

Objections and Appeals Policy

A Preamble

A.1 Introduction and purpose of the policy

This document establishes the policy and procedure for handling objections to cited non-conformities and appeals of accreditation decisions made by IOAS, related to the accreditation process and status of certification bodies (CBs). Special arrangements are described for accreditation under the Canada Organic Regime (COR) which is awarded by the Canadian Food Inspection Agency (CFIA).

A.2 Scope

The policy is limited to objections and appeals made by applicant and accredited CBs regarding non-conformities raised and decisions made by IOAS, respectively. It is applicable to all schemes in which IOAS is engaged with exceptions as noted in the text.

Third party concerns related to specific actions of accredited CBs are considered complaints and are dealt with in document [PL0511b](#) 'Complaints-ACBs'.

Concerns by applicant or accredited CBs regarding the service provided by the IOAS are considered complaints and are dealt with in document [PL0511a](#) 'Complaints-IOAS Policy'

Legal recourse following exhaustion of this procedure may be taken through an agreed-upon arbitration service as referred to in document [PL0502](#) 'IOAS CB Accreditation and/or Recommendation for Approval Contract'.

A.3 Definitions

General reference is made to the definitions provided in the IOAS General Operating Manual.

Objection: formal disagreement by the CB with a non-conformity cited by the accreditation body assessor during any assessment activity.

Appeal: formal disagreement by the CB with any adverse accreditation decision made by the accreditation body related to its desired accreditation status.

A.4 Distribution

This document is distributed to the CBs immediately upon finalising any changes. In addition, it is distributed to the Board, the Accreditation Committee (AC) and the Impartiality Committee (IC) annually or available in the IOAS web site 'client area'. Staff are informed of changes as soon as they have been finalised. Interested parties may obtain a copy on request.

A.5 Authority and revision

This policy is approved by the IOAS Board of Directors (BoD). It is the responsibility of the IOAS Executive Director (ED) and the BoD 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 audit and management review and any measures for improvement notified to the ED and the BoD.

B Policy

B.1 General

B.1.1 During the course of assessment and surveillance of CBs, the IOAS makes many decisions. These may be made by the staff, assessors, the Accreditation Management Committee (AMC), the Accreditation Committee (AC) and the Board (BoD), according to their terms of reference and responsibilities.

B.1.2 Such decisions include, but are not limited to, the following:

- Refusal to accept an application;
- Refusal to proceed with an assessment at any stage (termination);
- Issue of a non-compliance;
- Changes in accreditation scope;
- Issue of a warning;
- Decisions to deny, suspend or withdraw accreditation;
- Any other action that affects the attainment of accreditation.

B.1.3 A transparent system for handling objections and appeals is an important aspect of the IOAS system for impartiality, which is overseen by the Impartiality Committee.

B.1.4 Investigation and decisions on objections and appeals shall not result in any discriminatory actions.

B.1.5 A CB may ultimately disagree with any decision made by IOAS. The following are considered to be an “objection”:

B.1.5.1 Disagreement with a cited non-conformity.

The following are considered appeals and are directed to the IOAS Appeals Committee without reconsideration by management:

B.1.5.2 Disagreement with IOAS decision not to accept an application or not to proceed with an assessment at any stage (termination);

B.1.5.3 Decisions to deny, suspend or withdraw accreditation (including decisions to revoke items from the accreditation scope or not to add requested items to the accreditation scope).

B.2 Appeals Committee

B.2.1 The IOAS Appeals Committee is comprised of 3 people that are members of the BoD.

B.2.2 No member of the BoD who also serves on the AC may be appointed to the Committee.

B.2.3 Members with identified conflicts of interest shall also be excluded.

B.2.4 Members are appointed for specific appeals on a case by case basis.

B.2.5 All members of the Appeals Committee shall be present for a hearing to take place.



- B.2.6 Hearings may be held by teleconference.
- B.2.7 IOAS and the appellant shall bear their own costs.

