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Certification System Comments, Complaints and Appeals

- Policy
 - Procedures**
 - Operational Control
-

OWNER: Equitable Origin Standards Board
SUBJECT: EOS Certification System Comments, Complaints and Appeals
DATE: 31JUL14
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FOREWORD

The mission of Equitable Origin (EO) and Equitable Origin Standards (EOS) is to promote responsible production in extractive industries through the development and adoption of voluntary social and environmental standards. The official languages of EO are English and Spanish.¹

As a central tenet of our work we encourage any individual or organization to comment on all aspects of our work. This procedure describes how comments, suggestions, and concerns we receive will be managed. EOS has designed this procedure in accordance with the ISEAL Alliance Code of Good Practice for Setting Social and Environmental Standards.²

The procedure is designed to promote responsiveness and transparency, as well as to provide for efficient and effective decision-making. We are committed to acting impartially, documenting our decisions and processes, and communicating these to interested parties on request, within reasonable bounds to accommodate the need for confidentiality.

1. PURPOSE AND SCOPE

- 1.1 This procedure applies to Equitable Origin Standards LLC (EOS) and Equitable Origin LLC (EO). It describes how EO and EOS will accommodate and respond to certification appeals as well as comments and suggestions on other subjects received from any source.
- 1.2 In accordance with the ISEAL Standard-Setting Code, EOS's resolution of stakeholder concerns is both impartial (i.e., based on a consistent procedure that does not favor one party over another) and documented (i.e., the decision-making process and decisions made are written down and provided to interested parties on request, within reasonable bounds to accommodate the need for confidentiality).
- 1.3 Trademark complaints are not within the scope of this policy.
- 1.4 Only affected parties can submit appeals and complaints in the context of this procedure

2. REFERENCES

Normative References:

- ISEAL Alliance Code of Good Practice: Setting Social and Environmental Standards v5.0, June 2010 ("ISEAL Standard-Setting Code")
- ISEAL Alliance Code of Good Practice: Assuring Compliance with Social and Environment Standards v1.0 ("ISEAL Assurance Code")

¹ Where there is inconsistency in translation, the English version shall take precedence.

² ISEAL Alliance Code of Good Practice: Setting Social and Environmental Standards v5.0, June 2010.

- ISO 17011:2004 Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies (§5.9, Complaints)

Supporting References:

- EOP-101 Standard Development and Governance
- EOP-103 Policy on Association
- EOP-202 Certification Body Handbook
- EOP-204 Certification Decision and Issuance
- UN Guiding Principles on Business and Human Rights (III. B. 31 – Effectiveness criteria for non-judicial grievance mechanisms)

3. TERMS AND DEFINITIONS

- 3.1 Stakeholder: an individual or group that has an interest, financial or otherwise, in any decision or activity of EOS (adapted from ISO 26000:2010 §2.20).
- 3.2 Comments and Complaints:
- 3.2.1 Type 1: EOS governance, staff, policies or procedures:
- 3.2.1.1 Substantive comment or complaint: those regarding the content of the EO100™ Standard.
- 3.2.1.2 Procedural comment or complaint: those related to the standard development and revision processes or assurance procedures, including the Certification Body approval process.
- 3.2.2 Type 2: Certification Body (CB):
- 3.2.2.1 Certification Body complaint: those related to the performance of an approved Certification Body.
- 3.2.3 Type 3: Operator:
- 3.2.3.1 Certified site complaint: those related to the performance of a certified site.
- 3.2.3.2 Policy on Association complaint: those related to involvement of an associated Operator (an Operator that has a formal relationship with EOS in unacceptable activities either directly or indirectly through affiliation with another entity (see EOP-103 Policy on Association §3.6 and §3.7).
- 3.2.4 Type 4: Other:
- 3.2.4.1 All other comments and complaints.
- 3.2.5 Appeal: a response that challenges the decision of EOS to grant approval to a Certification Body or certification to a site.

4. PRINCIPLES

- 4.1 Comments, complaints, and appeals related to the EO100 Certification System shall be handled through a process that embodies the following characteristics:
- Legitimate: stakeholders should be able to trust the process;
 - Accessible: all stakeholders should have access to the complaints system;

- Predictable: complaints handling should be consistent and follow clear procedures;
 - Equitable: affected parties have reasonable access to support to engage in a process on fair, informed and respectful terms;
 - Transparent: affected parties are kept informed of the process and information regarding complaints (within reason and within bounds of confidentiality) is made available to interested parties;
 - Rights-compatible: investigations, outcomes and remedies respect internationally-recognized human rights of affected parties;
 - A source of continuous learning: EO shall regularly review comments, complaints, and appeals to identify opportunities to improve its policies and procedures.
- 4.2 Any individuals involved in the decision-making process surrounding a complaint or appeal shall declare any personal interest they may have in the proceedings and recuse themselves accordingly.
- 4.3 Affected communities may designate representatives or advisers to accompany them in filing a concern with EOS.
- 4.4 All documents will be shared in a timely manner with local community representatives.
- 4.5 All proceedings shall be translated into the local language upon request.
- 4.6 Any retributions or reprisals against complainants will not be tolerated.
- 4.7 The EOS complaints-handling process is not intended to be used to substitute, circumvent, or override the legal rights of any party to use judicial mechanisms, where available and appropriate.

