

OMVIC Policy No.: L5

COMPLAINT POLICY

Approved December 31, 2016 | Revised October 19, 2017 |
Revised February 10, 2023 | Revised June 14, 2023 | Revised September 20, 2023

1. INTRODUCTION

The Ontario Motor Vehicle Industry Council (OMVIC) is committed to maintaining a fair and informed marketplace in Ontario by protecting the rights of consumers, enhancing industry professionalism and ensuring fair, honest and open competition amongst registered motor vehicle dealers. OMVIC is also committed to maintaining its responsiveness to the needs and concerns of the public, OMVIC's registrants and other stakeholders.

This policy is designed to provide guidance on the manner in which OMVIC receives, acts upon, and reports complaints made by the public, registrants or other external stakeholders. The objective of this policy is to assist OMVIC, its management and its employees in resolving complaints in an efficient, effective and professional manner.

This policy is not meant to address complaints or issues already addressed by legislation, another policy or procedure (including OMVIC's human resources/employment policies and procedures), or an existing administrative, prosecution or appeal process. For example, this policy is not intended to deal with issues relating to violations of the OMVIC Employee Handbook, or with the outcome of a court or tribunal matter.

OMVIC management and staff members are expected to co-operate with and assist the Complaints Officer in achieving the objectives of this policy.

Outcomes will vary, depending on the circumstances. In some cases, a complaint handled under this policy may not be substantiated by the facts and will be disposed of with no further action. In other cases, a complaint may be resolved through the direct intervention of a manager or director prior to becoming a Formal Complaint. Some complaints may result in recommendations for changes to OMVIC policies or processes.

Finally, nothing in this policy is intended to limit or prohibit a complainant from seeking other remedies in relation to a complaint, as permitted by the Act or other laws.

2. DEFINITIONS

<i>The “Act”</i>	Means the <i>Motor Vehicle Dealers Act, 2002</i> , as amended from time to time.
<i>Complaint</i>	Means an expression of dissatisfaction made to a representative of OMVIC about the conduct of its management and/or staff in the exercise of their job functions, or in the application of OMVIC processes, policies or procedures.
<i>Complaints Officer</i>	<p>The Complaints Officer is designated by the Chief Executive Officer of OMVIC from among the members of OMVIC’s senior management team or its Legal Department and shall have the duties outlined in this policy.</p> <p>In general, the Complaints Officer’s mandate is to review, investigate and resolve Formal Complaints to ensure that OMVIC is acting fairly, responsibly and effectively in its operations.</p> <p>The Complaints Officer is also responsible for ensuring that OMVIC management and staff are made aware of this policy.</p> <p>The Complaints Officer should not be someone who normally exercises authority over any of the people who are the subject of a specific Formal Complaint. If this is the case, the Complaints Officer should be recused from that particular matter and a substitute be designated.</p>
<i>Subject</i>	The OMVIC process or policy that, or the management or staff member who, is the subject of a complaint.
<i>Investigation</i>	An investigation under this policy refers to the retrieval of information undertaken by the Complaints Officer for the purpose of evaluating and acting upon Formal Complaints.
<i>Ontario Motor Vehicle Industry Council (OMVIC)</i>	Means the not-for-profit corporation without share capital incorporated under the <i>Not-for-Profit Corporations Act, 2010</i> (Ontario).

3. WHO CAN SUBMIT A COMPLAINT?

- 3.01 Any member of the general public, a registrant, or an external stakeholder, who has had direct dealings with OMVIC management or staff in the exercise of OMVIC's administrative/regulatory policies and/or processes, can submit a complaint and it shall be reviewed and acted upon in accordance with this policy.
- 3.02 Anonymous complaints will not be dealt with under the process established by this policy.

4. STEPS TO BE TAKEN PRIOR TO THE MAKING OF A FORMAL COMPLAINT

4.01 Step – 1 Contact a Department Manager

If a Department Representative was unable to resolve the complainant's concern to their satisfaction, the complainant can contact the Department Manager.

The Department Manager shall make best efforts to acknowledge receipt of the complaint by email within two business days. All complaints shall be dealt with as soon as practicable. The Department Manager shall maintain a written record of the complaint.

The Department Manager shall take reasonable steps to ascertain the validity of the complaint, resolve it, refer it to another member of OMVIC's management or staff, or take another action, as appropriate. This includes disposing of the complaint without further action if it is unsupported by the facts or is otherwise concluded.

Depending on the complaint, further information may be required from internal or external sources. If there is a delay in addressing the complaint, or a need for more information, the complainant shall be notified.

