



## COMPLAINT HANDLING

*Editorial Note: This version of the document includes new PCCP website.*

### 1. SCOPE

- a) This Document describes how a complaint against PCCP processes or PCCP accredited Contractors is handled and resolved and includes penalties or sanctions that may be applied.
- b) The complaint process is about maintaining the integrity of the PCCP.

### 2. AUTHORITY & RESPONSIBILITY

- a) The Executive Officer, PCCP (EO) has the authority to implement the requirements of this procedure.
- b) The PCCP Technical Panel (PTAP) retains the responsibility for the content of the procedure.

### 3. REFERENCED DOCUMENTS

- a) This procedure refers to PCCP document PP-D001 How PCCP® Operates.
- b) All PCCP documents and forms are available for downloading from the Documents section of the PCCP web site at:

[Painting Contractor Certification Program \(csiro.au\)](http://Painting Contractor Certification Program (csiro.au))

### 4. DEFINITIONS

**Complaint:** Notification to the EO about a perceived departure from PCCP procedures and processes by either a Contractor or other person(s) / organisation. Complaints may also be raised about actions of people or organisations (including Contractors) that have brought into disrepute the whole PCCP program. Complaints can also be lodged against the PCCP system(s) used to ensure the integrity of the scheme.

### 5. ACCEPTABLE GROUNDS FOR COMPLAINT

One or more of the items listed below (5.1 – 5.7) are considered sufficient grounds for lodging complaints against Contractors:

#### 5.1 General Organisational

- a) Providing false or misleading information to PCCP.
- b) Failure to make reasonable effort to comply with a set audit date.
- c) Continued and wilful disregards of a PCCP auditor's non-compliance notice.
- d) Causing the credibility of the PCCP to be brought into dispute.
- e) Misrepresentation of a category or class of PCCP accreditation for which the Contractor has not been approved.
- f) Misuse of the PCCP logo to provide a misleading picture of the status of accreditation.

#### 5.2 Legal

Any conviction in any Court, civil or criminal, against the organisation or one or more of its officers.

#### 5.3 OH&S

- a) A failure to comply with any WorkSafe Australia ruling, Notice, Code of Practice, Regulation or Legislation.
- b) A failure to comply with any Occupational Health & Safety Act, Standard, Notice, Code of Practice, Regulation or Legislation.

#### 5.4 Environmental

A breach of environmental compliance, qualifying the Contractor for an EPA (or equivalent) charge or citation.

#### 5.5 Technical, Quality & Service

- a) Significant non-compliance to the terms of a coating specification.
- b) A standard of workmanship below that generally accepted by PCCP or applied in the industry.
- c) Disregard for project quality control.
- d) Fraudulent practices such as altering reports, documents, test records.

#### 5.6 Financial

- a) Failure to pay required PCCP fees and charges.
- b) Corporate financial mismanagement.
- c) Bankruptcy of the organisation or any key officer(s).

#### 5.7 Other

Any other incident considered sufficient grounds by the EO or PTAP.

### 6. COMPLAINT PROCESS

#### 6.1 General Matters

- a) Any person can initiate a complaint providing it complies with the requirements set down in this document.
- b) All complaints shall be submitted to the EO in writing, either via normal mail or email.
- c) All submitted complaints must identify the complainant by both name and organisation and provide full contact details. Complaints not so identified will **not** be formally addressed by the EO.
- d) All submitted compliant complaints will be handled seriously and expeditiously by the EO.

#### 6.2 Complaints Against Contractors

- a) In the event of a written complaint being received by the EO about an accredited contractor regarding the quality of workmanship, services or ethics:
  - i. The EO will assess the complaint, taking into consideration the complainant and their affiliation(s), the seriousness of the complaint, the supplied evidence and any other relevant matters.

