

FSC PROCEDURE

Processing Formal Complaints in the FSC Certification Scheme

FSC-PRO-01-009 (V1-0) EN



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PROCESSING FORMAL COMPLAINTS IN FSC CERTIFICATION SCHEME

FSC-PRO-01-009 (V1-0) EN
FINAL VERSION

The Forest Stewardship Council (FSC) is an independent, not for profit, non-government organization established to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is where the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations

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A Scope

This document describes the process to be adopted by FSC (AC/IC/GD) and ASI to ensure a timely, independent and effective resolution of formal complaints submitted by FSC stakeholders or CABs. These can be formal complaints regarding standard setting or the performance of the global FSC Network as well as formal complaints regarding the compliance of an FSC accredited certification body with FSC requirements or the performance of the FSC Accreditation Program.

B Effective date

This procedure becomes effective on **01 November 2009**.

C References

The following referenced documents are indispensable for the application of this document. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO/PAS 17003:2004 Conformity assessment- Complaints and appeals - Principles and requirements

FSC-STD-01-005 FSC Dispute Resolution System

FSC-PRO-01-005 Processing Appeals

FSC-PRO-01-008 Processing Complaints

ASI-PRO-20-103 Appeals

D Terms and definitions

For the purposes of this procedure, the terms and definitions given in *FSC-STD-01-005 FSC Dispute Resolution System*, and the following apply:

Complaints Panel: The Complaints Panel is a committee established by the Director of FSC A.C.. Its purpose is to evaluate and decide on formal complaints.

FSC Certification Scheme is developed by the Forest Stewardship Council A.C. (FSC AC) to enable independent third-party certification of environmentally responsible, socially beneficial and economically viable forest management as a market mechanism allowing producers and consumers to identify and purchase timber and non-timber forest products from well-managed forests. The FSC Certification Scheme contains the following programs:

FSC Accreditation Program is operated and managed by ASI on behalf of FSC AC. It includes activities in relation to the evaluation and the accreditation of a Conformity Assessment Body (CAB) in accordance with the Accreditation Requirements and the ISO requirements referred to therein;

FSC Certification System includes activities with regards to the evaluation and certification of Forest Management Enterprises and Forest Product Enterprises against the FSC Certification Requirements;

FSC Policy and Standards Program is operated and managed by the FSC IC on behalf of FSC AC. It includes activities with regards to the development

of normative and non-normative documents (e.g. Policies, Standards, Advice Notes) required to operate the FSC Certification Scheme;

FSC Membership Program is operated and managed by FSC IC and the FSC endorsed National Initiatives. It includes the activities with regard to members and supporters of FSC AC and/or FSC endorsed National Initiatives;

FSC Global Partner Program is operated and managed by FSC GD. It includes activities and partnerships with business that expresses the positive relationship between FSC and its business partners;

FSC Communication Program is operated and managed by the FSC IC on behalf of FSC AC. It includes activities with regard to communicating the activities of and developing and maintaining the communication tools for the FSC Global Network.

Parties to the Complaint: all parties considered relevant in a formal complaint by the Director of FSC A.C., such as the complainant, FSC Board of Directors, Accreditation Services International, and others.

1 General Principles

- 1.1 Any individual or organization may submit a formal complaint against the FSC Certification Scheme (incl. the FSC Accreditation Program).
- 1.2 A formal complaint shall not suspend the validity of any decision, unless a consensus decision is made otherwise by the Complaints Panel in its initial deliberations.
- 1.3 FSC and ASI demonstrate their commitment to an effective and timely resolution of formal complaints through the provision of training to relevant staff throughout the organization.
- 1.4 All incoming and outgoing correspondence, including the final decisions and follow-up actions, shall be filed in electronic and/or hard copy and maintained for a period of at least seven (7) years.

2 Lodging a formal complaint

- 2.1 Formal complaints shall be submitted to the attention of the Director of FSC A.C. or the ASI Managing Director as follows:
 - 2.1.1 Formal complaints regarding the performance of an FSC accredited certification body or the performance of the FSC Accreditation Program shall be submitted to the attention of the ASI Managing Director.
 - 2.1.2 All other formal complaints shall be submitted to the attention of the Director of FSC A.C.
- 2.2 A formal complaint shall be submitted by sending a formal complaint letter in one of the official FSC languages.

NOTE: Supporting evidence to the formal complaint may be submitted in digital format through the FSC online dispute resolution center or email, or as hard copies sent by fax or mail.
- 2.3 The formal complaint shall:
 - 2.3.1 contain the name and contact information of the complainant and be signed by the legal representative of the complainant or by the individual in question;
 - 2.3.2 specify the issues of the formal complaint and any breach of requirements;
 - 2.3.3 contain evidence to support each element or aspect of the formal complaint;
 - 2.3.4 indicate what steps were taken to resolve the issues prior to lodging the formal complaint;
 - 2.3.5 contain an agreement to adhere to the terms and provisions of this procedure.
- 2.4 Only formal complaints that meet all the conditions indicated in Clause 2.3 above shall be evaluated.
- 2.5 Formal complaints may be withdrawn by the complainant, at his/hers sole discretion, until the first session of the Complaints Panel.

