



Yukon
Ombudsman

Code of procedure

Ombudsman Act

2026

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Part 1 – Complaint Process

1.0 Application

- 1.1 This Code of Procedure (Code) applies to a complaint made under the [Ombudsman Act](#) (Act).

2.0 Purpose and interpretation

- 2.1 Subject to the provisions of the Act, the Ombudsman's Office will interpret this Code, for purposes of the public interest, in a broad manner, to secure the fairest, most just, comprehensive, and expeditious determination on the merits of every complaint.
- 2.2 Where this Code does not set out specific procedures, the Ombudsman's Office may do whatever is permitted by law to enable it to resolve a complaint effectively and completely and to ensure compliance with the provisions of any recommendation.
- 2.3 The Ombudsman may, at its sole discretion, waive, vary, or periodically update, modify, or otherwise change any of its own procedures, including this Code.
- 2.4 If the Ombudsman does not follow any procedure in this Code, this does not render invalid a complaint or any step in a complaint investigation process for that reason alone.
- 2.5 Anyone interacting with the Ombudsman's Office must adhere to the Ombudsman's [Public Code of Conduct](#).

3.0 Definitions

- 3.1 In this Code, the following definitions apply:

Act means the *Ombudsman Act*.

Administrative action means any decision or recommendation made, including a recommendation made to a Minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in their or its personal capacity, in or by any authority or by any officer, employee, or member thereof, in the exercise of any power or function conferred on them by any enactment.

Authority means a person or organization as defined in Schedule A of the Act.

Authority representative means a person who is in some way associated with an authority under investigation and accompanies a witness to an interview, and includes:

a) a union representative; or

b) another person representing, or otherwise associated with, the authority.

Authorized individual means a person who has been authorized by a complainant to act on their behalf in respect of a complaint.

Code means this *Code of Procedures* for the Ombudsman's Office with its accompanying policies and practice directions.

Complaint means a complaint submitted to the Ombudsman's Office in accordance with section 13 of the Act.

Complainant means an individual(s) whose interests have been or may be affected by an administrative action of an authority and who has filed a complaint in accordance with the Act.

Formal Investigation means a formal process in which an investigator examines the issues raised in a complaint and makes determinations of some or all the issues.

Informal Case Resolution means a preliminary stage of the complaint process in which an investigator works collaboratively with a responsive authority to resolve a complaint informally, noting that the Ombudsman's office may dismiss the complaint or move it to another stage of the complaint process, such as to a formal investigation.

Intake means the process in which the Ombudsman's Office receives and reviews a matter for completeness and, on meeting the requirements of the Act and this Code, decides to move it to informal case resolution, formal investigation, dismiss it or provide a referral to a more appropriate resource, depending on the circumstances.

Investigator means a person to whom the Ombudsman has delegated the power to investigate a complaint.

Investigation report means a written report issued by the Ombudsman that details the outcome of an investigation, and which may contain recommendations.

Notice of investigation means a document, generally a letter, prepared by the Ombudsman and sent to an authority confirming that a complaint has been filed against it under the Act and the issues for investigation.

Notice to produce records (NTPR) means a document issued to any person, organization, or authority by the Ombudsman under the Act, that details what records are required to be produced as part of an investigation.

Ombudsman means the Ombudsman as appointed by the Act.

Ombudsman's Office means the office of the Ombudsman for the Yukon and includes the Ombudsman and its staff.

Party (or collectively **Parties**) means an individual(s) or organization with a direct interest in a complaint, including a complainant, an authority, or any other persons or authority identified as such by the Ombudsman.

Practice direction means the Ombudsman's direction on procedures and processes that govern how the Code is conducted or the Act is interpreted.

Record means a storage medium (including a written, graphic, digital, photographic, or audio medium) in which information is contained and stored but does not include any software or mechanism used to store or produce the information.

Registrar means a role within the Ombudsman's Office responsible for managing communication between the parties during a Formal Investigation, including the receiving and exchanging of representations.

Representations means the documents, affidavits, assertions, oral testimony, or other evidence a complainant or party provides to an investigator's request, or as may otherwise be required by the Ombudsman.

