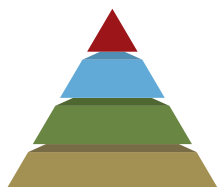




Responsible Jewellery Council

# Complaints Mechanism



FORMS AND TOOLKITS

## **Complaints Mechanism**

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March 2012

T007\_2012 – Complaints Mechanism

# The Responsible Jewellery Council

The Responsible Jewellery Council (RJC) is a not-for-profit organisation founded in 2005 with the following mission:

**To advance responsible ethical, social and environmental practices, which respect human rights, throughout the diamond and gold jewellery supply chain, from mine to retail.**

## About the Complaints Mechanism

The Complaints Mechanism defines how the RJC will respond to complaints regarding potential non-conformance with the RJC Certification System.

This is a 'living document' and the RJC reserves the right to revise the Complaints Mechanism based on implementation experience and emerging good practice. The version posted on the RJC website supersedes all other versions. To verify this document is current, please visit: [www.responsiblejewellery.com](http://www.responsiblejewellery.com)

## Disclaimer

No guarantee, warranty or representation is made as to the accuracy or completeness of the *Complaints Mechanism* and other documents or information sources referenced in the *Complaints Mechanism*. Compliance with the *Complaints Mechanism* is not intended to, nor does it replace, contravene or otherwise alter the requirements of any applicable national, state or local governmental statutes, laws, regulations, ordinances, or other requirements.

Please note this *Complaints Mechanism* document gives general guidance only and should not be regarded as a complete and authoritative statement on the subject matter contained herein.

Compliance with the *Complaints Mechanism* by non-members is entirely voluntary and is neither intended to, nor does it create, establish, or recognise any legally enforceable obligations or rights against the RJC and/or its Members or signatories. The *Complaints Mechanism* does not create, establish, or recognise any legally enforceable obligations of the RJC and/or its Members or signatories to non-members. Non-members shall have no legal cause of action against the RJC and/or its Members or signatories for failure to comply with the *Complaints Mechanism*.

## Inquiries or feedback

The RJC welcomes feedback on this document. Please contact the Responsible Jewellery Council by email, telephone or post:

Email: [info@responsiblejewellery.com](mailto:info@responsiblejewellery.com)

Telephone: +44 (0)20 7321 0992

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UNITED KINGDOM

*The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, 9 Whitehall, London, SW1A 2DD. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.*

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# RJC Complaints Mechanism - Overview

## A.1 Purpose and scope

The RJC aims to ensure the fair, timely and objective resolution of complaints relating to potential non-conformance with the RJC certification programs. This document sets out the RJC Complaints Mechanism.

It is a condition of participation in RJC activities for RJC Members and Accredited Auditors to submit to the complaints procedure outlined in this document, and to be bound by the decisions of the RJC. However this complaints procedure does not replace or limit access to judicial remedies.

## A.2 Terms and definitions

In addition to terms already defined in the RJC Glossary, the following definitions apply:

Appeal	A formal procedure commenced by a Complainant in the prescribed form which seeks to challenge a prior determination by the RJC of a Complaint.
Complaint	A formal expression of dissatisfaction made by a Complainant to the RJC in the prescribed form relating to: <ul style="list-style-type: none"> <li>• Certification status of a Member;</li> <li>• Accreditation status of an Auditor;</li> <li>• Conduct of Members or Auditors during verification assessments or the Auditor's recommendation for/against certification to the RJC;</li> <li>• Conduct of the RJC during Auditor accreditation;</li> <li>• Conduct of the RJC with regards to its governance and policies.</li> </ul>
Complainant	Member, employee of a Member, Auditor or third party which the RJC determines has a relevant and sufficient interest in Member Certification under the Code of Practices or Chain-of-Custody Certification.
Respondent	RJC, Member or Auditor against whom a Complaint is lodged.

## A.3 Who can complain?

Complaints will be accepted from:

- RJC Members and/or their employees;
- Conformity assessment bodies and/or auditors;
- Third parties with a material interest in the Member Certification under the Code of Practices, or Chain-of-Custody (CoC) Certification, such as community groups, non-government organisations, retailers, trade unions, or those with explicit authority to be representing a Complainant.

