

POC Ethics Complaint Redacted Report

This is an overview of a POC Complaint Case from 2016. Any identifying details are omitted to support confidentiality. It is shared for three primary objectives:

- To abide by the POC Code of Conduct and Ethics (accountability and transparency to its members);
- To support ongoing learning for all members on conduct and ethical principles; and
- To inspire conversations on acceptable and unacceptable practice and behaviour at local Chapter meetings. Encourage peer support and connection at local Chapter meetings.

Date Complaint Received: May 27, 2016

Summary of the complaint (identifying details left out to support confidentiality):

The Complainant hired the Respondent in a sub-contract position for a partial day of work with the Third Party. The Third Party was also sub-contracted to be the lead organizer on the job. When the Complainant received the invoice from the Respondent it was noted that HST was charged without an HST number.

The Complainant discussed this HST issue with the Respondent (who acknowledged that no HST number existed). The Complainant alleged that the Respondent said all her clients were charged HST. The Respondent informed the Complainant of the plan to register for HST. This is what led to the Complainant alleging the Respondent was committing fraud.

A copy of the invoice with the HST charge was provided. The Complainant believed the Respondent to be in contravention of the Code of Ethics as follows: ***“I will protect the public against fraud and unfair practices, and attempt to eliminate from POC all practices that bring discredit to the organizing profession.”***

The Complainant also provided information that was provided to her from the Third Party, regarding other actions on the part of the Respondent that occurred throughout the workday. These actions were alleged to be in contravention of the following Code of Ethics:

“I will maintain an objective manner to promote and encourage the highest level of conduct and ethics within the organizing profession.”

“I will seek to deal with other POC members, professional colleagues, suppliers and employees in a fair and equitable manner, and maintain the highest standards of personal conduct to bring credit to the organizing profession.”

“I will strive for excellence in all aspects of the organizing profession.”

Summary of steps by Complaint Review Committee:

The Committee held 4 meetings to discuss the complaint, review all the material, develop a plan of action and form a decision.

The Committee Chair responded via email with the Complainant, Respondent and Third Party to clarify points of information and to request additional information to assist with the decision-making. The Committee Chair had one telephone conversation with the Third Party.

The involvement of the Third Party was noteworthy. This individual was provided with written notes from the telephone conversation with the Chair and given a timeframe to review and identify any points that were incorrect based on her personal recollection. No response was received.

Summary of Findings and Decision of the Complaint Review Committee:

The findings and decisions were communicated to all involved in the spirit of professionalism and continuous improvement.

HST:

The Committee found the Respondent acted within the CRA guidelines for HST registration, as outlined below. Supporting documentation proved the registration for an HST number was within this timeframe.

“Your effective date of registration is usually the date you applied to be registered. However, we will accept an earlier effective date, if the date is within 30 days of the date of the application for registration.”¹

The Respondent also provided supporting documentation in the form of business invoices, that she submitted to clients, to support her claim that she had not charged HST outside the CRA guidelines.

Therefore, the Committee found the Respondent in compliance with CRA policy and therefore this portion of the complaint is **not** substantiated.

Workday Issues:

The Committee believes there was a missed opportunity for discussion amongst all parties regarding the following issues brought forward in this complaint.

A debriefing about the workday and how it unfolded can allow for an airing of expectations, successes, surprises and grievances with an opportunity to resolve any issues. This kind of open discussion can bring clarity for further collaborative work and build healthy relationships. Despite this, the Committee found certain actions on the part of the Respondent needed to be addressed.

The Committee found that while the Respondent may not have intended to breach the Code of Ethics, she is found to be in breach of the following as outlined in detail below:

¹ <http://www.cra-arc.gc.ca/tx/bsnss/tpcs/gst-tps/rgstrng/menu-eng.html#Voluntary>

a) Based on input from the Respondent and the Third Party, the donations in question were slated for the garbage. The Respondent asked for and received permission from the client to remove some of these items. As there was no written agreement with the Complainant, the Respondent was not in violation of any agreement with the Complainant's company. In the spirit of transparency and best business practices, the Respondent would ideally have informed the Complainant of her intention to remove items from a job site where she was a representative of the Complainant's company. However, this is not deemed to be a violation of the Code of Ethics.

