

# ASI Complaints Mechanism

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## General Enquiries

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

Email: [info@aluminium-stewardship.org](mailto:info@aluminium-stewardship.org)

Telephone: +61 3 9857 8008

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

Website: [www.aluminium-stewardship.org](http://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 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 responded to, 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 Accredited Auditing Firms and Auditors, ASI employees, contractors and others – by virtue of separate contractual arrangements.

This complaints procedure does not replace or limit access to judicial remedies. The processes outlined are not intended to replace, contravene or otherwise alter the requirements of any applicable international, national, state or local governmental statutes, laws, regulations, ordinances, or other requirements.

## 2. Goals of the ASI Complaints Mechanism

Effective outcomes and access to remedy are a critical goal for the ASI Complaints Mechanism. A rights-based approach (see section 3) not only encourages rights-holders to claim their rights, but also aims to develop an environment and capacity for duty-bearers to meet their obligations.

From the perspective of rights-holders, such as Indigenous Peoples, affected communities, or workers, effective outcomes from raising a concern or Complaint may include one or more of:

Engagement	Improvement	Remedy
<ul style="list-style-type: none"> <li>• Creating new or improving existing engagement with an organisation (e.g. meetings, dialogue or mediation processes, ongoing consultative structures, etc)</li> <li>• Establishing or improving engagement with the ASI Certification process.</li> </ul>	<ul style="list-style-type: none"> <li>• Ceasing human rights infringements or other non-compliances with ASI Standards</li> <li>• Preventing future harm through guarantees of non-repetition</li> <li>• Improving ASI Standards implementation</li> <li>• Improving transparency and disclosure.</li> </ul>	<ul style="list-style-type: none"> <li>• Counteracting or making good any human rights violations or other harms that have occurred (e.g. by apologies, restitution, rehabilitation, financial or non-financial compensation, or punitive sanctions).</li> </ul>

Table 1 – Examples of effective outcomes for rights-holders

ASI recognises that Complaints Mechanisms can have inherent barriers to access. These can relate to reliable internet access, language issues, technical knowledge, gender, literacy, economic constraints, community vulnerabilities, personal circumstances, safety and security, discrimination, potential repercussions, and trust. It is essential that Complainants be protected from retaliation of any kind.

To provide multiple channels of access for a variety of stakeholders to raise a concern, ASI offers the following:

- **Informal contact:** write to ASI by email ([complaints@aluminium-stewardship.org](mailto:complaints@aluminium-stewardship.org)) to raise a concern informally or arrange a discussion. This can be done outside of the formal Complaints Mechanism process and does not need to be publicly disclosed. Informal contact can be a first step in dialogue or relationship-building, may result in timely resolution or clarification where the matters are straightforward, or be a pre-step to a formal Complaint.
- **Independent hotline:** contact an independent web reporting service (EthicsPoint – [aluminium-stewardship.ethicspoint.com](https://aluminium-stewardship.ethicspoint.com)) to raise a whistleblowing complaint, to raise concerns in 5 languages (English, Chinese, French, German and Portuguese), or where anonymity or confidentiality is critical. This may be a first step in requesting dialogue, may result in timely resolution where the matters are straightforward, or be accepted as a formal Complaint.
- **Formal Complaint:** A formal Complaint can be submitted through EthicsPoint or direct to ASI. Every Complaint formally submitted to ASI will be carefully reviewed and responded to. Complaints that are within scope will follow the processes set out in this document. This can include initiating a dialogue process between the parties or a formal investigation conducted by a Panel.

The informal contact or independent hotline channels also enable stakeholders to identify incidents or emerging risks that could create ‘red flags’ in supply chains from conflict-affected or high-risk areas<sup>1</sup>. An outcome of this could include ASI advising Members and Auditors directly, or generally via monthly member and auditor updates, of potential risks or issues that can inform due diligence processes under the ASI Performance Standard 9.8.

ASI has one-page summaries of the ASI Complaints Mechanism available in multiple languages at <https://aluminium-stewardship.org/asi-certification/asi-complaints-mechanism/>, which can be printed and shared with stakeholders.

