

Appeals Policy

1. Purpose of this Document

The purpose of this document is to describe how appeals are handled for Fairtrade operators.

2. Scope

An appeal may be against decisions to deny an application, not to certify and applicant, and evaluation decision or to decertify an operator.

3. Appeal Procedure

The right to appeal lapses 10 business days from the date of the certification decision is sent.

In order to appeal, the operator must submit the appeal in writing outlining the matters in dispute, substantiated with supporting documentation or statements.

A formal acknowledgement of receipt of the appeal shall be made to the appellant within 2 working days. While the appeal is reviewed the certification decision will be maintained.

Within 15 working days of receiving the written appeal, the Mark Integrity Team shall reconsider the certification decision.

If the Mark Integrity Team does not agree with the operator about some or all of the matters in dispute, it shall refer the dispute to a specially convened Appeal Committee.

The Appeal Committee shall consist of the Executive Director, or a Fairtrade Canada departmental Director designated by the Executive Director to the appeal in her place. This person shall be the chair of the Appeal Committee. The chair of the Appeal Committee shall select a Fairtrade Canada Board member, that is not a licensee, or a Fairtrade Canada departmental Director to sit as the second member of the Appeals committee.

Members of a specific Appeal Committee shall be persons not previously involved in any capacity in the decision being challenged, and must not have any other involvement that impairs their neutrality.

In considering the matters in dispute, the Appeal Committee may seek and consider relevant information from any source.

The Appeal Committee shall consider the matter in dispute within 14 working days of it being referred to them by the Certification team.

4. Grounds for Appeal

All appeals must contain grounds for an action as well as information and evidence substantiating the grounds. All appellants must list the grounds on which they base their request for review or appeal. These grounds could include but are not limited to:

- a. Decisions based on irrelevant grounds;
- b. Decisions based on irrelevant information, or information for which there is no credible basis. In general, hearsay is treated as information for which there is no credible basis;
- c. Failure to consider relevant information in reaching a decision;
- d. Reasonable apprehension of bias against the appellant;
- e. Unreasonable delay in the decision-making process;
- f. Prejudicial procedural irregularities in reaching the decision;
- g. Disputes about facts relevant to the offending decision;
- h. Disputes about interpretations relevant to the offending decision.

5. Outcome of an Appeal

A decision can have the following outcomes:

- a. **Appeal upheld:** this means that the decision being appealed against will be changed by the certification department. The effect of this changed decision is explained to the appellant with the communication of the decision.
- b. **Appeal denied:** this means that the decision being appealed against is confirmed and will not be changed.

The Chair of the Appeal Committee shall provide Fairtrade Canada with a written rationale for the decision made by the Committee.

The action of the Appeal Committee, including correspondence and records of phone conversations pertaining to the appeal shall be recorded in the licensee file and separately in an Appeal Register. If a sanction arises as a result of an appeal, it shall be recorded in the Fairtrade Canada sanctions register.

The decision of the Appeal Committee is Fairtrade Canada's final position.

If the Licensee or Registered Trader is dissatisfied with the outcome, they may refer the matter to Fairtrade International, the owner of the scheme. (www.fairtrade.net) Fairtrade International cannot overturn decisions, however may correct any errors made.