

COMPLAINTS HANDLING CONCERNING ACCREDITED CBs

1. Introduction and scope

This document specifies the CAEQ's policy and the procedure regarding the handling of complaints from external or internal sources, concerning the performance of accredited certification bodies or the performance of operators that are monitored by an accredited certification body (CB).

Complaints from external sources must concern one of the CB accredited by the CARTV or any other competent authority linked with the CARTV, under the oversight of the Committee on Accreditation for Evaluation of Quality (CAEQ) (ex: CFIA, European Commission, SENASICA, etc).

The categories of complaints from external sources covered by this document concern:

- a. the activity of a CB under the oversight of the CAEQ
- b. the integrity of a certified product from a company monitored by an accredited CB, based on the standards with which it must comply

This document does not concern complaints concerning the CARTV/CAEQ lodged from external sources.

It does not concern complaints from external sources concerning companies that make non-certified agro-food products. This type of complaint is covered in accordance with the provisions set out by the surveillance department of CARTV.

2. Reference documents

- *Act Respecting Reserved Designations and Added-Value Claims*
- *ISO/IEC Standard 17011*
- *Internal Regulations pertaining to Accreditation for Certification Bodies*
- *Canada Organic Regime- Operating Manual*
- *CAEQ's directive on complaint handling*

3. Definitions

Please refer to the *Internal Regulations Pertaining to Accreditation for Certification Bodies* for the general definitions.

Complaint: expression of a doubt, verbally or in writing, regarding certifications granted by a certification body. A complaint consists of the expression of at least one of the following two aspects:

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- An investigation or intervention request regarding an accredited certification body, due to identified or suspected instances of non-compliance in its certification system,
- An investigation or intervention request regarding a company monitored by an accredited certification body, due to observed or suspected deviations in its production system compared with the standards or set of specifications to be observed

Complainant: individual or organization that files a complaint

4. Access and distribution

This document is distributed or made available to all members of the CARTV Board, members of the accreditation Committee, the personnel involved in the accreditation process as well as other interested parties.

A. Policy

1. CAEQ's role in regard to handling complaints concerning a CB

If a complaint is transmitted to the CARTV/CAEQ about the activities of a certification body that has applied to the CARTV for accreditation or is currently accredited by the CARTV or any other competent authority linked to the CAEQ, the CAEQ's role shall be to ensure that the concerned accredited certification body has an opportunity to resolve this issue through its own procedure for handling complaints.

When the complaint concerns the certification body with regards to its certification program, the complaint is referred to the CAEQ, which will investigate in order to find out whether or not the complaint is due to an instance of non-compliance.

2. Filing complaints

Complaints concerning the performance of accredited certification bodies or the performance of operators monitored by an accredited certification body must be sent to the CAEQ by email or regular mail. The complaint will then be sent to the accredited certification body concerned by the complaint, in accordance with the procedure detailed in this document while preserving the privacy and identity of the complainant.

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In the case of a request for verification for non-compliance with the Act Respecting Reserved Designations and Added-Value Claims, the form can be filed out via the CAEQ's website in the section / Complaint /.

CARTV employees who receive complaints of this nature must immediately forward them to the CAEQ accreditation director.

3. Validity of complaints

The CAEQ is responsible for gathering and verifying all necessary information and proves to validate the complaint.

A complaint is well founded when the analysis of the facts shows that it has to do with at least one aspect for which the certification body is responsible, including monitoring carried out by this certification body concerning an operator to which it has granted a certificate of conformity. This includes the non-compliance regarding its accreditation criteria (ISO Standard), its accreditation agreement or the non-compliance concerning the requirements of a standard, a directive or the specifications by him or his client.

All complaints must be submitted in writing so that this policy can be applied. When appropriate, the complaint should be accompanied by supporting documents or evidence as far as possible.

At its discretion, the CAEQ may investigate a verbal complaint if it includes a sufficient number of evidences. However, hearsay in itself shall not be accepted as a valid proof.

4. Confidentiality and non-discrimination

Every effort shall be made by the CAEQ to protect the privacy and identity of the complainant. However, the complainant's identity may sometimes be obvious by the certifier or become evident during the investigation after the unexpected disclosure of one or several pieces of evidence. The CAEQ shall ensure that employees receive information on this aspect of their responsibilities. The content of the complaint is confidential and remains for the internal use of the CAEQ or the CARTV. A part of the complaint may be transmitted to the accused in order to know the charges against him and provide a suitable response. In addition, the CAEQ ensures that the analyzes and decisions on complaints are carried out in a neutral, objective and non-discriminatory way.

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5. Complaint handling, closure and evaluation of the effectiveness of the actions taken

The CAEQ follows up with the CB involved in the complaint to ensure that the complaint has been processed and that an analysis can be made to determine whether it is justified or not, and to verify the implementation of corrective actions when appropriate. When necessary, during the analysis and exchanges with the CB, the CAEQ may issue nonconformities if the accreditation criteria or standards are no longer respected.

The CAEQ is responsible for all decisions at all levels on the handling process for complaint. The CAEQ also ensures that the decision to be communicated to the complainant is made by, or reviewed and approved by, individual(s) not involved in the activities in question.

Once the investigation has been completed, the conclusion and the closure are forwarded to the complainant in the respect of confidentiality.