Achieving effective outcomes is subject to the good faith participation of all parties. A formal complaints system tends to be quasi-adjudicative in nature, but there are limits to the role and power of ASI to resolve disputes. ASI is a voluntary standard program. If an ASI Member chooses to leave ASI rather than engage, improve or provide remedy through a complaints process, ASI loses the power and jurisdiction to oversee outcomes that may improve the situation. While this may be seen to increase the integrity of the ASI program, it may mean there is no remedy for the rights-holder. ASI recognises this has been an issue in other standards programs and can create challenges to the goal of contributing to effective outcomes. ASI urges all parties to participate in the Complaints Mechanism and associated processes in good faith and strive for practical, positive and effective engagement, improvements and outcomes.

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<sup>1</sup> <https://www.oecd.org/corporate/mne/mining.htm>

### 3. 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 2 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"> <li>• Create an oversight stakeholder body</li> <li>• Provide for transparent funding of expert resources</li> <li>• Avoid undermining legal mechanisms</li> </ul>
2. Publicised and accessible	<ul style="list-style-type: none"> <li>• Provide ease of access for complainants</li> <li>• Publicise the mechanism and its supporting resources</li> <li>• Carefully identify parties to the complaint</li> </ul>
3. Transparent	<ul style="list-style-type: none"> <li>• Communicate transparently about the process as it advances</li> <li>• Allow protection of a complainant’s identity where requested</li> <li>• Record and be open about outcomes</li> </ul>
4. Based on engagement and dialogues	<ul style="list-style-type: none"> <li>• Encourage direct, informed and constructive engagement</li> <li>• Establish dialogue wherever possible</li> <li>• Agree a timeframe in which dialogue takes precedence</li> <li>• Be open in the search for resolution</li> </ul>
5. Predictable in terms of process	<ul style="list-style-type: none"> <li>• Give overall responsibility to a member of senior management</li> <li>• Keep complainants informed</li> <li>• Treat every complaint seriously and in a timely manner</li> <li>• Agree on provisions for implementing agreed outcomes</li> </ul>
6. Fair and empowering	<ul style="list-style-type: none"> <li>• Build partners for solutions</li> <li>• Have access to neutral human rights expertise (and provide the complainants with the same if necessary)</li> <li>• Treat every complainant with respect</li> <li>• Ensure sensitivity in logistical arrangements</li> </ul>
7. A source of continuous learning	<ul style="list-style-type: none"> <li>• Agree and monitor key performance indicators</li> <li>• Integrate lessons learned into the organisation’s systems</li> <li>• Revise the mechanism, as appropriate, in line with experience</li> </ul>

Table 2 – Principles and Guidance for Rights-Compatible Mechanisms (Harvard University, 2008, UN Guiding Principles on Business and Human Rights, 2011)

#### 4. Terms and Definitions

The definitions in Table 3 below apply to these terms as they are used in this document.

Term	Definition
Accredited Auditing Firm	A Conformity Assessment Body (CAB) meeting ASI’s objective selection criteria and accredited to carry out ASI Audits.
Accredited Auditor	A qualified person individually accredited by ASI who conducts ASI Audits on behalf of and under the responsibility of an ASI Accredited Auditing Firm.
Appeal	A formal procedure commenced by a Complainant in the prescribed form which seeks to challenge a prior determination by ASI of a Complaint.
Certification	An attestation issued by ASI, based on the results of an ASI Audit by an ASI Accredited Auditing Firm, that the required level of Conformance has been achieved against the applicable ASI Standard and for the documented Certification Scope.
Complaint	<p>A formal allegation or 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"> <li>• Certification status of a Member;</li> <li>• Accreditation status of an Accredited Auditing Firm or Auditor;</li> <li>• Conduct of Members, Accredited Auditing Firms or Auditors during ASI audits;</li> <li>• Conduct of ASI during auditor accreditation;</li> <li>• Conduct of ASI with regards to its governance and policies;</li> <li>• Conduct of individuals involved in ASI management or governance (e.g. Board or Committee members);</li> <li>• Whistleblower disclosures;</li> <li>• Any other matter, the resolution of which ASI considers is a matter that ASI should become involved in.</li> </ul> <p>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.</p>
Complainant	<p>Any organisation or individual who makes a Complaint and is one of the following:</p> <ul style="list-style-type: none"> <li>• A Member or employee of a Member,</li> <li>• An ASI Auditor or employee of an Auditor</li> <li>• A third party which ASI determines has a relevant and legitimate interest in ASI’s activities</li> <li>• A whistleblower, whether connected to the ASI Secretariat or a third party engaged in ASI or ASI-related processes.</li> </ul>
Member	<p>An entity or group of entities that is a current member in one of ASI’s six membership classes:</p> <ul style="list-style-type: none"> <li>• Production and Transformation (eligible for ASI Certification)</li> <li>• Industrial Users (eligible for ASI Certification)</li> <li>• Civil Society</li> <li>• Downstream Supporters</li> </ul>

