

Policy: Complaint Management and Resolution Policy			
Issued: 2016	Revised: March 2021	Page: 1 of 8	Number:
Related Policies:	<i>Frivolous, Vexatious or Unreasonable Requests or Complaints Policy</i> <i>Respect in Workplace – Harassment and Violence Policy LR14.10</i>		

1.0 Purpose/ Background

The purpose of this Policy is to support the City of Oshawa’s dedication to serving our community. The City recognizes the importance of public input and welcomes Complaints as valuable forms of Feedback. This Policy provides the public with an avenue for submitting Complaints and provides City Employees with consistent practices for handling Complaints about City programs, facilities, services and Employees.

2.0 Policy Statement

This policy has been developed in response to Bill 8, the Public Sector and MPP Accountability and Transparency Act, 2014 and has been updated to align with the goal of Accountable Leadership identified in the 2020-2023 Oshawa Strategic Plan.

3.0 Scope/Application

This Policy applies to all Employees (including employees of the Oshawa Senior Community Centres), Volunteers, Students, and/or Contracted Service Providers of the Corporation of the City of Oshawa.

The following types of Complaints will not be investigated in accordance with this Policy and includes but not limited to:

- Anonymous Complaints;
- Complaints regarding a decision or recommendation of Council or a Committee of Council;
- Complaints regarding whether a meeting of Council was appropriately held in accordance with the Closed Meeting provisions outlined in the Municipal Act, 2001 (closed meeting complaints are governed by the Ontario Ombudsman);
- Complaints about Members of Council (as they are governed by the Council Code of Conduct and investigated by the Integrity Commissioner);
- Complaints which involve ongoing litigation;
- Complaints from Employees about other Employees or working conditions;
- Frivolous, Vexatious or Unreasonable Requests or Complaints;

- Issues that have statutory review and appeal processes including but not limited to Freedom of Information Requests, development charge levies, land use planning, by-law notices, orders and appeals;
- Outside boards and agencies including, for example, the Oshawa Public Library and Robert McLaughlin Gallery;
- Requests for Service;
- Requests to change a by-law;
- Suggestions;
- Civil matters.

4.0 Definitions

City means the Corporation of the City of Oshawa.

Complaint means an expression of dissatisfaction or concern about the action or lack of action taken regarding operations, facilities, services or programs provided by the City or a person or body on behalf of the City. A Complaint can be spoken, written or submitted by another method of communication.

Complainant means a customer who is submitting a Complaint. Any customer who uses or is affected by City services can make a Complaint including residents, visitors, businesses and community groups.

Compliment means an expression of approval or satisfaction for a City service, Employee, program, facility or process.

Contracted Service Provider means an individual or business that undertakes a contract or agreement with the City in order to perform a service on a continuing basis (e.g. Security Guard Services, Marriage Officiants, etc.).

Council means Oshawa City Council as a whole.

Council Member means an individual member of Council, including the Mayor.

Employee means all full-time, part-time, temporary, seasonal and staff hired on a contract basis for a defined period of time, of the City of Oshawa as well as, Students.

Feedback means an opinion or comment about a program, facility, service or Employee.

Frivolous means a Complaint/Request that has no serious purpose or value or may have little merit and be trivial and is part of a pattern of conduct that amounts to an abuse of the right of access, interferes with the operations of the institution, or is made in bad faith or for a purpose other than to obtain access.

Ombudsman means the Ombudsman of Ontario or the Ombudsman appointed by Council in accordance with Section 223.13 (1) of the Municipal Act, 2001, S.O. 2001, c 25.

Personal Information means personal information as defined in Section 2(1) of the Municipal Freedom of Information Protection of Privacy Act including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the address, telephone number, fingerprints or blood type of the individual;
- (e) the personal opinions or views of the individual except if they relate to another individual;
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the individual; and,
- (h) the individual's name if it appears with other Personal Information relating to the individual or where the disclosure of the name would reveal other Personal Information about the individual.

Request means the act of asking for something to be given or done.

Request for Service means a request made to the City for a specific service or to notify the City that a service was not provided on time. Examples include:

- Requesting that the City repair a street surface;
- Reporting a malfunctioning street light;
- Notifying the City of a missed garbage collection;
- Reporting a by-law infraction.

Suggestion means an idea submitted to the City with the aim of improving services, programs or processes.

Student means an individual at least 15 years of age and registered in an educational program at a high school, college or university level.

Unreasonable means a Complaint/Request that is likely to cause distress or disruption to the City, its Employees or other members of the public, without any proper or justified cause. Behaviour that because of the nature or frequency of a Complaint's contact with the City, negatively affects the ability to deal with their Complaints or those of others.

Vexatious means a Complaint/Request without merit, that is pursued in a manner that is malicious, intended to inconvenience, embarrass or Harass the recipient or is a pattern of conduct by the Complainant that amounts to the misuse of the complaints processes and procedures.

Volunteer means an individual who volunteers their services, from time to time, to assist in areas of the City.

4.1 Examples of Complaints

The following are some examples of Complaints covered by this policy:

- Complaints about receiving poor customer service;
- Complaints about the quality of a service provided;
- Timeliness in responding to a complaint;
- Concern that a matter was not completed or carried out in accordance with City Policies and By-laws.

5.0 Responsibilities

5.1 Customer Service Manager

The Customer Service Manager is responsible for directing Complaints to the appropriate Manager or Director, monitoring status of Complaints and ensuring response by departments in accordance with the service standards.

5.2 Employees

City Employees are to have knowledge and understanding of the purpose of receiving Complaints, the process through which a Complaint can be made and the service standards that apply to Complaints.