## A.4 Prior participation

Prior to submitting a complaint via the RJC procedure, complainants are encouraged to make all reasonable attempts to resolve their complaint at the lowest, most appropriate level. Wherever possible, this includes raising the complaint directly with the person/organisation subject to the complaint and giving the respondent an opportunity to respond and/or rectify the situation.

Topic of complaint - examples	Prior participation options
<ul style="list-style-type: none"> <li>• Conduct of Auditor: for example, alleged poor competence or conduct during a verification assessment.</li> </ul>	<ul style="list-style-type: none"> <li>• Raise complaint with Accredited Conformity Assessment Body, to whom the Auditor belongs.</li> </ul>
<ul style="list-style-type: none"> <li>• Conduct of an employee of a Member: for example, during audit process or in general interactions with other parties.</li> </ul>	<ul style="list-style-type: none"> <li>• Raise incident directly with Member organisation first to give opportunity to clarify and/or rectify.</li> </ul>
<ul style="list-style-type: none"> <li>• Certification status of a Member or Entity under the Control of a Member: for example, alleged non-conformance with part of the Code of Practices or the CoC Standard, or lack of action on corrective action plans.</li> </ul>	<ul style="list-style-type: none"> <li>• If appropriate, raise issue directly with Member organisation first to give opportunity to clarify and/or rectify.</li> </ul>

## A.5 Submission of complaints:

Submission instructions:

- Complaints must be submitted in writing on the RJC complaints form – see section B.
  - In writing addressed to: RJC Complaints Officer, 9 Whitehall, London, SW1A 2DD, UK.
  - By email addressed to: [complaints@responsiblejewellery.com](mailto:complaints@responsiblejewellery.com)
- Initial telephone inquiries can be made to seek guidance on the submission of a complaint.
  - By telephone on number: +44 (0)20 7321 0992
- Unless otherwise agreed by the RJC, Complaints and supporting documentation should be in English. RJC may request Complainants to prepare official translations of documents not in English at the Complainants' expense.
- Copies of any original documents, not the originals, should be submitted.
- Non-confidential versions of documents are requested where possible, to assist the RJC to provide the Respondent with relevant details of the Complaint.

## A.6 Supporting evidence

To be considered, complaints must usually be submitted with supporting evidence. This includes verifiable information, records, observations, personal knowledge and/or statements of fact which can be qualitative or quantitative.

## A.7 Confidentiality and Anti-Trust policies

The RJC will keep the existence of specific complaints and all proceedings of the complaints process confidential. The RJC reserves its right to publicly report anonymously and in aggregate on the complaints received and how they were resolved.

The RJC is committed to complying with all relevant antitrust and competition laws and regulations and, to that end, has adopted an Anti-trust Policy and Rules and a Confidentiality Policy (available at [www.responsiblejewellery.com/about.html](http://www.responsiblejewellery.com/about.html)).

## A.8 Possible outcomes of Complaints Mechanism

In general terms, there are four possible outcomes of the complaints process:

- Complaints may not be admissible or may be dismissed;
- The matter may be flagged for the next scheduled audit;
- Corrective actions may be undertaken by the Respondent;
- Disciplinary proceedings may be initiated and sanctions may be applied.

## A.9 Costs

The RJC aims to minimize the costs of the complaints process for all parties. Where a formal investigation is contemplated, parties to the complaint will need to agree on the sharing of costs. An equal sharing of costs should be the starting point for negotiation, or otherwise at the RJC’s discretion. RJC will generally waive the costs of complaints or appeals process in the case of individual whistleblowers, unless the complaint is found to be malicious.

## A.10 Complains Flowchart

The RJC Complaints mechanism can deal with complaints via a process of dialogue, and/or via formal investigation.

Figure 1 is a flowchart providing an overview of the processes for dealing with complaints. Each of the numbered boxes is discussed further in section A.10.

