



Adventist Development and Relief Agency

ADRA Canada Complaints and Response  
Mechanism

## **ADRA Canada Complaints and Response Mechanism**

### **I. Purpose**

The purpose of the Complaints and Response Mechanism is to ensure the organization is fully accountable to all its stakeholders, enabling them to raise complaints and concerns about the work and operations of ADRA Canada. A well-designed complaints mechanism is essential for promoting trust and openness, lifting program quality through learning, and contributing to a culture of accountability across the ADRA network.

### **II. Policy and approach**

ADRA Canada's Complaints and Response Mechanism Policy has four objectives:

#### ***Maintaining Public Trust***

Official donors, members and supporters and the general public have an expectation that ADRA Canada will be truthful in its advocacy, empowering in its programming, prudent in its stewardship of resources, honest in its marketing, and otherwise acting with utmost probity. Being open to complaints and feedback in these expectations is critical for maintaining public trust and ADRA Canada's good reputation. This requires defined, safe, credible, independent processes which are easy to find and use.

#### ***Ensuring Rights of Stakeholders***

Stakeholders (people and organizations with an interest in or a commitment to, or are affiliated with ADRA Canada) have a right to make a complaint and to seek redress if ADRA Canada falls short of its promise to meet its mission fully and ethically, and/or in a manner consistent with human rights standards. ADRA commits to open, timely and even-handed processes to achieve resolution of such complaints.

#### ***Learning for Quality***

A Complaints and Response Mechanism is a vital part of ensuring the quality of the programs ADRA Canada supports, ensuring that the organization is open to legitimate criticism and acts to learn from mistakes and critical feedback that suggest different approaches. Ensuring that stakeholders can hold ADRA Canada to account will improve the quality of our work.

#### ***Greater Accountability***

A Complaints and Response Mechanism is a means to balance the power differences between ADRA Canada on one hand, and its program partners and communities on the other, whether through funding relationships or advocacy partnerships. Partners and communities must be able to hold ADRA Canada to account on fair terms when these

relationships are not respected. An effective Complaints and Response Mechanism should increase the voice and power of stakeholders.

Donors and supporters must be able to raise complaints if ADRA Canada does not meet the expectations of stewardship or delivery. ADRA Canada is committed to learning from complaints relating to poor performance, as part building a culture of greater accountability. ADRA Canada will conduct Action Reviews following complaints and feed any lessons learned into operational improvements. In some situations, this may also lead to some form of redress for complainants.

ADRA Canada will regularly review the accessibility and efficacy of the Complaints and Response Mechanism to meet these objectives.

### **III. Scope of this Policy**

This policy covers ADRA Canada and all of its staff, partners, contractors, volunteers, and other affiliated parties. It details different stakeholder groups and where possible, specific complaints channels that apply to each. It will address complaints raised by external stakeholders; communities, beneficiaries, program partners, advocacy and campaign allies, donors, supporters, and the general public.

A complaint may be lodged by a person who is not directly affected by ADRA Canada's work; for example, a member of the public who believes ADRA Canada is misrepresenting itself may complain on the basis it is in the public interest to do so.

The policy does not address internal staff grievances or governance disputes with the exception of whistle-blowing, where a staff member or volunteer may not feel 'safe' to raise an issue through the management line and may prefer to use the independent final process.

#### ***Issues that are covered by this policy***

This policy covers the full range of work carried out by ADRA Canada, wherever it operates and includes, but is not limited to, the following:

- Conduct by ADRA Canada staff or ADRA partner staff, or ADRA Canada board members, ADRA Canada volunteers.
- Conduct of other stakeholders involved in programs
- Abuse of ADRA Canada's power in programming and/or advocacy
- Poor practice in programming and/or humanitarian response
- Exaggerated or unsubstantiated claims in campaigns and advocacy
- Fraud
- Dishonest marketing/misrepresentation

- Sexual and/or physical abuse of children
- Exploitation of communities, partners, or beneficiaries
- Harassment, bullying, victimization

### ***Issues which are not covered by the policy***

ADRA Canada will consider, but may not accept, frivolous or vexatious complaints, for example;

- Disputes over differences of opinion with ADRA Canada or about ADRA Canada
- Complaints instituted for monetary gain
- Personal disputes with ADRA Canada staff, board members, volunteers
- Matters that are not relevant to ADRA Canada

Decisions to dismiss a frivolous or vexatious complaint require careful judgement by the appropriate managers.

