

ASI Complaints Mechanism

*Version 1.0
November 2015*

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General Enquiries

The Aluminium Stewardship Initiative (ASI) welcomes questions and feedback on this document.

Email: info@aluminium-stewardship.org

Telephone: +61 3 9857 8008

Mail: PO Box 4061, Balwyn East, VIC 3103, AUSTRALIA

Website: www.aluminium-stewardship.org

Disclaimer

The ASI Complaints Mechanism does not intend to, nor does it, replace, contravene or otherwise alter the requirements of the ASI Constitution or any applicable national, state or local government laws, regulations or other requirements regarding the matters included herein. This document gives general guidance only and should be not be regarded as a complete and authoritative statement on the subject matter contained herein. The ASI Complaints Mechanism will be updated from time to time, and the version posted on the ASI website supersedes all other earlier versions.

1. Purpose and Scope of this Document

The Aluminium Stewardship Initiative (ASI) Complaints Mechanism aims to ensure the fair, timely and objective resolution of complaints relating to ASI’s standards setting processes, certification program, auditor conduct and ASI policies and procedures. It serves as an important part of the overall ASI governance model, allowing stakeholders to raise issues of concern and have these investigated and addressed as appropriate.

This document sets out the principles and procedures of the ASI Complaints Mechanism. The ASI Complaints Mechanism, including all decisions made under it, binds:

- ASI, ASI Members and Board directors – by virtue of the ASI Constitution; and
- ASI Auditors, ASI employees, contractors and others – by virtue of separate contractual arrangements.

This complaints procedure does not replace or limit access to judicial remedies.

2. Overview of Rights Compatible Mechanisms

A rights-compatible grievance or complaints mechanism integrates human rights norms into its processes and is based on principles of non-discrimination, equity, accountability, empowerment and participation. Effective mechanisms offer a channel for those individuals or groups impacted by a company’s activities to raise concerns early, openly, on an informed basis, with due protection and in an atmosphere of respect (Harvard University, 2008, UN Guiding Principles on Business and Human Rights, 2011).

Table 1 sets out principles and guidance points for designing effective rights-compatible mechanisms. These principles and guidance points form the foundation for the ASI Complaints Mechanism.

Principles: <i>Mechanisms should be</i>	Guidance Points
1. Legitimate and trusted	<ul style="list-style-type: none"> • Create an oversight stakeholder body • Provide for transparent funding of expert resources • Avoid undermining legal mechanisms
2. Publicised and accessible	<ul style="list-style-type: none"> • Provide ease of access for complainants • Publicise the mechanism and its supporting resources • Carefully identify parties to the complaint
3. Transparent	<ul style="list-style-type: none"> • Communicate transparently about the process as it advances • Allow protection of a complainant’s identity where requested • Record and be open about outcomes
4. Based on engagement and dialogues	<ul style="list-style-type: none"> • Encourage direct, informed and constructive engagement • Establish dialogue wherever possible

	<ul style="list-style-type: none"> • Agree a timeframe in which dialogue takes precedence • Be open in the search for resolution
5. Predictable in terms of process	<ul style="list-style-type: none"> • Give overall responsibility to a member of senior management • Keep complainants informed • Treat every complaint seriously and in a timely manner • Agree on provisions for implementing agreed outcomes
6. Fair and empowering	<ul style="list-style-type: none"> • Build partners for solutions • Have access to neutral human rights expertise (and provide the complainants with the same if necessary) • Treat every complainant with respect • Ensure sensitivity in logistical arrangements
7. A source of continuous learning	<ul style="list-style-type: none"> • Agree and monitor key performance indicators • Integrate lessons learned into the organisation's systems • Revise the mechanism, as appropriate, in line with experience

Table 1 – Principles and Guidance for Rights-Compatible Mechanisms (Harvard University, 2008, UN Guiding Principles on Business and Human Rights, 2011)

3. Terms and Definitions

The definitions in Table 2 below apply to these terms as they are used in this document.

Term	Definition
Appeal	A formal procedure commenced by a Complainant in the prescribed form which seeks to challenge a prior determination by ASI of a Complaint.
Auditor	An independent, third party person or organisation accredited by ASI to carry out audits.
Complaint	<p>A formal expression of dissatisfaction made by a Complainant to ASI in the prescribed form relating to one or more of the following:</p> <ul style="list-style-type: none"> • Certification status of a Member; • Accreditation status of an Auditor; • Conduct of Members or Auditors during ASI audits; • Conduct of ASI during Auditor accreditation; • Conduct of ASI with regards to its governance and policies; • Conduct of individuals involved in ASI governance (eg Committee members). • Any other matter, the resolution of which, ASI considers is a matter that ASI should become involved in.

