



Marine Stewardship Council

MSC Complaints Procedure

Version 3.2

This document is publicly available on the MSC website (www.msc.org)

Document history

Version	Effective date	Description of amendment	Affected section/page
1.0	20 June 2008	New document	n/a
2.0	8 July 2016	Revision to comply with current MSC assurance system and latest ISEAL, FAO and GSSI requirements	Significant revision. Please request Version 1 for full details of revision
2.1	20 February 2018	Revision to clarify complaints that are within scope of this procedure, and governance arrangements during the investigation process.	Minor revisions to all sections.
3.0	14 February 2019	Revision to clarify timelines and responsibilities for handling different types of complaints, and other improvements.	Significant revisions across document.
3.1	27 February 2019	Clarification of scope of the procedure and revision of statute of limitations.	Clauses 2.1.2 and 2.2.
3.2	9 April 2019	Clarification that findings resulting from this procedure cannot affect previous certification decisions.	Clauses 2.1.2.2 and 8.1.2

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The official language of this procedure is English. The definitive version is maintained on the MSC’s website (www.msc.org). Any discrepancy between copies, versions or translations shall be resolved by reference to the definitive English version.

The MSC prohibits any modification of part or all of the contents in any form.

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Flowchart of MSC Complaints Procedure

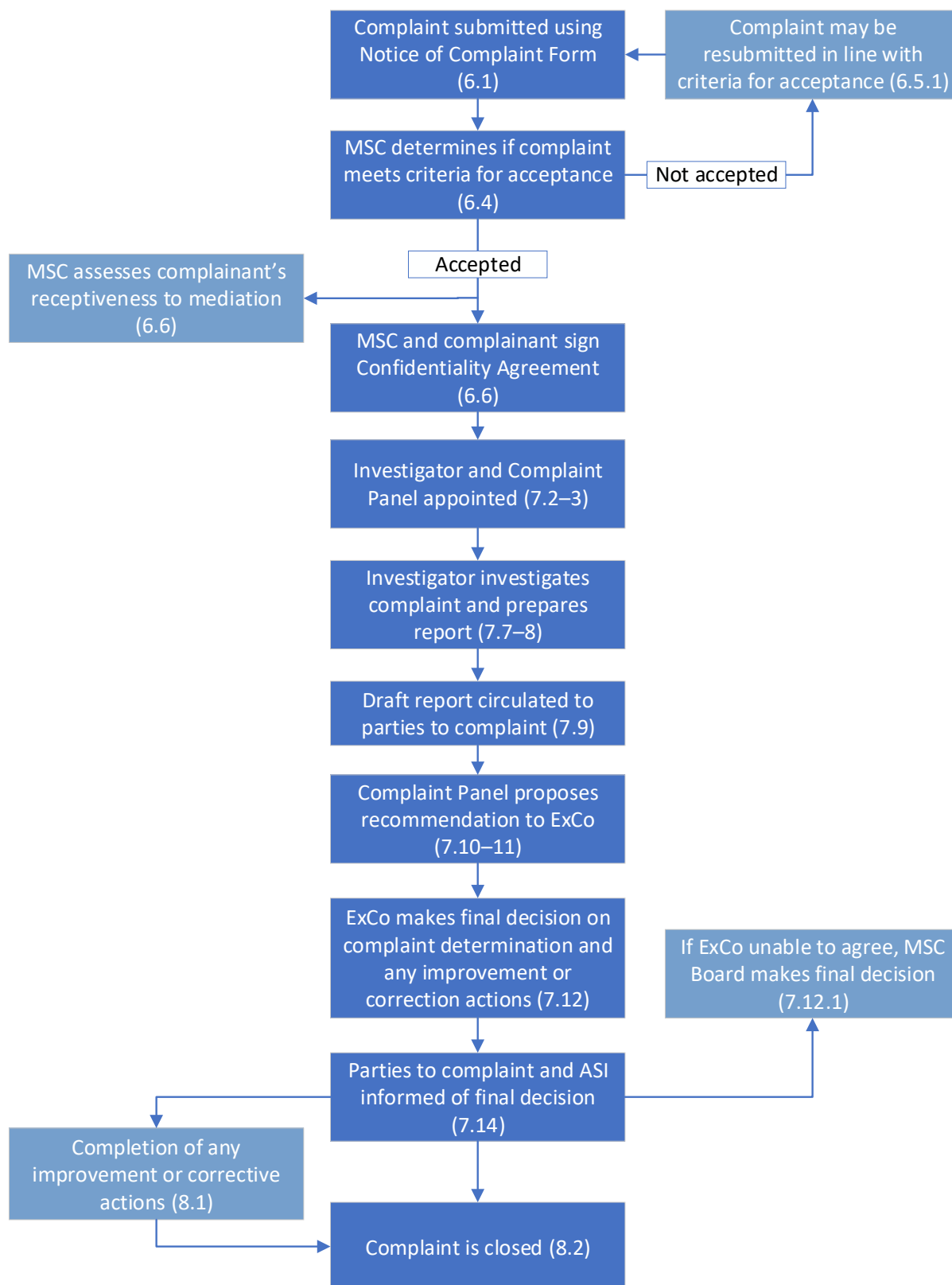


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1 Purpose

- 1.1 This procedure sets out the process to be followed for the effective and timely resolution of complaints relating to the MSC's standard-setting activities and to the conduct of the MSC in its other functions, including management of the MSC certification program.