## **IV. Principles**

ADRA Canada's Complaints and Response Mechanism is based on four principles:

### ***Accessibility***

- Widely promoted and publicized among stakeholders
- Easy channels for communication provided; use of standard forms for consistency, but also the option to make a verbal complaint (by interview.)
- Written in plain English (no jargon) with translations available where required.
- Non-threatening; assistance offered where needed

### ***Legitimacy***

- Transparent governance of the Mechanism to prevent bias
- Ultimate resolution through independent processes including mediation
- No conflicts of interest in the procedures
- Transparency of process guaranteed

### ***Responsiveness***

- Attentive to complainant's needs
- Commitment to careful listening & accurate documentation (checked back with complainant)
- Timely processing (timeframe specified; e.g. 14 days for resolution)
- Progress updates provided to complainant

## ***Fairness***

- Respectful engagement with complainant(s) on equal terms
- Guarantee of a 'safe' process.
- Confidentiality will be respected.
- Rejection of complaints is appealable.
- Appropriate redress for complainants (e.g. apology, recompense etc.)

## **V. Governance and the Complaints Handling Mechanism**

ADRA Canada's Complaints Handling and Response Mechanism is drawn from and aligned with the Complaints Handling and Response Mechanism of the global ADRA Network as defined by the International Secretariat.

Where a complaint against ADRA Canada's individual Directors is serious, the Board will be informed and where necessary will take disciplinary action. Where a complaint is raised against the Board, the Seventh-day Adventist Church in Canada may need to intervene, the operating principle being that those being complained about do not judge themselves.

## **VI. Promotion of the Complaints and Response policy to stakeholders**

ADRA Canada will post the Complaints and Response Policy on the home page of its website with an online response mechanism for people wishing to register a complaint.

Program staff will ensure that partners and beneficiaries are aware of their right to make a complaint, using communication channels appropriate to the context, including community-based monitoring processes to address concerns.

## **VII. Management of complaints in ADRA**

ADRA Canada will designate a Complaints Officer to manage complaints in accordance with the principles outlined in this policy. The role of the Complaints Officer is to ensure that appropriate steps are taken in alignment with the policy.

Complaints will be managed at the office level with appeals escalated ultimately to the Board. A final forum for appeal will be managed by the Seventh-day Adventist Church in Canada.

## **VIII. Procedures for accepting and responding to complaints**

### **1. Making a complaint**

- Complaints can be made in writing or verbally to the Complaints Officer using a standard form.
- Written complaints will be acknowledged within 5 working days and an explanation of the process will be provided, with an estimated time-frame for resolution.
- Complainants will receive a copy of the Complaints Policy.
- Complainants will be treated respectfully at all times.

### **2. Processing a complaint**

- The Complaints Officer will interview the Complainant unless this is impossible due to location in which case a conference call will be initiated.
- All complaints will be taken seriously. A complaint will only be deemed frivolous or vexatious with the agreement of the relevant senior manager and that determination will be communicated in writing to the Complainant.
- Interviews and verbal complaints will be written up and confirmed with the Complainant.
- The Complaints Officer will seek whatever additional information is required to make a recommendation, including legal advice both on content and process.
- In certain circumstances ADRA Canada may refrain from responding if it is felt a response would cause more harm than good. In some situations, a public complaint may be deemed to be defamatory and require a legal response.

### **3. Accepting a complaint**

- The Complaints Officer will determine whether a complaint is accepted or rejected and make recommendations to his/her manager.
- The Complainant will be informed in writing of the outcome and of any redress that may be offered (apology, change to programs/advocacy, financial recompense, etc.)
- The complaint should be recorded.
- The Complaints Officer should identify any lessons resulting from the complaint.
  - Such lessons learned should be communicated as per the agreed structure.

### **4. Rejecting a complaint**

- If, on the basis of evidence gathered, the complaint is rejected, the Complaints Officer should check legal implications and make recommendation to his/her manager on managing the process.
- The Complainant should be informed in writing (and verbally where careful communication is required,) including information about their right of appeal and offer of mediation.