- **Schedule of records** means the documentation provided by an authority, at the request of the Ombudsman, when providing records to an investigator, and includes:
 - the record number and named;
 - the type of record;
 - creation date of record;
 - who the record is from and to;
 - the number of pages within that record;

Secure file transfer (SFT) means any electronic method of securely moving data between systems, utilizing encryption and authentication to protect information from interception, tampering, or unauthorized access during transit.

Support person means a person:

- a) who accompanies a witness to an interview but is not associated with the complainant or authority;
- b) whose role is limited to supporting the witness when they are answering the investigator's questions;
- c) who is not themselves a witness or under oath; and

- d) can be, for example, a family member, friend, another person from the witness's personal life or a language translator.

4.0 Initiating a complaint

- 4.1 An individual(s) may file a complaint about an authority's administrative action including any decision, or recommendation made or service received.
- 4.2 A complaint may be made to the Ombudsman's office verbally or in writing and must include:
 - a) the person's legal name and their contact information including, as applicable, their address, email address, and telephone number;
 - b) if applicable, the contact information of any other person whose interests are affected by the complaint;
 - c) the authority's name;
 - d) the facts that constitute the basis of the complaint, including:
 - i) the date of the occurrence of the action or inaction or event leading to the complaint; and
 - ii) the name of the individual(s) whom the complainant believes is involved; and
 - e) any information or documentation that the Ombudsman's Office considers necessary for a clear understanding of the facts; and
 - f) an acknowledgement and agreement by the complainant that the complaint will be processed in accordance with this Code.
- 4.3 The failure of a complainant to comply with the requirements of subclause 4.2 may result in the Ombudsman refusing to accept or continue with a complaint.
- 4.4 If a complainant requires assistance in filing a complaint, the Ombudsman's Office will:
 - a) meet with them as part of the intake process;
 - b) ask them verbally to explain their complaint and we will provide assistance by summarizing the issue(s) complaint in writing; and
 - c) confirm its accuracy.

- 4.5 A written complaint can be submitted to the Ombudsman's Office by a secure type of email known as a [secure file transfer](#) (SFT) or dropped off in person. However, the Ombudsman's Office may accept complaints by email if the complainant acknowledges and accepts the inherent confidentiality risks of this method in writing.
- 4.6 The Ombudsman may allow a lawyer or in limited circumstances a third party, to fill out and file a complaint on behalf of the complainant. Prior to accepting such a complaint, the Ombudsman will require the complainant to complete a form authorizing a lawyer or third party to act on their behalf for purposes of filing and managing the complaint. Unless otherwise directed, where an authorization form has been completed, the Ombudsman will communicate directly with the authorized individual(s) instead of the complainant.

5.0 Intake

- 5.1 The Ombudsman Office's intake will receive and screen all submitted complaints.
- 5.2 If the Ombudsman decides to accept a complaint, it will then [determine](#) how best to resolve it, this may mean sending the complaint to the [Informal Case Resolution](#) process or escalating directly to a [Formal Investigation](#).
- 5.3 On accepting a complaint, the Ombudsman's Office will send a notice to the authority advising that a complaint has been made and may include any information that they deem relevant.
- 5.4 The Ombudsman may refuse to accept, or dismiss a complaint where:
- a) it does not meet the requirements of the Act or this Code; or
 - b) the Ombudsman lacks jurisdiction or for the grounds set out in section 14.
- 5.5 If the Ombudsman dismisses a complaint because it lacks jurisdiction or for the grounds set out in section 14, the Ombudsman's office will then send a notice to the relevant parties outlining the reasons for refusal.

6.0 Informal Case Resolution

- 6.1 The Ombudsman will assign an investigator to conduct an ICR investigation to resolve some or all of the issues in a complaint.
- 6.2 The Ombudsman's Office may request and, if necessary, require that an authority produce copies of any relevant records, a schedule of records, or both in accordance with Part 2 Clause 2.0 (General Powers of the Ombudsman) of this procedure, and the statutory authority contained in the Act.

