

# Complaints Policy

Status: approved Nov 2022

## 1. PURPOSE

- 1.1. This policy describes obligations in the handling of complaints made to Hamilton Trans Health Coalition (“HTHC” or “the Coalition”) regarding its programs, operations, public positions, staff, or volunteers.

## 2. GUIDING PRINCIPLES

- 2.1. HTHC uses public funds in its work. It is accountable to the community at large to use public funds well and to adhere to its professed principles. Anyone affected by HTHC who has a complaint about its operation deserves an opportunity to be heard.
- 2.2. All stages of the complaints process are fair, impartial, and respectful to all parties.
- 2.3. Complaints are dealt with promptly and resolved as quickly as possible.
- 2.4. Complainants are provided a written, simple-language explanation of the Coalition’s response to a complaint.
- 2.5. The coalition membership is advised of the nature of complaints received for the purposes of program planning, but not of the details of complaints against individuals.

## 3. AUTHORITY

- 3.1. The Board of Directors is the ultimate authority in all matters of receiving and responding to complaints. The Board is accountable to the members of the Coalition; trans, gender-diverse and non-binary members of the Hamilton community; and other members of the Hamilton community.
- 3.2. When programming is provided by staff of another agency under contract with HTHC, that agency’s complaints process may be an appropriate resource. All contracts for services from a third party will include language that ensures the details of complaints about HTHC operations handled by third party processes will be reported to HTHC.

## 4. DEFINITIONS

- 4.1. A **complaint** is:
  - 4.1.1. a good-faith expression of dissatisfaction
  - 4.1.2. from a person affected by HTHC’s work
  - 4.1.3. about the service, actions, or lack of action
  - 4.1.4. by HTHC as an organization or a staff member or volunteer acting on behalf of HTHC.
- 4.2. A **personnel matter** is any issue relating to the hiring, promotion, demotion, dismissal, assignment of, resignation of, investigation of, or performance evaluation of a member of staff.
- 4.3. A **confidential complaint** is:

- 4.3.1. a complaint that involves a personnel matter or any complaint where its handling could expose the personal information of staff, a volunteer, or a service user, and
- 4.3.2. is not shared, in whole or in part, with people outside the Board of Directors or staff authorized by the Board of Directors.
- 4.4. A **member of staff** (or “staff”) is an employee of HTHC, a contractor providing services to HTHC, or an employee of an agency contracted to provide services to HTHC.

## 5. RESPONSIBILITIES

- 5.1. The Chair of the Board or their designate (“the Chair”)<sup>1</sup> must:
  - 5.1.1. Develop a procedure for making complaints that adheres to this policy (the “Complaints Procedure”),
  - 5.1.2. Publish the Complaints Procedure in a conspicuous and accessible manner,
  - 5.1.3. Make all staff and volunteers aware of this policy, the Complaints Procedure, and any changes to either,
  - 5.1.4. Receive complaints,
  - 5.1.5. Protect the privacy of staff and volunteers who may be subject to complaint and treat information about them with due respect throughout the process,
  - 5.1.6. Send written acknowledgements and responses to complaints within the timeframes identified in 6.5,
  - 5.1.7. Work with the Board of Directors, staff, vendors, and/or Coalition members to investigate and develop a response to complaints, and
  - 5.1.8. Provide thorough written documentation of the complaint, investigation, decisions, and responses to the Secretary for record-keeping.
- 5.2. The Secretary of the Board must:
  - 5.2.1. Maintain a written record of complaints, including decisions and correspondence,
  - 5.2.2. Produce a summary of each complaint which does not include personally identifying information or other information that might identify a complainant (the “Redacted Summary”),
  - 5.2.3. Report to the coalition membership at all-members meeting in-camera session at least once per quarter on the type and disposition of received complaints, without violating the confidentiality of staff or volunteers, and
  - 5.2.4. Receive and respond to complaints about the Chair or the Board of Directors, taking on the responsibilities listed in 5.1.
- 5.3. Staff and volunteers must:
  - 5.3.1. Advise anyone expressing dissatisfaction with HTHC’s programs, services, or personnel of the existence of the Complaints Procedure, and

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<sup>1</sup> Throughout this policy “the Chair” means *The Chair of the Board or their designate*.

- 5.3.2. Provide accommodation specific to a complainant's needs at any stage of the Complaints Procedure.