### **5. Mediation**

- Mediation will be offered where appropriate. ADRA Canada will identify a range of suitable independent mediators.

### **6. Appealing a decision**

- Complainants who do not accept the rejection of their complaint and who do not accept Mediation can ask for an Appeal, outlining reasons in writing and using a standard form.

### **7. Mediating conflict**

- If a complaint is rejected and the Complainant wishes to Appeal, s/he may be offered mediation using an independent mediator.
- The intention is to reduce the conflict and stress in a given situation but not to diminish the right to make a complaint or to Appeal.

## IX. Whistle-blowers

1.
  - a. Where an employee, acting in good faith and on the basis of reasonable belief, becomes aware of actual, suspected or intended misconduct, unlawful activity, suspicious financial management, or other accountability concerns, he or she has a duty to report such misconduct or incidents, as soon as learning of them, to lawful authorities.
  - b. An employee, acting in good faith and on the basis of reasonable belief, may refuse to carry out any order or direction which is illegal, unethical, or against agency policy and which is given by an individual who has direct or indirect control over the employee's employment. Requests that are illegal should be reported immediately to lawful authorities.
  - c. Employees are expected to co-operate fully with lawful authorities during any investigation or proceeding related to acts of alleged misconduct or work refusals under this policy.
2. No employee shall be subject to discipline, termination, demotion, or any form of retaliation, including but not limited to, intimidation, harassment, financial penalty or other threats by reason that:
  - a. the employee, acting in good faith and on the basis of reasonable belief, reports actual, suspected or intended misconduct as outlined in paragraph 1 (a); or
  - b. the employee, acting in good faith and on the basis of reasonable belief, refuses to carry out an order or direction which is illegal, unethical, or against agency policy and reports such refusals in accordance with paragraph 1(b); or
  - c. the employee cooperates with, or provides information to, or testifies in any proceeding against a member of ADRA Canada regarding situations outlined in paragraph 1.01.
3. Nothing in this policy is meant to take precedence over an employee's duties under federal or provincial law, or common law. Any unlawful misconduct or incident which may affect public safety must be reported to the proper lawful authorities immediately.
4. Information regarding any alleged misconduct, the identity of the reporting person, and any details of the alleged misconduct or investigation, shall be held in confidence by those to/through whom the misconduct is reported, including the Executive Director or other administrators, except as required by this policy or by law. Any employee who breaches this confidentiality requirement shall be subject to discipline up to and including termination for cause.
5. Complaints or reports of misconduct made under paragraph 1.01 shall be fully investigated,



and any employee found to have participated in actions of misconduct shall be subject to discipline, up to and including termination for cause.

6. An employee who makes a complaint or report of misconduct under paragraph 1.01 which is found to be both unfounded and made with malicious intent will be subject to disciplinary measures up to and including termination for cause.

## **I. PURPOSE**

ADRA Canada is committed to maintaining high ethical standards and legitimate practices and wishes to encourage the identification and prevention of any misconduct that may affect this commitment. The purpose of this policy is, therefore:

- a. to provide employees with a system whereby they can disclose any knowledge of actual or intended misconduct which may be unethical, illegal or fraudulent; and
- b. to provide employees who provide such disclosure, and are acting in good faith, and on the basis of reasonable belief, with protection from any form of retaliation or threat of retaliation when they do provide such disclosure.

## **II. SCOPE**

- a. This policy applies to all employees, independent contractors, constituents, job applicants and any other individual who may have deals with ADRA Canada.
- b. This policy does not apply to complaints or issues related to employment or safety issues. Such issues should be handled through the individual's immediate supervisor and be dealt with under more appropriate policies.

## **III. RESPONSIBILITY**

### **Employee**

- a. An employee, acting in good faith and on the basis of reasonable belief, has a duty to report actual, suspected or potential incidents of misconduct and to co-operate with any investigation by lawful authorities into such allegations.
- b. An employee is responsible for adhering to ADRA Canada's confidentiality policy when making reports to external lawful authorities, except where required by law, or where an employee's safety or public safety is imminently threatened.

**Supervisors are responsible for:**

- a. receiving any reports of misconduct from employees or constituents in confidence, and for immediately forwarding such reports to the Executive Director;
- b. co-operating with any investigations into misconduct; and
- c. fostering a work environment which encourages open communication, ethical
- d. behaviour, adherence to laws and adherence to agency policy.

