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## ARCHIVÉE - Contenu archivé

### Contenu archivé

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<b>GUIDELINES 081-1</b>		In Effect: 2014-01-13 Last Review: 2014-01-13 Due for Review: 2016-01-04
<b>Offender Complaint and Grievance Process</b>		
<b>PROGRAM ALIGNMENT</b>	Internal Services	
<b>OFFICE(S) OF PRIMARY INTEREST</b>	Policy Sector	
<b>ONLINE @</b>	<ul style="list-style-type: none"> <li>• <a href="http://infonet/cds/cds/081-1-gl-eng.pdf">http://infonet/cds/cds/081-1-gl-eng.pdf</a></li> <li>• <a href="http://infonet/cds/cds/081-1-gl-fra.pdf">http://infonet/cds/cds/081-1-gl-fra.pdf</a></li> <li>• <a href="http://www.csc-scc.gc.ca/text/plcy/cdshtm/081-1gl-eng.shtml">http://www.csc-scc.gc.ca/text/plcy/cdshtm/081-1gl-eng.shtml</a></li> <li>• <a href="http://www.csc-scc.gc.ca/text/plcy/cdshtm/081-1gl-fra.shtml">http://www.csc-scc.gc.ca/text/plcy/cdshtm/081-1gl-fra.shtml</a></li> </ul>	
<b>AUTHORITIES</b>	<ul style="list-style-type: none"> <li>• <a href="#">Commissioner’s Directive 081 – Offender Complaints and Grievances</a></li> </ul>	
<b>PURPOSE</b>	<ul style="list-style-type: none"> <li>• To ensure a fair and expeditious offender complaint and grievance process by providing further information on the process and its application</li> <li>• To provide clarification regarding:               <ul style="list-style-type: none"> <li>○ how to address issues that may arise between staff members and offenders while in a correctional environment</li> <li>○ how to administratively process offender complaints and grievances</li> <li>○ how to analyze, review, and respond to offender complaints and grievances</li> <li>○ additional provisions of the offender complaint and grievance process</li> </ul> </li> </ul>	
<b>APPLICATION</b>	<ul style="list-style-type: none"> <li>• Applies to both staff members and offenders involved in the resolution of issues that may arise between the two parties</li> <li>• Applies to any staff member involved in processing, analysing, and/or responding to offender complaints and grievances, as well as those offenders utilizing the offender complaint and grievance process</li> </ul>	
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## **GENERAL INFORMATION**

1. Once submitted, offender complaint and grievance submissions and responses are considered “Protected B” information. For details on the hierarchy of classified information, refer to the [Guide to Information Security](#).

## **LEVELS OF THE OFFENDER COMPLAINT AND GRIEVANCE PROCESS**

2. Some grievances must be automatically initiated at higher levels than the complaint level, such as:
  - a. decisions or actions of the Institutional Head/District Director – initial grievance
  - b. allegations of harassment, sexual harassment or discrimination – initial grievance

NOTE: Grievances containing allegations of harassment, sexual harassment or discrimination against the Institutional Head/District Director must be addressed in a final grievance.

- c. submissions regarding institutional transfers – final grievance
- d. submissions concerning an appeal of a decision rendered on a claim against the Crown – final grievance
- e. submissions regarding segregation placement decisions/24-hour reviews – final grievance
- f. submissions concerning transfers to/from the Special Handling Unit – final grievance.

## **DEFERRING A COMPLAINT/GRIEVANCE**

3. The Institutional Head/District Director or the Director, Offender Redress, may defer a complaint/grievance, when:
  - a. the offender decides to pursue an alternate legal remedy for the complaint/grievance in addition to the complaint and grievance procedure
  - b. the complaint/grievance is being reviewed by the Institutional Grievance Committee
  - c. there is an ongoing outside investigation into allegations of harassment.

NOTE: When an offender alleges harassment, sexual harassment, or discrimination, and an outside investigation is convened, the grievance shall be deferred while the allegations are being investigated. The grievance will be automatically reactivated when the investigation report is received by the Institutional Head/District Director or the Director, Offender Redress.

4. In all cases, when a complaint/grievance is deferred, the offender must be notified in writing of the deferral and of the reasons why, and, if possible, be provided the expected response date.
5. Within 30 working days of receiving the final decision to his/her alternate legal remedy, or should the offender decide to abandon it, he/she must advise the Institutional Head/District Director or the Director, Offender Redress in writing if he/she wishes to have the complaint/grievance reactivated.
6. When a complaint/grievance has been deferred for two years, the Grievance Coordinator will verify the status of the grievance with the offender, or on his/her own, to ensure that the deferral remains appropriate.

#### **PROCESSING OF COMPLAINTS/GRIEVANCES BY THE GRIEVANCE COORDINATOR**

7. Upon receipt of a complaint/grievance, the staff member performing the duties of Grievance Coordinator will:
  - a. sign and date the complaint/grievance
  - b. assign a grievance code (initial submission only)
  - c. prioritize the complaint/grievance as either high priority or routine
  - d. forward sensitive or urgent complaints/grievances to the Institutional Head/District Director in a sealed envelope
  - e. log the complaint/grievance in the Offender Management System (OMS)
  - f. acknowledge receipt of the complaint/grievance by sending a letter to the grievor with the expected response date
  - g. if a complaint/grievance is against another site, the Grievance Coordinator at the receiving site is responsible for processing it and forwarding the file to the identified site as soon as possible
  - h. ensure confidentiality of offender file and complaint/grievance information throughout the offender complaint and grievance process (i.e. uphold the principle of disclosure only to those with a need to know)
  - i. provide the grievor with information regarding the status of his/her complaint/grievance at any level upon request.

### **ASSIGNING A GRIEVANCE CODE**

8. When a complaint/grievance is first received, it must be assigned a grievance code in OMS as follows:
  - a. read the complaint/grievance and identify the overriding subject matter
  - b. refer to the [Grievance Code Reference Guide](#) and select the code that corresponds with the identified subject matter. If the substantive issue is not obvious or not easily identifiable, or there are multiple subject matters, refer to the corrective action requested by the offender. This may indicate what the central issue of the complaint/grievance is and why it has been submitted. If the subject matter is still not clear, the Grievance Coordinator should discuss with the offender to determine the objective in filing the complaint/grievance and provide assistance if necessary.
9. The grievance code will remain the same throughout the process. It is important that the submission be properly coded for statistical purposes and to ensure that it is prioritized appropriately. If you experience problems determining the grievance code, do not hesitate to contact the National Grievance Coordinator.
10. The responsibility for assigning grievance codes rests solely with the individual performing the duties of Grievance Coordinator. This is inclusive of instances where the offender identifies a grievance code on his/her submission.

### **PRIORITIZATION AND CLASSIFICATION OF OFFENDER COMPLAINTS AND GRIEVANCES**

11. Once a complaint/grievance has been assigned a grievance code, it may also need to be classified as high priority if it relates to an issue that has a significant impact on an offender's rights and freedoms. If high priority status is not required, the complaint/grievance will remain routine priority.

