

INTERNAL POLICY

AUGUST 2022

COMPLAINTS POLICY

Direction du financement politique et des affaires juridiques



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INTRODUCTION

Topic

Élections Québec and the Commission de la représentation électorale (CRE) have complementary missions: on the one hand, to guarantee an efficient and honest election system for citizens; on the other hand, to ensure fair and equitable representation for the population. The goal of this Policy is to manage complaints that are addressed to Élections Québec and the CRE.

Context

In their *Joint Service Statement to Citizens*, Élections Québec and the CRE commit to provide quality services that meet the needs and expectations of citizens. This commitment creates the possibility, for citizens who are dissatisfied, to submit complaints and, where applicable, obtain a satisfactory conclusion. Élections Québec and the CRE report on the service complaints they have received in their annual management report.

In accordance with section 542 of the *Election Act*, the Chief Electoral Officer reports on complaints received in connection with the application of the Act, and how they were dealt with.

Field of application

This Policy applies to every written or verbal complaint submitted to Élections Québec or the CRE. It includes all staff members, all election officers and any other person acting under the authority of the Chief Electoral Officer.

It does not apply to comments made to Élections Québec or the political financing whistleblower line. However, a complaint related to political party financing may also be filed under this Policy.

POLICY STATEMENT

Policy objectives

The Policy has the following objectives:

- Define the concept of complaint;
- structure and standardize the way in which complaints are processed by the DGE and the CRE, whether they concern services to citizens or the application of Acts over which the DGE has jurisdiction;
- Ensure that every complaint made by a citizen is treated fairly;
- Specify the commitments and service standards of the two institutions in this area, as well as the terms of accountability;
- Describe the roles and responsibilities of each stakeholder;
- Adopt a continuous improvement approach of services;
- Maintain a relationship of trust with citizens;
- Promote the improvement of the electoral process;
- Improve the perception of public services;
- Strengthen public support by better explaining the role and responsibilities of Élections Québec and the CRE;
- Ensure the confidentiality of information transmitted in relation to the complaints formulated.

Legal framework or frame of reference

Under the powers entrusted to him or her, the Chief Electoral Officer can receive complaints and make an inquiry, of its own initiative or at the request of another person, pursuant to the *Election Act* (CQLR, c. E-3.3, s. 491), the *Referendum Act* (CQLR, c. C-64.1, s. 43) as well as certain chapters of the *Act respecting elections and referendums in municipalities* (CQLR, c. E-2.2, s. 90.1) and the *Act respecting school elections to elect certain members of the boards of directors of English-language school service centres* (CQLR, c. E-2.3, s. 30.4). In addition, the Chief Electoral Officer may institute penal proceedings related to any offence defined in the above legislations¹.

Related documents

- Joint Service Statement to Citizens
- Annual Management Report
- Personal Information Management Policy

Guidelines

Élections Québec hopes to interact with the public in a harmonious, constructive and respectful manner. It reserves the right not to follow up on a complaint that contains inappropriate language.²

- The disposition of complaints reflects the commitments made by Élections Québec and the CRE in their *Joint Service Statement to Citizens*. These institutions are committed to be attentive to expressions of dissatisfaction by citizens and to any offences they may report. They work to ensure that the election rights of citizens are protected.
- As part of the reception and processing of complaints, members of the institutions' personnel are courteous and respectful so that citizens can speak with confidence. They help citizens clearly express the reason for their dissatisfaction.

1. *Election Act*, section 569; *Act respecting elections and referendums in municipalities*, section 647; *Act respecting school elections to elect certain members of the boards of directors of English-language school service centres*, section 223.3.

2. For more information, consult the "Netiquette" section on the Élections Québec website.

- Complaints are processed confidentially, quickly, impartially, and rigorously. The focus must be on transparency and dialogue, to enhance the quality of the services given and, ultimately, the quality of the electoral process itself. The institution is committed to ensuring the protection of personal information throughout the process.
- Information collected in the processing of a complaint is disclosed only to the members of personnel who must receive it, if it is required for the performance of their duties, and is retained and destroyed according to the retention schedule.
- In a spirit of transparency and dialogue, Élections Québec and the CRE, after receiving a citizen's initial expression of dissatisfaction, make sure they do everything in their power to remedy the situation. If the citizen is still dissatisfied, he or she is invited to submit a formal complaint, using the procedure set out in this Policy.
- Citizens can contact the Élections Québec information centre to file their complaint. Complaints should preferably be made in writing but can also be verbal. The information must be as complete and accurate as possible for the processing to be effective.
- All complaints are forwarded to the Élections Québec Complaints Bureau. The Complaints Bureau ensures that every complaint is examined by a qualified person within a reasonable time and that an appropriate follow-up is given according to its nature and content. During this operation, additional information could be requested from the citizen in order to respond appropriately or to take appropriate action.
- A written response is sent to the citizen once the complaint has been processed. This response informs him or her of the outcome and, if required, provides information on the subject. The Complaints Bureau reserves the right not to respond to subsequent requests in the absence of new information.
- A citizen who files a complaint relating to the application of electoral legislation may inquire at any time about the progress of his or her complaint with the Complaints Bureau. However, no specific timeframe can be previously set since the process is often more complex and may lead to inquiries or legal actions.
- The fact of disagreeing with the disposition of a complaint related to the application of electoral legislation does not, of itself, constitute grounds for complaint. Élections Québec or the CRE may therefore decide not to respond to any further correspondence from the citizen on the same topic.
- Following a service complaint, Élections Québec and the CRE are committed to respecting the response time indicated in their *Joint Service Statement to Citizens*.

