



## 14.a Introduction

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### 14.b General

The aim of this procedure is to provide correct and efficient registration, handling and evaluation of complaints, appeals and claims, to prevent repetition of mistakes and if possible, to satisfy the complainant or appellant. Implementation and follow-up of measures are aimed at improving the quality of CUC certification activities.

CUC distinguishes between appeals, complaints, concerns and claims.

An appeal is a formal notification of disagreement with a (certification) decision within a certification process, or request by the provider of the object of conformity assessment to CUC for reconsideration of a decision it has made relating to that object.

A complaint is a formal notification of dissatisfaction, other than an appeal, by any person or organisation regarding a CUC employee's behaviour, CUC methodology, or work executed under contractual responsibility of CUC by an L2 office or subcontractor, where a response is expected. Where the dissatisfaction relates to a (certification) decision within a certification process of CUC, this must be submitted as an appeal, not a complaint.

A concern is either an expression of dissatisfaction by any person within the CUC organisation, or a complaint that for some reason cannot be admitted and handled as a complaint (for example because it was submitted anonymously), but still of such severity that follow-up is advisable. Concerns may be used as starting points of trajectories for internal improvement.

A claim is a formal request for a financial or legal settlement, not to be considered as complaints or appeals. Claims are resolved by the financial and / or legal departments. Elements crucial to CUC's procedures, are mentioned in this section.

MD = Managing Director

QM = Quality Manager

TM = Technical Manager

### 14.c Appeal

Appeals may be submitted using the A23 Complaint/Appeals Registration Form, as available on the website.

All relevant information regarding the appeal shall be submitted by the appellant. Information to be included in the appeal are:

- Nature of the appeal ("who, what, where, when").
- Subject matter.
- Objective evidence (where applicable).
- Appeals shall be submitted in writing. Appeals by means of a telephonic conversation is not acceptable.
- Appeals shall be submitted in one of the following languages: English/Dutch (unless otherwise agreed between the local office and the appellant).



The appellant does have the option to not use the formal 'A23 Complaint/Appeals Registration Form' and rather submit the appeal by email. This is allowed on the basis of that all relevant information and evidence is included in the email sent by the appellant.

Appeals must be submitted to the responsible CUC L2 office within 6 (six) weeks of the (certification) decision that gave rise to the appeal.

Appeals may be deemed inadmissible and rejected by CUC when:

- Insufficiently substantiated or incomplete.
- A (certification) decision for which CUC is not responsible.

Some programs are subject to separate or additional dispute procedures as specified in the applicable contract. These are BRCGS, FSC, MSC (see also their specific organizations websites).

Appeals submitted before the ongoing certification decision process has been completed will not be construed as appeals but will be included in the rolling certification decision process.

Process:

The appeal will initially be taken up by the certifier of the relevant program of the responsible L2 office..

If the appellant and the L2 office are unable to reach an agreement together, or if the L2 office in question cannot handle the appeal due to a potential conflict of interest (e.g. if the only certifier in the L2 office for that specific program is the certifier who took the certification decision) will the appeal be handed to one of the QM managers of the L1 office.

Depending on the nature of the appeal, the certifier will inform the QM, operations manager and/or scheme manager, as deemed applicable. They will decide whether it is necessary to involve the MD in the handling process. For very serious appeals, it may be preferred for the MD to handle the complaint him-/herself. The QM / operations manager, scheme manager or the MD, as appropriate, assigns two staff members to investigate the appeal.

Employees managing the appeal, including those participating in review, approval and decision-making, may not have been involved in the audit process or the certification decision. Employees, including executives, who have provided advice or were employed by that client in the two years prior to the filing of the appeal are not allowed to take part in the review or approval of the final outcome.

Receipt of the appeal will be acknowledged in writing to the appellant within 10 (ten) calendar days of receipt of the appeal. This acknowledgement must include, at a minimum, the following:

- an intended timetable for handling the matter;
- an initial proposal for steps to be taken to follow up on the issue;
- whether the appeal relates to (certification) decisions for which CUC is responsible and therefore admissible.

