



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

COMPLAINTS AND APPEALS OFFICE

Annual Report 2013–2014

Canada

THE COMPLAINTS AND APPEALS OFFICE

The Complaints and Appeals Office (CAO) of the Canadian Food Inspection Agency (CFIA) opened in April 2012.

Designed to provide regulated parties, consumers and other stakeholders with a transparent and accessible way to register complaints, the CAO also welcomes and registers all compliments and comments. The CAO reviews complaints related to the quality of CFIA's services and decisions.

Those with complaints against the CFIA are encouraged to resolve them through an incremental, three-step process:

1. Speak with the CFIA employee involved in the complaint.
2. If this does not resolve the matter, speak with the employee's supervisor, manager or director.
3. If this does not resolve the matter, submit a formal complaint with the CAO by completing a **Complaints, Comments and Compliments** form.

For more information, visit our website, email us at CAO_BPA@inspection.gc.ca or call 1-800-442-2342.

TABLE OF CONTENTS

- Letters and Introduction 2**
 - Letter from the President..... 2
 - Letter from the Chief
Redress Officer 3
 - The CAO’s Guiding Principles..... 3
- Administration..... 4**
 - Complaint Procedure 4
 - Administration 5
 - Classification of Outcomes..... 5
 - Compliments and Comments 5
 - Service Standards..... 6
- Accomplishments 7**
 - Accomplishments 7
 - Case Studies 8
 - Outreach Activities..... 10
- Conclusion 11**
 - Transparency, Service, Accountability 11
 - The CAO’s Next Phase 12

LETTERS AND INTRODUCTION

Letter from the President

During its second year of operation, the Complaints and Appeals Office (CAO) continued its front-line work in supporting the CFIA in its work for Canadians and allowing the Agency to be service-oriented, responsive and accountable.

The CAO has an arms-length relationship with the CFIA's Branches. Its foremost concern is its relationship with our stakeholders. The Agency remains committed to working with stakeholders—producers and Canadians alike—to resolve issues that might affect the food supply, industry and individual businesses.

A focus on service drives consistency across the CFIA. It enhances our engagement with stakeholders and enables us to recognize service excellence and identify where we must improve. The Agency values the feedback that the CAO provides, as it

gives us an opportunity to measure and report on our performance to both stakeholders and staff.

This Office is here to listen. See the inside cover of this report or the CFIA website for contact information if any questions arise about the Complaints and Appeals Office, Statement of Rights and Service or its accompanying guides to inspection.

I would like to point out that the CAO is playing an increasingly important role in helping the Agency meet current and emerging challenges because of the feedback we are receiving through this Office. Canada's agriculture and agri-food industry continues to evolve rapidly, and we need this important ear to the ground. As the CAO continues to mature, I look forward to the ongoing contribution it will make to this Agency and, by extension, Canada's food value chain and to Canadians.

B.A. (Bruce) Archibald, PhD
President

Letter from the Chief Redress Officer

It is a pleasure to present the second annual report of the Complaints and Appeals Office (CAO). The past year has been one of steady progress, as the CAO matured into a more functional and effective organization, and increased its contribution to Canada's food safety as well as the safety and sustainability of its plant and animal resource base.

The CAO provides a redress mechanism to consumers, producers and industry stakeholders in Canada's agriculture and agri-food industry. Each complaint we receive triggers a thorough review and analysis; some lead to improvements in a CFIA procedure, policy or decision. Our role is to identify "what to fix" rather than "how to fix it". By sharing information, the CAO contributes to the CFIA's continuous improvement and strengthens the systems that protect our food supply, and plant and animal health.

During the past year, we completed much of the work needed to establish and implement effective complaint policies, protocols and service standards. We also delivered

outreach in a number of areas to CFIA staff. In addition, we began to support the Agency's continuous improvement efforts by sharing some of the observations identified during our reviews.

