



# Dispute/Appeal Procedure

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Any effective system must have a means for allowing a party who feels unjustly treated to present their case for redress to an impartial panel. PJRFSI relies upon its Food Safety Program Accreditation Manager or President, as appropriate, to appoint a committee to hear dispute and appeal requests. This procedure defines how an interested party can present an argument for reversal of a decision with which they disagree. This procedure is available upon request or accessible on the client access page at [www.pjrfsi.com](http://www.pjrfsi.com).

# DISPUTE/APPEAL PROCEDURE

## 1. General

1.1. Purpose: To set forth a process whereby organizations can receive a fair and equitable handling of disputes and a process by which organizations can appeal decisions made by PJRFSI.

1.2. Scope: All organizations applying for or holding certified status with PJRFSI.

## 2. Related Procedures, Definitions, Exhibits

- 2.1. ISO/IEC 17065: Conformity Assessment – Requirements for Bodies Certifying Products, Processes and Services (latest revision)
- 2.2. SQF Certification Body License Agreement (latest revision)
- 2.3. Criteria for SQF Certification Bodies (latest edition)
- 2.4. BRCGS Certification Body Framework Agreement (latest revision)
- 2.5. BRC004: Requirements for Certification Bodies Offering Certification Against the Criteria of the BRCGS Global Standards (latest issue)
- 2.6. GLOBALG.A.P. General Regulations Part I, II, and III (latest edition)
- 2.7. GLOBALG.A.P. Certification and Sublicense Agreement (latest edition)
- 2.8. Produce Safety Assurance Standard Addendum to GLOBALG.A.P. General Regulations (latest edition)
- 2.9. Harmonized Produce Safety Standard Addendum to GLOBALG.A.P. General Regulations (Latest edition)
- 2.10. PrimusGFS General Regulations (latest revision)
- 2.11. PJRFSI Cannabis Safety Standard (latest edition)
- 2.12. FSMA Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and To Issue Certifications (latest rule)
- 2.13. Gluten-Free Certification Program Global Standard (latest issue)
- 2.14. #PJRFSI-0: By-Laws
- 2.15. #PJRFSI-1 series: Quality Manual
- 2.16. #SOP-01 series: Certification Procedure
- 2.17. #SOP-09: Complaint Procedure
- 2.18. #FS-3 series: Certification Agreement
- 2.19. #FS-1001: Dispute/Appeal Resolution Request Form

## 3. Responsibilities

- 3.1. The Special Committee Chairperson or appropriate designee is assigned the responsibilities and authority for dispute and appeal activities.
- 3.2. PJRFSI ensures that all interested parties are made aware, as and when appropriate, of the existence of the dispute/appeal process and the procedures to be followed (#FS-3 series, #SOP-01 series, PJRFSI website). PJRFSI ensures that dispute/appeals shall be handled promptly and without undue delay.
- 3.3. International Division Managers that receive disputes/appeals will send them to the Food Safety Program Accreditation Manager for processing.

## 4. Dispute Procedure

- 4.1. In all disputes, the Food Safety Program Accreditation Manager or appropriate designee supplies the interested party, hereinafter referred to as the Disputant, with the #FS-1001 Dispute/Appeal Resolution Request Form and requests that the Disputant complete the Supplier section of the form in order for PJRFSI to obtain all pertinent information related to the dispute.

- 4.2. Upon receipt of the completed #FS-1001 Dispute Resolution Request Form, the Food Safety Program Accreditation Manager or appropriate designee appoints a committee, hereinafter referred to as the Dispute Review Committee, to evaluate the dispute in light of PJRFSI policies and applicable standards. Personnel, including management, should not be employed to investigate any dispute if: they have been directly involved with the Disputant within the past two years and/or in the Disputant's complaint, dispute, and/or appeal; or if their relationships to the parties involved may compromise the impartiality of the investigation.
- 4.3. PJRFSI uses all reasonable efforts to resolve the dispute in a constructive and timely manner (within 30 days of receiving the Disputant's completed #FS-1001).
- 4.4. The Dispute Review Committee conducts a review of the dispute resolution request and requests any additional evidence as necessary. The Dispute Review Committee Chairperson documents the dispute resolution decision and justification on the PJRFSI portion of the #FS-1001 Dispute/Appeal Resolution Request Form and forwards it to the FSPM or appropriate designee who then communicates the decision to the Disputant.
- 4.5. If the dispute resolution procedure and/or the decision of the Dispute Review Committee are unacceptable to the Disputant, the Food Safety Program Accreditation Manager or appropriate designee advises the Disputant in writing of the right to appeal the dispute decision and provides the Disputant with a new #FS-1001 Dispute/Appeal Resolution Request Form.