Appointed staff will gather and verify all necessary information (to the extent possible), including the root cause analysis, including corrections and corrective actions, if any. CUC may provide suggestions on how to proceed, will strive to resolve the appeal in a timely manner and will take all follow-up actions necessary to resolve the appeal.

The QM or operations manager of the L2 office, as appropriate, will review the outcome of the review and inform the MD of the L2 office, if applicable. The MD of the L2 office may decide to



consult the L1 office; the L1 office may decide to consult its Advisory Council. Then the MD, QM or operations manager, as appropriate, makes a decision after careful consideration of all information.

Following this decision, the assigned staff will formally notify the appellant of the outcome and the end of the handling process within the previously indicated time frame, and preferably within 3 (three) months of receipt of the appeal.

NOTE: Appeal relating to the BRCGS Standards or Rainforest Alliance Program, has a 30-day deadline from the date of receiving the appeal.

For Rainforest Alliance: If more time is needed than 30 days, Rainforest Alliance must be notified in a timely manner.

The outcome of the appeal will be communicated to the appellant, in writing. Assigned staff will record:

- the appeal,
- its outcome,
- all relevant communications
- any action taken to resolve the appeal, including any identified correction and corrective action, with the appeal in ICU / CUSI.

Depending on the solution(s) provided, the MD, TM, QM, operations manager, and/or scheme manager will be notified of the outcome of the appeal, implement the identified corrections and corrective actions, and handle follow-up on the appeal as necessary.

CUC will keep the appellant informed of the progress of the appeal review, especially if there is a risk of exceeding the specified deadline.

Submission, investigation and decision on appeals shall in no case result in discriminatory action against the appellant.

#### **14.d Complaint**

Complaints may be submitted using the A23 Complaint/Appeals Registration Form, as available on the CUC website. The form is designed to obtain all relevant information from the complainant, specifying as best as possible the nature of the complaint ("who, what, where, when"), clearly defining the subject matter and gathering relevant objective evidence where applicable. However, if the customer does not use the form, but instead provides the complaint for instance by mail, with all relevant information and evidence, failure to use the form is not grounds for rejecting the complaint.

To avoid misunderstandings about the nature of the complaint between the complainant and CUC, complaints must always be submitted in writing and in English or Dutch, unless otherwise agreed; complaints submitted by telephone are not acceptable. This also to avoid an appearance of self-interest on the part of CUC afterwards.

Complaints must be submitted to the relevant L2 office of CUC within 6 (six) weeks of the event giving rise to the complaint. Complaints that are insufficiently substantiated or incomplete may be deemed inadmissible and rejected by CUC. Some programs are subject to separate or additional dispute procedures as specified in the applicable contract. These are BRC, FSC, MSC (see also their specific organizations websites). Complaints not related to certification activities for which CUC is responsible will also be deemed inadmissible.



If the complaint is submitted by an anonymous complainant, CUC must conduct an assessment to determine whether the complaint still contains elements that are of such serious nature that follow-up is desirable. In these scenarios, the complaint is registered as a 'Concern' and the management becomes an exclusively internal exercise; informing and coordinating with external parties is normally no longer relevant.

Complaints filed on behalf of a group, such as a community or union organization, will have at least one relevant contact person to manage communications and further investigations.

CUC will ensure confidentiality of the identity of the complainant, unless confidentiality of the identity of the complainant precludes valid handling of the complaint. In such case, this will be discussed with the complainant. If the complainant insists on the confidentiality of his/her identity, CUC may have to come to the conclusion that it cannot properly resolve the complaint and will declare the complaint inadmissible. Confidentiality of the complainant's identity is lifted by the complainant's authorization of the CB to share the information or when the complainant himself shares the information publicly.

The complaint is initially taken up by the quality manager or operations manager of the L2 office that has responsibility for the challenged activities. Only if the complainant and the L2 office cannot reach an agreement together, or if the complaint concerns a matter that directly affects the L1 office's management system, including means and methods, will the complaint be handed over to one of the L1 office's Quality Managers.

