

Unacceptable Behaviour Standards



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1. OVERVIEW STATEMENT

- 1.1 The Hydro One Ombudsman (“the Ombudsman”) is committed to delivering services in a respectful environment that is free from harassment and discrimination. Members of the Ombudsman’s Office and Complainants are expected to treat each other in an equitable manner, and at all times with courtesy, dignity, and respect.
- 1.2 In some instances, there may be Unacceptable Behaviours that do not amount to harassment or discrimination but may be inappropriate and unacceptable under these Standards.
- 1.3 The Ombudsman may take steps it considers appropriate to address Unacceptable Behaviours under these Standards.

2. PURPOSE

- 2.1 These Standards set out the process for addressing Unacceptable Behaviour by Complainants and/or members of the Ombudsman’s Office. Unacceptable Behaviour includes Unreasonable Complainant (and/or staff) Conduct, Incivility, Harassment or Discrimination. These Standards also set out the remedies available to the Ombudsman for addressing non-compliance.

3. SCOPE

- 3.1 These Standards apply to Unacceptable Behaviours by Complainants and/or members of the Ombudsman’s Office when trying to access or deliver Ombudsman services.

4. DEFINITIONS

- 4.1 “Complainant”** means a customer, stakeholder, and any affected party or group who has dealings with Hydro One respecting its services and makes a complaint to the Ombudsman’s Office. A Complainant may include someone acting as a representative on behalf of a Complainant.
- 4.2 “Committee”** refers to the specific committee of the Hydro One Board of Directors which the Ombudsman reports to.
- 4.3 “Discrimination”** means differential treatment of an individual or group based on a prohibited ground of discrimination under the *Ontario Human Rights Code*.
- 4.4 “Harassment”** means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment may include a range of behaviours not limited to inappropriate jokes, insulting or offensive language, swearing, shouting, hostility, personal criticism, demeaning behaviour, humiliation, rudeness, or sexual harassment.
- 4.5 “Hydro One”** means Hydro One Inc. and its subsidiaries (together referred to as “Hydro One”).
- 4.6 “Incivility”** means problematic behaviour that may not meet the definition of Harassment but where the behaviours are not acceptable. These may include but not limited to, unprofessionalism, rudeness, shouting, threatening or offensive comments. In the employment context, Incivility may fall under performance management.
- 4.7 “Ombudsman’s Office”** means the Hydro One Ombudsman and the Ombudsman’s staff.
- 4.8 “Service Restriction”** means measure(s) put in place by the Ombudsman to address Unacceptable Complainant Conduct. Service restriction(s) may include restrictions on how, who, or when the Complainant may contact the Ombudsman’s Office.
- 4.9 “Sexual Harassment”** means unwelcome conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome.
- 4.10 “Unacceptable Behaviour”** means any Unreasonable Complainant (and/or staff) Conduct, Incivility, Harassment or Discrimination.

4.11 “Unreasonable Complainant Conduct” means Complainant behaviour that a reasonable person, having considered the circumstances, would view as being unreasonable. Unreasonable Complainant Conduct may include but may not be limited to unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and unreasonable behaviours as outlined in these Standards.

5. RESPONSIBILITIES

5.1 Responsibilities of Complainants

5.1.1 Complainants who contact the Ombudsman’s Office have a responsibility to treat the Ombudsman and members of the Ombudsman’s Office with courtesy and respect.

5.1.2 Complainants are expected to comply with these Standards and not engage in Unacceptable Behaviour, which includes Unreasonable Complainant Conduct, Incivility, Harassment and Discrimination as defined in these Standards.

5.1.3 In order for the Ombudsman’s Office to properly assess a complaint, a Complainant is responsible for the following:

- Identifying to the best of their ability the issues of their complaint;
- Providing the Ombudsman’s Office with all the relevant information;
- Being honest in communications with the Ombudsman’s Office; and
- Cooperating with any members of the Ombudsman’s Office who have been assigned to assess or review the complaint.

5.1.4 When a Complainant believes they have experienced Incivility, Harassment, or Discrimination by a member of the Ombudsman’s Office, the complaints process as outlined in these Standards should be followed. The Complainant will be expected to provide details regarding their complaint.

5.2 Responsibilities of the Ombudsman’s Office

5.2.1 The Ombudsman’s Office is expected to provide reasonable assistance to Complainants and treat them with professionalism, courtesy, respect, fairness and impartiality at all times.