- 6.3 The Ombudsman's Office may contact the parties to examine the circumstances of the complaint and attempt to:
- a) resolve all the issues in the complaint; or
 - b) if all the issues cannot be resolved through the ICR process, the issues may be narrowed and moved to the Formal Investigation process, at the discretion of the Ombudsman.
- 6.4 The Ombudsman's Office may conduct the ICR process via email including through SFT, through telephone, on a virtual meeting platform, or in any other manner as determined by the investigator in consultation with the parties.
- 6.5 Audio and/or video recording of conversations, interviews, or meetings with the Ombudsman's office, by a complainant or an authority or other relevant party, is not permitted.
- 6.6 Where a complaint is fully resolved in ICR, the Ombudsman's Office will then close the complaint and notify the parties.
- 6.7 Where some or all of a complaint cannot be resolved within the ICR after a reasonable period of time, the Ombudsman will then decide if it should be dismissed or if the remainder of the complaint should be moved to the Formal Investigation process.
- 6.8 Before deciding whether to dismiss a complaint, the Ombudsman's Office may invite representations from the complainant, the authority, or both.
- 6.9 If the Ombudsman decides to dismiss a complaint, the investigator will then provide the complainant and the authority with a written notice of the decision.
- 6.10 If the investigator advises a complainant that the ICR process is not likely to resolve the matter fully, and the complainant responds that they do not want the complaint to move to the Formal Investigation process, the Ombudsman may then close the complaint.

7.0 Formal Investigation

- 7.1 The Ombudsman may decide to investigate a complaint by means of a Formal Investigation (FI) without first having referred it to the ICR process.
- 7.2 The Ombudsman may assign an investigator(s) to conduct an FI into some or all of the remaining complaint issues from an ICR investigation, noting that the investigator(s) assigned to the FI will not be the same one(s) from ICR.
- 7.3 Once a complaint is assigned to an investigator, the Registrar will provide the parties with a Notice of Investigation.

- 7.4 For purposes of their investigation, an investigator may:
- a) gather evidence through the production of records or related documents by a complainant, authority, any other person, or all of them who may have related information;
 - b) gather evidence for their investigation through interviews conducted in person, via telephone, or by teleconference; and
 - c) subpoena any individual who, in the investigator's opinion, may have information relevant to the investigation.
- 7.5 The investigator may also notify any other individual or organization and invite them to submit useful information to assist in the resolution of a complaint.
- 7.6 If witness interviews are required, the Ombudsman may issue subpoenas to witnesses. It will also provide a witness package which describes the interview process in more detail.
- 7.7 If a witness requests an alternate interview date, they may make a request either verbally or in writing to the investigator, explaining the reasons for this request, at least three (3) days in advance, the following will occur:
- a) the investigator will consider the request and advise them of their decision to grant or reject it;
 - b) if the investigator rejects it, the witness is then required to attend the interview as scheduled; and
 - c) if the investigator accepts it, they will then schedule another date and time mutually convenient to the investigator and witness.
- 7.8 The investigator(s) assigned to the FI conducts the interviews, noting that all witnesses are required to affirm to tell the truth of their evidence, and will audio record their testimony for the investigator's reference only.
- 7.9 The audio and/or video recording of interviews or meetings, by any party, other than the Ombudsman's Office, is not permitted.
- 7.10 A witness may request, either verbally or in writing, that they be accompanied by a support person, but they must submit such a request to the investigator at least three business days prior to a scheduled interview.
- 7.11 Authority representatives and lawyers are not generally permitted to attend interviews, but the Ombudsman may, in their sole discretion, allow their attendance, noting that the

witness must submit a request at least three business days in advance of a scheduled interview.

- 7.12 If the Ombudsman approves the attendance of an authority representative, lawyer or both, then their conduct will be subject to their signing and abiding by a set of Ombudsman interview protocols.
- 7.13 In the event that an authority representative or lawyer breaches these protocols during an interview, they will be asked to leave and the investigator will continue the interview without them.
- 7.14 Unless a complaint is abandoned, withdrawn, or otherwise terminated, the Ombudsman and investigator(s), will issue an investigation report with their findings of fact and law, that may include any recommendations to the authority and any procedural issues that may have arisen in the course of the investigation.
- 7.15 The registrar will provide the parties with written confirmation of any abandonment, withdrawal, or other termination of a complaint.
- 7.16 The investigator generally names authorities and organizations in an investigation report, whereas they generally do not identify individuals.

