ResponsibleSteel

Complaints Procedure

3rd Draft January 21st 2018
Language: English
Complaints Procedure

The ResponsibleSteel™ Complaint Procedure

About this Document
This Document sets down the procedures to be followed in the event that some person or entity has a complaint or grievance about particular aspects of ResponsibleSteel as defined in the following.

This Document should be read in association with the ResponsibleSteel Governance Guidelines as laid out in the ResponsibleSteel Governance Handbook.
This is a living document and the managers of ResponsibleSteel reserve the right to revise this Document based on implementation experience and emerging good practice. The version posted on the ResponsibleSteel website supersedes all other versions.

To verify this document is current, please visit www.responsiblesteel.org

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*The Steel Stewardship Council Pty Ltd is the legal entity which holds the rights and property pertaining to ResponsibleSteel™.

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Inquiries and Feedback
The Management of the ResponsibleSteel welcomes feedback on this document. Please contact us by email, telephone or post.

Email www.responsiblesteel.org
Complaints Procedure

Responsiblesteel Secretariat
PO Box 1194
Wollongong
New South Wales, 2500
Tel 61 2 4225 8466
exec@responsiblesteel.org

Acknowledgements

ResponsibleSteel acknowledges the Responsible Jewellery Council and their certification scheme (http://www.responsiblejewellery.com/), which has provided a valuable source of guidance, content and reference in the design of the structure and documentation of ResponsibleSteel. We also acknowledge BHP and Rio Tinto who are members of the Responsible Jewellery Council and who also made generous contributions to the development of ResponsibleSteel.

ResponsibleSteel Complaints Procedure – overview

Purpose and scope

ResponsibleSteel aims to ensure the fair, timely and objective resolution of complaints relating to issues arising from the certification and auditing processes of the ResponsibleSteel certification program. This document sets out the ResponsibleSteel Complaints Procedure.

It is a condition of participation in ResponsibleSteel activities that ResponsibleSteel Members and Accredited Auditors submit to the complaints procedure outlined in this document, and are bound by the decisions of ResponsibleSteel.

However this complaints procedure does not replace or limit access to judicial remedies.

Terms and definitions
Complaints Procedure

<table>
<thead>
<tr>
<th>Appeal</th>
<th>A formal procedure commenced by a Complainant in the prescribed form which seeks to challenge a prior determination by ResponsibleSteel of a Complaint.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint</td>
<td>A formal expression of dissatisfaction made by a Complainant to ResponsibleSteel in the prescribed form relating to: Certification status of a Member; Accreditation status of an Auditor; Conduct of Members or Auditors during verification assessments or the Auditor’s recommendation for/against certification to ResponsibleSteel; Conduct of ResponsibleSteel during Auditor accreditation; Conduct of ResponsibleSteel with regards to its governance and policies.</td>
</tr>
<tr>
<td>Complainant</td>
<td>Member, employee of a Member, Auditor or third party whom ResponsibleSteel determines has a relevant and sufficient interest in Member Certification.</td>
</tr>
<tr>
<td>Respondent</td>
<td>ResponsibleSteel, Member or Auditor against whom a Complaint is lodged.</td>
</tr>
</tbody>
</table>

In addition to terms already defined in the ResponsibleSteel Glossary, the following definitions apply:

**Who can complain?**

Complaints will be accepted from:

- ResponsibleSteel Members and/or their employees;
- Conformity assessment bodies and/or auditors;
- Third parties with a material interest in the Member Certification, such as community groups, non-government organisations, retailers, trade unions, or those with explicit authority to be representing a Complainant.

**Prior participation:**

prior to submitting a complaint via the ResponsibleSteel procedure, complainants are encouraged to make all reasonable attempts to resolve their complaint at the lowest, most appropriate level. Wherever possible, this includes raising the complaint directly with the person/organisation subject to the complaint and giving the respondent an opportunity to respond and/or rectify the situation.

