

## TOWN OF LUNENBURG PROCEDURAL POLICY #95 COMPLAINTS PROCESS POLICY

---

### PURPOSE

1. The purpose of this Policy is to enable the Town of Lunenburg (“Town”) to promptly and effectively address complaints by members of the public about Town program and service delivery and other operational concerns raised by members of the public. The Policy will assist the Town in providing service to the public and contribute to continuous improvement of Town operations. The Town strives to address public concerns by:
  - providing a timely and accurate response to complaints; and
  - using complaints as an opportunity to improve program and service delivery issues.
2. This Policy is not meant to address:
  - (1) Issues already covered by legislation, or an existing Town bylaw, Policy or procedure;
  - (2) A decision of Council or a decision of a Committee of Council;
  - (3) Complaints brought by Council members or staff against Council members or staff; or
  - (4) A grievance covered by a Town collective agreement and/or Personnel Policy, except that complaints about staff or Council Members brought by members of the public which would also constitute a Code of Conduct complaint under applicable Policies or Personnel Policy of the Town should be acknowledged and the Complainant advised that the matter is being referred to Council in camera or to the Designated Officer as the case may be to be addressed under the applicable Code of Conduct policy in a manner respectful of any privacy interests of the Complainee and Complainant.

### DEFINITIONS

3. In this Policy:
  - (1) “**Complainant**” means the individual filing a complaint with the Town;
  - (2) “**Complainee**” means any individual Council member or Employee identifiable by name, title or context whose conduct or whose act or omission is complained about in a complaint;

- (3) “**Complaint**” means an issue or concern raised with a municipal program, service, or operation which is not resolved at the time of the incident and for which the complainant submits their concerns to the Town in accordance with this Policy;
- (4) “**CAO**” means the Chief Administrative Officer of the Town;
- (5) “**Council**” means the elected municipal Council of the Town;
- (6) “**Council Member**” includes the Mayor and Councillors;
- (7) “**Councillor**” means an elected Town Council member other than the Mayor;
- (8) “**Designated Officer**” means the CAO, except when a complaint is filed against the CAO, in which case it means the Mayor; and except when the complaint is against a Council Member, in which case the matter shall be referred to Council in camera as set out herein;
- (9) “**Employee**” means an employee of the Town, but includes for purposes of this Policy a volunteer Firefighter; and
- (10) “**Mayor**” means the Mayor of the Town, or the Deputy Mayor in the event of absence or unavailability of the Mayor.

## PROCEDURE

### DESIGNATED OFFICER

4. The Designated Officer may delegate the authority to investigate a complaint to another Town employee or to a qualified external person, such as a lawyer or mediator.
5. If the Complainee is a Council Member, Council in camera may determine how it wishes to investigate or delegate the investigation of a complaint to a qualified external person, such as a lawyer or mediator.
6. A Designated Officer may not delegate the authority to investigate a complaint to a Complainant or Complainee, and neither the Complainant nor the Complainee shall participate as a voting Council member in any determination of a complaint before Council or Council in camera.
7. Complainees shall be promptly provided with a copy of a complaint, including a copy of a Complaint Form, made against them and given a reasonable opportunity to explain or respond to the complaint in writing and/or verbally. Where the Complainee is employed by the Town, the applicable collective agreement and/or personnel policy shall be followed before any discipline or sanction is considered if the complaint is substantiated.

8. All Complainees shall have their privacy interests respected and no public statement of disciplinary or other action shall be made, except after due consideration of those privacy interests, including, at the option of the Designated Officer or Council in camera, the obtaining of legal advice regarding such privacy interests. Normally disciplinary sanctions against employees will not be made public.

### **FRONT LINE RESOLUTION**

9. It is the responsibility of the Complainant and Designated Officer to make reasonable front line efforts to resolve complaints informally, including, where appropriate, by preliminary dismissal of complaints not eligible to be pursued under this Policy or otherwise not warranting the process of a formal complaint.
10. The Designated Officer shall record efforts to reach front line resolution and may choose to write to the Complainant confirming that the matter is considered to be resolved or that a formal complaint will be accepted for handling under this Policy.