	Appendix 1 to this document sets out some matters that cannot form the basis of a Complaint because they are outside the scope of the ASI Complaints Mechanism
Complainant	Any organisation or individual who makes a Complaint and is one of the following: <ul style="list-style-type: none"> • A Member or employee of a Member, • An ASI Auditor or employee of an Auditor • A third party which ASI determines has a relevant and sufficient interest in ASI's activities.
Member	An entity or group of entities that is a current member in one of ASI's six membership classes: <ul style="list-style-type: none"> • Production and Transformation (eligible for ASI certification) • Industrial Users (eligible for ASI certification) • Civil Society • Downstream Supporters • Associations • General Supporters
Respondent	Any of: <ul style="list-style-type: none"> • ASI • A Member • An ASI Auditor • Any other person who is bound by the ASI Complaints Mechanism

Table 2 – Terms and Definitions

4. Submitting a Complaint

a. Who can complain?

The ASI Complaints Mechanism accepts complaints from organisations or individuals that are:

- A Member or employee of a Member
- An ASI Auditor or employee of an Auditor
- A third party who ASI determines has a relevant and sufficient interest in ASI's activities, such as a community group, non-government organisation (NGO), trade union, or Indigenous Peoples' organisation

b. Prior participation

Prior to formally invoking the ASI Complaints Mechanism by submitting a complaint, complainants are encouraged to make all reasonable attempts to resolve their complaint at the lowest, most appropriate level. Where possible, this includes raising the complaint directly with the organisation or person subject to the complaint, and giving them an opportunity to respond and/or rectify the situation. However it is recognised that prior participation may not be possible or appropriate in all circumstances.

Table 3 below gives examples of opportunities for prior participation to try to resolve a complaint directly prior to invoking the ASI Complaints Mechanism.

Topic of complaint - examples	Prior participation options
Conduct of ASI Auditor: for example, alleged poor competence or conduct during an audit.	Raise complaint with the individual auditor or the audit firm to which they belong. ASI Auditor firms are required to have formal internal procedures for dealing with such matters.
Conduct of an employee of an ASI Member: for example, during an audit, or in general interaction with other parties	If appropriate, raise incident directly with member organisation first to give opportunity to clarify and/or rectify.
Certification status of an ASI Member: for example, alleged non-conformance with applicable standards, or inadequate attention to required corrective action.	If appropriate, raise issue directly with the member first to give opportunity to clarify and/or rectify.

Table 3 – Prior participation options

c. Lodging a complaint

Information on the ASI Complaints Mechanism will be available on the ASI website. It will also be referenced in ASI Certification information published about certifications of ASI members, and part of the training program for ASI accredited auditors.

Initial telephone or email enquiries can be made to ASI to seek guidance as to the eligibility, content or process for submitting a Complaint. Enquiries can help identify the relevant parties to a potential Complaint, or discuss avenues for raising them directly as per section (b) above. Such enquiries should be made to:

Email: complaints@aluminium-stewardship.org

Telephone: +61 3 9857 8008

Concerns can sometimes be solved quickly and informally through this kind of engagement.

To formally invoke the ASI Complaints Mechanism, a Complaint must be submitted in writing. An ASI Complaints Form, and guidance for completing it, is included in Appendix 1 to this document.

Supporting evidence must accompany a Complaint. This may include verifiable information, records, observations, personal knowledge, and/or statements of fact which may be qualitative or quantitative. Copies of any original documents, not the originals, should be submitted. Complainants acknowledge that Complaints, along with supporting evidence, may be provided by ASI to the Respondent other than where the Complaint involves whistleblowing and the Complainant wishes to remain anonymous, see section 8(c) below. If a Complainant has special reasons why any material provided should be kept confidential, that material, with reasons for the need for confidence, must be provided to ASI at the time the material is submitted. Complainants acknowledge that if not all material can be provided to a Respondent, this may impact upon the effectiveness of the ASI Complaints Mechanism to deal with the Complaint satisfactorily.

Unless otherwise agreed with ASI, Complaints (and supporting evidence) must be submitted in English. ASI may request Complainants to prepare official translations of documents that are not in English at the Complainant's expense. For Complaints involving Indigenous Peoples communities, ASI will discuss with Complainants on a case by case basis how translations support can be provided where necessary.

