Development and Peace
CARITAS CANADA

Code of Conduct

Complaints Handling Policy and Procedure

Version of October 31, 2019

COMPLAINTS HANDLING POLICY AND PROCEDURE

Introduction

DEVELOPMENT AND PEACE is an international solidarity organization dedicated to promoting social justice. The mission and values of the Organization are rooted in respect for the rights and dignity of the human person. To ensure that DEVELOPMENT AND PEACE is fully accountable to the people and communities it supports, the employees and those working for the Organization are required to adhere to a Code of Conduct that provides the opportunity for the communities, partner organizations, members and staff to communicate any breach or concern related to the non-application of this Code of Conduct.

This Complaints Handling Policy and Procedure provides secure and accessible channels for communicating those breaches and concerns in a confidential manner for the purpose of enabling DEVELOPMENT AND PEACE to evaluate them promptly and act quickly to provide the necessary corrective measures, if appropriate.

A- COMPLAINTS HANDLING POLICY

1. Policy objectives

This policy is aimed at:

- Ensuring that DEVELOPMENT AND PEACE is informed of any behaviour adopted by a staff member or a person working for the Organization that is improper, inappropriate or contrary to the Code of Conduct;
- Ensuring that anyone who is either a victim or who is aware of wrongdoing will benefit from a clear process for reporting any breach or action contrary to the Code of Conduct;
- Providing clear procedures for handling complaints;
- Managing complaints in a timely, consistent and professional manner;
- Providing the assurance that any disclosure will be taken seriously, handled confidentially and managed without fear of reprisal.

Definition of a complaint

A complaint is the expression of a statement indicating that an element is unsatisfactory or unacceptable with respect to the prescribed standard of work quality, or that is related to measures taken or lack of measures taken by staff or associates that, directly or indirectly, concern and trouble the affected party.

A formal complaint-handling mechanism is necessary in cases where complaints can not be settled informally and an individual or organization wishes to register a complaint and receive a formal response.

Types of admissible complaints

The main types of possible complaints may include, but are not limited to:

- All allegations of violations of the Code of Conduct, of the *Children and Vulnerable Adults Safeguarding Policy* (see *Caritas Internationalis* document for now);
- Any behaviour or conduct of staff and people working for DEVELOPMENT AND PEACE that is not compliant such as:
    - Harassment, including sexual exploitation and abuse;
    - Psychological abuse, such as bullying, humiliation, persecution and moral harassment.
    - Financial irregularities such as embezzlement, fraud or corruption.

Complaints not covered by this policy

Complaints regarding work organization, a hostile work environment and workplace harassment and any issues related to the application of the Collective Agreement between unionized employees and the Employer, do not fall under the scope of this policy. Handling of those particular situations falls under the Collective Agreement, the *Conflict and Harassment Prevention Policy*, or any other policies or procedures related to managing human resources.

Anonymous complaints

DEVELOPMENT AND PEACE recognizes that, on certain occasions, individuals may have serious grounds for filing a complaint while not wishing to disclose their identity. That is why DEVELOPMENT AND PEACE also accepts anonymous complaints. These will be treated with the utmost seriousness because of the risk of abuse and subsequent harms to the complainant(s). Every effort will be made to respond to these anonymous complaints, provided that DEVELOPMENT AND PEACE has sufficient information to review the allegations.

Malicious complaints

When an investigation concludes that a false accusation has been deliberately made and for the purpose of causing harm, and if the complainant is a staff member of DEVELOPMENT AND PEACE, appropriate disciplinary measures will be taken, up to and including termination of employment. Any report that proves to be malicious will be considered a serious disciplinary offense. If the identity of the person subject to the complaint has been made public, DEVELOPMENT AND PEACE will ensure the rehabilitation and restoration of their reputation.