5. PROCEDURE

5.1 Type 1: Concerns Regarding EOS

- 5.1.1 EOS invites and welcomes comments or suggestions on any EO Standard and any element of EOS's certification and assurance system at any time from any individual or organization.
- 5.1.2 Interested parties should refer to EOP-101 Standard Development and Governance procedure for information on elements that must be included in comment letters related to EO Standards.
- 5.1.3 EOS will respond to comments provided they are substantive, submitted in writing, and include the commenter's name, contact information, and any institutional affiliation. Also EOS will address anonymous comments when determined substantive or important.
- 5.1.4 EOS will acknowledge receipt of a comment, suggestion, or concern within ten business days.
- 5.1.5 Comments are initially considered by the VP of Standards to determine merit and then passed through a consultative process that may include EOS' staff, Technical Committees, and Boards, as appropriate.

- 5.1.6 The VP of Standards will respond to the commenter with a proposed resolution within sixty calendar days of receiving the original comment.
- 5.1.7 If the commenter is not satisfied with the resolution, appeals may be made to the EOS BOD.
- 5.1.8 EOS will communicate decisions regarding the resolutions of grievances to the commenter and other individuals or institutions directly affected by the decision.
- 5.1.9 EOS will also provide information on decisions made to other interested parties where relevant and on request, unless providing the information would violate reasonable guidelines or requirements for confidentiality.

5.2 Type 2: Concerns Regarding Certification Bodies

- 5.2.1 Operators or other stakeholders with complaints related to the conduct of EOS-approved certification bodies (CBs) during the assurance process are obligated to first use the dispute mechanism established by the respective CB.
- 5.2.2 If issues remain unresolved, EOS may, at its discretion, mediate on behalf of the complainant through EOS's appeals process.

5.3 Type 3: Concerns Regarding Operators Affiliated with EOS

- 5.3.1 Concerns related to certified operations shall be directed to the relevant Certification Body, and EOS's VP of Standards will oversee the handling of the complaint. EOS will acknowledge receipt of the complaint and indicate that it has been passed on to the CB. The decision to suspend or withdraw certification shall be handled in accordance with EOP-204 Certification Decision and Certificate Issuance Procedure.
- 5.3.2 Concerns that trigger EOS's EOP-103 Policy on Association shall be handled in accordance with process outlined in EOP-103.

5.4 Type 4: Other

- 5.4.1 EOS encourages any individual or organization to comment on any other aspects of our work at any time. We encourage comments submitted in writing, and which include the commenter's name, contact information, and any institutional affiliation.
- 5.4.2 The VP of Standards will be review general comments in this category and will determine if action or escalation to the Assurance Oversight Committee is required.

5.5 Appeals

- 5.5.1 Appeals are to be made in writing to EOS's VP of Standards. EOS will acknowledge receipt of an appeal within five business days.

- 5.5.2 Appeals are initially considered by the VP of Standards to determine merit and then passed through a consultative process that may include the operator, the CB, EOS's staff, Technical Committees, and Boards, as appropriate.
- 5.5.3 The VP of Standards will respond to the operator or the CB with a proposed resolution within thirty calendar days of receiving the original appeal. If EOS's Board of Directors sanctions the response, no further appeal permitted.
- 5.5.4 Appeals should be made within the next 60 days after EOS has decided to not to approve CB, not to approve certification, or suspend or withdraw certification.

6. SUBMISSION

- 6.1 Comments, complaints and appeals may be submitted in writing to grievance@equitableorigin.com or to:
VP of Standards
Equitable Origin
894 Avenue of the Americas
5th Floor
New York, NY 10001
USA
- 6.2 All concerns should include the following information:
 - 6.2.1 Identifying and contact information of the complainant, including name, email address, phone number, and organizational affiliation (or "Independent", if none).
 - 6.2.2 Request for anonymity (all complaints are treated confidentially, however, complainants may indicate if they wish to remain anonymous)
 - 6.2.3 Type of concern: comment, complaint or appeal
 - 6.2.4 Target of concern: EOS, CB, or Operator (including name of certified site, if applicable)
 - 6.2.5 Summary of the concern
 - 6.2.6 Specific requirements not complied with (related to EO Standards, policies or procedures)
 - 6.2.7 Evidence related to the concern
 - 6.2.8 Current status of any previous attempts to address the concern at the level of the CB or Operator (if applicable)
 - 6.2.9 Expected outcome
 - 6.2.10 Translation request (if a response in a language other than English is required).

7. REPORTING

- 7.1 A summary of all comments, complaints, and appeals received through these mechanisms shall be provided to the EO and EOS Boards on a quarterly basis.
- 7.2 EO shall make available a public summary of comments, complaints, and appeals received through these mechanisms.

Revision History:

Revision No.	Date	Substantive Revisions	Revision by	Approved by
1	2DEC13	<ul style="list-style-type: none"> • Change of policy owner from EO BoD to CTO. • Incorporation of definitions of complaints. • Separation of complaints handling process by type of complaint. • Instructions for submitting a complaint. • Addition of sections on Principles and Reporting. 	S.Mills	M.Fox
2	9MAY14	<ul style="list-style-type: none"> • Change all CTO responsibilities to VP of Standards • Clarifications on EO and EOS role in Complaints and Appeals processes. 	S.Mills/S.Perez	EOS Board