

VI. General

Section 13 – Complaint Process

13.1 The Process

The Public Service Superannuation Board (PSSB, the Board) is committed to making timely decisions in an open and consultative manner, in accordance with the principles of procedural fairness and natural justice, to ensure fair and equitable treatment of plan members.

The Complaint Process provides the parties to a dispute with an opportunity to have their respective points of view considered by the Board before the matter in dispute is decided.

The parties to a dispute may be any combination of the following:

- A member of the Public Service Superannuation Plan (PSSP, the Plan);
- An employee of a participating employer in the PSSP;
- A participating employer in the PSSP; and
- The PSSP's administration.

The Board's authority to resolve disputes is derived from derived from *The Public Service Superannuation Act*, which states as follows:

Application of Act determined by the board

"65 Where a question arises as to the application of this Act to any employee or class or description of employees, it shall be determined by the [B]oard."

The Board has determined that the following process must be followed in order for a matter to come before the Board for a decision:

1. A complaint is to be filed in writing, by the party or parties in dispute, with the Executive Secretary to the Board.
2. The Board's Executive Secretary will promptly inform all members of the Board that a complaint has been filed, affording all Board members the ability to respond appropriately, and in keeping with the Board's Code of Conduct and Conflict of Interest Procedures (Section 11 of this Governance Manual) to any inquiries on the matter they may receive. The Executive Secretary will provide Board members with the names of the parties in dispute, but will not provide any further information with respect to the dispute.

3. The Executive Secretary will research the complaint and prepare a report containing full details of the matter in dispute, a copy of which will be provided to each party having an interest in the matter together with a request for submissions with respect to the matter in dispute.
4. The Executive Secretary will review the submissions from the parties. The review is to determine whether additional issues have been raised or additional parties have been identified which may require additional submissions in order for the Board to have before it everything it needs to make an informed decision.
5. The Executive Secretary will provide a copy of the submissions from each party to the other parties for their review and comment.
6. The Executive Secretary will review the responses from the parties. The review is to determine whether additional issues have been raised or additional parties have been identified which may require additional submissions in order for the Board to have before it everything it needs to make an informed decision.
7. A party to the dispute may request to make a presentation in person to the Board when it meets to hear the matter. A party cannot request a presentation in person in lieu of a written submission. The request must state in writing the reason for the request and provide submissions as to why the written materials would not be sufficient for the Board to make a decision on the dispute. The Executive Secretary will inform all parties with an interest in the matter of a party's request to appear in person before the Board and provide the parties with an opportunity to:
 - i. Make submissions with respect to the request; and
 - ii. Notify the Board whether, if the request is granted, they wish to also make a presentation in person to the Board.
8. The Executive Secretary will place a request pursuant to paragraph 7 together with his or her report and all submissions, responses and documentation relating to the matter in dispute on the agenda for the next available meeting of the Board. If the Board decides to grant the request, the Board will either:
 - i. Schedule a hearing of the matter for the next available Board meeting; or
 - ii. Strike a Hearing Committee of the Board members to schedule and hold a hearing of the matter on behalf of the Board.

If the Board decides not to grant the request, the Board will proceed to make a decision with respect to the dispute based on the written materials submitted by the party or parties.

9. Where the Board grants a request pursuant to Paragraph 7, the Chair or the person designated as the Chair of the Hearing Committee, shall determine the procedure for making the presentations and may:
 - i. Permit further documents to be filed at the hearing;
 - ii. Permit the parties to ask questions of the party making a presentation; or
 - iii. Adjourn the hearing to permit a party to respond to any document or information that had not been disclosed in the written submissions.
10. In the absence of a request pursuant to Paragraph 7, the Executive Secretary will place the report and all submissions, responses and documentation relating to the matter in dispute before the next available meeting of the Board, which will make a decision based upon the materials submitted by the party or parties.
11. The Board will render its decision in writing, stating:
 - i. The decision;
 - ii. The reasons for the decision; and
 - iii. The decision of the Board is final and will be communicated in writing to all the parties involved in the dispute.
12. The Board may review a decision, should the party or parties in dispute provide new information which was not available at the time of the initial decision, where the Board considers it appropriate and no other party is prejudiced by the review.

13.2 Board's Point of Reference

The Board will make its decision based upon its interpretation of *The Public Service Superannuation Act and Regulations*, and may consider established policy practices and previous decisions that it considers relevant.

History

Approval date:	December 8, 2005, and November 17, 2009
Last review:	November 22, 2018
Next scheduled review:	November 2019