



The position of Ombudsman – Business Relations and Employees was created by the Société des alcools du Québec (SAQ) as an effective means for achieving a proper balance between SAQ’s exclusive commercial mandate and the fair treatment of all its business partners and for ensuring

a healthy work environment to its employees based on respect for individuals.

Appointed by the Board of Directors, the Ombudsman submits a report on his activities to the Governance, Ethics and Communications Committee every six months. He is not a member of management nor is he an employee of the SAQ. He enjoys complete independence from the SAQ so that he may carry out his mandate with total impartiality.

The Ombudsman acts neither as a defender of the SAQ nor as counsel of the complainant. He is a neutral and accessible intermediary. All records and information obtained in the course of his duties are confidential.

In addition to being a member of the Forum of Canadian Ombudsman, the SAQ Ombudsman subscribes to the Code of Ethics of the International Ombudsman Association (IOA) of which he is a member. He fields complaints from business partners and employees in accordance with the principles of equity, impartiality and confidentiality in a manner consistent with the rules applicable to the position.

Gilles Pharand, **Ombudsman**
Business Relations and Employees

OMBUDSMAN BUSINESS RELATIONS AND EMPLOYEES

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Whereas management at the Société des alcools du Québec (SAQ) deems it important to establish and maintain sound business relations with all its Business Partners;

And whereas SAQ management deems it important to respect individuals at the workplace;

And whereas establishing and maintaining an Ombudsman’s position are an effective means for achieving a proper balance between the SAQ’s exclusive commercial mandate and the fair treatment of all its Business Partners and for ensuring a healthy work environment based on respect for individuals;

The SAQ affirms the importance of the position of Ombudsman – Business Relations and Employees by establishing the following rules.

Nature and Scope of the Position

1. The role of the Ombudsman is to field complaints from Employees and Business Partners who, after exhausting the redress procedures, decision review mechanisms and other dispute settlement processes made available to them, have received either no response or an unsatisfactory response from the Responsible Persons Concerned at the SAQ and to handle these complaints in accordance with the procedure described herein.
2. In these rules:
 - a) **Business Partners** means any supplier of goods and services to the SAQ, any promotional agent for a supplier of alcoholic beverages and any holder of a permit issued under the Act respecting liquor permits (RSQ, c. P 9.1) and their respective associations, but excluding customers with regard to products purchased or services received in an outlet;

- b) **Complainant** means an Employee or a Business Partner who submits a complaint to the Ombudsman;
- c) **Employee** means any SAQ employee, including full-time, part-time, temporary and contractual, unionized and non-unionized, managerial and regular employees;
- d) **Employee Complaint** means any accusation by an Employee who considers himself personally harmed by another Employee as the result of discrimination, unfairness, harassment, exclusion or violence at the workplace, with the exception of disputes regarding the interpretation or application of a collective agreement or of the recourse procedures specified in the document attached to the protocole d’entente (Memorandum of Understanding) between the SAQ and the ADDS/SAQ relative to disciplinary measures;
- e) **Responsible Person Concerned** means, in cases involving an Employee Complaint, the Employee’s immediate or hierarchic superior and, in all other cases, the manager or vice-president of the unit concerned by the complaint, or the President and Chief Executive Officer;
- f) **SAQ** means the Société des alcools du Québec.

3. The Ombudsman shall also advise the President and Chief Executive Officer, upon request, of any complaint that has an impact on the SAQ’s relations with its Business Partners.
4. The President and Chief Executive Officer, the Chairman of the Board or the Governance, Ethics and Communications Committee may ask the Ombudsman to investigate and report on special assignments.
5. At meetings, the Ombudsman may be asked to provide feedback on the policies and practices adopted by the SAQ.
6. If the Ombudsman discovers new situations that he deems to be a cause for concern, he may inform the President and Chief Executive Officer, the Chairman of the Board and the Governance, Ethics and Communications Committee of them.

7. The Board of Directors of the SAQ, on the recommendation of the Governance, Ethics and Communications Committee, shall appoint the Ombudsman and set his work conditions. The President and Chief Executive Officer shall ensure that the resources necessary to carry out the Ombudsman’s duties are placed at his disposal.