#### **High Priority**

12. Certain grievance codes are automatically assigned a high priority status when entered in OMS (see list in the [Grievance Code Reference Guide](#)). Other grievance codes can also be assigned a high priority status depending on the subject matter being grieved. High priority status is not limited to the identified list.

#### **Urgent Complaints/Grievances**

13. Complaints/grievances that the Grievance Coordinator deems urgent must be identified and treated as such and assigned high priority status. Every effort should be made to provide a response as soon as possible, as a result of the urgency of the issue.
14. An example of an urgent complaint/grievance is the denial of a request for a temporary absence to visit a terminally ill relative.

### **Sensitive Complaints/Grievances**

15. Complaints/grievances that are considered sensitive by the offender or the Grievance Coordinator are to be identified and registered in OMS as such. When providing a response to a sensitive complaint/grievance, the respondent should be aware of this and it should be taken into consideration.
16. Information that might cause a complaint/grievance to be considered sensitive include:
  - a. a reference to a third party who may retaliate if details were revealed
  - b. an accusation of serious misconduct
  - c. a culturally sensitive issue
  - d. confidential health information or need
  - e. personal information whose disclosure would violate a person's sense of privacy.

### **CONSULTATIONS AT THE FINAL LEVEL**

17. Further to [CD 081 – Offender Complaints and Grievances](#), the decision maker at the final level may consult the following subject-matter experts prior to approving the corresponding grievances:
  - a. Deputy Commissioner for Women – grievances submitted by women offenders
  - b. Director General, Aboriginal Initiatives – grievances submitted by Aboriginal offenders
  - c. Director General, Security – grievances concerning the use of force
  - d. Director General, Chaplaincy – grievances concerning religious and/or spiritual accommodation
  - e. Director General, Clinical Services/Public Health – grievances concerning health services
  - f. Chief Executive Officer, CORCAN – grievances concerning CORCAN operations, employment, etc.
  - g. the person responsible for implementing proposed corrective action, where applicable (responses to the consultation request will normally be provided within three working days) – grievances which have been recommended “upheld” or “upheld in part”.

### **CLOSING A COMPLAINT/GRIEVANCE FILE**

18. In all cases:
  - a. ensure the response has been signed by the decision maker
  - b. ensure that the complaint/grievance response form is properly completed (i.e. boxes are

checked, form is signed and dated , corrective action is noted, if required)

- c. photocopy the response and forward the original signed response to the offender, together with any documents that the offender submitted with the complaint/grievance; the supporting documentation added to the file by CSC is not provided to the offender
  - d. after a decision has been rendered, a complete copy of the complaint/grievance and related documents (including all of the supporting documentation) are kept at the site the complaint/grievance is filed against and at the final level (National Headquarters). All documents are to be retained and processed in accordance with CSC Information Management & Recordkeeping procedures.
19. The original response and documentation submitted by the offender must be kept on file and the decision must be rendered on the offender's complaint/grievance when an offender:
- a. is past his/her warrant expiry date and his/her current address is unknown
  - b. is unlawfully at large, or
  - c. has escaped, or
  - d. is deceased.

### **CORRECTIVE ACTION**

20. The decision maker will determine the corrective action that best resolves the complaint/grievance and ensures that similar problems do not occur in the future. Some considerations for determining and implementing corrective action are the following:
- a. the redress sought by the grievor
  - b. the seriousness of any misconduct involved and any further actions necessary to respond
  - c. the potential for repetition by other staff members of the actions complained of
  - d. what is required to ensure future compliance with relevant legislation and policy
  - e. who is accountable for implementing the corrective action.

### **TRANSMITTING A COMPLAINT/GRIEVANCE TO THE NEXT LEVEL**

21. When transmitting a complaint/grievance to the next level for analysis and review:
- a. forward the original complaint/grievance submission(s) along with the response(s) provided to the offender
  - b. ensure that all supporting documentation is also forwarded with the grievance



- c. ensure that all documents submitted by the offender are clearly identified as "Offender Submission", and all documents added by CSC are clearly identified as "CSC Information". This step ensures that all documents submitted by offenders are returned to them.

### **MULTIPLE GRIEVORS**

22. In deciding whether to designate an offender as a multiple grievor, the Institutional Head/District Director may consider:
  - a. the volume of complaints/grievances submitted by the offender
  - b. the prioritization of previous complaints/grievances (number of complaints/grievances identified as routine vs. high priority)
  - c. the decisions rendered for the previous complaints/grievances (the proportion that have been upheld or upheld in part)
  - d. the site's ability to process and respond to other offenders' complaints/grievances.
23. The Institutional Head/District Director must also ensure the following:
  - a. that the grievor is informed in writing of the fact that the multiple grievor status is being considered, the consequences of this designation and alternative methods of dispute resolution that could be used
  - b. the offender will be given reasonable time to reply in writing to the proposed decision and that the Institutional Head/District Director will consider the offender's rebuttal in making his/her decision
  - c. if, after considering these factors, the Institutional Head/District Director decides to designate the offender as a multiple grievor, the offender must be notified in writing and informed of the number of routine complaints and grievances that will be responded to each month
  - d. the grievor may submit a grievance to the final level against the decision to designate him/her as a multiple grievor
  - e. the review of a grievor's status as a multiple grievor will occur every six months and the multiple grievor designation may only be maintained for as long as it is applicable. When the assessment is complete, the grievor must receive a letter informing him/her of the review, and whether or not the designation will be maintained.
24. When an offender is transferred between institutions, is released to the community, or is re-admitted to an institution, his/her multiple grievor status must be re-assessed. Sufficient time must be given to determine whether the offender consistently maintains multiple grievor activity.

**HARASSMENT, SEXUAL HARASSMENT AND DISCRIMINATION GRIEVANCES**

25. When receiving a grievance designated as harassment, sexual harassment, or discrimination, the decision maker must first determine whether the allegation(s), if proven, meet(s) the applicable definition. At this point, it is not necessary to determine whether the conduct being grieved took place, only whether the allegation(s), if proven, meet(s) the applicable definition.

**Designation Satisfies the Applicable Definition**

26. Where the decision maker determines that the allegation(s) meet(s) the definition of harassment, sexual harassment, or discrimination, he/she must give consideration to convening an investigation into the matter in order to ascertain whether the alleged conduct actually occurred.

27. The decision maker may decide to respond immediately to the issue(s) raised in the grievance, when he/she determines that there is sufficient information available to ascertain whether the alleged misconduct actually occurred, and make a determination as to whether the specific allegation(s) were founded or unfounded. The information on which he/she makes this determination must be substantiated in the response.

**Designation Does Not Satisfy the Applicable Definition**

28. Where the decision maker determines that the alleged conduct does not meet the definition of harassment, sexual harassment, or discrimination, he/she must provide the offender with a written rationale as to why the allegation(s) does (do) not meet the applicable definition.

29. The grievor may grieve to the next level the decision not to consider the grievance as harassment, sexual harassment, or discrimination.

30. The grievor must be informed that the substantive issue that he/she raised (e.g., an isolated incident related to staff performance or another decision) can be addressed at the lowest possible level.