Fully completed ASI Complaints Forms with supporting evidence may be submitted by post or email:

- By email to: complaints@aluminium-stewardship.org
- By post to: ASI Complaints Officer, PO Box 4061, Balwyn East, VIC 3103, AUSTRALIA

Receipt of a Complaint must be formally acknowledged to the Complainant by the ASI Complaints Officer.

5. Confidentiality and Anti-trust Compliance

In the interests of transparency, ASI will publicly report in aggregate on Complaints received and how they were resolved. However in some circumstances, confidentiality about Complaints, Respondents and/or Complainants is necessary. This includes allowing for anonymity in the context of whistleblower legislation, protecting the identity of individuals in the context of privacy legislation, or normal principles of confidentiality used to support a process of dialogue or mediation that is underway.

ASI's Antitrust Compliance Policy is also relevant to procedures involving ASI Members, and is available at <http://aluminium-stewardship.org/about-asi/policies/>. ASI is committed to complying with all relevant antitrust and competition laws and regulations.

6. Costs and Resources for the Process

ASI aims to minimise the costs of the complaints process for all parties so as to maximise accessibility. However external costs of a complaints process can include those related to undertaking an investigation process, obtaining independent expertise, or an appeal process through arbitration. While ASI's internal staff costs will be absorbed by ASI, external costs may also arise.

Where external costs are involved as part of the process, the parties to the Complaint will need to agree on the sharing of costs (including where the Complaint is grouped with other similar Complaints under section 7 below). An equal sharing of costs should be the starting point for negotiation, or otherwise at ASI's discretion. Cost issues are overseen by the ASI Governance Committee. If resolution between the parties on sharing of costs is not reached within one month of cost sharing negotiations commencing, the ASI Governance Committee, may, acting reasonably, determine the sharing of costs.

ASI will generally waive the external costs of Complaints or appeals processes where:

- The Complaint is raised by Indigenous Peoples organisations
- The Complaint is raised by small civil society groups or affected communities
- The Complaint has been raised by an individual whistleblower, unless the Complaint is found to be malicious.

ASI's Indigenous Peoples Advisory Forum will also play an advisory role regarding supporting resources for Complaints involving indigenous communities. The Forum's role will include providing:

- Recommendations for appropriate processes and resources to support indigenous communities that raise grievances
- Advice on how learning from complaints processes that involve indigenous peoples should be addressed by ASI.

Subject to the express provisions in this document, ASI may determine, in any manner it thinks fit, any difficulties, anomalies or disputes which may arise in connection with or by reason of the operation of the ASI Complaints Mechanism, whether generally or in relation to any person or matter. A determination made by ASI will be conclusive and binding on all persons to whom the determination relates.

Unless otherwise noted, the ASI Secretariat will generally manage the process and exercise delegations from the ASI Board for administration. The ASI Board will oversee implementation of the Complaints Mechanism and the process of applying sanctions, subject to ASI's Anti Trust Compliance Policy.

7. Possible Outcomes from Submitting a Complaint

Every Complaint submitted to ASI will be carefully reviewed and responded to. In general terms, there are a range of possible outcomes of submitting a complaint:

- A Complaint may not be within the scope of the ASI Complaints Mechanism; or
- Where a Complaint is within scope, it follows the procedures outlined in this document which may result in one or more of the following:
 - The matter may be resolved through dialogue or mediation
 - The independent Panel may dismiss the Complaint
 - The matter may be flagged for the next scheduled audit
 - Corrective action may be undertaken by the Respondent, either voluntarily or as required by a determination made under the complaints process
 - Disciplinary procedures may be initiated and sanctions may be applied.

More information on each of these is set out in section 8.

In some circumstances, ASI may decide that it is appropriate for ASI to convene a process that would allow Complaints of a similar nature to be grouped and dealt with together.

