | 3 | 7 |
| TOTAL | 92 | 74 |

Analysis of Complaints

The graph below illustrates that, generally the distribution pattern remains fairly constant as it relates to the number of visitors to the Office and the parishes in which they reside. However, there is extensive growth in the number of complaints from the residents of St. Patrick.

The bar graph showing a pictorial representation of the comparison of visits per month



Forms of Initial contact with the Office

The combination of social media, Facebook and Twitter along with the traditional means such as by Email, Walk-in, Telephone, Appointment, and Letter facilitate contact for persons of different ages. It is in the interest of the Office to continue to make it easier and increase the means by which complainants can access its service.

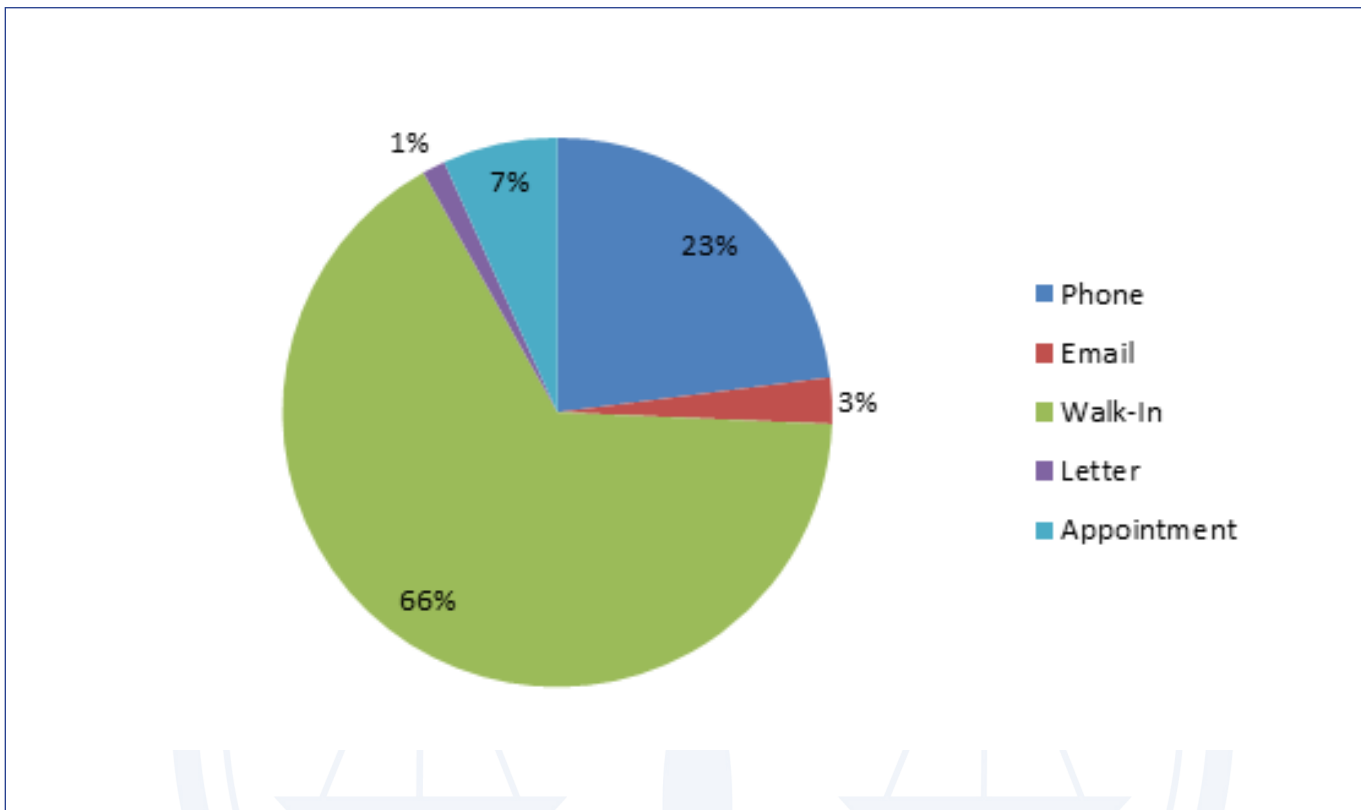
The table below summarizes the sources through which information was provided to the Office.

Table 12: Forms of Initial Contact with the Office

| Phone | email | Walk-In | Letter | Appointment | TOTAL |
|-------|-------|---------|--------|-------------|-------|
| 17 | 2 | 49 | 1 | 5 | 74 |

The pie chart below illustrates an overview of the forms of initial contact with the Office of the Ombudsman.