**Convening an Outside Investigation**

31. Where an investigation is convened, a copy of the Convening Order must be sent to the grievor, the Office of the Correctional Investigator, and the Director, Offender Redress. The grievance must also be deferred in OMS pending the completion of the investigation.

32. The party responsible for convening the outside investigation must ensure that:

- a. if it is in the best interest of the offender and the accused, these individuals are physically separated from one another during the outside investigation
- b. a harassment investigator from outside the institution or parole office where the complaint/grievance originated, preferably trained by the Canada School of Public Service (or equivalent from an accredited institution) in harassment investigation, conducts the investigation

- c. persons investigating the allegations of harassment are free of a conflict of interest
- d. the principle of procedural fairness and appearance thereof is respected
- e. the investigator conducts the outside investigation in accordance with the terms of reference established in the Convening Order
- f. the region from which the grievance originated incurs the costs of the outside investigation.

### **Investigation Report**

- 33. A draft of the investigation report should be completed within the timeframe outlined in the Convening Order, which should not exceed three months from the time the investigation was convened.
- 34. The draft investigation report and final investigation report are subject to the [Privacy Act](#). Vetting of this report may be required. The decision maker makes this decision after consulting with the Access to Information and Privacy Division. In the interest of fairness and the perceived integrity of the process, and in order to ensure accuracy, completeness and accountability, there should be maximum disclosure of information to the parties prior to final sign-off of the report.
- 35. The investigator will provide appropriate versions of the draft report, vetted for administrative fairness and privacy purposes, to the grievor, the respondent, the individual who convened the investigation and other persons about whom adverse comments are included.
- 36. The final investigation report should be an accurate and complete account of findings and conclusions. It should include both the grievor's and the accused's comments on the draft report.
- 37. The final investigation report should be provided to the person who convened the investigation and a copy should be shared with the Director, Offender Redress, and the Office of the Correctional Investigator.
- 38. The person who convened the outside investigation must inform the grievor and the accused, in writing, of the outcome of the investigation. A vetted copy of the final report must be shared with the grievor and the accused.

### **GRIEVANCE RESPONSE**

- 39. Upon receipt of the final investigation report, the decision maker will ensure that the grievance is reactivated in OMS at the level at which the investigation was convened. A grievance response will be prepared taking into account the conclusions of the outside investigation.

### **INTERVIEWS**

- 40. During the analysis and review of a complaint/grievance, the Analyst may contact appropriate persons involved in the grievance such as operational staff, subject-matter experts and, if required, the offender.

41. An interview must be conducted with the offender if the offender has requested an interview, when the complaint/initial grievance is first received at the institution, parole office or Community Correctional Centre, unless there are unusual or exceptional circumstances which do not permit it or the offender refuses. If the offender resides at a different site than where the analysis and recommendation is being conducted, an interview must still be conducted. At the final level, the offender may be interviewed if it is considered necessary in order to conduct a thorough analysis and review.

### **INMATE GRIEVANCE COMMITTEE**

42. Please refer to Annex A of [CD 081 – Offender Complaints and Grievances](#) for a definition of the Inmate Grievance Committee (IGC).
43. Where the grievor wishes that his/her initial grievance be reviewed by the IGC, he/she should complete a [Request for Inmate Grievance Committee Recommendations](#) (CSC/SCC 0103-B).
44. Where the Institutional Head wishes to refer an offender's grievance to the IGC, the grievor must sign a [Consent for Disclosure of Personal Information \(Inmate\)](#) (CSC/SCC 0487) prior to the sharing of information with the IGC.
45. When a request for a review by the IGC has been made, the Institutional Head must refer the case to the IGC as soon as possible, and the grievance will be deferred in OMS. The deferral and the purpose of the deferral must be clearly indicated in OMS.
46. The IGC shall review the response to the complaint, if one exists, and any relevant documents referred to, or prepared, in support of the response.
47. Procedural fairness will be provided to the grievor and to all other parties who may be adversely affected by the grievance. To this end, the grievor and other persons involved in the matters being grieved may present witnesses if the IGC Chairperson considers their input to be relevant. The grievor may ask questions to the IGC Chairperson as required, but cross-examination of staff members is not permitted.
48. The recommendation(s) of the IGC will be forwarded to the Institutional Head within 10 working days from the offender's request or the Institutional Head's referral to the IGC.
49. Documents of a sensitive or confidential nature shall not be shared with the IGC.
50. The initial grievance is reactivated in OMS upon receipt of the recommendations, and the Institutional Head will render the decision.
51. The Institutional Head may accept the recommendation(s) of the IGC or not. However, where the Institutional Head disagrees with the IGC, he/she must record the reasons for the disagreement in the response to the offender.

**OUTSIDE REVIEW BOARD**

52. Please refer to Annex A of [CD 081 – Offender Complaints and Grievances](#) for a definition of the Outside Review Board (ORB).
53. Where a grievor wishes that the Institutional Head refer his/her initial grievance submission and the corresponding response to the ORB for review before appealing to the final level, he/she must complete the [Request for Outside Review](#) (CSC/SCC 0359).
54. When an outside review has been requested, the Institutional Head must refer the case to the ORB as soon as possible.
55. The Institutional Head will ensure that the grievor is notified of the ORB hearing and of the date when a decision is expected.
56. The ORB may review pertinent documents and conduct a hearing with the grievor and any relevant witnesses. Procedural fairness, as required, will be provided to all participants. To this end, the grievor and other persons involved in the matters being grieved may present witnesses if the ORB Chairperson considers their input to be relevant. The grievor may produce supporting documents and ask questions to the ORB Chairperson as required, but cross-examination of staff members is not permitted.
57. The ORB Chairperson will record a summary of the analysis and the recommendation(s) on the grievor's original [Request for Outside Review](#) (CSC/SCC 0359).
58. The Institutional Head will inform the grievor, in writing, of the ORB's recommendation(s).
59. Upon receipt of the ORB's recommendation(s), the Institutional Head will issue a new response taking into consideration those recommendations.

**USE OF FORCE GRIEVANCES**

60. A separate administrative review process is in place for use of force incidents pursuant to [CD 567-1 – Use of Force](#).
61. All grievances related to use of force incidents, or the use of force review process, will be registered as final grievances.
62. As part of the analysis and review of these grievances, consultation will occur with the Director General, Security, and an analysis will be conducted to determine whether the administrative review process for incidents involving use of force was followed. The result(s) of the review(s) of the incident will be considered.

63. This does not apply to a grievance concerning an issue that arose as a result of a use of force incident (e.g., an involuntary transfer as a result of a use of force incident), nor does it apply to grievances about health care treatments or assessments outside the medical assessment required by [CD 567-1 – Use of Force](#). These matters will continue to be reviewed at the appropriate levels of the offender complaint and grievance process.