8. Reviewing a Complaint

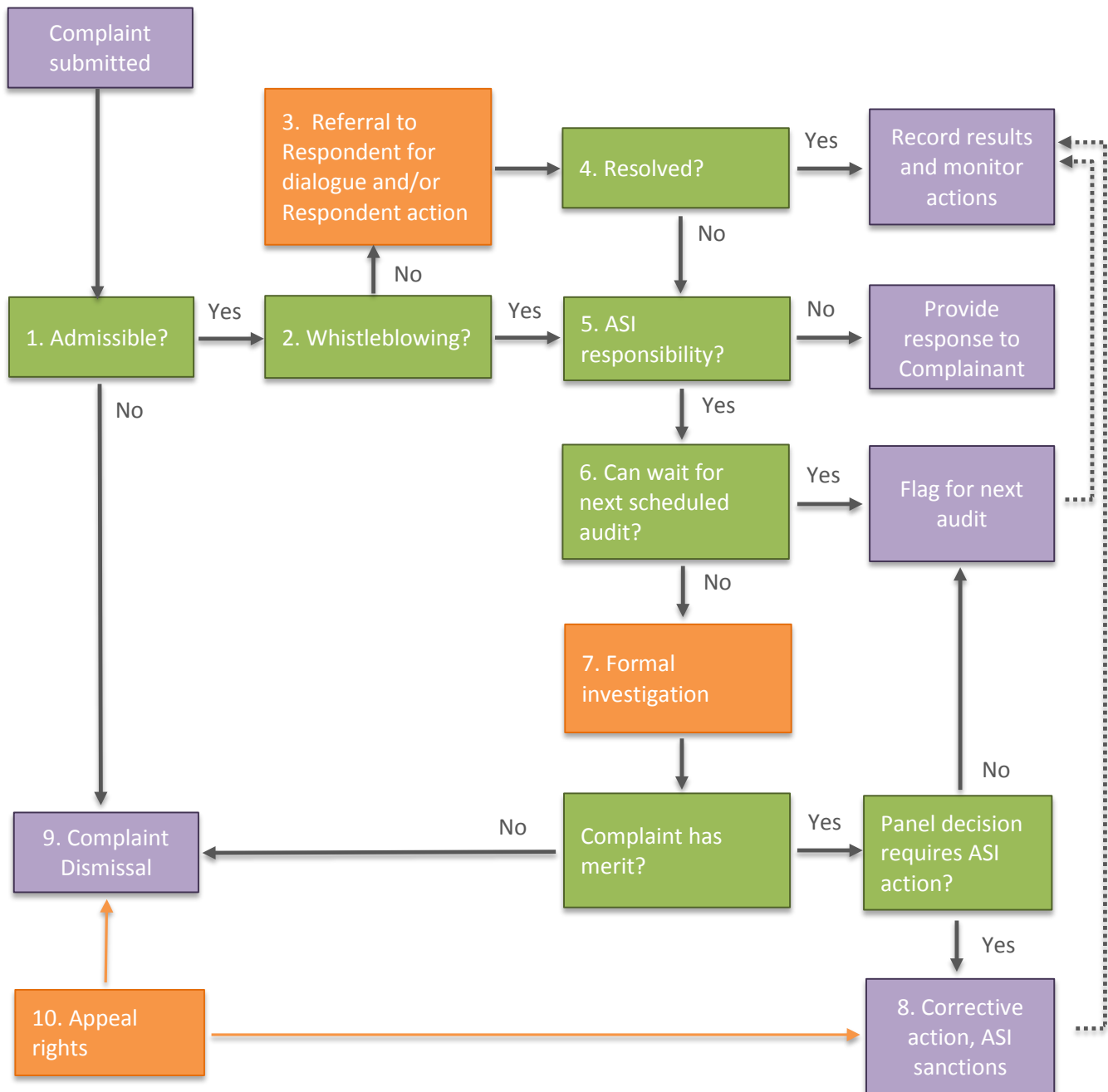
a. Overview

The ASI Complaints Mechanism aims to primarily deal with Complaints via a dialogue-based process so as to help resolve and manage disputes. In addition, the ASI Complaints Mechanism should encourage reflection to identify potential improvements in ASI activities and, ideally, prevention of future disputes.

However it is important to note that where Complaints allege or imply criminal liability, these need to be handled through formal police or governmental processes, not through ASI. Furthermore, participating in the ASI Complaints Mechanism does not preclude access to judicial remedies.

b. Complaints Flowchart

The ASI Complaints Mechanism can deal with Complaints via a process of dialogue, and/or via formal investigation and resolution. Below is a flowchart providing an overview of the processes for dealing with Complaints. Each of the numbered boxes is discussed further in the next section.



c. Explanation of Process Steps

1. Admissible?

Admissible complaints: A Complaint must fall within the scope of the ASI Complaints Mechanism. The primary focus of the ASI Complaints Mechanism is on the ASI certification program. Complaint admissibility is determined by ASI on a case by case basis, but the general nature of the complaint must fall within at least one of the following categories:

- Certification status of a Member
- Accreditation status of an Auditor
- Conduct of Members or Auditors during an ASI audit
- Conduct of ASI during Auditor accreditation
- Conduct of ASI with regards to its governance and/or policies
- Conduct of individual(s) involved in ASI governance (eg Committee members)
- Any other matter, the resolution of which, ASI considers is a matter that ASI should become involved in.

