

What to do When the Complaint is About You?

July 26, 2018

Answers to questions are in red.

FT: Are there time limits to make a complaint

No, there are no time limit to file a complaint with HRP A that is set out in our Act.

AD: is there any recourse to a member who makes a malicious or unwarranted complaint?

The decision of whether or not to refer a complaint to Discipline is made by the Complaints Committee. Likewise, the Complaints Committee can determine whether or not a complaint is without merit and therefore dismiss the complaint for that reason. It is important to note that HRP A's Rules of Professional Conduct include a section regarding retaliation against an individual who has made a complaint. Under Chapter III, Division II: Legal Requirements:

5. A registrant shall not:

(1) retaliate in any way against employees that are exercising their right to launch a complaint or grievance;

(2) knowingly participate in or condone any act of retaliation on the part of the organization that employs them or to which they are providing service against employees who are exercising their right to launch a complaint or grievance.

SK: What about third hand knowledge of an issue that should be raised as complaint...how are these handled?

Complaints may be registered with HRP A by a third party however it's important to mention that the party directly involved with the alleged misconduct may be contacted to participate in the Complaints Committee's investigation.

SR: It occurs to me that the HRP A may be motivated to receive and process complaints to demonstrate to the public the robustness of their process. ...Question: Has there been specific consideration of this motivation to assure procedural fairness to a member facing a complaint?

While HRP A does keep track of the number of complaints received, in isolation this is actually not a good metric of how well HRP A is going as a regulatory body. It is important to remember that part of

demonstrating a robust and well-functioning process means treating complaints, as well as both the registrant and complainant, fairly and equitably. There are also safeguards built into the process to ensure procedural fairness. For example, the Complaints Committee operates independently of the Board and it is within the Committee's sole discretion to investigate a complaint and determine whether it may have merit. While HRPAs do provide staff support to the Committee to assist with record keeping and scheduling panels, HRPAs are not involved in the decision making in any shape or form and do not provide directions to the Committee. The Committee itself consists of both registrants of the Association as well as public members to ensure there is the necessary expertise to review and assess complaints fairly, both from the perspective of a fellow HR practitioner as well as from the perspective of the member of the public.