

# OmbudsNews

Volume 6

Office of the Ombudsman

December 2010



***“To champion the rights of the people to ensure that justice always prevails”***



## Inside this edition

Foreword	2
The Eye of the Ombudsman	3
Case Statistics	4
Righting Wrongs	5
Ombudsman Work	6
Before Making a Complaint	8
CAROA	9
Public Awareness	13
Staff News	14
Training Sessions	15
Resolving Workplace Conflict	16
Health Corner	17



Mrs. J. M. Eusalyn Lewis  
Ombudsman of Antigua and  
Barbuda

Ombudsnews is our way of seeking to reach a wide readership within the State of Antigua and Barbuda. We hope that the information contained herein will serve our readers well. In particular, we trust that those who have had difficulty having their voices heard will see the Office of the Ombudsman as a place to which they can confidently come to make their complaints, knowing that they will be heard and that action will be taken to seek to have the complaint redressed.

Over 2010 we have had a variety of complaints lodged against Ministries, Departments, Statutory Bodies and individual officers. In keeping with our constitutional mandate, we have an obligation to hear the complaints and determine the necessary course of action.

Not all complaints have risen to the level of a “case” for the attention of the Ombudsman, but we have listened to all complaints.

In some instances, we have simply allowed the complainant to get the matter off his chest, a strategy which very often enables the complainant to find a solution before he leaves the office. In other instances, our response to a complaint might necessitate a simple call to a ministry and once clarification is obtained the resolution of the complaint is assured.

In yet other instances, this office has recognized that it had no jurisdictional mandate, in which case we would arrange with and refer the matter to the relevant government entity.

Sometimes, a complainant feels even more aggrieved having come to the Ombudsman. In such instances, he faces the ire of the personnel against whom the complainant has been lodged.

No complainant need be afraid to seek redress when he is aggrieved. The Constitution provides the Ombudsman to give every complainant a voice.

J.M. Eusalyn Lewis  
Ombudsman



### Scenario #1

Upon attaining pension age, a woman went to the Social Security Board seeking her first pension benefits from the Scheme. She was stopped in her tracks when she received the news that she would not be getting any benefits because she had not met the required number of contributions. Upon investigation, she discovered that the period April 1992 to June 1993 was not paid into the scheme although it had been deducted from her pay by the private employer. After several failed attempts to rectify the situation by herself, the complainant requested the assistance of the Ombudsman.

The Ombudsman wrote to the Director of Social Security stating the complaint and requesting his input in the matter. Initial communication indicated that Social Security was aware of the matter, but that they needed the appropriate documentation to arrive at a resolution.

The Ombudsman investigated the matter and found the following:-

1. The complainant was seeking to have the matter rectified, so that she could be approved for a pension and to be paid retroactively.
2. The employer had indeed deducted monies from her salary on a monthly basis, but had failed to pay same into the Scheme.
3. To satisfy the Social Security requirements the Office of the Ombudsman investigated and recovered documents to be presented for the specified time in question: (1) a letter stating that the former employee had worked at the private establishment; (2) Social Security remittance forms to cover the period and the outstanding monies owing to the Scheme; and (3) two signed statements from two acquaintances that knew the employee worked at the said establishment.

All the documents were presented to Social Security.

Social Security agreed to recognize the complainant's contributions for the period in question and in December 2010 she received her retroactive pay and will begin receiving her monthly pension in January 2011. The complainant expressed her gratitude.



### Scenario #2

In May 2010, Lady X made a complaint to the Office of the Ombudsman against the Ministry of Information stating that she was terminated with immediate effect.

The Ombudsman intervened by writing to the Permanent Secretary of the Ministry of Information where the details of the case were given:- The employer contended that Lady X received a termination letter due to the fact that she had presented false medical certificates to the Ministry, thereby, causing the employer to distrust her. Lady X had presented sick certificates for four different time periods. The employer however challenged the validity of the certificates for two periods which it was alleged were signed by a doctor who was not authorized to sign. Lady X was directed to proceed on administrative leave with pay so that an investigation could be carried out. The ministry subsequently rejected the application for leave during the periods in question and relegated the status of Lady X's absenteeism to unauthorized leave. They ultimately terminated her employment with immediate effect. She did not receive her payment in lieu of notice, vacation leave pay, nor her severance pay.

After going through the information provided by both parties the Ombudsman submitted a report along with the following recommendations:-

1. The decision to terminate Lady X's employment should stand.
2. No payments should be made for the periods specified in the unauthorized medical certificates.
3. Payment in lieu of vacation leave should be paid immediately.
4. Payment in lieu of one month's notice should be paid immediately.

Through written communication the Permanent Secretary had agreed to the recommendations and prepared the necessary Treasury Vouchers in favour of Lady X. In November 2010, Lady X confirmed that she received the outstanding monies from the Treasury Department. The matter was successfully resolved.

## Case Statistics

The Office of the Ombudsman receives complaints from the general public in matters where an individual is aggrieved by the actions or decisions of a government department, ministerial employee or statutory body. All complaints do not rise to the level of cases as in many instances a telephone call to the relevant department enables the rectification of the problem. Cases are generally those where a formal complaint has been lodged and the Office of the Ombudsman is required to research and investigate the details of the complaint.

### 2009 Statistics

Ministry	Pending Cases	Closed Cases	Total Cases
Agriculture, Lands, Housing and Environment	5	6	11
Education, Youth, Sports and Gender Affairs	2	3	5
Finance, the Economy and Public Administration	5	1	6
Health, Social Transformation and Consumer Affairs	3	6	9
Legal Affairs	0	1	1
National Security and Labour	13	6	19
Tourism, Culture and Civil Aviation	3	1	4
Works and Transportation	2	1	3
Prime Minister's Office	0	1	1
Private/Non Jurisdictional	0	2	2
Antigua Public Utilities Authority	1	2	3
<b>Total Cases</b>	<b>34</b>	<b>30</b>	<b>64</b>

For the year 2009, the Office of the Ombudsman registered the Ministry of National Security and Labour as the Ministry with the most complaints, these complaints related among other things to — remuneration and issues questioning certain procedures within several departments. The high number of pending cases is the result of delays by Ministries in responding to queries raised. While the Ombudsman Act did not envisage delays, the work is severely hampered when cooperation is lacking. We thank those who have sought to give feedback in a timely manner.