<table>
<thead>
<tr>
<th>Topic of complaint - examples</th>
<th>Prior participation options</th>
</tr>
</thead>
<tbody>
<tr>
<td>❖ Conduct of Auditor: for example, alleged poor competence or conduct during a verification assessment.</td>
<td>❖ Raise complaint with Accredited Conformity Assessment body, to whom the Auditor belongs.</td>
</tr>
<tr>
<td>❖ Conduct of an employee of a Member: for example, during audit process or in general interactions with other parties.</td>
<td>❖ Raise incident directly with Member organisation first to give opportunity to clarify and/or rectify.</td>
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- Certification status of a Member or entity under the Control of a Member: for example, alleged non-conformance with part of the Commitments and Criteria, or lack of action on corrective action plans.

- If appropriate, raise issue directly with Member organisation first to give opportunity to clarify and/or rectify.

Submission of complaints:

Submission instructions:

- Complaints must be submitted in writing using the ResponsibleSteel complaints form – see attachment B.
- in writing addressed to:
  - ResponsibleSteel Operations Manager,
  PO Box 1194
  Wollongong
  New South Wales, 2500
  Australia
- by email addressed to: exec@responsiblesteel.org

Initial telephone inquiries can be made to seek guidance on the submission of a complaint.
- by telephone on number: 61 2 4225 8466

Unless otherwise agreed by ResponsibleSteel, complaints and supporting documentation should be in English. ResponsibleSteel may request complainants to prepare official translations of documents not in English at the Complainants’ expense.

Copies of any original documents, not the originals, should be submitted.

Non-confidential versions of documents are requested where possible, to assist ResponsibleSteel to provide the Respondent with relevant details of the Complaint.

Supporting evidence

To be considered, complaints must usually be submitted with supporting evidence. This includes verifiable information, records, observations, personal knowledge and/or statements of fact which can be qualitative or quantitative.

Confidentiality and Anti-Trust policy

ResponsibleSteel will keep the existence of specific complaints and all proceedings of the complaints process confidential. ResponsibleSteel reserves its right to publicly report anonymously and in aggregate on the complaints received and how they were resolved.

ResponsibleSteel is committed to complying with all relevant antitrust and competition laws and regulations and, to that end, has adopted an Anti-trust policy

Possible outcomes of Complaints Mechanism
Complaints Procedure

In general terms, there are four possible outcomes of the complaints process:

❖ Complaints may not be admissible or may be dismissed;
❖ The matter may be flagged for the next scheduled audit;
❖ Corrective actions may be undertaken by the Respondent;
❖ Disciplinary proceedings may be initiated and sanctions may be applied.

Costs

ResponsibleSteel aims to minimize the costs of the complaints process for all parties. Where a formal investigation is contemplated, parties to the complaint will need to agree on the sharing of costs. An equal sharing of costs should be the starting point for negotiation, or otherwise at ResponsibleSteel’s discretion.

Complaints Flowchart

The ResponsibleSteel Complaints Procedure can deal with complaints via a process of dialogue, and/or via formal investigation. Figure 1 is a flowchart providing an overview of the processes for dealing with complaints.
Complaints Procedure

Flowchart steps

1 - Admissible

Admissible complaints: A complaint must fall within the scope of the ResponsibleSteel Complaints Procedure. The focus of the ResponsibleSteel Complaints Procedure is on potential non-conformance with the Responsiblesteel certification program or with its governance and policies. Admissible complaints therefore include:

- Certification status of a Member or entity under the Control of a Member;
- Accreditation status of an Auditor;
- Conduct of Members, entities or Auditors during verification assessments or the Auditor's recommendation for/ against certification to ResponsibleSteel;
- Conduct of ResponsibleSteel during Auditor accreditation;
- Conduct of ResponsibleSteel with regards to its governance and policies.

Specific exclusions: The following types of complaints fall outside the scope of the ResponsibleSteel Complaints Procedure and are not admissible:
Complaints Procedure

- Complaints from interested parties concerning private disputes between them (or those they represent) and Members and/or Auditors, where the disputes do not explicitly relate to ResponsibleSteel certification and/or accreditation status.
- Complaints that are trivial, vexatious or appear to have been generated to gain competitive advantage.
- Complaints that are not supported by compelling, objective evidence, save for exceptional circumstances, complaints cannot be investigated where they are based on hearsay alone.
- Complaints that recommend changes to the published standards or supporting documents. Note: Concerns of this nature will be considered as input to the next scheduled review of the Commitments and Criteria, Certification, Auditing or Governance.
- Anonymous complaints, unless they relate to a whistleblowing situation.