2 Scope

- 2.1 This procedure shall be for use by any stakeholder in raising a formal complaint relating to one or more of the following activities:
- a. Processes of developing, reviewing and revising MSC standards.
 - b. Management of the MSC certification program.
 - c. Execution of any other MSC function, except as otherwise provided for in 2.2.a–g).
 - d. Conduct of any MSC Group employee, including employees of MSC's subsidiary companies, in executing any of the above.
- 2.1.1 A formal complaint shall also meet the requirements set out in 6.1.
- 2.1.2 The statute of limitations for submitting a formal complaint is three months from the date that the event that is the subject of the complaint occurred.
- 2.1.2.1 For a complaint regarding a specific fishery assessment, the three months is from the date of the completion of the most recent assessment or audit in which the event that is the subject of the complaint occurred.
 - 2.1.2.2 Findings from the complaint shall not impact previous decisions made during that assessment or certification process.
- 2.2 This procedure shall not be used for raising:
- a. Complaints or objections about an applicant or accredited conformity assessment body (CAB) including its farm or fishery assessments or Chain of Custody audits, and certification decisions, which should initially be dealt with under the CAB's own complaints procedure.
 - i. If the CAB is not able to address the grounds of the complaint satisfactorily, it should be raised with Assurance Services International (ASI) according to the ASI Complaints Procedure.
 - b. Complaints about the conduct of Assurance Services International (ASI), which should be dealt with under the ASI Complaints Procedure.
 - c. Complaints about the content of the MSC standards and their associated normative documents, which should be sent to standards@msc.org to enable them to review and process according to the MSC Standard Setting Procedure.
 - d. Complaints about the ASC-MSC Seaweed Standard, which should refer to the MSC-ASC Joint Seaweed Standard Setting Complaints Procedure.
 - e. Complaints regarding ecolabel misuse, which should be sent to ecolabel@msc.org.
 - f. Complaints regarding the appointment of a peer reviewer in any fishery assessment, which should be sent to PeerReviewCollege@msc.org.
 - g. Complaints regarding the conduct and decisions of Independent Adjudicators.

3 Responsibilities

Party	Responsibility
Complainant	Raises complaint according to the MSC Complaints Procedure.
Party to the complaint	Any person or entity who has filed the complaint, or any person or entity against which the complaint has been raised.
MSC Executive	Processes complaint, supports other MSC parties in their roles in executing the procedure, and coordinates annual complaints review.
MSC Executive Committee	Appoints investigator and members of the Complaint Panel.
Investigator	Objectively analyses the complaint using all available relevant information and oversees delivery of the corrective action plan.
Complaint Panel	Oversees handling of the complaint until resolution or withdrawal. One Complaint Panel is convened per complaint.
MSC Executive Committee	Takes decisions: <ul style="list-style-type: none"> • On membership of each Complaint Panel. • To confirm determination of each Complaint Panel. • To adopt corrective action plan or recommended improvement(s), if proposed.
Chairman of MSC Board of Trustees	Performs MSC Executive Committee responsibilities above if complaint involves the MSC CEO or a Board appointee.

4 Terms and definitions

- 4.1 All terms and definitions are included in the MSC-MSCI Vocabulary (www.msc.org/for-business/certification-bodies/supporting-documents).

5 Associated documentation

Document	URL
MSC Notice of Complaints Form	https://www.msc.org/docs/default-source/default-document-library/stakeholders/msc-notice-of-complaint-form.doc?sfvrsn=8c684a82_10
MSC Standard Setting Procedure	www.msc.org/docs/default-source/default-document-library/msc-standard-setting-procedure.pdf?sfvrsn=dfda000b_14
ASI Complaints Procedure	https://asi-login.my.salesforce.com/sfc/p/#A0000000aGza/a/12000000UT6o/j6u2ineZ.OrBt6U_I83qlhrMJW2c0DMWCnNHIBInHCc
MSC-ASC Joint Seaweed Standard Setting Complaints Procedure	https://improvements.msc.org/database/seaweed-standard/documents/MSC-ASC%20Joint%20Seaweed%20Standard%20Complaints%20Procedure.pdf
MSC-MSCI Vocabulary	https://www.msc.org/docs/default-source/default-document-library/for-business/program-documents/chain-of-custody-supporting-documents/msc-msci_vocabulary_v1-2.pdf?sfvrsn=cef284dd_12