FORMS OF INITIAL CONTACT

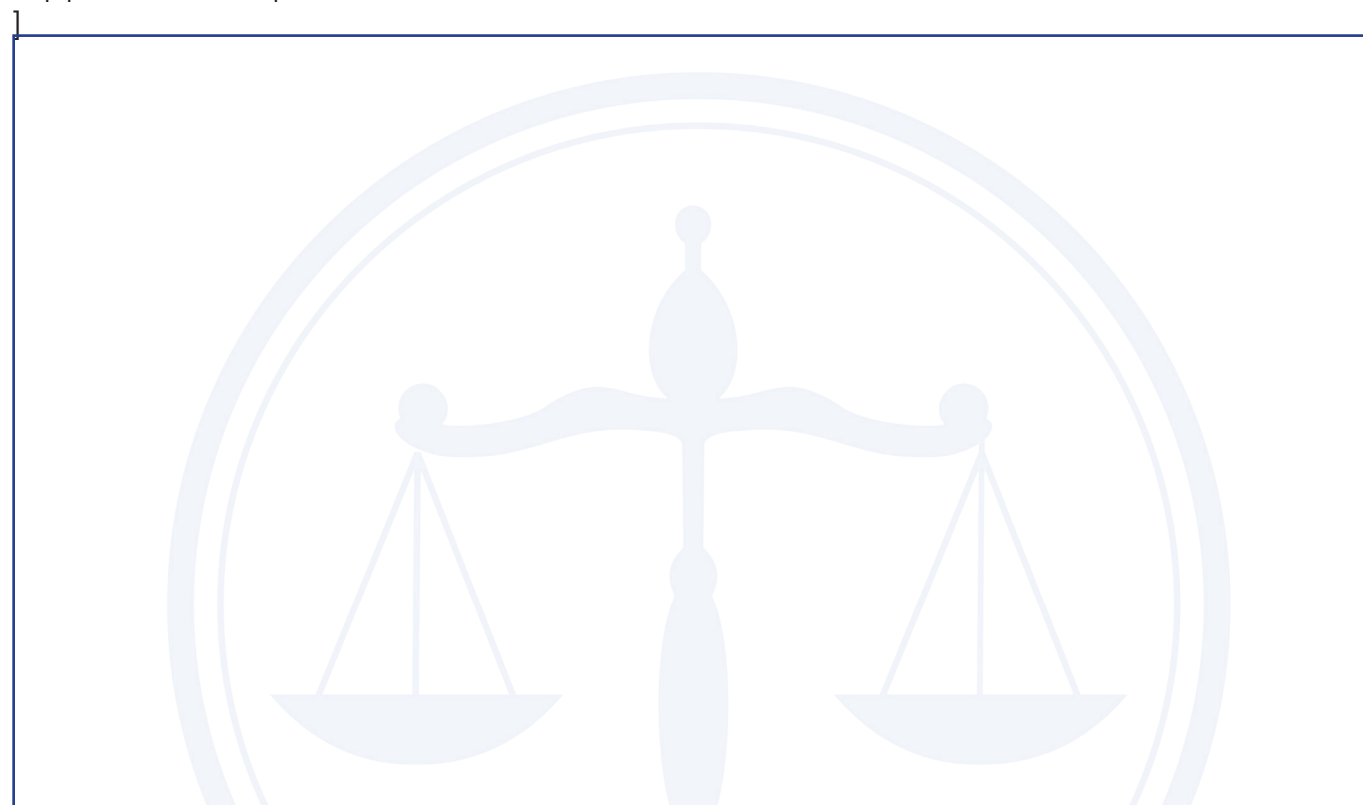


OUTREACH ACTIVITIES

Having begun in 2015, Outreach activities continued as planned in 2016; they amounted to 35 days altogether in the outer parishes. This is inclusive of Carriacou which held the first Outreach in the month of March. Visits thereafter were held every two months with the exception of August and December. For six months, beginning in May, again except in August and December, Outreach activities took place in St. David, St. Andrew, St. Patrick, St. Mark, and St. John. There were two sites in St. David where the sessions were held on mornings and afternoons alternatively. St. Mark and St. John were each allotted a half day per month, either in the morning or after lunch. With the exception of 2 days – due to unavoidable circumstances – all the planned visits took place as originally scheduled.

While it was somewhat disappointing that only a handful of complaints were received (three), the public was given the opportunity to meet and dialogue in person with someone from the Ombudsman's Office in their own parishes for the first time. It is quite clear, however, that more needs to be done to better promote this Outreach service. Some views have been expressed by members of the public which have reached our Office, suggesting that persons may either be uncomfortable coming forward with complaints or need some sort of assurance that their complaints would be dealt with fairly and justly. Though slow in "catching on" the Office of the Ombudsman is not daunted, however, and does not consider this programme a waste of time. In fact, we believe perseverance and consistency will, in the end, be beneficial.

