Complaints Policy and Process

Organizational Scope:
This policy is applicable to Personal Support Workers ("PSWs") of the Personal Support Worker Registry of Ontario ("Registry"), clients of PSWs, the Substitute Decision Maker, Registered Employers, and members of the public who seek to submit a complaint regarding the practice of a PSW. The Registry does not investigate complaints itself. Where the complaint is made about a Full Registrant, it will refer the complaint to the PSW’s Registered Employer and/or an alternative third-party organization for investigation. The outcome of the investigation will be provided to the Registry and the PSW’s standing may be altered in accordance with this policy.

Purpose/ Background:
PSWs enrolled in the Initial Rollout of the phased PSW Registry:

i. have completed a recognized Personal Support Worker or Préposé Aux Services de Soutien Personnel program;
ii. have undergone a Police Record Check (i.e. Vulnerable Sector Check or Criminal Record Check);
iii. are eligible to work in Ontario; and
iv. have agreed to the Registry’s policies and procedures, including the Registry’s Code of Ethics and Roles and Responsibilities.

There are two classifications of PSWs on the Registry:

**Conditional Registrant:** refers to an individual who has met the Registry’s eligibility requirements but is not employed as a PSW in Ontario. This individual will be admitted to the Registry on a conditional basis and may become a Full Registrant upon employment with one of the employers participating in the Initial Rollout of the Registry ("Registered Employers”).

**Full Registrant:** refers to an individual who has met the Registry’s eligibility requirements and is newly hired or currently employed by a Registered Employer.

In conjunction with relevant bylaws, regulations, policies and legislation, PSWs on the Registry are expected to practice safely and ethically in accordance with the Registry’s Terms of Use, Roles and Responsibilities of Personal Support Workers, Code of Ethics and other applicable policies. If a member of the public, including a PSW’s client, believes they have received or been omitted care in contravention of the Registry’s standards, they may submit a complaint to the Registry.
The Registry is committed to an accessible, efficient, and fair complaint management process that supports and fosters accountability as well as transparency regarding PSW adherence to the Registry’s *Roles and Responsibilities of Personal Support Workers* and *Code of Ethics*. As such, the Registry commits to:

i. having an accessible and transparent complaints process;

ii. accepting all complaints from individuals who believe that a service, action or lack of action by a PSW in Ontario did not meet the Registry’s *Code of Ethics* or generally accepted standards of care;

iii. processing each complaint in an equitable and objective manner, free of bias and reprisal for the complainant;

iv. providing clear and transparent information on how to submit a complaint and how the complaint will be handled; and

v. providing information regarding complaint resolution options in Ontario to anyone wishing to make a complaint about a PSW’s practice.

This policy has been developed to ensure that these principles are met and outlines the process of how the Registry will handle complaints.

**Exclusions**

The Registry accepts complaints from all individuals concerning PSW practice, however, it will not process complaints where:

- the complaint concerns a PSW who was not enrolled with the Registry at the time the complaint is made;
- the incident referenced in the complaint occurred outside of Ontario; or
- the complaint is not related to the PSW’s professional practice.

For complaints against PSWs not enrolled with the Registry, the Registry will advise the complainant of the Registry’s scope and exclusions. The Registry may provide recommendations on where complaints can be addressed in Ontario.
Definitions

“Abuse” has the meaning or meanings provided for in the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8.

“Complainant” refers to the person who submitted a formal complaint with the Registry.

“Complaint” refers to an expression of dissatisfaction related to the service, an action or lack of action by a PSW in Ontario that does not adhere to the Registry’s Code of Ethics, Roles and Responsibilities of Personal Support Workers, or the generally accepted standards of care.

“Third-Party” for the purposes of this document, refers to the organization(s) in Ontario who have investigatory authority, including the PSW’s employer. The complainant will provide consent for the Registry to receive information relevant to the complaint, including the outcome of an investigation, directly from the employer/third-party.

“Registered Employer” refers to employers who have signed an MOU with the Registry, outlining the reciprocal duties between the parties.

“Respondent” refers to the fully Registered PSW against whom a formal complaint is being brought.

Complaints Process – Scope of Involvement:

The complaint process for the Registry includes four phases:

1) Complaints Intake
2) Referral to Registered Employers and/or Third-Parties
3) Complaint Outcomes and Notification
4) Appeals

Complaints about PSWs may be submitted to the Registry by PSW employers and members of the public, including PSW clients, and regulated or unregulated healthcare providers (including other PSWs).

The Registry manages the complaint intake process and outcome disclosure process. The Registry does not, itself, actively investigate or resolve any complaint received. Rather, complaints brought to the Registry’s attention are documented and reviewed to determine if a Registered Employer can investigate the complaint or if an alternative investigatory body should be recommended to the complainant.
Where the PSW is employed by a Registered Employer, the Registry will refer the complaint to the employer. Where the PSW is not employed by a Registered Employer, the Registry will provide referral information to the complainant on the appropriate third-parties who may be able to handle their complaint. The Registry makes no guarantees or representations that complaints will be investigated by the Registered Employer or third-party organizations.

Where the Registry receives information from a Registered Employer that the PSW has been terminated or suspended for Abuse, the Registry will update the PSW’s registration status accordingly. The Registry will inform the complainant and PSW of the outcome and will also confirm the change in registration status with the Registered Employer.

The Registry may receive information from third-parties (such as police reports, court decisions, etc.). Where there is a finding of Abuse, the PSW’s registration with the PSW Registry will be terminated. Once terminated, the PSW’s information will be removed from the employer facing views, however the information will be retained in accordance with the Registry’s Management, Retention and Disposal of Applicant and Registrant Records Policy. The Registry will make this termination information available to all Registered Employers and will inform the PSW of the change in status.

