

# IMPORTANT NOTICE

## (IMMEDIATE RESPONSE REQUIRED)

### INSTRUCTIONS FOR CREATING AND SUBMITTING A POLICY FOR MANAGING PUBLIC COMPLAINTS AGAINST LICENSED EMPLOYEES

All business licensees must submit and maintain a policy for managing public complaints against employees licensed under the *Security Services and Investigators Act*. The following instructions and sample policy document have been provided to assist your business with this process. For assistance or questions, contact the Security Programs Licensing Department at 1-877-462-0791.

#### **Creating a Public Complaints Policy**

This document has been designed to aid companies in developing their own public complaints policy in compliance with the sections 24, 25, 26 and 27 of the *Security Services and Investigators Act*, and section 28 of the *Ministerial Regulation*. Additional information about the requirements of the legislation can be found in section 11 of the Policy Manual. Companies can either adopt this document as their policy, or use it as a guideline to develop a corporate policy or amend existing corporate complaints management policy.

If your company chooses to use this document for its formal public complaints policy, additional information is required in section 3.4. Companies may also want to add to sections 1.0 and 2.0 identifying which employee positions (i.e. security manager, owner) will be responsible for investigating and managing the complaints process. Simply modify this document as needed and return a copy to the Security Programs office.

Complaints against a business licensee are investigated by the Alberta Justice and Solicitor General Ministry under the *Security Services and Investigators Act*.

#### **Submitting a Public Complaints Policy**

Once you have developed your corporate policy or if you are using the policy as provided here, a copy must be submitted to the Security Programs office for inclusion in your company's official record. Policies will be reviewed upon receipt to ensure they meet the requirements of the *Security Services and Investigators Act* and *Regulation(s)*.

Copies of policy must be received by the Security Programs office before a business license can be issued. Failure to provide the requested information may expose your company to formal complaints under the Act by members of the public or possible increased civil liability for failure to comply with provincial legislation. Additionally, the Registrar will not renew the business license or perform any other requested service until this requirement is met.

Please fax, mail or email a copy of the company's public complaints policy to:

Security Programs  
Alberta Justice and Solicitor General  
9<sup>th</sup> Floor, 10365-97 Street  
Edmonton, AB T5J 3W7  
Fax: 780-427-4670  
Email: [POProgram@gov.ab.ca](mailto:POProgram@gov.ab.ca)

**POLICY FOR MANAGING PUBLIC COMPLAINTS**  
**AGAINST LICENSED EMPLOYEES**  
**PURSUANT TO THE SECURITY SERVICES AND INVESTIGATORS ACT**

As per sections 24, 25, 26 and 27 of the *Security Services and Investigators Act* (the Act), if a public complaint is received about an employee licensed under the Act, the following process will be followed. This policy only applies to individuals directly employed by the company and does not apply to the licensed employees of contract service providers.

For the purposes of this section, Registrar refers to the Registrar, *Security Services and Investigators Act*, Alberta Justice and Solicitor General.

**1.0 PUBLIC COMPLAINTS REQUIRING INVESTIGATION**

1.1 Complaints against individual licensees must be made in writing to the licensee's employer *within 90 days* of the action or circumstances that prompted the complaint.

If a complainant is unable to provide a written document due to a valid reason such as language barrier or disability, an employee or manager shall take the necessary steps to have the complaint recorded in writing on behalf of the complainant. The complainant must sign the written complaint.

1.2 *Within 30 days* of receiving the complaint the employer **must** acknowledge receipt, in writing, to the complainant (as per section 26 of the *Security Services and Investigators Ministerial Regulation*).

1.3 In acknowledging the complaint, the employer must notify the licensed employee who is subject of the complaint.

The employer may delay notification to the employee under the following circumstances. In the case where it is uncertain as to the appropriateness of informing a licensee about a complaint, the Registrar, should be consulted.

- The complainant may be placed in danger.
- The complainant may face other inappropriate action by the licensed employee should the licensed employee be informed.
- The notification may impede the gathering of evidence during an internal investigation.
- A reasonable likelihood exists that the complaint may lead to charges under federal or provincial legislation and that notification could impede any resulting police or other investigative agency investigation.
- Any other situation identified by the employer or Registrar in which it may be appropriate to delay informing the licensed employee about the complaint.

