

POL-ADM.2018.43 Title: *Complaints and Protests*



Type:	Human Resources
Authority:	CEO
Resolution No:	BMPL 2018-77 on 4-19-18; POL-ADM.2018.43
Associated Documents:	Employment Standards Act, S.O. 2000, Part XXII
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Legal Framework

Complaints and Protests, as defined by the Employment Standards Act, S.O. 2000 are protected from reprisal by members of the Blue Mountains Public Library. The CEO shall provide procedures for ensuring a fair process for employees to make complaints including timelines for response and resolution.

ADM.2018.43.1 Use of Complaints or Protests

Complaints or Protests may be brought forward by an employee for the following reasons:

1. Inappropriate, unfair or inconsistent use or interpretation of the BMPL Human Resources Policies;
2. Job Description dispute;
3. Performance Evaluation dispute; or
4. Disciplinary Report dispute.

ADM.2018.43.2 Restrictions of Complaints or Protests Process

An employee may not protest the following:

1. A paid suspension; or
2. The one day paid leave to consider their future employment with the BMPL which is to occur as the third (3rd) step in disciplinary action.

ADM.2018.43.3 Steps of Complaints

1. No complaints shall be heard until such time as an employee's direct supervisor has been notified of the issue and had sufficient time to settle the matter.
2. The employee shall notify the direct supervisor in writing of the issue. Only complaints provided in writing will be addressed.
3. The supervisor shall consider the complaint and schedule a meeting within three (3) regular working days of both the supervisor and employee.
4. If the issue is unresolved in this meeting, then the complaint may become a formal protest and move to the CEO. The formal protest must be submitted no later than three (3) regular working days following the meeting. Acknowledgement of receipt of the complaint shall be made to the employee in writing within ten (10) regular working days.

ADM.2018.43.4 Steps of Complaints Pertaining to the CEO

1. No complaints shall be heard until such time as the CEO has been notified of the issue and had sufficient time to settle the matter.
2. The employee shall notify the CEO in writing of the issue. Only complaints provided in writing will be addressed.
3. The CEO shall consider the complaint and schedule a meeting within three (3) regular working days of the employee.
5. If the issue is unresolved in this meeting, then the complaint may become a formal protest put into writing to the Board Chair. The formal protest must be submitted no later than three (3) regular working days following the meeting. Acknowledgement of receipt of the complaint shall be made to the employee in writing within ten (10) regular working days.
4. The issue remains unresolved with the CEO, then the complaint may be forwarded to the Board for review by a Board assembled Complaints Resolution Committee.

ADM.2018.43.5 Complaints Resolution Committee

1. The statement of protest must clearly state the issue; the policy which the employee feels is in violation; and what the employee wants as an outcome to rectify the matter.
2. The CEO shall immediately strike a Complaints Resolution Committee comprised of the CEO and two (2) other members selected by the CEO. In the case of a protest against the CEO, the Chair of the Board shall immediately strike a Complaints Resolution Committee comprised of the Chair and two (2) other board members.
3. Both parties shall be notified by the Complaints Resolution Committee Chair of the investigation and the Committee shall set meetings to investigate the complaint starting no later than ten (10) days following the notification. Allowance for pre-approved vacation and/or holidays shall be made.
 - 3.1. All parties involved are required to participate in requests for information. Each party shall have ten (10) days to provide a written response to the committee and each party shall have the opportunity to speak directly to the Committee as a whole.
4. Since an investigation may be lengthy, no end date to the investigation is identified here.
 - 4.1. In the case of Complaints Resolution Committee is convened by the CEO, notice shall be provided in writing to both parties within five (5) working days of the Committee's decision, written notice shall include actions, if any.
5. In the case of a Complaints Resolution Committee convened by the Board Chair, the Committee shall present its findings and recommendations to the Library Board for its decision. Written notice of decision or findings shall be provided in writing within five (5) working days after the Board Meeting to the CEO and Complainant. Written notice shall include actions, if any.

ADM.2018.43.6 Minister of Labour

At any time, including after having exhausted the BMPL complaint or protest process, the employee may choose to take their complaint to the Ministry of Labour.

ADM.2018.43.7 Reprisal

Regardless of the outcome, the employee or member of the Complaints Resolution Committee shall not be subject to subsequent harassment, repercussion, or disadvantage. If this occurs, parties should immediately inform the CEO, or in the case of reprisal by the CEO, the Board Chair and immediate action shall be taken. (See HR21).