3 Processing a formal complaint

- 3.1 Receipt of the formal complaint shall be acknowledged by the recipient and all information shall be forwarded to the Director of FSC A.C. within ten (10) days.

- 3.2 The Director of FSC A.C. shall confirm the acceptance or rejection of the formal complaint within ten (10) days of its receipt, based solely on compliance with the elements described under 2.3 above. If the formal complaint is rejected, the notification shall include an explanation for the rejection and a recommendation to correctly address it.
- 3.3 The Director of FSC A.C. shall appoint an impartial “Complaints Panel” within thirty (30) days of accepting the formal complaint.
- 3.4 The Complaints Panel shall examine the evidence substantiating the formal complaint and report its evaluation and final decision to the Director of FSC A.C. within sixty (60) days after the panel has been appointed.
- 3.5 The Director of FSC A.C. shall communicate the outcome of the formal complaint process to the Parties to the Complaint within ten (10) days of the decision being taken.
- NOTE: The Director of FSC A.C. may delegate the management of the process and/or the notification of the Parties to the Complaint to FSC senior management members, as appropriate.
- 3.6 The decision of the Complaints Panel shall be final and binding for all parties involved in the complaint.
- 3.7 The Director of FSC A.C. shall delegate the responsibility for the implementation of any follow-up action as required.

4 The Complaints Panel

- 4.1 A Complaints Panel shall be established on each occasion that a complaint is filed with FSC and has been accepted by the Director of FSC A.C..
- 4.2 The Complaints Panel shall consist of three (3) members. The members shall be impartial and free of any conflict of interest in relation to the complainant and to the complaint. The Director of FSC A.C. shall ensure that the composition of the Complaints Panel satisfies the requirements of impartiality and conflict of interest.
- NOTE: Members of FSC and FSC/ ASI staff, as well as affected stakeholders shall not be eligible to be part of the Complaints Panel, unless unanimously accepted by the Parties to the Complaint.
- 4.3 The Parties to the Complaint have a right to object to any member of the Complaints Panel, with valid reason(s), such as conflict of interest. The Director of FSC A.C. shall make a decision on any objection by the Parties to the Complaint, which shall be final
- 4.4 A Chairperson shall be appointed by the members of the Complaints Panel before evaluating the complaint.
- 4.5 The Director of FSC A.C. shall appoint a secretary to the Complaints Panel, as a nonvoting member, who shall remain strictly impartial in the collating and presentation of the facts of the case.
- 4.6 The members of the Complaints Panel shall be placed under an obligation of confidentiality concerning anything that might come to their knowledge during their function.
- 4.7 Upon appointment of the Complaints Panel, the Chairperson of the Complaints Panel shall consult the other members of the Panel and fix a place, date and time of the session to consider the appeal, and inform the Director of FSC A.C.. The Complaints Panel may meet by teleconference or other means as appropriate.

- 4.8 The Complaints Panel shall take all measures (e.g. consult experts, request additional information, etc.) and make all provisions, including the convening of one or more sessions, deemed necessary for a sound judgment.
- 4.9 The lack of cooperation by the complainant may be considered as grounds for discontinuation of the process. The Complaints Panel shall decide through consensus if a formal complaint process shall be discontinued.
- 4.10 The members of the Complaints Panel shall judge in all fairness and according to rules of this procedure.
- 4.11 The Complaints Panel should decide on the formal complaint by consensus and inform the Director of FSC A.C., in writing, of the decision, not later than ten (10) days after date of decision. Consensus shall be understood as the absence of sustained opposition.
- 4.12 If the Complaints Panel is not able to reach a decision by consensus it shall take a vote, with the decision being taken by simple majority.
- 4.13 The Complaints Panel shall make a decision on the formal complaint within sixty (60) days after their appointment. In exceptional circumstances, such as where no decision could be reached, the Complaints Panel may seek the approval of the Director of FSC A.C. for an extension of time. The Director of FSC A.C. may grant an extension of the time, subject satisfactory explanation of the reasons for the extension. The extension of time shall be no longer than sixty (60) days. The Director of FSC A.C. shall ensure that the Parties to the Complaint are informed accordingly.
- 4.14 The decision of the Complaints Panel shall be signed or confirmed in writing or electronically by all members of the Complaints Panel, after which the Chairperson of the Complaints Panel shall send a copy of the decision to the Director of FSC A.C..

5 Monitoring

- 5.1 FSC A.C. shall periodically evaluate the processing of formal complaints in the FSC Certification System and in the FSC Accreditation Program and assess if there are improvements needed to the system to prevent future complaints of a similar nature.

NOTE: Monitoring may be conducted as part of the annual internal audit or management review process.