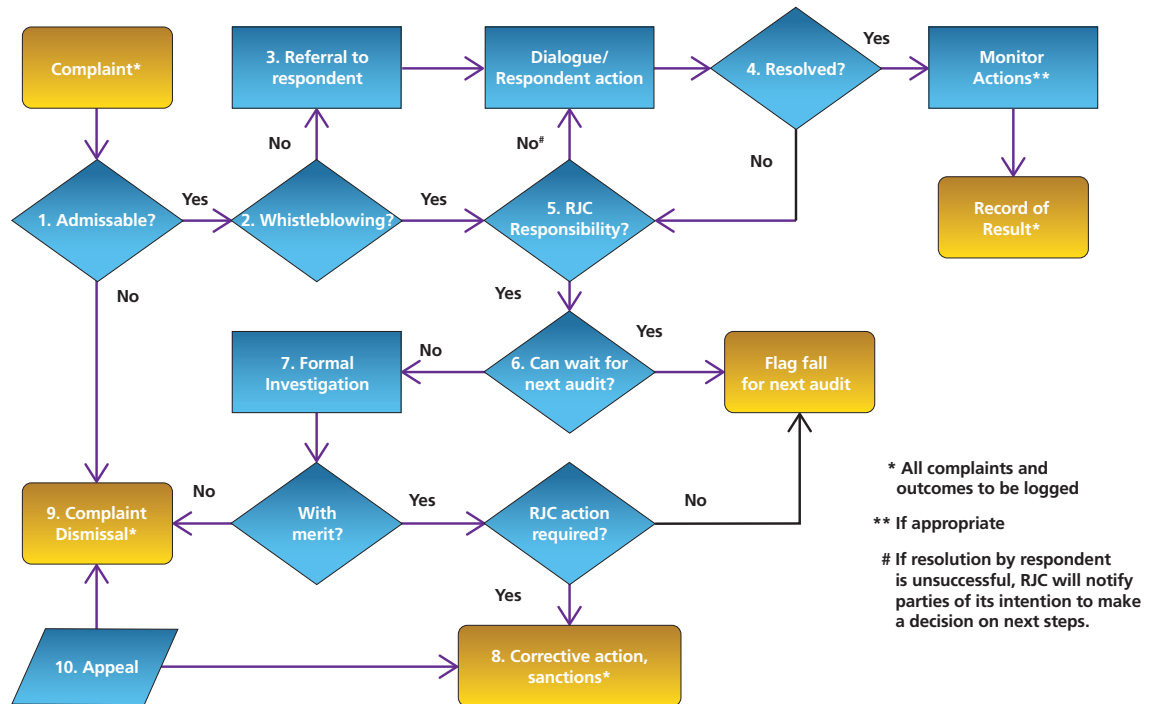


Figure 1 – RJC Complaints Mechanism – Flowchart

## A.11 Flowchart steps



**Admissible complaints:** A complaint must fall within the scope of the RJC Complaints Mechanism. The focus of the RJC Complaints Mechanism is on potential non-conformance with the RJC’s certification programs or with its governance and policies. Admissible complaints therefore include:

- Certification status of a Member or Entity under the Control of a Member;
- Accreditation status of an Auditor;
- Conduct of Members, Entities or Auditors during verification assessments or the Auditor’s recommendation for/ against certification to the RJC;
- Conduct of the RJC during Auditor accreditation;
- Conduct of the RJC with regards to its governance and policies.

**Specific exclusions:** The following types of complaints fall outside the scope of the RJC Complaints Mechanism and are not admissible:

- Complaints from interested parties concerning private disputes between them (or those they represent) and Members and/or Auditors, where the disputes do not explicitly relate to RJC certification and/or accreditation status.

- Complaints that are trivial, vexatious or appear to have been generated to gain competitive advantage.
- Complaints that are not supported by compelling, objective evidence. Save for exceptional circumstances, complaints cannot be investigated where they are based on hearsay alone.
- Complaints that recommend changes to the published standards or supporting documents.
  - Note: Concerns of this nature will be considered as input to the next scheduled review of the Code of Practices and/or of the CoC Standard.
- Anonymous complaints, unless they relate to a whistleblowing situation.

All complaints received by the RJC, and their progress and outcomes via the complaints mechanism, will be recorded in a complaints register.

## 2. Whistleblowing?

A whistleblower is a person who alleges misconduct, usually within their own organisation. Where these allegations are admissible as complaints under the RJC Complaints Mechanism, they can be submitted by employees of Members, Auditors or the RJC.

