

Complaints Policy and Process

Organizational Scope:

This policy is applicable to registrants of the Personal Support Worker (“PSW”) Registry (“Registry”), clients of registered PSWs- who want to make a complaint-, the Substitute Decision Maker, Registered Employers and members of the public who seek to submit a complaint regarding the practice of a registered PSW. The Registry does not investigate complaints itself. It will refer complaints to the PSW’s Registered Employer and/or an alternative third-party organization for investigation and respond to the outcome of the investigation for registered PSWs.

Purpose/ Background:

The Initial Rollout of the phased Personal Support Worker (“PSW”) Registry of Ontario (“Registry”) provides PSWs and Registered Employers with a list of PSWs:

- i. that are employed by one of the employers participating in the Initial Rollout of the Registry (“Registered Employers”);
- ii. that have completed a recognized Personal Support Worker or *Préposé Aux Services de Soutien Personnel* program, have undergone a Vulnerable Sector Check (commonly known as an enhanced criminal background check) at the time of hire by their Employer, are eligible to work in Ontario, and have agreed to the Registry’s policies and procedures;
- iii. who have not been terminated by one of the Registered Employers for physical abuse, sexual abuse, emotional abuse, verbal abuse or financial abuse (“Abuse” as defined by O.Reg.79/10:GENERAL under the *Long-Term Care Homes Act*);
- iv. against whom any reported complaints are centrally tracked by the Registry and applicable recommendations are made for referral to employer/third party organizations; and
- v. for whom registration may be altered on receipt of a finding from a third party organization or if one of the Registered Employers has terminated him/her for Abuse.

In conjunction with relevant bylaws, regulations, policies and legislation, registered PSWs 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 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. reviewing all complaints from individuals who believe that a service, action or lack of action by a registered PSW in Ontario did not meet the Registry's [Code of Ethics](#) or generally accepted standards of care;
- iii. handling 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 Registered 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 reviews complaints from all individuals concerning PSW practice, however, it will not process complaints where:

- the complaint concerns a PSW who is not registered 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.

The Registry will review complaints against non-registered PSWs and advise the complainant of the Registry's scope and exclusions. The Registry may provide recommendations on where complaints can be addressed in Ontario. Complaints made about non-registrant PSWs will not be considered should the PSW apply for registration at a later date.

Definitions

"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 registered 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 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 registered 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 this process is not applicable, 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 that will lead to the termination of a PSW’s registration with the Registry. Once terminated, the registrant’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 provides 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 *Complaints 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;
- 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 registrant of the Registry. 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 is related to a Registrant PSW, 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 registrant's Registered Employer or third-party as expeditiously as possible.

Where a complainant submits a complaint about a non-registered PSW or a Registered 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 PSW informing them that a complaint has been submitted against them, and that the complaint has been referred to their employer or third-party.

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)
- [Consumer Protection Ontario \(CPO\)](#)
- 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.

2 (a) 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

Revoking registration status will occur when a Registrant PSW has been terminated or suspended for Abuse by his/her Registered Employer. Where a Registered Employer has found a registrant 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 Registered PSW 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 Registrant 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 Registrant 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 registrant on the PSW Registry of Ontario warrants a change, the Registry will notify the Registrant 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 Registrant'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 Registrant 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. Registrant's Name and Registrant ID;
- ii. Reason/ground 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](#).