### 2010 Statistics

Ministry	Pending Cases	Closed Cases	Total Cases
Agriculture, Lands, Housing and Environment	7	1	8
Education, Youth, Sports and Gender Affairs	4	1	5
Finance, the Economy and Public Administration	5	1	6
Health, Social Transformation and Consumer Affairs	9	5	14
Information, Broadcasting, Telecommunications, Science and Technology	1	1	2
Legal Affairs	0	2	2
National Security and Labour	7	5	12
Works and Transportation	5	1	6
Private/Non Jurisdictional	1	1	2
Antigua Public Utilities Authority	0	3	3
Antigua and Barbuda Social Security	1	0	1
State Insurance Corporation	1	0	1
<b>Total Cases</b>	<b>41</b>	<b>21</b>	<b>62</b>

For the year 2010, the Office of the Ombudsman registered the Ministry of Health as the Ministry with the top complaints, these complaints related among other things to — complaints concerning the social welfare of minors, inconsistencies with regard to remuneration and benefits and allegations of questionable medical mishaps.

As the Office of the Ombudsman cannot make binding decisions and functions on an informal basis to resolve complaints amicably, the level of acceptance of its recommendations to line departments is important.

## Righting Wrongs: Should I Make a Complaint?

By Timika Joseph



The Office of the Ombudsman entered its 15th year of operation in 2010. It has become a popular choice among complainants handling over 500 complaints concerning outstanding exiting benefits, unfair dismissal and questionable protocols by governmental institutions. The establishment has provided a free and reliable service consisting of complaint handling, investigating and advice seeking. However, complainants tend to continuously ponder on the question, should I make a complaint to the Office of the Ombudsman? There are four important and easy courses of action complainants should be familiar with when they consider making a complaint to the Ombudsman.

Firstly, the complainant should identify if he has been discriminated against or has experienced any injustice in the situation. This is a simple process, for it can be identified by our knowledge of the laws, regulations, rules or practices of the institution in question or even through our intuition. Although we may not know all the laws of the land we can easily identify injustice from common knowledge.

Secondly, the complainant must identify the institution that has inflicted the injustice. The Office of the Ombudsman only takes complaints concerning governmental agencies and officials. However it should be noted that the Ombudsman does not take complaints against actions or decisions from any disciplinary or ruling bodies such as the Office of the Director of Public Prosecutions, Public Service Commission or the Police Service Commission.

Thirdly, the complainant should utilize all available recourse before coming to the Ombudsman. By doing this, the complainant gives the institution a chance to rectify the situation or follow all special protocols for resolving a complaint. The Ombudsman's Office will intervene if there is no avail.

Finally, the Ombudsman does take complaints from a representative on behalf of the complainant, whether the complainant is a minor, a person with a disability, deceased or incarcerated.

The four courses of action mentioned above should allow any complainant to determine if his grievance can indeed be handled by the Ombudsman. If it does, the complainant should make a written complaint addressed to the Ombudsman. He must provide all documents or evidence, if any, within his possession concerning his claim. Complaint forms can be obtained from the Office of the Ombudsman.

Complaints are handled with strict confidence and in a neutrally controlled environment.

### Can the Ombudsman refuse to investigate a complaint and if so what are the conditions?

Yes, the Ombudsman can refuse to investigate a complaint if:-

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

The Ombudsman Act 1994, No. 5  
Section 10(2)



## Ombudsman Work – Efficiency or Toothless Tiger? - Quick Response vs Delay in Response



A complainant may approach the Office of the Ombudsman if he finds himself aggrieved and may need to have the matter addressed soonest. The Ombudsman would then determine if the complaint fits the prerequisite for further investigation

and will begin the process of addressing the relevant Departments against which the injured party made the complaint.

Based on the urgency of the situation, the Ombudsman or the action officer may make a telephone call to the relevant authority. Under normal circumstances, however there is a procedure to be followed when making a complaint. The complaint should be made in writing with some explanation regarding to the subject matter. It is at this point that the Ombudsman's work begins. The Ombudsman Act, 1994 No. 5 of 1994 Sec 7 (1) states *“Where the Ombudsman proposes an investigation he shall afford to the principal officer of the government department or division or statutory body concerned an opportunity to make, orally or in writing as the Ombudsman thinks fit, representations which are relevant to the matter in question and the Ombudsman shall not, as a result of such investigation, make any report or recommendation which may adversely affect any person without his having had an opportunity to make representations.”*

When the Ombudsman makes an inquiry of a complaint, it is expected that the Public Officer will respond as a matter of urgency so that the Ombudsman's work is not delayed and the complainant can be put in a place of ease. Very often, this is not the case!

