

The Language of FAIRNESS

TEACHER'S NOTES

GRADE 6 CURRICULUM CONNECTIONS:

Grade 6 Social Studies Skills Outcomes that correspond to this activity:

Communication

- 6-S-400 Listen to others to understand their perspectives.
- 6-S-403 Present information and ideas orally, visually, concretely, or electronically.
- 6-S-404 Elicit and clarify questions and ideas in discussions.
- 6-S-405 Articulate their beliefs and perspectives on issues.

Grade 6 Social Studies Knowledge and Values Outcomes that correspond to this activity:

6.4.2 Government in Canada

- 6-KP-049 Describe the main features of the Canadian government.
- 6-KP-052 Identify the main responsibilities of municipal, provincial, First Nations, and federal governments in Canada.
- 6-KP-053 Identify elected or appointed municipal, provincial, and federal government representatives and describe their main responsibilities.

We expect decision makers (including those in government) to act and make decisions in a fair, open and transparent manner. While this statement may seem like common sense, to actually define “fairness” in any given situation can sometimes be difficult.

Fairness can mean different things to different people. Our understanding of fairness is influenced by our own beliefs, perspectives, values, skill-sets, needs and desires in any situation. Perceptions of fairness may also be greatly affected by circumstance.

While this characterization of fairness might make it seem improbable that any consensus will be reached, there are common principles of fairness that can be applied to overcome the issues of perspective and circumstance. Understanding these common principles is the first step in building a foundation to talk more about fairness, or more often its opposite – unfairness. Using a common language to describe fairness can help to define a problem or concern more clearly, making it easier to discuss and to resolve.

Defining fairness

Think of fairness as a concept with three components or parts – **process, outcome and treatment.**

- Procedural fairness describes the process or the steps taken in making a decision.
- Substantive fairness looks at the decision itself or the outcome.
- Relational fairness is focused on how you are treated during the decision-making process.

GRADE 9 CURRICULUM CONNECTIONS:

Grade 9 Social Studies Skills Outcomes that correspond to this activity:

Communication Skills

- S-400 Listen to others to understand their perspectives.
- S-401 Use language that is respectful of human diversity.
- S-402 Express informed and reasoned opinions.
- S-404 Elicit, clarify, and respond to questions, ideas, and diverse points of view in discussions.
- S-405 Articulate their perspectives on issues.
- S-406 Debate differing points of view regarding an issue.

Grade 9 Social Studies Knowledge and Values Outcomes that correspond to this activity:

Cluster 2: Democracy and Governance in Canada

Learning Experience 9.2.1: Law, Order, and Good Government

- KC-005 Give examples of ways in which government affects their daily lives.
- KP-044 Describe the division of power and responsibilities of federal, First Nations, provincial, and municipal governments.

GRADE 12 CURRICULUM CONNECTIONS

Global Issues: Citizenship and Sustainability – “Active Democratic Citizenship” core concept and “Take Action” community-based projects

Law – Module 1 Fundamentals of Law learning experiences

Procedural fairness focuses on the steps the decision maker takes before and after making a decision. At minimum, procedural fairness requires that:

- You (or the person who will be affected by a decision) are given advance notice that a decision will be made. You need to know what issue is being considered, and be provided with a reasonable amount of time to prepare any submission for the decision maker.
- You are given the information that will be considered when a decision is made. To help formulate your position, you need access to the information that the decision maker will be reviewing when he or she makes the decision.
- You are given a meaningful opportunity to state or present your case. If a decision affects you personally, you have the right to share your opinion. Depending on the situation, you may be able to state your case at a hearing, a public meeting, or through a written submission.
- You are given an opportunity to challenge or dispute any information that might be contrary to your position when a decision is being made.
- The decision maker be impartial or, in other words, unbiased and without a personal interest in the outcome of the decision.
- The decision maker give meaningful reasons for the decision that you can understand. Reasons for a decision should demonstrate in plain language that the decision maker has fully and fairly considered the issues. The reasons provided should be clear, genuine and specific.

Substantive fairness relates to the fairness of the decision itself or the outcome. For example:

- The person making the decision must have the authority under law to make the decision.
- The decision cannot require you to do something that is illegal or not authorized by law.
- The decision cannot be oppressive, meaning that the decision should avoid creating unnecessary or unreasonable obstacles for you.
- The decision cannot discriminate against you on any of the prohibited grounds listed in the Manitoba Human Rights Code or the Charter of Rights and Freedoms, such as marital status, race, religion, sexual orientation, or disability.
- The decision must be reasonable, and the reasoning behind the decision must be understandable to you and anyone else affected by it.

Relational fairness relates to how you or other people affected by the decision feel about the process and the outcome. Sometimes called the “soft” side of fairness, it means that the decision maker:

- takes the time to listen
- is approachable
- respects your confidentiality
- is honest and forthright
- does not mislead you about what he or she can or cannot do
- apologizes if he or she makes a mistake

This relational or “feeling” side of fairness is often at the centre of a complaint. A feeling of unfairness sometimes results from (or may result in) a breakdown in communication between the person making a decision and the person affected by it. People who feel like they have been treated poorly by a decision maker are less likely to believe that an action or decision affecting them is fair. Even if the decision has been made fairly, ignoring the relational side of fairness can result in a feeling of unfairness.

Using these three components of fairness, you should be able to look at a decision or action you think is unfair to determine if:

- the process leading up to the decision was fair (procedural fairness or **process**)
- the decision or outcome itself was fair (substantive fairness or **outcome**)
- you felt like you were treated fairly (relational fairness or **treatment**)

Manitoba Ombudsman is an independent office of the Legislative Assembly of Manitoba and is not part of any government department or agency. The office's mission is to promote and foster openness, transparency, fairness, accountability, and respect for privacy in the design and delivery of public services.

The ombudsman conducts independent, impartial, and non-partisan investigations about access to information and privacy matters, the fairness of government actions or decisions, or serious wrongdoings that may have occurred. In Manitoba, four laws establish the ombudsman's authority to conduct investigations -- the Ombudsman Act, the Freedom of Information and Protection of Privacy Act, the Personal Health Information Act, and the Public Interest Disclosure (Whistleblower Protection) Act.

In Manitoba, the ombudsman is appointed by all parties of the legislature. The ombudsman is appointed for a term of six years, and may be re-appointed for a second term of six years (but not for more than two terms).

Visit Manitoba Ombudsman's website at <https://www.ombudsman.mb.ca> for more information.

Historically, the first independent parliamentary ombudsman was established in 1809 in Sweden. The word "ombudsman" is Swedish, and is often translated as "citizen's representative" or "representative of the people." After Sweden, ombudsmen were established in Finland (1919), Denmark (1954), Norway (1961) and New Zealand (1962).

In 1970, Manitoba became the fourth province (after Alberta, New Brunswick and Quebec) to establish an ombudsman.