The manager initially handling the complaint determines whether the complaint is admissible.

1. If it is determined not to be admissible, the complainant and, if applicable, other interested parties will be notified and the handling process will end.

NOTE - Rainforest Alliance: If the complaint does not contain (sufficient) contact information and, the management of the complaint must still be completed, and information recorded onto the Rainforest Alliance Assurance Platform.

2. If the complaint is deemed admissible, the handling manager determines whether the complaint has affected or could affect the validity of a client's certification decision process. If it does not, the QM / operations manager hands the complaint to the appropriate scheme manager or certifier for further management, including communication with the client, evaluation, decision making and recording the complaint in ICU / CUSI.

If the complaint does affect, or can reasonably be expected to affect, the validity of a client's certification decision process, then the QM or operations manager will handle the complaint and decide whether it is necessary to involve the MD, as applicable of the L1 or L2, in the handling process. For very serious complaints, it may be preferred for the MD to handle the complaint him-/herself. The QM / operations manager or the MD, as appropriate, will assign two staff members to investigate the complaint.

- Complaints directly relating to means and/or methods are assigned to the TM.
- Complaints directly relating to management system procedures are assigned to the QM.

Employees managing the appeal, including those participating in review, approval and decision-making, may not have been involved in the audit process or the certification decision. Employees, including executives, who have provided advice or were employed by that client in the two years prior to the filing of the complaint are not allowed to take part in the review or approval of the final outcome.

The appointed staff:



1. Acknowledges receipt of the complaint in writing to the complainant within 10 (ten) calendar days of receipt of the complaint. This acknowledgement must include, at a minimum, the following:
  - a proposed timetable for addressing the issue.
2. an initial proposal for steps to be taken to follow up on the issue. Records the complaint in ICU/CUSI.
3. Gather and verify all necessary information (to the extent possible), including a root cause analysis, and make suggestions on how to proceed, including corrections and corrective actions, if any.
4. CUC will strive to resolve the complaint in a timely manner and will take all follow-up actions necessary to resolve the complaint.
5. If the complaint involves a customer who is certified for a management system scheme, the investigation of the complaint should include consideration of the effectiveness of the certified management system.

The MD, QM or operations manager, as appropriate, reviews the outcome of the assessment and informs the MD, if relevant. The MD of the L2 office may decide to consult the L1 office; the L1 office may decide to consult its Advisory Council. Then the MD, QM or operations manager, as appropriate, makes a decision after careful consideration of all information.

Following this decision, the assigned staff will formally notify the complainant of the outcome and the end of the handling process within the previously indicated time frame, and preferably within 3 (three) months of receipt of the appeal.

NOTE: Appeal relating to the BRCGS Standards or Rainforest Alliance Program, has a 30-day deadline from the date of receiving the appeal.

For Rainforest Alliance: If more time is needed than 30 days, Rainforest Alliance must be notified in a timely manner.

The outcome of the appeal will be communicated to the appellant, in writing. Assigned staff will record:

- the appeal,
- its outcome,
- all relevant communications
- any action taken to resolve the appeal, including any identified correction and corrective action, with the appeal in ICU / CUSI.

Depending on the solution(s) provided, the MD, the TM, the QM or the operations manager will be informed of the outcome of the complaint, implement the identified corrections and corrective actions and handle the follow-up of the complaint if necessary.

CUC will keep the complainant informed of the progress of the review of the complaint, especially if there is a risk of exceeding the specified time limit.

Complaints about a certified client that have gone through the complaint procedure must be referred by CUC to that certified client within an appropriate period. If requested by the complainant, the anonymity of the complainant will be preserved. CUC will work with the certified



client and the complainant to determine whether, and if so to what extent, the subject of the complaint and its resolution will be disclosed.

Filing, investigation and decision on complaints shall in no case result in discriminatory action against the complainant.

If CUC decides and substantiates that CUC or any of its employees, officers, agents or subcontractors are not at fault to the extent specified in the complaint, CUC may elect to charge all costs and expenses to the complainant.

