

WORK PLAN - 2019 COMPLAINTS COMMITTEE (COC)

C-521-2.9
Appendix C(i)

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| Approved by Committee October 11, 2018 | Review Date: |
| Approved by Council: <i>November 16, 2018</i> | Approved Budget: |
| Mandate [as approved by Council]: | <p>Duties of Complaints Committee</p> <p><u>24. (1)</u> The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of a member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence, but no action shall be taken by the Committee under subsection (2) unless,</p> <ul style="list-style-type: none"> (a) a written complaint in a form that shall be provided by the Association has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint. R.S.O. 1990, c. P.28, s. 24 (1); 2001, c. 9, Sched. B, s. 11 (30). <p>Idem</p> <p><u>(2)</u> The Committee in accordance with the information it receives may,</p> <ul style="list-style-type: none"> (a) direct that the matter be referred, in whole or in part, to the Discipline Committee; (b) direct that the matter not be referred under clause (a); or (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. R.S.O. 1990, c. P.28, s. 24 (2). <p>Decision and reasons</p> <p><u>(3)</u> The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor. R.S.O. 1990, c. P.28, s. 24 (3).</p> <p>Notice</p> <p><u>(4)</u> The Registrar shall mail to the complainant and to the person complained against a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of the right to apply to the Complaints Review Councillor under section 26. R.S.O. 1990, c. P.28, s. 24 (4); 2006, c. 19, Sched. B, s. 14.</p> <p>Hearing</p> <p><u>(5)</u> The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section. R.S.O. 1990, c. P.28, s. 24 (5).</p> |
| Terms of Reference [Key duties]: | <p>To investigate and consider complaints made by the public or members of the association regarding the conduct or actions of PEO licence and Certificate of Authorization holders.</p> <p>To determine the appropriate course of action with respect to those complaints, in accordance with Section 24(2) of the Act.</p> <p>To refer matters for the Discipline Committee to hear and determine allegations of professional misconduct or incompetence against licence holders or Certificate of Authorization holders, as deemed necessary.</p> |

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| | To advise Council on matters relating to incompetence, professional misconduct and the Code of Ethics. | | |
| Tasks, Outcomes and Success Measures: | Task/Activities: | Outcomes Success measures | Due date: |
| | Review, consider, and issue a written decision for every complaint filed with the Registrar. | Dispose of complaints in accordance with Section 24(2) of the Act. Average number of complaints filed per year remains consistent at approximately 70. | Ongoing |
| | Review the <i>PEA</i> vis a vis the complaints process and identify and recommend Act changes in the public interest. | Identify potential Act changes with policy rationale and jurisdictional scans, as appropriate. | Ongoing |
| | Review committee membership against the Committee HR Plan, confirm the HR Plan, and undertake recruitment as required. | No more than two vacancies on COC at any time. | Ongoing |
| | Continually review committee processes to ensure adherence to best practices, including review of structure and format of completed complaint investigation files ready for committee review. | Processes continually refined and adapted, Complaints Process and Procedure Manual continually updated. | Ongoing |
| | Provide feedback to Council and the Practice Standards Committee based on COC's observations wrt trends, and use of PEO Guidelines and Standards in industry. | Feedback provided as appropriate, to either Council or PSC. | Ongoing |
| | Develop framework/tool for when the respondent's response to a complaint should be provided to the complainant for comment. | Develop framework / guide. | Ongoing |
| Inter-committee collaboration: | Invite annual meeting to be held with Chair DIC and PEO senior staff. Communication through council wrt CRC reports and recommendations. Presentations to Council and other committees wrt complaints process as required/invited. | | |
| Stakeholders: | Complainants (public and PEO licence holders), complained-against engineers and C of A holders. | | |