



Interim¹ Complaint Guidelines²

Process and information requirements for the submission of Complaints to the Farm Products Council of Canada (FPCC) under paragraph 7(1)(f) of the Farm Products Agencies Act

1. Definitions

- “Act” means the *Farm Products Agencies Act*.
- “Agency” means the Canadian Beef Cattle Research, Market Development and Promotion Agency, Canadian Hatching Egg Producers, Chicken Farmers of Canada, Egg Farmers of Canada, Turkey Farmers of Canada and any other agency created under the *Farm Products Agencies Act*.
- “Chair” means the Chair of the Farm Products Council of Canada or such person authorized to perform the duties of the Chair of the Farm Products Council of Canada.
- “Complainant” means a person or group of persons who is or are directly affected by the operations of an Agency and who file a Complaint.
- “Complaint” means a complaint as per paragraph 7(1)(f) of the *Act*.
- “Complaint Committee” or “Committee” means the Committee established from time to time by By-Law of the Council to perform duties of Council pursuant to paragraph 7(1)(f) of the *Act* and to report their findings to Council, and consisting of at least two members of Council.
- “Council” means the Farm Products Council of Canada.
- “Interveners” means a person or group of persons who are not Parties to a Complaint and who are permitted to intervene in the Complaint process by the Complaint Committee in accordance with these Guidelines.
- “Informal meeting process” means a process pursuant to paragraph 7(1)(f) of the *Act* that may incorporate presentation of information and arguments in person.
- “Parties” means the Complainant and the Respondent Agency.
- “Registrar” means the FPCC official designated by the Chair to act as Registrar for the Complaint process.
- “Respondent Agency” means the Agency the operations of which are the subject of a Complaint.

¹ These complaint guidelines are implemented on a trial basis and, if deemed necessary, they will be adjusted.

² These Guidelines are for guidance only and describe generally the process that the Farm Products Council of Canada will follow in responding to complaints under paragraph 7(1)(f) of the *Act*. These Guidelines are not intended to restate the law or to constitute a binding statement of how the Farm Products Council of Canada will exercise its discretion in any particular circumstance.



2. Purpose and Principles

The following guidelines set out the requirements for handling a Complaint under paragraph 7(1)(f) of the *Act*.

- a. These guidelines present the information required by Council to receive a Complaint and the timelines under which it should be provided.
- b. These guidelines describe the process which will be employed by Council when dealing with Complaints and to address them in a fair, transparent, predictable and timely manner.
- c. Council's role in inquiring into and facilitating the resolution of a given Complaint may take many forms, including but not limited to a written process, an informal meeting process or alternate dispute resolution.³
- d. Where a Complaint Committee has been established in relation to a Complaint, the Complaint Committee will make every effort to conduct its inquiries and report to Council within the timelines established by these Guidelines.
- e. The Complaint Committee will ensure that the results of research or analysis done by or on behalf of Council specifically in response to a Complaint that goes beyond the scope of the information provided by Parties and Interveners including research or analysis by Council Staff, will be provided to the Parties and Interveners for comment prior to being presented to Council.
- f. All Parties are encouraged to make every effort to attempt to resolve Complaints collaboratively including through alternate dispute resolution.
- g. The parameters of the process for handling the Complaint (written process, informal meeting process or alternative dispute resolution), including the timeframe, will be determined in advance by the Complaint Committee, in consultation with the Parties to the Complaint.
- h. Council members or Council staff representatives, who participate substantively in a facilitation or alternate dispute resolution process, will ensure that their participation in any subsequent written or informal meeting process with respect to the Complaint does not create an apprehension of bias.
- i. Unless Council or the Complaint Committee otherwise directs, documents, correspondence or other information pertaining to a Complaint or its resolution may be communicated electronically.
- j. All communications, filing and correspondence to the Council or the Complaint Committee regarding a Complaint should be directed to the Registrar.

³ A list of some of the alternative dispute resolution mechanisms which may be employed in the handling of complaints filed under paragraph 7(1)(f) of the *Act*, with the consent of and in consultation with the Parties is included in Appendix A.



- k. With the exception of personal information subject to the *Privacy Act*, Council Complaint investigation reports and decisions will be shared with the Parties and Interveners in a Complaint and made available on Council's website.
- l. While the aim of these guidelines is to provide consistency and predictability in the Complaint handling process, Council may depart from or vary the process established by these Guidelines, including any limitations with respect to timing for filing a Complaint, with the consent of the Parties to the Complaint or where in Council's opinion circumstances are such that it is fair and reasonable to do so.
- m. These guidelines will be made available on Council's website.

