



Category: Human Resources  
Sub-Category: General

**Title: Public Complaints Resolution Procedure**

Policy Number: TBD  
Approved by: Senior Management Team  
Administered by: Human Resources  
Effective: TBD

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### Contents

1. Purpose .....	2
2. Application and Scope.....	2
3. Guiding Principles .....	2
4. Mandatory Requirements .....	3
4.1 General Guidelines.....	3
4.2 Roles and Responsibilities .....	4
5. Procedure.....	4
5.1 Informal Resolution Stage .....	4
5.2 Formal Complaint.....	5
6. Monitoring and Compliance.....	10
7. Definitions .....	10
8. References and Related Documents .....	11
9. Review Schedule.....	11

## **1. Purpose**

The Town of Minto will have a consistent and uniform process to respond to formal complaints received from members of the public regarding alleged misconduct by Town staff and will ensure an approach where all complaints are dealt with fairly in a respectful and timely manner. This policy will further assist in contributing to the continuous improvement of Town services and operations.

## **2. Application and Scope**

This procedure applies to any member of the public who has a complaint respecting alleged misconduct by an employee or employees of The Corporation of the Town of Minto, provided that the member of the public has been directly affected by such alleged misconduct (the “Complainant”).

Staff behavior that is of concern to the Complainant, but which is outside of the control of the employee, such as service levels, resource allocations or departmental policies, will also be addressed under this guideline.

The procedure will apply to full time, part-time, temporary and contract staff. In appropriate circumstances, complaints relating to Town volunteers and contractors may also be addressed under this procedure. The complaint must be filed in accordance with the time limitations set out in this guideline.

This guideline is not intended to replace other specific Town programs and legal processes available to address the Complainant's concerns, nor is it intended to serve as a venue for harassment of Town employees. Any complaints related to personal information privacy matters and/or the handling of personal information are to be forwarded to the Clerk, in a timely manner, for assessment and investigation.

## **3. Guiding Principles**

The following guiding principles should be applied with respect to this Policy:

- a) Any person impacted by any decision or recommendation made or act done or omitted in the course of the administration of the Town of Minto may submit a Formal Complaint. If a person requires assistance submitting a complaint, an individual acting on the Complainant's behalf may submit the Complaint and provide evidence that the Complainant has provided their consent for said person to act as their agent.
- b) It is in the interest of all parties that complaints are dealt with promptly and resolved in an expeditious manner. Complaints submitted to the Town Clerk will be referred to the appropriate department for review. A final resolution or response to the Complainant will be provided within 30 business days. An extension may be necessary given the complexity of the review required. Any extensions will be communicated to the Complainant.
- c) Review of complaints shall be impartial and respectful to the parties involved.

- d) Complainants are to be provided with clear and understandable reasons for how decisions on the Complaint were determined.
- e) Complainants shall be provided with the contact information for the Ombudsman in the event that they are dissatisfied with the final Complaint resolution or response by the Town.

#### **4. Mandatory Requirements**

##### **4.1 General Guidelines**

A Complaint is an expression of dissatisfaction with any decision or recommendation made or act done or omitted in the course of the administration of the Town of Minto.

The following examples of Complaints covered by this policy include:

- a) Concern that a matter was not completed or carried out in accordance with Town policies or procedures (i.e., requirement to provide proper public notice in accordance with the approved Public Notice By-law);
- b) Receiving poor customer service (i.e. poor interaction with a Town employee);
- c) The timeliness through which a service was provided (i.e. delay in issuance of a permit or licence beyond standard service timelines); or
- d) The quality of a service provided (i.e. service requested was not the service provided).

A Complaint is distinct from:

- a) A request for service made on behalf of a citizen for a specific service;
- b) A general inquiry or specific request for information regarding a municipal service;
- c) A request to increase service levels or provide a new service;
- d) An opinion or feedback, comment and expression of interest in a program or service;
- e) An expression of approval or compliment for municipal staff member,
- f) program, product or process; and
- g) A suggestion or idea submitted with the aim of improving services, programs, products or processes.

The following Complaints will not be accepted or investigated in accordance with this Policy:

- a) A Frivolous or Vexatious Complaint;
- b) Anonymous Complaints;
- c) Complaints regarding a decision or recommendation of Council or a Committee of Council;
- d) Complaints against a Member of Council, Advisory Committee or Board for matters subject to a Code of Conduct duly approved by Council (subject to review by the Town's appointed Integrity Commissioner);

- e) Complaints regarding whether a meeting of Council was properly held in accordance with the Municipal Act (subject to review by the Town's Closed Meeting Investigator);
- f) Complaints which involve ongoing litigation; and
- g) The outcome of an issuance claim processed by the Town's insurer.

