

DEALING WITH COMPLAINTS BEFORE THE INQUIRY COMMITTEE

NOTE: Details regarding the duties of the Inquiry Committee can be found in Sections 32 to 45 of the *Act* and in Section 12 of the By-law.

A. Summary of Process

Duties of the Registrar and the Inquiry Committee

1. The *Act* authorizes the Committee to develop its own practice and procedure for dealing with complaints subject to Council approval. (See Section 33.)
2. When a matter is referred by the Complaints Committee to the Inquiry Committee, the Inquiry Committee is required to hold a hearing on the matter within 120 days from the date of referral. (See Section 34.)
3. At least thirty days prior to the hearing the Registrar must serve both the investigated person and the complainant with a notice specifying the date, time and place of the hearing and a general summary of the matter to be heard. (See Section 34 (3))
4. The Registrar may also issue a notice advising the public of the hearing. (See Section 34 (4)). However, a public notice shall not contain the name of the investigated person. While the *Act* strives to make the practice of midwifery as accountable as possible to the public, it also strives to ensure that midwives are treated fairly and with respect. Publishing a midwife's name before a determination of a complaint could seriously damage the credibility of that midwife. Upon the conclusion of a hearing, the college may publish a notice setting out the findings of the hearing including the name of the midwife in question.
5. Both the college and the investigated person have the right to appear before the hearing and to be represented by counsel. The Inquiry Committee also has the right to retain counsel to assist it. (See Section 35 (1)).
6. Both the Registrar and the Chair of the Committee can administer oaths and affirmations. (See Section 35 (3).)
7. As a rule, hearings are to be open to the public unless the Committee deems other wise. (For reasons for excluding the public see Section 36 (1).) (NOTE: the *Act* sets out a number of procedures dealing with issues such as the rights of the various parties in the hearing and the submission of evidence.)

8. At the conclusion of a hearing the Committee may make a number of orders including:
 - issuing a reprimand;
 - cancelling the certificate of registration;
 - cancelling the certificate of registration until certain conditions are met;
 - limiting practice;
 - imposing conditions on practice (See Section 43 for further details on orders that can be issued.)
9. In addition to or instead of issuing an order, the Committee may require the midwife to pay all or part of the costs associated with the hearing or to pay a fine up to an amount of \$10,000. (See Section 44.)
10. The Inquiry Committee must issue a written decision with reasons within ninety days. (See Section 45 (1)).
11. The Inquiry Committee must forward to the Registrar the decision and the record of proceedings. (See Section 45 (2)).
12. The Registrar must serve both the investigated person and the complainant with a copy of the decision and order. (See Section 45 (3).)
13. Following the expiration of the appeal period, the college may publish the name of the investigated person along with a general description of the findings of the Inquiry Committee. (See Section 46.)
14. Any orders made by the Inquiry Committee must be recorded by the Registrar on the register of the college (see Section 9 of the Regulation.).

B. Right of Appeal

1. An investigated person may appeal the findings or orders of the Inquiry Committee to the Manitoba Court of Appeal within thirty days of the Committee's decision. (See Section 47.)