b) Accepting tips from clients is considered an acceptable practice. Per the complaint, the Respondent allegedly wanted to hide the fact from the Complainant that she and the Third Party had received a tip that day. The Respondent stated she was joking when she said "don't tell [the Complainant]". The Third Party stated she does not believe the Respondent was joking. Of concern to the committee was the perceived intent on the part of the Respondent to hide information from the Complainant. It brings transparency and honesty into question. Even jokes about dishonest behaviour are inappropriate as they can easily be misunderstood particularly when colleagues are new to each other. Of further concern to the Committee was the Respondent's lack of awareness of her actions in this incident. Thus, the committee found the Respondent in violation of the following Code of Ethics:

"I will seek to deal with other POC members, professional colleagues, suppliers and employees in a fair and equitable manner, and maintain the highest standards of personal conduct to bring credit to the organizing profession."

c) Regarding gas money, the Respondent stated she offered numerous times throughout the day to pay the Third Party. The Third Party stated the Respondent asked, at the end of the day, if she, the Third Party, really needed the money for gas. The Third Party did not hold the Respondent accountable for the money, however, at the end of a long and tiring day said she did not want to deal with it. Agreements between POC members need to be honoured and as that was not the case in this instance, the Committee found the Respondent in violation of the following Code of Ethics:

"I will seek to deal with other POC members, professional colleagues, suppliers and employees in a fair and equitable manner, and maintain the highest standards of personal conduct to bring credit to the organizing profession."

d) About being asked back by the client, there is no substantiated information to indicate that the Respondent was attempting to act outside of any agreement with the Complainant's company. The Committee did not find any Code violation.

e) References to the Respondent's alleged statements about breaks and the length of the day are not considered to be in contravention of the Code of Ethics.

Recommendations:

The Committee recommends:

1. A conversation between Ethics Chair and the Respondent after the appeals process deadline. The purpose is to listen to what the Respondent learned from this experience. The Committee believes her actions came from a lack of knowledge of appropriate behaviour rather than any intent to be dishonest or unethical. This conversation will provide an opportunity for the Respondent to talk about her reflections on the Committee's findings and decisions and to discuss what she might do differently and what she will do differently going forward.

Completed on September 16, 2016.

One finding reinforced the importance of a timely complaint case review as the Respondent's stress over the case resulted in her delaying the continuation of her TPO studies and deciding to not attend the POC Conference as planned. Her fear was that her membership was going to be revoked.

2. The National Board of Directors approve the creation of a facilitated and low cost Ethics Talk, based on ethical case studies. This new, interactive webinar be added to the POC's education program and use the technology available on the market for blended learning. The existing communication vehicles can be used to promote and encourage all members to experience this webinar. One possibility is for local Chapters to consider experiencing it together at a regular meeting. This can allow for valuable discussion of personal experiences and the Code of Ethics principles becoming more real.

Approved by the Board of Directors in January, 2017, and referred to the Education Committee.

3. The National Board of Directors re-post the sub-contractor templates on the POC website within a month of Board meeting. As organizing businesses grow, professional organizers will hire subcontractors to assist with projects. These templates contain pertinent information for both contractors and subcontractors. There is the need for discussion of terms and conditions prior to working with any client. The discussion and signature of contract allow for clear expectations of roles, responsibilities and work conditions. This proactive approach can help minimize misunderstandings, conflict and ultimately support a level of professional in line with our Code of Ethics.

These templates will be available for sale in the POC store on the website (as they were on the old website) as soon as possible.

4. That these findings not become a permanent part of the Respondent's POC file. The reason being that the Committee believes the breaches were a result of lack of understanding and not deliberate. We are aware that being found in violation of the Code of Ethics has long-lasting and serious repercussions including rendering the member ineligible for Awards and for certain kinds of service to POC. Therefore, we recommend that if the Respondent complies with all of the Committee's recommendations and there are no further complaints lodged against the Respondent, her record be cleared after a suitable period of time. We recommend two years.

The Executive Director, who maintains these records, has been instructed to clear the Respondent's record in two years, provided there are no further complaints of a similar nature against this person.

Date Complainant and Respondent informed of decision: August 2, 2016

As per the Conduct Procedures, each party has 21 days from the notification of the original written decision to appeal. No appeals received.