### **FILING A FORMAL COMPLAINT**

11. Where front line resolution cannot be achieved, complaints should be submitted to the Designated Officer, on the Complaint Form attached in Schedule A, providing particulars of the Complaint. The Designated Officer may waive the use of a Complaint Form by the Complainant where the complaint was already presented in writing with sufficient particularity. A copy of a formal complaint filed will be copied to Council for information.

### **RECEIPT AND ACKNOWLEDGEMENT**

12. The Designated Officer shall acknowledge in writing that the complaint has been received within seven business days of receipt of the complaint. The Designated Officer shall maintain a file of written complaints and documents relating to the complaint, in accordance with the Town's Record Management Policy.

### **INVESTIGATION**

13. The Designated Officer shall review the issues identified by the Complainant and in doing so shall, as necessary having regard to the circumstances:
  - (1) Attempt front line resolution where it has not already been attempted;
  - (2) Review relevant Municipal and Provincial legislation;
  - (3) Review the Town's relevant Policies, procedures and practices;
  - (4) Review existing file documents relating to the matter;

- (5) Interview the Complainant, Complainee and other persons identified as relevant to the complaint;
- (6) Provide a copy of the written complaint to any person(s) complained against and ensure they have a reasonable opportunity to be heard regarding the complaint as described in section 7 herein;
- (7) If the complaint does not identify a particular Complainee and is of a general nature regarding the Town, elected officials and/or employees, the Designated Officer may conduct a general review of the complaint to determine what, if any, action needs to be taken to address the complaint;
- (8) Identify and take actions that in the opinion of the Designated Officer should be taken to resolve or handle the complaint and improve municipal services as a result of matters raised by the complaint.

### **DECISION**

14. Within thirty business days of receipt of a complaint the Designated Officer shall provide a response in writing to the Complainant and to the Complainee where a Complainee has been able to be identified. Subject to the due consideration of applicable privacy interests, the response may include:
  - (1) Whether further time is needed to resolve or handle the complaint, and if so, why;
  - (2) Whether the complaint was substantiated;
  - (3) If the complaint is not substantiated, the reason(s) why it is not considered substantiated; and
  - (4) Any processes or actions the Town has or will take as a result of the complaint including that the matter has been referred for disciplinary consideration to the CAO or to Council in camera, as the case may be.
15. For complaints which are substantiated, the Designated Officer shall attempt to identify and implement opportunities to improve municipal services.
16. Subject to the due consideration of privacy interests, a summary of the complaint and its disposition may be circulated to the relevant staff and Council where appropriate to effect general municipal service improvements.
17. No disciplinary or other retaliatory action shall be taken against Complainants for complaints made in good faith under this Policy.

---

**Schedule A**  
**Town of Lunenburg Complaint Form**

---

Your Name: \_\_\_\_\_

Phone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

(h): \_\_\_\_\_ Mailing Address: \_\_\_\_\_

(w): \_\_\_\_\_

(c): \_\_\_\_\_

What is your complaint? Please include relevant dates, times, locations, and background information, including Town Council members and employees involved in this matter. Additional information such as relevant photographs can be attached to this form.


How could the situation be addressed or improved?


Additional information:


<b>OFFICE USE ONLY</b>	
Received/recorded by:	Date:
Forwarded to:	Date:
Acknowledgement Letter <input type="checkbox"/> Sent Date: _____ Staff Name: _____	Additional correspondence <input type="checkbox"/> Sent Date: _____ Staff Name: _____ Reason: _____
Action Taken:	
Final Response Letter	
<input type="checkbox"/> Sent Date: _____ Staff Name: _____	

*Please be aware that any communications made to the Town of Lunenburg will become records that are subject to the freedom of information and protection of privacy provisions contained in Part XX of the Municipal Government Act. Depending on the nature of the information and the subject matter, such communications may become part of the public record.*

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members of Intent to Consider

(7 days minimum): January 14, 2020

Date of Passage of Current Policy: January 28, 2020

I certify that this Policy was adopted by Council as indicated above.

\_\_\_\_\_

Municipal Clerk

\_\_\_\_\_

Date