- 5.2.2** The Ombudsman's Office will give Complainants and/or their representatives a reasonable opportunity to explain their complaint and will keep Complainants informed of actions taken and the outcome of their complaints.
- 5.2.3** When the Ombudsman or a member of the Ombudsman's Office becomes aware that a Complainant is engaging in Harassment, Discrimination or Unreasonable Complainant Conduct, they will inform the Complainant and give adequate warning of the consequences of engaging in unacceptable behaviour.
- 5.2.4** Any member of the Ombudsman's Office who believes that a Complainant is engaging in Unacceptable Behaviour (e.g. Unreasonable Complainant Conduct, Incivility, Harassment, or Discrimination) in contravention of these Standards, should report the incident(s) to the Ombudsman for their consideration and response as may be appropriate.

5.3 Responsibilities of the Ombudsman

- 5.3.1** The Ombudsman shall review and/or investigate (as may be appropriate in the circumstances) any reported allegations of Unacceptable Behaviour that may not be in compliance with these Standards.

6. UNREASONABLE COMPLAINANT CONDUCT

- 6.1** There are different forms of Unreasonable Complainant Conduct, which may or may not amount to Harassment or Discrimination. The Ombudsman's Office takes concerns of Unreasonable Complainant Conduct seriously.

6.1.1 Unreasonable Persistence

- 6.1.1.1** Unreasonable persistence by a Complainant may include an unwillingness to accept reasonable explanations of Ombudsman outcomes, persistence in demanding a review without presenting adequate evidence to support a review, bombarding the Ombudsman's Office with contacts (by phone, email or letters) after being asked not to do so, or calling different people within the organization to achieve different actions or outcomes.

6.1.2 Unreasonable Demands

- 6.1.2.1** Unreasonable demands by a Complainant may include directing members of the Ombudsman's Office on how they believe their complaint should be handled, making unreasonable requests or insisting on certain outcomes that may not be possible or appropriate in the circumstances.

6.1.3 Unreasonable Lack of Cooperation

- 6.1.3.1** Unreasonable lack of cooperation by a Complainant may include providing copious amounts of information (that has not been requested by the Ombudsman's Office) without explaining how they are relevant to the issues complained about, or providing insufficient detail or clarity regarding their complaint. Unreasonable lack of cooperation may include not responding to contacts from the Ombudsman's Office, withholding information, acting dishonestly or misrepresenting information.

6.1.4 Unreasonable Arguments

- 6.1.4.1** Unreasonable arguments by a Complainant may include making incomprehensible assertions, false statements, trivial claims, or inflammatory arguments that are not supported by evidence, which in turn may disproportionately impact on the services, time or resources of the Ombudsman's Office.

6.1.5 Unreasonable Behaviour

- 6.1.5.1** Unreasonable behaviour by a Complainant includes but may not be limited to acts of aggression, verbal abuse, derogatory, racist or defamatory remarks, Harassment (including sexual harassment), intimidation, threats, rudeness, emotional manipulation, stalking online or in person, falsifying information, recording meetings and conversations without the Ombudsman's Office's knowledge, repeatedly changing the grounds/basis of a complaint or denying or changing statements made during the course of a review. Unreasonable behaviour is conduct that is unreasonable regardless of how stressed or frustrated a Complainant may be.

7. COMPLAINT PROCEDURE

7.1 Process for Complainants

7.1.1 If a Complainant has a complaint about alleged Harassment, Discrimination or Incivility by a member of the Ombudsman's Office, the following process applies:

7.1.1.1 The Complainant may first attempt to resolve the situation informally with the member of the Ombudsman's Office by communicating their concerns verbally or in writing that the behaviour is inappropriate or unwelcome; and/or

7.1.1.2 The Complainant may decide to lodge a formal complaint directly with the Ombudsman by bringing the matter to the Ombudsman's attention. The complaint submission may reference these Standards and outline any details and other relevant information concerning the incident(s).

7.1.1.3 Complaints under this section of the Standards may be directed to the Ombudsman's attention. Complainants may contact the Ombudsman's Office by phone or by sending an email to the attention of the Hydro One Ombudsman at: Ombudsman@HydroOne.com.