Acting Assistant Commissioner, Policy

Original Signed by:  
Larry Motiuk

**ANNEX A**

**CROSS-REFERENCES**

[CD 081 – Offender Complaints and Grievances](#)

[CD 567-1 – Use of Force](#)

[\*Privacy Act\*](#)

[Grievance Code Reference Guide](#)

[Guide to Information Security](#)

[Offender Complaint and Grievance Training Modules](#)

[Offender Redress OMSR User Guide](#)

[Can I? May I? Should I? Getting it Right in Corrections](#)

**ANNEX B****GRIEVANCE CODES**

<b>SEGREGATED POPULATIONS</b>	
<b>01A</b>	<b>PLACEMENT OR MAINTENANCE ON SEGREGATION STATUS</b> A decision for or against placement in administrative segregation was unfair or improperly made, or an offender wants to get into or out of administrative segregation; the procedures pertaining to placement in segregation, right of recourse to the services of legal counsel at the time of placement in administrative segregation, the reviews and recommendations of the Segregation Review Board, the rationale for maintenance in administrative segregation, the segregation period and the review by Regional Headquarters every 60 days. (Note: An Independent Chairperson's decision to place an offender in disciplinary segregation cannot be grieved.)
<b>01B</b>	<b>LIVING CONDITIONS ON SEGREGATION STATUS</b> Some aspect of the living conditions in the administrative segregation or disciplinary segregation areas, or perceived unfair treatment experienced by a segregated offender because of segregated status; the programs and services available in segregation, staff visits to the segregation area, daily visits from health services professionals, the opportunity to exercise at least one hour a day, and access to showers and telephones.
<b>GENERAL SUBJECT MATTERS</b>	
<b>02A</b>	<b>AMENITIES – PERSONAL</b> The provision of clothing, footwear, linens and other personal care items, excluding those prescribed for medical or health reasons.
<b>02B</b>	<b>AMENITIES – INSTITUTIONAL</b> The provision of physical shelter or the use of physical space in the institution as it relates to offenders, such as the delivery of water, heat, light, ventilation, cell furniture, cell sanitation, and cell assignment. This also covers institutional grounds, trailer units and issues such as the CSC smoking policy.
<b>02C</b>	<b>AMENITIES – FOOD AND DIET</b> The quality or quantity of food or the food service, including prescribed special diets, medical diets, diets of conscience, or religious diets.
<b>02D</b>	<b>CONDITIONS AND ROUTINE IN THE INSTITUTION</b> The institutional routine – the timing of meals or activities, the frequency and timing of offender counts, control of offender movements inside the perimeter, opportunities for socializing and offender privileges during incarceration, the use of identification cards, and access to basic legal documents.
<b>02E</b>	<b>SHARED ACCOMMODATION</b> Issues related to shared accommodation, double occupancy, move from single occupancy to shared accommodation, and the assessment and/or decision to place an offender in shared accommodations.
<b>02F</b>	<b>FOOD AND ACCOMMODATION</b> Issues related to food and accommodation deductions.
<b>HEALTH SERVICES</b>	
<b>03A</b>	<b>ADMINISTRATION OF HEALTH SERVICES</b> The operation of the institutional health services centre, for example, procedures for



	appointments, hours of clinics, availability of physicians and specialists, distribution of medication, and availability and allocation of health services beds.
<b>03B</b>	<b>MENTAL HEALTH SERVICES</b> Mental health care is offered in institutions. This category encompasses all aspects of mental health services, including psychiatric and psychological services, access to treatment, staff, medication, the quality of treatment, counselling, and psychological and psychiatric assessments.
<b>03C</b>	<b>URGENT HEALTH SERVICES AND TREATMENT</b> Urgent or emergency medical treatment, including: access to medication and treatment (when a delay or lack of treatment might endanger the life of an offender) as well as problems concerning prescriptions. Emergency health services (i.e., delay of the service will endanger the life of the offender); urgent health services (i.e., the condition is likely to deteriorate to an emergency or affect the offender's ability to carry on the activities of daily living). Also included is dental care for acute dental conditions where the offender is experiencing swelling, pain or trauma (i.e., necessary fillings, extractions, etc.).
<b>03D</b>	<b>NON-URGENT HEALTH SERVICES AND TREATMENT</b> Reasonable access to routine medical or dental care, i.e., treatment not listed as urgent. This includes acquisition of medical, removable dental and optometric prostheses and appliances as well as medical decisions relating to therapeutic diets. Non-essential health services treatment includes a refusal by a physician to excuse an offender from his/her work assignment because of alleged symptoms of physical or mental incapacity, refusals or delays in obtaining orthopedic shoes or refusal to provide a special or supplemental mattress for an offender claiming to have back problems.
<b>03E</b>	<b>COMMUNITY HEALTH SERVICES</b> Health services treatment provided in the community to offenders on day parole, full parole, statutory release, or a long-term supervision order.
<b>03F</b>	<b>HEALTH SERVICES STAFF PERFORMANCE</b> The personal and professional requirements, as well as the code of conduct applicable to institutional health services staff.
<b>03G</b>	<b>PROTECTION OF PERSONAL HEALTH INFORMATION</b> The communication or release of personal health information, including medical history, information on the offender's current medical or mental health condition, or results of a psychiatric or psychological evaluation, in a manner that does not respect pertinent legislation, or for uses other than authorized.
<b>EMPLOYMENT/PROGRAM ASSIGNMENT</b>	
<b>04A</b>	<b>PROGRAM BOARD DECISIONS</b> Placement in a program that promotes the realization of the objectives established in the offender's Correctional Plan. This category encompasses all aspects of offender placement in employment, therapy, vocational training or an academic study program, as well as changes to the types of programs assigned; the removal of an offender from an employment, training or study position, or procedural violations (for example, the Board must communicate its decision and reasons to the offender in writing).
<b>04B</b>	<b>WORK PROGRAM CONDITIONS</b> The conditions of a work, training and/or study program, including staff, the work environment and the workload.
<b>04C</b>	<b>PROGRAM BOARD DECISIONS – OFFENDER PAY</b>

	The offender pay system, including evaluation methods and ratings, and the Board's decisions regarding an offender's pay level (termination of pay, a reduction in pay level, or refusal to approve a recommendation for a pay increase); procedural violations (for example, the Board's decision and reasons were not communicated to the offender in writing within the prescribed timeframe, or the offender was not given the opportunity to respond to the Board orally or in writing).
<b>04D</b>	<b>OFFENDER PAY ADMINISTRATION</b> Alleged errors in the calculation of hours of employment or in the amount remitted to an offender with respect to pay.
<b>LEISURE ACTIVITIES</b>	
<b>05</b>	<b>RECREATIONAL ACTIVITIES</b> Leisure activities, including availability, quality, staff, policies on leisure activities, arts and crafts and other leisure issues. This includes videos, movies, games, special events, exercise and access to community television and radio programs.
<b>SOCIAL, CULTURAL AND CORRECTIONAL PROGRAMS</b>	
<b>06A</b>	<b>RELIGIOUS AND/OR SPIRITUAL PROGRAMS</b> Religious and spiritual programs, including any policies, procedures and institutional provisions for the free exercise of religion. This includes access to an Aboriginal Elder or other religious leader of the same faith as the offender, approval of religious diets, religious holidays, use and ownership of religious items, possession of religious literature, and alleged institutional impediments to the free practice of the offender's religion.
<b>06B</b>	<b>SOCIAL AND/OR CULTURAL ACTIVITIES</b> Social and cultural activities offered in the institutions whether organized by offender organizations or by community volunteers (for example, lifers groups and Aboriginal Wellness Committees).
<b>06C</b>	<b>CORRECTIONAL PROGRAMS</b> Correctional programs or program areas in the institution or in the community. This includes access to programs, their availability, staff and the quality of the programs offered. It applies particularly to programs for the acquisition of cognitive or reasoning skills, substance abuse programs, sex offender programs, family violence programs and literacy or education programs.
<b>06D</b>	<b>ABORIGINAL SPIRITUALITY</b> Issues related to the accommodation of Aboriginal spirituality at the institutional and national levels.
<b>VISITS AND CORRESPONDENCE</b>	
<b>07A</b>	<b>CORRESPONDENCE AND/OR TELEPHONE COMMUNICATION</b> Decisions or procedures regarding mail or correspondence (general and privileged) and parcels; measures to check the contents of envelopes, as well as the opening or reading of letters received or sent by offenders; fair and regular access to telephones, the authorization of telephone use for humanitarian reasons, the addition of a telephone number to the list of authorized calls, the standards governing offender access to the telephone system available for their use, impediments to communicating with a member of the community in writing or by telephone.
<b>07B</b>	<b>VISITS</b> Decisions or procedures regarding visits in general (contact visits or screened visits) and private family visits, including the approval, suspension or cancellation of visits. This category

