



## 1.0 Purpose

The purpose of this procedure is to provide direction for the handling and processing of customer complaints, disputes, and appeals related to the operations and decisions of UL Registrar (UL). This procedure further describes rules and operations of the Appeals Committee.

QSLP 7.7 establishes a formal method for receiving, documenting, evaluating, analyzing, and making decisions on complaints, disputes or appeals from UL customers. A complaint against a UL customer or any other interested stakeholder who may feel harmed by any decisions or actions rendered by UL will also be allowed to enter into the complaints, disputes, and appeals process as described herein.

## 2.0 Scope

This procedure applies to the activities of the management, staff, auditors, Committee for Safeguarding Impartiality, Certification Committee, Technical Committee, and the Appeals Committee of UL (see [QSLP 5.2](#) Committee Terms of Reference).

This procedure is intended to be used to assist in and resolve complaints, disputes, and appeals between parties with an interest in the UL audit, certification, and/or decision making process. The appellant may appeal any decision and/or finding of UL pursuant to the rules laid out herein.

## 3.0 Responsibility

**3.1** The UL Sr. Manager ensures that:

- an established documented system, which can respond to complaints, disputes, and appeals from or against UL clients, is effectively implemented and carried out and that a submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant,
- the Appeals Committee is established, operational, and renders resolutions for all appeals, and
- that resources and information necessary to carry out various committees' duties and functions as defined herein.

**3.2** The UL Quality Assurance Manager ensures that:

- records of complaints and appeals are properly maintained and communicated;
- formally documented complaints, disputes, and appeals that require internal corrective actions are addressed (see [QSLP 8.4](#) Corrective and Preventative Actions); and



- that all complaints, disputes, and appeals and their outcomes are analyzed and reported during the Management Review Meeting, at which time they will be reviewed.
- 3.3** The UL Manager, Technical Services is responsible for the dispute process and ensuring that appropriate records are maintained and communicated.
- 3.4** UL employees are responsible to document complaints, disputes and appeals in the UL R Complaints, Disputes & Appeals Workflow upon receipt.
- 3.5** UL Client Services are responsible to communicate the outcome of complaints and disputes.
- 3.6** The Organization (complainant, disputant or appellant) is responsible to request resolution under the complaints, disputes and appeals process, and is responsible to complete formal documentation as requested by UL when submitting a complaint, dispute or appeal as specified in this procedure.

In addition, an organization requesting resolution under the appeals process and any appellant thereafter shall review this procedure prior to initiating appeals in writing. The organization requesting resolution under the appeals process and any appellant thereafter shall be afforded the opportunity to object to any members of the UL Appeals Committee prior to commencing the appeal processes. Such objections must have justifiable grounds and reasons for disqualification of any appointed appeal committee member.

#### 4.0 Definitions

**Inquiry** – Where a client, or interested stakeholder wishes to augment knowledge to resolve doubt or solve a problem that may potentially affect either the outcome of the audit or the certification of a facility. All complaints and disputes start as an inquiry, until reviewed by UL Quality Assurance and classified as a valid complaint or dispute.

**Complaint** - An informal or formal communication of dissatisfaction levied against a member of the UL staff, subcontracted personnel working on behalf of UL, or a UL client or any other stakeholder interested in the certification and/or audit process.

**Dispute** - A formal and documented communication / notification by which an audited organization or audit owner seeks to reverse or reclassify a corrective action (CAPA or CAR).

**Appeal** - A formal and documented communication / notification by which an audited organization seeks to reverse a decision rendered through the complaint or dispute decision making process where the appellant was not satisfied with the outcome of the complaint or dispute.

**The Appeals Committee** - A committee comprised of persons appointed by the Sr. Manager of UL Registrar (UL), who provides an independent, impartial ruling in the event that a client, public, or other interested party wishes to appeal any action taken by UL or any decision regarding the inspection and/or certification outcome handed down by UL. When an appeal is submitted, the Appeals Committee selected is free from any



commercial, financial, and other pressures that may influence the results of their decisions (See [QSLP 5.2](#) Terms of Reference).