ROLES AND RESPONSIBILITIES

Chief Electoral Officer

The Chief Electoral Officer must:

- Approve the Complaints Policy.

Executive Committee

The Executive Committee must:

- Validate the Complaints Policy.

Information Centre

The Information Centre has various responsibilities under this Policy:

- Assist citizens who want to make a complaint by telephone while making sure to collect all information useful to the processing of their complaint;
- Receive complaints that are not made through the online form or by mail (complaints received by phone or email);
- Refer complaints received to the Complaints Bureau.

Complaints Bureau

The Complaints Bureau has the following responsibilities:

- Ensure the consistent application of this Policy;
- Process all complaints filed with Élections Québec or the CRE and assess their merits.
- Oversee the entire complaints process, from receipt to conclusion;
- Contact citizens for additional information as needed;
- File complaints with the appropriate departments when their intervention or support is required;
- Direct the citizen to the government department or agency concerned if the complaint does not involve either of the two institutions;
- Inform citizens in writing of the outcome of their complaints;

- File with the Secretary General's Office any service complaint from a citizen who is dissatisfied with the way in which his or her initial complaint was processed;
- Ensure the protection of personal information and confidentiality of information related to the complaint;
- Index complaints, ensure they are compiled and prepare a debrief for the annual management report;
- Submit proposals to the executive committee, based on the annual debrief, to improve or adapt legislations, practices and services of Élections Québec or the CRE, where applicable.

Departments

The departments support the Complaints Office. In this context, they must:

- Receive and transfer any complaints received to the Complaints Bureau;
- Designate respondents from their department who will support the Complaints Bureau;
- Ensure the disposition of service complaints regarding their department;
- Support the Complaints Bureau with the processing of complaints related to them by providing relevant information and taking part in the process of seeking fair and satisfactory solutions in each submitted case;
- Collaborate, as required, in the preparation of written responses to be sent to citizens;
- Adopt, where applicable, appropriate measures to prevent the reported or deplored situations from occurring again;
- Ensure the confidentiality of complaints and the protection of personal information contained therein and transmit them only to those who need them to perform their duties.

Secretary General's Office

In addition to the responsibilities vested in the other departments, the Secretary General's Office has the following responsibilities with respect to service complaints:

- Represent citizens who are dissatisfied with the disposition of their initial service complaint submitted to the Chief Electoral Officer or the CRE by asserting their interests and ensuring that they receive the services to which they are entitled;
- Inform these citizens in writing of the conclusion of their second service complaint and forward a copy of their response to the Complaints Bureau for its annual review;

Digital Strategy Team

In addition to the responsibilities assigned to other departments, members of the Direction des communications et des affaires publiques who manage social media and citizen interactions must:

- Refer citizens who complain on social networks to the appropriate channels to formulate their complaint.

Citizens

External customers have the following responsibilities:

- Use respectful language with Élections Québec, the CRE and their personnel;
- Communicate the most accurate information possible in relation to the complaint they are making;
- Respond to requests for information from the Complaints Bureau, where applicable.

DEFINITIONS

Service complaint

Dissatisfaction expressed by a citizen with respect to the quality of services provided by Élections Québec or the CRE, notably in respect of commitments they made in their *Joint Service Statement to Citizens*, or in respect of the disposition of the initial complaint he or she submitted to the Chief Electoral Officer or the CRE. The complaint may also relate to an administrative decision, a behaviour or practice.

Complaint relating to the application of electoral legislation

A citizen's dissatisfaction concerning the application an Act or a chapter of an Act over which the Chief Electoral Officer has jurisdiction, or with the application of a regulation or directive arising from such an Act. Reports of potential offences against one of these legislations also constitute complaints within the meaning of this Policy.

Online form

Web form allowing citizens to transmit complaints and, where applicable, supporting documents securely using the Élections Québec website. The online complaint form is the preferred method for submitting complete and accurate complaints.

As part of this Policy, any person (elector, legal person, candidate, political party, union, association, etc.) who reaches out to Élections Québec to file a complaint is considered a citizen.

ADOPTION AND REVIEW

Policy review

The present Policy will be reviewed every five years from the date of its adoption.

HISTORY

Description of the change	Approved by	Date of change	Next review
Review of version DGE-6406 (15-08) of the Complaints Policy. The new version comes into effect on the date it is approved.	Chief Electoral Officer	August 2, 2022	August 2, 2027