2- Principle of disclosure and protection:

Obligation to disclose

Any staff member or individual working for DEVELOPMENT AND PEACE (including interns, consultants, observers, volunteers, or anyone working for the members or for the national office of DEVELOPMENT AND PEACE) must disclose any allegation or serious grounds for infringement of the DEVELOPMENT AND PEACE Code of Conduct. The obligation for disclosure is proportionate to the seriousness of the suspected infraction. In that context, DEVELOPMENT AND PEACE strongly encourages the disclosure of any breaches, in order to prevent people who are aware of them from being, in spite of themselves, associated or presumed accomplices by their silence.

Non-retaliation (whistleblowing)

DEVELOPMENT AND PEACE strives to create a safe environment that will allow stakeholders to formulate a complaint without fear of reprisal or unfair treatment.

DEVELOPMENT AND PEACE intends to make sure that complaints are handled fairly, appropriately and in a reasonable time period. It is committed to ensuring that a person can report possible breaches of the Code of Conduct:

- Without any risk of losing their employment or entitlements or suffering any form of retribution in the community or workplace;
- Knowing that denouncing a possible breach, if it is reasonable, will not give rise to harassment or victimization — and if that should occur, knowing that DEVELOPMENT AND PEACE will take disciplinary action in accordance with the appropriate procedure;
- Knowing that complaints will be treated in a confidential manner.

DEVELOPMENT AND PEACE operates on the principle that all complaints are made in good faith and are not motivated by intent for personal gain, personal interest or grudges. That said, should a subsequent investigation reveal a complaint to be malicious, any ongoing investigation is immediately halted and the Subject of Complaint (SoC) is cleared of all suspicion. Complaints lodged for genuine reasons that are subsequently considered to be unfounded or unsubstantiated shall not be treated as malicious. If a malicious complaint is made by an employee or a member of DEVELOPMENT AND PEACE, disciplinary measures will be taken at the discretion of the Employer.

Confidentiality and security

All complaints will be treated confidentially. Disclosure of information to third parties will be decided on a case-by-case basis and, insofar as possible, with the agreement of the complainant. The complaints will be handled differently, taking into account specific requirements and potential risks to the parties involved.

Confidentiality is paramount to ensure the safety of complainants, whistleblowers, witnesses and those who are the subject of a complaint. Information relating to complaints and the associated investigations should be shared only on a “need to know” basis, clearly identified for each case. In case of breach of confidentiality, DEVELOPMENT AND PEACE may take appropriate measures except when:

- Disclosure is required by law;
- Disclosure of information is required by management in the best interests of all parties involved;
- Disclosure is necessary to obtain specific expertise (medical, legal or other);
- Complaints indicating that a criminal offense may have been committed should be forwarded by DEVELOPMENT AND PEACE to the authorities responsible for investigating such cases.

3- Principles in handling complaints:

- **Relevance:** Complaints that are not related to the Organization's work or complaints of a malicious nature, including false accusations intended to harm the reputation either of the Organization or of particular individuals, will not be processed. However, they will not be ignored and will be registered in the same way as the complaints considered legitimate.
- **Impartiality and fairness:** Complaints shall be handled fairly, objectively and impartially throughout the handling process. Complainants must be treated with respect, whether or not their complaint is justified or well founded.
- **Zero tolerance:** DEVELOPMENT AND PEACE advocates a culture of zero tolerance for sexual exploitation and abuse.

B- COMPLAINTS HANDLING PROCEDURE

Objectives and principles of the procedure

This procedure complements the DEVELOPMENT AND PEACE Code of Conduct and applies to any breach of that Code as well as any other policies and procedures in effect within the Organization.

1. The stakeholders — Roles and responsibilities:

Executive Director

As the Organization's official representative, the ***Executive Director*** of DEVELOPMENT AND PEACE assumes all responsibilities for the application of the *Code of Conduct* and the *Complaints Handling Policy and Procedure*. If the complaint involves the Executive Director, it is the President of the National Council of DEVELOPMENT AND PEACE who will represent the Organization throughout the process.

Complaints Handling Officer

For practical reasons aimed at facilitating the swift and efficient processing of cases, the Executive Director shall appoint a ***Complaints Handling Officer***. Unless otherwise noted, this will be the Human Resources Advisor (or, if need be, another person representing Human Resources) who will be responsible for managing and processing complaints.