Professor Najmul Abedin of the Department of Public Sector Management, Austin Peary State Union was moved to analyse the Caribbean Ombudsman Experience. He looked at reports emanating from several Caribbean Islands in his article *“The Ombudsman in developing democracies – the Caribbean*

*experience”* published in the International Journal of Public Sector Management, Vol. 23 No. 3, 2010. According to an abstract from the 2000 report by Justice Edoo, Ombudsman of Trinidad and Tobago, p. 3 states,

*“The main obstacle in the resolution of complaints relates to delay in replying to correspondence and taking action with respect to recommendations. In many cases by the time the complaint is remedied it provides little benefit to the complainant. Unless bureaucratic methods are improved by the speedy handling and disposal of correspondence and taking action with respect to the recommendations of the Ombudsman, complainants will continue to suffer hardship and injustice.”*

A further abstract from the 1993 report of Ombudsman of Jamaica report, p.2 he highlighted *“[...] in order to aid the Ombudsman in dealing expeditiously and fairly with complaints or faults in the administration of any department, provision should be made to require the Head of that department to supply the Ombudsman if he so requests, with a statement of the reasons for making the decisions which give rise to such complaint... the Ombudsman's recommendations to redress faults in the administration of a government department should be given special attention by the Ministry within whose portfolio such department falls.”*

Najmul Abedin in his report *“The International Journal of Public Sector Management – The Ombudsman in developing democracies: the Commonwealth Caribbean experience”* draws attention to Dr. Hayden Thomas, first Ombudsman of Antigua and Barbuda (AB) 1995-2007) in his report of 1999, p.8 states *“tardiness on the part of public officials: [...] has been a problem mentioned in previous reports [Ombudsman of Antigua and Barbuda, 1997, p.33; Ombudsman of Antigua and Barbuda, 1998, p. 27] and it has been happening to various degrees at all levels. If it continues, it will be necessary for me to cite the names of the delinquent Ministries and/or Divisions in my next Annual Report. Moreover, I shall feel compelled to carry out proceedings in accordance with Section 22 of the Ombudsman Act.” This Act (Ministry of Legal Affairs, 1994) reads as follows* *“a person liable on summary conviction to fine of one thousand dollars or to imprisonment of six months”.* Dr. Thomas (Ombudsman of Antigua and Barbuda, 1999, p. 9) also states: *“There are occasions when we* Continued on page 7



continued

*cannot help but feel that some Ministries do not make the necessary effort to resolve disputes speedily. This leads to frustration and the conclusion by some complainants that they should seek other form of redress, e.g., publishing their cases in the newspaper, or by carrying out strike action or picketing. These could often be averted by having these conflicts resolved through the auspices of this office before the problems escalate and enter the public domain."*

What is noticeable in our region is that, there are numerous cases of tardiness by decision making bodies, which cause delays stemming from what can only be categorized as total disregard for the Ombudsman's request.

Some fifteen (15) years later and a new Ombudsman at the helm, tardiness in response from public officials continues to hamper the work of the Ombudsman. There is a popular saying that the Ombudsman's role is that of a toothless lion or a paper tiger. Very little happens in the way of sanctions against offending public officers. Ombudsman practitioners throughout the region continue to complain about the slowness of responsible officers in resolving issues.

It should be noted that **Delay in Response** in some cases, ranges from mismanagement of documents within the departments; inefficiencies in record keeping within the division; poor collaboration with relevant bodies and expert advisors to resolve specific issues; and lack of knowledge of existing policies & legislations; errors in judgement by management; or total disregard and disrespect for the complainant's plight. In some instances, these delays become costly and force the issue of compensation or conversely leave a complainant with the impression that the Office of the Ombudsman or the place of last resort is in fact just another dead end.

**Quick Response** enables the Ombudsman to have information in a timely manner to report back to the complainant with constructive remedies thus removing the complainant's

frustration. It also enables departments to correct inefficiencies that they may have overlooked. If a department deals promptly in their response to the queries from the Ombudsman, the Ombudsman's work can be effectively executed in a timely manner.

### What are some of the matters that the Ombudsman cannot investigate?

- The exercise of the powers conferred on the Governor-General by the Constitution.
- Any action taken by the public officer responsible for the extradition of any person.
- Any action taken with respect to orders or directions to Antigua and Barbuda
- Defense Force or members thereof, or any proceedings under the Defense Act.
- Any decision or action of the Public Service Commission relating to appointment, removal and disciplinary control of any person.
- Any decision or action of the Public Service Board of Appeal.
- Any decision or recommendation made or action taken by the Director of Public Prosecutions.
- Any decision or action of the Police Service Commission relating to the appointment, removal and disciplinary control of any person.
- Any decision by the Supervisor of Elections in the exercise of his functions under the Constitution or any Act.

The Ombudsman Act 1994, No. 5 Schedule

## Before Making a Complaint

### Before Making a Complaint

Ombudsmen provide a remedy of “last resort”. This usually means that before they will consider investigating a complaint, they will want to see some evidence that you have taken your complaint as far as possible with the organization concerned. Normally this would include putting your complaint to the administrative head of the organization, such as the Permanent Secretary or General Manager.

The reason for this is that the Permanent Secretary who is ultimately responsible for the actions of his or her staff, upon receiving a complaint, may either take some action which resolves the problem or provide an explanation which is satisfactory from the complainant’s point of view. Even if this is not possible, the Permanent Secretary’s response can be helpful in deciding whether there appear to be grounds for an Ombudsman to investigate the complaint.