## 5.0 Associated Documents

The most current revision of the following documents were referenced when developing this procedure:

ISO/IEC 17021-1

ISO/IEC 17020

ISO/IEC 17065

Criteria for SQF Certification Bodies

BRC004 Requirements for Certification Bodies Offering Certification against the Criteria of the BRC Global Standards

21 CFR 1 under Subpart M - Accreditation of Third-Party Certification Bodies to Conduct Food Safety Audits and Issue Certifications

[QF 7.7-1](#) Nonconformance Dispute Form

[QF 7.7-2](#) Appeal Form

## 6.0 Requirements

Where dissatisfaction is levied from a UL client or interested stakeholder, the UL R Inquiries, Complaints, Disputes & Appeals Workflow is initiated by the personnel whom received the information.

The information is submitted to determine whether the issue is an inquiry, complaint, dispute or appeal.

### 6.1 Inquiry

There may be cases where an inquiry is submitted but does not meet the definition of a complaint or dispute as defined in section 4.0 of this procedure. Where such cases exist, the inquiry will remain as an inquiry, and an investigation assigned and conducted. The assigned personnel will respond to the inquiring party via email within five (5) business days of assignment regarding the outcome.

Where the client is not satisfied with the outcome of such inquiry, they may levy their dissatisfaction as a complaint. In such cases, a new Complaints, Disputes & Appeals Workflow must be initiated for consideration.

### 6.2 Complaint

Where the inquiry meets the definition of a complaint, as defined in section 4.0 of this procedure, UL Quality Assurance confirms receipt of the complaint and provides a copy of this procedure to the complainant. The complaint investigation will be assigned to personnel not involved in the audit and certification activities related to the complaint.

To ensure that there is no conflict of interest, personnel who have provided consultancy for a client, or been employed by a client, will not be used to review or approve the resolution of a complaint for that client for at least two years following the end of the consultancy / employment.



The assigned personnel conducts an investigation by gathering facts and information. Upon completion of the investigation, a conclusion letter is formulated and a decision is made and documented in the Complaints, Disputes, & Appeals Workflow. Client Services notifies the complainant of the outcome.

Such decision may or may not lead to an agreed resolution between the parties. At this point, if agreement cannot be reached at the complaint level then the Appeal process shall be initiated by the complainant in accordance with Paragraph 6.4.

### 6.3 Dispute

Where an organization wishes to dispute a nonconformance (i.e. Corrective Action, CAPA, CAR), the disputant notifies any member of the UL office of their intent to dispute. The UL staff member initiates a dispute in the Complaints, Disputes & Appeals Workflow.

Where deemed to meet the definition of a dispute, as defined in section 4.0 of this procedure, the UL Manager, Technical Services confirms receipt of the dispute and provides a copy of this procedure along with [QF 7.7-1](#) entitled, Nonconformance Dispute Form to the disputant.

[QF 7.7-1](#) shall be completed, describing specific rationale and justification of why an audit finding should be reclassified, overturned, or reversed. The disputant must complete [QF 7.7-1](#) for each finding in dispute; this is to determine if the outcome of the disputes will impact the audit results and/or certification decision. Failure to serve notice of a dispute through formal written notification will be considered an invalid dispute.

Disputes that will NOT be considered are as follows:

- CAPA disputes not received within two weeks (14 calendar days) from the last day of the audit.
- CAPA findings being disputed due to the firm being unable to produce SOPs, records, and/or other audit evidence requested during the audit.
- Disputes submitted after the audit report is issued.
- Disputes submitted for the same nonconformance that was disputed before by the disputant and a decision had already been rendered that the nonconformance would stand as written.
- Disputes for every finding issued by the auditor within an audit. UL will consider any firm that disputes every CAPA as frivolous and such disputes will NOT be considered as valid and the CAPA will stand as written by the auditor for all CAPAs.<sup>1</sup>

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<sup>1</sup> At the sole discretion of the impartial department manager, limited CAPAs issued during the audit and then disputed will be considered (i.e. one or two CAPAs were issued and one or two CAPAs are being disputed). Documented justification, complete documentation, sound scientific rationale and/or other solid, logical and complete objective evidence shall be provided with the dispute of ALL CAPAs. Notwithstanding the bullets above which will apply as a condition to bullet #5.