#### 4.2 Roles and Responsibilities

Employees are responsible for:

- a) Keeping any issues or complaints confidential and respecting the privacy of all parties involved.
- b) Actively participating in informal complaint resolution procedures.
- c) Cooperating with management and Human Resources staff during all levels of complaint resolution procedures.

Managers are responsible for:

- a) Receiving informal complaints and gathering and reviewing any preliminary information available.
- b) Attempting to resolve the issue informally through separate discussions with the complainant and the Employee involved.
- c) Ensuring that Human Resources is involved prior to taking any disciplinary action against any employees.
- d) Ensuring that all staff involved in the resolution of the complaint are aware of their responsibility to keep the issue confidential and respect the privacy rights of all parties involved.

### 5. Procedure

#### 5.1 Informal Resolution Stage

- a) Less serious complaints about an employee's conduct may be resolved by way of an informal resolution. When a Complainant makes a complaint alleging misconduct by an employee(s) of the Town, the matter will be referred to the applicable Manager of the work area in which the staff member is employed. Less serious complaints about the conduct of a member of the Senior Management Team will be referred to the CAO, and less serious complaints about the CAO's conduct, will be referred to the Mayor. In the circumstance where a complaint is referred to the Mayor, the Mayor may choose to delegate the responsibility to process the complaint to Human Resources, who will report directly to the Mayor, when acting as their delegate under this procedure. Hereinafter the Town official designated to address the complaint shall be referred to as the Designated Town Official.

Brief details concerning the complaint, together with the Complainant's name and contact information, will be documented by the staff member and/or Designated Town Official who is first notified of the issue. The

Complainant will be advised that a Designated Town Official will contact them within five (5) working days. The Designated Town Official will contact the Complainant and, within ten (10) working days, will attempt to resolve the issue informally through discussion with the Complainant and by appropriate follow-up with the subject employee(s).

- b) In the event that the matter has not been resolved to the satisfaction of the Complainant at the Informal Resolution Stage, the Complainant will be advised in writing, that if the Complainant wants the complaint to be processed through the formal complaint process, then the Complainant must submit a complete written complaint to the Designated Town Official, within ten (10) working days of receiving the Town's informal resolution response.
- c) The recipient of the formal complaint will forward a copy of the written complaint to Human Resources, for tracking purposes, immediately upon receipt of same.

## 5.2 Formal Complaint

### a) Format of Complaint

Formal complaints must be in writing and must identify the name and full contact particulars of the Complainant. Complaints that are anonymous will not be accepted.

The Complainant may be asked to provide additional written details, supporting documentation, and records concerning the complaint before the investigation can be commenced.

The complaint may be submitted in the form of a letter, or in accordance with the attached format (Attachment 'A')

### b) Time Limitations

In order to achieve due process, a complaint must be made in a timely fashion - generally within two weeks of the alleged event, but in any case, not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant. The Complainant must abide by the time limitations set out in this guideline. These time limitations may only be extended when, in the opinion of the Designated Town Official, circumstances exist to reasonably justify the extension.

The Designated Town Official will also adhere to the timelines set out in this guideline unless circumstances exist to reasonably justify a delay. In the event that a delay becomes necessary, the Complainant and subject

employee(s) shall be notified in writing of the reason for delay and will be advised of the date when the response will be forthcoming. A copy of the notification will be provided to the applicable member of the Senior Management Team and to Human Resources for tracking purposes.

c) Process

When a complaint is advanced to the Formal Complaint Stage, the Designated Town Official will first make a determination whether the issue properly falls within the scope of this guideline. The Designated Town Official will determine whether:

- the Complainant is alleging misconduct by an employee(s) of the Corporation;
- the Complainant has been directly affected by the employee's conduct;
- the complaint has been filed within two weeks of and not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant (or whether reasonable circumstances exist to justify the delay in submitting the complaint);
- the complaint is frivolous, vexatious, trivial, or made in bad faith;
- this guideline is the appropriate venue through which to consider the complaint, as opposed to any other parallel process that may be underway, regarding the alleged event that led to the complaint. (Upon request, where possible, the Clerk will provide information to the Designated Town Official, regarding other ongoing parallel processes that the Clerk's office may be aware of, relating to the incident that gave rise to the complaint.)

In the event that the Designated Town Official declines to investigate the formal complaint under this guideline because of their determination of any of the matters set out above, then written notification of the determination not to proceed will be provided to the Complainant within ten (10) working days of receipt of the complaint. The notification will advise the Complainant of the determination made.

A copy of the complaint and a copy of the letter to the Complainant regarding the determination not to proceed will also be provided to the subject employee. A copy of the notification of the decision not to proceed will be provided to Human Resources, with a copy to the applicable Department Head for the subject employee's work area. Human Resources will accept the determination and will record the information for tracking purposes.