The CAO also began consultations on the development of the legal framework needed to authorize appeals of CFIA regulatory decisions. A regulatory framework properly informed by a wide range of internal and external stakeholders—including both industry and consumer groups—is essential to continuous improvement over the long term. Initial consultations with industry generated several potentially valuable ideas, such as ensuring that a broad range of decisions be subject to review, and that reviews be independent and impartial. The consultations will continue, and I look forward to the contribution they will make to the regulatory framework.

The progress made during the CAO's second year of operation is a testament to the professionalism and dedication of our staff. I thank each and every member of the CAO team for their ongoing efforts to serve Canadians.

Susan J. Shaw
Chief Redress Officer

The CAO's Guiding Principles

Visibility: Increase awareness through internal and external outreach.

Accessibility: Ensure CAO processes are centralized, uncomplicated and use plain language.

Responsiveness: The CAO handles all complaints and appeals seriously, honours service standards and provides regular feedback until a file is closed.

Fairness: CAO processes are impartial, transparent and follow the principles of natural justice.

Confidentiality¹: The CAO shares review information in a responsible, sensible and discreet manner.

Analysis: CAO processes support the tracking and analysis of data, and the sharing of opportunities for improvement with the CFIA in the spirit of continuous improvement.

¹ Within the CFIA, information is shared only with those that need to know in order to support the CAO with its review. Information is subject to the Access to Information Act and Privacy Act.

ADMINISTRATION

Complaint Procedure

Intake

- 1 Open file, acknowledge receipt of complaint by phone or email.
- 2 Assess whether complaint falls within CAO mandate.
- 3 If the complaint is outside CAO mandate, notify and refer complainant to appropriate CFIA branch and close file; if it is within CAO mandate, begin review.

Review

- 1 Telephone call with complainant to gather additional information, such as names of CFIA staff involved.
- 2 Interview CFIA specialists for their perspectives on the complaint.
- 3 Review relevant technical documents.
- 4 Possibly meet with CFIA staff to explore options for addressing complaint.
- 5 CAO complaints analyst determines outcome, notifies complainant by telephone and in writing.
- 6 File is closed.

Administration

The CAO handles two types of complaints: regulatory and service.

Regulatory

A regulated party or member of the public:

- disagrees with a CFIA regulatory decision; or
- is dissatisfied with the overall impact of a CFIA program, policy or regulation.

Service

A regulated party or member of the public alleges:

- unnecessary delays in providing service;
- poor behaviour or attitude of staff;
- that a CFIA employee has made an error, or misapplied or misinterpreted a policy or procedure; or
- that a CFIA process, program or employee is not sufficiently focused on providing timely and efficient service.

Classification of Outcomes

Regulatory Complaints

Upheld

Based on information gathered during the CAO review, the CAO agrees with the CFIA's original decision or ruling.

Reconsidered or Amended

Based on information gathered during the CAO review, the CFIA chooses to reconsider its original decision or ruling.

Service Complaints

Unfounded

Based on information gathered during its review, the CAO determines that the available facts do not support the complaint.

Founded

Based on information gathered during its review, the CAO determines that the facts support the complaint.

Inconclusive

The CAO's review of available facts fails to determine whether a complaint is justified.

No review/withdrawn

The regulatory or service complaint either falls outside the CAO's mandate, or is withdrawn by the complainant.

NB: These terms are based on CFIA administrative redress policy, and are not legal definitions.

Compliments and Comments

The CAO acknowledges, records and tracks all compliments and comments it receives. In addition, the CAO notifies the CFIA about compliments and comments, and identifies any potential opportunities for improvements in CFIA services or practices.

In response to an application for vet certification:

“We appreciate your understanding of the urgency in our case, your responsiveness to our requests and inquiries, and your quick actions to have this completed in time for us to meet our shipping schedule and customers’ expectations. Your action has truly demonstrated the purpose and mission of CFIA...”

—*Roger Luo, Forecast and Planning Manager
US Pet Nutrition*

In response to a request for information about a food labelling survey:

“The CFIA employee listened patiently and with utmost respect, gave me thoughtful advice and directed me to specific parts of your website, where I could get the information I was looking for....I feel I have a far better understanding of the roles and responsibility of CFIA.”