Complainants may also write to the Ombudsman's Office at the address below:

Attention: Hydro One Ombudsman
Office of the Hydro One Ombudsman
483 Bay St., South Tower
Toronto, ON M5G 2P5

7.1.2 If a Complainant has a complaint about alleged Harassment, Discrimination or Incivility by the Ombudsman personally, the following process applies:

7.1.2.1 The Complainant may first attempt to resolve the situation informally with the Ombudsman by communicating their concerns verbally or in writing that the behaviour is inappropriate or unwelcome; and/or

- 7.1.2.2** The Complainant may decide to lodge a formal complaint for consideration by the Hydro One Board of Directors. The complaint submission may reference these Standards and outline any details and other relevant information concerning the incident(s).
- 7.1.2.3** Complaints under this section of the Standards may be addressed to the Hydro One Board of Directors' attention. Complainants may submit the complaint by sending an email to the attention of the Hydro One Board of Directors' attention at: Ombudsman@HydroOne.com.

Complainants may also write to the Board of Directors via the Ombudsman's Office at the address below:

Attention: Hydro One Ombudsman
Office of the Hydro One Ombudsman
483 Bay St., South Tower
Toronto, ON M5G 2P5

- 7.1.2.4** When the Ombudsman receives a complaint about their own conduct, the following steps shall occur:
- 7.1.2.4.1** The Ombudsman shall deliver in a timely manner, through the Board Secretary, a full copy of the complaint to the Chair of the Committee; and
- 7.1.2.4.2** The Ombudsman shall provide the Complainant with confirmation that the complaint was delivered to the Chair of the Committee, including how and when it was delivered.
- 7.1.2.5** When receiving a complaint about their own conduct, the Ombudsman does not conduct the review of the complaint as set out in section 8 of these Standards.

7.2 Process for Ombudsman's Office

- 7.2.1** If a member of the Ombudsman's Office has a concern about Unreasonable Complainant Conduct, Incivility, Harassment or Discrimination by a Complainant, the following process applies:

- 7.2.1.1** The member of the Ombudsman's Office may attempt to resolve the situation informally with the Complainant by communicating verbally or in writing that the behaviour is not appropriate or unwelcome; and/or
- 7.2.1.2** The member of the Ombudsman's Office may escalate the matter to the attention of the Ombudsman by referencing these Standards and outlining any details and other relevant information concerning the incident(s).

8. OMBUDSMAN REVIEW

- 8.1** The Ombudsman will review the facts of any complaint to determine if there are any breaches of these Standards. The review may include consideration of any relevant documentation and/or communications that transpired between the parties. The Ombudsman may choose to speak with the parties individually and/or request further information from any of the parties, before arriving at a determination as to what may be appropriate in the circumstances.
- 8.2** If the facts support a finding of a breach of these Standards (either on the part of the member of the Ombudsman's Office or on the part of the Complainant), the Ombudsman may determine what may be appropriate, taking into consideration the seriousness of the conduct involved.
- 8.3** Nothing prevents the Ombudsman from using alternative dispute resolution strategies to mediate or conciliate a resolution to the conflict with the Complainant and/or the member of the Ombudsman's Office in an effort to rebuild the relationship with the Office.

9. REMEDIES

9.1 Conduct of the Complainant

- 9.1.1** If the Ombudsman determines that a Complainant has engaged in Unreasonable Complainant Conduct, Incivility, Harassment or Discrimination, the Ombudsman has available a range of remedies depending on the circumstances and the severity of the conduct.
- 9.1.2** The Ombudsman will not impose service restrictions unless there are no other options that may be available or appropriate to address the situation.

9.1.3 Type of Remedies

9.1.3.1 The following are examples of some of the remedies available to the Ombudsman (the list is not exhaustive):

9.1.3.1.1 Reassign the Complainant's file to another member of the Ombudsman's Office or limiting the Complainant to a sole point of contact within the Ombudsman's Office who will exclusively manage the complaint.

9.1.3.1.2 Specifying the manner of any further communication with the Ombudsman's Office (such as in 'writing only' or by 'telephone only').

9.1.3.1.3 Communication only through the Complainant's support person or representative (in situations where the Complainant's conduct is difficult to manage, or the Complainant is not complying with service restrictions).

9.1.3.1.4 Not responding to Complainant correspondence that raises an issue that has already been dealt with and or is not supported by clear evidence or any evidence. The information would be read and filed, but not responded to unless there is new information.