As a result of developments in corporate governance and Whistleblowing legislation in the United Kingdom, formal whistleblowing procedures have been agreed as set out below.

Any Complainant, making a complaint by telephone, on explaining that they wish to report what they reasonably believe to be a wrongful act, will be asked if they wish the call to be handled anonymously.

The Complainant raising the concern need not disclose their identity if they choose to maintain their anonymity. However the investigation of the matter is likely to be hampered or be incomplete if it is raised in this manner. Where the individual raising the concern identifies themselves, their identity will not be further disclosed to persons dealing with the complaint without the individual's consent. The individual may upon raising a concern leave a code name, rather than disclosing their identity, in order to facilitate follow up calls whilst maintaining anonymity.

Any concerns, however raised, will be treated in confidence and investigated; the results of the investigation and any action proposed will be reviewed by the RJC Executive Director (ED) or an office bearer of the Council. All of the matters and issues raised will be kept, and will remain, confidential. The matter will not be disclosed unless it is necessary for the investigation of the matter, or the person raising the concern agrees to the matter being so disclosed. The RJC will not take any action in retaliation in any way or otherwise discriminate against any person who lawfully provides information.

The whistleblowing procedures which apply will allow persons to communicate knowledge or suspicions of wrongdoing in the strictest confidence and without their identity being disclosed. One person only will have access to the calls to monitor and record reported incidents. The reports will be passed to the RJC ED or an office bearer of the Council who will then investigate. The results of investigations will be given by the RJC ED or an office bearer of the Council to a Complaints Panel (see flowchart step 7) for review.

## 3. Referral to respondent

In most cases, the RJC will first forward non-confidential versions of complaints it receives to the appropriate organisation level of the respondent. This provides for an informal process that emphasises dialogue between the parties and/or resolution by the respondent, with the RJC playing a facilitative role if appropriate. Alternative dispute resolution mechanisms can also be employed, where allocation of costs can be agreed between the parties.

Conformity Assessment Bodies' internal systems, supported by ISO 17021, should serve to address the majority of complaints about auditors and audit results, without the need for the RJC to become actively involved.

#### 4. Resolved?

The complaint may be resolved through the dialogue process itself, or a resulting agreement reached as to specific outcomes such as remedial or corrective action. Progress of agreed resolutions will be monitored by the RJC as appropriate. Templates for corrective action plans in respect of Members' conformance with the Code of Practices are available in the RJC Assessment Manual.

Complaints that, in the view of the RJC, have not been resolved by a process of dialogue and/or respondent action will be referred back to the RJC Complaints Officer for a determination of RJC's responsibility for further, formal processes to progress resolution of the complaint.

#### 5. RJC Responsibility?

The RJC can take further action on unresolved complaints that may relate to areas of RJC responsibility:

- Auditor Accreditation
- RJC Membership

The failure of respondents to adequately resolve complaints may trigger further action by the RJC. Unresolved complaints that fall outside of RJC's responsibility may be referred back to the parties for further dialogue, facilitated by third parties as appropriate. If a subsequent cycle of dialogue or action by the respondent is unsuccessful, RJC will notify parties of its intention to make a decision regarding next steps.

#### 6. Can wait for next audit?

The complaints process is not intended to function as a surrogate audit. Complaints about a Member's certification status that do not relate to Critical Breaches of the RJC Code of Practices or of the CoC Standard, or that do not relate to Major Non-Conformances with the CoC Standard, will be flagged for the next audit cycle. These include:

- Potential Minor Non-Conformances with the Chain-of-Custody Standard; or
- Potential Minor or Major Non-Conformances with the Code of Practices; or
- Matters that can be, or are being, addressed through corrective action by the respondent.

Complaints that will trigger formal investigation include:

- If found to be valid would likely result in Member Disciplinary Action; or
- Involve potential for a Critical Breach; or
- Failure by a respondent to try to resolve the matter in good faith; or
- Potential serious breach by a Conformity Assessment Body; or
- Whistleblowing.