## 6. COMPLAINT RECEIPT AND HANDLING

- 6.1. A complaint may be received verbally (e.g., by phone, by teleconference, in person) or in writing (e.g., by web form, email, mail, hand-delivered note).
- 6.2. All avenues to submit a complaint (e.g., mailing address, email address) must be posted publicly.
- 6.3. Staff or volunteers may attempt to resolve the complaint immediately.
  - 6.3.1. If the complaint is resolved but may involve ongoing issues or external factors, or its resolution provides a useful lesson to HTHC, the member of staff or volunteer should summarize the complaint and resolution in a short report submitted to the complaints email or web form.
- 6.4. Staff or volunteers who receive a complaint that is not immediately resolved must either:
  - 6.4.1. forward a written record of the complaint to the Chair using the complaints email address or web form, or
  - 6.4.2. advise the complainant that there is a formal complaint policy available and provide a link to the complaints webform.
- 6.5. A written acknowledgement that a complaint has been received must be sent to the complainant within five business days. A written response to a complaint must be sent to the complainant within thirty days.
- 6.6. Throughout this policy where a written response is specified, the complainant may request and will receive a response in any other reasonable form that is more accessible (e.g., by telephone).
- 6.7. Any person may designate another person (the "Agent") to make a complaint on their behalf. In this case, the Agent must receive a copy of all correspondence sent to the complainant under this policy.
- 6.8. Anonymous complaints will not be considered.
- 6.9. Submissions under the Complaints Procedure that involve accusations of illegal activity, legal threats, liability, discrimination, harassment, sexual harassment, or violence must be referred to the Board of Directors immediately. In these cases the Board may decide to follow or override the Complaints Procedure and this policy.

## 7. RETALIATION

- 7.1. No person may be penalized or have their access to services provided by HTHC affected because they engaged with the Complaints Procedure.

## 8. CONFIDENTIALITY

- 8.1. All information concerning a complaint is considered confidential and may only be disclosed to a person with a formal role in the Complaints Procedure. A complainant may waive

confidentiality by requesting or permitting staff or volunteers of HTHC to share details of a complaint with other parties.

- 8.2. All information concerning a complaint that is deemed to be a confidential complaint is restricted to the Board of Directors and the staff that the Board may explicitly authorize.
- 8.3. Staff or volunteers who are the subject of a complaint (the “Respondent”) are considered to have a formal role in the Complaints Procedure. Details of the complaint can be shared with the Respondent(s) and they can be included in the investigation and resolution phases of the process at the discretion of the Chair.

## 9. APPEALS

- 9.1. A complainant that is unsatisfied with the response to a complaint may submit a written appeal.
- 9.2. The appeal will be considered by the Board of Directors at their next meeting, or at the meeting after that if the next meeting is within two weeks of receipt of the appeal.
- 9.3. The Secretary will provide a written response to an appeal within 30 days of the Board of Directors meeting at which the appeal was discussed.

## 10. CHANGES

- 10.1. This policy may be changed by resolution of the Board of Directors.

## PROCEDURES

### Publicizing the Complaint Procedure

The existence of the Complaints Procedure will be publicized on the Coalition website (<https://hamiltontranshealth.ca>) using clear and simple language. A link to the full Complaints Policy and any relevant procedures should be provided but should only augment a plain-language description of how a complaint may be made and what the complainant should expect.

An option to submit a complaint using a web form will be provided, and other means of submitting a complaint (a mailing address and the [complaints@hthc.ca](mailto:complaints@hthc.ca) email alias) will be explained.

Staff and volunteers who receive a complaint (or believe someone may want to make a complaint) should refer the person to the complaints section of the website or offer to provide simple information about making a complaint in writing.

### Making a Complaint

A person who wishes to make a complaint may:

- Read the description of the recommended process on the complaints section of the website and use the provided web form,
- Send an email to [complaints@hthc.ca](mailto:complaints@hthc.ca),
- Send a letter to Hamilton Trans Health Coalition, PO Box 60516 Mountain Plaza, Hamilton ON L9C 7N7, or
- Speak to staff.

A person who receives a verbal complaint will provide a written report that includes details of the complaint and contact information for the complainant to the Secretary. Staff and volunteers have some discretion here. Complaints that are quickly resolved and don't suggest there are larger operational issues at play do not have to be documented. Any lessons learned from responding to or resolving a complaint should be shared.

The Secretary will maintain a ledger of complaints that includes dates and status of the response.

### Receiving a Complaint

The email alias [complaints@hthc.ca](mailto:complaints@hthc.ca) will be received by the Secretary of the Board and reviewed daily.

The Coalition's post office box will be checked at least once every 14 days.

Staff and volunteers will assist complainants to understand and use the complaints procedure. Staff will provide information or accept information in formats other than those specified here to accommodate disabilities and reduce barriers to access.

The Secretary will act as the Chair's designate in receiving, investigating, and responding to complaints.

Members of the Coalition are not bound by the Complaints Policy unless they are volunteering in a specific, Coalition-defined role. The Coalition will not accept complaints about members who are not acting as an agent of the Coalition. Members are encouraged to forward any complaints they receive about HTHC to the Chair or the Secretary, or to refer people who wish to complain to the complaints section of the website.

