

Complaints Process – Frequently Asked Questions & Answers

What is the purpose of the Complaints Committee?

One of the most important responsibilities of HRP A is to ensure our registrants (members, students and registered firms) are practicing HR competently, professionally, and ethically – and in accordance with the *Code of Ethics and Rules of Professional Conduct*. If a member of the public (e.g., employer or employee), a fellow registrant or the Registrar of HRP A believe that one of our registrants has fallen short of their professional obligations under the *Code of Ethics and Rules of Professional Conduct*, they can file an official complaint with HRP A – which will then be reviewed by the Complaints Committee to determine the most appropriate course of action.

Where does the Complaints Committee authority come from?

The Complaints Committee is a statutory committee established under Section 12 of the [Registered Human Resources Professionals Act, 2013](#), (the “Act”) and the By-laws. In accordance with the Act and the By-laws, the Complaints Committee shall review every complaint referred to it regarding the conduct of a member, student or registered firm and shall investigate the matter if the complaint contains information suggesting that the member, student, or firm may be guilty of professional misconduct.

While being involved in the complaints process can be challenging and emotionally taxing for both the complainant and the registrant, HRP A is committed to a fair and impartial complaints process where all parties have an equal opportunity to participate and to express their point of view.

Against whom can a complaint be filed?

As the Ontario regulatory body for registered Human Resources professionals, HRP A has authority over the conduct of its registered members, students and firms. The key word here is registered: only registered HRP A members, students and firms have agreed to be bound by HRP A’s Code of Ethics and Rules of Professional Conduct. As such, HRP A’s legal authority to investigate complaints is limited to its registered members, students, and firms.

HR professionals not registered with HRP A are not bound by the same professional obligations, and as such it may be more challenging to hold them accountable for potential unethical or unprofessional behavior. While HRP A cannot investigate complaints against non-HRP A registrants, such complaints may be directed to other authorities, for example the Ontario Human Rights Tribunal or the Ministry of Labour.

To determine if an individual is a member, student or firm of HRP A, please review HRP A's Public Register, [which can be accessed here](#), or contact the Office of the Registrar:

Email: registrar@hrpa.ca

Tel: (416) 923-2324

Toll Free: 1(800) 387-1311

Who may file a complaint?

A complaint against an HRP A member, student or firm may be registered by anyone, including a member of the public (e.g., employer or employee), a fellow HRP A member, student or firm or the Association itself.

How to file a complaint with HRP A

The first step in filing a complaint about an HRP A member, student or firm, is to review HRP A's Code of Ethics and Rules of Professional Conduct to determine which sections of the Code and the Rules may have been breached by the alleged conduct of the member, student or firm.

The second step is to download and complete the [complaint form](#). All complaints must be received in writing (via mail or email) and should include the following information:

- the full name and contact information of the person filing the complaint;
- the name(s) of the member, student or firm (s) the complaint is about;
- a description of the alleged misconduct (e.g., the actions of the registered member, student or firm that are the basis for the complaint) and which section(s) of the Code of Ethics and Rules of Professional Conduct were allegedly breached;

- a chronological history of any relevant events including the date(s), time and location where specific events occurred;
- the name(s) and contact information of any witness or anyone who may be able to provide further information;
- a list of any supporting documentation (copies of emails, letters, etc.) that is being submitted as part of the complaint, and how it relates to the allegations within the complaint (specifically, which allegation(s) the documentation is meant to support);
- whether a complaint regarding the same or similar allegations has also been filed with another official legal body (e.g., the Ontario Human Rights Commission), and if so, which body the complaint was filed with and the status of the matter.

The completed complaint should be sent to either:

Mail: HRPA, Office of the Registrar
150 Bloor St. W., Suite 200
Toronto, Ontario, M5S 2X9

Email: registrar@hrpa.ca

Accommodations during the complaints process

HRPA is committed to providing access to its programs and services, including the complaints process, to individuals with documented disabilities. HRPA complies with relevant accessibility laws including the *Accessibility for Ontarians with Disabilities Act* and *Ontario Human Rights Code*.

A disability is any physical or mental condition that limits a person's movements, senses, or activities¹.

If an individual requires accommodations to file or respond to a complaint, or to participate in the complaints process, they are strongly encouraged to contact us at registrar@hrpa.ca or at 416-923-2324 for further assistance.

¹ A more detailed definition can be found on the Ontario Human Rights Commission's website

<http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/2-what-disability>

The information an individual provides regarding their disability and accommodation needs will be used only to assist HRPAs in making a fair determination as to their circumstances and in understanding the nature of the accommodation they are seeking and its relationship to the resources HRPAs has at its disposal. The information the individual provides will be kept strictly confidential. Only individuals who are directly involved in processing a request for accommodation and in providing the accommodation will have access to the individual's information².

In some situations, HRPAs will engage with the individual to seek a mutually acceptable solution. Individuals are expected to participate in this interactive process in a timely way. Decisions regarding accommodations are appealable to HRPAs's Appeal Committee.

What about anonymous complaints?

HRPAs cannot act on an anonymous complaint. A complaint must include the name and contact information of the person making the complaint and the name of the HRPAs member, student or firm involved. Anonymous complaints are challenging for a variety of reasons:

1. There is no opportunity to ask follow-up or clarification questions, or to seek further information.
2. There may be no or limited supporting documentation/evidence that is submitted with the anonymous complaint.
3. There are usually no witnesses to rely on.

As a result, whenever HRPAs receives an anonymous complaint, we have to balance the fact that potential misconduct has been brought to our attention with procedural fairness to the member, student or firm – specifically the requirement that the member, student or firm should know the case against them and have the opportunity to respond fully.

