

**TOWN OF  
AMHERSTBURG**



**POLICY NO.:** HO3 – Complaint Protocol –  
Municipal Employees

**SOURCE:** Council Minutes

**SECTION:** Report of Municipal Officers

**DATE ENACTED:** June 24, 2013

**DATE OF AMENDMENT:**

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**SUBJECT:**

**Complaint Protocol - Municipal Employees**

**INTENT:**

The Town is committed to efficient and effective delivery of services to residents, visitors and the general public. The conduct of Town employees can have a bearing on the delivery and overall costs of these services. The conduct of employees can also have a bearing on the public image of the Town.

The intent of this policy is to provide a process for residents, visitors and the general public to express concerns with regard to employee conduct.

**SCOPE:**

This policy applies to all Town employees except Police Services.

**DEFINITIONS:**

**Types of Complaints:**

**Definition:** A complaint is an expression of dissatisfaction about the service, action, or lack of action by a municipal employee. Examples include but are not limited to:

- a perceived failure to do something that was agreed to be done;
- a failure to observe Town policy or procedures;
- an error made by employees; or
- unfair or discourteous actions/statements by employees.

**A customer complaint is distinct from:**

- **Enquiry** – A general or specific request for service or request for information regarding a Town of Amherstburg product or service that is made by a customer that is resolved at the point of service delivery.
- **Feedback** – An opinion, comment and expression of interest in a Town of Amherstburg program or service by a customer
- **Compliment** – An expression of approval for a Town of Amherstburg service, staff member, program, product or process
- **Suggestion** – An idea submitted to the Town of Amherstburg by a customer with the aim of improving services, programs, products or processes.

**GUIDING PRINCIPLES:**

- It is in the interest of all parties that complaints are dealt with promptly and resolved as quickly as possible.
- That staff treat complaints as confidential and protect the complainant's privacy to the extent possible as investigations involve discussions with other parties.
- Review of complaints is fair, impartial and respectful to parties involved.
- Complainants are advised of their options to pursue their complaint if they are dissatisfied with the treatment or outcome.
- Complainants are provided clear and understandable reasons for how decisions on the complaint were made.
- Updates are provided to complainants during the review process.
- Complaints are used to assist in improving services, policies and procedures.

**PROCEDURE/IMPLEMENTATION:**

**Making a Complaint**

**How to Submit a Complaint:**

Complaints can be submitted in person, by email, mail or fax.

Complaints regarding municipal employees should initially be directed to the employee's department to assess if an informal resolution can be made.

Complaints that cannot be resolved at the departmental level or are of a serious nature should be placed in writing as outlined in this policy. A signed complaint form is required for formal complaints.

**Informal Resolution:**

Every effort will be made to resolve verbal complaints immediately to the satisfaction of the complainant without the need for a formal written complaint. When receiving a verbal complaint regarding a municipal employee. The complaint will be referred to the employee's direct supervisor for resolution.

Examples of informal complaints are below, but not limited to:

- That an inquiry made to an employee was not resolved to the individual's satisfaction;
- That an employee gave out incorrect or incomplete information;
- The individual was directed to the wrong department in error;
- That the employee did not follow up in a timely manner.

#### **Formal Complaints:**

All formal complaints shall be submitted in writing to the employee's direct supervisor on the "Complaints Regarding Municipal Employees Form".

All complaints or requests for inquiries must clearly state:

- a. the employee to whom the complaint relates;
- b. a description of the employees alleged actions or conduct;
- c. the affect or potential effect of the alleged actions or conduct;
- d. names of any witnesses to the alleged actions or conduct; and
- e. written material in support of the alleged actions or conduct.

Upon receipt of a complaint, the direct supervisor shall first determine whether there is a procedure under other legislation or Town policy to deal with the complaint. If it is determined that other procedures apply, the direct supervisor shall refer the complainant to the appropriate person or agency to follow that process. This would include such matters as:

- a. the grievance provisions of a collective agreement;
- b. the complaint provisions of the Workplace Violence Prevention Policy; or
- c. the complaint provisions of the Harassment Policy.

Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with under this policy and the time limits within the above processes will apply accordingly.

#### **Investigating Complaints:**

Upon receipt of a complaint, the direct supervisor will investigate the complaint. The formal review may include:

1. Discussion(s) with the complainant to clarify the complaint, confirm common understanding, clarify outcome sought, explain complaint procedures.