Words of appreciation must be given to several persons and organizations for the use of the various sites for the Outreach in 2016. Some were made available for a minimum fee or at no cost at all. The Office of the Ombudsman looks forward to their continued support and cooperation in 2017.



SUMMARY OF COMPLAINTS

The Public Authorities that had the most complaints were:

- Other private entities: **14**
- Ministry of Labour: **9**
- Ministry of Agriculture, Lands, Forestry, Fisheries and the Environment: **7**
- Royal Grenada Police Force: **7**

Other Private entities

The number of complaints recorded against Other continues to be a concern since this is a category that the Office of the Ombudsman has no authority to investigate. It is hoped that the much talked about National Human Rights Institution will guarantee the expansion of the scope of investigation to encompass complaints of this nature in the future.

- An 81 year-old ex-police constable who was given early retirement from the RGPF on medical grounds in the late 60s/early 70s. He is seeking financial assistance as the small allowance he receives from the Force is insufficient.

Analysis of Complaints

- A complainant paid a lawyer \$4,500 for legal services. He is dissatisfied with the service.
- Complainant has been living in Canada for over 30 years. She and her husband left their boat with a family friend some time ago when they were in Grenada. It is not usable now and parked under her house. She wants compensation.
- An unemployed complainant and mother of three children, father was deceased in February, 2016 due to cancer related illnesses, paid a lawyer for service that was not carried out. She wants documents back.
- Complaint against private law firm.
- A complainant accompanied by a police officer visited the office of a senior attorney, for unprofessional conduct relating to the collection of money and services not rendered.
- A complainant complained that a church next to where she lives is causing her discomfort. The singing and worship is too loud. She thinks the church ought not to be located in the area.
- A group of complainants complained that they have not received any monies deposited into the Seamen's Credit Union which has now been merged with the Teachers' Credit Union.
- A complainant was wrongfully terminated by Aviation Services of Grenada in January 2016 and denied benefits. He took his matter to the Ministry of Labour but his attempts to meet with the Labour Commissioner have been to no avail.
- A complainant worked as a bus conductor/ driver from 1984-2015. His job ended when the bus was sold in September, 2015. He wants compensation from his employer for his years of service.
- A complainant worked from March 1994 to April 2008 with a mini supermarket in Grenville. She has not received compensation from her employer. A meeting was scheduled with the Labour Commissioner however, it never took place.
- A complainant complained against the Labour Commissioner who had been contacted to mediate in a pay dispute with the owner of BB's Restaurant.
- A complainant was one of four workers who were terminated after 10 years with Quinn Design & Construction, for which he is seeking compensation.

Ministry of Labour

Citizens continue to express their dissatisfaction with the services rendered by the Ministry of labour.

Ministry of Agriculture, Lands, Forestry, Fisheries and the Environment

- A complainant has been occupying crown lands since 2002. He developed the land through a loan from the Credit Union. In 2006, the Ministry of Agriculture resurveyed the land which resulted in him being made to move to another plot.

Analysis of Complaints

- A complainant purchased lands in Loretto, St. John from Model Farms in 1990. Squatters occupy one acre, given permission by Government in error. He has spent three years negotiating with the Ministry to resolve the issue, but to no avail.

OUTREACH PROGRAMME SCHEDULE 2016

| Parish | Month | Day | Venue | Time |
|-------------|-----------|------------------|--------------------------|---------------------|
| Carriacou | March | 8 th | John’s Unique Resort | 8:30 am - 3:30pm |
| | May | 10 th | Kim’s Plaza | |
| | July | 12 th | | |
| | September | 13 th | | |
| | November | 8 th | | |
| | | | | |
| St. Patrick | May | 20 th | Magistrate’s Court | 10:00am – 3:00pm |
| | June | 17 th | | |
| | July | 22 nd | | |
| | September | 23 rd | | |
| | October | 21 st | | |
| | November | 18 th | | |
| | | | | |
| St. David | May | 3 rd | Perdmontemps Gospel Hall | 9:00am – 12:00 noon |
| | June | 7 th | | |
| | July | 5 th | | |
| | September | 6 th | Marian House | 1:00pm – 3:30pm |
| | October | 4 th | | |
| | November | 1 st | | |
| | | | | |