Specific exclusions: The following types of complaints fall outside the scope of the ASI Complaints Mechanism and are not admissible even if they fall within one of the categories listed above:

- Complaints concerning private disputes between parties where the dispute does not explicitly relate to ASI certification and/or accreditation status.
- Complaints that are trivial, vexatious or appear to have been generated or are being pursued primarily to gain competitive advantage.
- Complaints that are not supported by sufficient or objective evidence. Save for exceptional circumstances, complaints will not be admitted where they are based on hearsay alone.
- Complaints that only recommend changes to ASI's published standards, scope or procedures. Concerns of this nature will be recorded as input to the next scheduled review of the relevant ASI documents.
- Anonymous complaints, unless they relate to a whistleblowing situation.

All complaints received by ASI, and their progress and outcomes via the ASI Complaints Mechanism, will be recorded in the ASI 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 ASI Complaints Mechanism, they can be submitted by employees of Members, Auditors or ASI. The protection of whistleblowers is an important principle in corporate governance and supporting legislation. ASI's whistleblowing procedures are 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 making the Complaint 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 anonymity is maintained. Where the individual making the Complaint identifies themselves, their identity will not be further disclosed to persons dealing with the Complaint without the Complainant's consent. The Complainant may instead leave a code name, rather than disclosing their identity, in order to facilitate follow up calls whilst maintaining anonymity.

Any whistleblowing Complaint will be treated in confidence and investigated under Step 7 below. The results of the investigation and any action proposed will be reviewed by the ASI Executive Director and one or more members of the ASI Governance Committee. The Complaint will not be disclosed unless it is necessary for the investigation of the matter, or the Complainant agrees to the matter being so disclosed. ASI will not take any action in retaliation in any way or otherwise discriminate against any person who lawfully provides information in relation to the Complaint.

3. Referral to Respondent for dialogue and/or Respondent action

In most cases, ASI will first forward non-confidential Complaints it receives to the appropriate organisational level of the Respondent. This provides an informal opportunity for dialogue between the parties and/or Resolution by the respondent, with ASI playing a facilitative role if appropriate. Alternative dispute resolution mechanisms can also be employed, where that mechanism and the allocation of any related costs can be agreed between the parties.

The Respondent must provide a written response to ASI in relation to its position on the Complaint, including any preferred resolution proposals the Respondent may have. Where resolution can be achieved through dialogue, the outcomes may include agreements on remedial or corrective action which can both address the matters raised and ideally prevent future issues.

In cases where an indigenous community is involved in the Complaint, financial and technical support will need to be provided to them by ASI or the Respondent so they can properly prepare for and participate in the process. ASI may also arrange to provide support to other Complainants, such as small civil society groups and affected communities, at its discretion.

Auditors' internal systems, supported by ISO 17021, should serve to address the majority of Complaints about Auditors and audit results, usually without the need for ASI to become actively involved.

If resolution by the Respondent is unsuccessful, ASI will notify the parties of its intention to make a decision on next steps.

4. Resolved?

The Complaint may be resolved through the dialogue process itself, or a resulting agreement reached as to specific responses or outcomes such as remedial or corrective action. Progress of agreed resolutions will be monitored by ASI as appropriate. Templates for corrective action plans in respect of ASI Members' conformance with ASI standards will be available in the ASI Assurance Manual.

Complaints that, in the view of ASI, have not been resolved by a process of dialogue and/or Respondent action will be referred back to the ASI Complaints Officer for a determination of whether or not the Complaint is one of ASI responsibility under point 5 below. If the Complaint is determined not to be one of ASI responsibility, this must be communicated to them by ASI in writing, and the parties are then free to pursue whatever alternative dispute resolution procedures they see fit.

5. ASI responsibility?

ASI may take further action on an unresolved Complaint that in ASI's opinion, may relate to one or more of the following areas of ASI responsibility:

- Auditor Accreditation
- ASI Certification
- ASI Membership

ASI may also refer an unresolved Complaint that falls outside either of the areas of ASI responsibility noted above back to the parties for further dialogue, facilitated by ASI and/or third parties as appropriate. If a subsequent cycle of dialogue or action by the Respondent does not, in the view of ASI, resolve the Complaint, the Complaint will be referred back to the ASI Complaints Officer for a determination of whether or not the Complaint is nonetheless one of ASI responsibility. If such a determination is made, ASI may proceed to take further action. If the Complaint is determined not to be one of ASI responsibility, this must be communicated to the parties by ASI in writing, and the parties are then free to pursue whatever alternative dispute resolution procedures they see fit.