	also includes the number of authorized visits, audio surveillance of conversations between offenders and visitors, and the duration and frequency of private family visits.
<b>PENITENTIARY PLACEMENT AND TRANSFERS</b>	
<b>08A</b>	<b>PENITENTIARY PLACEMENT</b> A penitentiary placement decision, such as the reasons for selecting a particular institution.
<b>08B</b>	<b>VOLUNTARY TRANSFER</b> The denial of a transfer requested to another institution or region.
<b>08C</b>	<b>INVOLUNTARY TRANSFER</b> An involuntary transfer or a procedural violation.
<b>08D</b>	<b>DECISION OF THE NATIONAL REVIEW BOARD – SPECIAL HANDLING UNIT</b> A decision made by the National Review Board, including the Board’s initial decision to place the offender in the SHU at the end of the assessment period, or a decision made during a subsequent review to keep an offender in the SHU; the offender's interview with the Board members, or the choice of destination to which the offender is moved from the SHU at the end of the assessment period or at any other time afterward.
<b>08E</b>	<b>SECURITY CLASSIFICATION</b> The assignment of the initial security classification, the maintenance of the current classification or a change to the current classification, the overall assessment of the classification or the assessment of one of the three critical factors stated in the <i>Regulations</i> , namely, institutional adjustment, escape risk and public safety.
<b>8F</b>	<b>SECURITY CLASSIFICATION FOR LIFE SENTENCE</b> In all cases where a security classification is assigned or revised, the Institutional Head or delegated Deputy Warden is responsible for ensuring the offender is provided with reasons as well as the information considered in making the decision, in writing within five working days of the assignment ( <a href="#">CD 710-6 – Review of Offender Security Classification</a> ). The Institutional Head cannot delegate the authority for authorizing an offender’s security classification to the Deputy Warden in those cases where the security classification is related to a transfer decision and/or involves an offender serving a life sentence for first or second-degree murder who is currently classified as maximum security ( <a href="#">CD 710-6 – Review of Offender Security Classification</a> ).
<b>DISCIPLINARY MATTERS</b>	
<b>09A</b>	<b>DISCIPLINARY COURT – MINOR OFFENCES</b> Inmates may use the grievance process with regard to any aspect of procedures or decisions relating to hearings for minor offences ( <a href="#">CD 580 – Discipline of Inmates</a> ).
<b>09B</b>	<b>DISCIPLINARY COURT – SERIOUS OFFENCES</b> Inmates may not grieve those procedures or decisions relating to hearings for serious offences that are under the exclusive jurisdiction of an Independent Chairperson ( <a href="#">CD 580 – Discipline of Inmates</a> ). An inmate may grieve issues regarding informal resolution at a hearing.
<b>09C</b>	<b>OBSERVATION REPORTS/SECURITY INFORMATION OR INTELLIGENCE</b> The accuracy or pertinence of the information contained in these reports.
<b>09D</b>	<b>URINALYSIS PROGRAM</b> The standards, decisions, guidelines or operational procedures for the implementation and maintenance of the urinalysis program at the institutional or community level.
<b>SENTENCE CALCULATION</b>	
<b>10</b>	<b>SENTENCE CALCULATION</b> The calculation or interpretation of the individual's sentence by the Chief, Sentence

	Management, or details pertaining to the sentence calculation sheet that must be issued to each offender.
<b>CASE MANAGEMENT</b>	
<b>11A</b>	<p><b>CASE PREPARATION ACTIVITIES</b></p> <p>CSC's preparation of a case for the purpose of a decision or hearing. This category encompasses the assessments of all case management activities, including: transfers, temporary absences, work releases, perimeter work clearances, day parole, full parole, statutory release, detention reviews and judicial reviews or the prerogative of mercy (changing of a sentence/penalty). It also includes information placed in a case preparation file and changes requested to the contents of offender files.</p>
<b>11C</b>	<p><b>CASE PREPARATION – DECISIONS</b></p> <p>Decisions of the Institutional Head regarding temporary absences (escorted and unescorted) under CSC jurisdiction, work releases and perimeter work clearances.</p>
<b>11D</b>	<p><b>CORRECTIONAL PLAN</b></p> <p>The Correctional Plan and its contents, the deadlines for its preparation or the plan's periodic reviews – the goals and objectives identified in the plan, and the programs, resources and supervision techniques deemed necessary for their achievement.</p>
<b>OFFICIAL LANGUAGES ISSUES</b>	
<b>12</b>	<p><b>OFFICIAL LANGUAGES</b></p> <p>A breach of the <a href="#">Official Languages Act</a>, particularly the right to be served and to express oneself in one of Canada's two official languages (French or English) with respect to matters such as disciplinary charges, transfers and parole decisions. This category also includes interpretation services provided to an offender who understands neither of the country's two official languages.</p>
<b>STAFF CONDUCT</b>	
<b>13A</b>	<p><b>USE OF FORCE</b></p> <p>Excessive or unjustified use of force by a staff member in the performance of duties, including the use of restraints to control an offender, as described in policy or when required.</p> <p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>• If the offender is grieving a use of force incident <b>which was recorded in OMS as a confirmed use of force, the submission must be registered as a final grievance.</b></li> <li>• If the incident grieved <b>has not</b> been recorded in OMS as a confirmed use of force, the submission must be registered <b>at the lowest possible level in accordance with policy.</b></li> </ul>
<b>13B</b>	<p><b>HARASSMENT BY STAFF</b></p> <p>Improper conduct by a CSC staff member that is directed at and offensive to an offender, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the <a href="#">Canadian Human Rights Act</a>.</p> <p>Examples of what generally constitutes harassment:</p> <ul style="list-style-type: none"> <li>• serious or repeated rude, degrading or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults</li> <li>• displaying sexist, racist or other offensive pictures, or posters</li> <li>• threats, intimidation or retaliation.</li> </ul>
<b>13C</b>	<p><b>STAFF PERFORMANCE</b></p> <p>Staff members have been careless or negligent in the performance of their duties or they</p>

