

Complaints Policy Environmental Review Tribunal

Introduction

The Tribunal is committed to providing the highest quality of service to the public. From time to time, the Tribunal may receive complaints about the quality of service related to its practices or the conduct of its Members or staff.

Purpose

The purpose of this Policy is to outline how a complaint may be raised with the Tribunal and what action the Tribunal will take when a complaint is received.

An expression of dissatisfaction with the outcome of a decision of the Tribunal is not a complaint. The complaints procedure is not another form of reconsideration or appeal/judicial review. Complainants may raise their concerns with the Ontario Ombudsman at any time in the complaints process.

Conflict of Interest/Political Activity

The Complaints Policy does not govern conflicts of interest or prohibited political activity as they are defined under the Public Service of Ontario Act, 2006 ("PSOA"). These matters are governed by the Tribunal's Conflict of Interest Rules and the Political Activity Rules set out in the PSOA.

Complaints in Writing

Complaints must be submitted in writing. Complainants must be willing to disclose their name, address, and connection to the matter on which their complaint is based. In all cases, receipt of the complaint will be acknowledged.

When may an Investigation be Terminated

An investigation may be terminated at any time. Reasons for the termination include, but are not limited to, situations where the complainant refuses to comply with a request for clarification or additional information and there is insufficient information to proceed with the inquiry,

Tribunal Staff

When a Complaint is Made Regarding a Staff Member

A complaint about a staff member may be raised with that person directly. A complaint about a staff member may also be raised with the Tribunal Secretary. Where it is decided to investigate a complaint, the Tribunal Secretary will provide the staff member with a copy of the complaint and an opportunity to respond. The complainant will be provided with a copy of the staff member's response and the opportunity to reply. The complainant and the staff member will be provided with the Tribunal Secretary's conclusions.

Tribunal Members

When a Complaint is Made Regarding a Tribunal Member (other than the Tribunal Chair)

If a complaint is received prior to the end of a hearing, the complainant will be advised that he or she should consider raising the complaint with the Tribunal Member conducting the hearing. In any event, the Member will be provided with a copy of the complaint, and with an opportunity to reply, unless it is the Tribunal Chair's opinion that it is not appropriate to do so at that time because a proceeding is ongoing. Except in unusual circumstances, the need to maintain the integrity and impartiality of the hearing process will require the Tribunal Chair to defer an investigation until the hearing is completed and the decision released and any appeals/judicial reviews have concluded.

If the complaint regarding a Tribunal Member relates to a non-hearing activity involving the Tribunal Member, then the complainant will be advised that the Tribunal Chair will consider the complaint as soon as possible.

If the Tribunal Chair decides to conduct an investigation in response to a complaint, the complainant will be provided with a copy of the Member's response to the complaint and the opportunity to reply.

When a Complaint is Made Regarding the Tribunal Chair

As the Tribunal Chair reports to the Attorney General, the Attorney General or his or her delegate is the most appropriate choice for reviewing complaints against the Tribunal Chair.

Results of an Investigation

After an investigation has been conducted, the complainant and the Member will be provided with the Tribunal Chair's conclusions as soon as the Tribunal Chair deems it is appropriate to do so. The Tribunal Chair may note the results of the investigation in the Member's performance appraisal.

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