The further action that ASI may take where a Complaint is determined to be one of ASI responsibility is to proceed to step 6 in this process.

6. Can wait for next scheduled audit?

The ASI complaints process is not intended to function as a surrogate audit.

ASI may determine that some Complaints regarding Certification are to be dealt with by being flagged for the next audit cycle. Examples of Complaints which generally should be dealt with in this manner include:

- Most potential minor or major non-conformances; or
- Matters that can be, or are being, addressed through corrective action by the Respondent.

Where such a determination is made, resolution of the Complaint is a matter for the audit process and no investigation under step 7 will be undertaken.

Despite the foregoing principles, Complaints that will automatically trigger formal investigation under step 7 below are those that in ASI's view do or may relate to:

- Serious human rights abuses; or
- Serious environmental incidents; or
- Serious occupational health and safety incidents; or
- Fraudulent or potentially fraudulent behaviour by Members or Auditors during the Certification process; or
- Fraudulent or potentially fraudulent claims by a Member of free prior informed consent of indigenous peoples; or
- Fraud or misrepresentation of ASI Certification outcomes;
- Other matters that if found to be valid would likely result in Member sanctions; or
- Whistleblowing.

All other Complaints that are determined under step 5 above to be of ASI responsibility will be investigated under step 7.

7. Formal investigation

Formal investigation of Complaints must be treated with procedural fairness and objectivity and incorporate the following guidelines:

- Respondents must be given adequate notice about the investigation (including details of the Complaint).
- Persons participating in the investigation must declare any personal interest or conflict of interest they may have in the proceedings, whether or not they believe that the interest is material.
- Proceedings must 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 ASI.
- In the case of indigenous communities, financial and technical support will be provided to them by ASI or the Respondent so they can properly prepare for and participate in the process. ASI may also arrange to provide support to other complainants, such as small civil society groups and affected communities, at its discretion.
- Persons who make a decision must both be unbiased and act in good faith.

A formal investigation must be conducted under an ad hoc Panel, comprised of an ASI staff member, a lawyer, and an independent third party. The Panel will be appointed by and report to the ASI Executive

Director, unless he or she has a material conflict of interest in the matter under investigation, in which case the Panel will report to a nominated member of the ASI Governance Committee. The independent third party would be appointed by agreement between the disputing parties and ASI (with ASI reserving the right of appointing an independent third party where an agreement is not reached within a reasonable time). Non-disclosure agreements, in ASI's standard form, for the participants in the Panel must be used to protect confidentiality.

If the Complaint involves whistleblowing against the conduct of ASI staff, Board directors, Committee members or the organisation as a whole, then the ASI Executive Director or a member of the ASI Governance Committee (whichever does not have a material conflict of interest) will be responsible for the investigation and for deciding any actions to be undertaken. The responsible person may appoint an ad hoc Panel (excluding ASI staff or Committee members who have a personal interest or conflict of interest, whether or not material) to conduct the investigation and make determinations. The responsible person will also implement his/her or the Panel's decisions and monitor the performance of ASI and other relevant persons. All relevant affected parties must cooperate with and comply with any decisions and/or sanctions imposed.

In conducting the investigation, a Panel may:

- Request further information from the Respondent;
- Request further information from relevant Auditors;
- Accept submissions from Complainants and Respondents;
- Consider information from related Complaints and their investigations;
- Commission additional audits to obtain objective evidence.

On the basis of its investigation, the ad hoc Panel will decide whether or not the Complaint has merit and make recommendations to ASI. Where the decision is that the Complaint has merit, the Panel must decide the appropriate action to be taken, which may include one or more of the following:

- ASI taking disciplinary proceedings against a Member, which may result in suspension or loss of ASI membership
- ASI taking disciplinary proceedings against an Auditor, which may result in suspension or withdrawal of accreditation
- Suspension or withdrawal of a Member's certification
- The Respondent taking specified corrective action
- The matter being flagged for the next scheduled audit
- A person taking such other action, or ceasing to take such other action, as the Panel sees fit.

Decisions made by the Panel must be promptly communicated in writing to ASI and to all relevant parties to the Complaint.

8. Corrective action, ASI sanctions

Subject to the right of a party to appeal under step 10 below, ASI will implement the decisions of the Panel and monitor the performance of the Respondent and other relevant persons. Failure to perform may result in disciplinary proceedings.

Templates for corrective action plans in respect of Members' conformance with ASI standards will be available in the ASI Assurance Manual.

