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Certification System Comments, Complaints and Appeals

- Policy
- Procedures**
- Operational Control

OWNER: Equitable Origin Inc. Board
SUBJECT: EO Certification System Comments, Complaints and Appeals
DATE: 29JUL15
EDITION: Final__X__Draft__
USAGE: Public_X_Internal__
REVISION: 3

FOREWORD

The mission of Equitable Origin Inc. (EO) is to protect people and the environment by ensuring that energy development is conducted under the highest social and environmental standards. EO is an independent, stakeholder-negotiated, market-driven certification system that distinguishes and rewards operators for outstanding social, environmental and safety performance. 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. EO 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 Inc. (EO). It describes how EO 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, EO'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 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: EO 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 Assessment Body approval process.
- 3.2.2 Type 2: Assessment Body (AB):
- 3.2.2.1 Assessment Body complaint: those related to the performance of an approved Assessment 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 EO 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 EO to grant approval to an Assessment 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 EO.
- 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 EO 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 EO

- 5.1.1 EO invites and welcomes comments or suggestions on any EO Standard and any element of EO'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 EO will respond to comments provided they are substantive, submitted in writing, and include the commenter's name, contact information, and any institutional affiliation. Also EO will address anonymous comments when determined substantive or important.
- 5.1.4 EO will acknowledge receipt of a comment, suggestion, or concern within ten business days.
- 5.1.5 Comments are initially considered by the most senior operations staff to determine merit and then passed through a consultative process that may include EO's staff, Technical Committee, and Board, as appropriate.

- 5.1.6 EO 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 EO Board.
- 5.1.8 EO will communicate decisions regarding the resolutions of grievances to the commenter and other individuals or institutions directly affected by the decision.
- 5.1.9 EO 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 Assessment Bodies

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

5.3 Type 3: Concerns Regarding Operators Affiliated with EO

- 5.3.1 Concerns related to certified operations shall be directed to the relevant Assessment Body, and EO's operations staff will oversee the handling of the complaint. EO will acknowledge receipt of the complaint and indicate that it has been passed on to the AB. 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 EO'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 EO 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 EO will 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 EO's CEO. EO will acknowledge receipt of an appeal within five business days.

- 5.5.2 Appeals are initially considered by the most senior operations staff to determine merit and then passed through a consultative process that may include the operator, the AB, EO's staff, Technical Committee, and Board, as appropriate.
- 5.5.3 EO will respond to the operator or the AB with a proposed resolution within thirty calendar days of receiving the original appeal. If EO's Board of Directors sanctions the response, no further appeal permitted.
- 5.5.4 Appeals should be made within the next 60 days after EO has decided to not to approve AB, 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:
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: EO, AB, 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 AB 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 Board 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
3	29JUL15	<ul style="list-style-type: none"> • Updated EO LLC and EOS LLC with EO Inc. • Updated EOS Board with EO Board. • Updated EOS with EO. 	S.Mills	EO Board (EO-BM02-01JUL15)