However, if a matter comes to the attention of the Registrar which leads the Registrar to believe that an HRPAs member, student or firm has committed an act of professional misconduct or is incompetent, the Registrar may determine that it is in

² Pursuant to Section 62 of the *Registered Human Resources Professionals Act, 2013*, all individuals who have knowledge of this information are subject to an enforceable duty of confidentiality.

the public interest for a complaint to go to the Complaints Committee. In this situation, the Registrar would file a complaint on behalf of HRPA and the member, student or firm would be the two parties to the complaint.

What happens when HRPA receives a complaint?

When a written complaint is received by HRPA, as a first step staff will acknowledge receipt and then the complaint will be reviewed to ensure it is complete. If additional information or clarification is required, staff will reach out directly to the complainant to obtain anything that is outstanding, before sharing the complaint with the member, student or firm that are subject to the complaint.

To ensure transparency and procedural fairness, the entire complaint, including the name of the complainant and any supporting documents will be shared. The only information that will be withheld is the contact information of the complainant.

The member, student or firm is given at least 30 calendar days to respond to the complaint. The response must be in writing (mail or email) and must be submitted to the Office of the Registrar.

The complainant is then provided with a copy of the member, student or firm's response to the complaint and has the opportunity to make further submissions at this stage. This is not an opportunity for the complainant to restate their case though, only for them to either refute statements made by the member, student or firm or to address any new issues that were raised in the member's, student's or firm's response to the complaint. If the complainant does make further submissions, then the member, student or firm will have one last opportunity to comment on the allegations, before the complete complaints package is provided to the Complaints Committee for review.

What process does the Complaints Committee follow?

After reviewing the entire complaints package, including the complaint and the response of the member, student, and firm as well as any supporting documentation, a panel of the Complaints Committee may decide that they require further information and/or clarification and reach out to either of the parties. Furthermore, they may also request additional information from any witnesses. The panel may

also conduct a formal investigation by appointing an external investigator to gather additional information and provide an investigation report to the panel.

Once the panel is satisfied that they have sufficient information, the panel will meet to deliberate and reach a decision on how to proceed with the complaint. The panel will provide their decision and reasons in writing to both the complainant and the member, student or firm who are parties to the complaint.

Can the Complaints Committee decide not to investigate a complaint for any reason?

If, at any time in the complaints process, the complaint appears to be frivolous or vexatious or otherwise inappropriate to investigate, a panel of the Complaints Committee may decide not to investigate the complaint. Before making such a decision, the panel will usually seek submission regarding its intention to dismiss the complaint from both parties. If, after reviewing those submissions, the panel still believes that the complaint is frivolous or vexatious or otherwise inappropriate to investigate, the panel will dismiss the complaint and provide its reasons for this decision. Furthermore, the panel will also advise the complainant of their right to ask for a review of the Complaints Committee's decision by HRPAs Appeals Committee.

What happens if a complainant withdraws from the process or is no longer available to participate?

In extraordinary circumstances where a complainant chooses to withdraw from the complaints process or is no longer available, the Complaints Committee may continue to move forward with investigating the complaint regardless. Alternatively, the Complaints Committee could permit the complainant to withdraw the complaint.

What decisions can the Complaints Committee make?

Following the investigation of a complaint, the Complaints Committee has the following options on how to proceed:

- Dismiss the complaint;
- Refer the matter, in whole or in part, to the Discipline Committee;



- Negotiate a settlement agreement between the Association and the member, student, or firm and refer the agreement to the Discipline Committee for approval; or
- Issue a Caution or Advice or take any other action that the Complaints Committee consider appropriate and that are not inconsistent with the Act or the By-laws.

Is there anything the Complaints Committee cannot do?

It is important to note that HRPAs has no authority to provide a financial remedy to the complainant; therefore, the Complaints Committee cannot award any damages. Additionally, the Complaints Committee cannot dictate whether an individual shall be rehired once they have been terminated by their employer.

How long does the complaints process take?

The timeline for the resolution of a complaint is dependent upon the complexity of the case. Once all information relevant to the complaint has been received, the Complaints and Committee makes every effort to ensure that a decision has been reached within 150 calendar days.

Is it possible to appeal a decision of the Complaints Committee?

If the Complaints Committee does not direct that a matter be referred to the Discipline Committee, either the complainant or the member, student or firm who was the subject of the complaint may request a review of the Complaints Committee decision by the Appeals Committee. The request for an appeal must be made within 30 calendar days of the panel's decision and reasons being provided to the complainant and the member, student or firm.

How does HRPAs ensure that complaints are kept confidential?

All members of the Complaints Committee and Office of the Registrar staff are bound by confidentiality requirements. Information regarding individual complaints cases provided to panel members is destroyed when it is no longer needed.

However, it is important to note that if the decision of a panel of the Complaints Committee is to refer the matter to the Discipline Committee, the information regarding the Discipline process and any decision of the Discipline Committee are publicly available, and the complainant may be listed as a witness if they are called to testify at the Discipline Hearing.

What happens if there is a similar complaint against the member, student, or firm before another adjudicative body?

If a similar complaint against the member, student or firm is before another adjudicative body, HRPAs may decide to defer reviewing the complaint until the other adjudicative process has been resolved. As such, complaints may not be dealt with by HRPAs while they are the subject of litigation and/or filed with an official legal body (e.g., the Ontario Human Rights Tribunal).

If the Complaints Committee decides to defer a complaint until the resolution of another adjudicated process, the Complaints Committee still reserves the right to reopen any matter if there are issues not dealt with through the other adjudicated process. It is the obligation of the member, student, or firm to advise HRPAs of the outcome of any proceeding before another adjudicative body or the nature of any settlements.