

ALBERTA SOCIETY OF HEALTH AND SAFETY PROFESSIONALS
COMPLAINT AND DISCIPLINARY POLICIES AND PROCEDURES



1. Definitions

“Assigned Reviewer” means a Committee Member who has been assigned by the Chair to undertake the preliminary review under these Policies and Procedures.

“Board” means the Board of Directors of the Alberta Society of Health and Safety Professionals.

“Chair” means the Chair of the Disciplinary Committee, duly appointed under the Society Bylaws, or a person designated by that Chair to fulfill any Chair obligation under these Policies and Procedures.

“Code of Conduct” means the Code of Conduct passed by the Board, and amended from time to time, under the Society’s Bylaws.

“Committee Member” means a member of the Disciplinary Committee duly appointed by the Chair under the Terms of Reference of the Disciplinary Committee.

“Complainant” means a person who has launched a formal Code of Conduct complaint against a member of the Society under these Policies and Procedures.

“Disciplinary Committee” means the disciplinary committee that is established as a standing committee under the Society Bylaws.

“Hearing Panel” means the three (3) Committee Members who have been appointed by the Chair to conduct a hearing into a matter under these Policies and Procedures.

“Investigator” means a Committee Member who has been appointed under these Policies and Procedures by the Chair to investigate the Code of Conduct complaint or concern in relation to a member of the Society.

“member” means a member in good standing of the Society in any category listed in Bylaw 2 of the Society’s Bylaws.

“Resolution Officer” means a Committee Member who has been assigned by the Chair to oversee the Early Complaint Resolution process under these Policies and Procedures.

“Society” means the Alberta Society of Health and Safety Professionals.

2. Overview

To ensure the public interest is protected, all Professional, Practitioner, and Candidate Members must be responsible and accountable for their acts and omissions in relation to the Code of Conduct. Associate and Honourary Members also must be responsible and accountable for any applicable provision of the Code of Conduct in situations where the Members actions or omissions may bring the Society into disrepute.

All members of the Society are subject to the Code of Conduct and these Disciplinary Policies and Procedures. A review of a member's conduct may be initiated in one of the following ways:

1. A written complaint from a client, employer, worker, regulatory or other organization, member of the public, or a member of the Society acting in their own capacity; or
2. Internally when the Society learns that a member may have contravened the Code of Conduct.

2.1 Criminal Matters

If the Society determines, at any time, that the substance of the complaint or alleged contravention of the Code of Conduct, may reasonably constitute a criminal offence, the Society shall contact the appropriate policing agency and cooperate with any criminal investigation. In such a case, the Society shall proceed with the internal disciplinary process unless doing so may compromise the criminal investigation or otherwise lead to the endangerment of the health, safety, or property of a person. The Society shall consult the investigating policing agency to make this determination.

2.2 Anonymous Complaints

The Society is not obligated to follow up on anonymous complaints, as the underlying information provided in such a complaint may not be verifiable. Also anonymous complaints may deny fair process to the member in question (e.g., ability to provide full answer and defence to an accusation). However, if the Society believes that the anonymous complaint provides enough information to warrant reasonable concern into the member's conduct, the Society may launch its own internal investigation under clause 4.

3. Complaint Process

3.1 Launching a Complaint

- (a) A formal complaint must be initiated in writing by the Complainant and submitted to the Chair. In a case where the complainant is incapable of providing the complaint in writing (e.g., language barrier, etc.), the Chair will work with the Complainant to ensure that the complaint is accurately captured and put in writing.
- (b) The Chair must, within thirty (30) days of receipt of a written complaint, send an acknowledgment letter to the Complainant.
- (c) The Chair must, within thirty (30) days of the receipt of a written complaint, inform the Member in question that a complaint has been made along with the nature of that complaint, unless the Chair determines that the health, safety, or property of any person may be endangered if the Member were to be informed.