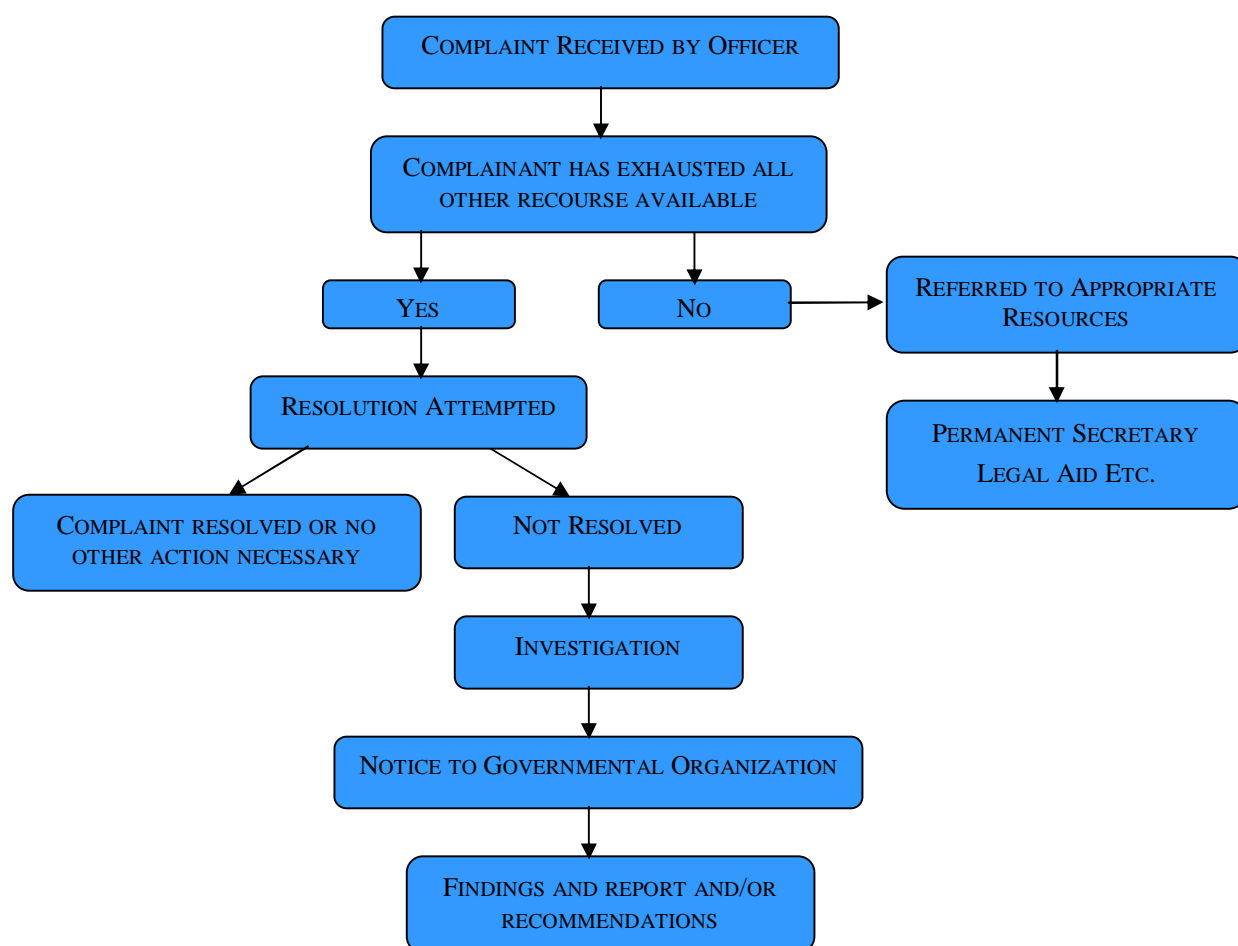
Write a letter to:

**Permanent Secretary or The General Manager**  
**Ministry of**  
**Street**  
**Parish**  
**Country**

In your letter, say

- what you think has been done wrongly.
- what has happened to you as a result.
- what you think the organization should do about it.

If the reply does not resolve your complaint, you can write to the Ombudsman and ask her to investigate it. Please enclose copies of your letter to the Permanent Secretary, and the reply, and any other letters, photographs or documents which you think might assist the Ombudsman with your complaint.





## Caribbean Ombudsman Association (CAROA)



The idea of creating a Caribbean Ombudsman Association (CAROA) was formed at a Commonwealth Regional Meeting attended by participants from several Caribbean countries held in Antigua in March 1998 and was formalized in June 2000 by the adoption of its constitution.

Although it started small CAROA has grown over the years and is now comprised of 18 countries to include Antigua and Barbuda, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Curacao, Grenada, Haiti, Honduras, Jamaica, Puerto Rico, St. Lucia, St. Martin, St. Kitts, Trinidad and Tobago, Turks and Caicos Islands and Venezuela.

Strategic alliances have since been formed with several other associations to include the International Ombudsman Institution and the United Nations Human Rights Commission among others.

The principal objectives of CAROA are:-

1. To strengthen offices of the Ombudsman in the Caribbean so far as to foster cooperative work, to harness resources of, to network and provide continued enrichment with other Regional, Hemispheric and International offices of the Ombudsman and other similar institutions;
2. To support the promotion and protection of Human Rights Agencies in the Caribbean and the development of Governmental and non-governmental institutions relating to human rights;
3. To maintain and promote the Institution of the Ombudsman and to encourage its development throughout the Caribbean by ensuring that the people are served by independent and effective Ombudsman and other similar human rights institutions.

In order to further promote the important role played by the Ombudsman Institutions in the region, CAROA holds a meeting biennially to discuss and advance issues of interest to their work.

### Can the Ombudsman be challenged?

No proceedings of the Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court.

The Ombudsman Act 1994, No. 5 Section 14

### Will the Ombudsman inform me of the outcome of my complaint?

The Ombudsman shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

The Ombudsman Act 1994 No. 5

## Caribbean Ombudsman Association (CAROA)

The 10th Anniversary of the formal establishment of the Caribbean Ombudsman Association (CAROA) coincided with the Sixth Biennial General Conference of the organization during the period November 1-4, 2010 under the theme “Integrity—Foundation of Good Governance”. This took place in Curacao.

Antigua and Barbuda was represented by Mrs. J. M. Eusalyn Lewis, Ombudsman and Dr. Hayden Thomas, Former Ombudsman of Antigua and Barbuda and 1st President of CAROA.

It is worthy of note that CAROA grew out of an idea which was spawned in Antigua at a meeting held in 1998. Though the number of regional ombudsmen at the time was small, comprising representatives from Antigua and Barbuda, Barbados, Jamaica, St. Lucia and Trinidad and Tobago, the tenacity of the ombudsmen to the idea saw the growth and expansion of ombudsmanship and the formalization of CAROA in June 2000 when it adopted its constitution by resolution.