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- ii. The EO will decide whether the complaint has merit, and if there is enough evidence to enable a conclusion to be drawn. This may be done in consultation with members of the PTAP.
  - iii. If the EO decides the complaint will be proceeded with, then the consultation with either the complainant or members of the PTAP may be required.
  - iv. The EO will formally communicate with the Contractor advising them of receipt of the complaint and the process about to be followed.
  - v. The Contractor will be sent a copy of the complaint (but a copy that does not identify the Complainant) and asked to submit a response and any supporting evidence by a date not greater than two (2) weeks from the date of this contact.
  - vi. The EO will assemble all relevant evidence from all relevant parties by a date not greater than three (3) weeks from initial receipt of the formal complaint.
  - vii. The EO (in consultation with the PTAP Chairperson) will decide on the outcome of the complaint and any appropriate penalties.
  - viii. The EO will communicate the decision and advise any penalties to the Contractor in writing within one (1) calendar month of receipt of the complaint.
  - ix. The EO shall be responsible for maintaining full and complete records of the process.
- b) Where it is decided that the dispute needs to be considered by a Disputes Committee for reasons such as high political sensitivity, high contingent liability, possible illegal activity etc., then the EO shall establish such a Committee of no fewer than three (3) members drawn from the PTAP (not including the EO). The Disputes Committee will carry out all the EO tasks.

### 6.3 Complaints Against Operation of PCCP

- a) Any complaint about the operation of the PCCP scheme shall be directed to, and accepted by, the EO.
- b) Where the EO judges the complaint to be justified, and where a simple corrective action is all that is required, the EO may initiate any required change(s).
- c) All such complaints shall be tabled at the next PTAP meeting for consideration.
- d) Where the EO does not agree with the complaint, it shall be tabled at the next PTAP meeting for adjudication.
- e) Any resulting recommendations or improvements made shall be implemented by the EO.
- f) The EO shall be responsible for maintaining full and complete records of the process.

## 7. RIGHT OF APPEAL

- a) A Contractor who is the subject of a Complaint has the right of appeal at the time the EO or Disputes Committee advises the Contractor of the findings.
- b) All appeals shall be lodged, in writing, within fourteen (14) days of the date of the Notice of Finding.
- c) The Contractor has the right to request a face-to-face meeting either in person or via video link to consider the Appeal.
- d) Any costs associated with the Appeal shall be borne by the Contractor and settled prior to the Appeal Hearing.
- e) Also present at this Hearing shall be a person having the authority to agree to a resolution of the dispute.
- f) Neither party is entitled to legal representation at the Hearing.

## 8. PENALTIES

Depending on the severity of the fault, the PCCP may elect to impose one or more disciplinary options:

### 8.1 Suspension of Accreditation

- a) A Contractor who is the subject of one or more justified Complaints by the EO (and/or a series of justified Complaints), shall have their PCCP Accreditation suspended, thereby withdrawn.
- b) The Suspension will remain in force for a period to be decided by the EO but not less than six (6) months or longer than eighteen (18) months.
- c) During the period of the Suspension, the Contractor shall **not** trade using PCCP accreditation.
- d) Refer to Document D001 clause 13 for further details.

### 8.2 Cancellation of Accreditation

- a) A Contractor under a Suspension becoming the subject of an additional proven complaint within eighteen (18) months from the date of the Suspension shall have their Suspension upgraded to a Cancellation of Accreditation
- b) A Contractor who is the subject of a justified Complaint arising from a serious breach of workplace safety or OH&S legislation or civil or criminal conviction shall have their PCCP Accreditation cancelled.
- c) The Cancellation of Accreditation will remain in force for a period to be decided by the EO but not less than six (6) months or longer than twenty-four (24) months.
- d) During the period of the Cancellation of Accreditation, the Contractor shall **not** trade using PCCP accreditation.
- e) Refer to Document D001 clause 13 for further details.



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### 8.4 Nature of Complaint / Other Penalty

While a complaint may be proven, the nature of the complaint may be deemed trivial. The EO may therefore impose a penalty that is more fitting to the incident. A series of trivial complaints against a Contractor, however, may call the Contractor's method of operation and continued certification into question.

### 9. REMOVAL OF PENALTY

- a) Contractors under a current penalty may re-apply for PCCP accreditation once the period of the penalty has expired.
- b) A request for removal of the current penalty shall be made in writing to the EO. It shall detail reasons why the removal is warranted and the changes that have been made to ensure there is no repeat of the original issue.
- c) If the EO is of the opinion that there has been a cultural and procedural change in the organisation of sufficient magnitude and substance, the penalty may be lifted.
- d) Lifting of a penalty **does not automatically result in re-instatement** of accreditation. It merely permits the Contractor to re-apply for accreditation.
- e) Such a re-application of accreditation shall be treated as a new application with all necessary fees and charges being applicable again. During the subsequent audit, the EO and/or Technical Assessor will be expected to pay particular attention to the substance of the issue that lead to the original penalty.