



## Conduct Complaint Handling Policy and Procedures

**Version:** 3.0  
**Created:** November 22, 2005  
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### 1.0 Purpose

Consumer Protection BC actively promotes a culture of inclusion and a workplace free of discrimination and harassment. We are transparent in this belief as evidenced by our Standards of Conduct, our Collective Agreement, and our corporate values. We expect that our employees, and the people who engage with our organization, will behave in an appropriate, open, honest, ethical, and transparent fashion.

The purpose of this policy is to ensure Consumer Protection BC provides a fair, effective, and transparent response to complaints and concerns about our service raised by consumers, businesses, and others. This policy sets out the procedures for receiving, reviewing, recording, and responding to complaints about our processes and services.

This policy ensures our accountability and that our processes are public. It will apply to complaints about our team conduct from members of the public or businesses regulated by the *Business Practices and Consumer Protection Act*, the *Cremation, Interment and Funeral Services Act*, the *Motion Picture Act* and the *Ticket Sales Act* regarding the way Consumer Protection BC administers the legislation delegated to it.

### 2.0 Guiding Principles

Consumer Protection BC is committed to high standards of practice in our work. We value feedback and complaints from others and continuously strive to improve our services. Our complaints process is guided by the following principles:

Accessible	Consumer Protection BC's complaints process is publicly available on our website, and consumers and businesses are informed of their right to complain about our organization. Complaints are accepted in a variety of ways including phone, mail, email.
Impartial	All complaints will be handled in an impartial manner. Our process provides the opportunity for consumers and businesses to submit relevant information and have an opportunity to be heard before the review of the complaint is finalized. We thoroughly and objectively review the complaints we receive and are committed to keeping people informed of the progress of their complaint.
Person focused	We recognize that consumers and businesses have different needs, and each person has their own unique history that they bring to the interaction with our agency. We commit to listen to our consumers and businesses concerns, treat them with dignity and respect, and maintain confidentiality throughout the complaints process.
Responsive	We will respond to complaints within five (5) business days and try to resolve the complaint at the earliest opportunity. Complaints that cannot be resolved at first contact, or those that raise more serious concerns about our organization, will be forwarded for further review/investigation within 10 business days. We are committed to these timeframes and will inform consumers and businesses of the progress of their complaint and reasons for any delay in the complaint resolution process.

### 3.0 Definitions

**Complaint** – A complaint is an expression of dissatisfaction with an aspect of our programs, services or people. It can include concerns about our employee’s conduct, quality of service, delay in providing a response, the reasonableness of a decision made, or action taken by a member of our team. It can also include the response provided by a team member to a complaint or concern raised about our organization.

### 4.0 Policy Statement

Consumer Protection BC will:

- Receive, investigate, and respond to complaints about the conduct of employees who are engaged in the administration of BC’s consumer protection laws.
- Receive, investigate, and respond to all other complaints.
- Advise members of the public and businesses regulated by Consumer Protection BC about our conduct complaint handling policy and procedures.

### 5.0 Roles and Responsibilities

Our process for addressing complaints is as follows:

Step 1	Our Licensing and Information (LIS) team, and in some cases the Business Practices (BP), Motion Picture Classification (MPC), Compliance and Enforcement (C&E) and Communications and External Engagement (CEE) teams, are responsible for receiving, recording, and assessing complaints, and will attempt to resolve the matter if possible. At this stage, team members have responsibility for explaining the complaints process to the person reporting the complaint. If these individuals are not able to resolve the complaint, then they will be forwarded to step 2 of the complaint process.
Step 2	The LIS, BP, MPC, C&E and CEE teams will forward complaints that are not resolved or that require further review/investigation to their supervisors. If these individuals are not able to resolve the complaint, then they will be forwarded to step 3 of the complaint process.
Step 3	The Chief Operating Officer is responsible for receiving and forwarding complaints to the CEO. The CEO, or delegate, will review and conduct investigations of complaints that are not resolved by the LIS, BP, MPC, C&E, and CEE teams. If a complaint is not resolved to the satisfaction of the person raising the concerns following investigation, the complaint can be directed to the BC Ombudsperson.

