

BONSUCRO COMPLAINT RESOLUTION PROCESS¹

Introduction

Bonsucro is an open, voluntary, not-for-profit multi-stakeholder organisation aiming to improve the social, environmental, and economic sustainability of sugarcane production. Our mission is to improve the sustainability of sugarcane by promoting the use of a global metric standard, with the aim of continuously improving sugarcane production and downstream processing in order to contribute to a more sustainable future.

We are committed to taking complaints seriously and acting to make changes that will help us achieve our mission. The following document pertains to what types of complaints and grievances will be considered; the process for resolving those complaints and grievances; and public communications regarding complaints and grievances.

A. Objectives and Scope

The Complaint Resolution Process (CRP) fulfils Bonsucro's need to address complaints against Bonsucro members in a manner that is reflective of the nature, mission, and goals of Bonsucro. The CRP exists to resolve issues in the following areas (only):

- (a) complaints regarding a Bonsucro member's alleged breach of the Governance Documents, defined as: (1) the Articles of Association; (2) the Code of Conduct; (3) the Membership Governance Framework Rules and Regulations; (4) this Complaint Resolution Process; (5) any policies, other codes, agreements or other documents as may be drafted, approved and/or issued by the Board, any Committee, Task Force, Working Group and/or the Secretariat from time to time and to which the Members are subject;
- (b) complaints against the awarding of Bonsucro Certification where the criteria set out in the Production Standard or the Chain of Custody Standard have not been complied with;
- (c) complaints in relation to audits, auditors, the auditing process; the Production Standard; the Chain of Custody Standard or the auditing guidelines as may be amended from time to time by the Board;
- (d) complaints or disputes arising from actions or decisions of the Board, a Board Committee, the Secretariat or a member of any of those bodies; or
- (e) any other conflict, dispute or other disagreement relating to the operations of Bonsucro or any of the Governance Documents.

1. Members or Bonsucro will seek to resolve grievances directly following the Complaint Resolution Process.

¹ As revised by the Board on 7 October 2014

2. Our Principles for Handling Complaints

Bonsucro will strive to handle complaints in an equitable and timely manner, and will aim to adhere to the following principles:

- Encourage efforts to resolve problems directly between parties before making a formal complaint to Bonsucro
- Keep the complaint resolution process to an appropriate and fair timetable
- Gather the relevant facts from all parties
- Operate in a spirit of openness while maintaining member confidentiality of business sensitive information
- Maintain a formal record of complaints
- Provide an appeals process
- Follow up to ensure compliance with resolution agreements

3. Filing a Complaint

1. Complaints or grievances must be filed in writing in order to be considered. All complaints must be submitted to:

The Complaints Manager
Bonsucro
20 Pond Square
London N6 6BA UK

or by email to complaints@bonsucro.com

2. The complaint or grievance must be in English, which is the working language of Bonsucro. All supporting evidence submitted in English will be taken into consideration. Bonsucro reserves the right to dismiss supporting evidence submitted in any other languages.
3. The initial burden of proof is on the party who makes the complaint (hereafter called the “Complainant”). The Complainant is required to provide all of the following information before a complaint or grievance shall be considered.
 - a. Information on Complainant, including:
 - Representative organization, contact person, and title/position
 - Information that demonstrates legitimacy of representative organization as legal entity
 - Contact information, including email, phone number, and mailing address
 - b. Name of individual or organization grievance is made against
 - c. Details on nature of grievance and which of the Bonsucro articles is being broken (See Section A “Objectives and Scope” Points a-d for scope of valid complaints), clearly identifying the exact

article that has been broken.

- d. Documentation and other supporting evidence to directly substantiate the complaint, including a concise narrative with clear links to supporting evidence
- e. Written evidence that previous steps were undertaken to seek resolution directly with the organisation grievance is made against, prior to initiating the Bonsucro complaints procedure.
- f. Recommendations on clear, concise and specific actions and activities to correct problems raised in the complaint.