8.0 Investigation reports

- 8.1 If it appears to the Ombudsman that a report or recommendation may adversely affect an authority or person, the Ombudsman, before they decide the matter, must:
 - a) inform the authority or person of the grounds; and
 - b) give the authority or person the opportunity to make representations, either orally or in writing, at the Ombudsman's discretion.
- 8.2 The Ombudsman will provide the authority with a deadline by which it must make any representations in respect of the draft report.
- 8.3 After reviewing any representations, the Ombudsman may or may not make any changes to the draft report.
- 8.4 Once the Ombudsman has completed the above steps, they will:
 - a) issue a final report to the authority that sets out the investigator's findings, including any recommendations and observations (if any) made to it; and
 - b) notify the complainant, within a reasonable time, that a report has been prepared, as well as provide them with any information respecting the report that the Ombudsman considers appropriate in the circumstances.

- 8.5 The Ombudsman's findings and recommendations are final but are subject to a judicial review.
- 8.6 The Ombudsman will only revise an investigation report or recommendation where it is established that there is:
- a) a fundamental defect in the investigation process;
 - b) a jurisdictional defect in the investigation; or
 - c) a clerical error, accidental error or omission, or other similar error in the decision.
- 8.7 The Ombudsman will not reconsider a finding or recommendation on the basis that:
- a) new evidence is provided, whether or not that evidence was available at the time of the investigation; or
 - b) a party disagrees or is dissatisfied with the result.
- 8.8 If the Ombudsman makes any recommendations in the investigation report, they may then request that the authority advises, within a specific time period, what steps it plans to take or have been taken to follow the recommendations, or if no steps have been or are proposed to be taken, its reasons for not following them.
- 8.9 If the Ombudsman believes it is advisable to modify or further modify a recommendation, they must then notify the authority of the modifications, as well as any request about what steps it plans to take or proposes to take to follow the modified recommendations, or if no steps have been or are proposed to be taken, its reasons for not following them.
- 8.10 If the authority, after a reasonable time, has not taken any action in respect of the recommendations, or any action the Ombudsman believes adequate or appropriate, they may:
- a) request the authority to provide reasons;
 - b) after consideration, submit a report of the matter to the Commissioner in Executive Council; and
 - c) after that, may make any report to the Legislative Assembly respecting the matter the Ombudsman considers appropriate.
- 8.11 If the Ombudsman makes a recommendation to the authority pursuant to section 23 or 24 and it takes no action within a reasonable time that they believe is adequate or

appropriate, they must then inform the complainant about the recommendation(s) at issue and make any additional comments that they consider appropriate (section 26).

Part 2 – General

1.0 Accommodation

- 1.1 Any individual participating in a complaint is entitled to an accommodation in accordance with the *Human Rights Act* and should notify the Ombudsman as soon as possible if an accommodation is required.
- 1.2 If an individual participating in a complaint requires an accommodation, they should notify the Ombudsman as soon as possible.

2.0 General powers of the Ombudsman

- 2.1 The Ombudsman may:
 - a) enter and inspect any premises occupied by an authority and speak in private with any person there;
 - b) require a person or authority to produce records that relate to an investigation;
 - c) make copies of information furnished or a document or thing produced under these general powers;
 - d) summon and examine on oath any individual who the Ombudsman believes is able to give information relevant to an investigation;
 - e) require an authority to produce additional evidence to the Ombudsman in support of an administrative action taken or an action undertaken by an authority; and
 - f) may create, issue, and require compliance with practice directions, policies, procedures, forms, guidance documents, other codes of conduct, or any other document that the Ombudsman deems necessary to give effect to this Code, and to ensure the effective and efficient processing of complaints under the Act.

3.0 Additional powers of the Ombudsman

- 3.1 The Ombudsman may, in writing, delegate to any person any powers or duties under this Act, except the power to delegate powers or duties, to make a report under this Act, and to require a production or disclosure of a document or thing or the disclosure of a matter to the Ombudsman under subsection 19(1).

