



The Professional Institute of the Public Service of Canada

POLICY RELATING TO MEMBERS AND COMPLAINTS TO OUTSIDE BODIES

1. INTRODUCTION

The Professional Institute of the Public Service of Canada in its By-Laws and Policies provides processes for:

- 1) members to file complaints against other members;
- 2) the resolution of disputes between and among members: and
- 3) the imposition of disciplinary measure in cases where members are found to have conducted themselves in a manner which may warrant disciplinary measures.

These internal procedures provide for a fair and reasonable approach to dealing with some of the difficult issues that inevitably arise between and among members of a large and diverse organization such as the Institute.

It is perhaps also inevitable that there will be some cases that do not end with the internal process. Some members do seek recourse to outside processes to resolve issues, when they are not satisfied with the outcome of the internal procedures.

This policy is intended to address the difficult issues that arise when members take what are initially internal matters to outside processes.

2. OUTSIDE PROCESSES OR PROCEEDINGS

This policy will apply if a member refers a matter that has been or ought to have been considered by the PIPSC internal procedures to any outside process. For the purpose of this policy, outside processes or proceedings means, but is not limited to, recourse to:

the Supreme Court of Canada;
the Federal Court of Appeal;
the Federal Court;
the Court of Appeal of any Province or Territory;
the Superior Court of any Province or Territory;
any Provincial or Territorial Court;
the Public Service Labour Relations Board;
any other federal commission, board or tribunal;
any Provincial or Territorial board or tribunal; or
any other non-PIPSC decision-making body.

This policy will not necessarily apply if PIPSC and the member or members voluntarily and jointly agree to refer a matter in dispute to an outside process. However, for such a referral to be effective there must be a joint memorandum of referral signed by the member or members and duly authorized officers of the Institute.

3. POLICY

(1) Where a member, or members, refers a matter which has been or ought to have been referred to the Institute's internal procedure to an outside process or proceeding for consideration, the following process shall occur:

- a) The matter shall be referred immediately on receipt by the Institute of the document referring the matter to an outside body, to a Special Committee comprised of the Executive Secretary, the General Counsel and a third person who shall be an experienced lawyer selected by the Executive Secretary and the General Counsel.
- b) The Special Committee shall review the referred document and consider the following factors:
 - i. the Elected or Appointed positions held by the person(s) who filed the complaint to an outside body;
 - ii. the nature of the complaint filed by that person(s) and;
 - iii. whether the nature of the positions held and the nature of the complaint, in each instance, raise concerns as to whether or not the person(s) filing the complaint would be able to fulfill the functions of their positions free of any conflicts and without breaching their duty of loyalty to the Institute.
- c) The Special Committee shall convene a meeting in person or by teleconference to consider the matter within no more than ten (10) Institute working days from the date on which the Institute first became aware of the filing of the complaint to an outside body by the member(s) in question.
- d) The Special Committee shall make a recommendation to the Executive Committee of the Institute as soon as possible but no later than ten (10) Institute working days after the conclusion of its meeting referred to above. The recommendations shall address, with reasons, what steps, if any, the Executive Committee ought to take with respect to any or all the positions held by the member(s).
- e) The Executive Committee shall receive the recommendation of the Special Committee along with the other supporting documents including the complaint to an outside body filed by the member(s). The Executive Committee shall convene as soon as possible after receipt

of these documents and no later than ten (10) Institute working days to consider what, if any, action to take. Upon receipt of the recommendation of the Special Committee, the Executive Committee shall advise the member(s) of the receipt of the file and shall enquire of the member(s) in question whether or not they wish to make submissions to the Executive Committee on the question of whether or not the filing of the complaint should lead to any action by the Institute including the suspension from one or all of the positions held by the member(s). The submission by the member(s) shall be no longer than five (5) pages double spaced and may be in the official language of choice of the member(s). It is to be noted that the member(s) is not obligated to provide such submissions. The submission is to be provided within ten (10) Institute working days from the date the Executive Committee notifies the member(s) of the receipt of the file.

- f) The Executive Committee shall make a determination with respect to what action it shall take and, once the decision is taken, shall be implemented forthwith.
- g) The decision of the Executive Committee along with all supporting documents shall be provided to the Board of Directors in time for its next regular meeting. The member(s) in question shall be notified of the decision of the Executive Committee and shall be advised that they have a right to appeal to the Board of Directors the decision taken by the Executive Committee. Such appeal shall be filed within ten (10) Institute working days of the receipt by the member(s) of the decision of the Executive Committee. The Board of Directors' decision with respect to the appeal shall be final and binding and is not subject to any appeal to any other body of the Institute.

**Approved by the Board of Directors
November 18, 2009**