Subject to a) above, the Designated Town Official will commence a full investigation and will, at a minimum, meet with the Complainant and the subject employee(s) independently. The Designated Town Official will

attempt to ensure that as much information has been obtained as possible and will obtain and review any applicable background documents or records. In the event that the meeting with the Complainant yields additional concern(s) that are not directly related to the original written complaint filed, the Complainant may be asked to submit a separate written complaint(s) with respect to such additional concern(s). When dealing with a complaint of a very serious nature, Human Resources will assist by managing the investigation.

The subject employee(s) will be provided with a copy of the written complaint(s) (or the portion(s) of the complaint that relates to them) and will be given the opportunity to address every allegation made against them orally and/or in writing. Representation by legal counsel will be permitted in accordance with clause 5.2.h) below. The Designated Town Official may also review additional documentary information and will meet with other individuals or witnesses, who have relevant information regarding matter(s) under investigation.

The Designated Town Official will provide a written response concerning the complaint, setting out their decision and, where appropriate, the reasons therefore, to the Complainant and subject employee(s) with a copy to the applicable Department Heads, within thirty (30) working days of receipt of the complaint.

A copy of the written response will be forwarded forthwith to Human Resources for tracking purposes.

In some instances, where the alleged misconduct is of a serious nature, a third party may be retained by the Town to review the matter, to conduct an independent investigation, to prepare a written report and to make recommendations to Town Council regarding the matter. The third-party investigation report and its recommendations will be presented to Council in Closed Session for its consideration. Council's decision regarding the investigation will be final and binding, except where the employee has further rights under legislation or common law. Where appropriate, Council's direction will be recorded by the Clerk, for tracking purposes and where appropriate, the Complainant and the subject employee will be advised of the Council's decision within 30 days of the receipt of the formal complaint. If the third-party investigator requires additional time to complete the investigation and the report, the Complainant and the subject employee will be advised in writing within the said 30 days of the status of the complaint and of the anticipated completion date.

In the case of investigations that do not require a third-party investigation, the Designated Town Official will provide a written response concerning the complaint, setting out their decision and, where appropriate, the reasons, therefore. The written response will be provided to the

Complainant and to the subject employee(s) within 30 working days of receipt of the formal complaint request. If the Town Official investigating the matter requires additional time to investigate the complaint, the Complainant and the subject employee will be advised in writing, within 30 days of receipt of the formal complaint, of the status of the complaint and of the anticipated completion date.

A copy of the written response from the Designated Town Official will be forwarded forthwith to Human Resources for tracking purposes.

d) Expediting Process

In the event that a complaint is received that relates to a very serious matter (i.e. involving a threat to health, safety or property), and the Designated Town Official determines that the matters involved would increase the possibility of imminent damage or injury if not addressed immediately, then the complaint will be expedited and will be processed immediately by the applicable Department Head for the subject employee's work area, with notice to the CAO, and where appropriate, to the subject employee, and the Complainant. Human Resources will receive a copy of the notice of determination for tracking purposes.

e) Complaints Alleging Misconduct by Decision-Makers under the Procedure

In the event that a complaint arises alleging misconduct on the part of a decisionmaker under this procedure, the process set out in this procedure will be applied. For clarification however, a formal complaint received regarding the exercise of judgment by management staff in accordance with and as required by this complaint resolution mechanism will not in itself constitute misconduct by such management staff and therefore will not result in an investigation under this guideline.

f) Complaints Relating to Multiple Departments

In the event that a complaint contains allegations relating to employees of more than one Department, separate investigations may be conducted, and the Designated Town Official for each Department may be required to provide separate responses to the Complainant. If required, Human Resources will assist to coordinate the separate investigations and individual responses by each Department. A complaint relating to more than one section within a single Department will likely be addressed through a single investigation and response.

g) Mediation Alternative

With the consent of the Complainant and the subject employee(s), the Designated Town Official may refer a complaint to mediation. Human



Resources will recommend a mediator from the list of mediators it maintains. In the event that the mediation is successful, the resolution will be documented and signed off by the Complainant and subject employee(s) and the matter will be considered resolved. A copy of the resolution notice will be forwarded to Human Resources for tracking purposes.

In the event that the mediation is unsuccessful, the mediator will refer the matter back to the Designated Town Official, who will continue to process the investigation in accordance with this guideline and will issue an applicable notice to Human Resources for tracking purposes, advising that the mediation was unsuccessful.

h) Staff Representation at Investigation Meeting(s)

Legal representation of the subject employee will be permitted at investigation meetings held with the employee, at the discretion of the employee. The rules of natural justice will apply to all investigations conducted regarding staff.

i) Parallel Processes

Due to the restricted scope of this guideline, it is not anticipated that multiple internal and external processes associated with a matter referred to in a formal complaint will be initiated with respect to any single incident/occurrence. In the event that such a situation arises, the CAO will make a determination concerning which process will govern the Town's involvement. The CAO will make such determination while having due regard for all applicable legislative and common law processes and other specific Town policies and procedures.