	<ul style="list-style-type: none"> <li>• Associations</li> <li>• General Supporters</li> </ul>
Panel	Group convened to undertake an investigation under the ASI Complaints Mechanism, and normally comprised of an ASI staff member, a lawyer with no material conflicts of interest, and an independent third party. The Panel will be appointed by and report to the ASI CEO, 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.
Respondent	Any of: <ul style="list-style-type: none"> <li>• ASI</li> <li>• A Member</li> <li>• An ASI Accredited Auditing Firm or Auditor</li> <li>• Any other person who is bound by the ASI Complaints Mechanism</li> </ul>
Whistleblower	A person who alleges misconduct or an improper state of affairs or circumstances, usually within their own organisation or an organisation they have a direct or indirect relationship to.

Table 3 – Terms and Definitions

## 5. Submitting a Complaint

### a. Who can complain?

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

- A Member, or employee or officer of a Member
- An ASI Auditor, or employee or officer 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
- A Whistleblower, such as current or former officers, employees, contractors, volunteers, interns, consultants, service providers, suppliers and business partners (or their relatives, dependents or spouses) engaged in or by ASI, or ASI-related processes.

### b. Prior participation

Prior to formally invoking the ASI Complaints Mechanism by submitting a complaint, complainants are encouraged to make 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 4 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 4 – Prior participation options

### c. Lodging a complaint

Information on the ASI Complaints Mechanism is available on the ASI website at: <https://aluminium-stewardship.org/asi-certification/asi-complaints-mechanism/>

There are 3 main channels of access for raising a concern.

#### Informal contact

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](mailto:complaints@aluminium-stewardship.org)
- Telephone: +61 3 9857 8008

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

#### Independent hotline

Visit the EthicsPoint website on your computer or mobile phone at: [aluminium-stewardship.ethicspoint.com](http://aluminium-stewardship.ethicspoint.com)



You can use this third-party service for a whistleblowing complaint, to raise concerns in 5 languages (English, Chinese, French, German and Portuguese), or where anonymity or confidentiality is critical. This may be a first step in requesting dialogue, may result in timely resolution where the matters are straightforward, or accepted as a formal Complaint.

#### Formal complaint

A formal Complaint can be submitted through EthicsPoint or direct to ASI. An ASI Complaints Form, and guidance for completing it, is included in Appendix 1 to this document. To submit a fully completed ASI Complaints Form with supporting evidence directly to ASI, use one of the following:



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

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

#### **Preparing a formal Complaint:**

- To formally invoke the ASI Complaints Mechanism, a Complaint submitted to ASI must be in writing.
- 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.
- Complaints submitted to EthicsPoint can be submitted in multiple languages, and will be translated by their internal service.
- Unless otherwise agreed with ASI, Complaints (and supporting evidence) submitted directly to ASI 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 to them where appropriate. ASI will also seek to establish whether 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.

## **6. Confidentiality, Privacy 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.

The ASI Privacy Policy applies to all of ASI's activities, including the Complaints Mechanism and personal information will managed in accordance with this policy. ASI's Antitrust Compliance Policy is also

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

## 7. 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 for Complainants 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.

## 8. 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. These can include suspension or loss of ASI Accreditation, ASI Certification and/or ASI Membership.