## **5. Appeal Procedure**

- 5.1. Within 15 days after receiving notice of the dispute decision, a Disputant wishing to appeal a dispute decision, hereinafter referred to as the Appellant, must submit a formal written appeal to PJRFSI and include the name of an advocate to represent its case. The appeal and the identified advocate should be documented on the #FS-1001 Dispute/Appeal Resolution Request Form provided to the Disputant by the Food Safety Program Accreditation Manager or appropriate designee.
- 5.2. PJRFSI uses all reasonable efforts to resolve the appeal in a constructive and timely manner (within 30 days of receiving the Appellant's completed #FS-1001).
- 5.3. Once the appeal is received, the President or appropriate designee selects an appropriate advocate to represent the position of PJRFSI and appoints a committee who will serve as a Board of Appeal as per the Article on Special Committees in PJRFSI's By-Laws (#PJRFSI-0). Individuals serving on the Board of Appeal should not be employed to investigate any appeal if: they have been involved directly with the Appellant within the past two years and/or in the Appellant's complaint, dispute, and/or appeal; or if their relationships to the parties involved may compromise the impartiality of the investigation.
- 5.4. The Board of Appeal shall meet in person or by teleconference, as necessary or permitting, and elect a chairperson. The Chairperson verifies that the full committee, as constituted under the provisions for Special Committees in PJRFSI's By-Laws, has all needed information regarding the appeal.
- 5.5. The Chairperson notifies the Appellant and the PJRFSI Advocate of the make-up of its Board of Appeal, giving either party the opportunity to state objections to the Board of Appeal as constituted. If there are objections, the Chairman of the Board of Appeal will decide on the final make-up of the Board of Appeal.
- 5.6. The Board of Appeal meets, in person or by teleconference as necessary or permitting, and holds a private meeting to review all of the submitted evidence related to the appeal and discuss the merits of the Appellant's case. They may request, from either side, additional objective evidence for examination and discussion, such as: auditee documents, PJRFSI registration procedures, etc.

5.7. At such point as the Board of Appeal believes it has thoroughly reviewed all points for consideration, it takes a secret vote in writing using a ballot which provides for: a vote to affirm the PJRFSI decision under appeal; or a vote to reverse said decision. The Board of Appeal's decision is reached by simple voting majority.

5.8. The Board of Appeal documents its decision on the PJRFSI portion of the #FS-1001 Dispute/Appeal Resolution Request Form and supplies the Appellant's advocate and the PJRFSI Advocate with a copy. The Board of Appeal is under no obligation to disclose details of its deliberations.

5.9. If the Appellant finds the appeal process and/or the decision of the Board of Appeal to be unacceptable, the Food Safety Program Accreditation Manager or appropriate designee advises the Appellant in writing of their right to appeal to the appropriate accreditation body. The decision of the respective accreditation body is forever binding in the matter under appeal.

## **6. FDA-FSMA**

6.1. PJRFSI will notify an eligible entity of a denial of certification. PJRFSI will make the appeals procedures publicly available; use competent persons, who may or may not be external to PJRFSI, who are free from bias or prejudice and have not participated in the certification decision or be subordinate to a person who has participated in the certification decision, to investigate and decide appeals;

6.2. Advise the eligible entity of the final decision on its appeal; and maintain records under of the appeal, the final decision, and the basis for such decision.

## **7. Records**

7.1. A record of all disputes, dispute resolution decisions, appeals, Board of Appeal selection processes, and Board of Appeal decisions shall be maintained by the FSPM or appropriate designee in accordance with #SOP-05 Quality Records Procedure.

## **8. Additional Actions**

8.1. PJRFSI recognizes protests, disputes, and appeals as a source of possible nonconformity with certification body guidance documentation (licensing and/or accreditation body specific) or as signaling a need for auditor and/or personnel re-training or additional follow-up actions. The Food Safety Program Accreditation Manager or appropriate designee is responsible for ensuring that re-training and follow-up activities occur and their effectiveness is verified.

8.2. Appeals regarding decisions on the suspension or withdrawal of certification by PJRFSI shall not delay the decision to suspend or withdraw the Certification.