2. Discussion with employee involved. For union members, union representation shall be provided in accordance with the Collective Agreement.
3. Review of background information such as policies and procedures, previous written communications and other documentation.
4. Consultation with Human Resources or other levels of management as required.
5. Obtain and review other expert opinions and perspectives.

If the direct supervisor is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an investigation, the direct supervisor shall not conduct an investigation and shall state the reasons on the form. The complainant will be notified that an investigation will not be conducted.

For a complaint to have merit, the evidence will be evaluated against the following:

- a) The Code of Conduct for Staff/Employees;
- b) The Conflict of Interest Policy;
- c) The Smoke Free Workplace Policy;
- d) The Drugs and Alcohol Policy;
- e) Any other relevant Town policy;
- f) Any other relevant provincial statute;
- g) Any responsibility or duties assigned to the employee;
- h) Any other relevant standard as determined by the individual conducting the investigation providing the standard assists in substantiating the case.

#### **External Investigation:**

From time to time, the nature of the complaint may warrant investigation by a third party in whole or in part. For example, a criminal investigation may be warranted in the circumstances.

Complaints recommended for external investigation will be reviewed along with approximate costs and will be approved by the CAO in advance. For complaints pertaining to the CAO, Council will approve the investigation method and associated costs in advance.

#### **Resolution of Complaints:**

Once the complaint is investigated, a determination is made as to the appropriate resolution of the actions or conduct of employees. The resolution could include, but is not limited to the following:

1. Discipline of the employee with a warning, suspension or termination;
2. Reassignment of an employee;
3. Attendance at counselling with regard to the issue which may become a condition of employment;

4. Retraining of the employee in the relevant areas pertaining to the cause of the actions or conduct.

#### **Notice of Decision and Resolution:**

Verbal complaints receive written or verbal notice at manager's discretion or as requested by the complainant.

Formal complaints require a written notice of decision unless otherwise requested by the complainant.

If a formal review determines that the complaint is justified, the complainant is notified of corrective action to be taken and any remedy proposed. This communication will not include any personal information regarding the employee or the actions that may form part of the personnel file.

#### **Complaint Procedures -- General**

- a) Anyone personally affected or who personally witnessed actions or conduct of a Town employee can submit a complaint and it will be reviewed in accordance with this policy. An individual acting on another person's behalf on a written complaint is required to complete a representative complaint form.
- b) Complaints should be resolved informally if possible providing they are not of a serious nature. Complaints can be escalated to other levels of the organization providing that the complaint procedures have been followed and the original investigation has been closed.
- c) Complainants and respondents may seek representation including union representation or legal counsel at any time during the complaint process. Legal advice and the resulting legal fees are defined in the indemnification policy. Legal fees that are incurred at the employees own discretion become the responsibility of the employee.
- d) All members of the organization are required to cooperate fully with any procedure within this policy or an investigation.
- e) Any investigation and interviews that are required as a result of the complaint will be completed within thirty (30) working days from receipt of the complaint, although extenuating circumstances may warrant an extension. Please note, that if the union files a grievance, any Collective Agreement provisions regarding response time will supersede the timelines outlined herein.

- f) If the employee cannot be clearly identified, then the complaint will be dismissed.
- g) If the incident was not witnessed directly by the complainant, then the complaint will be dismissed.
- h) If the complaint is made anonymously, then the complaint will be dismissed.
- i) If the complaint is deemed to be frivolous or vexatious, then the complaint will be dismissed.
- j) Confidentiality will be maintained throughout the investigation/resolution process to the extent practicable and appropriate.
- k) Retaliation/reprisal against an individual for filing a complaint, participating in any procedure or being associated with any a person who filed a complaint under this policy shall be treated as harassment and will not be tolerated. Any reprisal against an individual making a complaint in good faith is prohibited and unlawful. If, however, an employee is found through investigation to have participated in reprisal, that employee will be subject to discipline, up to and including termination of his/her employment.

**TOWN OF AMHERSTBURG**

**Complaint Regarding a  
Municipal Employee**



Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

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Nature of Complaint (Please include as much detail as possible).

Employee Department or name if known.

How would you like to see your complaint resolved?

List of enclosed documents. (Please include copies, not originals of any documentation in support of your complaint).

Complainant's Signature: \_\_\_\_\_

Date Complaint Submitted: \_\_\_\_\_

**TOWN OF AMHERSTBURG**

**Complaint Regarding a  
Municipal Employee**



I, \_\_\_\_\_ consent to have all communications and information relating to my complaint regarding a Municipal Employee disclosed to my representative \_\_\_\_\_.

Name of Complainant
Signature
Date