—*Jane Bryony-Shaw
Victoria, BC*

Service Standards

The CAO acknowledges receipt of all complaints, comments and compliments within two business days. During 2013–2014, the CAO met this standard in 99 percent of all cases.

Other service standards—such as the maximum amount of time needed to review complaints—are under development. Staff review all complaints in as timely a manner as possible; however, the amount of time needed may vary based on the level of complexity of the complaint.

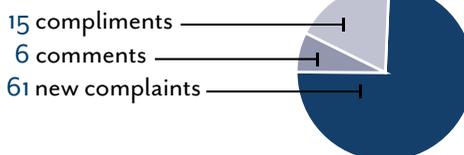
ACCOMPLISHMENTS

Accomplishments

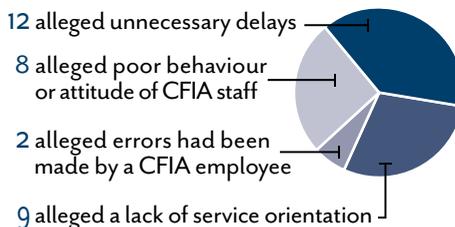
Along with ongoing work to develop and implement policies and regulations, the CAO made considerable progress on a feedback process that will identify and inform the CFIA of opportunities to improve some of its procedures and practices. In particular, the CAO's review of complaints contributed to the identification of potential improvements in the CFIA's program to contain the spread of a foreign plant pest, and in its procedures to regulate food products, including some ready-to-eat foods.

During the 2013–2014 fiscal year, the CAO opened a total of 82 files, composed of 15 compliments, six comments and 61 complaints. Ten of the complaints were either withdrawn or fell outside the CAO's mandate. During the year, the CAO closed 74 complaints (43 regulatory, 31 service); some of these related to files opened the previous year.

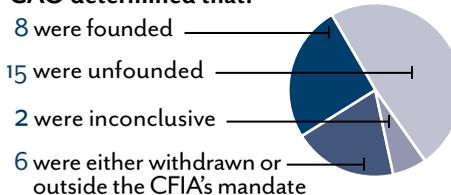
The 82 files within its mandate opened during 2013–14 included:



Of the 31 closed complaints related to CFIA services:



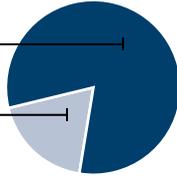
Following reviews and investigations of these 31 service complaints, the CAO determined that:



Of the 43 closed regulatory complaints:

35 challenged a
CFIA decision

8 challenged a
CFIA policy

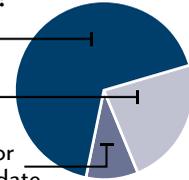


Following reviews and investigations of these 43 regulatory complaints, the CAO determined that:

29 were upheld

10 were reconsidered
or amended

4 were either withdrawn or
outside the CFIA's mandate



Case Studies

The following case studies provide examples of the type of complaints reviewed by the CAO and the outcomes of each review.

Case Study #1

Wording of Official Notice Posted to the CFIA Website

Category: Lack of service orientation

The complainant challenged the wording included in a notice posted to the CFIA's website. The complainant alleged that the notice included unnecessary and potentially harmful information about his company.

The CAO spoke with the complainant and consulted with CFIA officials, including representatives of Operations Branch, who shared information about the complainant's compliance history.

As a result of its review, the CAO concluded that the wording used in the notice posted on CFIA's website was factually correct and consistent with that used in other notices, and that it mirrored the language that appears in the related regulation. As a result, the CAO found that there was no opportunity to remove or change the notice. The CAO informed the complainant accordingly.

Case Study #2

Alternative Process for Meeting Regulatory Requirement

Category: Disagreement with a CFIA regulatory decision

The complainant claimed that the CFIA had improperly issued a corrective action request (CAR) related to a food preparation process. The CFIA requires that producers use and document their use of particular types of processes to protect the safety of food products. The CFIA found that the complainant had not followed the required process and, as a result, issued the CAR.

