



Appeals Policy - Canada Organic Regime

A Preamble

1 Introduction and purpose of the policy

This document establishes the policy and procedure for appeals against decisions made by the IOAS with respect to the accreditation under the Canada Organic Regime (COR).

2 Scope

The policy is limited to appeals made by applicant and accredited certification bodies regarding recommendations by the IOAS made to the Canada Organic Office (COO).

Third party objections to specific actions of accredited certification bodies are considered complaints and are dealt with in document # [PL0511b](#) "Complaints Policy and Procedure".

3 Definitions

Appeal: Request by a certification body for reconsideration of any adverse decision made by the conformity verification body (CVB) related to its desired accreditation status.

4 Distribution

This document is distributed to the Certification Bodies immediately upon finalizing any changes. In addition it is distributed to the Board and Accreditation Committee annually. Staff are informed of changes as soon as they have been finalized. Interested parties may obtain a copy on request.

5 Authority and revision

This policy is approved by the IOAS Board of Directors. It is the responsibility of the IOAS Executive Director and the IOAS board to review the appropriateness of the policy from time to time. It may be revised when the need arises. Its effectiveness in meeting the quality policy of the IOAS will be assessed during Internal Review and any measures for improvement notified to the Executive Director and the Board.

B Policy

1 General

Under the Canada Organic Regime certification bodies may request a hearing on decisions impacting their operations made by the COO or the IOAS. Where appropriate the appeal flows from certification body (CB) to CVB. The COO is the final level of appeal.

2 IOAS Appeals Body

- The IOAS appeals organ is a 3 person committee made up of members of the Board of Directors.

- No member of the Board who also serves on the Accreditation Committee (AC) may be appointed to the committee.
- Members with identified conflicts of interest shall also be excluded.
- Members are appointed for specific appeals on a case by case basis.
- All members of the appeals body shall be present for a hearing to take place.
- Hearings may be held by teleconference.
- Minutes of Appeals Body meetings shall be taken in accordance with the IOAS Minutes Policy [Doc.#PL0207](#).
- The IOAS and the appellant shall bear their own costs.

3 Scope of appeals

- Appeals shall only be considered appeals and subject to these policies and procedures if they are made against specific accreditation decisions. These include:
 - The decision whether to proceed to a visit
 - Decisions requiring an additional visit
 - Decisions to terminate an evaluation process
- Challenges to IOAS rulings on individual points of compliance with the requirements for accreditation are first handled as an objection and not generally considered an appeal. An objection is dealt with as follows:
 - In the first instance they are normally responded to by the responsible client manager or staff person who may accept or reject the certification body's arguments. Such instances will be recorded in the compliance database.
 - If the certification body is dissatisfied with the response of the client manager they may formally request review by the AC. Such instances will be recorded in the minutes of AC meetings.
 - If the certification body is dissatisfied with the response of the AC they may lodge a formal appeal. Such instances will be recorded in the appeals register.

4 Procedures - General Appeals

- Appeals against decision shall be addressed to the IOAS office.
- Appeals shall be lodged in writing within 30 days of communicating the disputed decision.
- On receipt of an appeal an assessment shall first be made as to whether the appeal is valid in terms of the criteria in the scope section above.
- Once an appeal is accepted, the decision or sanction which is the subject of the appeal is put in abeyance until the appeal process is concluded.
- Appeals shall include argumentation supporting the appeal and any documentary evidence to support the claims.
- Receipt of the appeal shall be acknowledged within two weeks of receipt. The appellant shall be informed of the proposed date of the initial hearing. This shall be no later than 6 weeks from receipt of the appeal.

- All documentation submitted by the appellant shall be forwarded to the Accreditation Committee together with any relevant documentation relating to the original disputed decision.
- In the first instance the appeal shall be considered by the Accreditation Committee.
- The decision of the Accreditation Committee shall be sent to the appellant within 10 days of the meeting.
- If the final decision of the Accreditation Committee is considered unacceptable by the appellant, the certification body may further appeal to the Appeals Committee. Such an appeal shall be lodged with the IOAS within 4 weeks of notification of the final decision of the Accreditation Committee.
- The President shall be informed of the appeal and shall establish the appeals committee.
- The President shall invite the appellant and the Chair of the Accreditation Committee for part or all of the hearing.
- Receipt of the appeal shall be acknowledged within two weeks. The appellant shall be informed of the proposed date of the initial hearing. This shall be no later than 4 weeks from receipt of the appeal
- All documentation concerning the case shall be forwarded to the appeals committee.
- The IOAS Executive Director and the appropriate evaluator shall participate in the hearing to clarify issues but do not carry voting rights.
- The decision of the Appeals Committee shall be sent to the appellant within 10 days of the meeting.
- The decision is considered final and no further appeal is possible. The appellant shall be informed of the reasons for any decision denying the appeal.

5 Procedures - Appeals against individual conditions

- Appeals against individual noncompliances are first directed to the Accreditation Committee as they can only be lodged as appeals following review by the AC.
- Appeals shall be lodged with the IOAS within 4 weeks of notification of the final decision of the Accreditation Committee.
- Receipt of the appeal shall be acknowledged within two weeks.
- The President shall appoint an appeals committee which shall meet within 8 weeks.
- During the course of the appeal the non-compliance shall be considered to be in abeyance meaning its provisions shall not be enforced.
- All documentation concerning the case shall be forwarded to the appeals committee.
- The IOAS Executive Director and the appropriate evaluator shall participate in the hearing to clarify issues but do not carry voting rights.
- The decision of the Appeals Committee shall be sent to the appellant within 10 days of the meeting.
- The appellant shall be informed of the reasons for any decision denying the appeal. If the appellant is not satisfied, further appeal is possible to the COO.

6 Appeals to the Canada Organic Office

Requests for appeal to the Canada Organic Office must follow the procedures outlined in the Canada Organic Office Operating Manual section B5.

7 Corrective Actions

- The IOAS Board of Directors shall be informed of the outcome of all appeals.
- Whenever an appeal is upheld by the IOAS appeals committee or by the COO the IOAS Board shall determine whether the initial decision was overturned as a result of a failing on the part of the IOAS. If that is considered to be the case the Board shall determine appropriate corrective actions.
- The implementation of corrective actions shall be done in a timely manner.
- The implementation of corrective actions shall be checked during the course of internal reviews.

8 Record keeping

- Full records of all appeals, of final decisions and of follow up actions (if any) will be maintained including the completion of the appeals register [FR0543](#).

The number and record of appeals is maintained and made available to the COO on request.