	have failed to conform to the regulations and/or procedures in force (in the institution or in the community).
<b>13D</b>	<b>SEXUAL HARASSMENT</b> Any verbal comment or non-verbal gesture(s) or contact of a sexual nature, by a CSC staff member, whether on a one-time basis or in a continuous series of incidents, that might reasonably be expected to cause offence or humiliation. Examples include lewd or suggestive remarks, gestures or actions on the part of staff, or failure to ensure privacy during searches.
<b>13E</b>	<b>CROSS-GENDER STAFFING</b> Any cross-gender staffing policy issue arising from interaction between male staff/contractors/volunteers and women offenders.
<b>DISCRIMINATION</b>	
<b>14</b>	<b>DISCRIMINATION</b> The offender believes that CSC staff actions, language or decisions were made in a discriminatory manner based on gender, race, ethnicity, language, sexual orientation, religion, age, marital status, or a physical or mental disability. This category includes staff behaviour that constitutes a violation of the offender's human rights or the <a href="#">Canadian Charter of Rights and Freedoms</a> .
<b>SEARCHES</b>	
<b>15A</b>	<b>SEARCHES – OTHER TYPES</b> Other types of personal searches (non-intrusive searches or frisk searches), or searches of items, cells, rooms or vehicles. This category includes searches using drug detecting dogs and other technologies.
<b>15B</b>	<b>STRIP SEARCHES – OFFENDERS</b> Strip searches, their frequency, the decision to conduct a strip search or the way in which the strip search was conducted; strip searches that involve body cavity searches, strip searches of visitors, and the impact of the search on the offender.
<b>15C</b>	<b>ARTICLES SEIZED</b> Articles seized during searches, the return of seized items to their rightful owner, or the forfeiture of items seized pursuant to the <a href="#">CCRR</a> and requests to cancel the forfeiture of a seized article.
<b>PERSONAL EFFECTS</b>	
<b>16</b>	<b>PERSONAL EFFECTS</b> Anything to do with access to, or the purchase, ownership, repair, storage, sale or usage of personal effects. This category includes the personal effects that the offender had in his/her possession at the time of admission, as well as those received from the outside within the following 30 days; the procedures to obtain personal effects after this period; and the amount and maximum value of effects that the offender may keep as cell effects or in storage in the containers provided by the institution.
<b>INMATE ACCOUNTS</b>	
<b>17</b>	<b>OFFENDER ACCOUNTS</b> Any aspect of the management of inmate monies, including personal bank accounts, group accounts and the Inmate Welfare Fund. This category includes withdrawals from savings accounts, requests for loans from the Inmate Welfare Fund, any applicable attachments or deductions (such as mandatory contributions to the Welfare Fund, repayment of an outstanding loan, or payment of a fine imposed as a result of a disciplinary offence), excluding contributions to the payment of expenses incurred by the CSC for offender food and

	accommodation.
<b>INMATE CANTEEN</b>	
<b>18</b>	<b>OFFENDER CANTEEN</b> Any aspect of canteen operations, including availability of products, choice of vendors, and hours of operation.
<b>APPEALS ON CLAIMS AGAINST THE CROWN</b>	
<b>19</b>	<b>APPEALS ON CLAIMS AGAINST THE CROWN</b> The denial of a claim against the Crown or the settlement offered to the claimant. This may be because of seizure, disposal or loss of the offender's personal effects, or damage to them.
<b>GRIEVANCE PROCESS</b>	
<b>20A</b>	<b>OFFENDER COMPLAINT AND GRIEVANCE PROCESS</b> Any aspect of the offender complaint and grievance process, including access to complaint/grievance forms, access to the process for settling complaints/grievances during labour disputes, the priority and level of review assigned to a complaint/grievance, measures taken against offenders who submit numerous complaints/grievances, delays in receiving a response to a complaint/grievance, and objectivity and fairness in the review of complaints/grievances.
<b>20B</b>	<b>CORRECTIVE ACTION ON COMPLAINTS AND/OR GRIEVANCES</b> The following points related to corrective actions prescribed in an offender complaint/grievance response: timeliness of corrective action; and dissatisfaction with the outcome of the corrective action.
<b>NON-GRIEVABLE SUBJECT MATTERS</b>	
<b>21</b>	<b>NON-GRIEVABLE SUBJECT MATTERS</b> Subject matters that do not fall under the jurisdiction of the Commissioner of the CSC. The most common situations are decisions made by the Independent Chairperson, charges laid before an outside court and court convictions, the judge's sentencing decisions, police action or action taken while the offender was in provincial custody, Parole Board of Canada decisions (the Board has its own appeal system), or decisions made by an agency other than the CSC, such as legal aid or Citizenship and Immigration Canada.
<b>OTHER</b>	
<b>22</b>	<b>OTHER</b> A grievable subject matter that cannot be easily coded in one of the above categories. Use the "Other" category conservatively, only when there is no clear correspondence between a complaint/grievance and the categories available in the coding system.

**ANNEX C****DECISIONS****RESOLVED**

If an offender no longer wishes to pursue a complaint/grievance through the redress process, he/she must submit a written explanation indicating how the matter was resolved. The written explanation must then be signed by the offender and the staff member involved in resolving the issue.

**REJECTED**

A complaint/grievance may be rejected when:

**1. The issue being grieved is not under the jurisdiction of the Commissioner.**

The decision maker must inform the offender in writing that the subject is non-grievable and provide the appropriate information on the means of redress available based on the subject. Refer to Annex F for a list of non-grievable subject matters and the available alternative means of redress.

**2. The submission is deemed to meet the definition of frivolous, vexatious or not made in good faith, or offensive as set out in Annex A of [CD 081 – Offender Complaints and Grievances](#).**

Rejection under these categories can only occur on a case-by-case basis. Each complaint/grievance must be analyzed separately to determine if it is frivolous, vexatious, submitted in bad faith or offensive. There will be circumstances where an offender will submit a complaint/grievance containing offensive language out of a sense of urgency or frustration or because of other factors that makes the offensive language more understandable. In such situations, the respondent can decide to process the matter in any case.

It is not permitted to label some or all complaints/grievances, submitted by an offender under one of the categories, even if it seems obvious that some or all are being submitted for such inappropriate reasons. Nevertheless, in deciding if a complaint/grievance is frivolous, vexatious or not made in good faith, or offensive, consideration may include the frequency and nature of other complaints/grievances that the grievor has submitted. These criteria would not be the determining factor in rendering such a decision but they are reasonable considerations. They may indicate whether the grievor's purpose is to submit legitimate complaints/grievances or to undermine the offender complaint and grievance process.

In addition, pursuant to [CD 081 – Offender Complaints and Grievances](#), it is possible to reject only portions of a complaint/grievance if it is determined that it is frivolous, vexatious or not made in good faith, or offensive. It is not always reasonable to reject an entire grievance and respondents should always consider this option when rejecting complaints/grievances.