More information on each of these is set out in section 9. Complainants will always be informed of the outcome of their Complaint under ASI's processes.

## 9. Reviewing a Complaint

### a. Overview

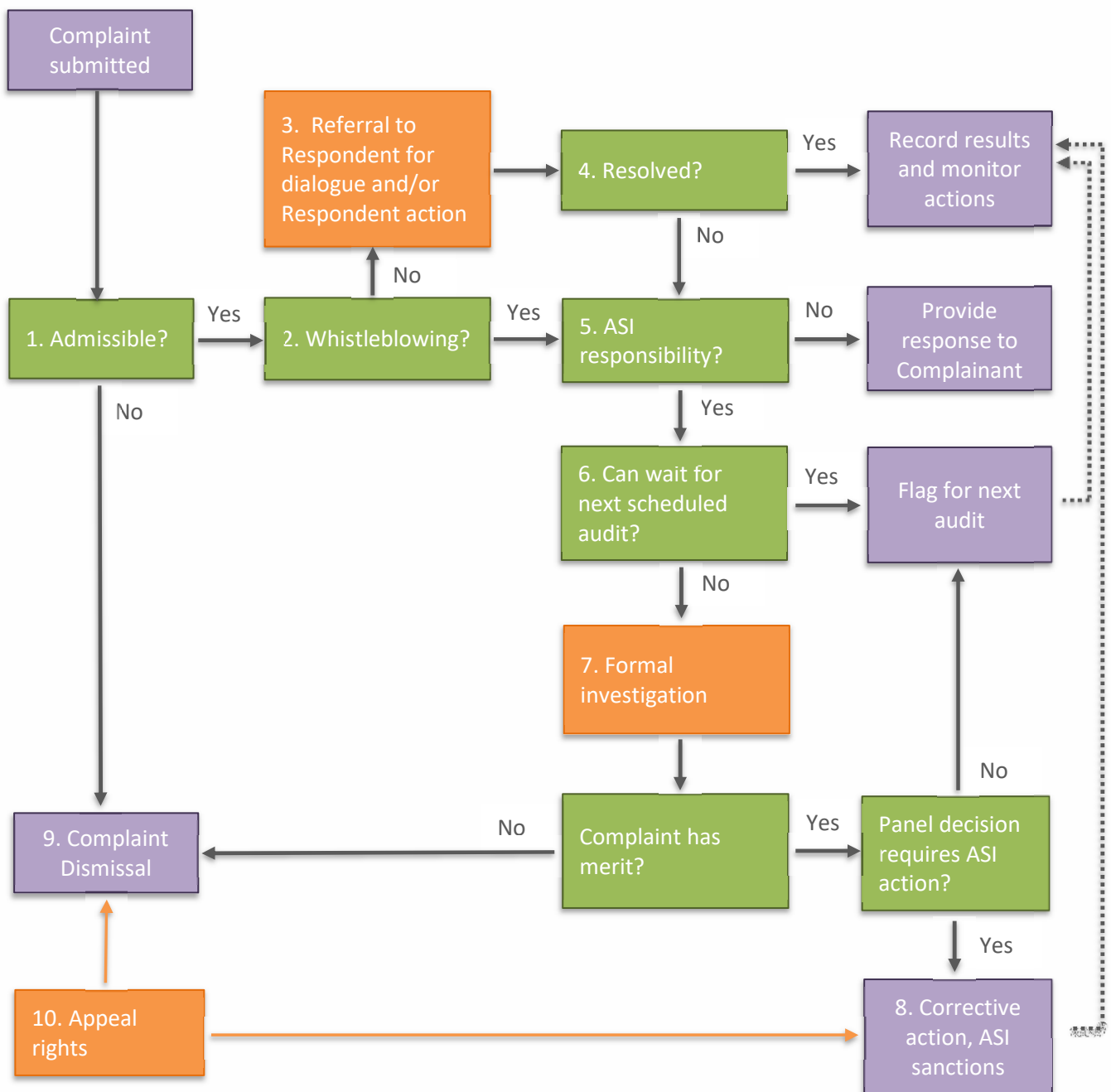
The ASI Complaints Mechanism aims to primarily deal with Complaints via a dialogue-based process so as to help resolve and manage disputes. In addition, the ASI Complaints Mechanism should encourage reflection with the concerned parties to identify potential improvements in the activities of Respondents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

