

Feasibility Study on the creation of an Ombuds Office

Étude de faisabilité sur la création d'un bureau de l'ombuds

Issues Management Committee (IMC)

October 3, 2023

Client Experience Branch



Aperçu et objectifs de cette présentation

- **Informer le CGE du contenu de l'étude de faisabilité**
 - Raisons qui ont menées à l'étude et la méthodologie employée
 - Conclusions et considérations – pour les employés de l'IRCC
 - Conclusions et considérations – pour les clients de l'IRCC
 - Approche recommandée
- **Demander votre soutien afin de continuer à identifier les opportunités d'investissement pour résoudre les lacunes qui subsistent**
 - Prochaines étapes
 - Questions de discussion

s.15(1)(i)

Méthodologie et consultations

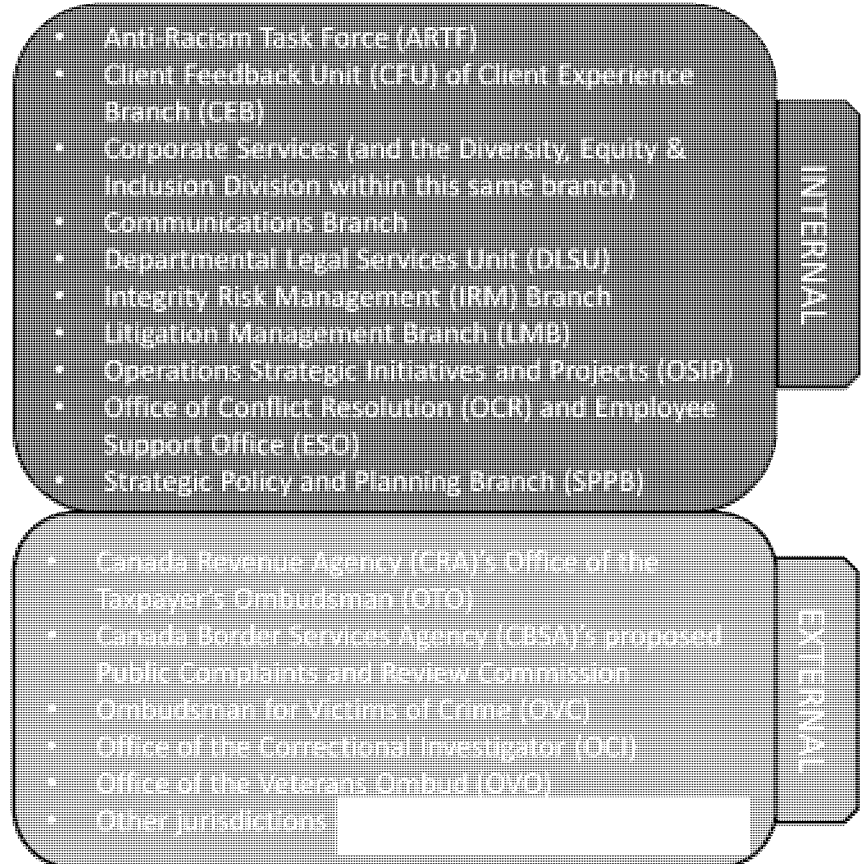
Pourquoi?

- 3 rapports distincts du Comité permanent de la citoyenneté et l'immigration (2020-2022) ont recommandé que l'IRCC mette en place un bureau d'Ombuds.
- Afin de traiter les problèmes de racisme et de discrimination auxquels font face les employés et les clients d'IRCC, ces derniers voyant leurs problèmes aggravés par les difficultés à obtenir de l'information et à communiquer avec le ministère.

Comment?

- En examinant les problèmes soulevés dans les trois rapports;
- en examinant les mesures actuelles déjà prises par IRCC pour remédier à ces problèmes;
- en identifiant les lacunes qui subsistent;
- en examinant les expériences d'autres ministères et juridictions (engagement interne et externe); et,
- en élaborant des options basées sur les résultats de cette étude de faisabilité.

Consultations



Qu'est-ce qu'un ombuds?

Les fonctions principales d'un ombuds organisationnel:

