



# Grievance, Complaint & Appeal procedure

- Voluntary Scheme -

**Dissemination level: public**

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# 1 Status of this document

This document, 'Grievance, Complaint & Appeal procedure', is part of the CertifHy Voluntary Scheme.

All CertifHy Voluntary Scheme documents in their latest applicable version are valid and must be considered for the scope of application.

In the event of conflict between the text of this document and the CertifHy Scheme Document, the CertifHy Scheme Document shall always take precedence.

## 1.1 Change History

Version	Date	Description
1.0	19.01.2024	Version 1.0

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## 2 Purpose of this document

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The purpose of this document is to define the grievance and conflict resolution process which aims to ensure the integrity and reliability of the CertifHy Voluntary Scheme. It ensures that grievances and conflicts are handled in a consistent, impartial, non-discriminatory, user friendly, timely, and effective manner.

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### 3 Scope and Normative References

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The processes outlined in this document are not intended to replace, contravene, or otherwise alter the requirements of any applicable national, state, or local governmental statutes, laws, regulations, ordinances, or other requirements.

This document gives general guidance only and should not be regarded as a complete and authoritative statement on the subject matter contained herein.

This process considers the following parties:

- Economic Operators
- Certification Bodies
- The CertifHy Voluntary Scheme
- Stakeholders

The process should be publicly and easily accessible to all parties.

Every Certification Body must have a complaint and appeal procedure, which shall cover all the requirements in this document. In cases where it does not, the additional requirements of this document will need to be adopted by the Certification Body before getting recognition by the CertifHy Voluntary Scheme.

## 4 Definitions of Terms

Term	Definition
Appeal	Request by the person or organization that provides, or that is, the object of conformity assessment to a conformity assessment body or to the CertifHy Voluntary Scheme for reconsideration by that body of a decision it has made relating to that object (ISO/IEC 17000:2020)
Complaint	An expression of dissatisfaction towards the CertifHy Voluntary Scheme, other than appeal, by any person or organization having a contract with the CertifHy Voluntary Scheme, relating to the activities of the CertifHy Voluntary Scheme, where a response is expected (ISO 14065)
Grievance	Any allegation of wrongdoing or complaint against a Certification Body, Economic Operator or Certify stated by a stakeholder, that is not considered a complaint or appeal
Whistleblower	Individual who exposes or reports illegal, unethical, or dishonest activities occurring within an organization or government entity

## 5 Procedures

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### 5.1 General Provisions

Conflicts should always be solved at the lowest possible level and with direct participation of the parties involved in and affected by the conflict.

Conflicts can occur on different levels, respectively between different stakeholders, organisations, or individuals in relation to procedures of the CertifHy Voluntary Scheme:

- Conflicts between a Certification Body and an Economic Operator (e.g. regarding findings during audits and certification decisions);
- Conflicts between the CertifHy Voluntary Scheme and Certification Bodies or Economic Operators (e.g. regarding decisions made by the CertifHy Voluntary Scheme);
- Conflicts regarding activities of Economic Operators or Certification Bodies affecting local or regional stakeholders.

Prior to initiating the CertifHy Voluntary Scheme conflict resolution process, affected parties should seek to resolve the conflict through direct dialogue. If dialogue between the parties involved does not resolve the conflict, the conflict resolution process can be instigated.

The conflict resolution process of the CertifHy Voluntary Scheme refers to this ‘Grievances, Complaints & Appeals’ document.

Appeals against decisions by a Certification Body have to be directed to the Certification Body, not to the CertifHy Voluntary Scheme (see chapter 5.4).

Each case (Grievance, Complaint or Appeal) directed to the CertifHy Voluntary Scheme will receive a unique reference number by which the case is registered within the CertifHy Voluntary Scheme and which will be included in each communication regarding the case.

Cases accepted by the CertifHy Voluntary Scheme will be analysed, investigated, and decided on impartially and in an unbiased way by the CertifHy Voluntary Scheme on a case-by-case basis. While investigating the reason for the Grievance, Complaint or Appeal, the CertifHy Voluntary Scheme is entitled to contact the parties and stakeholders affected and to ask for supporting evidence, documentation, or statements in order to gain a sufficient understanding of the situation and to ensure that all parties involved can explain their view and position regarding the case.