Principles

8. The Ombudsman shall make every effort to review complaints through a fair process.
9. In order to remain impartial at all times, the Ombudsman shall be totally independent of SAQ management.
10. The Ombudsman recognizes that all records and information obtained in the course of his duties are confidential and undertakes not to disclose any records or information until and unless he is released from this obligation by all the parties concerned or compelled to do so by a valid administrative or judicial proceeding.
11. The Ombudsman is the custodian of all files that he assembles and he shall ensure their safekeeping. His office shall manage these files, which shall be accessible only by his staff.

The files shall be kept under lock and key and for a limited time. After study, all records and supporting documents shall be either returned to the parties concerned or destroyed.

12. The Ombudsman shall submit a report on his activities to the Governance, Ethics and Communications Committee every six months. In particular, the report shall include statistics on the cases handled and, if applicable, the recommendations made. The report shall not contain any personal information.

The Ombudsman may, at any time and on his own initiative, make a special report to the President and Chief Executive Officer, to the Chairman of the Board or to the Governance, Ethics and Communications Committee regarding any situation he deems to be a cause for concern.

In his report or special reports, the Ombudsman may recommend changes to policies, procedures and existing regulations and may submit comments regarding the SAQ’s practices.

Procedure

13. Upon receiving a complaint, the Ombudsman shall inform the Complainant as to whether he intends to intervene in the matter.

Before submitting a complaint, Employees shall exhaust all internal redress procedures, decision review mechanisms and other dispute resolution processes available to them, in particular those relating to harassment and violence in the workplace as specified in the policy adopted by the SAQ to that effect.

The Ombudsman may suggest other solution tracks for resolving problematic situations raised by any complaint deemed inadmissible.

In all cases, the Ombudsman shall refuse to intervene or shall cease all involvement when the Complainant has sought or indicated his intention to seek remedy before a court of law or an administrative tribunal with respect to the situation on which the complaint is based.

14. Before agreeing to examine a complaint, the Ombudsman shall obtain from the Complainant an undertaking to maintain the confidentiality of the entire complaint handling process and of all information and records disclosed during the process.

The Ombudsman may, at his discretion, obtain from the Complainant an undertaking of confidentiality and an acknowledgement that the Ombudsman may not be called to appear before or testify in any administrative or judicial proceeding.

15. The Ombudsman's involvement may entail an investigation, in which case the Ombudsman shall be in charge of the process.

16. When carrying out an investigation necessitates the disclosure of confidential information, specifically information that may allow the Complainant to be identified, the disclosure shall be limited to the persons who need to know the information in order to make representations.

If the Complainant decides to withdraw his complaint in order to maintain his anonymity, the Ombudsman shall respect his decision.

17. For the purposes of an investigation, the Ombudsman may require from any SAQ employee, officer or director access to any record or file that he considers relevant. He may also question any person likely to provide him with the information he requires and may obtain from that person a confidentiality undertaking.

Any and all requests by the Ombudsman under this clause shall be dealt with promptly.

18. The Ombudsman shall assess the validity of the complaints submitted to him. He shall inform all parties concerned of his conclusions and, if applicable, his recommendations. If he deems it necessary, his recommendations may be made in writing.

19. Upon request, management shall inform the Ombudsman of the measures taken to remedy a situation and of any follow-up on his recommendations.

Rules of conduct

20. The Ombudsman shall be impartial and shall not hold any other position at the SAQ.

21. The Ombudsman shall encourage communication with the Business Partners and Employees in order to raise awareness of his role and position at the SAQ.

22. The Ombudsman shall make every effort to earn the trust of the Business Partners, Employees and the SAQ.

23. The Ombudsman shall subscribe to the Code of Ethics of the International Ombudsman Association (IOA) appended hereunto.

1 Note: in this text, the masculine pronoun refers to both sexes, and its systematic use is intended solely to facilitate reading.

International Ombudsman Association (IOA)

Code of Ethics

The Ombudsman, as a designated neutral, has the responsibility to maintain strict confidentiality concerning matters that are brought to his attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the Ombudsman, are where there appears to be imminent risk of serious harm.

The Ombudsman must take all reasonable steps to protect any records and files pertaining to confidential discussions from inspection by all other persons, including management.

The Ombudsman should not testify in any formal judicial or administrative proceeding about concerns brought to his attention.

When making recommendations, the Ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties.

For more information, please see the Ombudsman section under the About/Governance tab on SAQ.com



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Business Relations and Employees

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Business Relations and Employees