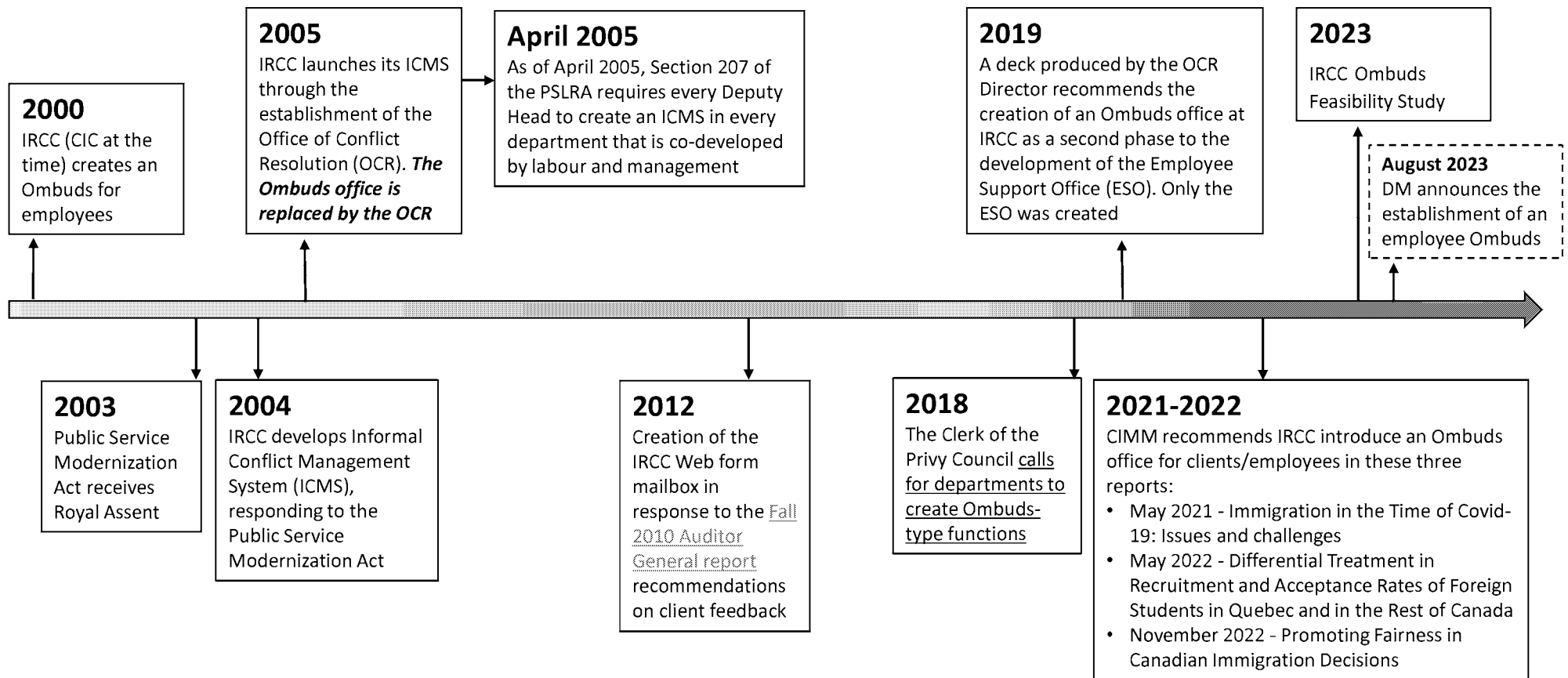
- Travailler avec des individus et des groupes au sein d'une organisation afin d'explorer et de les aider à déterminer les options permettant de résoudre les conflits, les questions problématiques ou les préoccupations, et de porter les préoccupations systémiques à l'attention de l'organisation afin qu'elles soient résolues.

Généralement, les ombuds organisationnels:

- ne mènent pas d'enquêtes formelles et ne jouent aucun rôle dans un processus formel de résolution des problèmes;
- ne mettent pas en place des mesures correctives ou des politiques; et,
- ne prennent pas de décisions contraignantes.

Les bureaux de l'ombuds de certains ministères fédéraux ont un rôle d'enquêteur (voir annexe).

Timeline of IRCC Ombuds / OCR



Summary of findings – IRCC Employees

Issues

- CIMM reports pointed to results from IRCC anti-racism surveys and focus groups
 - Lack of culture/processes for addressing racism within the organization;
 - Racial biases in hiring;
 - Decreasing representation of racialized employees in middle and upper-levels; and,
 - Employees apprehensive in addressing inappropriate or racist and discriminatory behaviour.

IRCC actions

- Hiring and retention strategy to address gaps in workforce diversity (2021-2024).
- IRCC's Anti-Racism Strategy 2.0 (2021-2024) - mandatory bias training, and leadership development programs for underrepresented groups.
- Employment System Review.
- IRCC's Accessibility Plan.

Remaining gaps

- Fear of reprisals, lack of trust in existing recourse mechanisms.
- Identifying and navigating the appropriate recourse mechanism remains a challenge.
- Approach for addressing barriers for employees with intersecting identities.