9. Complaint Dismissal

Where, following an investigation under step 7, the Panel decides that a Complaint does not have merit, ASI will formally notify the Complainant and the Respondent and of the investigation process and outcome.

10. Appeal rights

Members and Auditors have the right to appeal any decision involving loss of ASI Membership or ASI Auditor Accreditation within 3 months of the date notice of the relevant decision is given. Appeals of this nature are to be heard under the rules of arbitration of the Chartered Institute of Arbitrators in a relevant jurisdiction (to be decided by ASI), by an arbitrator appointed by its President. The sharing of costs of an appeal will depend on the outcome of an appeal, and will be determined by ASI, acting reasonably.

Other outcomes of the ASI Complaints Mechanism (including dismissal of a Complaint) can also be appealed within 3 months of the date notice of the relevant decision is given, but only where there has been:

- A failure to comply with the process laid out in this document;
- Failure to consider significant evidence.

Such appeals will be heard via full reconsideration of the Complaint in a second formal investigation process under step 7 above, but under a different Panel. The sharing of costs of the reconsideration will depend on the outcome, and will be determined by ASI, acting reasonably.

9. Timeframes

The following guideline timeframes are proposed for the initial stages of administering Complaints submitted to ASI. In the interests of fairness and other appropriate circumstances, ASI reserves the right to extend the time periods allowed to each party in this process.

A reference to a working day is a reference to a day which is an ordinary business day in each of the cities in which ASI, the relevant Complainant and the relevant Respondent are located.

Who	Action	Timeframe
ASI Complaints Officer	Receipt of Complaint acknowledged by response in writing sent to Complainant.	Within 5 working days of receipt of the Complaint.
ASI Complaints Officer	Initial assessment of Complaint to determine admissibility. Complainant advised in writing either: <ul style="list-style-type: none"> • That the Complaint has been admitted and the proposed method for resolving the complaint; or • Why the Complaint is inadmissible; or • What further information is required to enable an initial assessment of the Complaint. 	Within 20 working days of receipt of the Complaint.
Complainant	If further information is required, the Complainant must submit it to ASI to enable the Complaint to be taken forward.	Within 15 working days of receipt of the Complaint, or longer as agreed between ASI and the Complainant.
ASI Complaints Officer	Once a Complaint is admitted, ASI must inform the Respondent of the Complaint and seek an initial response to the allegation(s).	Within 5 working days of admission of the Complaint.
Respondent	The Respondent must provide a written response to ASI, including any specific attempts at resolution the Respondent may wish to put forward at this point. Where the Complaint is to be progressed through dialogue or the Respondent's own internal complaints processes, ASI must be advised of process and timeframes.	Within 20 working days of the Respondent being given notice of the Complaint.
ASI Complaints Officer	The Respondent's reply will determine next steps. If the Respondent: <ul style="list-style-type: none"> • Proposes to address the Complaint via dialogue and/or internal processes, ASI will monitor progress. 	Within 20 working days of ASI forming the opinion that the Complaint is a

	<ul style="list-style-type: none"> • Denies the allegations and/or responsibility for the Complaint, ASI will progress the Complaint through the flowchart process. • Does not respond within required 20 working days, a reminder shall be sent. If no response, ASI will seek to resolve the Complaint via the flowchart process. <p>Where the Complaint has not been resolved and ASI has formed the opinion that the Complaint is a matter of ASI responsibility, both Complainant and Respondent must be notified of this in writing.</p>	<p>matter of ASI responsibility.</p>
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10. Record-keeping

Record results
and monitor
actions

Records will be maintained for all Complaints received, their progress through the ASI Complaints process, and monitoring of decisions, determinations and actions will be documented in a Complaints Register established for this purpose. Records will include:

- Telephone and email inquiries;
- Submitted Complaints forms and supporting evidence;
- Determinations of admissibility of a Complaint;
- Processes to support investigation and appeals;
- Outcomes of the Complaints process;
- Progress on corrective actions;
- Processes for disciplinary proceedings;
- Non-disclosure agreements.

11. Reporting and Continuous Learning

Reporting on the ASI Complaints Mechanism will include some or all of the following:

- Regular summary report to the ASI Board, including an analysis of any trends and issues and, where appropriate, recommendations from the ASI Complaints Officer, a Panel or the Indigenous Peoples Advisory Forum for addressing these.
- External reporting on Complaints via the ASI annual report, newsletter and/or website.
- Where agreed by the parties, tracking of Complaints under investigation on the ASI website, including a summary of the issue(s), the steps and processes underway/used to resolve the Complaint, and the outcome(s) reached.