CUC will make every effort to settle any complaint amicably. If no amicable settlement can be reached, all disputes that may arise between CUC and the client shall be submitted to the competent court in the Netherlands, which has exclusive jurisdiction in the matter, unless the parties mutually agree in writing on another competent court.

#### **14.e Concern**

Concerns are typically internal by nature and are submitted to either the MD, TM or QM of the applicable L2 office. A concern must always be submitted in writing and clearly identify the person or entity voicing the concern.

The person receiving the concern shall determine the validity of the concern and establish whether the concern does or may affect the validity of a certification decision process or not. If not, the handling of the concern may be left to scheme manager or certifier concerned, including, evaluation and decision and filing of the concern in ICU. If it has been established that a concern does or may affect the certification decision process, the QM will handle the concern and decides if it is necessary to include the MD in the process. Where the concern is of a sufficiently serious nature the MD may decide to take charge of the handling process. The QM or MD will appoint two employees to investigate the concern. All employees engaged in the concern-handling process, including those in review, approval and decision making, shall be different from those who carried out the audits and made the certification decisions. Any employee, including those acting in a managerial capacity, who have provided consultancy for the client in question, or been employed by that client, within two years prior to submission of the concern, shall not be involved in the review or approval of the resolution of the concern for that client.

The assigned employees will confirm receipt of the concern in writing within two (2) weeks of receiving the concern. This confirmation must at least state:

- a timeframe of handling the complaint;
- a first proposal of course of action to follow up on the complaint;
- whether the complaint relates to certification activities for which CUC is responsible and therefore is admissible.

The appointed employees will gather and verify all necessary information (as far as possible), including a root cause analysis, and propose how to proceed, including corrections and corrective actions where applicable. CUC will endeavour to seek a timely resolution of the concern and will take any subsequent action needed to resolve the concern. If the concern relates to a client certified for a management system, examination of the concern must also consider the effectiveness of the certified management system.

The QM or operational manager will review the outcome of the assessment and inform the MD, where applicable. The MD may decide to consult the Advisory Council and will take a decision after



careful consideration of all information. The decision may include the necessity to perform an audit or inspection at the client immediately or to verify concerns at the next audit.

The assigned employees will give the concerned party formal notice of the outcome and the end of the concern handling process and the motivation of the decision in writing within 3 (three) months after receipt of the concern (where the concern relates to a BRC program, a timeframe of 30 days applies). The assigned employee will record the concern, its outcome and any action undertaken to resolve it in ICU under unique identification, including any established correction and corrective action.

The Technical Manager will be informed of the outcome of the concern, will implement the established corrections and corrective actions and handle the follow-up of the concern.

#### **14.f Claim**

A claim must always be submitted in writing and clearly identify the person or entity submitting the claim. Only claims in English or Dutch will be accepted, unless otherwise agreed in writing.

The liability CUC in respect of any claims for loss, damage or expense of whatsoever nature and howsoever arising in respect of any breach of contract and/or any failure to exercise due skill and care by CUC shall in no circumstances exceed a total aggregate sum equal to 10 (ten) times the amount of the fee or commission payable for the specific services required under the applicable contract with CUC. CUC will not be held liable for any claims for indirect or consequential loss including loss of profit and/or loss of future business and/or loss of production and/or cancellation of contracts entered into by the client.

Upon receipt of a claim, the MD will be informed immediately. The MD will appoint an employee to handle the claim, who may be assisted by the certifier or the auditor/inspector concerned. The claim, including all handling, is registered in ICU under unique identification. The MD may decide to send a written rejection of the claim with reference to the terms of contract to the claimant. The MD may also decide to find a commercial solution.

The MD makes sure that no statements will be made and nothing will be done by which recognition of liability or any obligation to compensation may be concluded.

The MD may decide to inform the insurance company without delay (within 30 days) of all relevant details of the claim and circumstances. All relevant correspondence with regard to the claim is copied to the insurance company.