

**CERTIFIED ORGANIC ASSOCIATIONS OF BRITISH COLUMBIA  
ACCREDITATION BOARD**

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## **PL59A Complaints against COABC Accredited Certification Bodies and Certified Operators**

### **Introduction**

The purpose of the complaints policy and procedures is to ensure that all complaints are handled fairly and consistently and that corrective action is taken as necessary. PL59A covers the handling of complaints regarding accredited and applicant Certification Bodies and complaints regarding operators certified by accredited and applicant Certification Bodies. Complaints may come from the public, from businesses, or from organisations.

Complaints against COABC performance or COABC personnel are covered by PL59B "Complaints against the COABC". Complaints by Accredited CBs regarding decisions concerning their own accreditation are considered Appeals and are covered by PL 710

This document is distributed to the COABC Board of Directors, The Accreditation Board, all staff and the administrators of all accredited CBs. It may be revised by the Director of the Accreditation Board when the need arises or when recommended following an internal audit. The policy is approved by the COABC Board.

## **1. Complaints Policy**

### **1.1. Directing a complaint**

- 1) Complaints regarding a CB or an operator certified by an accredited CB should initially be directed to the CB concerned. A complaint should be directed to the COABC Director of Accreditation only when the complaint is not satisfactorily handled by the CB or referral to the CB is not considered appropriate.
- 2) On receipt of a written complaint against an accredited CB or one of its operators, the Director of the Accreditation Board or person appointed by the Director shall:
  - a) decide on the validity of the complaint;
  - b) where appropriate ensure that the CB concerned first addresses the complaint;
  - c) record all complaints and actions taken;
  - d) Access the effectiveness of actions taken;
  - e) Respond to the complainant.

### **1.2. Determination of the validity of the complaint**

- 1) Complaints must be received in writing accompanied by documentation of evidence. To be heard, complaints must relate to the requirements for

accreditation and issues related to the integrity of the BC Certified Organic Program.

### **1.3. Confidentiality**

- 1) Parties involved in the complaint shall not publicly comment until the issue is resolved. Details of complaints are confidential to staff, the Accreditation Board and the parties concerned. The identity of the complainant shall remain confidential unless disclosure is necessary or obvious during the investigation of the complaint. See also 3.2

## **2. Procedures**

- 1) The Director of the Accreditation Board, or person appointed by the Director, shall investigate the complaint and assess its validity.
- 2) If the complaint regards an operator rather than a CB, the complainant will be encouraged to contact the CB concerned. When the complainant is reluctant to do so, the Director shall determine if the complaint should be treated as a complaint against the CB and if there is any evidence of wrongdoing on the part of the CB.
- 3) Receipt of a complaint shall be acknowledged to the complainant within 3 weeks and include a statement regarding the validity of the complaint and whether or not it will be investigated.
- 4) If a complaint is deemed invalid the reasons shall be given to the complainant. If reconsideration is requested by the complainant additional information must be supplied to the COABC.
- 5) When a complaint is deemed valid an investigation is carried out.
- 6) The CB concerned will be notified and a response requested addressing all the concerns raised. If the complaint is about a certified operator and the CB conducts its own investigation, the CB must keep COABC informed of the status of the complaint.
- 7) On receipt of the response from the CB the investigator will determine the extent of the investigation required. A thorough investigation may include:
  - a) interviews with CB staff and its Board of Directors;
  - b) an audit of the CB office and its records;
  - c) an investigation in an already scheduled visit;
  - d) Contacting third parties for additional information.
- 8) Within one month of receipt of the investigator's report and recommendations, the Accreditation Board will review the report and determine if disciplinary measures need to be applied.
- 9) If an investigation, because of a complaint or other information results in a decision to apply disciplinary measures to an accredited body, the Accreditation Board may, at its discretion, impose the following disciplinary measures:
  - a) Impose new conditions and demand specific corrective measures;
  - b) Require that a monitoring procedure be carried out within the next 12 months;

- c) Suspend accreditation until a new evaluation of monitoring procedures is conducted;
  - d) Suspend accreditation;
  - e) Impose any other disciplinary measure.
- 10) Procedures detailed in P 7116 and Book 1 Annex 2 for suspending, withdrawing and conditions for accreditation apply when such disciplinary measures are imposed.
- 11) The Director of the Accreditation Board will convey the results of the investigation and the decisions of the Accreditation Board to both the complainant and the subject of the investigation. The complaint will then be considered closed.

### **2.1. Urgent complaints**

- 1) When the complaint is of a serious or urgent nature every effort shall be made to minimize the length of time to resolve the complaint.

### **2.2. Information provided to regulatory authorities**

- 1) COABC reserves the right to inform regulatory authorities (BCMA, CFIA/COR, USDA/NOP) and the general public of the outcome of the investigation of the complaint as appropriate.

### **2.3. Records of complaints**

- 1) All actions from receipt of the complaint to final closure shall be recorded on the complaints register form F 59. All records pertaining to the complaint and its investigation shall be kept for 7 years.

## **3. Complaints involving misuse of the COABC checkmark**

- 1) If the complaint refers to misuse of the checkmark or the CB logo by a certified operator, the CB shall request corrective action and apply appropriate sanctions (e.g. suspension, decertification and withdrawal of license for use of mark) for continued non-compliance. The CB must inform COABC of its actions. If misuse continues a CB should send a 'cease and desist' letter to the individual concerned.
- 2) If the issue was not resolved at the CB level and misuse continues, the COABC office will request corrective action and provide a timeline for resolution. The office will notify the COABC Board if there is no resolution by the required date. When warranted the COABC may proceed to name and shame the company or individual concerned. i.e. publically announce the misuse on its website or in publications.
- 3) Complaints regarding the misuse of the checkmark by non-certified members is dealt with initially by COABC. The COABC shall request corrective action and provide a timeline for resolution. If there is no resolution the complaint is forwarded to the CFIA for action under the Consumer Packaging and Labelling Act (see 5.2).

#### **4. Complaints involving the misuse of the Canada Organic Logo**

1) Incorrect references or misuse of the Canada Organic Logo shall be dealt with firstly by the CB as outlined above for misuse of the BC checkmark.

2) If the issue was not resolved at the CB level and misuse continues, the COABC office will request corrective action and provide a timeline for resolution. If misuse continues, it will be forwarded to the CFIA.

#### **5. Reporting to the appropriate authorities when products are falsely represented.**

1) British Columbia Certified Organic checkmark and phrase-it is the responsibility of COABC as the administrator of the program.

2) Use of BC mark and logos by non-certified operators can be reported to CFIA for investigation under the Food and Drug Act 5.1 and Consumer Packaging and Labelling Act.

3) Complaints concerning the use of the term Certified Organic in conjunction with a non-food product should be directed to the Competition Bureau of Canada.

4) Complaints concerning the misuse of the Canada Organic Logo or organic label should be first dealt with by the appropriate CB if it concerns one of their members/clients. If not resolved cases of misuse should be reported to the CFIA under the Organic Products Regulation.