



Garden River First Nation Community Complaints Policy

Preamble

GRFN makes every effort to provide the highest quality programs and services to our member citizens and others who GRFN deals with. When citizens and others have complaints regarding the services they receive, the Community Complaints Policy provides an avenue to address. The complaints policy outlines the process to address community complaints to ensure response, follow up and resolution of complaints. The Community Complaints Policy is a support to our citizens and a tool to assist GRFN in maintaining the highest quality of services for our members.

Definitions

Complaint – Complaints related to either the services provided by a Garden River First Nation (GRFN) department, program or business or the conduct of an employee. Complaints related to an elected member of Council will be addressed through the GRFN Code of Conduct.

Employee – Any and all persons who perform full-time, part-time, permanent, temporary, seasonal or contract services for Garden River First Nation and/or related entities.

Community Complainant – Includes any and all members of the public that receive services from GRFN and/or related entities, whether or not they are citizens of GRFN. Employees of GRFN or members of Council are not included unless their issue is unrelated to the complainant's employment and is related to a specific service provided to them as a community member.

Party – Includes the respondent, the complainant and the Band Manager on behalf of GRFN or a designate.

Respondent – GRFN employee mentioned in the complaint.

Time Limit for Accepting Complaint – Two (2) months or sixty (60) days is the period of time to submit a complaint, calculated from the date on which the conduct allegedly occurred or became known or ought to have been known by the complainant.

Signed Complaint – The form submitted containing information in relation to the complaint.

Third Party – Where the person lodging the complaint is not directly affected by the conduct, and there are insufficient grounds for accepting the complaint from a person other than the person directly affected, the reasons for the Band Manager's decision to reject the complaint shall be provided, upon request, to the complainant.

Private Complaint – Where a complaint is unrelated to department, program, service or personnel. A private complaint may involve a private dispute between individuals and should be resolved through the Anishinabek Police Service (APS), Children's Aid Society, court system or other external means.

Process – Making a Complaint

Step One

Community complaints must be submitted in writing. Verbal complaints will not be investigated. Due to the inability to confirm identify through email, unsigned complaints submitted by email will not be treated as formal complaints, unless a signed complaint form is attached. Community complaint forms are available at the Band Office, any GRFN department and on the GRFN website to assist with filing the formal complaint.

A written complaint should include:

- Name of the complainant, address with postal code, contact telephone number with area code and, email address (if applicable).
- The date, time and location of incident
- The name, department and program or position of employee involved. If the complainant does not know the name of the employee, a physical description should be provided.
- Summary of the specifics of the complaint. A signed complaint form should be sent directly to the Band Manager.

This can be delivered in person, mailed or email to:

Band Manager
7 Shingwauk Street
Garden River, ON
P6A 6Z8
EMAIL TBD

Step Two

A written response will be sent to the complainant acknowledging receipt of the complaint within five (5) business days of being submitted. The response letter shall also indicate whether or not further investigation into the allegations shall be conducted.

Step Three

Investigation is conducted by the Band Manager and/or Human Resources and others as required. Details of the complaint shall be shared with all parties affected including the respondent (subject employee).

Step Four

Efforts shall be made to resolve less serious complaints through a mutually agreeable informal resolution at the administrative level. An informal resolution of a complaint is an option that is available at any time during the process i.e., before, during or after the investigation.

Complaints related to GRFN departments, programs, services or personnel will be addressed at the administrative level. If the complaint relates to personnel, the Band Manager's decision is final.

If a complaint relates to the Band Manager, the complaint will be forwarded to Human Resources. The complaint will be investigated by Human Resources. The investigation and resolution process may require a meeting be called with the complainant.

Complaints related to an elected member of Council will not be addressed through the Community Complaints Policy. Complaints related to an elected member of Council will be addressed through the GRFN Code of Conduct.

Resolving the Complaint – Process

Step Five

In the event that the investigation supports the allegations of misconduct, an appropriate disciplinary action will be assessed against the employee.

Factors when considering disposition

An appropriate disciplinary action is selected taking into consideration the following factors:

- Human Resources Policy & Procedure Manual
- Public interest
- Seriousness of the misconduct
- Recognition of the seriousness of the misconduct (by the respondent)
- Employment history
- Need for deterrence
- Ability to rehabilitate or reform the employee
- Damage to the reputation of the department
- Disability or other relevant circumstances
- Effects on the employee and his/her family
- Management approach to the misconduct
- Consistency of disciplinary approach
- Case law

Less serious complaints are resolved outside of a disciplinary approach and may be resolved through coaching or training. Serious complaints are resolved through disciplinary measures (taking into consideration the above-mentioned factors).

In the event that the investigation does not support the allegations the complaint shall be closed.

Step Six

The complainant shall be advised in writing of the reason(s) for closing the complaint or advised of how the complaint was resolved (ie. Policy and/or procedure developed to address area of concern). The complainant will not be notified if any disciplinary action was assessed against an employee. Personnel information is strictly confidential. Correspondence regarding resolution or closing of the complaint will be sent to the complainant within three (3) months of the date the original complaint was received.

Withdrawing a Complaint

At anytime during the process the complainant has the option of withdrawing his/her complaint by writing to the Band Manager informing him/her of the intention to withdraw the complaint.

Unfounded, Trivial or Malicious Complaints

Complainants that are submitted which are groundless or unsubstantiated will not be processed. Groundless complaints include those that contradict existing policy or are program related and have been addressed by other portfolios (ie. Housing evictions due to arrears). Unsubstantiated complaints include those where no evidence exists to support the complaint.

Complaints that are submitted which are deemed trivial in nature will not be investigated. Trivial complaints include those that do not breach policy or produce or are based in a personal perception (ie. Was not politely greeted by staff member, my phone message wasn't immediately returned, etc.)

Complaints that are submitted which are malicious in nature are perceived as serious attacks against the credibility, reputation and professionalism of a department, program or employee. Upon investigation of a complaint, if it is deemed malicious in nature, it will be forwarded to Human Resources. Human Resources will review the complaint and make a recommendation to Council during an in-camera session of Council. The complainant may be requested to attend the meeting to speak to the complaint.

Depending on the damage caused by submitting an unfounded or malicious complaint, a penalty may be issued against the complainant by Council. A penalty may include denial of a service or services, suspension of a services or services, termination of a service or services, being banned from a program or department or any other penalty that Council deems appropriate and relevant. Any penalty assessed by Council will be outlined in correspondence to the complainant.