3. Authority

- a. Paragraph 7(1)(f) of the *Act* states that FPCC shall make inquiries and take such action within its powers as it deems appropriate in relation to any Complaint received by Council from any person who is directly affected by the operations of an Agency and that relates to the operations of the Agency.
- b. Paragraph 7(1)(l) of the *Act* states that FPCC may do all such things as are incidental or conducive to the fulfilment of its duties under subsection 6(1) of the *Act*.
- c. Subsection VI(2) of FPCC's By-Laws permits from time to time the establishment of a Complaint Committee, consisting of at least two members of Council, to perform the duties of Council pursuant to paragraph 7(1)(f) of the *Act* and to report their findings to Council.

4. Application

- a. These guidelines replace any previously issued guidelines relating to Complaints.

5. Complaint Filing Requirements

- a. Any person or group of persons directly affected by the operations of the Agency may file a Complaint with Council.
- b. Complaints under paragraph 7(1)(f) shall be filed in writing with the Registrar and include the following information:
 - i. the specific decision or activity related to the operations of the Agency that is the subject of the Complaint;
 - ii. an explanation of how the person or group of persons filing the Complaint are being directly affected by the decision or activity being complained against;
 - iii. an explanation of the grounds and rationale for the Complaint; and
 - iv. the relief being sought and the related prescribed duties and powers of the Council under the *Act* which authorizes that remedy.



- c. When filing a Complaint with Council, the Complainant shall provide the Agency which is the subject of the Complaint with a written copy of their Complaint and provide confirmation to Council that it has done so.
- d. Where a person desires to intervene in a Complaint, the person shall notify the Registrar and each of the Parties involved by sending a letter requesting intervenor status in the complaint process. The request for intervenor status shall clearly identify:
 - i. the name of the person seeking to intervene;
 - ii. the person's interest in intervening and how that person is affected by the Complaint; and
 - iii. the unique information and perspective that the person could bring to the Complaint process that the Parties to the Complaint are not able or are unlikely to provide.
- e. The Complaint Committee will determine whether a person will be permitted to intervene in a Complaint process and the extent and nature of the intervenor's participation in the Complaint process. In considering whether a person will be permitted to intervene and, if so, the extent and nature of the intervenor's participation the Complaint Committee will consider:
 - i. whether an person desiring to intervene is a person described in subsection 6(2) of the *Act*;
 - ii. whether the Council's decision could reasonably and significantly affect the person desiring to intervene in the Complaint process;
 - iii. the assistance that the intervention would provide to the Complaint Committee in inquiring into the Complaint;
 - iv. whether the intervention would provide unique information and perspective to the Complaint process that the Parties to the Complaint are unlikely to provide; and
 - v. the impact on the Complaint process of the nature and extent of the intervenor's participation.

6. Complaint Filing Timelines

- a. Complaints pertaining to a decision by an Agency should be filed within 21 days of the decision being made by the Agency or the time the decision might have reasonably come to the attention of the Complainant.
- b. Due to the unique nature of the national chicken allocation system, Complaints pertaining to proposed amendments to Chicken Farmers of Canada's quota regulations should be filed within seven days from the time the decision was made by the Agency or the time the decision might reasonably have come to the attention of the Complainant.
- c. A person or group of persons wishing to provide input into a Complaint as an intervener should notify the Registrar of their intent within seven days from the time the Complaint might reasonably have come to the attention of the person or group of persons wishing to intervene into the Complaint.



7. Complaint Process

The normal timelines for consideration of a Complaint by Council should be as follows⁴:

- a. When a Complaint is filed, the Chair will determine whether the Complaint meets the requirements of paragraph 7(1)(f) of the Act. Where the Complaint meets the requirements of paragraph 7(1)(f) the Registrar shall so inform the Parties.
- b. Council may, at any time either on its own initiative or in response to comments from a party or intervener, dismiss a Complaint if Council concludes that the Complaint is not within Council's jurisdiction, or is frivolous, vexatious, trivial or otherwise not substantive, or the Complainant is not directly affected by the subject matter of the Complaint.
- c. A Party may withdraw a Complaint or withdraw from the Complaint process at any time. However, the Complaint Committee may nevertheless proceed to inquire into the Complaint and report to Council.
- d. Where the Complaint meets the requirements of paragraph 7(1)(f), Council staff will ensure that steps are taken to notify the provincial commodity board and provincial supervisory board signatories to the *Federal-Provincial Agreement* for the commodity concerned of the Complaint as well as other industry stakeholders.
- e. Within 7 days of the filing of the Complaint, the Chair may meet informally with the Parties to further understand the issues and allow Parties to share their process recommendations.
- f. The Respondent Agency will provide a written response to the Complaint within 7 days of the filing of the Complaint, setting out the substance of the Respondent Agency's position with respect to the Complaint and any recommendations on the process for handling the Complaint.
- g. Within 10 days of the Complaint being filed, intervener comments, if any, will be submitted.
- h. A Complaint Committee may be established within 14 days of the filing of a Complaint.
- i. Within 17 days of the filing of the Complaint, the Complaint Committee may convene a meeting or conference call to discuss process, timelines or other issues to facilitate the handling of the Complaint.
 - i. If the Complaint Committee decides to use a written process, the Complainant will provide a reply to the Respondent Agency's response, intervener comments or any other questions by the Complaint Committee within 24 days of the Complaint and the Respondent Agency may address any new issues raised in the Complainant's reply within 31 days of the Complaint.
 - ii. If the Complaint Committee decides to follow an informal meeting process, a meeting will be held within 24 days of the filing of the Complaint or such other time frame as is determined by the Complaint Committee to allow the Parties, and if applicable the Interveners to verbally present their views to the Complaint Committee with respect to the Complaint.