The CAO held discussions with the complainant, as well as with officials of two groups within the CFIA, and reviewed all pertinent information, policies and correspondence. The review determined that while the food preparation process required by the CFIA met legislated regulatory standards, alternative processes might also meet these standards. The complainant presented data so the CFIA could assess whether its process met the legislated regulatory standard. Early in the 2014-2015 fiscal year, the CFIA accepted the complainant's data and closed the CAR.

Case Study #3

Contesting a CFIA Service Fee

Category: Challenge of a regulatory policy

The complainant alleged that the fee charged by the CFIA for a particular service had not been charged in the past, despite identical circumstances. The CAO consulted with the complainant and appropriate CFIA officials, and conducted a thorough analysis.

The CAO's research confirmed that the CFIA's policy is appropriate and that the fee has been in place consistently since 1995. A second federal agency actually collects the fee and performs the associated services on behalf of the CFIA. The CAO recommended that the CFIA review the wording of its policy and make it easier to understand. The CAO informed the complainant that the CFIA policy was upheld and also recommended contacting the second agency directly if they required further information.

Outreach Activities

During its second year of operation, the CAO expanded its outreach activities. To raise awareness of its mandate and processes, the CAO met with staff of many branches of the CFIA, along with representatives of various industry groups at the 4th Annual Food Regulatory and Quality Assurance Summit. Outreach activities ranged from presentations, to the publication and distribution of information kits and other promotional materials. The CAO also began to consult with industry groups about the regulatory regime that would support an appeal process.

CONCLUSION

Transparency, Service, Accountability

The CAO provides a transparent, readily accessible and clearly defined mechanism for regulated parties and stakeholders to file complaints and comments about CFIA decisions, processes and services. Identifying specific opportunities for improvements will increase the quality of the CFIA's services.

The CAO's review of a complaint or comment might, for instance, identify a program deficiency such as a manual of procedures that is out of date or needlessly difficult to understand. A CAO review might also bring attention to an outdated regulation, or suggest a procedural improvement, such as holding pre-submission meetings with stakeholders interested in making applications to the CFIA. Reviews could also identify opportunities to develop and deliver new services, such as enabling

consumers to easily register complaints about food safety or labelling on the CFIA website.

In the short term, the CAO will strengthen the CFIA's accountability and relations with its stakeholders; it is also expected to generate efficiencies that will benefit industry as well as all Canadians. Regular reviews of complaints and comments, along with reporting on outcomes, will also help to identify trends and enable the CFIA to proactively develop solutions to emerging issues.

Each year, the CAO will use its feedback process to share observations with appropriate CFIA senior managers. This mechanism will enable CFIA branches to identify and implement specific actions that support continuous improvement in service. In this way, the CAO will also generate valuable data that can inform the design of CFIA programs and policies, along with training of frontline staff.

The CAO's Next Phase

During the CAO's third year of operation, much effort will focus on the consultations needed to develop an effective regulatory framework—in particular, acquiring the legal authority needed for stakeholders to appeal CFIA regulatory decisions. Initial consultations have generated valuable suggestions, such as providing additional details on the procedures and best practices for CFIA reviews and the scope of the decisions that can be appealed.

To make the most of the proposed regulatory authority, CAO staff must have the training needed to execute their duties as review officers. Work will also continue on the development and implementation of policies and

procedures, and on outreach efforts—of informing everyone along Canada's food value chain as well as in the agriculture and forestry industries of the CAO's important role. These efforts are essential for the CAO to achieve its overarching goal of contributing to the CFIA's continuous improvement.

Ultimately, producers, processors and other stakeholders are, and will remain, responsible for food safety. The CFIA plays a valuable regulatory role. Once several years' worth of data exist, the CAO will be better able to recognize and analyze trends, and identify any potential systemic weaknesses (e.g. adjustments to procedures that fail to deliver the desired outcomes). At that stage, the CAO will make an even more valuable contribution to Canada and to Canadians.