Upon receipt of completed [QF 7.7-1](#) Nonconformance Dispute Form, an independent investigation will be assigned within the Complaints, Disputes & Appeals Workflow for processing by UL's Technical Services team.

The dispute will be assigned to an independent party for investigation, to personnel not involved in the certification activities related to the complaint.

To ensure that there is no conflict of interest, personnel who have provided consultancy for a client, or been employed by a client, will not be used to review or approve the resolution of a dispute for that client for a minimum of two years following the end of the consultancy / employment.

Once the dispute investigation is complete, the outcome will be documented on [QF 7.7-1](#) and Client Services will notify the disputant of the outcome.

If the dispute cannot be resolved through the normal dispute process within the specified time frames above, the disputant may file a formal appeal.

#### **6.4 Appeal**

All Appeals shall start out as a complaint or dispute in accordance with this procedure.

An appeal cannot be filed if more than 30 calendar days have passed since a decision and outcome has been issued to the complainant or disputant. Any appeal regarding UL's decision will be deemed as resolved and UL will not accept further appeals after the 30 calendar days have expired. As such, the appellant must start at the complaint or dispute level in order to have the appeal considered.

6.4.1 The Appeal process shall be handled as follows:

The appellant notifies the office of their intent to appeal. The UL staff member moves the Complaint, Dispute & Appeal Workflow to Initiate Appeal and submits for Quality Assurance Review and acceptance. The Quality Assurance Manager or designee, upon notification of an appeal, sends a copy of this procedure as well as [QF 7.7-2](#) entitled, Appeal Form to the appellant.

The Quality Assurance Manager or their designee will notify UL management that an appeal was received so that the selection process for the Appeals Committee can commence.

The Appeals Committee will be made of three members of the UL Committee for Safeguarding Impartiality who will be selected by the UL Registrar Sr. Manager. A Chairman of the Appeals Committee will be selected from one of the three members appointed. This appointment will be made by the individual members themselves.

UL will provide advanced notice and CVs and/or resumes of the appointed Appeals Committee to the appellant for review. Appellants shall be given the opportunity to object to any of its members.



Once the Committee is formed, all supporting documents are forwarded to the Appeals Committee via the Complaints, Disputes & Appeals Workflow, who shall take such actions as necessary to resolve the appeal in a timely manner. The Appeals Committee meets as soon as practical after receipt of a formal appeal to review supplied information and to determine and communicate to UL and the appellant of the intended meeting time and place at least 15 days in advance of the meeting.

The Appeals Committee, in advance of the hearing or rendering any decisions, may request additional documentation or statements from the appellant, expert witnesses, staff of UL, or others who may be needed to render a fair and objective ruling on the matter.

The appellant has the right to make a personal presentation of their case before the Appeals Committee. Appeal hearings are not legal proceedings, therefore, UL shall be notified in writing at least 15 days in advance if an appellant intends to have legal counsel present. This is to ensure that UL has sufficient advance notice so that it can also have legal counsel present. If UL is not notified in writing within 15 calendar days that the appellants' counsel will be present but counsel shows for the hearing, then the appellant's legal counsel will not be allowed to be present during and the hearing will be considered to be a closed hearing.

6.4.2 Unless otherwise agreed in advance, any appeal hearings shall be conducted as follows:

- a) Introductions;
- b) Presentation by the appellant, limited to 30 minutes;
- c) Presentation by UL, limited to 30 minutes;
- d) Rebuttals, limited to 10 minutes for each party;
- e) Questions by the Appeals Committee Members;
- f) Closing of the hearing, at which time the Appeals chair shall:
  - i. Make a formal projection regarding the expected time frame for communicating the documented final decision (normally not to exceed two weeks);
  - ii. Dismiss the parties.

Following the hearing, the Appeals Members will deliberate without any involvement by the appellant or UL. The Appeals Committee shall arrive at a decision by a two-thirds vote.

The Appeals chair shall document the Appeals Committee's decision in the Complaints, Disputes & Appeals Workflow.