5.3 Managers, Directors and members of the Corporate Leadership Team

Managers and Directors or a member of the Corporate Leadership Team are responsible for investigating and responding to Complaints about services for which they are responsible. Complaints about Employees are to be processed by that Employee's direct Supervisor.

5.4 Customers

Customers are to recognize that the City must consider the needs of the whole community. They are to provide honest and respectful communication with a goal to improving services.

6.0 Principles

6.1 Customer focused

The City will deal with Complaints promptly and respond in a format that meets the needs of the customer.

6.2 Continuous improvement

The City will consider Complaints as opportunities to evaluate programs and services for possible improvement and will record lessons learned.

6.3 Fair and impartial

The City will deal with Complaints in an open-minded and impartial way. Making a Complaint will not negatively affect future dealings with the City. Customers will not be discriminated against during the investigation or because of a Complaint. Employees about whom a Complaint is launched will be treated fairly.

6.4 Accountable

The City will provide honest, evidence-based explanations and give reasons for decisions. Information will be provided in a clear and open way. When requested and if appropriate, the City will inform the Complainant about the lessons learned and corrective actions taken.

6.5 Confidentiality

Protecting the privacy of all parties is of utmost importance. Personal Information will only be collected, used and/or disclosed in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

7.0 Procedure

7.1 Resolution Attempt

Whenever possible, customers are encouraged to work with Employees at the first point of contact to have issues addressed. Employees will listen with an open mind and make efforts to resolve Complaints in a timely manner.

7.2 Submitting a Complaint

Should a resolution not be made at the first point of contact, formal Complaints can be submitted through the following channels:

- Online at www.oshawa.ca/complaint
- Complete the [Complaint Form](#) and submit:
 - By email at service@oshawa.ca;

- By mail to Service Oshawa, 50 Centre St. S., Oshawa ON L1H 3Z7;
- By fax to 905-436-5642; or
- In person at Service Oshawa, 50 Centre St. S., Oshawa ON L1H 3Z7.

7.3 Details of Complaint

In order to submit a formal Complaint to the City, Complainants are required to provide as much information as possible including:

- Contact Information – name, address, phone number, email (anonymous Complaints will not be accepted);
- Details of the Complaint (what was or was not said or done);
- Location;
- Date/time;
- Names of any individuals or Employees involved;
- Resolution being sought.

7.4 Complaints Regarding Employees

Complaints regarding an Employee will be forwarded to the Employee's direct Supervisor. If follow up information is requested, the Complainant will be advised that the matter is being investigated or is resolved, but no further information will be provided.

7.5 Service Standards

The City will provide an acknowledgement of receipt of their Complaint and an assigned tracking number within three business days. This acknowledgement will identify who will be following up on the Complaint and provide their contact information.

The investigation and any corrective action will take place in a timely manner. Acknowledging that every situation is different and may require more or less time to resolve, wherever possible, the City will provide a final response to the Complainant within 20 business days. In exceptional circumstances if this timeframe cannot be met, the City will keep the Complainant informed of status of their Complaint.

7.6 Complaint Investigation Process

Investigations of Complaints will be carried out internally. The appropriate investigating direct Supervisor will:

- Contact the Complainant as soon as practicable, where a quick resolve is possible.
- Notify the Complainant of an estimated timeframe, if the investigating direct Supervisor feels the investigation may result in a lengthy process.

- Review the issues identified by the Complainant by:
 - Reviewing relevant legislation, where applicable;
 - Reviewing the relevant City policies and procedures;
 - Interviewing any Employees who may have knowledge of the Complaint, where applicable;
 - Identifying actions that may be taken to address the Complaint or improve City operations.
- Consult with the appropriate Corporate Leadership Team member and Chief Administrative Officer where appropriate to do so depending on the severity of the issues.
- Determine if a Complaint or Request is considered Frivolous, Vexatious or Unreasonable. If it is, the Frivolous, Vexatious or Unreasonable Requests or Complaints Policy will be followed.
- Decisions of an investigation will be provided to the Complainant and may consist of information such as:
 - Overview of the Complaint;
 - Details of how the investigation was conducted;
 - Summary of the facts;
 - Outline the findings;
 - Identification of next steps; and,
 - Suggestions of an appropriate resolution along with the rationale supporting the proposed resolution.

7.7 Complaint Appeal Process

There is no additional appeal process at the municipal level. If the Complainant is not satisfied with the results of the investigation or the process, they may contact the Office of the Ontario Ombudsman. The Ontario Ombudsman has the authority to look at how the issue was handled at the City, the steps taken, and the outcome. The Ombudsman has the authority to consider and make recommendations as to whether the process was fair, transparent, and in accordance with the applicable policies and by-laws of the City.

8.0 Monitoring and Evaluation

This policy is reviewed by the City Clerk or designate at least every three years to ensure its effectiveness and compliance with legislation and current business processes or as required based on legislative changes.

The City Clerk is authorized to make minor or housekeeping amendments to this Policy, as required.

For further information regarding this policy, please contact City Clerk Services at 905-436-3311 or clerks@oshawa.ca

9.0 References

Bill 8, the Public Sector and MPP Accountability and Transparency Act, 2014

Ontario Ombudsman - Tips for Municipal Complaint Resolution Policies

Frivolous, Vexatious or Unreasonable Requests or Complaints Policy

Respect in Workplace – Harassment and Violence Policy LR14.10

10.0 Approved

Authority	Date	Signature
City Council	April 26, 2021	 <hr/> City Clerk