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. Where there is a parallel complaints, grievance or judicial process in relation to the Complaint, ASI will consider the inter-relationship of such processes and the implications for ASI's process. Depending on the situation, this could include putting a process on hold pending outcomes of other processes or investigations, or contributing to the parallel process as well or instead of ASI's. The risks to Complainants themselves will form part of this consideration.

### 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 Audit Firm or Auditor
- Conduct of Members, Audit Firms 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 management or governance (e.g. Board or Committee members)
- Whistleblower disclosures
- 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 that do 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 merely based on hearsay, save for exceptional circumstances.
- 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.
- Disclosures that relate solely to personal work-related grievances (see next section).

All formal Complaints received by ASI, and their progress and outcomes via the ASI Complaints Mechanism, will be recorded in the ASI Complaints Register.

#### 2. Whistleblowing?

Whistleblowing can help entities identify wrongdoing that may not be uncovered without a safe and secure means for disclosure. Types of wrongdoing can include misconduct (such as fraud, corruption, negligence, default, breach of trust or breach of duty), or an improper state of affairs or circumstances (for example activities that are unlawful, or present a danger to the public or financial system). A Whistleblower should have reasonable grounds to suspect such issues may be occurring.

Disclosures that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the discloser, are not considered whistleblowing and are not covered under ASI's Complaints Mechanism. Examples of personal work-related grievances may include:

- an interpersonal conflict between the discloser and another employee
- a decision that does not involve a breach of workplace laws
- a decision about the engagement, transfer or promotion of the discloser
- a decision about the terms and conditions of engagement of the discloser, or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

The protection of Whistleblowers is an important principle in corporate governance and supporting legislation, including the *Corporations Act* in Australia where ASI is incorporated. ASI seeks to identify and address wrongdoing as early as possible. Whistleblowing allegations will be taken seriously and acted on immediately, with appropriate protections for the discloser in place. ASI's whistleblowing procedures are as set out below.

A Whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. They can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. However, investigation of the matter may be hampered or incomplete where anonymity is maintained and/or where ASI is not able to contact the Whistleblower (for example, if a disclosure is made anonymously and the discloser has refused to provide, or has not provided, a means of contacting them). It is recommended that a Whistleblower who wishes to remain anonymous should maintain ongoing two-way communication with ASI, to enable follow-up questions or provide feedback.

A Whistleblower may make a Complaint by telephone or email directly to ASI or to its independent hotline. On explaining that they wish to report what they reasonably believe to be misconduct or an improper state of affairs or circumstances, they will be asked if they wish the call or correspondence to be handled anonymously or confidentially. Where the individual making the Complaint identifies themselves, this will be treated in confidence and their identity will not be further disclosed to persons dealing with the Complaint without the Complainant's consent. Where an email or discussion does not disclose or enable determination of the identity of the Whistleblower, it will be assumed that anonymity is sought. A Whistleblower may adopt a pseudonym for the purpose of their disclosure (for example, this may be appropriate in circumstances where the discloser's identity is known to their supervisor).

Practical steps that ASI will take to maintain confidentiality or anonymity of a Whistleblower include:

- redacting all personal information or reference to the discloser
- referring to the discloser in a gender-neutral context
- identifying any aspects of their disclosure that could inadvertently identify them and managing appropriately
- communication and investigation by qualified personnel who understand the confidentiality requirements that apply
- secure record-keeping and information-sharing processes with restricted access.

ASI recognises its legal obligations to protect the confidentiality of Whistleblowers. It is illegal for a person to identify a Whistleblower, or disclose information that is likely to lead to their identification (with very limited exceptions under law). A Whistleblower can lodge a complaint with ASI about any breach of confidentiality, or with ASI's regulator (see below) for further investigation.