All complaints received by ResponsibleSteel, and their progress and outcomes via the complaints procedure, will be recorded in a complaints register.

2. Whistle-blower

A whistle-blower is a person who alleges misconduct, usually within their own organisation. Where these allegations are admissible as complaints under ResponsibleSteel's Complaints Procedure, they can be submitted by employees of Members, Auditors or ResponsibleSteel.

3. Referral to respondent

In most cases, ResponsibleSteel will first forward non-confidential versions of complaints it receives to the appropriate organisation level of the respondent. This provides for an informal process that emphasises dialogue between the parties and/or resolution by the respondent, with ResponsibleSteel playing a facilitative role if appropriate. Alternative dispute resolution mechanisms can also be employed, where allocation of costs can be agreed between the parties.

Conformity Assessment bodies' internal systems, supported by ISO 17021, should serve to address the majority of complaints about auditors and audit results, without the need for ResponsibleSteel to become actively involved.

4. Resolved

The complaint may be resolved through the dialogue process itself, or a resulting agreement reached as to specific outcomes such as remedial or corrective action. Progress of agreed resolutions will be monitored by ResponsibleSteel as appropriate.

Complaints that, in the view of ResponsibleSteel, have not been resolved by a process of dialogue and/or respondent action will be referred back to the ResponsibleSteel Operations Manager for a determination of ResponsibleSteel's responsibility for further, formal processes to progress resolution of the complaint.

5. ResponsibleSteel Responsibility?

ResponsibleSteel can take further action on unresolved complaints that may relate to areas of ResponsibleSteel responsibility:

- Auditor Accreditation
- ResponsibleSteel Membership

The failure of respondents to adequately resolve complaints may trigger further action by ResponsibleSteel. Unresolved complaints that fall outside of ResponsibleSteel's responsibility may be referred back to the parties for further dialogue, facilitated by third parties as appropriate. If a subsequent cycle of dialogue or action by the
respondent is unsuccessful, ResponsibleSteel will notify parties of its intention to make a decision regarding next steps.

6 - Can wait for next audit?

The complaints process is not intended to function as a surrogate audit. Complaints about a Member’s certification status that do not relate to Critical breaches of the ResponsibleSteel certification scheme, or that do not relate to Major non-Conformances, will be flagged for the next audit cycle. These include:

- potential Minor non-Conformances; or
- potential Major non-Conformances; or
- Matters that can be, or are being, addressed through corrective action by the respondent.

Complaints that will trigger formal investigation include:

- if found to be valid would likely result in Member Disciplinary Action; or
- involve potential for a Critical breach; or
- Failure by a respondent to try to resolve the matter in good faith; or
- potential serious breach by a Conformity Assessment body; or
- Whistleblowing.

7 - Formal Investigation

Formal investigation of complaints shall be treated with procedural fairness and objectivity and incorporate the following guidelines:

- Respondents will be given adequate notice about the investigation (including details of the complaint).
- Persons participating in the investigation should declare any personal interest they may have in the proceedings.
- Proceedings should be conducted so they are fair to all the parties.
- Each party to an investigation is entitled to ask questions and contradict the evidence of the opposing party.
- Each party to an investigation is responsible for covering the cost of their involvement in the investigation, except where otherwise determined by ResponsibleSteel.
- Persons who make a decision should be unbiased and act in good faith.

Formal investigation will be conducted under an ad hoc panel, comprised of a ResponsibleSteel staff member, and an independent third party, reporting to the Operations Manager or an office bearer of ResponsibleSteel. The third party would be appointed by agreement between the disputing parties and ResponsibleSteel (with ResponsibleSteel reserving the right of appointing an independent third party where an agreement is not possible). The other members of the panel would be appointed by the Operations Manager or an office bearer of ResponsibleSteel.

