

Complaints & Dispute Resolution Process

These procedures are prepared in support of the Forest Stewardship Council®, FSC® Management Plan, Public Engagement Process to establish procedures for the identification and resolution of complaints and disputes related to Taan management activities or conformance with the FSC Standards in the following categories:

- Statutory or customary law;
- Working conditions while working for Taan;
- Impacts of management activities on the Haida Nation, local communities, and other affected stakeholders

This process may be adapted or revised as needed to address the specific needs of any interested party or complainant, through culturally appropriate engagement. Purple font indicates updates from previously published versions.

Other avenues/ processes to raise complaints or dispute are also available through Taan’s Certifying Body ([Nepcon](#)) or with FSC Canada through the [FSC Complaints process](#). However, Stakeholders and other interested parties are encouraged to first attempt to bring any issues forward to Taan for resolution prior to enacting FSC’s or the Certifying Body’s dispute resolution system. Where Taan does not have control or is not directly involved in a specific complaint or dispute (e.g., statutory or legal matters, working conditions), Taan is committed to work within the sphere of influence to encourage relevant parties, where appropriate, to work together to resolve the dispute.

Key Definitions

Complaint	<p>The expression of dissatisfaction or concern by any person or organization presented to the Organization* (i.e., Taan), relating to its management activities* or its conformity with the FSC Principles* and Criteria*, where a response is expected.</p> <p>In the everyday operation of The Organization*, enquiries, such as requests for information or a request for a solution to an issue, from stakeholders* are common and most often The Organization* can easily and expeditiously address these. If a stakeholder* is not satisfied with the outcome of its query or is not receiving a response within a reasonable* time, they may lodge a complaint*.</p>
Dispute	Represents a formal disagreement, after the initial attempts to resolve a complaint have not been achieved.
Dispute of Substantial Duration	Dispute* that continues for more than twice as long as the predefined timelines in the FSC System (this is, for more than 6 months after receiving the complaint, based on FSC-STD-20-001)
Dispute of Substantial Magnitude	<p>A dispute of substantial magnitude is a dispute* that involves one or more of the following:</p> <ul style="list-style-type: none"> – Where the negative impact of management activities* on local communities or on Indigenous Peoples* legal* or customary rights* is of such a scale that it cannot be reversed or mitigated; – Physical violence; – Significant destruction of property; – Presence of law enforcement or military bodies; – Acts of intimidation against workers* and stakeholders*. <p>A dispute* can become of substantial magnitude if it is of substantial duration, implies a significant number of interests and has a significant negative impact to the forest resource / value.</p> <p>Disputes of Substantial Magnitude are not common and represent the exception.</p>
Management Activities	Any or all operations, processes or procedures associated with managing a forest*, including, but not limited to: planning, consultation, harvesting, access construction and maintenance, silvicultural activities (planting, site preparation, tending), monitoring, assessment, and reporting.

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Complaints

Upon receipt of a complaint (as defined above), Taan will record pertinent details to file.

Taan will respond (in writing) to the complainant within a timely manner (e.g., generally within 2 weeks), forward a copy of the Dispute Resolution Process (DRP) and seek further engagement to work towards resolution.

Where complaints cannot be satisfactorily resolved through engagement, they will be elevated (by Taan or the complainant) to a “Dispute” and the Dispute Resolution Process will be engaged.

Records must be retained as outlined below.

Disputes

Existing Process/ Contracts

In specific cases where Taan has a contractual agreement in place with any party that enters into a dispute that is linked to the provisions of the agreement (regardless of whether the issue is raised by the other party or Taan), the dispute resolution process contained within the contractual agreement is followed and is determined to be mutually agreed to through the signed agreement. Related records are retained on file.

Taan Dispute Resolution Process

In cases where there is no contractual agreement and/ or the nature of the dispute grievance is not directly tied to the provisions of the agreement, the following process is followed.

Taan is committed to working towards resolution of the dispute through methods involving compromise, alternatives and clarification of information or points of view. It is expected that all parties involved in the dispute are working in good faith and in a reasonable manner, and that all parties can demonstrate efforts deployed to resolve the dispute.

The following dispute resolution process provides guidelines for resolution of disputes (assistance provided by the CMS Administrator where required).

1. Document the Dispute – Taan either receives documentation of a Dispute, or issues documentation to the complainant clearly outlining the dispute. Initiate a file within the Corporate Files (Complaints and Disputes folder). Notify the CMS Administrator.
2. Send the DRP – Taan sends a copy of the DRP to the complainant. Request written response that they agree to the DRP or work with the other party to revise/ adopt an agreed to process (while ensuring that the FSC requirements are maintained within the process). Any changes to the process are documented and retained on file.
3. Engagement – The dispute is assigned to a Taan Representative for follow up. All communication and steps taken towards resolution are documented to file. Communication avenues may include meetings, phone calls, emails, etc. and be culturally appropriate for the individual (i.e., communication methods as requested by the individual).

4. Mediation – where deemed required, either party may request alternative approaches for resolution, such as third-party mediation or meetings with a neutral facilitator. The parties will seek to agree upon the mediator, but if agreement cannot be reached, Taan is authorized to appoint a mediator, who's decisions will be binding to all parties. The mediator may at their discretion, engage appropriate professional advisors to assist in the mediation process.
5. Disputes of Substantial Magnitude - are given careful consideration, and actions are taken to maintain/ protect the value or right that is at risk, including modification of management activities, or as a last resort, cessation of operations where required, until the dispute is satisfactorily resolved.
6. Compensation – in specific cases, fair compensation may be required to be addressed by Taan related to loss or damage to property or impacts to legal or customary rights of local communities or Haida Peoples.
7. Unresolved Disputes – in the event that resolution is not achieved, Taan must document all actions taken and provide rationale to justify the unresolved dispute.

Records

Taan will maintain records of all complaints and disputes including:

- Steps taken to correct identified violations of legal or customary rights of local communities related to Taan management activities;
- steps taken and fair redress for any violation of rights, customs and culture of Indigenous Peoples as defined in the United Nation Declaration of Rights of Indigenous Peoples (UNDRIP) or ILO Convention 169
- Steps taken to resolve, as well as outcomes of all complaints and dispute resolution processes, including where applicable:
 - fair compensation to workers for loss or damage to property, occupational diseases or occupational injuries sustained while working for the organization;
**Note that in BC, compensation to workers for occupational disease and occupational injuries is provided by WorkSafe BC (legislated) and not by Taan.*
 - Fair compensation for affected stakeholders for loss or damage to property; and
 - for unresolved disputes, the reasons they are not resolved as well as plans for resolution).