3.2 Preliminary Review

- (a) The complaint will be assigned to a member of the Disciplinary Committee (“Assigned Reviewer”) for a preliminary review. After the completion of the preliminary review, the Assigned Reviewer must take one of the following actions:
 - i. if the nature of the complaint does not constitute as serious contravention of the Code of Conduct, in which the reputation of the Member or the Society may be compromised, refer the matter to Early Complaint Resolution.
 - ii. if the nature of the complaint falls outside of the mandate of the Society, recommend to the Chair that the complaint be dismissed in whole or in part;
 - iii. if the complaint is determined to be frivolous, vexatious, or made in bad faith, recommend to the Chair that the complaint be dismissed in whole or in part; or
 - iv. refer the matter for investigation.
- (b) Upon receipt of a dismissal recommendation under clause 3.2(a)(ii) or (iii), the Chair shall consider whether the complaint should be dismissed in whole or in part. Upon completion of such consideration, the Chair must take one of the following actions:
 - i. dismiss the complaint in whole or in part;
 - ii. refer the matter, in whole or in part, to Early Complaint Resolution; or
 - iii. refer the matter, in whole or in part, for investigation.
- (c) If the Chair dismisses the complaint under clause 3.2(b)(i), the Chair must inform the Complainant and the Member in question, in writing within 30 days of the decision, that the complaint has been dismissed.

3.3 Review of Complaint Dismissal

- (a) Within thirty (30) days of the receipt of the written dismissal under clause 3.2(c), the Complainant may request the Board to review the dismissal.
- (b) Upon completion of the review, the Board must take one of the following actions:
 - i. uphold the dismissal in whole or in part;
 - ii. rescind the dismissal in whole or in part and refer the matter to Early Complaint Resolution; or
 - iii. rescind the dismissal in whole or in part and refer the matter for investigation.
- (c) The Board must inform the Complainant and the Member in question of its decision under sub-clause (b) in writing within thirty (30) days of making its decision.
- (d) The decision of the Board under sub-clause (b) is final and binding.

3.4 Early Complaint Resolution

- (a) Subject to these Policies and Procedures, the Disciplinary Committee may establish its own rules and procedures for the Early Complaint Resolution.
- (b) Upon receiving a decision that the complaint should be referred for Early Complaint Resolution, the Chair shall assign a Committee Member to conduct the resolution process (“Resolution Officer”).
- (c) The Resolution Officer must inform the Complainant and the Member in question, in writing within thirty (30) days of receiving the assignment, that the matter has been referred to Early Complaint Resolution and provide the Complainant with an outline of the Early Complaint Resolution process including any rules and procedures.
- (d) The Resolution Officer will communicate with the Complainant and the Member in question to understand the substance of the complaint, and will work with both parties to attempt to resolve the situation. This may involve, but is not limited to, the following:
 - i. ensure the Member fulfills the Code of Conduct obligation(s) at issue;
 - ii. require the Member to undergo additional training that the Resolution Officer deems is appropriate to ensure that future Code of Conduct obligations are met;
 - iii. provide the Member with direct coaching;
 - iv. require the Member to participate in a mentorship program as a mentee;
 - v. require the Member to undergo a competency upgrade; or
 - vi. develop a personal issue management plan with the Member.

- (e) If the Resolution Officer determines that the Member has fulfilled their obligation(s) issued under sub-clause (d), the matter will be considered resolved, and the Resolution Officer must inform the Complainant and the member in question, in writing within 30 days, that the resolution was achieved.

3.5 Review of Early Complaint Resolution

- (a) Within thirty (30) days of the receipt of the notice that the matter has been resolved under the Early Complaint Resolution process, the Complainant may request the Chair to review the resolution.
- (b) Upon completion of the review, the Chair must take one of the following actions:
 - i. uphold the resolution;
 - ii. refer the matter back to Early Complaint Resolution for reconsideration of the resolution in whole or in part; or
 - iii. refer the matter in whole or in part for investigation.
- (c) The Chair must inform the Complainant and the Member in question of its decision under sub-clause (b) in writing within thirty (30) days of making its decision.
- (d) The decision of the Chair under sub-clause (b) is final and binding.