#### 7. Formal Investigation

Formal investigation of complaints shall be treated with procedural fairness and objectivity and incorporate the following guidelines:

- Respondents will be given adequate notice about the investigation (including details of the complaint).
- Persons participating in the investigation should declare any personal interest they may have in the proceedings.
- Proceedings should be conducted so they are fair to all the parties.
- Each party to an investigation is entitled to ask questions and contradict the evidence of the opposing party.
- Each party to an investigation is responsible for covering the cost of their involvement in the investigation, except where otherwise determined by the RJC.
- Persons who make a decision should be unbiased and act in good faith.



Formal investigation will be conducted under an ad hoc panel, comprised of an RJC staff member, a lawyer, and an independent third party, reporting to the ED or an office bearer of the Council. The third party would be appointed by agreement between the disputing parties and the RJC (with the RJC reserving the right of appointing an independent third party where an agreement is not possible). The other members of the Panel would be appointed by the ED or an office bearer of the Council.

The investigation may seek to draw on the following information:

- Request for further information from the respondent;
- Request for further information from relevant auditors;
- Submissions from complainants and respondents;
- Related complaints and their investigations;
- Additional audits to establish objective evidence;

On the basis of its investigation, the ad hoc panel will decide whether the complaint has merit and make recommendations to the RJC. Where the complaint is upheld, the panel will recommend to the RJC if action should be taken to initiate disciplinary proceedings, or if corrective actions are to be undertaken by the respondent, or if the matter can be flagged for the next scheduled audit.

The RJC will act on the recommendations of the Panel and monitor the implementation of any corrective actions undertaken by the respondent, where relevant. Failure to implement corrective actions will trigger disciplinary proceedings.

If the complaint involves whistleblowing against the RJC, the RJC ED or an office bearer of the Council will be responsible for the investigation and for determining any actions to be undertaken. The responsible person may appoint an ad hoc panel (excluding RJC staff or officers where appropriate) to conduct the investigation and make recommendations.

#### 8. Corrective action, sanctions\*

Where the complaint is upheld, outcomes of the formal investigation process may be one or more of the following:

- Requirement for corrective action plans
- Suspension or withdrawal of certification
- Temporary or permanent loss of RJC Membership
- Suspension or withdrawal of accreditation (auditors)

The RJC's Articles of Association describe the disciplinary proceedings which may result in loss of RJC Membership. The RJC's Articles of Association are available at [www.responsiblejewellery.com/about.html](http://www.responsiblejewellery.com/about.html)

#### 9. Complaint Dismissal\*

Where the investigation does not uphold the complaint, the respondent and complainant will be notified of the investigation process and outcome.

#### 10. Appeal

Members and Auditors have the right to appeal loss of RJC Membership or RJC Auditor Accreditation within 3 months of notification of the relevant decision. The RJC's Articles of Association make provision for appeals to be heard under the rules of arbitration of the Chartered Institute of Arbitrators (UK), by an arbitrator appointed by its President. The costs of an appeal will be shared equally between the appellant and the RJC.

Other outcomes of the complaints process can also be appealed within 3 months of notification of the relevant decision, where there is:

- A lack of due process in the complaint process;
- Failure to consider significant evidence.

Appeals will be heard via reconsideration of the complaint in a formal investigation process under a different panel. The costs of the reconsideration will be shared equally between the appellant and the RJC.

# RJC Complaints Form (publicly available)

## B.1 Submitting a complaint

To submit a complaint, please fill out this form and send it by post, email or fax to:

Post: RJC Complaints Officer  
Responsible Jewellery Council  
9 Whitehall  
LONDON SW1A 2DD

Email: [complaints@responsiblejewellery.com](mailto:complaints@responsiblejewellery.com)

Telephone: +44 (0)20 7321 0992 (for information)

## B.2 Responsibilities of parties

Complaints will be dealt with in accordance with the RJC Complaints Mechanism - Overview, available on the RJC website at: [www.responsiblejewellery.com](http://www.responsiblejewellery.com).

Disclaimer: All parties to a complaint acknowledge and agree to hold the RJC harmless in connection with resolution of any complaint pursuant to this procedure.

