



Women Business Enterprises Canada Council  
**Certification Policy and Procedures**  
Approved by the Board of Directors on September 9, 2019



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## Purpose

Women Business Enterprises Canada Council (WBE Canada) is a nonprofit organization, led by Corporate Members, with a mandate to build connections between Canadian women-owned businesses and corporate/government buyers. Our work is based around five core areas. These core areas are: WBE Certification, Helping Women-Owned Business Grow, Supporting Corporate Members, Facilitating Connections, and Creating Strong Partnerships. WBE Canada's Vision is to empower women-owned businesses with equal access within corporate and public procurement. It is our mission to advance economic growth across Canada through certification, promotion and the development of women-owned businesses. As a quality third-party certifier of businesses owned, managed, and controlled by women, we have been connecting them to corporate supply chains since 2009. WBE certified businesses have opportunity to participate in contracting and purchasing activities. The procedures outlined in this document describe WBE Canada certification standards and process for all businesses desiring to be certified. To the extent possible, a thorough certification process will ensure that the programs of these entities benefit only those for whom the programs are intended. Failure to be certified as a WBE by WBE Canada DOES NOT PRECLUDE a business from participating directly in any of the member entities' purchasing and contracting opportunities.

## Applicability

These standards and procedures apply to any business seeking status as a WBE. Certification determination will be made on the basis of the gender of the majority owner(s) and is inclusive of all races and ethnicities. Potential applicants interested in being certified as a WBE should apply without waiting for a conditional contract commitment from a customer.

## Marital Status

Certification as a WBE is made without regard to marital status and community property laws.

## Responsibilities

The WBE Canada Board of Directors is ultimately responsible for ensuring that certification policies are implemented and enforced. The President has the requisite authority for overall implementation, monitoring and reporting of the certification process, and is accountable to the Board of Directors. In the event of an appeal to WBE Canada of a denial of certification, the Appeals Committee holds ultimate responsibility for the final determination. WBE Canada staff has responsibilities for the day-to-day implementation of WBE Canada's certification process.

# Definitions

Agent	<p>A person authorized to act on behalf of the principal in transactions involving a third party.</p> <p>Agents have three basic characteristics:</p> <ul style="list-style-type: none"> <li>• Act on behalf of and are subject to the control of the principal</li> <li>• They do not have title to the principal's property; and</li> <li>• They own the duty of obedience to the principal's orders.</li> </ul> <p>Agents by their nature are not certifiable.</p>
Broker	<p>The person who acts as an intermediary between a buyer or seller, usually charging a commission for value added.</p> <p>A business that adds no material value or does not perform a commercially useful function to the products or services being supplied to a procuring activity of takes no ownership, financial responsibility, legal liability, possession of or handle the item being procured with its own equipment or facilities will not be certifiable, unless it's the standard in the industry.</p>
Appeal	A written request by an applicant to reconsider a determination of denial of certification.
Applicant	A business that requests certification as a Women Business Enterprise through submission of a complete application.
Certification	The process by which an applicant's eligibility as a WBE is determined.
Certification Committee	A Committee comprised of volunteers (member representatives) who render a decision for certification or denial.
Certification Manager	WBE Canada staff member responsible for certification Policy and Procedures implementation, Certification Staff training and management.
Certification Staff	WBE Canada staff member directly responsible for certification application review, site visits, and presentation of applications to the Certification Committee.
Certified Supplier List	A listing containing the names of currently certified WBEs maintained by WBE Canada. This information can be found in WBE Canada database accessible by all members.
Challenge	A formal filing by a third party questioning the eligibility of a certified WBE.
Contract Compliance	The enforcement of appropriate use of certification in purchasing and contracting activities. This function is to be applied by the user entity that requires or accepts certification.
Consultant	One that gives expert or professional advice for a fee or commission
Control	The power to direct the operation and management of a business
Corporate Member	Any corporate or government entity that is an active participant of WBE Canada.
Corporation	A specific type of legal entity that is in compliance with the applicable requirements of the law of its state of incorporation
De-certification	The process by which the Certification Staff determines that a WBE no longer meets the eligibility requirements and rescinds the certification status.
Denial	The action of denying WBE certification to a business that does not meet the certification eligibility criteria as outlined in these Standards and Procedures.
Distributor	One that markets or sells merchandise ie., wholesaler