3.6 Investigation

- (a) If the complaint is referred for investigation, the Chair shall assign a Committee Member as the Investigator.
- (b) An Investigator assigned under sub-clause (a) must not be the same Member who was the Assigned Reviewer under clause 3.2 or the Resolution Officer under clause 3.4.
- (c) An Investigator may require the Member under investigation to provide any information that the Investigator determines is necessary to properly investigate the complaint, including a written statement from the Member under investigation.
- (d) The Investigator may request any information from the Complainant that the investigator determines is necessary to properly investigate the complaint, including requesting a written statement from the Complainant.
- (e) If the Complainant refuses or is otherwise unable to provide any necessary information, the Investigator may request that that Chair dismiss the complaint for want of evidence.

- (f) The Chair receiving a request under sub-clause (e) shall review the matter. If the Chair determines that the missing information is necessary in order to ensure a proper investigation, or to provide the Member under investigation with fair process, the Chair must take one or more of the following actions:
 - i. dismiss the complaint in whole or in part;
 - ii. provide the Complainant with a date by which to provide the missing information, and direct that if the information is not provided, the complaint will be dismissed in whole or in part; or
 - iii. determine that the missing information is not required and order the investigation to continue without the provision of the information.

- (g) Upon receiving all relevant information, the Investigator must review that information and take one of the following actions:
 - i. request the Chair to dismiss the complaint, in whole or in part, as unfounded;
 - ii. request the Chair to dismiss the complaint, in whole or in part, as unsubstantiated; or
 - iii. request the Chair to refer the complaint, in whole or in part, to a Hearing Panel.

- (h) The Investigator shall produce a written report of the findings of their investigation and any request made under sub-clause (g).

- (i) Upon receiving a request under sub-clause (g), the Chair shall review the Investigator's report, along with any information collected as part of the investigation, and take one of the following actions:
 - i. dismiss the complaint, in whole or in part, as unfounded;
 - ii. dismiss the complaint, in whole or in part, as unsubstantiated; or
 - iii. refer the matter, in whole or in part, to a Hearing Panel.

- (j) The Chair must inform the Complainant and the Member in question of the decision under sub-clause (i) in writing within thirty (30) days and also provide the Complainant and the Member in question with a copy of the Investigator's report prepared under sub-clause (h).

3.7 Review of Complaint Dismissal

- (a) Within thirty (30) days of the receipt of a decision to dismiss the complaint in whole or in part under clause 3.6(j), the Complainant may request the Board to review the dismissal.

- (b) Upon completion of the review, the Board must take one of the following actions:
 - i. uphold the dismissal, in whole or in part; or
 - ii. rescind the dismissal and refer the matter, in whole or in part, to a Hearing Panel.

- (c) The Board must inform the Complainant and the member in question of its decision under sub-clause (b) in writing within thirty (30) days of making its decision.

- (e) The decision of the Board under sub-clause (b) is final and binding.

