



**Marine Stewardship Council**

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# **MSC Complaints Procedure**

## **Version 4**

This document is publicly available on the MSC website ([msc.org/complaints](https://www.msc.org/complaints))

## 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
4.0	2 October 2020	Revisions to: - Enable the MSC to publish summaries of resolved complaints which relate to standard-setting processes or management of the MSC assurance system. - Clarify oversight process for MSC complaint handling and the procedure. - Clarify language for greater accessibility.	Revisions across document.



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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](http://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.

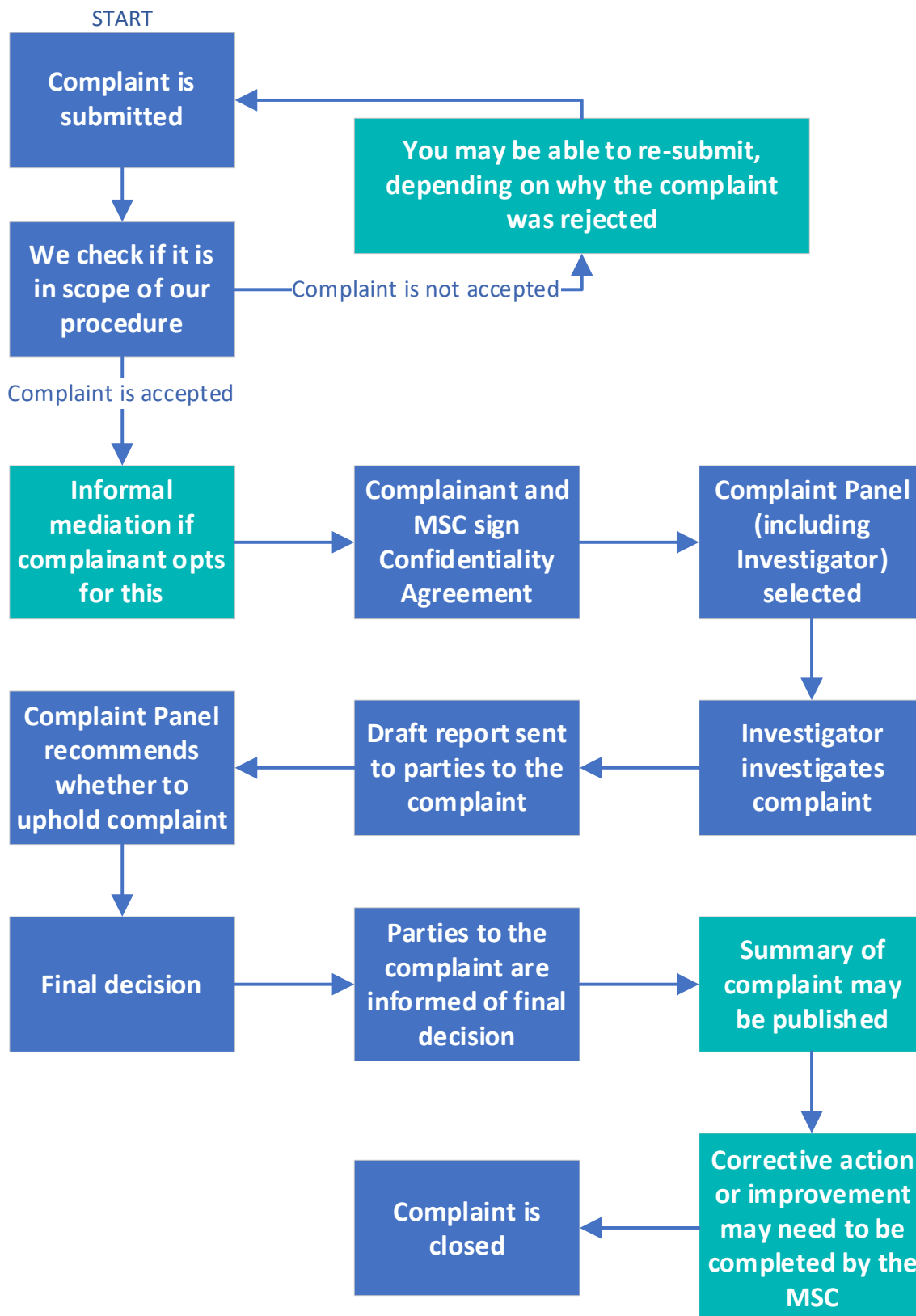
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## Flowchart of MSC Complaints Procedure





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## 1 Purpose

- 1.1 This procedure sets out the process for resolving complaints relating to the MSC's standard-setting activities and the wider conduct of the MSC throughout its operations.