4. Processing Procedure

1. Upon receipt of the complaint the Complaint Manager will make an initial assessment of the claim and determine whether the complaint is within scope (as outlined in Section A “Objectives and Scope” Points a-d). Matters that will not be considered include:
 - Allegations of a member’s actions that occurred prior to that member joining Bonsucro and that they bear no relevance to the member’s current activities.
 - Allegations against non-members, except as it relates to accredited certification bodies and auditors
 - Allegations unrelated to Bonsucro business, specifically outside a member’s sugar cane business.
 - Allegations that occurred outside the available timeframe for filing complaints (see Table 1)

Table 1: Complaint Validation Guide

Type of Complaint	Possible subject(s) of complaint	Available timeframe for filing complaints
Governance Documents	Member organisation	Duration of membership
Bonsucro Certification System (incl. production standard, chain of custody standard, etc)	Certified member mill (Production Standard) and certified organisation (Chain of Custody Standard)	Duration of certificate validity
Audits, auditors, the auditing process, Auditing Guidelines	Certification body, Accreditation body	Within six months of audit or action in question
Actions or decisions of the Bonsucro Board of Directors, committee members or staff	Staff members, Individual member of the Board of Directors, committee members	Within six months of action or decision in question

Governance Documents in relation to the CRP has the same meaning given in the Membership Governance Framework Rules and Regulations.

2. If the complaint is out of the CRP scope (as outlined in Section A “Objectives and Scope” Points a-d), it will be dismissed and the Complainant will be notified within 10 business days² of receipt, either by first class post or email, of the dismissal and the reasons for the dismissal.
3. If the complaint is within scope but lacks required information (as outlined in Section C “Filing a Complaint” Part 3 Points a-f) the Complainant shall be given a copy of the CRP and notified within 10 business days of receipt, either by first class post or email, of the reason for incompleteness. After 30 consecutive days of the date of notification, the available evidence will be considered final and the Complaints Manager will proceed with the complaints process.
4. If the complaint is within the scope and includes all required information, the Complaint Manager will notify the Complainant within 10 business days of receipt. The Complainant shall be informed, either by first class post or email, that the detail of the allegations and any accompanying documents which the Complainant seeks to rely upon will be shown to the organisation or individual which is the subject of the complaint (hereafter called the “Respondent”).
5. Upon notifying the Complainant of sufficient information to progress the complaint, the Complaint Manager will notify the Respondent of the allegations, either by first class post or email, and will ask for an initial response. After 30 consecutive days of the date of notification, the available evidence will be considered final and the Complaints Manager will proceed with the complaints process. If the Respondent does not provide a response the Complaint Manager will assume the complaint is well founded and proceed with recommendations.
6. The Complaints Manager shall then consider all evidence provided and within 20 business days of receipt of the allegation response shall submit a report to the Chief Executive of Bonsucro with recommendations.
7. Within 14 business days of receiving these recommendations, The Chief Executive of Bonsucro will propose and communicate a decision to the Board. The Board will then either authorise this decision or provide guidance to the Chief Executive for reformulation of the decision. Both parties will be notified of the decision, either by first class post or email, and will be provided with the opportunity to either accept the decision or submit a counter proposal.
8. If a counter proposal is submitted, it must be provided to the Complaints Manager in writing within 10 business days of receipt of the initial determination. Both parties will be notified of the Counter Proposal, either by first class post or by email, within 10 business days or receipt by the Complaints Manager. Each party will then have 10 business days to either accept or reject the terms of the counter proposal.

² “Business Days” in this document refer to week or working days according to the UK calendar. All deadlines described in this document shall refer to the current London Time (end of the deadline day means 17h00 of the given day in London).