### 6.0 Procedures

#### Frontline Resolution

Complaints about our service or processes can be submitted to us in the following ways:

Mail: PO Box 9244, Victoria BC, V8W 9J2  
Email: info@consumerprotectionbc.ca  
Telephone: 1.888.564.9963

Translation services are provided through [Mosaic Translation Services](#) when requested.

**Acknowledging complaints** – All complaints will be acknowledged within five (5) working days by email, or by mail if an email address is not provided. This acknowledgement will include information about the employee who has primary responsibility for handling the complaint, as well as information about the complaints process, including applicable timeframes. Information provided to Consumer Protection BC is subject to the *Freedom of Information and Protection of Privacy Act*.

**Assessing complaints** – The LIS, BP, MPC, C&E or CEE team will conduct a preliminary assessment to confirm the issues raised by the complainant fall within the scope of this policy. LIS, BP, MPC or C&E will try to resolve complaints early wherever possible. Issues suitable for early/ informal resolution include concerns about:

- Our employee's conduct, where that conduct is not abusive or discriminatory, but is not consistent with reasonable levels professionalism and courtesy.
- The type and detail of information being provided.
- A delay in providing a response.
- The reasonableness of action taken by a member of our team.
- The referral of or lack of jurisdiction to investigate a complaint (see section below).

Complaints raising issues of a more serious nature are prioritized and responded to within 10 business days including allegations of abusive, threatening or discriminatory behaviour.

**Dismissing complaints** – Complaints that are not accepted for review under this complaints policy may be dismissed by LIS, BP, MPC, C&E or CEE for the following reasons:

- The issue is not within the statutory jurisdiction for review by Consumer Protection BC. This includes consumer complaints regarding business activity in the marketplace, our management of complaints made against suppliers, or requests for reconsideration of determinations, which are addressed under Part 12 – General, Division 1 – Reconsiderations, in the *Business Practices and Consumer Protection Act* and the related reconsideration provisions under the *Cremation, Interment and Funeral Services Act*, the *Motion Picture Act*, and the *Ticket Sales Act*.
- The issue is currently being heard through a quasi-judicial process administered by Consumer Protection BC.
- The concerns raised have previously been investigated by Consumer Protection BC and no new issues have been reported.
- The issues raised by the complainant are currently before the courts.
- The complaint appears vexatious. Complaints, comments or images that are of a derogatory or discriminatory nature or which contain profanity or offensive language will not be accepted. If a complaint contains offensive language, the complainant will be contacted in writing, requesting the complainant resubmit the complaint after removing the offensive language.
- The remedy sought by the complainant is not achievable.

When a complaint is dismissed for any of the reasons above, the complainant will be notified by email within five (5) business days of receiving the complaint, with reasons provided for the decision to dismiss the complaint.

**Recording complaints** – When recording the complaint in our complaint tracking system, the following information will be documented:

- The complainant's name and contact information.
- When and how the complaint was received (by email, telephone, mail).
- Main issues raised in the complaint, including all relevant facts provided by the complainant.
- Any documentation submitted or interview notes taken during interaction with complainant.
- The outcome sought by the complainant (if known).
- Any attempts made to resolve the complaint informally, including action taken by the LIS, BP, MPC, C&E or CEE team member receiving the complaint.
- Any barriers or additional support the person making the complaint may need, such as access to an interpreter.

## **Investigation**

**Investigating complaints** – If a complaint is not resolved by LIS, BP, MPC, C&E or CEE, the complainant may ask for it to be forwarded for further review by the Chief Operating Officer and CEO. The written complaint will be directed to the Chief Operating Officer, to log, track, file and ensure that timeframes are met. The Chief Operating Officer will refer the complaint to the CEO. If the complaint is about the Chief Operating Officer, it should be sent directly to the CEO. If the complaint pertains to the CEO, the complainant may make a formal written complaint to the Chair of the Board of Directors, through the Chief Operating Officer. Requests for review will be acknowledged within five (5) business days and include information about the team member responsible for conducting the review and the anticipated timeline for completion of the review.

