Human Resources Legislative Update

Legislation Expanding Ombudsman Jurisdiction to Municipalities, Universities and School Boards Now In Force

Date: February 16, 2016

On January 1, 2016, provisions of Schedule 9 of the Public Sector and MPP Accountability and Transparency Act, 2014 came into force. These provisions amend the Ombudsman Act ("*Act*") to expand the jurisdiction of the Ontario Ombudsman to investigate matters related to publicly-funded universities and municipal sector entities (defined as municipalities, local boards and municipally-controlled corporations). On September 1, 2015, provisions of Schedule 9 which expand the Ombudsman's jurisdiction to investigate matters related to school boards also came into force.

Among other things, these amendments to the *Act*:

- expand the scope of the Ombudsman's authority from investigating governmental organizations to investigating public sector bodies (defined as governmental organizations and other entities to which the *Act* applies, which includes municipal sector entities, school boards and universities)
- provide exceptions to the Ombudsman's jurisdiction relating to school boards and universities
- clarify the scope of the Ombudsman's jurisdiction to investigate matters within the jurisdiction of a municipal Ombudsman
- establish rules relating to documentation provided by the Ombudsman to a public sector body or person in cases where the Ombudsman may make a report that adversely affects that party and is providing the documentation to afford the party an opportunity to make representations on the report
- provide that meetings held by the governing body or senate of a university or the executive committee of the governing body or senate or a prescribed governmental organization, which are considering matters relating to an investigation under the *Act*, are closed to the public
- allow the Ombudsman to make reports involving public sector bodies (other than governmental organizations) available to the public.

Schedule 9 of the Public Sector and MPP Accountability and Transparency Act, 2014 also amends section 207 of the *Education Act* to provide that a meeting of a board or committee of a board shall be closed to the public where the matters discussed relate to an ongoing investigation under the*Act*. Corresponding amendments for municipal meetings are made to the *City of Toronto Act, 2006* and the *Municipal Act, 2001*.