B.3 Canada Organic Regime

- B.3.1 Under the Canada Organic Regime, CBs may request a hearing on decisions impacting their operations made by the CFIA or the IOAS. Where appropriate, the appeal flows from CB to CVB. The CFIA is the final level of appeal.

C Procedures – Objections

- C.1 Following any assessment or review activity by IOAS, a CB may disagree with a non-conformity that is cited. If this occurs, the CB is encouraged to submit their formal disagreement (along with all relevant supporting documentation) to IOAS within 14 calendar days from receiving the non-conformity.
- C.2 For the contested issue, IOAS gathers full substantiation from the assessor to support the cited non-conformity. If, upon review of the supporting documentation provided by the CB, the assessor agrees that the non-conformity can be dropped, then the CB's objection is accepted and the non-conformity is dropped.
- C.3 If the objection is not resolved after further review by and the discussion with the assessor, then the full position of both sides is sent to the Accreditation Committee and it is the AC that decides whether the non-conformity is valid or invalid.
- C.4 The CB is notified immediately of the AC's decision regarding the validity of the non-conformity. If the AC agrees with the CB's objection, then the non-conformity is dropped. If the AC disagrees with the CB's objection and upholds the non-conformity, then the CB is notified of this decision. At that point, the CB either:
 - C.4.1 Submits corrective action documentation (either within the original timeframe dictated by IOAS for the CB's correction action submission or, if that time period has elapsed, within 14 calendar days) that shows complete resolution of the cited non-conformity; or
 - C.4.2 Submits notice to IOAS, **within 14 calendar days**, of its intent to appeal the decision of the AC.
- C.5 In the event of C.4.1, the corrective action documentation is reviewed through the normal IOAS process.
- C.6 In the event of C.4.2, Section D below is followed.

D Procedures - Appeals

- D.1.1 The CB shall notify IOAS within **14 calendar days** of the final decision of the Accreditation Committee of its intention to make an appeal. The appeal itself, if the CB intends to proceed, shall be lodged with the IOAS within **28 calendar days** of notification of the decision of the AC. Refer to Annex 1 for overview of timeline.

- D.1.2 Within **7 calendar days** of receipt of an appeal, an evaluation shall first be made as to whether the appeal is valid in terms of the criteria in the policy section above. The CB is informed of the results of this evaluation. Any notice of acceptance of validity shall explain how the appeal will be conducted.
- D.1.3 Once an appeal is accepted, the decision or sanction which is the subject of the appeal is put in abeyance and not made public until the appeal process is concluded. However, IOAS reserves the right to inform scheme owners and/or authorities that rely on the IOAS decision of the sanction and that an appeal has been made.
- D.1.4 Appeals shall include argumentation supporting the appeal and any documentary evidence to support the claim that the IOAS decision was unfounded or inappropriate.
- D.1.5 The appellant shall be informed of the proposed date of the hearing. This shall be no later than **42 calendar days** from receipt of the appeal.
- D.1.6 President of the BoD shall be informed of the appeal and the Programme Manager will proceed to assemble the Appeals Committee.
- D.1.7 The appellant shall be invited for part or all of the hearing. A maximum of three people (not including an interpreter, when needed) shall represent the appellant.
- D.1.8 The Chair of the Accreditation Committee, IOAS Programme Manager and any IOAS team member may participate in the hearing but do not carry voting rights.
- D.1.9 The appellant shall be informed of the proposed date of the initial hearing.
- D.1.10 The appeal meeting shall be conducted in English. If needed, the appellant shall provide their own interpreter.
- D.1.11 Comprehensive papers shall be provided to the Appeal Committee at least 5 weekdays before the meeting. These shall consist of:
- D.1.11.1 A paper prepared by IOAS staff providing full background on the CB and the lead up to the decision that is being appealed. This paper shall include (but need not be limited to) information as follows:
- i. The task before the Committee
 - ii. The stage in the IOAS process
 - iii. List of documents being provided – where relevant this should at least include the visit report which is the basis of the findings being appealed.
 - iv. The schemes and scopes to which the decision applies
 - v. Sanction history
 - vi. Sequence of events including assessment of timelines against policy
 - vii. Reasoning for IOAS decision
 - viii. Content and analysis of the CB appeal
 - ix. Implications of suspension
 - x. Summary
 - xi. Staff recommendation