## B.3 Admissibility

Eligible complaints include:

- Certification status of a Member;
- Accreditation status of an Auditor;
- Conduct of Members or Auditors during verification assessments or the Auditor's recommendation for/against certification to the RJC;
- Conduct of the RJC during Auditor accreditation;
- Conduct of the RJC with regards to its governance and policies.

The following types of complaints fall outside the scope of the RJC complaints mechanism and will not be accepted:

- Complaints from interested parties concerning disputes between them (or those they represent) and Members and/or Auditors, where the disputes do not explicitly relate to RJC certification and/or accreditation status.
- Complaints that are trivial, vexatious or have been generated to gain competitive advantage.
- Complaints that are not supported by evidence. Complaints cannot be investigated where they are based on hearsay alone.
- Complaints concerning the RJC's certification standards, scope or procedures, or supporting documents.
  - Note: Concerns of this nature should be forwarded to the RJC Management Team where they will be considered as input to the ongoing review and improvement of the RJC's certification standards and supporting documents.
- Anonymous complaints, unless they relate to a whistleblowing situation.

## B.4 Identification of Parties

<b>Parties</b>	
Complainant <i>(the person or organisation raising the complaint)</i>	
Respondent <i>(the party who is the subject of the complaint)</i>	
RJC Member and/or Facility to which this complaint relates <i>(if applicable)</i>	
Name of Auditor/s to which this complaint relates <i>(if applicable)</i>	
<b>Contact details for complainant</b>	
Organisation(s)	
Contact person	
Position/role	
Address	
Phone Number <i>(including country code)</i>	
Fax Number <i>(including country code)</i>	
Email address	
<b>Complainant's credentials</b>	
Please state your interest in the Member, Auditor, and/or other subject matter of the complaint.	

Please acknowledge that you are authorised to make this submission on the above named organisations' behalf.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## B.5 Background information

It will help you to formulate your complaint if you are familiar with the requirements of the Code of Practices and/or the CoC Standard, and their supporting documents. For information on:

Issue	See Document(s)	Website
Certification status of a Member or Entity under the Control of a Member	<ul style="list-style-type: none"> <li>• RJC Certification Handbook</li> <li>• RJC Principles and Code of Practices</li> <li>• RJC CoC Standard</li> <li>• RJC CoC Certification Handbook</li> </ul>	<a href="http://www.responsiblejewellery.com/certification.html">www.responsiblejewellery.com/certification.html</a>
Accreditation status of an Auditor	<ul style="list-style-type: none"> <li>• RJC Auditor Accreditation Process and Criteria</li> </ul>	<a href="http://www.responsiblejewellery.com/auditors/">www.responsiblejewellery.com/auditors/</a>
Conduct of Verification Assessments	<ul style="list-style-type: none"> <li>• RJC Certification Handbook</li> <li>• RJC Assessment Workbook</li> <li>• RJC Assessment Manual</li> <li>• RJC CoC Certification Handbook</li> <li>• RJC CoC Assessment Workbook</li> </ul>	<a href="http://www.responsiblejewellery.com/certification.html">www.responsiblejewellery.com/certification.html</a>
RJC Governance and policies	<ul style="list-style-type: none"> <li>• Articles of Association</li> <li>• Policies</li> </ul>	<a href="http://www.responsiblejewellery.com/about-us/">www.responsiblejewellery.com/about-us/</a>

## B.6 Complaint

**a. Focus of complaint (please mark boxes as appropriate):**

- Certification status of a Member;
- Accreditation status of an Auditor;
- Conduct of Members or Auditors during verification assessments or the Auditor's recommendation for/against certification to the RJC;
- Conduct of the RJC during Auditor accreditation;
- Conduct of the RJC with regards to its governance and policies.

**b. Have you sought to resolve the matter directly with the respondent? (If yes, please provide details).**

c. **What remedy is being sought in your complaint?**

d. **Please summarise your complaint below, referring to attachments and using additional pages where appropriate.**

Additional documentation such as published reports, guidance documents, witness statements, photographs or other materials which substantiate the allegations should be provided wherever possible.

- Do not send original documents, submit copies only.
- Non-confidential versions of documents are requested, to assist the RJC to provide the Respondent with relevant details of the Complaint.