The CEO will assign the complaint to the appropriate department head for investigation. If the complaint pertains to that person, the CEO will either investigate the complaint or assign it to a person not involved in the complaint. The department head will investigate the complaint and provide recommendations to the CEO for approval.

Complaint investigations will be guided by the principles of administrative fairness and will be conducted in a fair, timely and impartial manner. Before commencing a formal investigation of a complaint, the Chief Operating Officer will be responsible for developing an investigation plan that will outline:

- An assessment of the main issues raised in the complaint.
- What evidence is required and how it will be gathered (including the names of witnesses and order in which they will be interviewed, as well as other records and evidence needed for the review).
- How confidentiality will be maintained throughout the complaint investigation.
- How people who are impacted by the investigation process will be notified of the outcome.
- The outcome or remedy the person is seeking.
- The investigation timeline.
- Any other relevant requirements.

All relevant evidence will be considered by the investigator during the review process, and the complainant will be provided an opportunity to be heard and comment on any preliminary findings prior to the agency concluding the review of their complaint.

Documentation requirements for the investigation file include:

- A copy of the original complaint.

- All interviewer's notes with the date, time, and names of those present.
- Copies of all records reviewed during the investigation.
- A statement about any action taken in response to the complaint, or specific resolution reached on the matter, including clear reasons for decisions made.
- A final report outlining the investigative process and outcome.

The CEO will advise the complainant in writing about the decision and the reasons for it within 90 calendar days of receiving the complaint or will notify the complainant about the reason for the delay.

**Concluding complaints** – A final report/letter is due at the conclusion of a complaint investigation and provided to the complainant within 10 business days. This report/letter will be written in clear and accessible language, and include information about:

- The issues raised by the complainant.
- The evidence considered during the review of the complaint, including the information provided by the complainant. If certain evidence was discounted in the review process, explain why (for example, issues with witness credibility or reliability of evidence).
- The analysis of this information in the context of the agency's rules and standard procedures.
- What decision was reached (i.e., whether the complaint was substantiated or not).
- Any action taken by the agency in response to the complaint.
- Information about any appeal or review options.

Copies of this correspondence will be provided to the Chief Operating Officer for filing.

**Remedies** – The complaint may be: dismissed, including the reasons; upheld, including planned action; or require further investigation. If the investigation reveals that we have made an error in providing our services to the public, we will take steps to fix the problem. The following remedies may be appropriate for substantiated complaints (for example):

- An acknowledgement and apology for the error.
- Reconsideration of a previous decision.
- Expediting an action.
- Waiving a fee or penalty.
- Issuing a payment or refund.
- Changing our policies and procedures to prevent re-occurrence.

### **Appeal and Review Options**

If the person continues to have concerns at the end of the complaint resolution process, we will advise them of their right to seek further review of the matter through the Office of the Ombudsperson. The Ombudsperson has the discretion both to decide which complaints to investigate and to make recommendations to resolve an unfairness. Information on how to complain to the Office of the Ombudsperson is available on their website at <https://bcombudsperson.ca/complaints/how-to-make-a-complaint/>.

The complainant may also wish to send the complaint to the Ministry of Public Safety and Solicitor General, which has an oversight role with respect to Consumer Protection BC.

## **7.0 Continuous Quality Improvement**

We monitor complaint trends and conduct regular reviews to identify any systemic service issues and make necessary improvements in our organization. We are committed to learning from the complaints we receive from our service users.

## **8.0 Dealing with Unreasonable Conduct**

We commit to responding fairly to complaints and treating people with dignity and respect throughout the complaint resolution process.