⁴ Due to the unique nature of the national chicken allocation system, the complaint process for proposed amendments to Chicken Farmers of Canada's quota regulations will follow an expedited process as outlined in Appendix B.



- iii. If the Complaint Committee decides to follow an Alternate Dispute Resolution process, the procedures, parameters and timelines associated with that process will be as agreed to by the Complaint Committee and the Parties within 24 days of the filing of the Complaint.

- j. Within 45 days of the filing of the Complaint, the Complaint Committee will share its preliminary report with the Parties and Interveners.

- k. Within 52 days of the filing of the Complaint, the Parties and Interveners will provide their comments on the preliminary report.

- l. Within 64 days of the filing of the Complaint, the Complaint Committee will provide its final report to Council.

- m. Council, after receiving the findings and recommendations of the Complaint Committee will make every effort to provide its decision within 70 days of the filing of the Complaint.



Appendix A – Alternative Dispute Resolution Mechanisms

The following describes some of the alternative dispute resolution mechanisms which may be employed in the handling of Complaints filed under paragraph 7(1)(f) of the *Act*, with the consent of and in consultation with the Parties.

- a. Mediation: an alternative dispute resolution mechanism where disputing Parties negotiate with the assistance of a neutral mediator with the aim of reaching a mutually acceptable settlement.
- b. Mini-trial: an alternative dispute resolution mechanism where Parties to a Complaint present evidence to a panel made up of representatives of the Parties with authority to settle and chaired by a neutral third party selected by the Parties to the Complaint.
- c. Neutral evaluation: an alternative dispute resolution mechanism where Parties present their cases to a neutral third party which then renders a non-binding evaluation on the merits of the case. Neutral evaluation is a mechanism which can stand on its own or complement other alternative dispute resolution mechanisms.
- d. Structured negotiation: an alternative dispute resolution mechanism where Parties voluntarily take part in negotiations facilitated by a Council Member or third party. Parties to the Complaint remain free to accept or reject the outcome of the negotiation or to withdraw at any point during the process.
- e. Other mechanisms, as deemed appropriate, may be established.



Appendix B – Complaint Process Timelines

Steps	Timeline	
	Normal	Expedited
1) A Complaint is filed	-	-
2) Chair will review whether the Complaint meets the requirements of paragraph 7(1)(f) of the <i>Act</i> .	-	-
3) Once the Complaint is received, Chair may meet informally with the Parties to further understand the issues and allow Parties to share their process recommendations	7 days	7 days
4) Agency provides its response to the Complaint	7 days	7 days
5) Interveners, if any, provide their comments on the Complaint	10 days	8 days
6) Complaint Committee is created	14 days	10 days
7) Complaint Committee may convene a meeting or conference call to discuss process, timelines or other issues to facilitate the handling of the Complaint	17 days	14 days
a. If a written process, Complainant replies to Agency response, intervener comments and any other information request by Complaint Committee	24 days	18 days
b. If a written process, Agency or Interveners address any new issues raised in Complainant's reply	31 days	21 days
c. If an informal meeting process, Complaint Committee meets with Parties and Interveners to further discuss the issues	24 days	21 days
d. If an ADR process, Complaint Committee and Parties agree on the process and timelines	24 days	21 days
8) Complaint Committee prepares its preliminary report and shares it with the Parties and Interveners	45 days	31 days
9) Parties and Interveners provide their comments on the preliminary report	52 days	35 days
10) Complaint Committee prepares its final report	64 days	43 days
11) Council makes its decision on the Complaint	70 days	49 days
12) Council informs Parties and Interveners of its decision	70 days	49 days