**3. The issue occurred more than 30 working days prior to the offender submitting the complaint/grievance.**

The grievance may be rejected for this reason unless it can be reasonably concluded that the offender only became aware of or was first affected by the matter less than 30 working days before the complaint/grievance was initiated.

The decision maker may extend this 30-working-day timeframe. In deciding whether to review a complaint/grievance that has been submitted outside of this timeframe, the decision maker should consider whether the interests of the Service and the offender could be best served by reviewing the matter.

**4. The offender escalated the complaint/grievance more than 30 working days after receiving the preceding response.**

The complaint/grievance may be rejected for this reason unless it can be reasonably concluded that the offender attempted to have the submission escalated or that he/she was not able to escalate the submission due to unforeseen issues, such as, but not limited to, placement in segregation or institutional transfer.

The decision maker may extend this 30-working-day timeframe. In deciding whether to review a complaint/grievance that has been escalated outside of this timeframe, the decision maker should consider whether the interests of the Service and the offender could be best served by reviewing the matter.

**5. The issue is being, or has been, addressed in a separate complaint/grievance.**

If, during the analysis of a complaint/grievance at any given level, it is established that the issue is being, or has been, addressed in a separate complaint/grievance, the complaint/grievance may be rejected. However, if a submission is going to be rejected on this basis, it must be clear that the issue was the same and was addressed in the separate complaint/grievance. The response should also clearly outline the reason(s) for rejecting the complaint/grievance as well as the reference number(s) of the submission that already addressed the issue.

**6. The offender raises a new issue that has not been addressed at the lowest possible level.**

Each case should be reviewed on its own merits in order to determine whether a new issue being raised at a higher level should be addressed. That being said, it is possible to reject a complaint/grievance or part(s) thereof, especially if the new issue does not relate to the initial subject in any way.

EXAMPLE: If the complaint is concerning the denial of a request to purchase running shoes, it is reasonable that a respondent at the subsequent level would reject a new issue regarding the offender's suspension from his/her program assignment due to his/her placement in segregation.

Some factors that should be considered in determining whether new issues will be responded to include:

- a. whether the new issue is closely related to the initial subject matter
- b. the potential prejudice suffered by the grievor should he/she be required to start at the beginning of the offender complaint and grievance process
- c. the nature of the issue being grieved (e.g., issues of life, liberty, and security will tend to require a response)
- d. the time that has elapsed since the issue first arose.



<p>The decision to reject a complaint/grievance, or part(s) thereof, when an issue is raised for the first time at a subsequent level, should be made after balancing the preceding interests.</p>
<p><b>BEYOND AUTHORITY</b></p>
<p>A complaint/grievance is beyond authority when the decision maker establishes that the issue must be addressed at the next level (is beyond the authority of the current level to address).</p>
<p><b>DENIED</b></p>
<p>After reviewing the complaint/grievance and conducting the analysis, the issue is considered unfounded or the decisions or actions of staff members were deemed appropriate.</p>
<p><b>UPHELD</b></p>
<p>When a complaint/grievance is justified on the grounds that the treatment of the offender or the procedure was unfairly or arbitrarily applied, or contrary to guiding legislation or policy.</p> <p>The person responding to the complaint/grievance will determine the corrective action that would effectively respond to the upheld complaint/grievance.</p> <p>It is important to differentiate between the issue raised by the offender and the corrective action requested. The complaint/grievance may be upheld but the corrective action requested by the offender may not be granted. For example, an offender's request to have an officer dismissed for improperly conducting a search may not be the appropriate corrective action under the circumstances. Alternatively, corrective action requiring the Institutional Head to educate staff on the correct procedures for conducting a search may be appropriate. Any corrective action required is to be undertaken by the appropriate authorities depending on the nature of the action required.</p>
<p><b>UPHELD IN PART</b></p>
<p>A complaint/grievance will be upheld in part when several issues are grieved and/or elements are addressed in the response but not all are upheld (i.e.: other elements are denied, rejected, no further action)</p> <p>EXAMPLE: An offender grieves the decision to deny a transfer and the length of time it took to receive the decision. Upon review, the decision not to approve the transfer is found to be valid, but it is also found that the required timeframes were not respected. In such a case, the grievance would be upheld in part. The response would indicate that the timeframes were not respected (therefore upheld) but the reasons for denying the transfer were appropriate (therefore denied).</p>
<p><b>NO FURTHER ACTION</b></p>
<p>When it is deemed that the action taken at previous level(s), or since the submission of the complaint/grievance, rectified the situation in accordance with law and policy, the issue therefore requires no further action. Though the action may not be to the offender's satisfaction, the issue is nonetheless deemed to have been appropriately addressed.</p>

## **ANNEX D**

### **INFORMAL RESOLUTION**

In accordance with section 74(2) of the *Corrections and Conditional Release Regulations*, where a complaint is submitted, every effort shall be made by staff members and the offender to resolve the matter informally through discussion.

Alternative dispute resolution mechanisms such as coaching, counselling, mediation, healing/resolution circles, and facilitation should be offered to the parties involved and must remain available throughout the redress process, where they exist.

#### **1. Healing/Resolution Circles**

A healing/resolution circle is an Aboriginal cultural ceremony normally led by an Elder. There are many purposes for holding a circle depending on the circumstances and/or need at that time. The resolution of disputes, complaints or misunderstandings is one possibility. The circle could be called various names depending on the Elder and the traditions of the region.

Applicable policy: [CD 702 – Aboriginal Offenders](#), definitions in Annex A:

**Cultural ceremonies:** the purpose of a ceremony will depend on the Elder/Spiritual Advisor and his/her teaching as there are many reasons for attending or requesting a ceremony. Cultural ceremonies can include, but are not limited to, the following: smudging, sweat lodge ceremonies, traditional pow-wows, changing of the seasons ceremonies, sundance ceremonies, round dances, healing or sacred circles, pipe ceremonies, shaking tent ceremonies, potlatches, longhouse, fasts, feasts, moon ceremonies, tea ceremonies, waterbath ceremonies, PakKUjalitauvvik (Inuit candle light ceremony), return of the sun ceremonies, and return of the community hunt ceremonies.

**Cultural competence:** ability of individuals and systems to respond respectfully and effectively to people of all cultures, classes, races, faiths and ethnic backgrounds in a manner that recognizes, affirms, and values the cultural differences and similarities, the worth of individuals, families and communities and protects and preserves the dignity of each.


#### **2. Alternative Dispute Resolution Mechanisms**

Various forms of alternative dispute resolution exist to facilitate principled, interest-based resolution of problems. Some involve facilitation by a third party and some are more structured than others. Offender Redress is prepared to assist institutions in identifying and implementing alternative dispute resolution mechanisms.

## ANNEX E

### HOW TO ANALYZE A COMPLAINT OR GRIEVANCE

#### 1. STEPS FOR ANALYSING A COMPLAINT/GRIEVANCE

- a. Read the complaint/grievance to determine the exact nature of the issue(s). If an offender has submitted two or more complaints/grievances on related issues, you may choose to address all of the related complaints/grievances in one response, pursuant to [CD 081 – Offender Complaints and Grievances](#).
  - b. Develop a plan for analysing the complaint/grievance.
  - c. Create a timeline in accordance with the timeframes established in paragraph 12 of [CD 081 – Offender Complaints and Grievances](#).
  - d. Analyze all information and draw conclusions.
  - e. Prepare a response that is clear, complete, accurate, timely, and addresses all issues raised in the original complaint/grievance.
-  Individuals preparing responses are accountable for responses prepared. Be prepared to answer questions, and provide a rationale supported by law and policy.

