Model complaint processing and dispute resolution policy for independent representatives registered under the Act respecting the distribution of financial products and services

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Complaint processing and dispute resolution policy

**[Insert the name of the representative and the description “independent representative”]**

The purpose of this policy is to ensure that complaints received from my clients are processed fairly.

This policy is intended to establish a framework for:

* Implementing a complaint processing service that is free, accessible and easy to use for my clients;
* Providing detailed information to my clients so they understand how their complaints are processed; and
* Managing complaints, from receipt to resolution.

The policy is also intended to help improve my services by enabling me to identify causes common to the complaints I receive and implement solutions to correct problem situations.

A summary of this policy has been prepared for my clients. They may refer to it on my website at [if applicable, insert the link to the policy summary] or obtain a copy by contacting me.

# What a complaint is

A complaint expresses a client’s reproach or dissatisfaction in respect of the services or products I offer and the client’s expectation that I take action to address the complaint (for example, when they expect compensation or an apology from me or ask me to take steps to address or put a stop to the situation giving rise to the complaint).

## Certain communications are

not considered complaints

The following are not complaints:

* A request for information or materials in respect of an

offered product or service

* A claim for an indemnity or an insurance claim
* A request for correction of a clerical error or mistake in calculation, such as an error in transcribing information or mistake in calculating an amount owed
* A request for access or amendment of personal

information

* Comments or feedback about myself

Please note!

However, a request to correct a clerical error or mistake in calculation is considered to be a complaint when the error or mistake has further consequences for the client or one or more of my clients (if the error results in costs that must be refunded to the client(s), for example).

# The complaints officer

As an independent representative, I am responsible for processing complaints and making sure the complaints I receive are processed fairly and my policy is complied with and implemented so that, among other things:

* the staff supporting me in the pursuit of my activities understands and applies the complaint processing policy and helps process complaints;
* my clients can readily obtain information on how their complaints are dealt with and the processing of their complaints;
* the necessary follow-up is done to ensure my clients’ complaints are processed properly; and
* each complaint is treated objectively and processed in a manner that considers my client’s interests.

In addition, as the complaints officer, I process complaints in accordance with my policy. When I designate another person to process a complaint, I make sure that the person:

* has the necessary competence to process the

complaint assigned to them;

* processes the complaint in accordance with my policy;
* has access to all the information required to process the complaint.

## Official respondent

I also act as the official respondent with the Autorité des marchés financiers (AMF) and ensure follow-up with it on any request regarding the processing of a complaint or the examination by the AMF of a complaint record. I am also the point of contact with the AMF when it seeks my participation in any conciliation or mediation proposed by it.

# Steps in the complaint process

I make sure complaints are assigned quickly and processed in a timely manner, I also make sure that any communications with my clients are in clear and plain language. I ensure that each complaint is processed objectively while considering the interests of the complainant.

My clients can count on me to help them understand the complaint process and assist them in filing their complaints properly.

## Obtaining information

My clients may contact me at any time to obtain informa- tion on how I process complaints or inquire about the processing of their complaint.

My clients can contact me by

* Telephone number:
* E-mail address:
* Mailing address:

## Filing a complaint

* My clients can file a complaint by contacting me by phone, e-mail or mail, or by completing the [form](https://lautorite.qc.ca/fileadmin/lautorite/formulaires/grand-public/GP-plainte_formulaire-plainte-an.pdf) from the AMF.

## Determining if the communication received is a complaint

Any reproach or dissatisfaction expressed by a client is assessed to determine whether what is communicated is a complaint. All elements provided by the client must be con- sidered when making this determination. If there is any uncertainty, the client will be contacted to better understand the situation and assess whether the client is making a complaint.

Clients may be asked questions to better understand the situation and, if necessary, provide assistance in properly filing their complaints. It is also important to clearly under- stand what they are expecting as an outcome of their complaint in order to know what they are asking for (for example, a correction, a refund, an apology, etc.).

## Acknowledging receipt of the complaint

Each time a complaint is received from a client, it is entered in the complaints register.

A written acknowledgement of receipt is sent to the client within 10 days to inform them of their right to have their com- plaint record examined by the AMF. The acknowledgment of receipt also lets the client know when they might expect a response or how to inquire about the processing of their complaint.

## Documenting each complaint

A complaint record is created for each complaint and is kept up to date. The relevant documents and information are added to it as the complaint is being processed.

The complaint record is kept for the same retention period as the client record and in accordance with my privacy pol- icy [if applicable, insert a link to the summary of the privacy policy available on the website].

## Analyzing the complaint

### Understanding the client’s complaint and the outcome they expect

To properly analyze a client's complaint, it is necessary to obtain all the information or documents that are required to process the complaint. If necessary, clarification is requested from the client regarding their expectations or the situation giving rise to the complaint.

## Providing a written final response

A final response is provided to the client in writing within 60 days.