9. If no agreement between parties can be reached, the Board of Directors will make the final decision: (a) uphold the original, (b) accept one of the Counter Proposals, (c) amend the original decision and incorporate parts of the Counter Proposals corrective action. Both parties shall be informed of the decision, either by first class post or email. The Respondent shall also be advised of any corrective action which must be taken. It will be incumbent upon the Respondent to implement the decision and Bonsucro will monitor progress towards achieving this. Both parties shall be provided with a copy of the Appeals procedure.
10. If an agreement between parties is reached, both parties shall be informed of the decision, either by first class post or email. It will then be incumbent upon the Respondent to implement the decision and Bonsucro will monitor progress towards achieving this.
11. Decisions reached through the Bonsucro Complaint Resolution Process are valid for a period of 4 (four) years, starting from the date of notification of the parties, unless otherwise stated in the decision.
12. Decisions of the Board of Directors following their assessment of any allegation through the Complaint Resolution Process shall be binding on all Members. In the event that a Member is determined by the Board to have been in breach of the Governance Documents, the Board may in accordance with the Code of Conduct:
 - a. exclude that Member from any or all of Bonsucro's services or activities or from participating in the Bonsucro Standards scheme for such time as it may decide; or
 - b. impose such other sanction, including suspension of Membership for a period of time or permanently, according to the severity of the breach.

E. Appeals procedure

An appeal against the determination of a complaint may be made by either the Complainant (party that filed the complaint) or the Respondent (party against which the complaint was made).

1. The intention to appeal must be notified to the Complaints Manager in writing within 21 days of receipt of the determination. The appeal must be in writing and clearly set out grounds for the appeal.
 - a. No party shall be permitted to rely upon any document(s) and/or information in their grounds of appeal that was not included with the original complaint or response to the complaint unless that document(s) and/or information was not available at that time.
 - b. Any party seeking to rely on additional document(s) and/or information shall provide an explanation why the same was not available at the time within their grounds of appeal. The appeal panel shall decide whether to allow that party to rely on that additional document(s) and/or information at the appeal hearing.
2. The appeal will be heard by a panel comprising the Chair of the Directors of Bonsucro and three

other Bonsucro member representatives. The members of the panel shall be appointed by the Board of Bonsucro and shall each represent a different member category. The appointed member representatives shall act in their individual capacity and shall not disclose any information regarding the complaint to their own organisation or to external stakeholders, as stipulated in a confidentiality agreement, which, will be made available to the Board of Directors on request to inform their decision making. The panel shall hear the appeal within 36 days of the notice to appeal.

- a. The panel shall be given a copy of the original complaint and any evidence provided by either party during the initial determination process.
 - b. No person shall act as either a panel member or secretary to the panel if there is any direct or indirect conflict of interest.
 - c. The parties shall be entitled to be represented at the hearing either by an employee of the organisation or by a nominated legal representative, but only if the name of their representative is given in writing to the office of Bonsucro mentioned above not less than 5 working days prior to the hearing of the appeal.
3. The panel shall then decide whether to uphold or revise the original decision. The panel shall inform both parties of its decision, including any action to be taken, and the decision of the panel is final. There will be no further Appeals procedure.
4. Any complaint against a staff member, a director or a committee member will be referred to the appeals panel immediately and without interference of anyone but the complaints manager.
- a. Upon receiving of the complaint, the panel shall start the procedure as indicated in section D, with the provision that it will take over all duties of any member of staff, Board or director mentioned in D.
 - b. There will be no appeal to the decision of the panel.

F. Documentation

An outline with the final results of any complaint upheld will be published on the website of Bonsucro and it shall include the determination and any corrective action to be taken. A draft wording shall be circulated for consensus to the Respondent and the Complainant before publication. If consensus is not possible, the Board of Directors will determine the final wording.

Staff will maintain a log of all complaints made to Bonsucro. Any original documentation submitted by the parties shall be returned to those parties as soon as reasonably practicable and the copies shall be stored at the office of Bonsucro for a period of 12 months beginning on the date on which the complaint was determined. Thereafter such copies will be destroyed.