Document Review	The Certification Staff review of the application and accompanying documentation submitted by an applicant.
Eligibility Review	The entire review process conducted on an applicant, consisting of document review and site visit review.
Expiration	The specified end of the certified period.
Financial Review	The review of financial records of an applicant.
Formal Restrictions	Restrictions documented in the official business documentation.
Franchise	A contractual arrangement characterized by the authorization granted to someone to sell or distribute a company's goods or services in a certain area; a business or group of businesses established or operated under such authorization.
Major Decisions	i.e. issuing new shares, buying or selling a business, bank borrowing, major capital expenditures, appointment or dismissal of senior employees, engaging in or compromising litigation) (This is NOT an exhaustive list)
Ownership	A determination based on title to and beneficial ownership of stock, membership interests, or other equity in a business.
Person	Any individual, partnership, joint venture, firm, corporation, trust or other enterprise.
Partnership	An association of two or more persons to carry on, as co-owners, a business for profit.
Re-certification	The process by which a WBE renews their certification each year prior to their expiration.
Reseller	The act of selling a second time or distributing goods in commerce. The act of selling used or new products for profit. A business entity that resells.
Retailer	The seller of goods or commodities directly to consumers at a retail price.
Site Visit	A visit to the applicant's physical place(s) of business or video/phone conversation for the verification of information submitted in the application and accompanying documentation.
Sole Proprietorship	An individually owned business whose assets are wholly owned by a single individual.
Strategic Alliance	An association, not a legal entity, of two or more separate businesses that come together to pursue business opportunities.
Subsidiary	An entity in which another entity (ie.:the parent company) owns at least a majority of the shares and therefore has control. For example, a corporation where more than 50% of their voting stock is owned by another entity.
Value Added	Something that is added to a product or service by a marketer or distributor that warrant a markup in the retail price.
WBE (Women Business Enterprise)	An independent business concern: <ul style="list-style-type: none"> <li>• The applicant must be a legally established for-profit business that is at least 51% owned, managed and controlled by one or more women. Business must be incorporated and operate in Canada or it must be majority owned, managed and controlled by woman/women who are Canadian citizens or lawful permanent resident.</li> <li>• A woman must own 100% in a Sole Proprietorship</li> <li>• A woman must have day-to-day knowledge and authority of the Operations, Management and Control of the business.</li> </ul>
WBE Canada	Women Business Enterprises Canada Council

Withdrawal of Application	Any business entity may withdraw their application without cause, prior to the certification determination, on written request or by deleting their application from the system.
Wholesaler	Intermediary or distributor who sells mainly to retailers, other merchants and industrial commercial and institutional users as distinguished from consumers.

# WBE Eligibility Standards

The Certification Committee will use these Standards and Procedures in determining whether an applicant firm is majority owned, managed and controlled by women and therefore eligible for certification. Legal entities must be formed in and have their principal place of business in Canada or must be owned, managed and controlled by woman/women who are Canadian citizens or lawful permanent residents.

In determining eligibility, the Certification Committee must consider all the facts in the record, viewed as a whole, as they appear at the time of the application. An eligible applicant will not be refused certification based solely on historical information that indicates a lack of ownership or control of the applicant by a woman/women at some time in the past, if the applicant currently meets the ownership and control standards. An eligible applicant will not be refused certification solely on the basis that it is a newly formed business.



# 1. Ownership

- a. The ownership by women must be real, substantial and continuing beyond the legal ownership of the business as reflected in its ownership documents.
- b. The applicant must share in all risk and profits commensurate with her ownership interest as demonstrated by a detailed examination of the substance of her business arrangements with others.
- c. Contribution of Capital or Expertise
  - i. Contribution of capital and/or expertise by women owners to acquire their ownership interest shall be real and substantial and be in proportion to the interest(s) acquired.
  - ii. Insufficient contributions shall include, but shall not be limited to promises to contribute capital or expertise in the future, a note payable to the business or its owners who are not women, or the mere participation as an employee.
- d. Business structures and ownership vehicles. Legal entities must be incorporated and operate in Canada or it must be owned, managed and controlled by woman/women who are Canadian citizens or lawful permanent residents.
  - i. Sole Proprietor
    1. In a sole proprietorship, the woman must own one hundred percent (100%) of the company assets
  - ii. Corporation
    1. In a corporate form of organization, women principal(s) must own at least fifty-one percent (51%) of each class of the voting stock outstanding;
    2. Any voting agreements among the shareholders must not dilute the beneficial ownership, the rights, or the influence of the women owners of the stock or classes of stock of the corporation;
    3. Women owners shall possess the right to all customary incidents of ownership (i.e. ability to transfer stock, title possession, enter binding agreements, etc.);
    4. Non-profit corporations do not meet this requirement and are therefore not eligible for certification.
  - iii. Partnerships
    1. General Partnership. In a general partnership, women owners must own at least fifty-one percent (51%) of the partnership interests.
    2. Limited Partnership. In a limited partnership, the women general partners must own at least fifty-one percent (51%) of the general partnership interest and exert at least fifty-one percent (51%) of the control among general partners. The women general partners must receive at least fifty-one percent of the profits and benefits, including tax credits, deductions and postponements distributed or allocable to the general partners.



