

# New Home Ombuds

## Improper Conduct Complaints Policy

This policy provides the public with an understanding of the rights and obligations of employees in their interactions with the public. It also outlines the process for members of the public to make complaints about New Home Ombuds office employees.

### General Employee Obligations

In their dealings with the public, Ombuds staff are expected to act professionally and with integrity. Examples of improper conduct include:

- the use of rude or offensive language in business dealings.
- threats to the safety of a person or their property.
- conducting business under the influence of alcohol or drugs.
- contravening the Ombuds office Conflict of Interest policy.
- contravening the Ombuds office confidentiality protocols.
- engaging in unethical or illegal conduct.
- making a discriminatory remark or treating someone differently based on a human rights prohibited ground such as sex, race, creed, ancestry, place of origin, colour, ethnic origin, citizenship, age, record of offences, disability, sexual orientation, gender identity or gender expression, marital status or family status.

Members of the public have a right to complain if they believe Ombuds staff have displayed improper conduct or behaved improperly on the job. At the same time, the office must provide employees with a full opportunity to respond to any allegations.

A complaint regarding improper conduct is not the same as a disagreement with an employee's business decision or finding regarding a fairness review.

### **Procedure for making a complaint about improper conduct**

#### Reporting improper conduct to the Ombuds:

Improper conduct complaints against Ombuds staff members can be reported to the Ombuds by submitting the complaint in writing to the Ombuds, either through email to [jmoriarty@newhomeombuds.ca](mailto:jmoriarty@newhomeombuds.ca) or by regular mail to New Home Ombuds, 2238 Dundas Street West, PO Box 59102, Toronto, ON M6R 3B5.

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## Reporting Improper Conduct to the Stakeholder Committee

Improper conduct complaints against either the Ombuds or Ombuds staff members may be made to the Stakeholder Committee by submitting the complaint in writing to the Chair of the Stakeholder Committee through email at

[stakeholdercmtechair@tarion.com](mailto:stakeholdercmtechair@tarion.com) with “Confidential” in the subject line.

Alternately, the complaint may be sent by regular mail to Chair, Stakeholder Committee, 5160 Yonge Street, 7<sup>th</sup> floor, Toronto, ON M2N 6LP with “Confidential” marked on the envelope.

All such complaints are taken seriously and will be investigated as appropriate, using the process outlined in Appendix A “The Improper Conduct Investigation Process”.

Any improper conduct complaint may be submitted anonymously, but this limits the investigative procedure through an inability to validate or collect further information.

## No Presumptions Based on Allegations

No employee shall be presumed to have engaged in improper conduct simply because an allegation has been made.

Depending on the circumstances and the nature of the allegations, the employee’s work activities may be redirected, or the employee may be placed on a leave of absence with or without pay pending the outcome of an investigation.

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## APPENDIX A The Improper Conduct Complaint Investigation process

### **Acknowledgement to the Complainant**

Except where complaints are made anonymously, written acknowledgment of the complaint will be sent to the complainant, with information on next steps.

### **Notice to the Employee**

When an improper conduct allegation is made, the employee may be advised of the complaint at the time. If the nature of the complaint requires advising and investigation by relevant authorities (e.g., law enforcement), the employee may not be advised of the complaint pending instruction from legal counsel and the appropriate authorities.

### **Investigation**

If the allegation is against a New Home Ombuds staff member and has been reported to the Ombuds, the Ombuds will review the allegation and consult with the Chair of the Stakeholder Committee to determine further action. If they determine that an investigation is required, the Chair, in consultation with the Ombuds, will determine whether the Ombuds will investigate the allegation or engage a third-party investigator to do so.

If the allegation was reported to the Stakeholder Committee, the Chair of the Committee will review the allegation and consult with the Chair of Tarion's Board of Directors to determine further action. If investigation is required, an independent third-party investigator will be engaged by the Board.

The employee against whom the allegation has been made may be notified of the improper conduct complaint at this time and may be assigned to other duties or be placed on a paid leave.

In the event of an allegation against Ombuds staff, this decision will be made by the Chair of the Stakeholder Committee, in consultation with the Ombuds. In the event of an allegation against the Ombuds, the decision will be made by the Chair of the Stakeholder Committee in consultation with the Chair of Tarion's Board of Directors.

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### Responsibility to Consider Accommodations

If a complaint relates to discrimination on prohibited human rights grounds, in addition to the above noted investigation, the Ombuds or Chair of the Stakeholder Committee will review the situation to determine if the matter can be addressed through reasonable accommodation.

### Responsibility to Refer Accessibility Complaints

If a complaint relates to discrimination based on disability, in addition to the above-noted investigation, the Ombuds or Chair of the Stakeholder Committee will consult with Tarion's Director of Customer Services to determine appropriate accommodation.

### **Reporting**

A copy of the investigation report, the response and a record of any action taken will be kept in a separate file in the employee's personnel file.

The outcome of the complaint shall be reported to the complainant if possible. However, because employment status may be involved, the outcome information provided to the complainant may be limited.

### **Confidentiality and Privacy**

The office will take all reasonable steps to ensure confidentiality and privacy, to the extent practicable and consistent with applicable law and the need to conduct a fair investigation.