



Section 11. Public Inquiries and Official Complaints December 2011

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Public Inquiries and Official Complaints

Introduction

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Introduction

A process that openly investigates concerns and official complaints is an important component of any legitimate certification program. The transparency requirements of the SFI Standard and supporting documents allow individuals and organizations to bring forward questions and concerns using two different processes as outlined in this section.

The “Public Inquiries Regarding Inconsistent Practices” (number 1 below) shall be used for general inquiries from the public and to promptly review and apply corrective actions, if warranted, in situations where isolated lapses in implementing practices may have occurred.

Inquiries that involve multiple or systematic instances of nonconformity that challenge the validity of a certification must be addressed using the process outlined in “Official Complaints Questioning the Validity of a Certification” (number 2 below).

A complaint does not challenge the credibility or the content of the standard requirements; rather it challenges the audit findings and the decision to grant the certification, or events occurring since the audit that question the maintenance of the certification.

In instances where there is disagreement on the process to be applied, SFI Inc. shall serve as the higher authority in determining which process is most appropriate.

1. Public Inquiries Regarding Inconsistent Practices

Any party with information or claims about a *Program Participant's* individual practices that may be in nonconformity may seek to have those claims investigated.

The complainant shall present specific claims of nonconformity in writing and in sufficient detail to the *Program Participant*. Within 45 days of receipt of the complaint, the *Program Participant* shall respond to the complainant and forward a copy of the complaint and its response to the *Program Participant's certification body* for future review via surveillance or certification audits. The *certification body* shall investigate the validity of the complaint and the *Program Participant's* response and resolution of the claim at the time of the next scheduled surveillance audit.

A complainant who believes the issue has not been satisfactorily resolved may provide its original documentation and the response from the *Program Participant* to the appropriate *SFI Implementation Committee Inconsistent Practices Program*, which shall investigate and respond to the allegations within 45 days of receipt of documentation. The *SFI Implementation Committee* shall provide copies of its findings and any recommended actions to both the *Program Participant* and the complainant.

In the event litigation is involved between the external party and Program Participant, the inconsistent practices process shall be suspended pending resolution of the litigation. It shall be re-started following resolution of the litigation if *SFI* nonconformity issues remain.

2. Official Complaints Questioning the Validity of a Certification

The complaint process is an important component of any legitimate certification program, including the *SFI* program. The complaint process enables individuals or organizations to have their complaint openly investigated. It is a credit to the transparency requirements of the *SFI Standard* that individuals and organizations can bring forward their concerns under a complaint process. A complaint does not challenge the credibility or the content of the *SFI 2010-2014 Standard*, but rather it challenges the audit findings and the decision to grant the certification, or events that have happened since the last audit, that questions the maintenance of the certification.

2.1 Complaint Process

The complainant outlines their concerns in a letter to the *certification body* responsible for the audit.

The *certification body* may request additional specifics associated with the concerns and will investigate the issue in accordance with their procedures that were approved by their accreditation body.

If the *certification body* finds a sound basis for the complaint then it would require the *Program Participant* to take corrective action to address the complaint and advise the complainant accordingly.

If the *certification body* did not find a sound basis for the complaint and felt the certification was appropriately granted and performance has not changed since the certification, it would inform the complainant of this.

If the findings of the *certification body* do not satisfy the complainant then they can move to the higher authority which is the body that accredited the *certification body*, which is either ANAB (www.anab.org) or the SCC (www.scc.ca). The accreditation body would then conduct its own investigation into the complaint as the highest authority.

In the event litigation is involved between the external party and *Program Participant*, the complaint process shall be suspended pending resolution of the litigation. It shall be re-started following resolution of the litigation if *SFI* nonconformity issues remain.

3. Public Inquiries Regarding Inconsistent Practices and the ILO Core Conventions (87, 98 and 111)

Any party with information or claims about a *Program Participant's* individual practices that may be in nonconformity may seek to have those claims investigated.

The complainant shall present specific claims of nonconformity in writing and in sufficient detail to the *Program Participant*. Within 45 days of receipt of the complaint, the *Program Participant* shall respond to the complainant and forward a copy of the complaint and its response to the *Program Participant's certification body* for future review via surveillance or certification audits.

A complainant who believes the issue has not been satisfactorily resolved may provide its original documentation and the response from the *Program Participant* to the *SFI ILO* Task Force which shall investigate the allegations and provide copies of its findings and any recommended actions to the *SFI Inc.* Board of Directors bi-annually. The *SFI Inc.* Board of Directors shall provide copies of its findings and required actions to the *SFI ILO* Task Force, the *Program Participant*, *certification body*, and the complainant.

Concerns regarding compliance with other labor laws and regulations are not covered by the process here in Section 3. In addition, any ILO related issue that is being addressed through a formal grievance process or before any of the agencies established by the U.S. National Labor Relations Act (NLRA), the appropriate Provincial Labour Code or Act, or the courts until those processes are completed will not be subject to review, consideration or recommendations by the *SFI ILO* Task Force nor by the *SFI Inc.* Board of Directors.

4. Challenges or Complaints regarding *SFI* On-Product Label Use

- 4.1 The *Office of Label Use and Licensing* will hear challenges or complaints regarding *SFI* on-product label use
- 4.2. If an *SFI* on-product *label user* fails to comply with any aspects of this document, approval for *SFI* on-product label use may be withdrawn.
- 4.3 Any party with information or claims about the practices of an *SFI Program Participant* or *label user*, or questions about the validity of an *SFI* Section 3 or 4 in the *SFI* requirements document certification and or *SFI* label use may seek to have those claims investigated, as outlined below.
 1. The complainant should outline concerns in a letter to the certificate holder or *label user*.
 2. Within 45 days, the certificate holder or *label user* shall respond to the complainant, and forward a copy of the complaint and response to its *SFI certification body*.
 3. The *SFI certification body* shall investigate the validity of the complaint based on the seriousness of the claim, and respond no later than the next annual assessment.
 4. If the complainant is not satisfied, they may provide the original documentation and response to the *SFI Office of Label Use and Licensing*, which shall investigate and respond within 45 days.
- 4.4 Upon reviewing the information, the *SFI Office of Label Use and Licensing* may:
 1. seek more information from the complainant or the certificate holder or *label user* before making a final determination; or
 2. find that the complaint is without merit and no further action is required; or
 3. find that corrective actions are necessary; or
 4. if the certificate holder or *label user* fails to take appropriate corrective measures or if no action would be sufficient to remedy the situation, suspend the label license.