The CertifHy Voluntary Scheme will react to any information and evidence received within 10 working days of receipt. Any result and decision will be communicated to the party that filed the Grievance, Complaint or Appeal by the CertifHy Voluntary Scheme without delay. Based on the decision or any evidence received during the analysis of the case, the CertifHy Voluntary Scheme is entitled to make provisions for certification Audits or request that the Certification Body conducts surveillance Audits of the affected Economic Operator.

CertifHy keeps a register of all Grievances, Complaints or Appeals received during the last calendar year and provides a summary of those to the European Commission in the annual activity report (this applies to Grievances and Complaints that affect any activities of the CertifHy Voluntary Scheme that are recognised by the European Commission).

Upon request by the European Commission or a Member State, CertifHy will provide all documents related to a Complaint and its handling.

Records and all other written materials related to a case will be saved by the CertifHy Voluntary Scheme for a minimum period of five years.

At any point in the process, the CertifHy Voluntary Scheme may require that the use of the CertifHy Voluntary Scheme logo or any other public affiliation with the CertifHy Voluntary Scheme be suspended while investigations and resolutions are ongoing.

## 5.2 Grievances

### 5.2.1 Filing a grievance and formal requirements

The CertifHy Voluntary Scheme decides on the admissibility of a Grievance based on the formal requirements specified below.

Grievances must:

- Be submitted in written form via the CertifHy Voluntary Scheme website;
- Contain basic information about the party bringing forth the Grievance (name, address, contact information) and, if applicable, the organisation and the position of the contact person in the organisation;
- Contain a clear and brief description of the Grievance, including the relevant circumstances and stakeholders/ parties affected in a way that any impartial person or party can obtain a clear idea and an unambiguous understanding of the situation at hand;
- Evidence to support the Grievance (this includes verifiable information, records, observations, personal knowledge and/ or statements of fact, which can be qualitative or quantitative); and
- Evidence of the steps already taken, where applicable, to resolve the Grievance directly.

The CertifHy Voluntary Scheme has the right to return incomplete Grievances to the submitting party, with an explanation of what is needed to constitute a complete submission that can then be further processed.

The party that filed the Grievance will be informed in writing within 3 working days about the receipt of their Grievance. The CertifHy Voluntary Scheme will decide if the Grievance is admissible within 10 working days upon receipt of the Grievance.

### 5.2.2 Inadmissible grievance

Grievances are considered inadmissible if:

- The above stated requirements regarding form and content are not met; or



- They are trivial, vexatious or appear to have been generated solely to gain competitive advantage; or
- The Grievance is not sufficiently supported by compelling, objective evidence in order to be able to obtain a clear idea and unambiguous understanding of the situation at hand. Except for exceptional circumstances, Grievances cannot be investigated where they are based on hearsay alone; or
- The Grievance aims for adjustments of the recognised CertifHy Voluntary Scheme requirements. Recognised CertifHy Voluntary Scheme documents should not be addressed as Grievance; suggestions for changes to CertifHy Voluntary Scheme documents can be made through the public consultation processes, or can be provided to the CertifHy Voluntary Scheme by e-mail or mail;
- The Grievance aims to have sanctions amended which have been imposed by the Certification Body due to non-conformities detected (such Grievances have to be addressed to the Certification Body); or
- Cases where Grievances do not explicitly relate to CertifHy Voluntary Scheme requirements, policies, or activities.

### **5.2.3 Anonymity**

If a party wishes to maintain anonymity throughout the entire Grievance process, this party shall declare this at the time of filing the formal Grievance as well as explain why anonymity shall be maintained. If anonymity is granted by the CertifHy Voluntary Scheme, all parties involved in the resolution process will ensure that the identity of the party will not be disclosed throughout the process.

If anonymity cannot be granted for any reason, the party that filed the formal Grievance has the right to rescind the grievance. If anonymity is granted, the CertifHy Voluntary Scheme and/ or Certification Bodies will protect the identity of the party throughout the process. Excluded from this are obligations to disclose information to authorities or courts.