4.0 Conducting hearings

- 4.1 The Ombudsman, at their discretion may conduct hearings into a complaint to obtain information related to an investigation.
- 4.2 In such a hearing, the Ombudsman will send a notice of hearing to the parties, after which the investigator may then invite them to make submissions either in person, by telephone, or through a virtual meeting platform, in the presence of the other parties.
- 4.3 If a party is unavailable for a hearing on the date specified in the notice of hearing, they must then request an adjournment in writing to the Ombudsman, including the reasons for the request and propose alternate dates within the same general time period, after which the Ombudsman will rule on the request and may consult the other parties before doing so.
- 4.4 It is at the Ombudsman's sole discretion whether to commence a hearing into a matter.

5.0 Practice directions and varying the Code Procedures

- 5.1 The Ombudsman may issue practice directions on how any part of this Code is to be conducted and how the Act should be interpreted.
- 5.2 The Ombudsman may waive or vary any of the procedures under this Code, including any requirement (where not specified by legislation) if the Ombudsman considers it advisable to secure a fair, just, and expeditious resolution of the complaint.
- 5.3 If a party wishes the Ombudsman to waive or vary any of the procedures under this Code, they must then submit a written request to the Ombudsman and include the following in support of it:
- a) the clause number;
 - b) the reason(s) for making the request;
 - c) any prejudice to the party if the request is not granted; and

- d) the reasons any prejudice under paragraph (c) outweighs any prejudice to the other party or parties.
- 5.4 Before deciding whether to vary any of the procedures in a manner that may significantly impact the rights and interests of the parties, the Ombudsman may notify and invite representations from the other parties by a specified deadline.
- 5.5 Failure to provide a response by the deadline will be deemed to constitute an absence of objection by the other party.
- 5.6 If the Ombudsman decides to grant or decline a request, they will then issue a brief written decision to the parties.

6.0 Calculation of time

- 6.1 Where the Act, this Code, or an Ombudsman decision, including a notice to produce records (NTPR), establishes a timeframe:
 - a) days are calculated as calendar days unless otherwise specified by the Act;
 - b) the deadline to complete an action(s) is deemed to be 4:30 p.m. Yukon time on the due date;
 - c) where there is a reference to a number of days between two events, they are counted by excluding the day on which the first event happens and including the day on which the second event happens; and
 - d) where any deadline falls on a day when the Ombudsman's office is not open for business (*e.g.*, weekends, statutory holidays), the deadline is deemed to be on the next day that the Ombudsman's office is open.

7.0 Abuse of process/vexatious complainants

- 7.1 The Ombudsman may make such findings or give such directions in a complaint as they consider proper to prevent abuse of its processes.
- 7.2 Where the Ombudsman finds that an individual has persistently submitted vexatious complaints or conducted themselves in a vexatious manner, the Ombudsman may find that individual to be vexatious.
- 7.3 Where the Ombudsman finds an individual to be vexatious, the Ombudsman may, at any stage of the complaint process:
 - a) close a complaint made by that individual on the basis that it is an abuse of process;

- b) require that the individual obtains permission from the Ombudsman to take further steps or make further complaints, subject to any conditions imposed by the Ombudsman; or
- c) both.

8.0 Use of artificial intelligence

- 8.1 Where a party makes submissions to the Ombudsman and relies on artificial intelligence (AI) in the preparation of those submissions, it must disclose to the Ombudsman:
 - a) that it used AI;
 - b) the type of AI it used; and
 - c) how it used AI.
- 8.2 Where a party uses AI to prepare its submission(s), it must:
 - a) review the accuracy and content of any legal references and any analysis contained in their submission(s) generated by AI; and
 - b) certify in writing to the Ombudsman that they have completed that review.
- 8.3 When a party refers to court cases, legislation, policies, or commentaries in its submission(s), they must only use well-recognized and reliable sources (eg [CanLii](#), a Canadian court's webpage of decisions, a government webpage, academic article, etc.). All relevant sources must be cited.