- D.1.11.2 A copy of the IOAS communication to the CB of the disputed decision.
 - D.1.11.3 Relevant IOAS policies but at least policy (PL0504).
 - D.1.11.4 All documentation provided by the CB as part of their appeal.
 - D.1.11.5 Any other documentation deemed useful.
- D.1.12 An agenda for the meeting with the CB shall be sent to all participants at least 5 weekdays before the meeting.
- D.1.13 The Appeals Committee shall appoint a Chairperson from amongst their number to manage the meeting. The meeting shall adopt the following general format and give approximate timing to allow for an orderly process:
- Part 1
 - Meeting opens
 - Appointment of Chair and minute keeper
 - Appeal Committee pre-meeting
 - Part 2
 - CB joins meeting
 - Introductions
 - Protocol of the appeal
 - CB explanation of their appeal
 - Questions from Appeal Committee and discussion
 - Any further clarifications
 - CB leaves meeting
 - Part 3
 - Appeal Committee discussion and decision
 - Meeting close
- D.1.14 All participants may speak. The meeting between the parties shall be recorded whenever possible and acceptable to all parties. Preferably, each of the three parts of the meeting shall be recorded separately.
- D.1.15 The decision of the Appeals Committee shall be sent to the appellant within **4 calendar days** of the meeting. Minutes of the Appeals Committee shall be circulated to all Board and AC members.
- D.1.16 The decision is considered final and no further appeal is possible (except under the Canada Organic Regime – see point D.2 below). The appellant shall be informed of the reasons for any decision denying the appeal.

D.2 Canada Organic Regime

- D.2.1 Requests for further appeal to the Canada Organic Office must follow the procedures outlined in the Canada Organic Regime Operating Manual.



D.3 Legal recourse

D.3.1 By signing the service contract [PL0502](#) with IOAS, legal recourse, following an exhaustion of the appeals process, can be made by the CB through an appropriate binding arbitration process.

D.4 IOAS Corrective Actions

D.4.1 Whenever an appeal is upheld, the IOAS Quality Manager shall determine whether the initial decision was overturned as a result of a failing on the part of the IOAS. If that is determined to be the case, the Quality Manager shall decide upon appropriate corrective actions.

D.4.2 The IOAS Board of Directors shall be informed of the outcome of all appeals (see D.1.15 above) and any IOAS corrective actions deemed necessary.

D.4.3 The implementation of corrective actions shall be done in a timely manner.

D.4.4 The implementation of such corrective actions shall be checked during the course of internal audits.

D.5 IOAS Record keeping

D.5.1 Full records of all appeals, of final decisions and of follow up actions (if any) will be maintained as follows:

D.5.1.1 Minutes of Appeals Body meetings shall be taken in accordance with the IOAS Minutes Policy document.

D.5.1.2 The recording (when made) of the Appeals Committee hearing shall be retained.

D.5.1.3 The updating of the appeals register will be the responsibility of the Quality Manager.

Annex 1

Summary of steps and target timeline between issue of contested accreditation decision and the issue of the final decision of the Appeal Committee.

	Step	Time line	Cumulative time
1	Issue of contested accreditation decision	0	0
2	Time by which CB has informed IOAS whether it wants to appeal	+14	14
3	Time by which appeal must be received	+14	28
4	Assessment of validity and acknowledgement & notification of relevant scheme owners and authorities.	+7	35
5	Establishment of Appeals Committee	+14	49
6	Papers sent to Appeals Committee	5 days before meeting	No more than 65
7	Appeals Committee Meeting	Within 42 days of appeal receipt	No more than 70
8	Appeals Committee decision communicated to CB and relevant scheme owners and authorities.	+4	No more than 74