## 2 Types of complaint that can or cannot be resolved using this procedure

- 2.1 Anyone can use this procedure to raise a formal complaint about:
- The development, review and revision of the MSC's Standards or assurance system.
  - Any other aspect of the MSC program, except for those listed in 2.3.
  - Conduct of any MSC Group employee, including employees of MSC's subsidiary companies (see list of subsidiary companies at [www.msc.org/about-the-msc/our-governance](http://www.msc.org/about-the-msc/our-governance)).
- 2.2 The complaint must be submitted to the MSC within three months of the date of the event that is the subject of the complaint (this is the "statute of limitations").
- 2.2.1 If the complaint is about an MSC activity in relation to a specific fishery assessment, the statute of limitations is from the date that the Public Certification Report for the fishery is published, or the date that the MSC activity in question occurred, whichever is later.
- 2.3 This procedure cannot be used for:
- Complaints or objections about the conduct or decisions of an applicant or accredited conformity assessment body (CAB) in relation to the Fisheries and/or Chain of Custody assessments or audits – these should be raised using the CAB's own complaints procedure.
    - If the CAB is not able to address the grounds of the complaint satisfactorily, it should be raised with Assurance Services International (ASI) via the [ASI Complaints Procedure](#).
  - Complaints about the conduct of Assurance Services International (ASI) should be raised via the [ASI Complaints Procedure](#).
  - Raising issues about the content of the MSC Standards and/or associated normative documents, rather than about the process of setting the MSC standards. Any such issue should be sent to [standards@msc.org](mailto:standards@msc.org), to be reviewed in accordance with the MSC Standard Setting Procedure.
  - Complaints about the ASC-MSC Seaweed Standard should be raised via the [MSC-ASC Joint Seaweed Standard Setting Complaints Procedure](#).
  - Complaints about ecolabel misuse should be sent to [ecolabel@msc.org](mailto:ecolabel@msc.org).
  - Complaints about the appointment of a peer reviewer in any fishery assessment should be sent to [PeerReviewCollege@msc.org](mailto:PeerReviewCollege@msc.org).
  - Complaints about the conduct and decisions of Independent Adjudicators.

## 3 Roles

- 3.1 Roles are described throughout the procedure, and summarised in [Annex 1](#).

## 4 Submitting a complaint

- 4.1 To be accepted by the MSC as a formal complaint, the complaint must:
- a. Be in scope of the procedure (see Section 2).
  - b. Be specific.
  - c. Include evidence to support any claim.
  - d. Be submitted using the MSC Notice of Complaint Form (available at: [www.msc.org/docs/complaints-form](http://www.msc.org/docs/complaints-form)).
  - e. Be submitted in English.
    - i. Other languages may be accepted by the MSC on a case by case basis. A request to submit a complaint in a different language should be sent to [complaints@msc.org](mailto:complaints@msc.org).
  - f. Be sent by email to [complaints@msc.org](mailto:complaints@msc.org), or by letter to: Quality and Assurance Team, Marine Stewardship Council, Marine House, 1 Snow Hill, London EC1A 2DH, United Kingdom.
- 4.2 Any complaint based upon hearsay cannot be accepted.
- 4.2.1 In such a case, the MSC will request further information from the complainant to assess whether the complaint can be substantiated. If no response is received within 30 calendar days, the complaint will be considered withdrawn and therefore closed.
- 4.3 The MSC will aim to acknowledge receipt within five working days of submission.
- 4.4 The MSC will aim to accept or reject the complaint within 15 working days of submission, based on the acceptance criteria in 4.1.
- 4.4.1 If the complaint is rejected, the complainant will be informed of the reason and their options for re-submitting the complaint.
- 4.4.2 If the complaint is accepted but relates to an ongoing fishery assessment, fishery objection process, or CAB complaint process, the MSC reserves the right to pause investigation of the complaint until conclusion of the assessment, objection, or CAB complaint process.
- 4.5 If the complaint is accepted, the complainant can opt for informal mediation prior to proceeding to investigation.
- 4.6 The MSC and the complainant must sign a Confidentiality Agreement before the complaint process can proceed.
- 4.7 The accepted complaint will be shared with the MSC's accreditation body (ASI), if relevant.

## 5 Investigating the complaint

- 5.1 The complaint process will normally be completed (i.e. a final decision made) within 90 calendar days of submission. The MSC will promptly inform the parties to the complaint of any delay.
- 5.2 ExCo will act as the "final decision maker" for the complaint, unless the complaint involves the CEO or a member of an MSC governance body, in which case the Chairman of the MSC Board of Trustees will be the final decision maker.
- 5.3 The final decision maker will appoint at least three people to an ad-hoc "Complaint Panel", with selection based on the nature of the complaint. One member will be the "investigator".