The secretary shall inform all parties of the final decision, in writing utilizing [QF 7.7-2](#), normally not to exceed two weeks from the date of the decision or hearing, should a formal hearing take place. The decision shall be signed by the 3 appointed members of the Appeals Committee, whose decision shall be deemed final. All meetings of the Appeals Committee shall be recorded by the secretary and the minutes made available to all parties to the appeal except as described above.

NOTE: Any notes made by Appeals Committee Members in preparing for the appeal, written, taken during the hearing, or during the subsequent deliberations will not be maintained and will be discarded.

Materials obtained, reviewed, and produced through investigation by the Appeals Committee shall be treated as UL management system records, and handled and stored accordingly, except as described above.

There is no further appeal process within UL once a final decision is rendered by the Appeals Committee.

#### 6.4.3 Costs

For cases to be submitted to the Appeals Committee, the appellant shall enclose a check for **\$5,000.00 USD** as a deposit against expenses that may be incurred in handling the appeal.

The appellant shall be responsible for reimbursement of UL for time and expenses incurred at the rates, then current and judged appropriate by the Appeals Committee.

The decision of the Appeals Committee shall contain the amount and apportionment of any costs incurred in the appeal process. Should the appellant win their case, the deposit shall be refunded in full.

Any surplus of the deposit made by the appellant shall be returned within thirty (30) calendar days of the decision. If the deposit is insufficient to cover the appellant's share of the costs incurred, the appellant shall pay the balance within thirty (30) calendar days of the decision.

#### 6.5 Information Sharing

When a complaint, dispute or appeal is received from an SQF or BRC certified client, stakeholder, or other interested party, such complaints, disputes, and appeals may be made available to SQFI or BRC upon request. Where a complaint, dispute, or appeal cannot be resolved between UL and the organization, the matter will be referred to the scheme owner's complaints process.

**ANNEX 1 - SA8000 Complaints**

UL shall notify SAAS within one (1) month of receipt of a complaint. Additionally, UL notifies SAAS of complaint resolutions. SA8000 complaints are reviewed for relevance to provisions of SA8000 and for inclusion of documented evidence of non-compliance of the SA8000 client.

SA8000 complaint investigations may include an unannounced audit and interviews with stakeholders, such as trade unions, NGOs, and the complainant. The investigation shall cover all elements identified in the complaint. Worker interviews conducted include information regarding how the worker can communicate with UL and SAAS regarding additional information related to the audit, including contact information.

If the facility agreed to corrective action in the course of the investigation, that commitment shall be included. When the implementation of a facility's corrective action is confirmed, the confirmation is included in the report.

For complaints related to SA8000 certifications, if confidentiality is requested, the request shall be honored and information shared on a need-to-know basis with only appropriate parties. The client and UL shall determine if a matter will be public.

When a complaint is made relevant to SA8000 by an interested party against a UL client, the client's management has the right to submit a written response to the allegations, which is included in the report. Such reports shall not breach confidentiality requirements and must be issued within 10 days of the rendering of the decision.

Complaints received by SAAS regarding UL and/or UL clients:

- Acknowledge receipt of complaint from SAAS;
- Report to SAAS within 10 days of receipt;
- Report to SAAS on an ongoing basis every 30 days until the complaint is resolved;
- Contact the complainant directly as part of the investigation;
- Complete the investigation within 90 days; if more time is needed, seek agreement from the SAAS Director of Accreditation.

Per Advisory 200-1- Management of Complaints Related to SA8000 Certification Scheme:

1. At times, SAAS may receive information regarding a certified facility from a partner with whom SAAS or SAI, the owner of the SA8000 standard, has a relationship. This stakeholder may have information which leads to issues of concern about the certified facility which requires investigation by UL R. SAAS requires UL R to treat such issues of concern as formal complaints and undertake an investigation per SAAS Procedure 200, 4.1 and as noted in the points above and correspond directly with the stakeholder.
2. There are times when the complainant or partner may wish to remain anonymous. It is understood that in such cases, SAAS shall act as a go-between at which point UL shall send all correspondence to SAAS who will in turn liaise with the complainant.
3. In cases where the complaint relates to the audit itself, it is expected that when undertaking a complaints investigation, UL R shall assign personnel different than the audit team that performed the certification or surveillance audits at the client site involved in the complaint.