The follow-up on complaint processing may include an additional evaluation visit or on-site/remote verifications during the next scheduled regular audits to ensure that the CB has implemented appropriate changes to all relevant actions, in a timely manner, to address identified non-compliance through the processing of the complaint.

B. Procedure

If the CAEQ is mandated to oversight a certification body accredited by another competent authority than CARTV and if there is a different procedure for handling complaints, the CAEQ will comply with the requirements of the competent authority. (ex: CFIA, European Union, SENASICA ...).

1. Receipt of complaint and related tasks

The **quality assurance officer** receives complaints about the performance of accredited CBs or complaints about companies under the control of an accredited CB.

Upon receipt of the complaint, the **quality assurance officer** shall:

- sends acknowledgment of receipt within 5 working days to the complainant or the competent authority concerned, which has forwarded the complaint.

The **quality assurance officer** shall ensure that the complaint is in writing and accompanied by all the information necessary for its processing, supporting documentation or proofs and:

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- opens a file for the company in the complaint handling section of the relevant CB on the server;
- file the complaint in the complaints register for CB */ACA6FI9170/*

In cases where the complaint concerns the performance of a CB against its certification program or the performance of operators that are monitored by an accredited CB, the **quality assurance officer** shall investigate, in order to see if it is not the symptom of a non-compliance.

In all communications, including documents submitted, the agents involved in the case shall take appropriate measures to preserve the confidentiality of the complainant.

2. Verification of validity of the complaint

The **quality assurance officer** shall ensure that the complaint relates at least to an element that falls under the authority of the CB, including the oversight exercised by that body in respect of a company to whom it has granted a certificate. When the complaint is not addressed against a CB, it is referred to the **CARTV surveillance department** who will handle the complaint concerning reserved designations in Quebec.

When a complaint against a CB relates to the failure to resolve a complaint previously addressed to the CB, the **quality assurance officer** may require the complainant to provide evidence demonstrating that he or she previously filed a complaint with the certification body concerned and that the complaint has still not been resolved. The CAEQ does not replace the procedure for an appeal against a certification decision that must be managed by the CB.

The **quality assurance officer** may reject any complaint he/she considers to be unfounded, frivolous and vexatious or made in bad faith. He may also refuse or cease to examine a complaint if he considers it inadmissible for one of the following reasons:

- if the subject-matter of the offense or the alleged offender does not fall within the scope of the regulations and provisions of the *Act Respecting Reserved Designations and Added-Value Claims* or the regulations and other standards of the competent authority for which the CAEQ conducts surveillance;
- it has reasonable grounds to believe that the complainant intervention is clearly not useful and ill-intentioned;
- if the time elapsed between the events that led to the finding of the offense and the filing of the complaint makes the examination of this complaint impossible.

In such cases, the **quality assurance officer and/or the accreditation director** shall inform the complainant accordingly.

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3. Handling and closure of the complaint

The **quality assurance officer** conducts an appropriate follow-up to ensure that the complaint is handled according to its current policy and procedure.

- When a complaint concerns a company holding a certification issued by an accredited body, the **quality assurance officer** fills out the Complaint handling form [/ACA7FE5901/](#) to obtain additional information in relation to the complaint which specifies the list of documents to be requested in order to deal with the complaint, if necessary.
- The **quality assurance officer** submits to the CB the Complaint handling form [/ACA7FE5901/](#) and requests to provide complete information with related evidence.

The **quality assurance officer** can request the CB to carry out corrective and/or preventive actions within a period of up to 30 days, if necessary.

If the outcome of the implemented actions is satisfactory, the **quality assurance officer** appointed by **accreditation director** takes the decision to close the complaint. The **accreditation director** or the **conformity assessment officer** may intervene, if necessary.

Note: If the quality assurance officer has been involved in the activities related to the complaint or if an apparent conflict of interest persists, another person will be appointed by the Director of Accreditation for review and decision making of the complaint in question.

The **quality assurance officer** records the follow-up as well as the date of closure of the complaint in the Complaint handling form [/ACA7FE5901/](#) and finalizes the capture of information in the complaint log [/ACA6FI9170/](#).

If the complaint is from the competent authorities other than the CARTV, the quality assurance officer will await confirmation from the competent authority for the final closure of the complaint.

The **quality assurance officer** shall inform the complainant of the conclusions of the investigation once the investigation has been completed. However, if there are any impediments to closing the complaint, an intermediate report and results obtained are transferred to the CFIA within 20 working days (if the complaint is from the CFIA).

4. Evaluation of the effectiveness of the actions taken

In order to evaluate the effectiveness of the actions taken, the **quality assurance officer** asks the CAEQ auditors to verify their implementation at the next on-site/remote audits by providing all relevant information regarding the follow-up of complaints.

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Once the verification has been completed, the **quality assurance officer** records the information obtained in the complaint log */ACA6FI9170/*. If necessary, it may request corrective and / or preventive action or additional proof from the relevant CB.

5. Records of complaint

The **quality assurance officer** keeps records and the evidence associated with complaints about accredited CBs, including operators under their control. These are stocked on the server in the section concerning the file of the concerned CB.

*Note: the **conformity assessment officer** may assist the quality assurance officer in order to analyze compliance with accreditation requirements and applicable standards or directives.*

END OF DOCUMENT

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