Complaints Handling Committee

A ***Complaints Handling Committee*** shall be established to ensure that all complaints received through the DEVELOPMENT AND PEACE *Complaints Handling Mechanism* are handled in accordance with agreed procedures and guidelines. The *Complaints Handling Committee* consists of the following persons:

- The Executive Director of DEVELOPMENT AND PEACE;
- A member of the DEVELOPMENT AND PEACE National Council (the Vice-President);
- The *Complaints Handling Officer*;
- One co-president from the Union of Employees of DEVELOPMENT AND PEACE;
- One person from the DEVELOPMENT AND PEACE Management Team (to be determined according to the nature of the complaint).

The members of the *Complaints Handling Committee* will be appointed by the *Executive Director* of DEVELOPMENT AND PEACE in consultation with the President of DEVELOPMENT AND PEACE. The persons will be appointed for the duration of the complaint. The composition of the committee may therefore vary from one complaint to another. The members of the *Complaints Handling Committee* are required to treat all information received with the utmost confidentiality.

The *Complaints Handling Committee* is responsible for:

- Reviewing the complaint, discussing and approving the action plan proposed by the *Complaints Handling Officer* or suggesting an alternative, if need be;
- Referring complaints involving a criminal offense to the competent authorities, such as police authorities, or notifying major funders that may be affected, where applicable;
- Reviewing, requesting additional information, suggesting alternatives (if any) and approving the submitted investigation report;
- Requesting an independent inquiry following reports that have not been judged to be satisfactory;
- Recommending appropriate measures for the situation;
- Following up and evaluating the implementation of the recommendations.

The final decision is made by the *Executive Director* of DEVELOPMENT AND PEACE.

2. Complaints handling mechanism:

A. Filing and receipt of the complaint

Who?
Complaints may be filed by all DEVELOPMENT AND PEACE stakeholders, including partners and the populations it supports, financial backers, supporters and the general public.

When?
Although the *Complaints Handling Committee* agrees to receive all complaints submitted to it, regardless of the timeframe for their filing, a complaint should preferably be filed **as soon as possible** after the complaining party becomes aware of the situation, in order to optimize the effectiveness of a possible investigation.

How?

1. **Using the online form:**
   The DEVELOPMENT AND PEACE website includes a section for filing an online complaint https://devp.org/fr/conformite-et-protection/

2. **By letter or mail/email:**
   Formal complaints may be sent in writing to the following address:

   Executive Management
   Canadian Catholic Organization for Development and Peace — Caritas Canada
   555 René-Lévesque Boulevard West, 8th Floor,
   Montreal, Québec Canada H2Z 1B1

   With the mention *"Personal and Confidential"*

3. **By phone**
   People who wish to lodge a complaint by telephone can do so by leaving a message in the voicemail box by dialing the number: **1-888-234-8533 ext. 323**

Acknowledgment of receipt of a complaint
The complaining party shall receive an acknowledgment of receipt, if possible, within **ten (10) days** of receipt of the complaint. The letter, email or phone call of confirmation must indicate:

- When and how the complaint was received;
- What follow-up DEVELOPMENT AND PEACE has given to the complaint so far, and what it intends to do next;
- The name of the person in charge, or of the person responsible for handling the complaint;
- The name of the person to contact for questions or comments.

Registration of the complaint
Complaints will be registered upon receipt via an internal DEVELOPMENT AND PEACE system to which access will be limited. This system will also register the tracking of actions taken and the results of the process.

The complainant has the right to ask that all information regarding their complaint be erased.

B. Handling the complaint

The *Complaints Handling Officer* is responsible for making a preliminary assessment of the type and nature of the complaint and for recommending the most appropriate course of action. This action plan will be reviewed and approved by the *Complaints Handling Committee* if need be.

The seriousness of the complaint will determine the progress of the investigation.

The *Complaints Handling Officer* will provide the *Complaints Handling Committee* with only the essential elements of the complaint, i.e., the nature of the complaint, the proposed course of action and, if applicable, the outcome of the complaint. No details regarding the names of the complainant, the accused, the victim, witnesses or whistleblowers will be shared with the *Complaints Handling Committee*.