Cumulative learning from tracking and reporting under the ASI Complaints Mechanism will also be regularly reviewed. This will be used to identify systemic changes that may be needed in the ASI

Complaints Mechanism, in ASI normative documents, and ASI policies and procedures. In this way, the ASI Complaints Mechanism can also function as a source or organisational learning.

12. References

John F. Kennedy School of Government, Harvard University, Rights-Compatible Grievance Mechanisms, Corporate Social Responsibility Initiative Working Paper No. 41, 2008.

http://www.hks.harvard.edu/m-rcbg/CSRI/publications/Workingpaper_41_Rights-Compatible%20Grievance%20Mechanisms_May2008FNL.pdf

Responsible Jewellery Council, RJC Complaints Mechanism, 2012.

http://www.responsiblejewellery.com/files/T007_2012_RJC_Complaints_Mechanism.pdf

Transparency International, International Principles for Whistleblower Legislation, 2013.

http://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation

UN Guiding Principles on Business and Human Rights, 2011.

http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Appendix 1 - ASI Complaints Form

Submitting a Complaint

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

Post:	ASI Complaints Officer Aluminium Stewardship Initiative Ltd PO Box 4061 Balwyn East VIC 3103 AUSTRALIA
Email:	complaints@aluminium-stewardship.org
Telephone:	+61 3 9857 8008 (only for information)

Responsibilities of parties

Complaints will be dealt with in accordance with the ASI Complaints Mechanism.

Admissibility

Complaint admissibility is determined by ASI on a case by case basis, but the general nature of the complaint must fall within at least 1 of the following categories:

- Certification status of a Member;
- Accreditation status of an Auditor;
- Conduct of Members or Auditors during ASI audits;
- Conduct of ASI during Auditor accreditation;
- Conduct of ASI with regards to its governance and policies;
- Conduct of individuals involved in ASI governance (eg Committee members);
- Any other matter, the resolution of which, ASI considers is a matter that ASI should become involved in.

The following types of complaints fall outside the scope of the ASI Complaints Mechanism and are not admissible even if they fall within 1 of the categories listed above:

- Complaints concerning private disputes between parties, where the dispute does not explicitly relate to ASI certification and/or accreditation status.
- Complaints that are trivial, vexatious or appear to have been generated or are being pursued primarily to gain competitive advantage.
- Complaints that are not supported by sufficient or objective evidence. Save for exceptional circumstances, complaints will not be admitted where they are based on hearsay alone.
- Complaints that only recommend changes to ASI's published standards, scope or procedures. Concerns of this nature will be recorded as input to the next scheduled review of the relevant ASI documents.
- Anonymous complaints, unless they relate to a whistleblowing situation.

1. Identification of Parties

Parties	
Complainant <i>(the person or organisation raising the Complaint)</i>	
Respondent <i>(the party who is the subject of the Complaint)</i>	
ASI 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>	
Contact details for Complainant	
Organisation(s)	
Contact person	
Position/role	
Address	
Phone Number <i>(including country code)</i>	
Fax Number <i>(including country code)</i>	
Email address	
Complainant's credentials	
Please state your interest in the Member, Auditor, and/or other subject matter of the Complaint.	

The person signing below warrants that they have authority to make this submission on behalf of the above named organisation.

Signed: _____

Dated: _____

2. Background information

It may help you to formulate your Complaint if you are familiar with the requirements of ASI Certification. For information on:

Issue	See Document(s)
Certification status of a Member	<ul style="list-style-type: none"> • ASI Assurance Manual • ASI Performance Standard • ASI Chain of Custody Standard
Accreditation status of an Auditor	<ul style="list-style-type: none"> • ASI Auditor Accreditation Process and Criteria
Conduct of Audits	<ul style="list-style-type: none"> • ASI Assurance Manual
ASI Governance and policies	<ul style="list-style-type: none"> • ASI Constitution • Policies

These documents are available on the ASI website: www.aluminium-stewardship.org or please contact complaints@aluminium-stewardship.org for a copy to be emailed to you.

3. Complaint

a) Focus of Complaint (please mark box/es as appropriate):

- Certification status of a Member;
- Accreditation status of an Auditor;
- Conduct of a Member during an ASI audit;
- Conduct of an Auditor during an ASI audit;
- Conduct of ASI during Auditor accreditation;
- Conduct of ASI with regard to its governance and/or policies;
- Conduct of individual(s) involved in ASI governance;
- Other

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 ASI to provide the Respondent with relevant details of the Complaint.
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