The sections below provide a detailed description of each phase of the complaints process.

1) Complaints Intake
Complaints must be submitted to the Registry in writing using the secured Complaint Form available on the Registry’s website. Complainants will be asked to disclose the following information to the best of their ability:
- Date of complaint submission
- Complainant’s personal information:
  - Full legal name
  - Contact (e-mail address and primary phone number)
  - Address
- Name of the PSW involved in the complaint
- Relationship to the PSW whom complainant is complaining about
- Name and address of the PSW’s employer
- Date of when the issue/incident occurred
- Time of when the issue/incident occurred
- Location of where the issue/incident occurred
- Detailed description of the issue/incident
In addition to the information above, the complainant will need to provide consent to the Registry to:

- share their personal information and personal health information with the Registered Employer and/or Third-Parties;
- share their personal information or personal health information as required by law, court order, or administrative order; and
- collect, retain, and use all information submitted in the Complaints Form in accordance with Registry’s Complainant Privacy Policy and Management, Retention and Disposal of Complainant Information.

When a complaint is received, the Registry will check the name of the PSW identified in the complaint against its internal records to determine if the PSW is a fully Registered PSW. Additionally, the Registry will verify that the complaint occurred while the PSW was actively working for a Registered Employer. If either of these conditions are not met, the Registry may provide recommendations on where complaints can be addressed in Ontario.

If additional information is required, the Registry will contact the complainant to obtain the information relevant to determining the appropriate third-party organization to handle the complaint. If this is required, the complainant must respond within sixty (60) calendar days of the request. If the additional information is not received within that time period, the complaint will be closed and the complainant will have to re-submit the complaint.

Intake Notice and Communication

If the complaint involves a PSW classified as a Full Registrant, and the alleged incident occurred while the PSW was actively working for a Registered Employer, the Registry will provide the complainant with a written confirmation of receipt (which will include a Registry-assigned reference number and consent form). The Registry will refer the complaint to the PSW’s Registered Employer or third-party as expeditiously as possible.

Where a complainant submits a complaint about a PSW who was actively working for a Non-Registered Employer, the Registry will respond to the complainant with information about potential investigatory bodies, but will be unable to process the complaint further.

The Registry will also provide written notification to the Full Registrant, informing them that a complaint has been submitted against them, and that the complaint has been referred to their employer.
2) Referral to Registered Employers and/or Third-Party
During this phase, the Registry will contact the complainant in writing confirming that the complaint has been referred to the Registered Employer and/or other third-party. Potential third-parties may include:

- Local Health Integration Network (LHIN)
- Ontario Patient Ombudsman (OPO)
- Retirement Homes Regulatory Authority (RHRA)
- Human Rights Tribunal of Ontario (HRTO)
- Local Police Authority

Each body has a specified jurisdiction and scope and they will determine whether or not any complaints received fall within their purview. The Registry cannot guarantee that a complaint made to the Registered Employer or other third-parties will result in an investigation. Should the Registered Employer or third-party decline to investigate, the Registry will not be able to act on the complaint and the complaint file will be closed.

If the complainant is not satisfied by the resolution offered by the Registered Employer, the complainant may return to the Registry to explore alternative third-party recommendations that may assist them in reaching a resolution. The Registry makes no guarantee that the third-parties identified will investigate the complaint. The Registry will do its best to assist all complainants in achieving a resolution, however, the Registry does not guarantee that the complaint will be resolved in a manner that fully satisfies the complainant.

Referral to Police
Where the Registry has reasonable suspicion to believe that an individual is in immediate danger or harm, it will contact the Police directly and alert them to the situation.

3) Complaint Outcomes and Notification
Revocation of a registration status will occur when a PSW has been terminated or suspended for Abuse by his/her Registered Employer. Where a Registered Employer has found a PSW to have committed Abuse, the Registered Employer will submit an Employer Report Form detailing the incident and outcome (e.g. termination).

Where a third-party submits a finding against a Full Registrant, the Registry will review the submission and determine if the submission warrants a status change.
Where there is a status change as a result of Abuse or third-party submission, this information will be made available to all Registered Employers on the Registry. Additionally, the PSW will be given written notice of this status change and will be provided with the opportunity to appeal the change in status.

Where a complaint is made to the Registry and an outcome has been reached, the PSW and the complainant will be informed of the outcome and any associated actions (or lack of) that the Registry has taken as a result of the findings.

4) Appeals
Where the status of a PSW on the PSW Registry of Ontario warrants a change, the Registry will notify the PSW of the change in writing. The notice will include the following information:
   i. The status change;
   ii. The rationale for the change in status;
   iii. The PSW’s right to appeal the decision in writing; and
   iv. The deadline for submitting a formal written appeal, which is sixty (60) calendar days from receiving notice of the change in status.

Where a PSW chooses to appeal the status change decision of the Registry, they must submit a written appeal to the Registry within sixty (60) calendar days from receiving notice of the change in status. The written submission must include the following information:
   i. PSW’s Name and Registrant ID;
   ii. Reason/ground(s) for Appeal; and
   iii. Desired Remedy.

In addition to the written submission, the Registrant may include any supporting documentation to aid in their appeal. All supporting documentation must be received by the Registry within sixty (60) calendar days from receiving notice of the change in status. Requests for extensions will be considered on a case-by-case basis. The Registrar will review and consider the appeal (including the written submission and any supporting documentation submitted), and will provide a written outcome to the PSW and their Registered Employer reflecting the final decision of the Registrar.
Storage and Retention
All personal information and personal health information collected during the complaints tracking process will be stored, retained and disposed in accordance with the Registry’s Management, Retention and Disposal of Complainant Information Policy and Management, Retention, & Disposal of Applicant and Registrant Records Policy.