6 Receiving a complaint

- 6.1 To be accepted and classified by the MSC as a formal complaint, the complaint shall:
- Meet the scope criteria set out in 2.1.
 - Be specific, and include appropriate objective justification and evidence to substantiate any claim.
 - Be submitted in writing using the [MSC Notice of Complaint Form](#).
 - Be submitted in English.
 - Other languages may be accepted by the MSC on a case by case basis, with any request to submit a complaint in a different language to be sent to complaints@msc.org.
 - Be sent by email to complaints@msc.org or by letter to: Marine Stewardship Council, Marine House, 1 Snow Hill, London EC1A 2DH, United Kingdom.
- 6.2 Any complaint based upon hearsay shall not be accepted.
- 6.2.1 In such a case, the MSC shall request further information from the complainant in order to assess whether the complaint has substance.
 - 6.2.2 If the complainant does not respond within the 30-day timeframe stipulated in the request, the complaint shall be considered withdrawn and therefore closed.
- 6.3 The MSC should acknowledge receipt within five working days of submission.
- 6.4 Using the criteria in 6.1, the MSC should decide to accept or reject the complaint within 15 working days of submission.

- 6.4.1 If the complaint is rejected, the complainant shall be informed of the reason and of their options for re-submitting the complaint.
- 6.4.2 If the complaint is accepted but relates to an ongoing fishery assessment or fishery objection process, the MSC reserves the right to pause investigation of the complaint until this has concluded.
- 6.4.3 If the complaint is accepted but relates to an ongoing CAB complaint process, the MSC shall pause investigation of the complaint until conclusion of that process.
- 6.5 When notifying the complainant of the acceptance of their complaint, the MSC should communicate with them to assess receptiveness to mediation.
- 6.6 The MSC and the complainant shall sign a Confidentiality Agreement as a condition of proceeding with a formal complaint process.
 - 6.6.1 The accepted complaint shall be shared with the MSC's accreditation body.

7 Investigating and making a decision on the complaint

- 7.1 The complaint process should normally be completed (i.e. a final decision made) within 90 calendar days of submission.
 - 7.1.1 In the event of a delay, the parties to the complaint shall be informed promptly.
- 7.2 The MSC Executive Committee shall appoint an "investigator" per the following criteria:
 - a. The investigator shall not be one of the parties to the complaint.
 - b. The investigator may be more than one person working as a team.
 - c. Depending on the nature of the complaint, such as a complaint giving rise to a conflict of interest, an investigator independent of the MSC may be appointed.
- 7.3 The MSC Executive Committee shall appoint a "Complaint Panel" comprising at least three people appropriate to the nature of the complaint, including the investigator.
- 7.4 If the complaint involves the CEO or a Board-appointed party, the Chairman of the MSC Board of Trustees shall act in place of the MSC Executive Committee for the purposes of section 7 of this procedure.
 - 7.4.1 In the case of 7.4, the Investigator and the members of the Complaint Panel shall be drawn from the MSC Board of Trustees.
- 7.5 The investigator shall inform the complainant, and any parties to the complaint, of the following:
 - a. The composition of the Complaint Panel.
 - b. Next steps.
 - c. That they may be contacted to establish the full nature of the complaint.
- 7.6 The investigator may contact the complainant to determine the full nature and extent of the complaint, specifying that the complainant has 30 calendar days in which to respond with the requested information.
 - 7.6.1 If at any time during the investigation process the complainant is non-responsive for more than 30 calendar days following a request for information or acknowledgement, the MSC shall reserve the right to consider the complaint withdrawn and therefore closed.
- 7.7 The investigator shall objectively analyse and assess the complaint using all available relevant information.
- 7.8 The investigator shall prepare a report which includes:

- a. A summary of the nature of the complaint.
 - b. A proposed determination as to the validity of the complaint, which shall be one of the following:
 - i. Not upheld
 - ii. Not upheld, but with improvement plan proposed
 - iii. Upheld, with corrective action plan proposed
 - c. An improvement plan, if proposed per 7.8.b.ii.
 - d. A corrective action plan, if proposed per 7.8.b.iii.
- 7.9 The draft report shall be circulated to all parties to the complaint for comment and to identify any errors of fact, with 10 working days given for submission of responses before finalisation of the report.
- 7.10 The final report shall be presented to the Complaint Panel to discuss and agree a recommendation to the MSC Executive Committee.
- 7.11 If the determination, and the improvement or corrective action plan if proposed, are accepted by consensus by the Complaint Panel, the recommendation for adoption shall be forwarded to the MSC Executive Committee for final decision.
- 7.11.1 If the Complaint Panel is unable to accept fully the determination and the improvement or corrective action plan if proposed, it shall report the points of disagreement to the MSC Executive Committee for final decision.
- 7.12 The MSC Executive Committee shall decide whether to accept the determination of the complaint panel and any proposed improvement or corrective action plan.
- 7.12.1 If the MSC Executive Committee is unable to accept fully either the determination, or the improvement or corrective action plan if proposed, the CEO shall report the points of disagreement to the MSC Board of Trustees for final decision.
- 7.13 Within 10 working days of the final decision, the investigator shall inform the complainant and parties to the complaint of the decision, and any agreed improvement or corrective action plan and the timeline for implementation of this.
- 7.13.1 The final decision shall be shared with the MSC's accreditation body.
- 7.14 There is no provision in this procedure for appeal against the final decision.

