

Complaints, Appeals and Dispute Procedure

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1.0 Complaints

1.1 When TLAC receives a complaint regarding its certification services, the General Manager (GM) will be informed and have the complaint case registered. TLAC shall acknowledge the complainant receipt of the complaint within 7 days. The GM or his/ her delegate will then commence to gather relevant information, study and investigate to decide if the complaint case is justified.

Note: TLAC shall not assign personnel who have taken part in the concerned audit job in the investigation to maintain objectivity.

1.2 If the case is justified, the GM will form a “hearing” and he/she will act as the Secretary the hearing. TLAC shall invite three members of the Governing Council to hold the hearing. All participants in the hearing shall declare impartiality for the complaint case. In the hearing, both the complainant and the TLAC managers can be entitled to be heard in confidence. After the hearing, the Chairman of the hearing will lead his team to investigate the cause of complaint and resolve the complaint accordingly. Then, the Chairman shall provide the complainant, with a written statement of their findings, including the resolution approach, within 14 days after the hearing.

1.3 If the complaint is unjustified, a reply with reasons will be sent to the complainant, if any.

1.4 If the complaint is addressed to TLAC’s certified client from other interested parties, further examination/ evaluation of the management system of the client and performance of the product may be conducted and a Manager of TLAC will start to contact the client and arrange the coming investigating work. The Manager of TLAC will keep the complainant informed of the progress and results when applicable.

2.0 Appeals

2.1 When a client wishes to appeal against any decision related to the certification or audit conclusion made by TLAC, he shall give notice in writing to the TLAC GM to express the appeal against that decision within 14 days from getting the decision.

2.2 TLAC will form an Appeal Panel. The GM will act as the Secretary of the Appeals Panel shall invite two members from the Governing Council to the panel. All participants in the Appeals Panel shall declare the impartiality and confidentiality for the appeal case.

2.3 TLAC will arrange an Appeal Panel meeting within 21 days of receipt of such appeal notice and the appellant shall be given at least 7 days' notice of the time and place of such a meeting.

Note: The original decision of the TLAC shall remain valid before the meeting of the Appeals Panel.

2.4 In the Appeal Panel meeting, the appellant and the Managers of TLAC will be entitled to be heard in confidence. The decision of the majority of the Appeals Panel as declared by the GM shall be final. TLAC shall then provide the appellant a written statement of the appeal findings; including the reason for the decision reached, within 21 days after the decision of the Appeals Panel is made.

3.0 Disputes

3.1 For any unresolved disputes between the client and TLAC, the TLAC GM shall decide to get resolution for such disputes by further arbitration or the judiciary under the HKSAR regulations where applicable.

Note: Where a complaint, dispute or appeal made to TLAC regarding the accredited certification services is not satisfactorily resolved within 60 days from the date of complaint/ appeal/ disrepute, the GM may need to notify HKAS about the case.

投訴、上訴和爭議程序

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1.0 投訴

1.1 當 TLAC 收到有關其認證服務的投訴時，將通知總經理 (GM) 並登記投訴案例。TLAC 應在 7 天內確認投訴人收到投訴。總經理或他/她的代表隨後將開始收集相關信息、研究和調查，以決定投訴個案是否合理。

注：TLAC 不得指派參與相關審核工作的人員參與調查，以保持客觀性。

1.2 如果投訴成立，GM 將召開“聽證會”，他/她將擔任聽證會的秘書。TLAC 應邀請管理委員會的三名成員舉行聽證會。參加聽證會的所有參與人均應聲明對投訴案件的公正性。在聽證會上，投訴人和 TLAC 經理都有權進行保密陳述。聽證會結束後，聽證會主席將帶領他的團隊調查投訴的原因，並據此解決投訴。然後，主席應在聽證會後 14 天內向投訴人提供他們的調查結果的書面陳述，包括解決方法。

1.3 如投訴不成立，TLAC 將回覆投訴人並說明理由。

1.4 如果投訴是從其他相關方向 TLAC 的認證客戶提出的，則可能會對客戶的管理體系和產品性能進行進一步檢查/評估，並且 TLAC 的經理將開始聯繫客戶並安排接下來的調查工作。TLAC 的經理將在適用時隨時向投訴人通報進展和結果。

2.0 上訴

2.1 客戶如對 TLAC 作出的與認證或審核結論相關的決定提出上訴/申訴，應在收到決定後 14 日內書面通知 TLAC 總經理表達對該決定的申訴。

2.2 TLAC 將組成上訴小組。總經理將擔任上訴小組的秘書，並應邀請管理委員會的兩名成員加入小組。申訴小組的所有參與者均應聲明申訴案件的公正性和保密性。

2.3 TLAC 將在收到此類上訴通知後的 21 天內安排上訴小組會議，並且應至少提前 7 天通知上訴人召開此類會議的時間和地點。

注：TLAC 的原決定在上訴委員會會議召開之前仍然有效。

2.4 在上訴小組會議上，上訴人和 TLAC 的管理人員將有權進行保密陳述。上訴小組多數成員的決定將為最終決定，並由 GM 宣布。然後，TLAC 應向上訴人提供上訴結果的書面陳述；包括作出決定的原因，在上訴小組作出決定後 21 天內。

3.0 爭議

3.1 對於客戶與 TLAC 之間任何未解決的爭議，TLAC 總經理應根據香港特別行政區的法例規定（如適用）決定通過進一步的仲裁或司法機構，如適合，解決此爭議。

注意： 如果就認可的認證服務向 TLAC 提出的投訴、爭議或上訴在投訴/上訴/爭議之日起 60 天內未能得到滿解決，GM 可能需要將此情況通知香港認可處 (HKAS)。