Employees – Feasibility and value added of an Ombuds

- **Are there gaps in IRCC current approaches that would be improved with the implementation of an Ombuds for employees: Yes**
 - Key to addressing employee fears of reprisals, difficulty navigating the existing recourse mechanism, and lack of trust in these mechanisms
 - Ombuds' oversee systemic issues, give recommendations and are able to elevate identified issues/trends.
- **Is the introduction of an Ombuds office for employees feasible or a viable option: Yes**

Employees' Ombuds decision

On August 3rd 2023, the Deputy Minister from IRCC announced **the creation of an internal Ombuds function in the Department**

- Along with the creation of an internal Ombuds function for employees being created at IRCC, **the creation of a new Equity Secretariat** was also announced.
- These two actions were supported by the findings of the 2021 and subsequent 2023 **Pollara reports**, as the next steps in the Department's anti-racism, diversity, equity and inclusion efforts.
- CEB is providing support to Corporate Services (i.e. guidance stemming from the feasibility report) as they lead the development of an internal-facing IRCC Ombuds office.

Summary of findings – IRCC Clients

Issues

- CIMM pointed to the impacts of different requirements and resource allocations, unequal processing times and delayed access to modernized processes (e.g. digitized applications), and the aggravating factors of poor communication and access to recourse.

IRCC actions

- IRCC initiatives addressing key issues have been introduced over the last two years – AR Strategy 2.0, DPM Programme, ATIP Modernization Initiatives, among others.

Remaining gaps

- Ineffective feedback and service complaints mechanism.
- Reconsideration not easily accessible after refusals.
- Communication materials (e.g., website, forms) remain difficult to navigate and understand.
- Modernized processes have not been fully implemented across all streams/locations.
- Information sharing and alignment between the different offices/sections that provide information accessed by clients (website, decision letters, forms) needs to be improved.

Clients - Context and considerations

Systemic - Significant change underway at IRCC and timing considerations

- IRCC's Anti-Racism Strategy 2.0 (2021- 2024), racial equity reviews for targeted policies, IBRIM Nigeria assessment, Racial Impact Assessment tools (RIAT) and GBA Plus lens.
- Digital Platform Modernization (2020 - 2026).
- Most initiatives launched over the last two years, outcomes unknown.

Individual - Practicality of Ombuds addressing individual client complaints and concerns

- High volumes - IRCC processed approximately 5.2 million applications in 2022, and received almost 80% of all GoC ATIPs in 2021-22.
- Ombuds would not be an additional appeal mechanism for individual applications (not be able to review or overturn decisions, or make binding decisions).
- Existing recourse mechanisms:
 - For negative decisions – Reconsideration Requests - 9,591 in 2022, Applications to the Federal Court for Leave for Judicial Review (ALRJ) - 12,564 in 2022; and,
 - For discrimination concerns - Canadian Human Rights Commission, Federal Court ALJR.

Clients - Feasibility and value added of an Ombuds

- **Are there gaps in IRCC current approaches that would be improved with the implementation of an Ombuds office for clients: Yes, in part**
 - Key remaining gaps such as an ineffective feedback and service complaints mechanism, transparency of reconsideration mechanisms, information sharing and alignment with other relevant actors and units, would not be directly addressed by an Ombuds office.
 - The independence and oversight of such an external-facing office could have important benefits in providing better client service by reporting systemic issues, providing operational recommendations and further re-establishing transparency and client trust.
- **Is the introduction of an Ombuds office for clients feasible or a viable option: No, not currently**
 - An effective feedback system with a robust complaints analysis and triaging system is a prerequisite to an Ombuds for clients. This does not currently exist in the Department.

s.21(1)(a)
s.21(1)(b)

Clients – Suggested approach for clients' issues

Approach	Expected outcomes	Value added	First steps

s.21(1)(a)

s.21(1)(b)

Prochaines étapes

- 1. Informer le Comité exécutif (ComEx) des résultats de l'étude**
- 2. Mettre en œuvre des stratégies pour combler les lacunes identifiées en matière de soutien aux clients**

Questions

Key Questions

- While creating an Ombuds office for clients was recommended by 3 CIMM reports, our study found it was not currently feasible. Does the proposed approach have the appropriate scope and impact to demonstrate IRCC's diligence on the matter?
- Given future fiscal restraints and changing priorities, do you support identifying an improved IRCC client feedback system as a priority for funding?

Questions clés

- Bien que la création d'un bureau de l'ombuds pour les clients ait été recommandée par trois rapports du CIMM, notre étude a révélé que cela n'était pas faisable actuellement. L'approche proposée a-t-elle la portée et l'impact appropriés pour démontrer la diligence d'IRCC en la matière ?
- Compte tenu des restrictions budgétaires à venir et de l'évolution des priorités, êtes-vous favorable à ce que l'amélioration du système de rétroaction de la clientèle d'IRCC soit considérée comme une priorité de financement ?

Annexes

ANNEX A

Feasibility Study on the Creation of an Ombuds Office at IRCC

Étude de faisabilité sur la création d'un bureau de l'Ombuds [currently being translated]

ANNEX B

Relevant Approaches from Other Government Department and Migration 5 (M5) Partners

Approches pertinentes d'autres ministères fédéraux et des partenaires du groupe migration 5 (M5)