

# KEEPING CURRENT

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## The Importance of Professionalism in Complaint Responses

By Lad Kucis

Founded in the 1920s, Gardiner Roberts LLP has grown to become a strategically placed mid-sized business law firm with a diverse client base which includes several of Canada's largest banks, public companies including mining, high tech and software companies, real estate enterprises, lenders and investors.

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As defence counsel for regulated health professionals, and other types of professionals, I have seen numerous cases where the professional has obtained an unexpected poor result in a complaint matter (i.e. referral to discipline, caution, etc.).

In many such instances, I believe that a key reason for the poor result is that the tone and content of the complaint response has somehow come across as unprofessional.

The following are some examples of things not to do in a complaint response:

- Making negative and/or irrelevant comments about the complainant;
- Questioning the legitimacy of the regulator and the complaints process;
- Using inflammatory/aggressive language;
- Writing in a tone that is defiant or otherwise disrespectful;
- Failing to address one or more of the concerns raised in the complaint;

- Not taking responsibility for the actions of staff members; and
- Not acknowledging clear and obvious shortcomings.

The reality is that responding to a complaint is a highly stressful matter and in most cases, the professional will feel that they have been falsely or unfairly accused of the alleged conduct. In such circumstances, it is understandable that emotion may come into play.

Professionals must ensure that any such emotion is suppressed and the complaint response comes across as reflective and professional. Toward this end, I believe it is a good idea to resist the temptation of a preparing and submitting the response in a speedy manner. Rather, I would always recommend taking some time to consider the complaint before preparing the response. Once drafted, I would recommend putting the response aside for a few days and then reviewing it again before submitting it to the regulator. In my view, taking these steps will improve the professionalism and overall quality of the response.

## **About the Author**

*Lad Kucis is certified by the Law Society of Ontario as a specialist in health law and provides advice and representation to regulated health professionals (and other professionals) in respect of all types of regulatory matters, including complaint and disciplinary matters before their regulatory colleges.*

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