

EXAMPLE: COMPLAINT EXAMINATION AND DISPUTE RESOLUTION POLICY

ALL AMF REGISTRANTS ARE REQUIRED BY LAW TO ADOPT A POLICY FOR EXAMINING COMPLAINTS AND RESOLVING DISPUTES.

PURPOSE OF THE POLICY

THE REGISTRANT MUST OUTLINE THE PURPOSE OF ITS POLICY.

The purpose of a complaint examination and dispute resolution policy is to set up a free and equitable procedure for dealing with complaints. It is also intended to provide oversight for the receipt of complaints, delivery of the acknowledgment of receipt, creation of the complaint file, transfer of this file to the AMF and compilation of complaints for the purpose of preparing and filing reports twice a year to the AMF using the Complaint Reporting System (CRS).

PERSON IN CHARGE

THE REGISTRANT MUST INDICATE THE NAME OF THE PERSON IN CHARGE OF APPLYING THE POLICY.

The **person in charge of applying the policy, X**, acts as the respondent with the AMF and the complainant.

This person trains the firm's staff and provides them with the necessary information for compliance with the policy.

The person in charge is also responsible for:

- Delivering an acknowledgment of receipt and notice to the complainant;
- Transferring the file to the AMF, at the complainant's request;
- Filing a report twice a year with the AMF using the Complaint Reporting System (CRS).

COMPLAINT

THE REGISTRANT MUST INDICATE WHAT CONSTITUTES A COMPLAINT.

For the purposes of the policy, a complaint is the expression of at least one of the following three elements:

- A reproach against the registrant;
- The identification of real or potential harm that a consumer has sustained or may sustain; or
- A request for remedial action.

Informal steps to correct a specific problem are not considered a complaint, provided the problem is resolved as part of the registrant's normal activities and the consumer has not filed a complaint.

RECEIPT OF THE COMPLAINT

THE REGISTRANT MUST DESCRIBE THE POLICY SET UP FOR RECEIVING COMPLAINTS.

Consumers who wish to file a complaint must do so in writing at the following address:

- Registrant's name
- Address
- Telephone number
- Fax number
- E-mail address, if any

EMPLOYEES WHO RECEIVE A COMPLAINT MUST IMMEDIATELY FORWARD IT TO THE PERSON IN CHARGE OF THIS POLICY.

The person in charge must acknowledge receipt of the complaint within a reasonable period of time, i.e. within X business days of receiving it.

The acknowledgment of receipt must contain the following information:

- A description of the complaint, specifying the real or potential harm, the reproach against the registrant and the requested remedial action;
- The name and contact information of the person in charge of examining complaints;
- In the case of an incomplete complaint, a notice requesting more information to which the complainant must respond within a set deadline, failing which the complaint will be deemed to have been abandoned;
- The complaint examination policy;
- A notice stating that if not satisfied with the outcome or with the examination of the complaint, the complainant can request that the complaint file be transferred to the AMF. This notice must also mention that the AMF may offer dispute resolution services, if deemed appropriate;
- A reminder to the complainant that filing a complaint with the AMF does not interrupt the prescriptive period for civil remedies against the registrant.

CREATION OF THE COMPLAINT FILE

THE REGISTRANT MUST DESCRIBE THE CONTENTS OF A COMPLAINT.

A separate file must be created for each complaint.

The file must contain the following:

- The written complaint and its three elements (the reproach against the registrant, the real or potential harm and the requested remedial action);
- The outcome of the complaint examination process (the analysis and the supporting documents);
- The final written response to the complainant with justifying reasons.

COMPLAINT EXAMINATION

THE REGISTRANT MUST DESCRIBE THE PROCESS FOR EXAMINING A COMPLAINT.

On receiving a complaint, **the registrant must initiate its complaint examination process.**

The complaint must be examined within a reasonable period of time, i.e. within X days of receiving all the information necessary for the examination.

After examining the complaint, the person in charge must send the complainant a final response with justifying reasons.

TRANSFER OF THE FILE TO THE AMF

THE REGISTRANT MUST DESCRIBE THE PROCESS FOR TRANSFERRING A COMPLAINT FILE TO THE AMF.

If not satisfied with the outcome or with the examination of the complaint, the complainant may ask the registrant, at any time, to transfer the file to the AMF.

The transferred file must include all the information related to the complaint.

The registrant is responsible for complying with the rules governing the protection of personal information.

TWO COMPLAINT REPORTS PER YEAR

THE REGISTRANT MUST PREPARE AND FILE TWO COMPLAINT REPORTS PER YEAR.

Twice a year, the person in charge must use the CRS to file a report with the AMF detailing the number and type of complaints received. He must do so regardless of whether any complaints were received.

The reporting periods are as follows:

- no later than July 30, for data collected between January 1 and June 30;
- no later than January 30, for data collected between July 1 and December 31.

On May 25, 2007, the AMF issued guidance intended for independent representatives and firms with only one representative. This guidance states that the AMF no longer requires firms with only one representative or independent representatives governed by *An Act respecting the distribution of financial products and services* to file a report **if they have not received any complaints**. However, upon receipt of a complaint, they will still be required to report the complaint according to established procedures.

EFFECTIVE DATE

THE REGISTRANT MUST INDICATE THE EFFECTIVE DATE OF THE POLICY.

The registrant must indicate the **effective date** of the policy. In addition, if the document is amended, the registrant must indicate the date of each amendment.

FOR QUESTIONS CONCERNING THE EXAMINATION OF COMPLAINTS, CONTACT THE AMF INFORMATION CENTRE.

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