

OMVIC Policy No.: L5

## COMPLAINT POLICY

Approved December 31, 2016 | Revised October 19, 2017

### 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 for registered motor vehicle dealers. OMVIC is also committed to maintaining its responsiveness to the needs and concerns of the public, OMVIC's registrants and stakeholders.

This policy is designed to provide guidance on the manner in which OMVIC receives, handles and reports complaints made against OMVIC and its employees. The objective of this policy is to assist OMVIC and its employees in resolving complaints in an efficient, effective and professional manner.

This policy is not meant to address employee complaints or issues already addressed by legislation, an existing policy or procedure, or an existing administrative, prosecutions or appeal process.

### 2. DEFINITIONS

<i>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 OMVIC, related to the behaviour or decisions of staff, its practices, policies, procedures, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.
<i>Complaints Officer</i>	The Complaints Officer is independent, impartial and treats all complaints as confidential so as to promote and protect fairness. The Complaints Officer's mandate is to prepare and investigate complaints for the Appeals Committee to make recommendations upon to ensure that OMVIC is fair in its operations. The Complaints Officer also provides information, makes referrals where appropriate, achieves fair resolutions to complaints, and makes recommendations to promote fair treatment.

<i>Appeals Committee</i>	Is a committee of the OMVIC Board of Directors, comprised of at least three Directors and chaired by a public member Director.
<i>Investigation</i>	An Investigation refers to formal investigations undertaken by the Complaints Officer, for submission to the Appeals Committee to issue findings and where appropriate, recommendations.
<i>Ontario Motor Vehicle Industry Council (OMVIC)</i>	Means the not-for-profit corporation without share capital incorporated under <i>the Corporations Act</i> , R.S.O. 1990, c.C.38 by Letters patent dated October 8, 1996.

### **3. WHO CAN SUBMIT A COMPLAINT?**

- 3.01 Any individual affected can submit a complaint and it shall be reviewed in accordance with this policy.
- 3.02 Some individuals may need help to submit a complaint, and complaints can be made on your behalf, provided that you have given your consent in writing to OMVIC.
- 3.03 Anonymous complaints are difficult, if not impossible, to assess or investigate and will not be dealt with through the complaint handling process.

### **4. INITIAL COMPLAINT**

#### *4.01 Step 1 - Contact a Department Representative*

If OMVIC has been unable to address the complainant's concerns, they may submit a complaint to a Department Representative.

The Department Representative 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. Depending on the complaint, further information may be required, which may require more time. If there is a delay or a need for more information, the complainant shall be notified.

#### *4.02 Step – 2 Contact a Department Manager*

If a Department Representative was unable to resolve the complainant's concern to their satisfaction, they 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. Depending on the complaint, further information may be required, which may require more time. If there is a delay or a need for more information, the complainant shall be notified.

#### 4.03 *Step 3 - Contact a Department Director*

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

The Department Director 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. Depending on the complaint, further information may be required, which may require more time. If there is a delay or a need for more information, the complainant shall be notified.

Note: the above steps must be followed and completed prior to initiating a Formal Complaint.

## 5. **FORMAL COMPLAINT**

- 5.01 OMVIC's Formal Complaints process is designed to be a last resort. This means that all concerns have been dealt through the relevant steps identified in section 4 above before the Complaints Officer is able to formally refer a complaint to the Appeals Committee.
- 5.02 All formal complaints must be submitted in writing. Formal complaints should be sent in confidence to the Complaints Officer by letter, courier, fax or e-mail.
- 5.03 The Complaints Officer shall make best efforts to acknowledge receipt of the complaint by email within two business days.
- 5.04 Once a formal complaint has been received, the Complaints Officer shall prepare a complaint for consideration by:
  - a. confirming the complaint is not an enquiry, feedback, suggestion, or a comment;
  - b. checking to see if there are any previous complaints from the complainant or about the issue(s) concerned; if necessary, contacting the complainant, to clarify the complaint and capture any missing details to ensure complaint information is complete for the Appeals Committee; and
  - c. initiating any investigation, as may be required.
- 5.05 The Complaints Officer may attempt to resolve complaints using a variety of conflict resolution techniques and strategies before forwarding it the Appeals Committee
- 5.06 The Appeals Committee shall review the complaint and any supporting documentation along with the results of any investigation, and if appropriate, make recommendations to ensure that any issues giving rise to the complaints, should they occur again, are handled in a fair, effective and expeditious manner.

## 6. NOTICE OF DECISION AND RESOLUTION

- 6.01 All complainants shall be advised in writing of the decision of the Appeals Committee 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.
- 7.02 OMVIC is committed to balancing its commitment towards transparency and the privacy of complainants. Anonymized aggregate information related to all formal complaints shall be reported on its website and in its annual report.

## 8. CONTACT INFORMATION

- 8.01 OMVIC's Complaints Officer, Brian Osler, can be reached at:

**Ontario Motor Vehicle Industry Council**

300-65 Overlea Blvd.  
Toronto, ON M4H 1P1  
t. 416.512.3166  
f. 416.512.3758  
e. [brian.osler@omvic.on.ca](mailto:brian.osler@omvic.on.ca)  
[www.omvic.on.ca](http://www.omvic.on.ca)

Envelopes, faxes and emails should be marked as “**Confidential Complaint**” and addressed to the “**Complaints Officer**”.