If the complaint is disposed of by the Department Manager, the complainant shall be advised in writing of its disposition, with a copy of this notification forwarded to the relevant Department Director.

4.02 Step 2 - Contact a Department Director

If a Department Manager was unable to resolve the complainant's concerns, the complainant can contact the relevant Department Director.

The Department Director shall take reasonable steps to ascertain the validity of the complaint, resolve it, refer it to another member of OMVIC's management or staff, or take another action, as appropriate. The Department Director shall maintain written records of the complaint.

Depending on the complaint, further information may be required from internal or external sources. If there is a delay in addressing the complaint, or a need for more information, the complainant shall be notified.

If the complaint is disposed of by the Department Director, the complainant shall be advised in writing of its disposition, with a copy of this notification forwarded to the Chief Executive Officer of OMVIC

Note: The above steps must be followed and completed prior to the initiating of a Formal Complaint, except in limited cases where the Complaints Officer determines that this would not be appropriate or practical according to the circumstances of the complaint.

5. FORMAL COMPLAINT

- 5.01 OMVIC's Formal Complaints process is designed to be a "last resort" to resolve an issue. This means that the relevant steps identified in section 4 have first been engaged, but the complainant still wishes to proceed with a Formal Complaint.
- 5.02 All Formal Complaints must be submitted in writing using the form established by the Complaints Officer for this purpose. Formal complaints should be sent in confidence to the Complaints Officer by letter, courier, or e-mail.
- 5.03 The Complaints Officer shall make best efforts to acknowledge receipt of the complaint by email within two business days of receipt.
- 5.04 Once a formal complaint has been received, the Complaints Officer shall review the complaint details to ascertain and confirm the following:
- a. Determine if the subject of the complaint meets the definition of a complaint according to this policy (rather than an enquiry, feedback, suggestion, or a comment and not an actual complaint requiring investigation);
 - b. If it is determined by the Complaints Officer that it is a complaint, then the Complaints Officer will review the matter to determine the following:
 - I. Did the complainant follow the procedure outlined in section 4 of this policy?, and
 - II. Is the complaint an allegation of an actual or perceived violation of OMVIC's processes, policies, or procedures by a member of its management or staff?

If the answers to a, b(I) and b(II) are affirmative, then the Complaints Officer shall proceed with handling the Formal Complaint according to this policy.

The Complaints Officer may attempt to resolve or otherwise dispose of complaints using a variety of investigation and/or conflict resolution techniques and strategies. This will include the following, as the Complaints Officer determines to be appropriate:

- Requesting further information from the complainant, the person(s) who are the subject of a Formal Complaint, other members of OMVIC management or staff, or other persons, as appropriate.
- Retrieving documents and information from OMVIC and other sources to which the Complaints Officer has lawful access.
- Reviewing and evaluating information.
- Attempting to mediate between the complainant and OMVIC management or staff, as appropriate, with the goal of arriving at a mutually acceptable outcome.
- Referring the subject of the complaint back to the originating department or another department within OMVIC, with recommendations and/or directions on resolving the complaint.
- Recommending changes to OMVIC processes or policies.
- Other action as the Complaints Officer considers appropriate, in accordance with the Act.

5.05 If the Complaints Officer makes a final disposition of a Formal Complaint, a written notification shall be sent to the complainant, with a copy forwarded to the Chief Executive Officer.

5.06 The Complaints Officer shall preserve the confidentiality of the identity of persons making Formal Complaints to the greatest extent possible pursuant to the Act and applicable law.

5.07 The Complaints Officer shall maintain written records of Formal Complaints, actions taken pursuant to this policy, and their disposition.

6. NOTICE OF DECISION AND RESOLUTION

6.01 All complainants shall be advised in writing of the decision of the Complaints Officer regarding their complaint.

7. MONITORING AND REPORTING ON COMPLAINTS

- 7.01 Regular monitoring and review of complaints shall be conducted to identify issues, trends, areas of concern and opportunities for improvement.

8. CONTACT INFORMATION

- 8.01 OMVIC's Complaints Officer (Interim) and Chief Consumer Protection Officer, Jeff Donnelly, can be reached at:

Ontario Motor Vehicle Industry Council

300-65 Overlea

Bld. Toronto,

ON M4H 1P1 t.

416-768-6369

f. 416.512.3758

e. jeff.donnelly@omvic.on.ca

www.omvic.on.ca

All complaints sent via mail or email should be marked as “**Confidential Complaint**” and addressed to the “**Complaints Officer**”.