Analysis of Complaints

| | | | | |
|------------|-----------|------------------|---------------------------|--------------------|
| St. Andrew | May | 18 th | Victoria Park Pavilion | 10:30am – 3:00pm |
| | June | 15 th | | |
| | July | 20 th | | |
| | September | 21 st | | |
| | October | 19 th | | |
| | November | 16 th | | |
| | | | | |
| St. Mark | May | 12 th | Barry's Place | 9:30am – 12:00noon |
| | June | 9 th | | |
| | July | 14 th | | |
| | September | 8 th | | |
| | October | 13 th | | |
| | November | 10 th | | |
| | | | | |
| St. John | May | 12 th | Roman Catholic Presbytery | 1:00pm- 3:30pm |
| | June | 9 th | | |
| | July | 14 th | | |
| | September | 8 th | | |
| | October | 13 th | | |
| | November | 10 th | | |

Please note that there was no outreach activity on the dates highlighted in red

Short brief about the Office

The Office of the Ombudsman was established by Act No. 24 of 2007.

In accordance with the Act the Ombudsman has the power to investigate the administrative actions taken by or on behalf of the Government and other authorities and for other purposes connected therewith. The Act is applicable to all public authorities. Reference to a Ministry, Department or Agency of Government shall include references to the Minister, Minister of State, members or officers of that Ministry, Department or Agency or any other person acting on behalf of such persons in the exercise or performance of a function conferred pursuant to any law in force in Grenada.



Once a complaint has been made the Ombudsman can investigate any administrative action of a Public Authority; on his/her own initiative also can carry out an investigation in the public's interest. Pursuant to an investigation, he/she can make recommendations on improvement in administrative practices in the relevant public authority.

Once the investigation commences a file is generated, preliminary enquiries commence and if the requisite authority exists the Ombudsman can do the following: -

- Carry out an investigation;
- Mediate;
- Determine the action without an investigation;
- Refer the matter to an appropriate authority;

- Decide not to investigate;
- Give notice of intention to investigate;
- Identify the administrative action to be investigated;
- Notify the relevant parties of the powers of the Ombudsman in respect of an investigation.

It must be noted that the conduct of investigations must be private and a hearing is not always required for the purpose of an investigation.

Before making any adverse report the Principal Officer of the public authority should be afforded the opportunity to comment on the subject of the investigation. If necessary, consultation should also be held with the Minister.

When there is evidence of a breach of duty or misconduct the matter would be reported to the Principal Officer and copied to the Minister. On completion of the investigation the Ombudsman shall report his/her opinion and the reasons for that opinion to the principal officer of the public authority together with recommendations as seen fit.

For the purposes of an investigation under the Act, the Ombudsman shall have the same process as a judge of the Supreme Court in respect of the attendance and examination of witnesses as well as the production of documents.

For the purposes of such an investigation also, the Ombudsman shall have the same powers as a Judge of the Supreme Court in so far as those powers relate to the attendance and examination of persons, including the administration of oaths or affirmation, and in respect of the production of documents as well as restriction on the disclosure of certain information and the power to enter premises and retain documents.

ACTIVITIES



TEAMWORK

Alone we can do so little.
Together we can do so much.

Helen Keller



ACTIVITIES OF OFFICE FOR 2016

- The Community Outreach programme continued from the month of February.
- The Financial Report was submitted to the Houses of Parliament in accordance with Act No. 24 of 2007 section 19 subsection 2.
- The Ombudsman made a Presentation to the Soroptomist International Club.
- The Complaints and Investigations Officers attended a workshop on Gender Equality in the National Stadium.
- The President of the International Ombudsman Institute, Advocate John Walters, Ms. Karen McKenzie and her team from the Commonwealth Secretariat visited the Office the Ombudsman.
- The Ombudsman, Complaints Officer and investigations Officer attended a two day Workshop at the Radisson Hotel, on the topic of setting up a hybridized Ombudsman Office or a National Human Rights Institution, conducted by the Commonwealth Secretariat.
- The Investigations Officer attended a Training Workshop conducted by the Integrity Commission, the Commonwealth Secretariat and the Department of Public Administration on Anti-Corruption in the Public Sector.
- The Investigations Officer and the Ombudsman attended a meeting at the Integrity Commission to establish a closer working relationship between the two entities.
- The Ombudsman, Complaints Officer, and Investigations Officer attended Presentations on Anti-Corruption to staff of the Immigration Department, Richmond Hill Prisons, and the Customs & Excise Department.
- The recording of a television programme on GIS, involving the Ombudsman, Complaints Officer, and Investigation Officer.
- The installation of new and improved Complaints/Human Resource Database.
- The Complaints Officer represented the Ombudsman's Office at meetings of the National Coordination Committee for Human Rights, chaired by the Ministry of Foreign Affairs.



Copies of the Act may be found on the Government of Grenada website and Ombudsman's website.

Government of Grenada website

www.gov.gd

Ombudsman's website

www.ombudsman.gd

