

Board of Health Manual Public Health Sudbury & Districts

Procedure

Category

Board of Health Structure & Function

Section

Board of Health

Subject

Code of Conduct

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Board of Health

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Procedure

If a Board member has a conduct concern regarding a fellow BOH member or the Medical Officer of Health, the BOH member is recommended first to speak directly and respectfully to the person in order to share the concerns and find a resolution together.

A Board member who identifies or witnesses' behaviour or activity conducted by a Board Member that appears to be in contravention of the Code of Conduct may address the prohibited behaviour or activity themselves using an informal or formal approach as identified below.

Part 1 – Informal Complaints

1. Advise the member that the behaviour or activity appears to contravene the Code of Conduct.
2. Encourage the member to acknowledge and agree to stop the prohibited behaviour or activity.
3. Document the incidents including dates, times, locations, other persons present, and any other relevant information.

4. Request the Board Chair, with support from the Medical Officer of Health, as needed to assist in the informal discussion of the alleged complaint with the member to resolve the issue, or in the case of behaviour or activity involving the Board Chair, the Vice-Chair may provide such assistance with the support of the Medical Officer of Health, as needed.
5. If applicable, confirm to the member your satisfaction with the response of the member, or, if applicable, advise the member of your dissatisfaction with the response, and consider the need to pursue the matter in accordance with the formal complaint procedure indicated below, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Part 2 – Formal Complaints

1. Complaints shall be made in writing and shall be dated and signed.
2. The complaint must include reasonable and probable basis for the allegation and any contravention of the Code of Conduct. A supporting affidavit setting out the evidence in support of the allegation must also be included.
3. If the complainant is a member of the Board, their identify may not be protected if the independent third-party investigator finds that the complaint was not made in good faith.
4. The Board of Health may by public motion, file a complaint and/or request an investigation of any Board member(s).

Filing of Complaint and Classification

Formal complaints shall be filed with the Board Secretary who shall forward the matter to an independent third-party investigator for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other policies as described below.

If the complaint does not include a supporting affidavit, the Board Secretary may defer forwarding it to an independent third-party investigator for classification until an affidavit is received.

Complaints Outside Jurisdiction

If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Board of Health Code of Conduct or the complaint is covered by other legislation or complaint procedure, the independent third-party investigator shall advise the complainant in writing as follows:

1. Criminal Matter: If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.
2. Other Policy Applies: If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.
3. Lack of Jurisdiction: If the complaint is, for any other reason not within Board of Health jurisdiction, the complainant shall be so advised and provided with any additional reasons and referrals as the independent third-party investigator considers appropriate.

4. Matter Already Pending: If the complaint is in relation to a matter which is subject to an outstanding complaint under another process, such as a court proceeding, a Human Rights complaint or similar process, the independent third-party investigator may, in his/her/their sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process.

Annual Report to the Board

The Board Secretary shall ensure that a report is brought forward to the Board of Health annually on all complaints received and, on their disposition, including complaints deemed not to be within jurisdiction.

Refusal to Conduct Investigation

If the independent third-party investigator is of the opinion that the referral of a matter to them is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the independent third-party investigator shall not investigate and, where this becomes apparent in the course of an investigation, shall terminate the investigation.

Opportunities for Resolution

Following receipt and review of a formal complaint, or at any time during the investigation, where the independent third-party investigator believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the member agree, efforts may be pursued to achieve an informal resolution.