## **5.3 Complaints**

### **5.3.1 Filing a complaint and formal requirements**

If dialogue between the parties does not resolve the situation, then the complainant may present a formal Complaint. The complainant shall demonstrate that they made a good faith effort to resolve the Complaint directly with the person/ organization in question.

The CertifHy Voluntary Scheme decides on the admissibility of Complaints based on the formal requirements specified below.

Complaints must:

- Be submitted in written form;
- Contain basic information about the complainant (name, address, contact information) and, if applicable, the organisation and position in the organisation;

- Contain a clear and brief description of the complaint, including the relevant circumstances and stakeholders/ parties affected in a way that any impartial person or party can obtain a clear idea and an unambiguous understanding of the situation at hand; and
- Contain evidence to support the Complaint (this includes verifiable information, records, observations, personal knowledge and/ or statements of fact, which can be qualitative or quantitative).

The CertifHy Voluntary Scheme has the right to return incomplete Complaints to the complainant, with an explanation of what is needed to constitute a complete submission that can then be further processed.

The complainant will be informed in writing within 3 working days about the receipt of their Complaint. The CertifHy Voluntary Scheme will decide if the Complaint is admissible within 10 working days upon receipt of the Complaint.

### **5.3.2 Inadmissible complaints**

Complaints are considered inadmissible if:

- They do not conform with the definition of a Complaint as stated in Chapter 4; or
- The above stated requirements regarding form and content are not met; or
- They are trivial, vexatious or appear to have been generated solely to gain competitive advantage; or
- The Complaint is not sufficiently supported by compelling, objective evidence in order to be able to obtain a clear idea and unambiguous understanding of the situation at hand; or
- The Complaint aims for adjustments of the recognised CertifHy Voluntary Scheme requirements, as recognised CertifHy Voluntary Scheme documents should not be addressed as Complaint (this can be done through the public consultation processes, or can be provided to the CertifHy Voluntary Scheme by e-mail or mail, or through a change request by a CertifHy Working Group); or
- The Complaint aims to have sanctions amended which have been imposed by the Certification Body due to non-conformities detected (such Complaints have to be addressed to the Certification Body); or
- The Complaint aims to have sanctions amended which have been imposed by the CertifHy Voluntary Scheme due to fraudulent behaviour; or
- The events on which the Complaint is based occurred more than 12 months ago; or
- Cases where Complaints do not explicitly relate to policies of the CertifHy Voluntary Scheme, or activities.

### **5.3.3 Complaints procedure for whistleblowers**

Whistleblowers play a key role in exposing and preventing breaches, e.g. of Union law, and in safeguarding the welfare of systems and society. Whistleblower cases are reports of non-conformity of an Economic Operator or Certification Body or a failure to follow CertifHy policies and operating procedures. However, potential

whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation, which is why CertifHy is committed to a balanced and effective whistleblower protection.

Whistleblower can be any party (individual or organisations) that has a substantial interest in the activities related to CertifHy, including Economic Operator and their employees, Certification Bodies and their employees, Auditors, CertifHy members or employees, and other third parties related to CertifHy's activities like competent authorities, NGOs, or other stakeholders. Whistleblower can get in contact with CertifHy for any conflict.

During the whistleblowing procedure, CertifHy guarantees the Whistleblower's anonymity and protection in compliance with the EU Whistleblowing Directive.<sup>1</sup> This assurance extends to ensuring that Whistleblowers who act in good faith will not face any adverse consequences from CertifHy.

*Whistleblower cases should be submitted via the dedicated complaint form which offers the possibility to keep anonymity. The complaint form is secure and compliant with the EU General Data Protection Regulation (GDPR) and is end-to-end encrypted. All incoming Whistleblower cases will be processed by CertifHy Management only. Access to Whistleblower cases is restricted to designated authorized CertifHy employees to ensure confidentiality. the dedicated Whistleblower complaint form ensures secure and anonymous communication between the Whistleblower and the authorized CertifHy employees.*

The Whistleblower will promptly receive written notification from CertifHy upon their first contact. To offer timely responses to Whistleblowers, CertifHy dedicates specific material and human resources. CertifHy guarantees that the employees authorized to handle Whistleblower cases possess the utmost care and qualification, processing the cases with confidentiality and within specified timeframes.