9.1.3.1.5 The Complainant may be asked to agree to modify their behaviour in the form of a behavioural agreement before the Ombudsman's Office will resume the provision of services.

9.1.3.1.6 The Ombudsman may impose complete service restriction on accessing services and/or attending the Ombudsman's Office. Contravention of the restriction from accessing Ombudsman premises would be considered trespass and may be reported to the appropriate authorities.

9.1.4 Ombudsman Considerations

9.1.4.1 The Ombudsman in determining what remedies to apply (if any), may take into consideration the following:

- the context and circumstances giving rise to the conduct;
- proportionality of any measures relative to the conduct;
- any mitigating factors;
- previous conduct (if applicable);
- severity of the conduct;
- whether or not the Complainant was warned that their conduct was inappropriate and their response to such warning(s); and
- any other factors or information the Ombudsman considers to be relevant.

9.1.4.2 The Ombudsman has discretion to determine the duration of any remedy (e.g. temporary or permanent service restrictions).

9.1.4.3 Nothing prevents the Ombudsman from escalating any service restrictions that have been imposed (if the Ombudsman believes it is warranted under the circumstances).

9.1.4.4 In some extreme circumstances where the Complainant's behaviour presents an imminent risk or threat to the safety or security of the Ombudsman's Office, the Ombudsman's Office may cease any contact with the Complainant and contact the appropriate law enforcement authorities. The Ombudsman's Office is not required to advise the Complainant before taking these steps.

9.2 Conduct of a Member of the Ombudsman's Office

9.2.1 If a member of the Ombudsman's Office has been found to have contravened these Standards such as through Incivility, Harassment or Discrimination, the Ombudsman will determine the appropriate remedy which may include mandatory training on areas identified by the Ombudsman (the successful completion of which, may be required before resuming duties), and or potential disciplinary measures up to and including termination.

- 9.2.2** The type of disciplinary measure(s) applied will depend on the circumstances and severity of the case. The Ombudsman may consider the impact of the behaviour on the affected individual(s) in determining the appropriate remedies to be applied.

9.3 Notifying Parties of the Outcome of the Review

- 9.3.1** The Ombudsman will notify the Complainant and the member of the Ombudsman's Office of the outcome of their review using a method of communication as may be applicable in the circumstances. The communication may include the following:

- A summary of the review process;
- Factors that were taken into consideration during the review; and
- The outcome of the Ombudsman's review of the matter, including the reasons for arriving at the outcome.

- 9.3.2** If a Complaint against a member of the Ombudsman's Office is founded, the Complainant is not entitled to the particulars of any actions taken in response.

10. FALSE ALLEGATIONS

- 10.1.** If the Ombudsman finds that a person deliberately made false or malicious allegations under these Standards, the Ombudsman will factor this into their deliberations regarding what appropriate remedies to apply given the circumstances.

11. RECONSIDERATION REQUESTS

- 11.1.** A Complainant may request the Ombudsman to reconsider its position regarding any remedies that have been imposed or the duration of such remedies under these Standards. A Complainant's reconsideration request may include information regarding the following:

- impact of the restriction on the Complainant;
- evidence to support the Complainant's position that the restrictions should be changed;
- a change of circumstances rendering the restrictions no longer appropriate; or
- evidence of compliance with the restrictions that have been in place.

- 11.2. The Ombudsman may take into consideration any relevant information and determine if the restrictions should be maintained, amended, or removed.

12. CONFIDENTIALITY

- 12.1. The Ombudsman takes concerns about confidentiality seriously. The Ombudsman's Office shall maintain confidentiality in its operations subject to the Ombudsman's Mandate, Terms of Reference, the Duty of Confidentiality Standards, as well as applicable laws.
- 12.2. Any complaints arising under these Standards, including any written and oral communications and any Ombudsman review of the matter, shall be treated as strictly confidential at all stages.

13. REVIEW OF STANDARDS AND PROCEDURES

- 13.1. These Standards will be reviewed and amended as may be required by the Ombudsman's Office. The Ombudsman's Office shall also update the procedures that accompany these Standards as needed.

14. RELATED DOCUMENTS

- 14.1. These Standards are accompanied by related procedures. Other documents related to these Standards are noted below.

Related Document	Effective Date of Document	Applicable Sections
Code of Business Conduct (Hydro One)	July 1, 2008	Respecting Each Other: No Discrimination or Workplace Harassment

Approval Date: March 1, 2024