

What is the relationship between the Fairness Review Branch and the Alberta Ombudsman?

The Fairness Review Branch (FRB) of the Fair Practices Office (FPO) conducts reviews into procedural and behavioural fairness within the workers’ compensation system.

The Alberta Ombudsman is aware of the FPO and will typically advise complainants to go through the FPO first before assessing a complaint related to the Workers’ Compensation Board (WCB), the Appeals Commission for Alberta Workers’ Compensation (AC) or the Medical Panels Office (MPO). The authority of the Ombudsman is different and much broader than the specific and limited authority of the Fairness Review Branch.

The Alberta Ombudsman requires a complainant to pursue all means of appeal or review before conducting an investigation.

	Fairness Review Branch (FRB)	Alberta Ombudsman
Legislative Authority	<ul style="list-style-type: none"> • <i>Workers’ Compensation Act</i> • <i>Fair Practices Office Regulation</i> 	<ul style="list-style-type: none"> • <i>Ombudsman Act</i>
Which organizations does the office have authority over?	<ul style="list-style-type: none"> • Authority over three specific workers’ compensation system partners: <ul style="list-style-type: none"> ○ WCB ○ AC ○ MPO <p>Note: The FRB cannot review complaints about any organization other than the three workers’ compensation system partners.</p>	<ul style="list-style-type: none"> • Authority over more than 700 bodies, including: <ul style="list-style-type: none"> ○ All Government of Alberta departments; ○ Government of Alberta agencies, boards and commissions; ○ All Alberta municipalities, ○ Patient Concerns Resolution Process of Alberta Health Services; ○ Self regulated health professions (i.e. all health colleges proclaimed under the <i>Health Professions Act</i>); ○ Other designated professional authorities (e.g., Chartered Professional Accountants of Alberta, College of Alberta Professional Foresters, Alberta Veterinary Medical Association) <p>Note: The Ombudsman cannot investigate complaints about municipal or federal policing agencies, federal government departments, decisions of elected officials or actions / decisions of the Court.</p>

<p>What type of complaints will the office consider?</p>	<p>The FRB may review:</p> <ul style="list-style-type: none"> • Behavioural fairness – refers to how a party was treated, which includes respect, communication and dignity • Procedural fairness – refers to the processes leading up to a decision, which includes timeliness, communication and whether processes are consistent with legislation, regulation and policy or procedure. 	<p>The Ombudsman may investigate:</p> <ul style="list-style-type: none"> • Any final decisions, service complaints and processes for the organizations listed above, if all levels of review and appeal have been exhausted or expired.
<p>Is there discretion to not consider a complaint?</p>	<p>The FRB has discretion under Section 4 of the <i>Fair Practices Regulation</i> to refuse or discontinue a review when:</p> <ul style="list-style-type: none"> • The complainant had knowledge of the decision, recommendation act or omission for more than 24 months (this applies to both behavioural and procedural issues); • The review is unnecessary; • The subject matter of the complaint is trivial; or • The complaint is frivolous, vexatious or not made in good faith. 	<p>The Ombudsman has the discretion to decline or discontinue an investigation under Section 15 of the <i>Ombudsman Act</i> when:</p> <ul style="list-style-type: none"> • There is an adequate remedy existing in law or administrative practice, whether or not a person has accessed that remedy. • Further investigation is not necessary; • If the complainant had knowledge of the decision, recommendation, act or omission for more than 12 months before the complaint was received; • If the subject-matter of the complaint is trivial; • If the complaint is frivolous, vexatious or not made in good faith; or • The complainant does not have sufficient personal interest in the subject matter of the complaint.
<p>Can the office overturn decisions or make a new decision?</p>	<ul style="list-style-type: none"> • A fairness review does not include a review of a decision, only the processes leading up to the decisions. • A fairness review is not a form of appeal. The FPO is not a replacement decision maker and cannot overturn a decision. 	<ul style="list-style-type: none"> • An Ombudsman investigation may consider a final decision, and any process or decision leading up to it. • An Ombudsman investigation is not a form of appeal. The Ombudsman is not a replacement decision maker and will not overturn a decision.

<p>When can the office become involved?</p>	<ul style="list-style-type: none"> • The FPO may become involved in issues of behavioural fairness at any point in time and may consider issues of procedural fairness as long as a decision has been made. 	<ul style="list-style-type: none"> • The Ombudsman is a reviewer of last resort, which means it considers an investigation when all avenues of appeal exhausted.
<p>Who has authority over the office?</p>	<ul style="list-style-type: none"> • The Alberta Ombudsman has the ability to investigate decisions made by the FPO, as the FPO is an independent commission of Alberta Labour and Immigration. • The Ombudsman may consider a final decision made by the FPO. 	<ul style="list-style-type: none"> • The Alberta Ombudsman is an independent officer of the Legislative Assembly of Alberta who reports to an all-party standing committee. • The outcome of an investigation by the Ombudsman is not subject to review by any other body.

Where can I go if I disagree with a decision made by the FPO or the Fair Practices Commissioner (FPC)?

The FPO falls under the jurisdiction of the Alberta Ombudsman. If you believe a decision made by the FPO is unfair, you may make a complaint to the Ombudsman within 12 months of the final decision, and the Ombudsman will assess the complaint to determine whether to pursue an investigation.