



**Professional Geoscientists of Ontario (PGO)
Enforcement and Compliance (E&C) Committee
Terms of Reference (ToR)**

Status:

The Complaints Committee is a Statutory Committee as noted in the Professional Geoscientists Act, 2000, sanctioned to satisfy the mandate outlined below. The operational term of the Complaints Committee is open-ended.

Mandate:

- The primary mandate of the Complaints Committee is that it performs the functions assigned to it under the Act and regulations.
- Council appoints the Complaints Committee to implement and manage the complaints procedure in accordance with the Act and the Complaints and Discipline Regulation (the “Regulation”).
- The Complaints Committee shall develop and adopt Policies (the “Policies”) governing its procedure. The Policies shall be approved by a majority of members of the Complaints Committee and shall be submitted to Council for approval. Forthwith upon approval by Council, the Policies shall have full force and effect until amended by the Complaints Committee, again with the approval of Council.

Composition/Organization

- It is recommended that the Complaints Committee comprise (but not be limited to):
 - Two (2) elected councillors;
 - Two (2) councillors who are either non-registrant appointees appointed by PGO Council or appointed by the Lieutenant Governor in Council; and
 - Five (5) who are PGO registrants at large.
- A member of the Complaints Committee shall be permitted to sit on the Discipline Committee. However, a member shall not be entitled to sit on a panel of the Discipline Committee, if such member also served on a panel of the Complaints Committee with respect to the same matter.
- In the event that a councillor who is a non-registrant appointee is unable to sit on the Complaints Committee, Council shall appoint an elected councillor to represent the non-registrant appointees.
- A volunteer at large who is not a registrant nor a Councillor of PGO may be invited by Council to sit on this Committee if they have valuable professional expertise and experience to offer; ideally such a Committee member will have been a PGO Councillor or Registrant previously.

Additional Clause:

- a) To provide oversight or guidance to the committee, the following individuals may attend or may be invited to attend any committee meeting in a non-voting, ex-officio capacity:
- i) The President or Chair of Council;
 - ii) The PGO CEO; or
 - iii) Other members of staff
- b) Unless approved by the Committee Chair, no more than one member of staff (not including the CEO) may be present at a meeting of a committee.
- c) Quorum does not include staff or other guests.

Committee Selection

Committee seats are filled and maintained according to the following procedures:

- The Committee Chair is to be selected by Council, generally on the basis of a recommendation from Committee members;
- The Vice-Chair is to be selected by Committee members;
- The recommended terms of the Chair and Vice-Chair are two years;
- It is recommended that the Vice-Chair shall normally succeed the Chair;
- Council shall appoint councillors to sit on the Complaints Committee in accordance with the composition set out in the Composition/Organization section above. Upon notice by PGO, registrants at large may submit their names to the Nomination Committee for consideration for appointment;
- The term of the members of the Committee will generally begin in June of the year appointed, coincident with the Annual General Meeting of the PGO; and
- Observers and invited experts may attend meetings of the Committee.

Functions and Responsibilities

- The Chair shall appoint several preliminary review panels of one person for the purpose of reviewing complaints received by the Registrar or the Association. In accordance with subsection 2(2) of the Regulation, if the Chair is of the opinion that the matter deserves special consideration, the Chair may refer the matter to a preliminary review panel of three members.
- No person shall sit as a member of the Complaints Committee or any panel thereof investigating any complaint in which:
 - such person, or a member of his or her firm, is the complainant or has advised the complainant in connection with the subject matter of the complaint;
 - such person or any member of his or her firm will be a witness;
 - such person, or a member of his or her firm, is the investigated person or entity; or
 - a member of his or her firm has been retained to assist the Complaints Committee in investigating the complaint.
- In the event that a complainant or person or entity complained about makes further submissions in response to a notice of intention to dismiss a complaint, the written submission shall be reviewed by a separately constituted review panel of three persons.

Outcomes and Deliverables

- The Preliminary Review Panels shall make written and/or verbal decisions regarding the merits of any complaints brought before them, and then refer complaints with merit to the Discipline Committee for further action.
- Provide periodic reporting to PGO Council on findings and progress of the Committee.
- Provide an annual formal report to the Council.

Training Requirements

- All members of the Complaints Committee shall attend a training seminar conducted by PGO setting out the complaints process.
- Committee members shall attend training provided by PGO, as well as by Committee Chairs at
- such times as those Chairs shall determine, for committee members to help them carry out their roles and responsibilities (including as potential Preliminary Review Panel Members) effectively.

Operational Considerations

- Meetings of the Complaints Committee will be held quarterly or more frequently as required,
- The Chair or any Committee member that the Chair may designate shall record, prepare, and deliver records of meetings to the CEO and Registrar of the PGO and to Committee members within 30 days of a Complaints Meeting being held.
- Resource requirements, both from a manpower and funding perspective, should be produced, at minimum, annually in conjunction with the annual budgeting process.
- The business of the Complaints Committee shall be conducted in accordance with By-Law No. 1A.
- The Committee reports to Council through its Chair.
- Similarly, the documents and information considered by the Complaints Committee should be provided to the CEO, or such other appropriate PGO staff person as is designated for the task, for retention and, when appropriate, destruction.
- It is noted that Complaints Committee minutes, documents and information should be made, collected, retained and destroyed in a secure manner with appropriate safeguards including limiting access to them to appropriate persons only.
- All correspondence between PGO, the Complaints Committee, any panel of the Complaints Committee, the complainant and/or the person or entity complained about shall be transmitted through the Registrar.

Authority

- The Chair of the Complaints Committee has the authority to create Preliminary Review Panels, and Working Groups, which may comprise other volunteers, independent legal advice or staff of PGO as the parties may choose and decide together;
- The Committee may move to seek external support from staff or contractors as needed to fulfill tasks within its mandate, subject to the approval of Council (or, if the situation does not

- permit delay, the approval of Executive Committee);
- The Committee is encouraged to foresee, plan for, and submit its external support needs as part of the annual PGO budgeting process conducted by the Finance Committee and by Council.
 - The Committee may act by unanimous circulated resolution where meetings are not practical.
 - The Committee's term is open ended.

Review

- The Governance Committee shall review the Terms of Reference of the Complaints Committee next in 2025 and at least once every three years thereafter, or as mandated by the Council.

References

- Professional Geoscientists Act
- PGO By-Law No. 1A
- PGO By-Law No. 7

Version Control

Version	Author	Date	Changes
1.1	Governance Committee	March 23, 2023	Incorporated the update to decision-making process approved by Council
1.2	Governance Committee	May 23, 2024	Incorporated the amendments approved by Council