#### 2. PREPARING THE RESPONSE

**Step 1:** Read the complaint/grievance carefully to determine what is alleged by the grievor and what he/she wants. If you are not sure, contact the grievor in order to gather further information.

**Step 2:** Determine what information is required to complete the analysis. Obtain supporting documentation as required and refer to applicable legislation, policies, institutional/regional policies, etc. If necessary, consult the [Revoked Policy Documents](#) if the policy references have changed since the complaint/grievance has been submitted.

**Step 3:** Identify precedents related to the case and previous submissions by the grievor.

**Step 4:** Determine the accuracy and credibility of the information by evaluating the facts alleged by the grievor or stated by other persons. Conduct interviews, contact appropriate persons involved in the grievance, subject-matter experts, the grievor (when applicable), etc. Include any information gathered, including interview questions and notes. Normally, if information is accurate, it will be supported by another source, whether it is written or verbal. Seek out information that could corroborate or contradict unsupported statements or documentation provided by the grievor or other persons.

#### **Some examples of assessing allegations:**

- If the grievor alleges “A” about a staff member, without any corroboration, and the staff member

denies it, the grievor's allegation is not proven.

- If the grievor alleges "A" about a staff member, there is a record created by another person that corroborates this, and the staff member simply denies the allegation without providing a verifiable or believable explanation or version of events, the grievor's allegation is credible.

NOTE: Where a person has the onus of proving facts, he/she must show that it is more likely than not that his/her allegations are true. Normally, where the offender alleges some misconduct or breach of rules, the onus is on the offender to prove the allegations. At other times, the onus is on others to disprove the offender's allegations.

#### **Some examples of "reversed onus":**

- Where the grievor's version appears accurate, the onus is on the relevant staff member/decision maker, or other source of information, to disprove the grievor's allegations.
- Where some record (e.g., a Personal Effects List or search records) creates a presumption that certain information is correct, the onus is on the party who alleges a different version of events to show that the presumed facts are not true.

NOTE: There are numerous cases where CSC policy dictates that the recording of some information is proof of the information. In such cases, the onus becomes to disprove this information (e.g., information on a signed Personal Property Record is presumed accurate unless it can be proven otherwise).

**Step 5:** Analyze all relevant information. Determine whether the grievor's allegations are valid based on gathered evidence and/or supporting documentation. Evidence (video, audio, logbooks, etc.) and supporting documentation must be kept on file with the complaint/grievance so that it can be transmitted to the next level when applicable.

**Step 6:** Record your findings and set out your response as follows:

- 1) What was alleged by the grievor
- 2) Information considered in responding
- 3) Any necessary examination of the credibility of grievor's or others' evidence
- 4) How accurate, relevant information leads to a conclusion
- 5) If the grievance is upheld in any respect, what can be done to resolve the matter? What directions can be given to ensure that any discrepancy does not occur again in the future?

Prepare a response that is **impartial**, clear, complete, accurate, timely and fair. The text of the response must reflect these qualities.

#### **A) Criteria for Clear, Complete and Accurate Responses**

The response must identify the assertions (arguments, contentions) that the grievor is making. It must set out the issue(s) and the specific question(s) raised by the submission. It must then identify:

- any information provided by the grievor in support of his/her allegations
- other information considered in determining the response (statements, documents, policies, rules, etc.)
- the response and relevant information that leads to the response
- reasons for accepting or rejecting any of the arguments that the grievor has made.

## **B) Impartiality of Responses**

The text of the response must demonstrate that the relevant statements, allegations and points of view of all persons who contributed to the analysis and review are provided without bias, preconceptions, undue assumptions, “editorial slant” or other improper considerations on the part of the analyst.

The impression of impartiality is created by:

- analyzing all relevant facts and issues
- weighing the credibility of all the relevant information
- establishing findings on a reasonable foundation
- not making assumptions based on the grievor’s associations with others unrelated to this case
- not permitting unrelated past behaviours or incidents to influence your recommendation
- maintaining an objective and respectful tone towards the grievor or his/her associates, family, etc.

## **C) Responses that are Fair**

- Ensure that you consult all sources of information, all sides of the issue.
- Show that you have considered all information provided by the grievor and others.
- Decide what was relevant and considered in your analysis.

**ANNEX F****NON-GRIEVABLE SUBJECT MATTERS AND ALTERNATIVE MEANS OF REDRESS**

<b>Subject matter</b>	<b>Means of redress</b>
Matters relating to the <a href="#">Privacy Act</a> (e.g., delays, exemptions, and completeness of documents)	Privacy Commissioner of Canada 112 Kent Street Place de Ville, Tower B, 3 <sup>rd</sup> Floor Ottawa, Ontario K1A 1H3 Phone: 613-995-8210 or 1-800-282-1376
Matters relating to the <a href="#">Access to Information Act</a>	Information Commissioner of Canada 112 Kent Street Place de Ville, Tower B, 3 <sup>rd</sup> Floor Ottawa, Ontario K1A 1H3 Phone: 613-995-2410 or 1-800-267-0441
Content of files accessed under <a href="#">subsection 12(2)</a> of the <a href="#">Privacy Act</a>	Director, Access to Information and Privacy 340 Laurier Avenue West Ottawa, Ontario K1A 0P9
Complaints relating to the <a href="#">Official Languages Act</a> (These complaints may be addressed through the offender complaint and grievance process, or sent to the Commissioner of Official Languages.)	Office of the Commissioner of Official Languages 344 Slater Street, 3 <sup>rd</sup> Floor Ottawa, Ontario K1A 0T8 Phone: 613-996-6368 or 1-877-996-6368
Matters under the jurisdiction of the provinces	Provincial authorities (as applicable)
Matters under the jurisdiction of agencies such as the Parole Board of Canada	Agency (as applicable)
Matters relating to the Office of the Correctional Investigator and staff	Office of the Correctional Investigator P.O. Box 3421, Station "D" Ottawa, Ontario K1P 6L4 Phone: 613-990-2692 or 1-877-885-8848
Matters relating to claims against the Crown for the loss of personal effects	Must file a claim against the Crown. The decision regarding that claim is grievable.
Matters relating to compensation for work injuries	Federal Workers' Compensation Service Employment and Social Development Canada Phone: 1-855-535-7299
Matters relating to convictions and sentencing by the courts	Appeal process through the applicable court
Matters relating to the administration of justice including courts and police forces	Responsible court or police agency or responsible level of government
Matters relating to the treatment provided by non-CSC agencies or organizations (e.g., outside hospitals)	The agency or the government ultimately in charge of the agency
Decisions of the Independent Chairperson	Federal Court – Administrative procedures leading to the hearing may be grieved. Decisions of minor court may be grieved.