



## Employment and Assistance Appeal Tribunal of the Province of British Columbia

### Complaint Procedure

Members of the Employment and Assistance Appeal Tribunal are required to comply with the Employment and Assistance Appeal Tribunal Member Code of Conduct.

It is important to the integrity of the adjudication process and to the reputation of the Tribunal that persons who attended a hearing, and have concerns about the conduct of an appeal, can be confident the concern will be dealt with expeditiously and fairly and in a manner appropriate to the specific complaint. At the same time, it is essential that the independence of a member is not compromised and that any investigation of a complaint does not interfere with the member's role in conducting a fair hearing and rendering a decision.

#### **How to make a complaint:**

A complaint about the conduct of an appeal must be made in writing and addressed to the Tribunal Chair. The person making the complaint must include his or her name and address, the particulars of the complaint, the appeal number and the date of the hearing. If the complaint relates to general conduct outside of a hearing, then information about the incident and the person's connection to the event should be provided.

#### **Complaint procedure:**

As a rule, the Tribunal Chair will inform the member of the complaint, subject to the requirements of the *Freedom of Information and Protection of Privacy Act*. However, the member will not be informed of complaints that the Tribunal Chair has determined to be frivolous or vexatious. As well, if the complaint involves a specific hearing, the member will not be informed of the complaint until after the panel chair has issued the decision. In extraordinary circumstances, it may be necessary to deal with the issue immediately.

The member may choose to respond in writing to the Tribunal Chair.

The Tribunal Chair may discuss the complaint with other members or Tribunal staff that may have relevant information in relation to the complaint. Where the

complaint relates to a specific appeal, the Tribunal Chair may also review the appeal record.

The Tribunal Chair may delegate the investigation of any complaint, or any part of the investigation, to the Director, Policy and Appeal Management, who will report the results to the Tribunal Chair.

The Tribunal Chair will make a decision on completion of the investigation. This decision will include any remedial steps that the Tribunal Chair believes are warranted. The decision will be communicated to the complainant and to the member. The decision of the Tribunal Chair is final.

**Dismissal of a complaint without investigation:**

If the Tribunal Chair determines that the complaint is frivolous or vexatious, the complainant will be advised that no action will be taken.

The complaint procedure does not apply to a complaint where the complainant does not agree with the adjudicative decision of the panel. The complainant will be advised that no action will be taken.