3.8 Hearing

- (a) If the complaint is referred to a Hearing Panel for a determination, the Chair shall appoint three (3) Committee Members to serve as the Hearing Panel.
- (b) A Hearing Panel member assigned under sub-clause (a) must not be the same member who was the Assigned Reviewer under clause 3.2, Resolution Officer under clause 3.4, or the Investigator under clause 3.6.
- (c) The Hearing Panel may determine if the matter will be heard by written submission only or through an in-person hearing. In making this determination, the Hearing Panel must consider the issue of fairness and natural justice in respect to the Complainant and the Member in question.
- (d) The Hearing Panel must provide the Complainant and the Member in question with thirty (30) days written notice of the date of the in-person hearing or the deadline for submissions if the hearing is to be conducted through written submissions.
- (e) The Hearing Panel will require the Investigator, and any other member, to provide any relevant information or reports to the Hearing Panel no less than fifteen (15) days prior to the scheduled in-person hearing or deadline for written submissions.
- (f) The Hearing Panel may establish rules and procedures for conducting and adjudicating in-person hearings and hearings through written submissions only.
- (g) The Hearing Panel will endeavor to make a decision within thirty (30) days of the conclusion of the in-person hearing or the deadline for written submission. Upon concluding the hearing, the Hearing Panel must take one of the following actions:
 - i. dismiss the complaint, in whole or in part, as unfounded;
 - ii. dismiss the complaint, in whole or in part, as unsubstantiated;
 - iii. dismiss the complaint as being frivolous, vexatious, or made in bad faith; or
 - iv. find that the complaint has merit in whole or in part.
- (h) If the Hearing Panel determines that the complaint has merit in whole or in part, the Hearing Panel may take any of the following actions:
 - i. require the Member in question to undergo any training, retraining, education, competency/capability testing, coaching, mentorship, or any other activity that the Hearing Panel determines is necessary to ensure that the conduct deficiency is remedied;
 - ii. suspend the membership of the Member in question for a set period of time or until any condition issued under sub-clause (h)(i) is completed to the satisfaction of the Hearing Panel; or
 - iii. cancel the membership of the member in question.

- (i) The Hearing Panel must produce a written report containing the reasons for its decision and provide that report to the Complainant and the Member in question within thirty (30) days of the finalization of the decision.

3.9 Review of Hearing Panel Decision

- (a) Within thirty (30) days of the receipt of the decision of the Hearing Panel, the Complainant or the Member in question may request the Board to review the decision.
- (b) Upon completion of the review, the Board must take one of the following actions:
 - i. uphold the decision in whole or in part;
 - ii. revoke the decision in whole or in part;
 - iii. revoke, vary, or make additions to any sanction issued by the Hearing Panel under clause 3.8(h).
 - iv. refer the matter back to the Hearing Panel for reconsideration with or without instructions; or
 - v. refer the matter for further investigation with or without instructions.
- (c) The Board must inform the complainant and the member in question, in writing, of its decision under sub-clause (b) within thirty (30) days of making its decision.
- (d) Subject to any instructions made under sub-clause (iv) or (v), the decision of the Board is final and binding.

4. Internal Investigation Process

The procedures outlined in the section are to be used when the Society becomes aware of a Code of Conduct concern regarding one of its members outside of any formal complaint.

4.1 Commencing an Internal Investigation

When the Society becomes aware of a potential Code of Conduct concern involving one of its members, it must inform the Chair of that concern along with providing any relevant information that is in the possession or knowledge of the Society.

4.2 Investigation

- (a) Upon the receipt of a concern under clause 4.1, the Chair shall refer the matter for investigation and assign a Committee Member as the Investigator.
- (b) An Investigator may require the Member under investigation to provide any information that the investigator determines is necessary to properly investigate the complaint, including a written statement from the Member under investigation.

