

CONTACT INFORMATION

Office of the Service Quality and Complaints Commissioner

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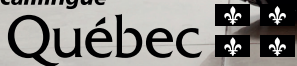
Québec Ombudsman

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Centre intégré
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RESIDENTS AND USERS' RIGHT TO FILE A COMPLAINT REGARDING THE HEALTH AND SOCIAL SERVICES NETWORK

Brochure produced by the Office of the Service Quality and Complaints Commissioner in conjunction with lawyer Marie-Andrée Dubois (abridged version)

OUR ROLE IN THE INSTITUTION

As a user, legal representative, or resident of Québec's health and social services system, you are entitled to defend your rights using the array of mechanisms available to you. These mechanisms can be used jointly or separately depending on the outcome sought.

To improve the quality of care and services provided

The *Act respecting health services and social services* (AHSSS) stipulates that users who consider that their rights have not been respected or who are dissatisfied with the services they received or those they believe they should have received can express their dissatisfaction or file a complaint on the matter, and that is, to help improve the quality of care and services provided.

Assistance and support

Members of the users' committee can answer your questions on users' rights and information on filing a complaint. The complaints assistance and support centre (CAAP) is also mandated by law to provide assistance and support with the complaints process to any user who requests it. For example, these members can offer to write the complaint with the user and to support the user throughout the entire process. The complaints must be filed with the Service Quality and Complaints Commissioner, who will process it or refer it to another authority, depending on the nature of the complaint.

THE SERVICE QUALITY AND COMPLAINTS COMMISSIONER

Through the diligent handling of complaints (within 45 days), the Commissioner ensures that users' rights are respected, that the institution's policies and procedures are applied, and that quality care and services are provided by the various facilities and organizations working under its aegis:

Hospitals, CLSCs, residential and long-term care centres, rehabilitation centres (addiction, physical disability, intellectual disability, autism spectrum disorders, youth), youth protection centres, intermediate resources, private seniors' residences, family-type resources, community organizations, pre-hospital emergency care services.

If you, the complainant, are dissatisfied with the Commissioner's conclusions, you may bring your concern to the Ombudsman, who will carry out a second review of the complaint in accordance with his or her mandate as the Health and Social Services Ombudsman.





MEDICAL EXAMINER

The Commissioner transfers any complaints concerning a physician, dentist, or pharmacist member of the Council of Physicians, Dentists and Pharmacists (CPDP) of the institution or a medical resident to a medical examiner. The medical examiner must send his or her conclusions and recommendations to the complainant and the professional involved within 45 days of receiving the complaint.

In the event that the complainant or professional involved is not satisfied with the conclusions of the medical complaint, a second-level complaint can be filed with the review committee of the CISSS de l'Abitibi-Témiscamingue.

In any case, this is a second and final recourse pursuant to the complaint examination system provided for by the AHSSS.

The Service Quality and Complaints Commissioner and medical examiner both report to the institution's board of directors and perform their duties independently. They are empowered to recommend any measures that may improve the quality of services and respect for the rights of users, as provided by the AHSSS.

Website: www.cisss-at.gouv.qc.ca

OTHER POSSIBLE REMEDIES -- ROLE OF OTHER AUTHORITIES

(NON-EXHAUSTIVE LIST)

► TO PROTECT THE PUBLIC

Anyone can request an inquiry to be conducted on a member of a professional order if that person deems that the Professional Code and relevant laws and regulations, including the member's professional code of conduct, was violated—in other words, if the member's professional practice is not in line with the regulations. The inquiry is conducted by the Syndic of the member's professional order.

In addition to the Syndic, anyone can file a complaint directly with the disciplinary board of the professional order, and that is, for a fee if the professional is acquitted or if the complaint is manifestly unfounded.

Note that the Collège des médecins du Québec is the regulatory body for all physicians who have a licence to practice in Québec.

Website: www.opq.gouv.qc.ca/droits-et-recours
www.opq.gouv.qc.ca

► TO PUNISH OR DETER

Various remedies exist for individuals who are victims of a criminal or penal offence. In these cases, the Sûreté du Québec can be called upon when a need for protection is felt or when an individual believes to be a victim of or witness to an offence. Legal proceedings may be instituted by the Director of Criminal and Penal Prosecutions if the evidence is deemed sufficient, and a judge will be assigned to hear the matter and impose a sentence.

Website: <http://www.dpcp.gouv.qc.ca/services/formuler-plainte.aspx>

► TO COMPENSATE FOR THE HARM SUFFERED

Various remedies exist to obtain compensation for harm suffered. Users and certain people specified by the law can pursue this type of remedy in the courts.

Restitution for pecuniary and non-pecuniary damage can be claimed to the healthcare institution or the professional at fault to obtain compensation for the harm suffered. The judge can also award punitive damages (also called moral or exemplary damages) in cases where fundamental rights and freedoms were infringed.

When a claim is filed in court, the claimant is usually represented by a lawyer.

Website: www.educaloi.qc.ca/categories/sante

► TO PROTECT FUNDAMENTAL RIGHTS

The Commission des droits de la personne et des droits de la jeunesse ensures the promotion and respect of rights laid out in the Quebec Charter of Human Rights and Freedoms, the Youth Protection Act (YPA), and the Youth Criminal Justice Act (YCJA). The Commission must investigate situations of discrimination and exploitation (under the Charter) and situations in which children's and youths' rights are violated (pursuant to the YPA and the YCJA). It must then issue recommendations to the various government authorities.

Website: <http://www.cdpcj.qc.ca/fr/>



► TO ENSURE CITIZENS' RIGHTS ARE RESPECTED IN THEIR RELATIONS WITH PUBLIC SERVICES

The Ombudsman ensures that citizens' rights are respected in their relations with public services, including health and social services (e.g. CISSS, hospital, CLSC, residential and long-term care centre, etc. Generally speaking, the Ombudsman receives complaints that have already been reviewed by the health institution's Service Quality and Complaints Commissioner and performs a second review. The Ombudsman can be called upon to examine first-level complaints for any complaints concerning dissatisfaction with government departments, their policies, and their practices.

The Ombudsman will examine the complaint and, if necessary, issue recommendations to the concerned organizations.

Website: <https://protecteurducitoyen.qc.ca/fr>