

# Farm Products Council of Canada

## Complaint By-Law Guidelines

These Guidelines are intended to be a tool and simplified summary of the steps and responsibilities of the Parties to a Complaint. For more details please refer to the *Complaint By-Law*.

It is important to note that Council strongly recommends the use of **Alternate Dispute Resolution** as stated in section 6 of the *Complaint By-Law*, before entering Complaint Proceedings, but also at any time during the process.

DESCRIPTION	SECTIONS
<b>STEP 1 – FILING THE COMPLAINT</b>	
The Complainant must include the following information: Specific operations of the Respondent Agency that is the subject of the Complaint; explanation of how the Complainant has an interest or is affected by the operations of the Respondent Agency; a concise statement of the grounds and rationale for the Complaint; conclusions and or remedies being sought; list of Documents intended to be used in Evidence to support its position and, one email address as contact. The Complaint is sent to the Registrar.	10
<b>STEP 2 – FIRST NOTICE</b>	
Complainant, Respondent Agency and its board members, and provincial supervisory boards receive a first notice, which includes deadline for Respondent Agency to file its response to the Complaint and informs industry stakeholders of timelines to file a request for Intervener or Observer status.	11
<b>STEP 3 – RESPONSE TO THE COMPLAINT</b>	
The Respondent Agency response must include the following information: position with regards to the Complaint; recommendations sought from the Complaint Committee; list of Documents and one email address as contact. The response must be completed within 10 business days of the Notice date.	12
<b>STEP 4 – PRELIMINARY REVIEW: INFORMAL DISCUSSION WITH THE PARTIES, PRESIDED BY THE CHAIRPERSON</b>	
This step provides for informal explanation to allow the Chairperson to further understand the issues. The discussions will clarify to the Parties the Complaint process and possible outcomes and mediation towards resolution, if possible.	14
<b>STEP 5 – DECISION OF THE CHAIRPERSON AND PRE-HEARING CONFERENCE: MEETING WITH THE PARTIES PRESIDED BY A COUNCIL MEMBER</b>	
The Registrar will inform the Parties on the status of the Complaint. If not dismissed, a Pre-Hearing Conference is organized. This step is to simplify any issues subject to the Complaint; identify facts agreed to by the Parties, facilitate discussions and encourage alternate dispute resolution; determine other matters that may assist in a just and expeditious disposition of the Proceedings and inform Parties of Council's roles and powers in hearing the Complaint.	17



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<b>STEP 6 – SECOND NOTICE</b>	
<p>A second notice is sent to the Parties and stakeholders to inform them about the composition of the Complaint Committee. This notice includes timelines to file a request for Intervener or Observer status, provide Additional Documents and expert reports, notice of change of representative and how to request participation at the Hearing.</p> <p>The responses must be received within 10 business days following the second Notice.</p> <p>Ten business days after reception of the Additional Documents and/or the expert report, Parties may file rebuttal Documents to the Parties and Interveners' Additional Documents and Complainant or Respondent Agency may file a rebuttal report.</p>	19, 21,22, 23, 24,25 & 27
<b>STEP 7 – PROCEDURES OF THE HEARING: SETTING OF SCHEDULE</b>	
Five days following receipt of proposed schedule, Parties and Interveners respond to the Complaint Committee's proposed schedule to confirm availability or propose alternate date (or valid reason for inability to attend). A detailed list of presenters, including Expert Witnesses and time required for presentations must also be provided. The Complaint Committee shall convene the Parties and Interveners to discuss process and timelines.	26
<b>STEP 8 – HEARING</b>	
Parties and Interveners make presentations in the prescribed order and based on the Documents and Additional Documents submitted.	29 & 30
<b>STEP 9 – DECISION</b>	
The Council makes a final decision, which will be communicated to the Parties and Interveners before being posted on Farm Products Council of Canada's web site.	39

### GENERAL PRINCIPLES

**Delays and Computation (s. 7):** In computing Business Days, the start day is not counted, but the last day is. Delays as set in the *Complaint By-law* can be modified by the Chairperson or Complaint Committee.

**Confidentiality Measures (s. 16, 18 (4), 29 (3)):** Any Party may request that Confidentiality Measures apply to all or any part of a Documents or Additional Documents by filing a request with the Registrar.

**Hearings are non-public (s. 29):** A Hearing may only be attended by the Parties to the Complaint, the Interveners, the Observers, the Registrar and Advisory Personnel.

**Interpretation and translation (s. 8 (5) and (6)):** The Parties and Interveners are allowed to participate in the Complaint process in the official language of their choice and when required, interpretation services will be provided. However, Council is not responsible for the translation of any of the Documents.



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## **For more information, contact:**

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<https://www.canada.ca/en/farm-productscouncil.html>

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A99-1/21-2025E-PDF  
ISBN: 978-0-660-78157-0