The **Executive Director** is responsible for receiving reports of misconduct, alleged misconduct or anticipated misconduct and for:

- a. assessing the situation in order to make a determination of the process of investigation to be followed;
- b. determining whether external authorities should be notified;
- c. leading the internal investigation process;
- d. reporting to the Chair of the Board of Directors, the confirmed facts of each disclosure
- e. implementing actions to resolve the issue and ensuring any procedural or policy changes that may be necessary in order to prevent a recurrence;
- f. developing and preparing, in consultation with the most appropriate senior authority, a communications strategy for internal and external use regarding the misconduct and/or investigation; and
- g. providing any information or follow-up reports as required by executive management, external authorities or agencies.

In carrying out these responsibilities, the Executive Director, in his/her sole discretion, may involve legal counsel and/or independent auditor representatives throughout the process.

**IV. DEFINITIONS**

- a. **“Lawful authority”** means:
  - i. any person directly or indirectly responsible for supervising the employee;
  - ii. any police or law enforcement agency with respect to an offence within its power to investigate; or
  - iii. any person whose duties include the enforcement of provincial or federal law within his/her power to investigate.
- b. **“Misconduct”** means conduct which results in or could result in a contravention of federal or provincial law, serious breach of Agency policy, misuse of Agency resources, financial mismanagement or misuse of authority. Misconduct also includes any retaliatory measures against any employee who is protected under this policy.

## **V. REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

Environmental Protection Act (Ontario)  
Health Information Protection Act (Ontario)  
Occupational Health and Safety Act (Ontario)  
Canada Labour Code  
Competition Act (Canada)  
Criminal Code (Canada)  
Environmental Protection Act (Canada)  
Personal Information Protection and Electronic Documents Act (Canada)  
Lifestyle Statement  
Confidentiality and Inventions

## **VI. PROCEDURE**

- a. An employee, acting in good faith and on the basis of reasonable belief, who has knowledge or a concern that misconduct has occurred or will occur, must report the information to his/her Supervisor as soon as he/she becomes aware of such.
- b. If it is not possible or appropriate to report the information to the employee's Supervisor, the information should be reported directly to the Executive Director, or as a last resort, to the Chair of the Board of Directors.
- c. Any person who receives a report of alleged misconduct under this policy must hold the report and the identity of the reporting person in confidence.
- d. Employees are discouraged from making anonymous reports. If an employee, for whatever reason, believes that he/she cannot otherwise make a report of misconduct, anonymous reports can be sent to the Executive Director via the internal mail system or by telephone.
- e. The Executive Director shall exercise the specific and exclusive responsibilities specified in paragraph 4.03 and conduct inquiries and investigations into complaints or allegations made and/or submitted under this policy, including complaints or allegations that whistleblowers have suffered retaliation. The employee who initiated the report of alleged misconduct shall be notified of the proposed process of investigation except where the report is made anonymously.
- f. Any and all information collected under this policy or through the investigative process shall be held in confidence, except where disclosure may be necessary to further the investigation, or as required by law.
- g. Employees and independent contractors are required to co-operate with the investigation of incidents under this policy and, if necessary, shall be granted paid time off to do so.

**X. Annex 1: Complaints Handling Mechanism and Response (CHMR) for primary stakeholders; partners, communities, beneficiaries.**

Effective promotion of the CHMR and capturing the lessons learned from responding to complaints is critical to program quality. Whilst promoting the CHMR for donors, supporters, and the general public can be web-based and relatively passive, the power imbalances in most development contexts require extra effort to ensure that beneficiaries are aware and feel empowered and safe to raise concerns and make complaints.

Without being prescriptive it is suggested that ADRA program managers look at outreach approaches, such as existing community mechanisms, village committees, women's organizations, use of mobile technology, and the creation of specific liaison committees that involve beneficiaries as equals. Involving beneficiaries in design of the feedback processes should be considered.

Where possible, ADRA can also make use of independent survey methodologies to get more objective data about program quality. Whatever the mechanisms chosen they need to be culturally appropriate, safe and timely.

There needs to be a commitment to sharing learning from these approaches.