Following the reception of the Whistleblower information, the designated CertifHy representative promptly determines whether the information presented will proceed to internal referral and/or if additional documentation or supporting evidence is necessary. During the investigation of the Whistleblower case, CertifHy has the right to reach out to affected parties and stakeholders, requesting supporting evidence, documentation, or statements to gain a comprehensive understanding of the situation. This ensures that all involved parties have an opportunity to present their perspective on the Whistleblower case. Based on the decision or any evidence obtained during the analysis, CertifHy has the authority to make arrangements for certification Audits or request that the Certification Body conducts Audits of the relevant Economic Operator.

CertifHy is obligated to ensure the confidentiality of the Whistleblower's identity throughout the process and investigations initiated by the Whistleblower case.

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<sup>1</sup> Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law

However, this confidentiality protection is not applicable if the reporting individual intentionally discloses their identity publicly. Additionally, it does not apply when there is a necessary and proportionate legal obligation under Union or national law in the context of investigations conducted by authorities or judicial proceedings. This exception is particularly relevant to safeguarding the rights of defense for individuals involved.

## 5.4 Appeals

Appeals must be filed in writing within 30 calendar days of the appealing party receiving the decision from the Certification Body or from the CertifHy Voluntary Scheme. The Certification Body or the CertifHy Voluntary Scheme will inform the appealing party in writing without delay about the receipt of their Appeal.

Where Economic Operators appeal against a decision by a Certification Body, the Certification Body will handle the appeal (see also CertifHy Voluntary Scheme document 'Requirements for Certification Bodies & Auditors'). Where Economic Operators cannot agree with the Certification Body on an Appeal, the issue shall be brought to the attention of the CertifHy Voluntary Scheme for resolution.

To evaluate Appeals against decisions of the CertifHy Voluntary Scheme, the CertifHy Steering Committee will appoint an internal team that is sufficiently independent of decision of the CertifHy Voluntary Scheme the Appeal relates to.

The CertifHy Voluntary Scheme will evaluate the Appeal within 20 working days after receipt of the Appeal, or, if additional evidence is requested from the appealing party, within 20 working days after the CertifHy Voluntary Scheme has received the additional evidence. If the evaluation leads to a different decision, the CertifHy Voluntary Scheme will adjust its decision or that of the Certification Body and communicate the adjusted decision.

## 6 Potential outcomes and measures

Possible outcomes following a Grievance, Complaint or Appeal procedure as well as next steps are outlined in the following table, which contains a non-exhaustive list:

Finding	Possible outcome / measures taken
Infringement of CertifHy Voluntary Scheme requirements by an Economic Operator	<ul style="list-style-type: none"> <li>- A subsequent Audit will focus on the issue detected</li> <li>- Corrective actions are recommended, agreed to, and implemented within an agreed-upon timeframe</li> <li>- Withdrawal of Certificate</li> </ul>
Infringement of CertifHy Voluntary Scheme requirements by a Certification Body (e.g. poor-quality auditing/ certification processes)	<ul style="list-style-type: none"> <li>- Improvements to operating procedures are published and implemented within an agreed-upon timeframe</li> <li>- Probationary period, suspension, or exclusion of an Auditor</li> <li>- Suspension of recognition as a Certification Body recognised by the CertifHy Voluntary Scheme</li> </ul>
Failure of the CertifHy Voluntary Scheme to follow governance processes/ policies/operating procedures	<ul style="list-style-type: none"> <li>- Acknowledge failures and revisit processes/policies/operating procedures</li> <li>- Determine corrective actions/improve operating procedures</li> <li>- Probation or termination of staff</li> </ul>
CertifHy Voluntary Scheme Member in violation of membership requirements	<ul style="list-style-type: none"> <li>- Suspension of membership</li> <li>- Withdrawal of Certificate</li> </ul>

Other recommendations, outcomes, and measures may also be considered and taken.