- 5.3.1 The investigator cannot be a party whom the complaint has been raised against.
- 5.3.2 The investigator can be more than one person working as a team.
- 5.3.3 The investigator and/or other members of the Complaint Panel can be independent of the MSC (e.g. to avoid risk of conflict, or because of the need for specific expertise).
- 5.4 The investigator will inform the complainant, and any parties to the complaint, of the following:
  - a. Appointments to the Complaint Panel.
  - b. Next steps in the process.
  - c. That they may need to provide further information about the complaint.
- 5.5 The investigator may request further information from the complainant to determine the full nature and extent of the complaint, specifying that the complainant has 30 calendar days to provide this.
  - 5.5.1 If the complainant fails to respond within 30 calendar days following a request for information or an acknowledgement at any point in the investigation, the MSC reserves the right to consider the complaint withdrawn and therefore closed.
- 5.6 The investigator will objectively analyse and assess the complaint using all available relevant information.
- 5.7 The investigator will prepare a report containing:
  - a. A summary of the nature of the complaint.
  - b. A proposed determination as to the validity of the complaint, which will be one of the following:
    - i. Not upheld.
    - ii. Not upheld, but with improvement plan proposed and included in the report.
    - iii. Upheld, with corrective action plan proposed and included in the report.
- 5.8 The draft report will be circulated to all parties to the complaint for comment and to identify any errors of fact, with 10 working days given for responses.

## 6 Reaching a decision on the complaint

- 6.1 Based on the findings in the final report, the Complaint Panel will aim to reach consensus, with a recommendation provided to the final decision maker.
  - 6.1.1 If the Complaint Panel cannot reach consensus on the determination, or on the improvement plan or corrective action plan proposed, it will report the points of disagreement to the final decision maker.
- 6.2 The final decision maker will decide whether to accept the determination of the Complaint Panel, and the improvement plan or corrective action plan if proposed.
- 6.3 Within 10 working days of the final decision, the investigator will inform the complainant and other parties to the decision, along with any agreed improvement plan or corrective action plan and the timeline for implementation.
  - 6.3.1 The final decision will be shared with the MSC's accreditation body (ASI), if relevant.
- 6.4 In the case of a complaint about development of the MSC's Standards or an MSC activity relating to the MSC assurance system, a summary of the complaint will be published on the [complaints section](#) of the MSC website.



- 6.4.1 The parties will be given 10 working days request any clarifications to be made to the summary. The summary will not contain confidential or personal information.
- 6.4.2 The MSC reserves the right to remove a public summary after two years from date of publication.
- 6.5 There can be no appeal against the final decision.
- 6.6 If the complaint relates to one or more fisheries assessment(s), the final decision cannot affect any certification decision made during that assessment process.

## 7 Implementing an improvement plan or corrective action plan

- 7.1 If the final decision requires implementation of an improvement plan or corrective action plan, the investigator will oversee this.
- 7.2 The investigator will report back to the Complaint Panel on any agreed milestones and on completion of the plan.
- 7.3 The Complaint Panel will verify that the plan has been effectively implemented and, if so, close the complaint.
- 7.4 The investigator will notify the complainant that the complaint has been addressed and closed, and explain the actions taken, within 10 working days of closure.
- 7.5 A corrective action plan cannot affect previous decisions made during an assessment or certification process. Any findings from the complaint will be shared with ASI and the CAB and may be considered in future assessments as appropriate.

## 8 Review of complaints and the MSC Complaints Procedure

- 8.1 The MSC will annually review the handling of complaints under this procedure and summaries of complaints and appeals from ASI and conformity assessment bodies.
- 8.2 The review will be signed off by the MSC Executive Committee.
- 8.3 This procedure is open for comment from all stakeholders via [standards@msc.org](mailto:standards@msc.org). Comments will be acknowledged and the commentators notified and/or consulted on any review or revision of the procedure.
- 8.4 This procedure will be reviewed at least every five years, or sooner where deemed necessary by the MSC Board of Trustees or Executive Committee. Reviews of this procedure will include learning from complaints.

## 9 Records

- 9.1 All records generated from complaints will be kept by the MSC for a maximum of seven years, including:
  - a. Complaints.
  - b. Acknowledgements and notifications to the complainant.
  - c. Reports prepared by the investigator, including proposed determination and corrective action plan or improvement plan.
  - d. Final decisions.



- e. Annual summaries from ASI and certification bodies.
  - f. MSC records of all summaries of all complaints relating to the MSC program.
- 9.2 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).

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**End of Procedure**

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## Annex 1: Roles

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.
Investigator	Objectively analyses the complaint using all available relevant information and oversees implementation of the corrective action plan.
Complaint Panel	Oversees handling of the complaint until resolution or withdrawal. One Complaint Panel is convened per complaint.
Final decision maker	<p>Either the MSC Executive Committee or the Chairman of the MSC Board of Trustees (see clause 5.2). Makes final decision on:</p> <ul style="list-style-type: none"> <li>• Membership of the Complaint Panel.</li> <li>• Whether to accept recommendation of the Complaint Panel.</li> <li>• Adoption of corrective action plan or recommended improvement(s), if proposed.</li> </ul>

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**End of document**

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