Ombudsmen, Parliamentary Commissioners, Complaints Commissioners, and Public Defenders can now be found in 18 countries in the region—Antigua and Barbuda, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Curaçao, Grenada, Haiti, Honduras, Jamaica, Puerto Rico, St. Lucia, St. Martin, St. Kitts, Trinidad and Tobago, Turks and Caicos Islands, and Venezuela. Other persons representing Human Rights agencies and organizations with interests in the institutions of Ombudsman including the UK and USA have also entered into full membership of the organization.

At the Biennial General Meeting held on the closing day of the Conference, a new president and Board were elected to serve the CAROA for the next Biennium 2010-2012.

President

Mr. Valton Bend (Barbados)

Honourary Secretary/Treasurer

Mrs. Barbara Taylor (Barbados)

Vice President

Miss Nicola Williams (Cayman Islands)

Members

Miss Lynette Stephenson (Trinidad and Tobago)

Miss Alba Martijn (Curaçao)

Mr. Walton Gumbs (St. Kitts and Nevis).

### **THE SIXTH BIENNIAL CONFERENCE**

The Sixth Biennial Conference of the Caribbean Ombudsman Association (CAROA) whose theme was ‘*Integrity – The Foundation of Good Governance*’ was held at the World Trade Centre, Curaçao and hosted by the Ombudsman of Curaçao. Participants included persons holding offices of ombudsman, legal luminaries, scholars and practitioners from Antigua and Barbuda, Barbados, Belize, Bermuda, the British Virgin Islands, Cayman Islands, Curaçao, Jamaica, Grenada, St Maarten, St Kitts and Nevis, St Lucia, Trinidad and Tobago, the Netherlands, South Africa, United States of America, United Kingdom and the Commonwealth Secretariat, London. The conference was officially declared open by Mr. Frits Goedgedragè, LL.M, Governor General of Curaçao. The President of the Central Bank of Curaçao and St Maarten, Dr. Emsley Tromp, delivered the Keynote Address.

At the conclusion of the Conference the following Communiqué was issued:

- Integrity, defined as honesty, trust, accountability, fairness and wholeness of the person, is the hallmark of good governance. It is a common thread that should run through all ombudsman and ombudsman-like institutions in the region. In this vein, it is vital that ombudsman functionaries invest in building the public trust, continue to support one another and network with other oversight agencies in achieving their respective mandates;
- The concept of ombudsmanship has grown in popularity in the Caribbean region over the last few decades so much so that both common law and other legal systems have enacted laws to establish the office. The support of governments in the region is vital for the advancement of the ombudsman concept and, in turn, the strengthening of democratic processes;

*Continued on page 11*



## Caribbean Ombudsman Association (CAROA)

- CAROA welcomes its new members - Grenada, St Kitts and Nevis, the British Virgin Islands and St Maarten. We look forward to the appointment of an ombudsman for Guyana and Turks and Caicos respectively. Countries of the region that have not yet established an office, such as the Commonwealth of Dominica as well as St Vincent and Grenadines, are encouraged to do so;
- In order to reinforce the idea that integrity is the cornerstone of the institution of ombudsmanship, a Code of Ethics should be developed to guide the offices in the region. A Committee of Experts was established to develop the Code and report to the Council;
- Given the significant role of the office of the ombudsman in the region, a concerted effort should be made to secure recognition of and participation by CAROA as a regional body in CARICOM. A Committee of Experts was established to develop a framework for the realisation of this idea;
- While acknowledging the support extended to them by their respective governments, ombudsman offices still face considerable challenges because of the ever-growing expectations of citizens. The Conference urges governments to be more responsive to the financial needs of the office to better enable the ombudsman to carry out his functions.

The Conference mourns the tragic passing of the late Prime Minister of Barbados, The Honourable David John Howard Thompson, QC, a champion of ombudsmanship in the region. It extends condolences to his family, the Government and people of Barbados. The Conference also extends sympathy to countries which have recently suffered devastation and loss of lives from the passage of hurricane Tomas.

The Conference applauds the efforts of the Protector du Citoyen of Haiti, who was unable to attend this Sixth Biennial Conference, in the face of the on-going tragedy in that country. It calls on the international community to extend further generous support to Haiti in her difficult time.

Finally, the Conference acknowledges the contributions of the Government of Curaçao and several corporate

sponsors to the funding of the programme. Further, the Conference recognises the continuing contribution of the Commonwealth Secretariat, London towards the implementation of CAROA activities.

World Trade Centre  
Willemstaad  
Curacao

### OMBUDSMAN TOP COMPLAINTS BY MINISTRY

2009	2010
1. Ministry of National Security and Labour	1. Ministry of Health and Social Transformation
2. Ministry of Agriculture, Lands, Housing and the Environment	2. Ministry of National Security and Labour
3. Ministry of Health and Social Transformation	3. Ministry of Agriculture, Lands, Housing and the Environment
4. Ministry of Finance, the Economy and Public Administration	4. Ministry of Finance, the Economy and Public Administration and Ministry of Work and Transportation
5. Ministry of Education, Youth, Sports and Gender Affairs	5. Ministry of Education, Youth, Sports and Gender Affairs

## Ombudsmen in the News



The Office of the Ombudsman congratulates Dr. Hayden Thomas, former Ombudsman of Antigua and Barbuda and former President of the Caribbean Ombudsman Association on his induction as an Honorary Life Member of the International

Ombudsman Institute.

Dr. Thomas was appointed Antigua and Barbuda's first Ombudsman in 1995 and was later elected President of the Caribbean Ombudsman Association, member of the Board of Directors of the International Ombudsman Institute (IOI) and Vice-Chairman of the Board of Special Fund for Ombudsman and other National Human Rights Institutions in Latin America and the Caribbean.