In the event that an external legal process (i.e. a civil law suit, a criminal investigation, a human rights complaint) has been initiated by either the Complainant or the subject employee, or the Corporation, or, if such action is anticipated with respect to a formal complaint that has been filed under this guideline, then the Town's legal representation will determine whether this process will be placed in abeyance. Notwithstanding the initiation of such external legal process, the Corporation retains the right to continue with its own independent internal investigation concerning the incident/occurrence referred to in the formal complaint and to take appropriate action in relation to the incident/occurrence.

j) Withdrawal of Complaint

A Complainant may withdraw their complaint at any time; notwithstanding, the Corporation may continue to deal with the complaint if it considers it appropriate to do so. For tracking purposes, Human Resources will be

notified that the complaint has been withdrawn and will be advised by the Designated Town Official whether the investigation will continue, nonetheless.

k) Confidentiality

The public complaint resolution mechanism will be handled in as confidential a manner as possible. Complainants, respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents.

l) Tracking of Complaints

The complaint, response letters, notices and advancements produced through this guideline will be tracked by Human Resources. The designated Town Official will maintain all original documentation related to the investigation. This documentation will not form a part of the employee(s) file of reference but may be used to support the imposition of discipline or other corrective action, including being used as evidence in proceedings challenging such action.

All records are subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act and may be subject to disclosure under the Act or to a court of law.

## 6. Monitoring and Compliance

It is the Chief Administrative Officer's responsibility to monitor and ensure staff and department heads are compliant with this policy.

## 7. Definitions

**CAO** means the Chief Administrative Officer of the municipality.

**Complainant** means any member of the public who makes a Formal Complaint.

**Complaint** means an expression of dissatisfaction with any decision or recommendation made or act done or omitted in the course of the administration of the Town of Minto.

**Department Head** means an officer or employee of the Town who oversees a department.

**Frivolous or Vexatious Complaint** means the Complaint is initiated with malicious intent or is part of a pattern of conduct by the Complainant that amounts to an abuse of the Complaint process. For greater clarity "frivolous" means lacking basis or merit; a matter that has little prospect of success; not serious, not reasonably purposeful.

For greater clarity “vexatious” means without reasonable or probable cause of excuse; harassing; annoying; instituted maliciously or on the basis of improper motives; intended to harass or annoy.

**Ombudsman** means an Ombudsman having jurisdiction in accordance with the Ombudsman Act.

## 8. References and Related Documents

Staff Council Relations Policy

## 9. Review Schedule

Date	Description
TBD	Approved
	Next Scheduled Review



## Public Complaints Form – Town of Minto

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Please Print Clearly.

### Instructions:

1. If you wish to lodge a complaint, you may write your own letter or use this form. The complaint must be reported within thirty days of the incident.
  2. Please complete as many areas as you can and provide as much detail and information as possible.
  3. In order to have the complaint processed, you must be directly affected by the employee's conduct and/or the decision, recommendation, or action of the municipality.
  4. The Town's guideline requires that you, as the complainant, provide full contact information including your full name and address.
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### Complainant Details

Last Name		First Name
Address (home)		
City/Province	Postal Code	Telephone Number
Address (business or alternate location where you can be contacted)		
City/Province	Postal Code	Telephone Number
Email Address		

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### Complaint Details

Date of Incident (DD/MM/YY)	
Time of Incident	
Location of Incident	
Date Reported (DD/MM/YY)	

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## Public Complaints Form – Town of Minto – Continued

### Physical/Documentary Evidence

Are you including any photographs or other evidence to support your complaint? If yes, please list below.

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*Signature of Complainant*

*Date*

## Public Complaints Form – Town of Minto – Continued

TO BE COMPLETED BY MANAGEMENT STAFF RECEIVING COMPLAINT

Complaint Received By:				
Dated:				
Complaint Received By:	Letter	In Person	Fax	Email
Confirmation receipt of evidence supplied by complainant			Yes	No
Copy of completed complaint provided to complainant			Yes	No

Informal Resolution Discussed:

Yes

No

Particulars:

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Preliminary Complaint Classification by Manager:

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*The personal information on this form is collected and disclosed under the authority of the Municipal Act, S.O 2001, c.25, and will be used for the purpose of investigating the complaint referenced herein. Questions about the collection of personal information should be directed to the Clerk's Office, 5941 Highway 89, Harriston, ON., NOG 1Z0.*