The investigation may seek to draw on the following information:

- Request for further information from the respondent;
- Request for further information from relevant auditors;
- submissions from complainants and respondents;
- Related complaints and their investigations;
- Additional audits to establish objective evidence;

On the basis of its investigation, the ad hoc panel will decide whether the complaint has merit and make recommendations to ResponsibleSteel. Where the complaint is upheld, the panel will recommend to
Complaints Procedure

ResponsibleSteel if action should be taken to initiate disciplinary proceedings, or if corrective actions are to be undertaken by the respondent, or if the matter can be flagged for the next scheduled audit.

ResponsibleSteel will act on the recommendations of the panel and monitor the implementation of any corrective actions undertaken by the respondent, where relevant. Failure to implement corrective actions will trigger disciplinary proceedings.

If the complaint involves whistleblowing against ResponsibleSteel, the ResponsibleSteel Operations Manager or an office bearer of ResponsibleSteel will be responsible for the investigation and for determining any actions to be undertaken. The responsible person may appoint an ad hoc panel (excluding ResponsibleSteel staff or officers where appropriate) to conduct the investigation and make recommendations.

8 – Corrective action, sanctions

Where the complaint is upheld, outcomes of the formal investigation process may be one or more of the following:

- Requirement for corrective action plans
- Suspension or withdrawal of certification
- Temporary or permanent loss of ResponsibleSteel Membership
- Suspension or withdrawal of accreditation (auditors)

The ResponsibleSteel's Rules describe the disciplinary proceedings which may result in loss of ResponsibleSteel Membership. The ResponsibleSteel Rules are available at www.responsiblesteel.org

9 - Complaint Dismissal*

Where the investigation does not uphold the complaint, the respondent and complainant will be notified of the investigation process and outcome.

10 - Appeal

Members and Auditors have the right to appeal loss of ResponsibleSteel Membership or ResponsibleSteel Auditor Accreditation within 3 months of notification of the relevant decision. The ResponsibleSteel Rules make provision for appeals to be heard by an arbitrator. Other outcomes of the complaints process can also be appealed within 3 months of notification of the relevant decision, where there is:

- A lack of due process in the complaint process;
- Failure to consider significant evidence.

Appeals will be heard via reconsideration of the complaint in a formal investigation process under a different panel.
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ResponsibleSteel Complaints Form (publicly available)

A.1 Submitting a complaint
To submit a complaint, please fill out this form and send it by post, email or fax to:

**Post:** Operations Officer, ResponsibleSteel, PO Box 1194, Wollongong, NSW 2500, Australia

**Email:** exec@responsiblesteel.org

**Telephone:** 61 2 4225 8466 (for information)

A.2 Responsibilities of parties
Complaints will be dealt with in accordance with the ResponsibleSteel Complaints Procedure - overview, available on the ResponsibleSteel website at [www.responsiblesteel.org](http://www.responsiblesteel.org)

Disclaimer: All parties to a complaint acknowledge and agree to hold the ResponsibleSteel harmless in connection with resolution of any complaint pursuant to this procedure.

A.3 Admissibility
Eligible complaints include:

- Certification status of a Member;
- Accreditation status of an Auditor;
- Conduct of Members or Auditors during verification assessments or the Auditor’s recommendation for/against certification to ResponsibleSteel;
- Conduct of ResponsibleSteel during Auditor accreditation;
- Conduct of ResponsibleSteel with regards to its governance and policies.

The following types of complaints fall outside the scope of the ResponsibleSteel complaints procedure and will not be accepted:

- Complaints from interested parties concerning disputes between them (or those they represent) and Members and/or Auditors, where the disputes do not explicitly relate to ResponsibleSteel certification and/or accreditation status.
- Complaints that are trivial, vexatious or have been generated to gain competitive advantage.
- Complaints that are not supported by evidence. Complaints cannot be investigated where they are based on hearsay alone.
- Complaints concerning ResponsibleSteel’s certification standards, scope or procedures, or supporting documents.
  - Note: Concerns of this nature should be forwarded to ResponsibleSteel’s Management Team where they will be considered as input to the ongoing review and improvement of ResponsibleSteel’s certification standards and supporting documents.
- Anonymous complaints, unless they relate to a whistleblowing situation.
B.4 Identification of Parties