He was educated at the Willikies Primary School, the Faith and Hope High School where he obtained the University of Cambridge Junior and Senior School Certificates and the University of the West Indies where he obtained the B.Sc. (Special) Degree in Chemistry. He subsequently did post-graduate work at the University of Reading, England where he obtained the M.Sc degree in Food Technology and Queen Elizabeth College, University of London where he obtained the Ph.D degree in Food Science. He also holds a Certificate in Management from the University of Connecticut, U.S.A.

Dr Thomas worked as part-time Science Teacher at the Antigua Grammar School and the U.W.I. Extra Mural Department and supervised the Universities of Cambridge and London General Certificate of Education (G.C.E.) Practical Examinations in Chemistry and Physics. He worked as a consultant Chemist at the Antigua Distillery and served for two years as a member of the Board of Directors of the Antigua Commercial Bank.

Following his retirement as the government's Chief Chemist and Food Technologist in 1995 after some 40 years in the Civil Service Dr Thomas was appointed by Parliament as Antigua and Barbuda's first Ombudsman. During his tenure he published several reports with his findings and recommendations following his many investigations.

Dr Thomas has attended several seminars and conferences on Ombudsmanship and Human Rights in various parts of the world. He has presented papers at international conferences, for example, in Denmark, Spain, South Africa and Canada. He is Ombudsman and Human Rights Institutions in co-editor of the book "Strengthening Ombudsman and Human Rights Institution in

Commonwealth Small Island States—The Caribbean Experience" by Victor Ayeni, Linda Reif and Hayden Thomas, published in 2002 by the Commonwealth Secretariat in London.

Dr Thomas was instrumental in establishing the Caribbean Ombudsman Association (CAROA) following the hosting in Antigua of a regional conference on Ombudsmanship. He served as CAROA's first President for six years. He was also elected as a Member of the Board of Directors of the International Ombudsman Institute (IOI) representing the Latin American and Caribbean region. He served as vice-President of this august Body for one year prior to his retirement as Antigua and Barbuda's Ombudsman. He was honoured for his contribution to IOI by being made a life member. He also served as a Vice-Chairman of the Board for a Special Fund for Ombudsman and National Human Rights Institutions in Latin America and the Caribbean.

Since demitting office in 2006, Dr Thomas has been serving as a Member of the Industrial Court, he was recently appointed by the Chief Justice of the Eastern Caribbean Supreme Court as a Member of the Disciplinary Committee established under the Legal Profession Act for dealing with complaints against Attorneys at law.

Over the years Dr Thomas has engaged in voluntary work. This has included serving as a member of the Executive of the Boy Scout Association, President of the Past Students Association of the Faith and Hope School and more recently as Chairman of the Board of the new A.E. Goodwin Faith and Hope School. He also serves as a member of the Science and Technology Sub-Committee of the University of Antigua and Barbuda Development Committee, Ministry of Education.

Other awards bestowed on Dr Thomas include the Antigua and Barbuda National Award "Order of Honour" (O.H.), and Companion of the most Distinguish Order of St. Micheal and St. George (C.M.G) by the Queen. He was made an Honorary Graduate of the Antigua State College and named an Outstanding Lion of Chancellor Hall, his Hall of Residence while at UWI, Mona.

Dr Thomas is married to Dr Gloria Mason, a Medical Doctor and they have three sons.

Dr Thomas is satisfied that he has been able to make a worthwhile contribution as Ombudsman and has left a solid foundation for his worthy successor to build on to take to the next level.



### **2010 in Hindsight**

Although very important, very little is known about the Office of the Ombudsman and its functions. There is a need for the public to know about the organization, its functions and mandate. In 2010 the Office of the Ombudsman embarked on a public awareness drive which targeted the secondary schools in Antigua and Barbuda. Staff visited the Antigua Grammar School, Pares Secondary School, Clare Hall Secondary, the Ottos Comprehensive School and the All Saints Secondary School. The objective of this was to sensitize the young students about the Ombudsman and the work that the Ombudsman does. We have made ourselves available for interviews particularly by students at all levels from Primary School through University who had to do special projects about the Ombudsman.

The Office of the Ombudsman wants to ensure that there is a high level of awareness of the services offered, how these services can be accessed, improve the perception of the Office and strengthen complaint handling.

#### **The purpose of this public awareness is to:**

1. Disseminate information through newsletters and the media to the public.
2. Ensure that the public is aware of the role and functions of the Ombudsman.
3. Ensure that the public is aware of one's individual rights under the constitution.

### **Predictions for 2011**

The Office of the Ombudsman plans to do even more public awareness activities in 2011. We will continue to visit the secondary schools. Those being targeted are the Antigua Girls' High School, Jennings Secondary School, Antigua State College and Sir McChesney George in Barbuda. We will also target the General Public through media appearances.

### **Networking**

To protect the rights of the people, the Office of the Ombudsman operates best with the cooperation of strategic interest groups. These include government departments, such as the Police, the Citizen Welfare Division, the Education Authorities and Civil Society. More work needs to be done to establish and strengthen relationships with these interest groups.

In 2011 the Office of the Ombudsman will seek to create and maintain constructive relationships with the various government departments and divisions, ministries, statutory bodies and other major stakeholders.



Ottos Comprehensive School



Clare Hall Secondary School



All Saints Secondary School



## Staff News

The Office of the Ombudsman is not an island and we cannot do everything ourselves. We have to learn from other offices regionally and internationally. One thing that is very evident from reports seen is that be it a small island or a large country we do have similar complaints, so more or less we are facing similar issues. It is with this in mind that we try to attend as many seminars and training sessions as we possible can so that we can get insights into new ways we can handle issues that may arise on a day to day basis and to network so we have colleagues we can reach out to.

During the year 2010 members of staff attended several training sessions some held locally and organised by the Training Division and some held abroad. To us training is very important if we are to keep up with issues that arise on a daily basis.

Some sessions attended were: - Communication and Interpersonal Relations; Project Management; Stress Management Workshop; Aids in the Workplace; Anger Management Workshop and Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs.