1.4 The employer must, *within 90 days*,

- Investigate and dispose of the complaint (unless 3.0 below applies), and
- Notify the complainant, the licensed employee who is the subject of the complaint, and the Registrar (use Public Complaint Outcome Form PS3749), in writing, of the disposition of the complaint with reasons.

1.4.1 The letter of disposition must advise the complainant of their right to request a review of the outcome by the Registrar. The letter must indicate the following:

- If dissatisfied with the outcome of the company's investigation the complainant may request a review of the disposition by the Registrar.
- The request must be made in writing *within 30 days* of receipt of the disposition.
- Requests for review must be submitted to:

Complaints Coordinator, Security Programs  
Justice and Solicitor General  
9<sup>th</sup> Floor, 10365-97 Street  
Edmonton AB T5J 3W7  
Fax: 780-427-4670

Add sections if required

## 2.0 CRIMINAL MATTERS

Any allegations of criminal misconduct **must** be reported to the police service of jurisdiction for investigation. Complaints that contain allegations of excessive force are considered to be criminal allegations.

2.1 In allegations of criminal misconduct the company may consider the obligation to reach a conclusion *within 90 days*, as per section 25(4) of the Act, fulfilled if the company has:

- Notified the police service of the allegation, and
- Provided written notification to the complainant, and
- Provided written notification to the Registrar that this action has occurred.

2.2 A concurrent internal investigation may proceed provided company employees interact/cooperate with the police service and take such steps that are necessary to avoid contaminating the criminal investigation. If a concurrent investigation is conducted it must be completed *within 90 days* as per section 25(4) of the Act and the outcome report as per section 1.0 of this policy.

Add sections if required

### 3.0 COMPLAINTS NOT REQUIRING INVESTIGATION

The Act recognizes that some complaints will be made under circumstances in which an investigation is not required.

3.1 Under the following conditions, the company may choose not to investigate a complaint

- Employer utilizes an informal resolution process (see 3.4.1 below).
- Employee no longer works for the employer.
- Contact with complainant after submission of initial complaint cannot be made (documentation showing this is the case should be kept in case of request for review by the Registrar).
- Anonymous complaints.
- Frivolous: a complaint intended merely to harass or embarrass.
- Vexatious: a complaint that has no basis in fact or reason, with its purpose to bother, annoy, and embarrass the individual or business licensee.
- Bad Faith: filing a complaint with intentional dishonesty or with intent to mislead.
- Having regard of all the circumstances, no investigation, in the option of the employer or Registrar, is deemed necessary.

3.2 Notification that investigation will not proceed

The employer must notify the complainant *within 90 days* of receipt of the complaint that the matter will not be investigated, except where an informal resolution process is undertaken, the complainant cannot be contacted or the complaint is anonymous.

3.2.1 The letter must advise the complainant of their right to request a review of the outcome by the Registrar. The letter must indicate the following:

- If dissatisfied with the outcome of the company's investigation the complaint may request a review of the disposition by the Registrar.
- The request must be made in writing *within 30 days* of receipt of the disposition.
- Requests for review must be submitted to:

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3.3 Anonymous complaints

Anonymous complaints do not allow the employer or the Registrar to discharge required legal responsibilities and therefore they are not considered a complaint under the Act.

If the nature of an anonymous complaint is serious, the employer shall review the matter and consider what, if any further action should or can be taken. In the event some element of substance to the allegation is uncovered, the employer must:

3.3.1 *Within 90 days,*

- Investigate and dispose of the complaint, and
- Notify the Registrar in writing (use Public Complaint Outcome Form PS3749), of the disposition of the complaint with reasons.

### 3.4 Informal resolutions of complaints

Successful informal resolution allows an investigation to be discontinued. If, in the employer's opinion and having regard to all of the circumstances, no investigation is necessary, the employer may discontinue the investigation.

a)

INSERT Informal Complaints Process for your company - There are many formats in which to informally resolve complaints. Business licensees should develop one format and ensure that it is used throughout the company if this method of resolution is to be employed.

b) Upon successful resolution of complaint, document outcome and obtain the complainant's signature, where possible, to show that a matter has been informally resolved.

This would preclude the complainant from claiming duress or that they did not agree with the outcome. Without clear documentation, complaints that are informally resolved by the employer may, in some circumstances, be eligible for review by the Registrar and subsequently the Director of Law Enforcement, Province of Alberta.