## Responding to a Complaint

### When a complaint is received:

1. [Anyone:] Forward the complaint in writing to the Secretary at [complaints@hthc.ca](mailto:complaints@hthc.ca). (Skip this step for email and web form complaints. Forward a PDF version of a scan in the case of paper submissions.)
2. [Secretary:] Determine if submission involves discrimination, harassment, sexual harassment, violence, illegal activity, legal threats, or a claim of liability. If so, refer the submission to the Board of Directors for consideration immediately. The Board may follow this policy or act otherwise at its discretion.
3. Determine if the submission meets the definition of a complaint under the Complaints Policy. (e.g., is about HTHC, is from someone affected by HTHC, is not anonymous.) If not, stop the process here. Consider responding to the submitter to explain why the submission will not be carried further, and reporting on the submission to the members of the Coalition if either would be productive.
4. Determine if the complaint involves a personnel matter or if its handling could expose the personal information of staff, a volunteer, or a service user. If so, treat the complaint as a Confidential Complaint. Only the Board and staff (at the Board's discretion) may be privy to the existence or details of a confidential complaint.
5. Note the date the complaint was received by HTHC and start a log in the Complaints Ledger.
6. Within five days of receipt, send a written response to the complainant that acknowledges receipt of the complaint, summarizes the complaint, and refers to the complaints section of the website as a resource for understanding the process.
7. If the complaint is not confidential, add it to the next quarterly report on complaints to the members. Continue to report on the complaint at quarterly meetings until it is resolved.
  - Report on the general nature and the status of all new or still-open complaints.
  - Report in an in-camera session. Only members of the Coalition and staff may attend.
  - Summarize any decisions or actions (not the complaints) in the minutes of the meeting.
  - Confidential complaints are not reported to the membership.
8. Investigate the complaint. Document the activities and findings of the review.
9. Use personal judgement to establish a review team. For example:
  - Respond directly to complaints that can be resolved easily,
  - Gather a small working group of staff, Board members, and/or Coalition members to discuss an appropriate resolution/response, or
  - Use an all-members meeting to discuss a complaint and HTHC's ideal resolution/response.
10. Within thirty days of receipt, send a written response to the complainant that outlines HTHC's response to the complaint and any decisions made or actions taken.
  - If a resolution is not possible before 30 days, send a written update to the complainant with an estimate on when the final response will be provided. Update the complainant in writing at least every 10 days until the resolution is reached.

11. Update the complaints ledger and make a digital record of the complaint, the complainant's details, the methodology and findings of the investigation, and decisions, actions, and responses. Keep digital records of complaints together, and only accessible to the Chair and the Secretary.

## Responding to an Appeal

### When an appeal is received:

1. [Anyone:] Advise complainant that appeals must be in writing, if necessary. Forward the appeal to the Secretary at [complaints@hthc.ca](mailto:complaints@hthc.ca).
  - Forward a PDF version of a scan in the case of paper appeals.
  - Indicate clearly that this is an appeal to an already-resolved complaint.
2. [Secretary:] Circulate the written appeal and the digital record of the subject complaint to the Board of Directors.
3. If there is not a Board meeting already scheduled in the next 90 days, schedule a special meeting.
4. At a Board meeting, discuss the appeal and pass a motion setting out the Board's response.
5. Draft a written response to the complainant.
6. [Chair:] Send the written response over the Chair's signature.
7. [Secretary:] Add a record of the actions and correspondence related to the appeal to the original digital record of the complaint.

## Service Contract Negotiation

If a service agreement with a third party is entered into by HTHC which includes human resources (i.e., staff from a third-party agency that could receive or be the subject of a complaint under the Complaints Policy) it will include language that requires that:

1. The staff person makes a potential or actual complainant aware of HTHC's Complaints Policy, and
2. The agency forwards a record of all complaints and responses to the Chair in a timely manner.

## Staff Onboarding

Explicit training on how to recognize when a member of the community may want to make a complaint and support complainants to understand and use these procedures will be provided to all staff as part of their orientation.

## Complaints Referred to the Board of Directors

The Board of Directors is encouraged to follow this procedure and adhere to the Complaints Policy for any complaint that it is referred but has the discretion to use a modified procedure. All requirements for communication and record-keeping still apply to any modified procedure.

The Board must balance accountability to the community with its obligation to treat all parties to a complaint with respect. It must share information judiciously through whatever procedure is employed to ensure that operational issues that should be handled confidentially are not shared with people without the need to know.

## Changes

These procedures may be changed by the Chair (including the Chair's designate) or a staff member of HTHC in consultation with a Board member. The procedures must adhere to the Complaints Policy.

## CHANGE HISTORY

2022-09-27 First draft created

2022-11-10 Approved by board