- (c) The Investigator may request any information from a member or outside party that the Investigator determines is necessary to properly investigate the complaint, including requesting a written statement from any member or outside party.
- (d) Upon request under sub-clause (c), a member must provide the Investigator with any requested information.
- (e) If an outside party refuses or is otherwise unable to provide necessary information, the Investigator may request that the Chair dismiss the concern for want of evidence.
- (f) The Chair, receiving a request under sub-clause (e), shall review the matter. If the Chair determines that the missing information is necessary in order to ensure a proper investigation, or to provide the Member under investigation fair process, the Chair must take one of the following actions:
 - i. dismiss the concern;
 - ii. provide the outside party with a date by which to provide the missing information and, if the information is not received by that date, dismiss the concern; or
 - iii. determine that the missing information is not required and order the investigation to continue without the provision of the information.
- (g) Upon receiving all relevant information, the Investigator must review that information and take one of the following actions:
 - i. request the Chair to dismiss the concern, in whole or in part, as unfounded;
 - ii. request the Chair to dismiss the concern, in whole or in part, as unsubstantiated; or
 - iii. request the Chair to refer the concern, in whole or in part, to a Hearing Panel for determination.
- (h) The Investigator shall produce a written report of the findings of their investigation and any request made under sub-clause (g).
- (i) Upon receiving a request under sub-clause (g), the Chair shall review the investigator's report, along with any information collected as part of the investigation, and take one of the following actions:
 - i. dismiss the concern, in whole or in part, as unfounded;
 - ii. dismiss the concern, in whole or in part, as unsubstantiated; or
 - iii. refer the matter, in whole or in part, to a Hearing Panel.
- (j) The Chair must inform the Member in question of the decision made under sub-clause (i), in writing within thirty (30) days, and also provide the Member in question with a copy of the Investigator's report prepared under sub-clause (h).

4.3 Hearing

- (a) If the Chair refers the matter to a Hearing Panel for a determination, the Chair shall appoint three (3) Committee Members to serve as the Hearing Panel.
- (b) A Hearing Panel member assigned under sub-clause (a) must not be the same member who was assigned as the Investigator under clause 4.2.
- (c) The Hearing Panel may determine if the matter will be heard by written submissions only or by an in-person hearing. In making this determination, the Hearing Panel must consider the issue of fairness and natural justice in respect to the Member in question.
- (d) The Hearing Panel must provide the member in question with thirty (30) days written notice of the date of the in-person hearing, or the deadline for submission if the hearing is to be conducted by written submissions only.
- (e) The Hearing Panel will require the Investigator, and any other member, to provide any relevant information or reports to the Hearing Panel no less than fifteen (15) days prior to the scheduled in-person hearing or deadline for written submissions.
- (f) The Hearing Panel may establish rules and procedures for conducting and adjudicating in-person hearings and written submission only hearings.
- (g) The Hearing Panel will endeavor to make a decision within thirty (30) days of the conclusion of the in-person hearing or the deadline for written submissions. The Hearing Panel must take one (1) of the following actions:
 - i. dismiss the concern, in whole or in part, as unfounded;
 - ii. dismiss the concern, in whole or in part, as unsubstantiated; or
 - iii. find that the concern has merit in whole or in part.
- (h) If the Hearing Panel determines that the concern has merit in whole or in part, the Hearing Panel may take any of the following actions:
 - i. require the Member to undergo any training, retraining, education, competency/capability testing, coaching, mentorship, or any other activity that the Hearing Panel determines is necessary to ensure that the conduct deficiency is remedied;
 - ii. suspend the membership of the Member in question for a set period of time or until any condition issued under sub-clause (h)(i) is completed to the satisfaction of the Hearing Panel; or
 - iii. cancel the membership of the member in question.
- (i) The Hearing Panel will produce a written report containing the reasons for its decision and provide that report to the Member in question within thirty (30) days of the finalization of the decision.

4.4 Review of Hearing Panel Decision

- (a) Within thirty (30) days of the receipt of the decision of the Hearing Panel, the Member in question may request the Board to review the decision.

- (b) Upon completion of the review, the Board must take one of the following actions:
 - i. uphold the decision in whole or in part;
 - ii. revoke the decision in whole or in part;
 - iii. revoke, vary, or make additions to any sanction issued by the Hearing Panel under clause 4.3(h).
 - iv. refer the matter back to the Hearing Panel for reconsideration with or without instruction; or
 - v. refer the matter for further investigation with or without instructions.

- (c) The Board must inform the Member in question of its decision under sub-clause (b) in writing within thirty (30) days of making its decision.

- (d) Subject to any instructions made under sub-clause (iv) or (v), the decision of the Board is final and binding.