8 Implementing a corrective action or improvement plan

- 8.1 The investigator shall oversee the implementation of any improvement or corrective action plan resulting from their investigation.
- 8.1.1 The investigator shall report back to the Complaint Panel to check on any milestones as agreed, and to confirm when the improvement or corrective plan has been completed.
- 8.1.2 The corrective action plan shall not impact previous decisions made during an assessment or certification process. Any findings from the complaint shall be shared with ASI and the CAB and may be considered in future assessments as appropriate.
- 8.2 The Complaint Panel shall verify that the improvement or corrective action plan has been effectively implemented and, if so, close the complaint.
- 8.3 The investigator shall notify the complainant that the complaint has been addressed and closed, and explain the actions taken, within 10 working days of closure.

9 Complaints review

- 9.1 The MSC shall conduct an annual complaints review which includes examination of:
- a. The handling of any complaint under this procedure.
 - b. Summaries of complaints and appeals from ASI and certification bodies.
- 9.1.1 A summary of the findings of the complaints review shall be provided to the MSC Board of Trustees for information.
- 9.2 Additionally, the MSC shall prepare a summary of all the complaints handled in the last year, including the nature of these, the broad stakeholder group from which they originated, and their respective decisions and statuses.
- 9.2.1 The findings of the complaints review and the annual summary of cases shall be signed off by the MSC Executive Committee.
- 9.3 Learning from complaints reviews shall be taken into consideration when reviewing this procedure.
- 9.4 This procedure shall be open for comment from all stakeholders via standards@msc.org.
- 9.4.1 Comments shall be acknowledged and the commentators notified and/or consulted if or when the procedure is reviewed and revised.
- 9.5 This procedure shall be reviewed a minimum of every five years, or sooner where deemed necessary by the MSC Board of Trustees or Executive Committee.

10 Records

- 10.1 All records generated from complaints shall be kept by the MSC for a maximum of seven years, including:
- a. Complaints.
 - b. Acknowledgements and notification to the complainant.
 - c. Reports prepared by the investigator including proposed determination and corrective action plan.
 - d. Final decisions.
 - e. Annual summaries from ASI and certification bodies.
 - f. MSC records of all annual summaries of all complaints relating to the MSC program.
- 10.2 Any personal information submitted by complainants shall be handled in accordance with the UK Data Protection Act 1998 and the General Data Protection Regulation (GDPR).

End of Procedure

Annex 1: MSC Notice of Complaint Form

MSC Notice of Complaint Form

Per 6.1.3 of the [MSC Complaints Procedure](#), all complaints shall be submitted to the Marine Stewardship Council (MSC) using the current version of the form “MSC Notice of Complaints Form” found at: www.msc.org/documents/policy-procedural-documents/msc-complaints-form.

General

So that we can process your complaint thoroughly and efficiently, please read the following information carefully:

1. This form should be filled out in English (contact standards@msc.org if you wish to request submission in another language).
 2. All fields with a * must be completed.
- *Complaints based on hearsay will not be accepted.*
 - *Where multiple complaints are filed with the same underlying issue, these are considered as one dispute and will be processed together.*
 - *All filed complaints shall be accompanied by relevant evidence.*

Send the completed form by:

- email: complaints@msc.org
- or post: **Marine Stewardship Council
Marine House
1 Snow Hill
London
EC1A 2DH
United Kingdom**

Your information

Date of submission:	DD/MM/YYYY
First name*:	
Surname*:	
E-mail address*:	
Telephone number*:	
Mobile number:	
Fax number:	
Organisation (if applicable)*:	

House number:	
Street address	
City and/or region:	
Postal code:	
City/Country:	

List enclosed evidence: <i>(if applicable)</i>	- <i>Title(s) of any document(s)</i>
	- <i>Reason enclosed documents are considered evidence.</i>
	1.
	2.
	3.
	4.
	5.
	<i>Add additional lines as needed.</i>

Your reason for the complaint

Please enter the reason for your complaint in the field below (max. 400 words)

End of document