## 2. Management and Control

The applicant must show evidence that the woman/women owner(s) have control of the business. “Control” means the primary power to direct the management of a business enterprise as evidenced through the governance documents and actual day-to-day operation.

The following factors will be examined in determining who controls the applicant business.

1. Governance
  - a. The organizational and governing documents of an application (i.e. Partnership Agreements or Articles of Incorporation and By-laws) must not contain any provision, which restricts the ability of the woman/women business owner(s) from exercising Managerial Control and Operational Authority of the business.
  - b. In reviewing governance documents, special attention shall be given to:
    - i. The composition of the business’s governing body (ie.; board of directors or management committee);
    - ii. The functioning of the governing body;
    - iii. The content of shareholder’s agreements, by-laws, and or amendments, and the extent to which such agreements, by-law(s) or amendments affect the ability of the woman/women owner(s) to direct the management and policy of the business;
    - iv. A woman business owner must hold the highest officer position in the company (i.e. President or Chief Executive Officer by whatever title)
2. Operation and Management
  - a. The woman/women owner(s) must possess the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy, and operations. The business must not be subject to any formal or informal restrictions that limit the customary discretion of the woman/women owner(s);
  - b. A previous and/or continuing employer or employee relationship between or among present owners are carefully reviewed to ensure that the female employee-owner has management responsibilities and capabilities;
  - c. In the event that the actual management of the business is contracted or carried out by individuals other than the woman/women owner(s), those persons who have the ultimate power and expertise to hire and fire the managers can, for this purpose, be considered as controlling the business;
  - d. The woman owner or another such woman must hold the highest officer position in the company (i.e. Chief Executive Officer or President by whatever title);
  - e. The applicants must show evidence that the woman/women owner(s) have operational authority and managerial control of the applicant company. In evaluating this evidence, the following factors will be considered:
    - i. Operational Authority. “Operational Authority” means the extent to which the woman/women owner(s) actually operate the day-to-day business. Assessments of operational control will rest upon the peculiarities of the industry of which the business is a part. In order to ascertain the level of operational control of the woman/women owner(s), the following will be considered:

1. Experience: the woman/women owner(s) shall have education, demonstrable working knowledge and/or experience in the area of specialty or industry claimed in the certification application.
  2. Responsibility for Decision-Making: The woman or women owner(s) shall be able to demonstrate her role in making basic decisions pertaining to the daily operation of the business.
  3. Technical Competence: The woman or women owner(s) shall have technical competence in the industry or specialty of the applicant business and/or a working knowledge of the technical requirements of the business sufficient enough to critically evaluate the work of subordinates.
- ii. Managerial Control. “Managerial Control” is the demonstrated ability to make independent and unilateral business decisions necessary to guide the future and destiny of the business. Managerial control may be demonstrated in a number of ways. For a woman or women owner(s) to demonstrate managerial control, the Certification Committee will consider the following (not intended to be all inclusive) areas of routine business activity:
    1. Agreements for support services that do not impair the woman/women owner(s)’s control of the company are permitted as long as the owner’s power to manage the company is not restricted or impaired as determined by the Certification Committee in its sole administrative discretion.
    2. Banking signatures and email addresses are not an indicator of operational control of a company.
3. Independence
    - a. Performance
      - i. The woman/women owner(s) expertise must be indispensable to the business’s potential success.
      - ii. The woman/women owner(s) shall have the ability to perform in its area of specialty/expertise without substantial reliance upon finances and resources (i.e. equipment, automobiles, facilities, etc.) of a nonwoman business enterprises.
    - b. Test of Independence. Recognition of the applicant as a separate and distinct entity by governmental taxing authorities shall not be the only determinant of any applicant’s assertions of independence. Test criteria include, but are not limited to the following:
      - i. Applicant’s relationship with a non-female company that involves any long-term contract or lease agreements.
      - ii. Applicant’s status as a party to any contract or lease agreement on terms at variance with industry standards or prudent business practices.
      - iii. Interlocking ownership of the applicant and non-woman business enterprise in the same industry.
      - iv. Common directors/officers/members between the applicant and nonwoman business enterprises.
      - v. Applicant’s use of employees, equipment, expertise, facilities, etc., “shared” with or obtained from a non-woman owned company.
      - vi. The receipt by the non-women financial benefits (i.e. profits, wages, etc.) shall be commensurate with the duties performed.
      - vii. An applicant’s business that cannot operate without licenses, permits and /or insurance held by another business is not independent. The business must possess all legal requirements necessary to legally conduct business.
      - viii. A Broker, Dealer, or Manufacturer Representative, unless it is the standard for the industry, generally does not qualify for certification.