<table>
<thead>
<tr>
<th>Parties</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant</td>
<td>(the person or organisation raising the complaint)</td>
</tr>
<tr>
<td>Respondent</td>
<td>(the party who is the subject of the complaint)</td>
</tr>
<tr>
<td>Responsible Steel Member and/or Facility</td>
<td>is to which this complaint relates</td>
</tr>
<tr>
<td>Name of Auditor(s) to which this complaint relates (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

**Contact details for complainant**

<table>
<thead>
<tr>
<th>Organisation(s)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact person</td>
<td></td>
</tr>
<tr>
<td>Position/role</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td>(including country code)</td>
</tr>
<tr>
<td>Fax Number</td>
<td>(including country code)</td>
</tr>
<tr>
<td>Email address</td>
<td></td>
</tr>
</tbody>
</table>

**Complainant’s credentials**

Please state your interest in the Member, Auditor, and/or other subject matter of the complaint.

Please acknowledge that you are authorised to make this submission on the above named organisations' behalf.

Signed: ___________________________  Dated: _____ / _____ / _____
Complaints Procedure

Background information

It will help you to formulate your complaint if you are familiar with the requirements of the Code of Practices and/or the CoC Standard, and their supporting documents. For information on:

<table>
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<tr>
<th>Issue</th>
<th>See Documents</th>
<th>Website</th>
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<tbody>
<tr>
<td>Certification status of a Member or Entity under the control of a Member</td>
<td>ResponsibleSteel documents as appropriate</td>
<td><a href="http://www.responsiblesteel.org">www.responsiblesteel.org</a></td>
</tr>
<tr>
<td>Accreditation status of an Auditor</td>
<td>ResponsibleSteel Auditor Accreditation Process and Criteria</td>
<td><a href="http://www.responsiblesteel.org">www.responsiblesteel.org</a></td>
</tr>
<tr>
<td>Conduct of Verification Assessments</td>
<td>ResponsibleSteel documents as appropriate</td>
<td></td>
</tr>
<tr>
<td>ResponsibleSteel Governance and Policies</td>
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<td><a href="http://www.responsiblesteel.org">www.responsiblesteel.org</a></td>
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Complaint

a. Focus of Complaint (please mark boxes as appropriate)
   - Certification status of a Member
   - Accreditation status of an Auditor
   - Conduct of Members or Auditors during verification assessment or the Auditor’s recommendation for/against certification to ResponsibleSteel
   - Conduct of ResponsibleSteel during Auditor accreditation
   - Conduct of ResponsibleSteel with regards to its governance and policies.

b. Have you sought to resolve the matter directly with the Respondent? (If yes, please provide details)
B.5 Background information

It will help you to formulate your complaint if you are familiar with the requirements of the Code of Practices and/or the CoC Standard, and their supporting documents. For information on:

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</tr>
<tr>
<td>Accreditation status of an Auditor</td>
<td>ResponsibleSteel Auditor Accreditation Process and Criteria</td>
<td><a href="http://www.responsiblesteel.org">www.responsiblesteel.org</a></td>
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B.6 Complaint

a. Focus of Complaint (please mark boxes as appropriate)

- Certification status of a Member
- Accreditation status of an Auditor
- Conduct of Members or Auditors during verification assessment or the Auditor’s recommendation for/against certification to ResponsibleSteel
- Conduct of ResponsibleSteel during Auditor accreditation
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- Conduct of ResponsibleSteel with regards to its governance and policies.

b. Have you sought to resolve the matter directly with the Respondent? (If yes, please provide details)
c. What remedy is being sought in your complaint?

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d. Please summarise your complaint below, referring to attachments and using additional pages where appropriate.

Additional documentation such as published reports, guidance documents, witness statements, photographs or other materials which substantiate the allegations should be provided wherever possible.

- Do not send original documents, submit copies only.
- Non-confidential versions of documents are requested, to assist ResponsibleSteel to provide the Respondent with relevant details of the Complaint.