

## COMPLAINT PROCEDURE

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### ETHICS COMMITTEE

Governing Committee: The ACSESS National Ethics Committee addresses in confidence any complaints brought to the attention of the Executive Director. The committee is empowered to act as stated in the Complaint Handling Procedure. It is understood that any recommendation to suspend or revoke membership in the Association must come before the National Board of Directors as a whole.

Complaints brought before the Ethics Committees must relate to a member's activities as an employment agency/supplier of staffing services, and not to any other business endeavour in which that member may be engaged. Complaints against non-members of ACSESS will be addressed by the Ethics Committee at its discretion.

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### THE NATURE OF A COMPLAINT

Complaints may relate to perceived violation of the ACSESS Code of Ethics & Standards; any formally documented ACSESS policies, guidelines or initiatives; any applicable human rights, employment laws and regulations; and/or perceived contravention of generally accepted recruiting and placement practices.

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### INVESTIGATION AND SCREENING

1. A complaint must be submitted in writing to the ACSESS Executive Director; the Executive Director will acknowledge the receipt of the complaint and refer the complaint to the Ethics Committee within 7 days.
2. The complaint must specify the nature of the dissatisfaction or non-compliance and be accompanied by documentary proof of the allegation. Generally the Ethics Committee will require completion of the attached form prior to investigating a complaint.
3. The Ethics Committee is not obligated to investigate every complaint. If a complaint is deemed to be frivolous or vexatious in nature, the Ethics Committee may decline investigation of the complaint.
4. While the complainant is asked to identify the provisions of the Code of Ethics or other policies, guidelines, laws or regulations that were infringed, the final determination of what might have been infringed remains at the discretion of the Ethics Committee.
5. The Ethics Committee can initiate its own investigation, without a complaint, if it learns of concerns or allegations warranting further inquiry.
6. An investigation of a complaint can consist of correspondence with likely witnesses.
7. Recommended timelines for conducting an investigation are as follows:
  - a) Notice to the member against which the complaint is filed: within one month after receipt of the complaint;
  - b) Response by member: within 14 days of notification;
  - c) Approach of other possible witnesses or holders of relevant documentation: within 14 days of response by the member;
  - d) Final decision by Ethics Committee: within three months of the member's response.
8. Advice, caution, or a warning by the Ethics Committee is a non-punitive, educational action designed to assist member firms in rectifying shortfalls, enhancing business practices, and to prevent difficulties of a similar nature arising in the future. *The Ethics Committee may at its discretion remove a member from an ACSESS committee or initiative provided such removal is not prohibited by the terms of reference of the committee/initiative.*

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### DISCIPLINARY ACTION

If the Ethics Committee determines that there has been a violation of accepted industry practices, and/or an industry initiative, and that such a violation is sufficiently grave to warrant censure, suspension of membership or expulsion, the Committee shall refer the matter to the National Board with a recommendation as to an appropriate sanction.

Upon receiving a referral and the Committee's recommendation, the President shall give to the member whose censure, suspension or expulsion is to be considered not less than 30 days written notice of the opportunity to be heard before the National Board. This notice shall include a complete statement of the charges contained in the complaint and advise the member of its right to be heard at a Meeting of the National Board prior to any action being taken.

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### APPEALS

A decision of the National Board of Directors to censure, suspend or expel a member may be appealed on the basis of procedure and fairness but not on the determination of facts.

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### RECORDS & COMMITTEE CONDUCT

All matters presented before National Ethics Committees and/or referred to the National Board will be treated with the highest level of discretion and confidentiality.

The members of the Ethics Committee or the Board of Directors will not have a direct interest in the outcome of a complaint. If any committee member or director finds themselves at any time to be in a position of conflict, it is their responsibility to declare this and withdraw from reviewing the complaint at hand.

Staff and Agents of the Association will provide administrative support to the Ethics Committee and the Board of Directors and maintain the official records of their activities. Staff and Agents will remain neutral throughout the process.

A complainant may be advised as to the status of any investigation, hearing or appeal and provided with a summary of the final decision. However, the complainant is not entitled to be present at a meeting or hearing of the Ethics Committee or to review the evidence gathered or heard unless a response is desired from the complainant. The complainant may also be provided with a summary of the reasons for a decision at the discretion of the Committee.

This guideline is to assist those involved in the investigation and enforcement of the ACSESS Code of Ethics and generally accepted industry practices. There is no obligation on the Ethics Committee or the National Board of Directors to comply with the guideline. Non-compliance with any provision of this guideline by a Committee or the Board of Directors or its representative does not affect the validity of the actions taken.