Mrs. Eusalyn Lewis, Ombudsman, attended the 6th Biennial Caribbean Ombudsman Association Conference in Curacao. Through this forum she continues to strengthen our ties with regional Ombudsman offices.

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Within the year 2010, the Office of the Ombudsman went through a number of changes:-

Mr. Konata Lee, Former Investigations Officer, has been seconded to act as Director of Public Sector Transformation within the Prime Minister's Office.

The Office of the Ombudsman welcomed Miss Thomasine Henry as Administrative Cadet in June 2009.

Mrs. Gloria Samuel, Assistant Investigations Officer, resumed her former duties for an additional year.

Mrs. Jevana Matthew has embarked on studies at the Antigua State College Department of Teacher Education in Early Childhood Education.

Mrs. Renee Patrick, Petty Officer Class II, is pursuing studies at the Antigua and Barbuda Institute of Continuing Education commencing September 2010. Welcome to Miss Sherrie-Ann Wright who is assuming the position of Petty Officer II.

The Office of the Ombudsman would like to congratulate Miss Joycelyn Richards-Wharton, Executive Officer, on completing her Bachelor of Science Degree in Business Management/Administration at Monroe College in St. Lucia.

The present staff of the Ombudsman consists of:

- 1 Investigations Officer
- 1 Assistant Investigations Officer
- 1 Administrative Cadet
- 1 Executive Officer
- 1 Junior Clerk
- 1 Petty Office
- 1 Cleaner
- 1 Driver

### Did you know that we have moved?

We are now located at Prime Minister's Drive—that is— outside the North Gate of the Prime Minister's Office. To get to the office you need only arrive outside the East Gate of the Sagikor Building on Factory Road then walk up towards the Prime Minister's Office. The National Flag and the office sign are located at the entrance to the Office of the Ombudsman.

Do visit us! There is always someone to welcome you!

## Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs

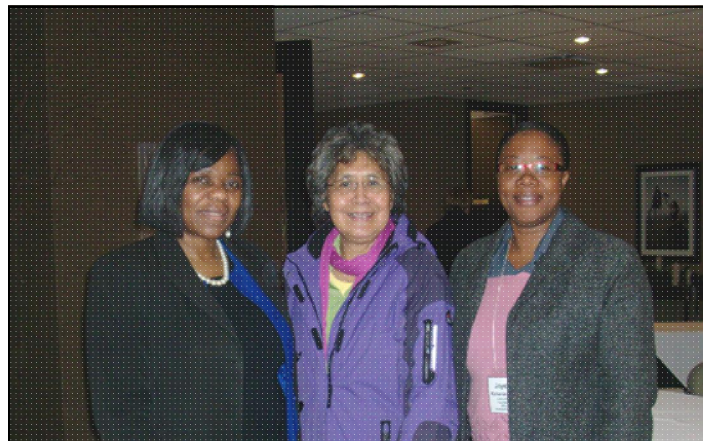
By Joycelyn Richards-Wharton

The Office of the Ombudsman for the second consecutive year sent a representative to participate in the Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs at the St. Andrew's Club and Conference Centre, Toronto, Canada, November 29 to December 1, 2010. In attendance were participants from the Caribbean, United States, Republic of Korea, Philippines, South Africa and Provinces across Canada, along with the Ombudsman of Ontario, Canada and members of his staff who were the host of this training session. Also, in attendance was Mr. Bill Angrick II, Past President of the International Ombudsman Institute (IOI) and former Ombudsman of Iowa.

Miss Joycelyn Richards, Executive Officer at the Office of the Ombudsman of Antigua and Barbuda represented Antigua in the training session. Over the years, Miss Richards has been exposed to the procedures of investigative matters and has acted as Assistant Investigations Officer on many occasions. However, this training seeks to highlight systematic issues which in the long run affect not only a single complainant but also the community on a whole. The extent of the systemic investigation is to ensure that the problem is fixed at its source and persons who may have been affected are aptly compensated. To combat this, there is further need for continuous follow-up to prevent reoccurrences within the same institutions investigated, thereby ensuring conformity with the outcomes of the dispute decision processes.

Emphasis was also placed on excellent investigation practices, tools which can be used for a thorough investigation to be carried out. There was much focus on the use of the media by the Ombudsman of Ontario and his team. This helps in getting the public interest and feedback on issues being investigated. At the same time, this medium is used for information gathering and also reporting to the public. Other topics of interest were investigative planning, witness and interviewing, whistleblowers, and wish list.

The Ombudsman of Antigua and Barbuda saw the need to have a representative at this training session because based on her investigations and findings systematic issues are slowly creeping into our system which needs immediate attention and ready solutions.



In this picture from left to right:- Thulisile Madonsela, Public Protector, South Africa; Sarah Jerome, Language Commissioner of the Northwest Territories Legislative Assembly of the Government of Northwest Territories—Yellowknife, NT; Joycelyn Richards-Wharton, Executive Officer, Office of the Ombudsman, Antigua and Barbuda.

### Who is an Ombudsman?

The Ombudsman is an officer appointed by the Parliament who acts independently to receive and investigate complaints from any aggrieved member of the public against any public service, public servant or statutory body. The Ombudsman also submits annual reports to the parliament of Antigua and Barbuda and makes recommendations to resolve ongoing complaints.

The Ombudsman Act 1994, No. 5

## Resolving Workplace Conflict

By Thomasine Henry

Workplace conflict includes any type of conflict which takes place within a workplace or among workers, potentially including conflict between employees out of work hours. Workplace conflict is a normal occurrence which must be balanced to ensure that employees are not overstressed or too laid back. Conflict can help to identify the need for something to change in our personal lives or at work.

