



CONSUMER GOODS & SERVICES OMBUD

Fairplay between consumer & supplier

DEAR PARTICIPANT

Thank you for subscribing to the Consumer Goods and Services Industry Code of Conduct as required by section 4.1 of the Code as well as compliance with section 82(8) of the Consumer Protection Act of 2008.

By becoming a Participant, you are building confidence that your customers will have access to an affordable and fair dispute resolution scheme and ensuring that your company is able to resolve customer complaints without having to escalate matters to the National Consumer Commission or Tribunal which could pose a financial and reputational risk for your company.

Below we explain some of the purpose and benefits of the Code.

PURPOSE OF THE CODE:

Section 2 of the Code provides that the purpose of the Code is to:

- ✓ **Raise the standards of good conduct** in the Industry without endangering the vitality and growth of business;
- ✓ Generate growth in the Industry by **increasing the level of certainty** for all Participants;
- ✓ **Offer guidance to Participants** in the Industry as to the implementation of and the compliance with the CPA and what constitutes fair business practices to be followed when operating within the Industry;
- ✓ **Educate Consumers** as to their rights and redress available to them should a Participant breach the CPA or the Code; and
- ✓ **Provide for a scheme of alternative dispute resolution** as described in section 82 (6) of the CPA.

PARTICIPANT RESPONSIBILITIES IN TERMS OF THE CODE

The Participants under this Code are required to:

- ✓ **Establish an effective Internal Complaints-Handling Process** that is accessible and understandable to all Consumers, which process includes but is not limited to:
 - i. process of internal complaints-handling;
 - ii. design of the internal complaints-handling procedure; and
 - iii. monitoring processes for the internal complaints-handling procedure and effectiveness.
- ✓ **Display prominently on all their trading premises by means of the CGSO decal** and on their website, a prescribed notice that states that they are a Participant to this Code and are bound by it.
- ✓ **The prescribed notice must provide Consumers with the contact details of the CGSO** and the Participant and/or his staff shall notify the Consumer of their right to refer Complaints to the CGSO in the event that they are unsatisfied with the Participant's Internal Complaints-Handling Process.
- ✓ **Ensure that a copy of this Code and/or summary hereof and their Internal Complaints-Handling Process is made available** to any Consumer upon request and/or the Consumers are directed as to where to obtain a copy of the Code and/or their Internal Complaints-Handling Process.
- ✓ **Ensure that the relevant staff and agents in their business have adequate knowledge** of the CPA and the Regulations issued thereunder, including the Code and their own Internal Complaints-Handling Process.



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- ✓ **Ensure, where possible, that they keep proper records for a minimum of 3 (three) years** of the complaints that are received with the following details captured:
 - i. The data captured above shall be used, where possible, **to highlight recurring complaints that have arisen and this feedback**, where possible, is to be shared with management, staff and Industry in an attempt to continually uphold compliance with the CPA, this Code and Internal Complaint-Handling Process.
 - ii. **Provide, where possible, relevant information reasonably required by CGSO and/or the NCC** on any aspect of their business for the purposes of assisting in the resolution of individual Complaints, subject to considerations of confidentiality, as set out under section G of this Code.
 - iii. **Endeavour to resolve Complaints and Disputes in accordance with the law, the spirit and provisions of this Code and the CPA** as expressed under section B and with regards to their own Internal Complaints-Handling procedures.
 - iv. **Ensure that they, their staff members and their agents refrain from influencing or attempting to influence or harassing the CGSO**, staff of the CGSO or any Consumer.
 - v. **Co-operate with all reasonable requests made by the CGSO in a timely manner.** Any failure to cooperate with the CGSO may be taken into consideration by the NCC and the Tribunal when issuing a compliance notice or proposing or determining an administrative fine.

FUNCTIONS OF THE OFFICE OF THE CONSUMER GOODS AND SERVICES OMBUD

Included in the CGSO's functions is the obligation to ensure compliance with the Code by:

- ✓ Upon receipt of a complaint, investigating and evaluating alleged contraventions of complaints arising from the Code;
- ✓ attempting to facilitate a settlement between parties;
- ✓ making a recommendation as to how the dispute should be settled by the parties;
- ✓ at the request of a party to a dispute, recording the resolution of a dispute in the form of an order in terms of Section 70 (3)(a) of the Act;
- ✓ with the consent of a complainant, including in the consent order an award of damages to that complainant in terms of Section 70 (4) of the Act;
- ✓ at the request and at the cost of a party to a dispute, submitting the order to the Tribunal or High Court to be made a consent order, in terms of its rules and of Section 70 (3)(b);
- ✓ terminating the process by notice to the parties in terms of Section 70 (2) of the Act;
- ✓ educating the general public, consumers, suppliers, staff and other interested parties regarding the existence of the Ombud's office; its procedures and time periods, remedies available, where and how to lay a complaint and how to obtain feedback on the status of the complaint;
- ✓ providing access to information in accordance with the Promotion of Access to information Act 2 of 2000; and
- ✓ striving for continual improvement of the complaint handling process and the quality of the service, by amongst other things, regularly determining the levels of satisfaction of complaints with the complaints-handling processes.



10 BENEFITS OF BECOMING A PARTICIPANT:

1. Display **CGSO** Decal On The Supplier's Window/Door/ Website;
2. Last Chance To Resolve < Escalation To NCC;
3. Expert Advice (email Help Desk);
4. Free Product Testing Where Disputes Arise;
5. Feedback/ Risk Management;
6. Supply Chain Dispute Facilitation;
7. Industry Workshops;
8. Access to CPA training by CGSO staff;
9. Case Studies/ Advisory Notes/ Benchmarking; and
10. Speedy, Confidential Dispute Settlement.

We look forward to a harmonious relationship with you.

Regards

Magauta Mphahlele

Ombudsman