Whistleblowing Complaints will wherever possible be investigated under Step 7 below. The results of the investigation and any action proposed will be reviewed by the ASI CEO and/or one or more members of the ASI Governance Committee. The Complaint will not be disclosed without the Whistleblower's consent unless it is reasonably necessary for the investigation of the matter; the information does not include the Whistleblower's identity; and all reasonable steps have been taken to reduce the risk that their identity will be identified from the information.

Whistleblowers also have legal protections that protect them, or any other person, from detrimental acts or omissions in relation to a disclosure. ASI will not take any action in retaliation in any way, or otherwise discriminate, threaten or cause detriment against any Whistleblower who lawfully provides information in relation to a Complaint. To protect Whistleblowers from detriment, ASI may implement one or more of the following:

- assess the risk of detriment against a Whistleblower
- identify support services (including counselling or other professional or legal services) that are available to the Whistleblower
- identify strategies to help a Whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation
- interventions for protecting a Whistleblower if detriment has already occurred.

A Whistleblower can seek compensation and other remedies through the courts if they suffer loss, damage or injury because of a disclosure, and if ASI failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct. A Whistleblower is protected from civil, criminal and administrative liability in relation to their disclosure, however these protections do not grant immunity for any misconduct a Whistleblower has engaged in that is revealed in their disclosure. Whistleblowers are encouraged to seek independent legal advice.

Some matters may be reportable to the Australian Securities and Investment Commission (ASIC) and qualifies for protection under the *Corporations Act*. These do not require a prior disclosure to ASI.

More information is available at:

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/how-asic-handles-whistleblower-reports/>

### 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 (which may include ASI itself). 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 are 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 the parties 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
- Whistleblower disclosures that relate to ASI

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 Mechanism 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:

- Judgments by a court of law, or other legal or administrative regulatory body, determining wilful and deliberate harm on issues relating to the ASI Performance Standard or ASI Chain of Custody (CoC) Standard; or
- Serious violations of human rights, including of workers, communities and/or Indigenous Peoples; or
- Serious environmental, social or cultural impacts caused by negligence or total lack of control to prevent or mitigate the severity of the impacts; or
- Major accident event caused by negligence or total lack of control to prevent or mitigate the severity of the impacts; or
- Fraudulent or potentially fraudulent claims by a Member of Free Prior Informed Consent (FPIC) of Indigenous Peoples; or
- Fraudulent or potentially fraudulent behaviour by Members or Auditors during the Certification process; or
- Deliberate and fraudulent accounting of non-ASI inputs as CoC Material/ASI Aluminium under the Mass Balance System; or
- Serious fraud, bribery or corruption, including links to criminal activity; or
- Fraud or misrepresentation of ASI Certification outcomes;

- Other matters that if found to be valid would likely result in Member or Auditor sanctions; or
- Whistleblower disclosures.

These, and 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 conducted 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.
- Any decision taken shall be unbiased and rendered in good faith.
- All relevant affected parties must cooperate with and comply with any decisions and/or sanctions imposed.

A formal investigation will be conducted under an ad hoc Panel, comprised of an ASI staff member, a lawyer with no material conflicts of interest, and an independent third party.

- The Panel will be appointed by and report to the ASI CEO, 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).
- Panels should include female and male members, and be competent to understand any gender or cultural sensitivities that may be associated with a Complaint.
- 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 CEO 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.

In conducting the investigation, a Panel may, as applicable:

- 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 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 Audit Firm or Auditor, which may result in suspension or withdrawal of ASI Accreditation
- Suspension or withdrawal of a Member's ASI Certification
- The Respondent taking specified corrective action
- The matter being flagged for the next scheduled audit
- The matter being flagged for review and action by the ASI Secretariat, ASI Governance Committee and/or Board, who may determine further action, or direct the ceasing of other action, to be taken
- 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.

Targeted strategies may be needed to ensure that information during and after the investigation is accessible and effectively reaches all women, men, girls, boys and other vulnerable groups that may be connected to a Complaint, for example translations and/or visual information as appropriate. Where gender or cultural sensitivities are relevant to the Complaint, these must be taken into account in the investigation, communications and reporting.