It can be useful in bringing about changes within the work environment. Too much conflict can create a stressed work environment in which morale and staff productivity could suffer. When this happens the staff is not motivated to produce as much as they can, and they do not feel the need to go above and beyond what is required of them. The conflict can result in persons being unhappy in the work environment, suffering from depression and other physical and emotional issues, resignation, aggression and even instances of violence occurring. Yet too little conflict can lead to an environment with little creativity and no room for innovative ideas. In this situation there is no challenge, one goes with the flow. What we need therefore is to strive for a workplace with a minimal stressful environment.

In the workplace the accomplishment of goals and objectives depends on cooperation and assistance of others, there is interdependency in terms of getting work done, everyone depends on someone else for data or information. With this there can sometimes be clashes of personalities, race for the use of limited resources or even conflict of interest that can cause conflict. It is important that there be clear, open lines of communication because if this is not in place persons can become rebellious and the workplace can become one that is full of hostility and misunderstanding.

Workplace conflict can be further compounded if persons are not clear of their roles and responsibilities or who is in control, for example, conflict can arise over decisions made or actions taken when persons are not sure who has authority to make those decisions. Understanding how to effectively communicate and how to satisfactorily resolve disputes can lead to a happier,

more productive life.

Management cannot avoid the conflict and hope it will go away. It is their responsibility to step in and control the conflict before it gets to a position where it interferes with the organization's productivity. Even though sometimes it appears that the conflict has been seemingly resolved on its own it has a tendency to reappear once there is a new disagreement.

Management has to understand that once there is workplace conflict all employees are affected because employees will have to interact with those in the conflict and this can make them feel as though they are 'walking on eggshells' in the presence of those in the conflict. This can result in persons taking sides and ultimately dividing the organization.

Management has to put itself in a position to meet with the persons involved (preferable together) and allow them to each explain their side of the argument and even suggest a way they think the conflict can be resolved. By doing this a clear picture of what the disagreement is about can be heard and the appropriate action be taken. Many workplace conflicts can be resolved or prevented using the following:-

- More social events such as company picnics or hikes to foster togetherness.
- Utilize a neutral mediator such as the Ombudsman or a trained psychologist to ensure that both parties can ventilate the issue at hand comfortably.
- Transfer the employees involved in workplace conflict to different departments to avoid future conflicts.

## About Prostate Cancer



The prostate is a gland found only in men. It surrounds the urethra, which is the tube that carries urine from the bladder to the penis. This tube also carries semen. The prostate gland makes the fluid part of semen. It needs the male sex hormone, testosterone to grow and function, so some treatments for prostate cancer work by reducing the levels of testosterone.

The most common symptoms of prostate cancer and an enlarged prostate that is not cancerous are the same. They are having to rush to the toilet to pass urine, difficulty in passing urine, passing urine more often than usual, especially at night, pain on passing urine and on rare occasions traces of blood in the urine or semen.

With both prostate cancers and non cancerous enlargement of the prostate, the symptoms are usually caused because the growth presses on the tube that carries urine (the urethra) and blocks the flow. If you have any symptoms, do see your doctor. Most enlargements of the prostate are not cancer (they are benign) and can be easily treat. Do also remember that very early prostate cancer does not usually cause any symptoms at all because any growth in the prostate is too small to have any noticeable effect on urine flow. Cancer of the prostate often grows slowly, especially in older men. Symptoms may be mild and occur over many years. Sometimes the first symptoms are from prostate cancer cells which have spread to your bones. This may cause pain in your back, hips, pelvis or other bony areas. This is known as secondary prostate cancer.

The most significant risk factor is age. More than half of all cases are diagnosed in men over 70. It is quite rare in men under 50. You may also be more at risk if you have a family history of prostate or breast cancer and/or black (of African ancestry) – prostate cancer is more common in black and mixed race men than white or Asian men.

Your diet may affect your risk. There is a lot of research going on and the evidence is not strong but you may increase your prostate cancer risk if you eat a diet high in dairy products. There is some evidence that lycopene from tomatoes may lower the risk. Some studies have shown that having diabetes, and perhaps taking aspirin or other non steroidal anti-inflammatory drugs (NSAIDs) may reduce the risk of prostate cancer.

The aim of screening is to diagnose disease at an early stage, before symptoms start. This is when it is easier to treat and is more likely to be curable. If you ask your GP to check you for prostate cancer they will do the following:-

- Examine your prostate by feeling the prostate gland
- Take a blood test for PSA – prostate specific antigen

These guidelines include:-

- Abnormalities in your prostate that your GP can feel during a rectal examination
- A PSA test that is considered high for your age
- A borderline PSA test, followed by a repeat test 1 - 3 months later that shows the level is rising
- A raised PSA reading, together with other symptoms that may be linked to prostate cancer

What to ask your doctor about prostate cancer?

- How will I know if I might get prostate cancer?
- Will I feel pain if I have it?
- Do you think I should be screened?
- What are the tests?
- I am having difficulty passing urine.
- Should I have a blood test for prostate cancer?
- There is prostate cancer in my family. Does this increase the risk of getting it myself?

Source: Cancer Research UK at [www.cancerhelp.org.uk](http://www.cancerhelp.org.uk)



## Ombudsmen in the Caribbean

N O S N E H P E T S  
 R G E O R G E S A N  
 W E W C S M M I R A  
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 K C O R B O J A A E

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ALEXANDER	ARDUIN	BLACKMAN	BROCK	CENAC
ELIE	GEORGES	GUMBS	LEWIS	MARTIN
STEPHENSON	WILLIAMS	WITTER		

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### Our Motto

*To champion the rights of the people to ensure that justice always prevails.*

### Our Mission Statement

*The Office of the Ombudsman pledges with God's guidance to faithfully serve this nation of Antigua and Barbuda by impartially and efficiently investigating complaints of members of the public against unjust administrative decisions of officers of Government or Statutory Bodies with the view to righting wrongs and so contribute to good governance and the further development of the democratic process in the country.*