Due to the nature of our business, we sometimes experience unreasonable conduct from our licensed businesses, consumers, or other stakeholders (typically displayed as abusive, threatening and discriminatory behaviour). We do not, under any circumstances, tolerate this type of behaviour. We expect that people making complaints to our organization will treat our team reasonably.

In cases where a consumer or business becomes unreasonable in their interactions with our team such that it creates health, safety, resource or equity issues for our organization, we will take steps to address the behaviour and may limit access to our services as necessary.

We may limit access to our services in the following ways:

- Terminating or limiting voice contact with consumers or businesses where the nature and content of the communication is abusive or discriminatory.
- Requiring contact in writing only.
- Terminating contact in verbally or in writing where the communication continues to be abusive or discriminatory.
- Terminating contact verbally or in writing where there is no further information or communication that can be provided on the issue, and all remedies and resources for resolving a particular issue have been exhausted.

Access restrictions must be considered as a last resort, and the person who is subject to the restriction must continue to be able to receive services by contacting the Director of either the LIS, BP, MPC, C&E or CEE team. Prior to issuing an access restriction, the person will be informed of:

- The reason for the restriction, including a description of their concerning behaviour.
- Details of any earlier warnings issued about their conduct.
- How the person can contact the organization, including the name and contact information for the person they are permitted to contact, and any limits to the frequency of such contact.
- How long the restriction is in place.
- How the person can request a review of the restriction.
- What is required for the restriction to be lifted.
- That threats of violence will be reported to law enforcement.

## **9.0 Authority**

### **Consumer Protection BC Collective Agreement and Conditions of Employment**

Article 1.6, Respectful Workplace, of the Consumer Protection BC and BCGEU Collective Agreement states that the parties respect the rights and interests of all individuals and are committed to providing a working environment free of bullying and harassment, including sexual harassment. Bullying and harassment in any form, by any person, including peers,

subordinates, supervisors, or managers, is not acceptable and will not be tolerated in any workplaces.

Consumer Protection BC, in cooperation with the Union, is committed to providing a workplace free of bullying and harassment (including sexual harassment), and to comply with the *Workers Compensation Act* and the Human Rights Code as amended from time to time.

The Consumer Protection BC conditions of employment for excluded employees require that they observe all written administrative policies, procedures and program descriptions now in force, or from time to time promulgated by resolution or by law by Consumer Protection BC, or by operation of law, governing the operation of Consumer Protection BC's undertaking or duties. Similarly, excluded employees must cooperate fully with the senior employees, CEO and other employees of Consumer Protection BC and members of the public and not promote disharmony or discontent.

### **Administrative Agreement**

Article 10, Section 10.01, of the [Administrative Agreement](#) between Consumer Protection BC and the Ministry of Public Safety and Solicitor General requires Consumer Protection BC to establish appropriate policies and procedures for reviewing and addressing complaints raised by members of the public or any business regulated by or under the Legislation or otherwise affected by the Consumer Protection BC's administration of the Legislation.

Under the Communications Protocol (Protocol 3) of the Administrative Agreement, the role of the Ministry of Public Safety and Solicitor General with respect to correspondence on corporate issues related to Consumer Protection BC, including complaints about Consumer Protection BC performance, is to notify Consumer Protection BC and draft a ministerial response indicating that correspondence was referred to Consumer Protection BC. The Ministry may respond if the complaints are about conduct and performance. The role of Consumer Protection BC is to respond directly to such correspondence, including complaints, and notify the Ministry as appropriate.

### **Ombudsperson Act**

Complaints to the Office of the Ombudsperson are governed by the *Ombudsperson Act*. The Ombudsperson receives inquiries and complaints about the practices and services provided by public bodies and may investigate to determine if the public body is being fair to the people it serves. The Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act* is specifically identified in the Schedule to the *Ombudsperson Act* (as #32).

The Office of the Ombudsperson does not have jurisdiction to handle consumer complaints about statutory matters under the various pieces of consumer protection law but may investigate a complaint about a Consumer Protection BC process.