## 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 (see section 7), and
- Monitor the performance of the Respondent and other relevant persons. Failure to perform may result in disciplinary proceedings.

Guidance for developing corrective action plans in respect of Members' conformance with ASI standards is 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.

Targeted strategies may be needed to ensure that this information effectively reaches all women, men, girls, boys and other vulnerable groups that may be connected to a Complaint, for example translations and/or visual information as appropriate. Where gender or cultural sensitivities are relevant to the Complaint, these must be taken into account in communications and reporting.

## 10. Appeal rights

Members and Auditors have the right to appeal any decision involving loss of ASI Membership, ASI Certification 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; or
- 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.

## 10. Timeframes

Timeliness is an important goal for the ASI Complaints Mechanism, in order to more quickly achieve effective outcomes for all parties. 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"> <li>• That the Complaint has been admitted and the proposed method for resolving the complaint; or</li> <li>• Why the Complaint is inadmissible; or</li> <li>• What further information is required to enable an initial assessment of the Complaint.</li> </ul>	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"> <li>• Proposes to address the Complaint via dialogue and/or internal processes, ASI will monitor progress.</li> </ul>	Within 20 working days of ASI forming the opinion that the Complaint is a

	<ul style="list-style-type: none"> <li>• Denies the allegations and/or responsibility for the Complaint, ASI will progress the Complaint through the flowchart process.</li> <li>• 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.</li> </ul> <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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Table 5 - Timeframes

## 11. 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.

## 12. Reporting and Continuous Learning

Complainants will be informed of the outcome of their Complaint, regardless of whether it is a formal investigation or resulting from dialogue between the parties.

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 website (<https://aluminium-stewardship.org/asi-certification/asi-complaints-mechanism/>) and other communication channels as appropriate. Anonymity of Complainants will be respected where requested or appropriate.

- 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. Collecting and analysing data on access, including by gender and region, can help identify potential challenges for access and/or effective outcomes. Regular reviews 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.

### 13. References

Australian Securities and Investment Commission (ASIC), Regulatory Guide 270 – Whistleblower Policies, November 2019.

<https://asic.gov.au/media/5702691/rg270-published-13-november-2019-20200727.pdf>

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

Mark Wielga and James Harrison, *Assessing the Effectiveness of Non-State-Based Grievance Mechanisms in Providing Access to Remedy for Rightsholders: A Case Study of the Roundtable on Sustainable Palm Oil*, Business and Human Rights Journal, (2021), pp. 1–26

Responsible Jewellery Council, RJC Complaints Mechanism, 2012.

[http://www.responsiblejewellery.com/files/T007\\_2012\\_RJC\\_Complaints\\_Mechanism.pdf](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](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](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:	<a href="mailto:complaints@aluminium-stewardship.org">complaints@aluminium-stewardship.org</a>
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 management or governance (e.g. Board or Committee members);
- Whistleblower disclosures;
- 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 that do 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 merely based on hearsay (save for exceptional circumstances).
- 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.
- Any whistleblowing complaints that relate to:
  - an interpersonal conflict between the discloser and another employee



- a decision that does not involve a breach of workplace laws
- a decision about the engagement, transfer or promotion of the discloser
- a decision about the terms and conditions of engagement of the discloser, or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

**ASI Complaint Details – please complete below or include the information in your own submission**

**1. 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>	
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>	
<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.	

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"> <li>• ASI Assurance Manual</li> <li>• ASI Performance Standard</li> <li>• ASI Chain of Custody Standard</li> </ul>
Accreditation status of an Auditor	<ul style="list-style-type: none"> <li>• ASI Auditor Accreditation Process and Criteria</li> </ul>
Conduct of Audits	<ul style="list-style-type: none"> <li>• ASI Assurance Manual</li> </ul>
ASI Governance and policies	<ul style="list-style-type: none"> <li>• ASI Constitution</li> <li>• Policies</li> </ul>

These documents are available on the ASI website: [www.aluminium-stewardship.org](http://www.aluminium-stewardship.org) or please contact [complaints@aluminium-stewardship.org](mailto: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;
- Whistleblower disclosure;
- 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.
-