Anonymous complaints must be treated with the same seriousness as other types of complaints. Anonymous complaints can be investigated if there is sufficient background information or if potential witnesses are available.

C- Investigative process

The *Complaints Handling Officer* will have the primary responsibility for coordinating the investigations, which will be conducted in a confidential manner. Only those who need to know about the complaint will be involved in the process. Qualified outside experts from a pool of pre-screened and validated investigators will investigate complaints when the situation makes it necessary. The *Complaints Handling Officer* will identify the most qualified expert investigator according to the nature of the complaint, the geographical location and the language requirements.

Turnaround times for the investigations will vary depending on their complexity. The goal is to conclude them as soon as possible, ideally within sixty (60) days of receipt of the complaint. The final report will be shared with the *Complaints Handling Committee* for review and approval.

The decision and the type of action to be taken following the investigation process will be made by the *Executive Director* of DEVELOPMENT AND PEACE or — if the Executive Director is the accused — by the President of DEVELOPMENT AND PEACE.

The costs of investigating complaints against staff or persons working for DEVELOPMENT AND PEACE will be borne by DEVELOPMENT AND PEACE.

Communicating the results

The *Complaints Handling Officer* will provide feedback to the complainant and to those individuals involved in the complaint.

The complainant, unless he or she is also the victim, does not have the “right” to know the outcome of the investigation. The *Complaints Handling Officer* will provide the

complainant with the relevant information as to whether the complaint is substantiated or not. No other information or details will be disclosed.

In the case of decisions regarding complaints involving a flagrant violation of DEVELOPMENT AND PEACE's Code of Conduct and its *Children and Vulnerable Adults Safeguarding Policy*, the *Executive Director* of DEVELOPMENT AND PEACE will refer to and consult the staff or people working with the Organization and will, if need be, communicate those complaints to the appropriate bodies (National Council, Global Affairs Canada).

Appeal procedure

If either the complainant or complainants, or the party or parties subjects of the complaint, do not accept the findings of the investigation, they may appeal the action proposed by the *Complaints Handling Committee* to the DEVELOPMENT AND PEACE Executive Committee. A letter of appeal must be sent to the *Executive Director,* who will inform the Executive Committee of the appeal. If the *Executive Director* is implicated in the case, the letter of appeal may be addressed directly to the *President* of DEVELOPMENT AND PEACE. Members of the Executive Committee who participated in the investigation team must not participate in the appeal process.

The Executive Committee shall endeavour to meet in committee within **thirty (30) days** of the appeal. This meeting will allow the complaint to be heard again. The Executive Committee then makes a decision on the appropriate measures that should allow the situation to be resolved. Insofar as possible, this decision is communicated in writing within **ten (10) days** of the meeting. The decision of the Executive Committee is final.

D- Lessons and review of policy

Follow-up work

Executive Management of DEVELOPMENT AND PEACE keeps track of all complaints filed. Every year, the *Complaints Handling Officer* shall prepare a summary report on all the types of complaints received and on the progress of the proceedings and related matters. This report is submitted first, for opinion, to the *Complaints Handling Committee*, then presented to the management of DEVELOPMENT AND PEACE. Periodic reports on complaints and investigations are published, while respecting the principle of confidentiality. Analysis of complaints is taken into consideration in reviewing DEVELOPMENT AND PEACE's strategy and in subsequent decisions by management. Public reports do not include the names of complainants, organizations, witnesses or subjects of a complaint. Unsubstantiated complaints will not be included in the annual summary report.

Review of the policy and complaints handling process

The current policy and procedures will be reviewed by the *Labour Relations Committee* every five (5) years or as needed, in order to take into account feedback on the complaint-handling process and to consider comments received from users of the general complaint policy, including from communities and children.

Appendices
List of committee members (stakeholders)
Online complaint form
Incident Report Form
Format of table of complaints received

Summary of this procedure (one page — to be completed)

Adopted by the National Council at its meeting of: