

# INFORMATION FOR PEOPLE IN FEDERAL PRISONS IN BC



Correctional Service  
Canada

Service correctionnel  
Canada

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PROTÉGÉ UNE FOIS REMPLI

NOTE: Référence document CD 281  
NOTA: Document de référence DC 281

PERSONAL INFORMATION BANK - FICHIER DE RENSEIGNEMENTS PERSONNELS

PUT AWAY ON FILE ▶ Original = Offender Upon Completion of  
CLASSER AU DOSSIER ▶ Réponse Délinquant, suite à l'approbation de la réponse

OFFENDER FINAL PRÉSENTATION D'UN GRIEF  
GRIEVANCE PRESENTATION FINAL PAR UN DÉLINQUANT

FPS Number Numéro SED

Family name Nom de famille

Given name Nom

Current Institution - Établissement présent Region - Région

Filed Against - Enregistré contre Grievance Coordinator - Coordonnateur de grief

Date Received Date de réception

Date Due Date d'échéance

Reference No. / N° de référence Grievance Code / Code de grief

Other Classification - Autre classification

High Priority / Prioritaire  Urgent / Nature urgente  Sensitive / Nature délicate

TO BE FILLED BY OFFENDER - À REMPLIR PAR LE DÉLINQUANT

Details of grievance - Détails du grief - (Annexer une autre page, si nécessaire)

# Writing an effective grievance

This booklet explains the process for making a complaint with the Correctional Service Canada.



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## Rights and realities

Under law, people in federal prisons have the right to:

- a “procedure for fairly and expeditiously resolving offenders’ grievances”;<sup>1</sup>
- “complete access to the offender grievance procedure without negative consequences”;<sup>2</sup>
- decisions “made in a forthright and fair manner”;<sup>3</sup> and
- an “effective grievance procedure”.<sup>4</sup>

Correctional Service of Canada (CSC) policy includes as a principle that “CSC staff are expected to demonstrate respect, fairness, professionalism, inclusiveness, and accountability in their decisions.”<sup>5</sup>

In reality, most people find the grievance system frustrating and ineffective.

The grievance process has been criticized for years by the Correctional Investigator as being an unfair and slow process. The Correctional Investigator has said CSC’s grievance process is “broken, ineffective, dysfunctional, and, in my opinion, likely

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1 *Corrections and Conditional Release Act*, SC 1992, c 20, s. 90 [CCRA].

2 CCRA, s. 91.

3 CCRA, s. 4(f).

4 CCRA, s. 4(f).

5 Correctional Service of Canada, *CD 001: Mission, Values and Ethics Framework of the Correctional Service of Canada* (Ottawa: CSC, 2018-04-23).

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beyond repair or salvage.”<sup>6</sup>

Although there are a lot of problems with the CSC grievance process, it may be needed to get a remedy to your complaint. In most cases, the Federal Court and in some cases administrative tribunals will not accept your application or complaint until you have gone through the CSC grievance process.<sup>7</sup>

Going through the grievance process means that CSC has to put its position down on paper, which can help you and others to exercise your rights or to challenge CSC’s position.

The Federal Court will allow the grievance process to be skipped in rare cases if there is an emergency, if CSC did an especially bad job of processing your grievance, or if you are at risk of physical or mental harm. Concerns about procedural fairness, bias or important *Charter* issues do not qualify as exceptional circumstances that would allow you to skip the grievance process.<sup>8</sup>

## The grievance procedure

Commissioner’s Directive 081 and Guidelines 081-1 are the CSC policies about the grievance process.

The first step to resolving a problem is to talk to staff. If it cannot be resolved informally at the lowest level, you can write a complaint.

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6 Office of the Correctional Investigator, *Annual Report 2017-2018* (June 2019, 2018) Online: <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20172018-eng.pdf>.

7 *MacInnes v. Mountain Institution*, 2014 FC 212 at para. 18.

8 *Blair v. Canada (Attorney General)*, 2022 FC 957 at paras. 44-46.

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The grievance procedure has three levels:<sup>9</sup>

- **Complaint** – at staff level;
- **Initial Grievance** – to the warden of the institution (or the District Director if you are in the community); and
- **Final Grievance** – to CSC National.

Complaints about health services have different decision-makers:

- **Complaint** – Health Services supervisors;
- **Initial Grievance** – Regional Director of Health Services; and
- **Final Grievance** – Assistant Commissioner, Health Services.<sup>10</sup>

Normally, you start by filing a complaint. If the response to your complaint does not resolve your concern, you can file an initial grievance. And if that doesn't resolve your concern, you can file a final grievance.

When you move your complaint or grievance up to the next level, you can raise new facts, evidence, or issues as long as they are closely related to those raised in the previous complaint, or are part of the same course of events.<sup>11</sup> For when to submit complaints or grievances, see the “Timelines” section below.

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9 Correctional Service of Canada, *CD-081: Offender Complaints and Grievances*, (Ottawa: CSC, 2019-06-28), para. 7 [CD-081]

10 Correctional Service Canada, *Interim Policy Bulletin 651*, (Ottawa: CSC, 2019-11-30).

11 *Shortreed v. Warkworth Institution*, 2013 FC 304 at paras. 58-60.

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If you are not satisfied with CSC National’s response to your Final Grievance, you can file an application for judicial review of the decision in Federal Court. You must file your application within **30 days** of receiving the decision from CSC National. If you lose your Judicial Review, the court could order you to pay Canada’s cost of responding to the Judicial Review. You can call Legal Aid BC Appeals for more information about Judicial Reviews.

## What level to start at

In some cases, you do not need to file a complaint first. If your concern is about any of the following, you can file an initial or final grievance right away:

- harassment, sexual harassment, or discrimination by a staff member – file an Initial Grievance;
- a decision of the warden – file a Final Grievance;<sup>12</sup>
- harassment, sexual harassment, or discrimination by the warden – file a Final Grievance;
- an institutional transfer – file a Final Grievance;
- an appeal of a decision on a claim against the Crown – file a Final Grievance;
- a transfer to the Special Handling Unit (SHU) – file a Final Grievance;
- a placement in a dry cell – file a Final Grievance;
- a placement in Structured Intervention Unit (SIU) – file a

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12 *Corrections and Conditional Release Regulations, s. 75(b).*

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Final Grievance; and

- a use of force – file a Final Grievance.<sup>13</sup>

Sometimes CSC will register your grievance at the wrong level. If CSC registers your grievance at a lower level than it should be, contact the Grievance Coordinator at your institution or call Offender Redress at **1-800-263-1019**.

## Inmate Grievance Committee

When submitting an Initial Grievance to the warden, you might want to ask the warden to send your grievance to the Inmate Grievance Committee for a recommendation before the warden makes their decision. This committee is made up equally of staff and people in prison. You might be able to have witnesses be interviewed by the committee.

After the committee provides its recommendation to the warden, the warden will make their decision. If the warden does not agree with the recommendation of the committee, they must write their reasons for disagreeing with the committee when they respond to your grievance.<sup>14</sup> Sending your grievance to the Inmate Grievance Committee might not get you a better result.

If you disagree with the warden's decision, you can still file a final (national level) grievance.

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13 Correctional Service Canada, *Guideline 081-1: Offender Complaint and Grievance Process*, (Ottawa: CSC, 2019-06-28), para 2 [GL 081-1]; Correctional Service Canada, *Interim Policy Bulletin 675*, (Ottawa: CSC, 2021-08-23) [Interim Policy Bulletin 675].

14 GL 081-1, paras. 42-51.



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## Outside Review Board

If you are unhappy with the warden's decision on your initial grievance, you can request that an Outside Review Board review the decision. The Outside Review Board is made up of at least two people from the community, and they are not CSC staff or people on conditional release. You must ask for this within 10 days of receiving the warden's response to your Initial Grievance.<sup>15</sup> Once the Outside Review Board issues its recommendation to the warden, the warden will again make the final decision, taking into account the Outside Review Board's recommendation.

The Outside Review Board is limited to examining the same information and documents that were before the decision maker on the initial grievance. The purpose of the Outside Review Board review is to ensure that all your concerns were addressed in the initial grievance response, that you were provided with all the relevant information to support the grievance decision, that the grievance response provided a clear rationale supported by law and policy, and that the principles of procedural fairness were followed.<sup>16</sup>

In some cases, asking for a review by an Outside Review Board could result in CSC trying to resolve the matter with you directly and more quickly. But it could also delay your grievance.

If you use this process and are still not satisfied with the resolution of your grievance, you can submit a Final Grievance to CSC National.

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15 CD 081, para. 37.

16 GL 081-1, para. 51.

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## Time lines

CSC policy says that you should submit your complaint within **30 days** of when you become aware of the problem. But CSC can give you more time.

CSC policy says that when you are not satisfied with the response to your complaint or grievance, you should normally submit your grievance to the next level within **30 days**. If you submit your grievance to the next level after this 30-day time period, you should explain the reason for the delay and why it is important that your grievance is reviewed.<sup>17</sup>

If your grievance seriously impacts your rights and freedoms, it should be given high priority.

CSC policy<sup>18</sup> states that your complaint and initial grievance should be responded to within:

- **15 working days** from when it was received if it is a **high priority grievance**; and
- **25 working days** from when it was received if it is a
- **routine priority grievance**.

At **the final grievance level**, CSC policy says that your grievance should be responded to within:

- **60 working days** from when it was received if it is a **high priority grievance**; and

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17 GL 081-1, Annex C.

18 CD 081, paras. 11-12.

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- **80 working days** from when it was received if it is a **routine priority grievance**.

If you file a case in court or an administrative tribunal about the same issue, your complaint or grievance will be put on hold.<sup>19</sup> But you usually need to exhaust the grievance process before filing with a court or tribunal. If you file before your grievance has been dealt with, it could delay your case.

If you think your case should be dealt with by a court or tribunal, but they won't deal with it before you exhaust the grievance process, you can reactivate your complaint or grievance after the court or tribunal case is completed by writing to the warden within 30 days.<sup>20</sup>

CSC often fails to comply with its time limits and will give itself more time to respond. In this case, you should receive written notice of when you can expect a response. If you do not receive a decision within the time limits or notice that CSC will take more time to respond, you should request confirmation that your grievance has not "gone missing".

It can take many months for your grievance to be resolved, especially if you must go through all three levels of the grievance process.

If the decision-maker agrees with all or part of your complaint or grievance, and agrees that something must be done to fix the situation, the remedy that they order should take place within 30 days. If a remedy was ordered, and the remedy does not take place within 30 days, you can submit a grievance to the next level about this.<sup>21</sup>

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19 CD 081, paras. 45-46.

20 GL 081-1, para. 5.

21 CD 081, paras. 42-44.

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## Frivolous complaints

CSC can stop you from submitting complaints if it thinks that your complaints are “frivolous, vexatious or not made in good faith”.<sup>22</sup> This usually means that CSC thinks you have put in too many complaints.

You must be given written reasons for the decision to stop accepting your complaints. CSC will review this decision once a year.<sup>23</sup>

## What issues you can grieve

You can complain about an action or decision of a CSC staff member that affects you. You can also complain if you have been denied something or if CSC has not made a decision that it should have made.

You cannot complain on behalf of another person, unless the matter concerns a group of people and you are part of the group.

Your complaint must be about something that CSC is responsible for. CSC is **not** responsible for:

- decisions of the Independent Chairperson in serious disciplinary court;
- decisions of Independent External Decision Makers related to placement in Structured Intervention Units; or

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22 CCRA, s. 91.1(1).

23 CCRA, s. 91.1(2).

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- decisions of the Parole Board.

If you are not sure if CSC is responsible for what happened, call Prisoners' Legal Services.

Where another agency is responsible, you may be able to follow another process to address your concern.<sup>24</sup>

## **Grievances about Structured Intervention Unit placement and treatment**

Complaints about Structured Intervention Unit (SIU) placements or reviews can be submitted as final level grievances. These are automatically registered as high priority.

You can also submit a complaint, institutional or national level grievance about your living conditions in SIU, such as:

- restricted movements;
- the living conditions in an SIU;
- not having access to interventions and programming;
- not having daily visits from health care professionals;
- not being provided with time outside of your cell;
- not having the opportunity to exercise daily; and,
- lack of access to showers and telephones.<sup>25</sup>

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24 See GL 081-1, Annex F.

25 Interim Policy Bulletin 675.

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You can indicate whether or not your complaint or grievance about the living conditions in SIU should be considered as high priority, depending on the issue.<sup>26</sup>

## Grievances about Use of Force

Uses of force are reviewed by CSC and usually by the Correctional Investigator, outside of the grievance process.

CSC does not give people copies of use of force reviews. You can ask for yours, but you will probably have to make a formal request under the *Privacy Act*. You can also make a request to the Correctional Investigator under the *Privacy Act* for their review of the use of force.

You can also file a grievance about a use of force and CSC will review it through the grievance process.<sup>27</sup>

Grievances about uses of force should be submitted as final level grievances. If the use of force was not registered as one by CSC staff, you can file a final level grievance, saying that it should have been registered as a use of force.

CSC often wrongly registers use of force grievances at lower levels. Make sure your use of force grievance is registered by CSC as a final level grievance, and if it is not, request that it be registered as a final level grievance.<sup>28</sup>

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26 Interim Policy Bulletin 675.

27 GL 081-1, para 55.

28 GL 081-1, para 56.

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## Harassment and discrimination complaints

You can submit a grievance about harassment, sexual harassment or discrimination by CSC. These grievances can go right to the first level; you do not have to make a complaint first. This would include complaints having to do with harassment by officers. This would also include complaints that CSC is discriminating against you or failing to accommodate you on one of the grounds covered by the *Canadian Human Rights Act*, like race, disability or gender identity. For instance, if CSC is not addressing your medical or mental health needs, that might be discrimination on the basis of your disability.

You should write in your complaint that you are making allegations of harassment or discrimination.

If the decision-maker agrees that your complaint meets the definitions of harassment, sexual harassment or discrimination, they might open an outside investigation.

If the decision-maker does not agree that your complaint meets the definition of harassment, sexual harassment or discrimination, they must inform you of this and give you reasons. You can submit a grievance to the next level about the decision not to consider your grievance as harassment, sexual harassment or discrimination.

If you are unsure whether the actions you are complaining of meet those definitions, you can call Prisoners' Legal Services for advice.

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## Grievance outcomes

### Upheld

Your grievance will be upheld if the decision-maker decides you were treated unfairly, arbitrarily or against law or policy. The decision-maker will decide what “corrective action” would address your grievance. This might not be what you asked for in your grievance.<sup>29</sup>

### Upheld in part

The decision-maker might uphold a part of your grievance and deny another part of your grievance.

### No further action required

The decision-maker might decide that the issue in your grievance has already been addressed, and that no further action is needed to resolve the problem.

### Resolved

Policy says that you can withdraw your grievance if you feel that the issue has been resolved. In this case, you must submit a signed written explanation of how the issue was resolved.<sup>30</sup> Sometimes CSC staff will write this explanation and ask you to sign it if they want to pressure you to withdraw your grievance. If you do not feel that the issue has been resolved, you do not need to sign. You

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29 GL 081-1, Annex C.

30 GL 081-1, Annex C.



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can also call Prisoner’s Legal Services for advice.

## **Rejected**

CSC might reject your complaint or grievance if:

- CSC does not have the authority to deal with it (it is not about CSC’s decision or conduct);
- CSC decides your complaint is frivolous, vexatious or not made in good faith;
- you are past the 30-working day time limit to submit a complaint or grievance (the 30 working days starts from when you were aware of the issue or affected by the matter, and CSC can extend the time limit if you have a good reason for your delay);
- the issue has been resolved through a separate complaint or grievance; and
- you raise a new issue at a higher level of the complaint and grievance process that should have been made as a new complaint or grievance.<sup>31</sup>

## **Beyond authority**

If you make a complaint or grievance at a lower level than should be addressed at a higher level, it will be “beyond the authority” of the level you submitted it to. In that case, you can submit it to the appropriate higher level.<sup>32</sup>

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31 GL 081-1, Annex C.

32 GL 081-1, Annex C.

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## Writing your grievance

It is best to use simple language in your complaint or grievance. Identify the issue that is most important to you and limit your complaint to that one issue. CSC might ignore the issue you are most concerned about if you include too many issues in your complaint.

It is important that your complaint be clear and specific. Information that is not directly related to your complaint can weaken the main point. Information about what happened to other people can also weaken your complaint, because you don't really know the full facts of their case. Accuracy is important. Stick to your own facts.

You will have more credibility if you stick to the facts, include evidence to support your complaint, and do not include your opinions. A decision maker will be more likely to have an open mind if you are respectful and objective in the way you present your complaint. But it is a good idea to include your feelings about how the decision or act affected you and your wellbeing.

If you make inappropriate personal attacks against other people, or use disrespectful language, your complaint may not be seen as reasonable. In the worst case, CSC could reject your complaint if it considers it to be frivolous, vexatious, offensive or not made in good faith.

It is a good idea to write a draft of your complaint or grievance before you write it on the form. You should review your grievance submission after you have slept on it and before you submit it, especially if you are angry about the issue. You could re-read it from the perspective of a CSC staff person, and see if you think it is compelling.

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## Tips for writing your complaint

Do:

- Keep it simple.
- Be specific. Include dates, times and names if you can.
- Stick to the facts.
- Write about what you know is true.
- Write objectively and respectfully.

Don't:

- Add any details that are not necessary.
- Add your opinions.
- Guess – especially about reasons for what happened.
- Get personal about a staff member or use disrespectful language.

## Points to include in your grievance

### Who is involved?

**Yourself** – You cannot write a grievance about someone else. Your grievance has to be about something that affects you personally.

**A group** – If the issue affects a number of people, you can submit a group complaint or grievance. Everyone in the group must sign the complaint or grievance and you should say who will receive

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the answer for the group. It can be difficult to keep track of a group grievance, especially if people are transferred, so it is sometimes better for people to file their own grievances.

**CSC** – Name the CSC person who you are complaining about.

If you do not know the person's name, describe them and include the time and date of the event. If you do not know a guard's name because they were not wearing their name tag, you can say this.

You cannot complain about someone who is not a CSC employee.

**Witnesses** – Include the names of anyone who saw what happened or who has information about the issue you are complaining about. If your witnesses are other people in prison, make sure that they agree that you can name them.

### **When and where did it happen?**

If you are complaining about a decision, include the date when the decision was made. If you are complaining about a decision that was *not* made within the time limits, include the date you should have received a decision.

If you are complaining about an event, include the date, time and place of the event.

### **What happened?**

Explain what CSC did (or did not do). If there was a series of events, write them out in the order they happened.

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## **Do you have any evidence to support your case?**

**Witnesses** might be able to support your case or prove what you say is true. If you name a witness in your complaint or grievance, CSC can confirm with that person that what you say is true. You might want to ask permission before you include the names of witnesses.

**Documents** might also be relevant to your complaint. You can refer to documents and quote short parts of documents that support your case. You can attach copies of documents to your grievance. Be sure to keep your original documents.

**Video** – if you think there is video footage of the incident, put in a request right away for the video to be preserved. Then say in your grievance that CSC should review the video.

## **What did you do to solve the problem?**

You are expected to try to resolve problems at the lowest level (usually with staff). Explain what you did to try to solve the problem before making a formal complaint.

## **What law or policy applies?**

What is the law or the policy that CSC did not follow? Refer to the section of the law or policy that applies if you can. You might want to refer to the *Corrections and Conditional Release Act* (“CCRA”), the *Corrections and Conditional Release Regulations* (“CCRR”), a Commissioner’s Directive (“CD”) other laws like the *Canadian Human Rights Act*. You should be able to get copies of these laws and policies from the librarian at your institution.

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If you are not sure what law or policy applies, you can call Prisoners' Legal Services for advice.

### **How were you affected?**

You should include the way you were affected by the event or decision, or failure to make a decision. For example, if your grievance involves discrimination, you can say how it affected your physical or mental wellbeing.

### **What do you want?**

You should state the action you want CSC to take to resolve your complaint. State what you are asking for at each level of the grievance process.

You might decide to pursue your case through court or through another body such as the Canadian Human Rights Commission and Tribunal at the end of the grievance process. For this reason, you should ask for whatever remedy you would be asking for in these forums, even if it is unlikely that CSC would give you that remedy.

For example, if you were discriminated against because of your religion, you can ask for an apology, that the discrimination stop, that you be provided something you were denied, that staff be required to attend training about accommodating religious rights and that CSC give you money to compensate you for any pain and suffering you experienced because of the discrimination. You could also ask for a change in policy if you have been unfairly affected by the policy or the policy is discriminatory.

CSC policy says that financial compensation can be given for:

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- loss or damage to property (under Commissioner’s Directive 234 – Claims for Staff Personal Effects and Inmate Personal Effects and the Offender Accident Compensation Program); or
  - payment or reimbursement that CSC is required to give under legislation or CSC policy.

You can ask that CSC compensate you for other reasons, but do not expect to receive anything.

If you are grieving a transfer decision of a warden, CSC National has the authority to decide that you should be at the lower security institution. But they will often only consider whether the warden’s decision was reasonable and in accordance with the law.

Instead of deciding what institution you should be at, CSC might just tell the warden to reconsider their decision. You should ask for a decision that you be placed at the lower security institution and say that they have the authority to give this remedy.

CSC usually doesn’t give remedies that really solve the problem that is being complaining about. Even if your grievance is upheld, CSC might not do what they say they will to solve the problem. If CSC still hasn’t done the “corrective action” they ordered in a grievance response after 30 days, you can submit a grievance to the next level (or a Final Grievance if the corrective action was ordered in response to a Final Grievance).<sup>33</sup>

If CSC is not following the corrective action they agreed to, you can call Prisoners’ Legal Services for help.

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33 CD 081, paras. 42-44.

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## **Example complaint**

Section 91 of the CCRA says I can make a complaint without negative consequences.

On June 6, 2023, when I was leaving med line, my COII, Mr. X, told me I couldn't go to work in the afternoon because I filed a complaint against my boss. He did not give me anything in writing. He told me if I did not go directly to my unit, he would charge me.

My friend, Mr. Y, heard him say this.

The next morning, I went to work. My boss fired me. He said it was because I did not show up to work the day before. He told me it was not because I filed a complaint. I went to the Review Board the next week and explained what happened. I got my job back. But they said I would not get paid for the time I didn't work.

I followed my COII's order to not go to work. He made that order because I put in a complaint. I should not suffer the negative consequence of losing money because I made a complaint. I want my pay for the half-day I missed because Mr. X told me not to go to work, and for the week I missed until I got my job back at the Review Board.



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## Notes on the example complaint

- You don't have to write out all the words for s. 91. CSC should know it or they can look it up. Just say in your own words what rights you have or what CSC must do.
- You do not have to give your opinion about why Mr. X told you not to go to work, even if you are convinced that he's been riding your case for weeks because you beat his charge in disciplinary court. You do not have to add other things he said about you that are not related to the issue about the job.
- Having a witness is good if what you are talking about might be denied by the staff member.
- It is best to ask other incarcerated people permission to use their name first.
- Describe what happened in the order it happened in.
- Connect what you want with what CSC did wrong. Use the language of the law or policy you are relying on.
- The remedy you request should be reasonable and something that CSC has the power to give you.

## Frequently asked questions and concerns

Here are some common complaints and questions that we hear from people in prison. If you have questions we haven't answered, please call us.

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**My grievance was denied because CSC says they won't change my IPO's opinion.**

You cannot grieve a staff person's opinion, unless it is not based on fact.

A **fact** is a piece of information that can be proven to be true. For example, if CSC wrote that you were convicted of X, but you weren't, then their "fact" is not true. Therefore, any opinions based on a conviction for X should be changed.

An **opinion** is a belief, an attitude or a judgment. It is not a fact. But an opinion should be supported by facts.

Being a "risk" is not a fact, but an opinion. An opinion that you are a risk should be supported by facts. If you don't agree with someone's opinion that you are a risk, then you must say what facts support your case or what facts do not support their case.

Expert opinion from a psychologist or psychiatrist is hard to challenge, unless you can show the facts that the opinion is based on are not true.

If your grievance is about your IPO's opinion about you, you need to grieve the things they do that show their opinion is unreasonable or discriminatory, not their opinion about you.

**I handed in my grievance weeks ago and I haven't heard anything at all. I think they filed it in the garbage!**

Always keep a copy of any grievance or complaint you submit. If you can't get a photocopy, make a handwritten copy and write down what day you handed it in and how you filed it. If you gave it to an officer, write down their name. If they are not wearing a

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name badge, ask them for their name and write it down (or give it to someone else if you are worried about retaliation). If you placed the grievance in the grievance box, write that down.

If your institution employs an inmate grievance clerk, you can ask them to record that your grievance was submitted on a specific date. If your complaint is private, you can ask the inmate grievance clerk to witness and record that you put it in the mail on a specific date.

Every institution has a Grievance Coordinator. When the Grievance Coordinator gets a grievance, they should log it into OMS (CSC's computer system). Your grievance is given a code that classifies your grievance, and marks it high or routine priority. OMS shows the date the answer is due.

After logging your grievance into OMS, the Grievance Coordinator is supposed to write you a **letter of acknowledgement** that tells you the date you can expect your answer.<sup>34</sup>

Make sure your grievance was registered at the right level.

You should keep the letter of acknowledgement because it will tell you the file number assigned to your grievance. You also might want to write down what the grievance was about to keep track of which grievance the number is for, because the acknowledgement letter won't include the subject of your grievance.

If you did not get the letter of acknowledgement after about a week, your grievance might have been "lost." Speak with the Grievance Coordinator at your institution. If you are not able to reach them, call **Offender Redress, National Headquarters at**

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34 GL 081-1, para. 8.

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**1-800-263-1019** and ask if your grievance has been logged on OMS. If it wasn't, ask them to call the Institution to find out what happened. They will find it or ask you to re-submit it.

**If I don't get my answer by the time they are supposed to give it, do I have to grieve that too?**

Often, CSC will extend the deadline for responding to your grievance. You should get a letter telling you this and stating the new deadline.

Grieving the grievance system can just block up your case and delay answers even longer. If you have a lot of routine grievances, then CSC might declare you to be a "multiple grievor." This means they will extend the ordinary time frames for answering your complaints and grievances (They can't do this for high priority grievances). If you are being considered for "multiple grievor" status, you should be given an opportunity to make submissions about this. If you are designated a "multiple grievor," you can submit a final grievance about this decision.

The decision should be reviewed every 6 months and after a re-admission to custody or transfer to another institution.<sup>35</sup>

If you do not get your answer in time, try to speak with the Grievance Coordinator. If you can't reach them, call Offender Redress at 1-800-263-1019. Ask them to find out what the hold-up is. Unfortunately, CSC policy allows CSC to give themselves extensions, so there may be nothing that can be done. However, you should receive a letter telling you the new date by when you will have a decision on your grievance.

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35 CD 081, paras. 24-30; GL 081-1, paras. 23-24.

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If you have been waiting months for a grievance response, you can call Prisoners' Legal Services for advice.

**My application to go to my father's funeral was denied! The warden's reasons are totally bogus. I want to grieve this his funeral will be over by the time I get a response!**

This kind of grievance should be considered high priority. Say your grievance is urgent and needs to be resolved by a certain date.<sup>36</sup>

**I think my grievance should be a "priority" but they made it "routine."**

If you think your case should be considered a priority, talk to the Grievance Coordinator to explain why.

**High Priority** Complaints and Grievances are those which have a significant impact on your rights and freedoms. The following are issues that are normally considered high priority:

- urgent access to health care;
- visits;
- involuntary transfer decisions;
- temporary absences;
- staff conduct (harassment, use of force or discrimination);  
and
- strip searches.

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36 CD 081, para. 22; GL 081-1, paras. 13-14.

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If the topic of your grievance is normally “high priority” but CSC said it was “routine,” they should give you reasons. If you disagree with those reasons, you need to explain to the Grievance Coordinator how your issue has a “significant impact on your rights and freedoms.”<sup>37</sup>

### **My grievance was given back to me for no reason.**

If your grievance was entered into OMS, you should get reasons if it is returned to you.

These are the reasons CSC can reject a grievance:<sup>38</sup>

- The issue is not grievable (See section on “What Issues You Can Grieve” earlier in this booklet) – you should be told what else you can do about your complaint.
- The issue is beyond the authority of the level you wrote to – you should be told who to write to instead.
- You put in your grievance too late – if you had a good reason, you can rewrite it with your reasons for being late.
- The supervisor decided that the complaint was frivolous (not serious enough), vexatious (written mainly to annoy), or not made in good faith (you are being dishonest about the reason for your complaint). In that case you should be told in writing what parts of it were rejected and why. You can rewrite it using more acceptable language.
- The issue has already been dealt with in another complaint or grievance.

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37 GL 081-1, paras. 11-12.

38 GL 081-1, Annex C.

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The other possibility for why your grievance was returned without reasons is that a staff member interfered with the filing of your grievance, contrary to policy. If that happens, put it in the grievance box if there is one, or ask the Inmate Grievance Clerk or someone on the Inmate Committee to help you get it delivered to the Institutional Grievance Coordinator.

**Don't grievances have to be confidential? My CO II is on my case because I complained about him, and I didn't want him to know.**

Yes, to a point. Your use of the complaint and grievance process must not be noted in your paperwork outside the complaint and grievance process unless authorized by the warden.<sup>39</sup>

But information in your grievance can be shared on a “need to know” basis.

If you are complaining that a staff member has been harassing you, sexually harassing you or discriminating against you, your complaint will be considered “sensitive” and designated “high priority.” It should immediately be given to the warden in a sealed envelope, and there could be an outside investigation.<sup>40</sup>

If you accuse someone of something, they have a right to respond. The staff member you complain about is going to be told about the complaint and they will be given a chance to respond.

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39 CD 081, para. 51; GL 081-1, para. 8(b).

40 CD 081, paras. 47-49; GL 081-1, paras. 7(d), Also see GL 081-1 paras. 15-16 regarding “sensitive” complaints/grievances and paras. 25-38 regarding complaints of harassment, sexual harassment, and discrimination.

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## **They wouldn't take my grievance because I was "too late."**

The time frames for writing complaints are CSC policy – not the law. CSC can accept your complaint or grievance outside the time limits if you have a good reason. Add a sentence or paragraph about why you did not or could not write your grievance on time and hand it back in. CSC can also accept a grievance late if it would be good for you or good for CSC to review the matter<sup>41</sup> – for instance, if it raises an important issue or concern, like discrimination.

## **My IPO is pressuring me to withdraw my grievance. He says he'll agree to what I want – only if I withdraw it.**

This might solve your problem "at the lowest level." But it doesn't always. You might not want to withdraw it until you see results.

The resolution to your complaint or grievance must be recorded and you must sign to show your agreement to the resolution.<sup>42</sup>

## **What if my IPO doesn't do what he said he would do?**

You can then submit a grievance to the next level, stating that the agreed resolution did not occur.<sup>43</sup> Include when you wrote the first complaint or grievance, when you withdrew it and why. Say you tried to resolve it with your IPO but your IPO did not do what he said he would. Also, because of the lost time, ask for it to be "high priority" if it would normally be "routine."

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41 GL 081-1, Annex C.

42 CD 081, para. 32.

43 CD 081, para. 33.



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## **What if I get released before I get an answer?**

Your answer will be sent to your new address.<sup>44</sup> If you reach your warrant expiry before you receive a response, you will have to provide CSC with an address where you can be reached if you want them to send you the grievance decision.

You may write a grievance after you are released, until your warrant expiry date.<sup>45</sup>

## **I'm not the only one with this problem.**

A group of people can sign a group grievance, but one person has to hand it in and receive the answer for the group. Everyone in the group must sign it.

It can be difficult to keep track of a group grievance, especially if people are transferred, so it is sometimes better for people to file their own grievances.

## **CSC Contact Number for Complaints and Grievances**

To check the status of a Final Grievance or the status of a remedy that has been ordered or agreed upon, or for questions about the grievance process, you can call CSC's Offender Redress office at 1-800-263-1019.

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44 CD 081, para. 34.

45 CD 081, para. 10.

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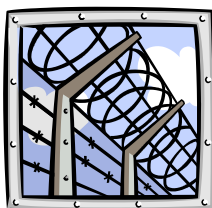
## **Prisoners' Legal Services**

If you are in prison in British Columbia, you can contact Prisoners' Legal Services for advice or assistance with issues that affect your liberty, human rights, health or mental health.

Prisoners' Legal Services' phones are open Monday to Friday from 9:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 3:00 p.m. Our phones are closed on Wednesday afternoons.



**This publication contains general information only. Each situation is unique. Law and policy can also change. If you have a legal problem, contact Prisoners' Legal Services or a lawyer.**



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