

Appeals Processes

Part A: AWSA Audit Interpretation Appeals Process

- This Process applies to interpretation discrepancies of the standards between certified operations and AWSA representatives

Part B: AWSA Appeals for Standards Variance

- This process applied to requests for consideration for a variance to a specific protocol within the standard either for a period of time or indefinitely.

Part C: AWSA Compliance & Enforcement Appeals Process

- This Process applies to appeals related to corrective action requirements issued to Audited Operations or for appeals related to issuance of notices of violations to Audited Operations.

Part A: AWSA Audit Interpretation Appeals Process

This Process applies to interpretation discrepancies of the standards between certified operations and AWSA representatives.

1. During the audit process, audited operations (Operators) are first encouraged to resolve any uncertainties or disagreements with an AWSA Auditor. The AWSA Senior Auditor and/or AWSA Program Manager may be consulted for assistance in the interpretation and application of the standards.
2. The Operators may request a review by the AWSA Senior Auditor. This review may result in a recommendation to the AWSA Program Manager to amend the audit decision. This review is a pre-requisite to a formal appeal to the AWSA Appeals Committee.
3. If AWSA has issued notification that the certification be declined or withdrawn, Operators (“Appellant”) may appeal by submitting a written statement to the AWSA Program Manager explaining the circumstances and grounds for appeal.
 - a. This request shall be sent via registered mail or via email (manager@awsa.ca);
 - b. An appeal fee of two thousand dollars (\$2,000.00) payable via credit card or wire transfer to AWSA must be paid to initiate the appeal. If the appeal is upheld, the fee will be reimbursed; and
 - c. In the event of an appeal of the AWSA Senior Auditor’s decision, the withdrawal of certification will not proceed until the appeal has been determined.
4. The AWSA Program Manager will require a written report, including supporting documentation concerning the matter(s) under appeal from the Appellant and AWSA Senior Auditor. The reports will be forwarded to the AWSA Appeals Committee.
5. The hearing of the AWSA Appeals Committee shall:
 - a. Consist of the AWSA Board Chair, AWSA Executive Director, AWSA Program Manager and may include additional AWSA Board members at the discretion of the Board Chair;
 - b. Appeals Committee members will be screened to ensure conflicts of interests do not exist;
 - c. Be provided a copy of the written reports submitted by the Appellant under appeal;
 - d. Be provided a copy of the report of the AWSA Senior Auditor to the Appellant;
 - e. Shall invite the AWSA Senior Auditor and the Appellant to submit any further information within five working days of receiving the invitation;
 - f. May review the relevant matter with the AWSA Senior Auditor and the Appellant either in person, via telephone or in writing;
 - g. May seek out additional regulatory or professional opinions to consider as part of the appeals process;

- h. Shall render a decision on the appeal as expeditiously as possible while respecting the principles of procedural fairness and public safety
 - i. Shall report back to the Appellant on the status of the appeal every ten business days until a final decision is rendered,
 - j. The Appeals Committee will provide a final of its decision to the AWSA Program Manager for furtherance to the Appellant; and
 - k. The AWSA Appeals Committee at their discretion may reimburse the appeal fee where the Appellant has raised a significant issue that has industry wide significance that results in clarification of the standards.
6. In the event that the withdrawal or declination of certification is confirmed upon appeal, the withdrawal of certification will be in effect at such a time as the operator receives formal correspondence from the AWSA Program Manager and will be in effect until such time as the Operator completes an audit receiving confirmation of compliance with the standards from an AWSA Auditor.

Part B: AWSA Appeals for Standards Variance

Periodically Audited Operations (Operators) may seek consideration for a variance to a specific protocol within the standard either for a period of time or indefinitely. The process to request a protocol variance is as follows:

1. Contact the AWSA Program Manager to complete the Variance Request Form to identify the following:
 - a. The specific protocol(s) within the standards that the variance request is applicable to;
 - b. The current operational situation as it relates to the specific protocol(s) identified;
 - c. Changes to the operational situation that are anticipated or planned with relative time required to complete;
 - d. Rationale for the variance request (such as financial hardship, construction scheduling, operational efficiency, timeline extensions, etc.);
 - e. Ruling from local building inspector, fire chief or other regulatory authority of relevance to the specific protocol(s) identified;
 - f. Additional information that the Operator's site management feel would aid in the decision making process;
 - g. The Operator and AWSA Auditor may choose to consult the AWSA Program Manager for assistance in the interpretation and application of the standards;
 - a. Formal correspondence of the variance request decision will be provided by the AWSA Program Manager to the Operator seeking variance consideration within ten working days of receipt. If a decision has not be finalized after the initial ten business days a status update will be issued every ten business days until a final decision is rendered; and
 - h. AWSA shall render a decision as expeditiously as possible while respecting the principles of procedural fairness and public safety.
2. If the Variance Request is denied the Operator may choose to enact the AWSA Audit Appeals Process.

Part C: AWSA Compliance & Enforcement Appeals Process

This Process applies to appeals related to corrective action requirements issued to Audited Operations or for appeals related to issuance of notices of violations to Audited Operations.

1. During the Compliance and Enforcement process, Audited Operations (Operators) are first encouraged to resolve any uncertainties or disagreements with an AWSA Auditor that is performing the AWSA Compliance Assessment. The AWSA Senior Auditor and/or AWSA Program Manager may be consulted for assistance in the interpretation and application of the standards.
2. Following the initial and any subsequent AWSA Compliance Assessments, Operators will be provided a reasonable period of time to correct identified area(s) of non-compliance before certification is withdrawn based on the AWSA Auditor's assessment and confirmation from the AWSA Project Manager on the specific time required to correct the deficiency.
3. If the Operator has been issued notification that the certification will be withdrawn, the Operator ("Appellant") may appeal the actions identified in the Compliance Assessment by submitting a written statement including supporting documentation concerning the matter(s) under appeal to the AWSA Program Manager via registered mail or via email (manager@awsa.ca) explaining the circumstances and grounds for appeal. At that point the formal AWSA Appeals Process will be enacted.