The response can lead to three possible outcomes:

1. The client is offered what they are asking for (correct the situation giving rise to their complaint, provide a refund, apologize, etc.);
2. A solution is proposed that gives the client some of what they are asking for or an alternative solution is offered: an attempt will need to be made to find common ground; or
3. The client’s complaint is rejected if the analysis leads to the conclusion that the complaint has no merit or cannot be resolved.

The response to the client describes how their complaint was analyzed and what led to the outcome and, where applicable, the proposed solution to the complaint. The client is also reminded of their right to request to have their complaint record examined by the AMF.

Communications with the client do not end when the response is provided. The client can ask questions concerning the response, share their comments, or submit new facts that are relevant to the processing of their complaint.

### Extending the period for providing a final response

The complaint may take more time or be more complex to process than anticipated and therefore require more time to analyze. The additional time may not exceed 30 days.

An extension of time may be warranted where:

* + Uncontrollable circumstances delay the processing of the complaint (for example, documents such as statements or reports may need to be obtained from a third party in order to analyze the complaint); or
	+ Exceptional circumstances arise that warrant an extension of the complaint analysis period (for example, the volume of complaints may increase sharply after a natural disaster).

In such an event, the client will be notified in writing on or before the date the response was expected to be provided to them.

## Assessment by the client of the offer and resolution of the complaint

The client must be given a reasonable amount of time to assess the proposed solution to their complaint. The amount of time has to reflect the complexity of the complaint and provide the client with sufficient opportunity to seek advice for the purpose of accepting or rejecting the proposed solution or presenting a counteroffer.

Once an agreement has been reached with the client to resolve their complaint, it must be given effect within 30 days. A longer period of time may be agreed upon with the client provided it is in the client’s interest.

A settlement offer may never require the client to withdraw another complaint that they have filed. Moreover, no condition may be attached to such an offer that prevents the client from:

* + - exercising their right to have their complaint record examined by the AMF; or
		- communicating with the AMF, the Chambre de la sécurité financière, the Chambre de l’assurance de dommages or the Canadian Investment Regulatory Organization.

## Examination of the complaint record by the AMF

A client has the right to request to have their complaint record examined by the AMF if they are not satisfied with how the complaint was handled or the response provided.

A client can ask that their complaint record be transferred to the AMF. Their complaint record is sent to the AMF within 15 days following receipt of the request.

## Simplified process for certain complaints

A simplified process may be followed for certain complaints. This process is used for complaints that can be resolved to the satisfaction of the client within 20 days.

A complaint is resolved to the satisfaction of the client when the client accepts the proposed solution to their complaint or when the explanations provided are sufficient to resolve the complaint.

Under the simplified process, a written acknowledgment of receipt or written final response does not have to be sent to the client. The person responsible for processing complaints or any person to whom a complaint is assigned can process it verbally (during a phone call, for example).

For each complaint:

* + - the client is informed that their complaint has been received and that they have the right to request to have their complaint record transferred to the AMF

(within 10 days);

* + - a response, including the proposed solution to their complaint, is provided to the client (within 20 days).

These exchanges may be summarized in a document placed in the complaint record or may be recorded in full in the complaint record. The complaint record, including the information used in processing and resolving the complaint, may be kept in the client record.

Please note!

When a complaint cannot be resolved to the client’s satisfaction within 20 days, the client is informed of this by way of a written notice sent before the end of the 20-day period. This notice contains information on when the client might expect a final response or how to inquire about the processing of their complaint.

# Sound complaint management

## Handling complaints proactively

### When the complaint involves another stakeholder

When analyzing a client’s complaint, if it is found that their complaint involves another stakeholder (another intermediary or financial institution, for example),

1. the client must be informed of this fact,
2. the extent to which the complaint involves the stakeholder must be explained to the client,
3. the stakeholder’s contact information, when possible, must be provided to the client, and
4. the client must be invited to also file their complaint with the other stakeholder (without withdrawing their complaint).

### When a complaint could affect other clients

If, in analyzing a complaint, it is found that the facts raised could have consequences for other clients, measures must be taken to rectify the situation for all clients.

## Keeping a complaints register

Complaints received must be promptly entered in a register. There may be times when a complaint is not entered in the register on the day the complaint is received. For example, when a complaint is received during non-business hours, it is entered in the register as soon as possible.

The register must include information that allows me to develop a comprehensive view of any complaints that are received and follow-up that is done. This information is used to target recurring issues that are flagged.

The register is kept up to date.

## Taking action to improve practices

### Regularly following up on complaints received

I take stock of the following elements [indicate the frequency] with regard to complaints that are received:

* + - the number of complaints received and processed and the outcomes presented to the clients;
		- the causes common to the complaints that are processed and problem situations identified when determining those causes; and
		- issues related to the implementation and dissemination of, and compliance with, the policy.

### Taking action to improve practices

I address the issues at the root of the complaints. I assess, in particular, the causes common to the complaints received to better understand the concerns expressed by my clients, identify problem situations, and take appropriate corrective action.

[indicate the dates on which the policy was adopted and last updated.]