# Certification Staff

WBE Canada Staff is responsible for information collection and dissemination. The assigned staff person presents the findings to the Certification Committee during committee meetings.

## 1. Mandate

- a. To ensure that WBE Canada continues to uphold international standards for WBE certification as expected by Members
- b. To prepare applications for Certification Committee and Appeals Committee review
- c. To maintain and manage WBE Canada's database of certified businesses

## 2. Responsibilities

- a. Certification Staff is responsible for
  - i. Certification management software and Database management
  - ii. Documentation review
  - iii. Site visit
  - iv. Recertification
- b. Certification Manager is responsible for
  - i. Scheduling and attending Certification Committee Meetings and Appeals Committee Meetings
  - ii. Confirming no conflict of interest prior to the scheduled meeting
  - iii. Delivery of certification checklist for each applicant to the Certification Committee members
  - iv. Delivery of documentation for each appeal to the Appeals Committee members
  - v. Presentation of the document review and site visit findings to the Certification Committee and Appeals Committee
  - vi. Meeting minutes
  - vii. De-certification
- c. VP of Operations is responsible for
  - i. Attending Certification Committee Meetings
  - ii. Ensuring that Policy and Procedures are followed by Certification Staff
  - iii. Investigate the Challenge of WBE certifications
- d. President is responsible for
  - i. Implementation, monitoring and reporting of the certification process.
  - ii. Attending Certification Committee meetings and Appeals Committee meetings.
  - iii. Accepting and handling Appeals.



# Certification Committee

WBE Canada Certification Committee is comprised of volunteers responsible for the establishment and consistent implementation of uniform standards and procedures for WBE Certification. Certification Committee follows Terms of Reference approved by WBE Canada's Board of Directors.

## 1. Mandate

- a. To ensure WBE Canada continues to uphold the international standards for Certification as expected by the Members.
- b. To evaluate all applications submitted for Certification and approve or deny such applications.
- c. To provide a forum for discussion and resolution of Certification issues and procedures.
- d. To adjudicate issues and make decisions requiring intervention by the Certification Committee.
- e. To track progress of Certification and to identify any issues to report to the Board.

## 2. Scope of Work

- a. To provide an ongoing review of current Policy and Procedures for clarity and consistency.
- b. To approve or deny certification applications based on WBE Canada's Policy and Procedures.



# Certification Procedures

The following details the certification process for all applicants seeking WBE certification by WBE Canada. Information will be reviewed and analyzed as it exists when an application is submitted to WBE Canada. Organizational changes subsequent to the submission date will not be considered during the eligibility review process. The Certification Manager will request any and all documentation deemed necessary to establish a business' ownership and control by women.

- A. If an applicant fails to complete the documentation within the review and analysis period, the applicant will be notified that its application will not be reviewed further, and application will be filed as non-responsive. A new application will not normally be accepted for a period of six (6) months.
- B. Once an applicant submits a completed application and appropriate supporting documentation, the following procedures will apply:
  1. The submitted application will be processed through WBE Canada's certification management software.
  2. The WBE Canada Certification Staff will evaluate the documentation for completeness and accuracy.
  3. All supporting documents must be submitted in their entirety prior to the certification committee review and will be maintained as part of the permanent file.
  4. Files must remain in the custody and control of WBE Canada at all times. At this point, files can only be viewed by designated WBE Canada staff bound by NDA.
  5. Document Review.
    - i. Certification Staff bears the responsibility of an evaluation of all submitted documentation.
    - ii. At any time during the review process, the Certification Staff may request additional documents in existence at the time of the application, but not requested or provided at the time of application, necessary to substantiate eligibility. Certification Staff can NOT advise applicant to change any documentation or in any way alter the application nor can accept such documents.
  6. Site Visit.
    - i. Once the documentation review has been completed and an initial recommendation has been made, a site visit with the woman/women Principals/Executive Management will be conducted on one hundred percent (100%) of the applications to ensure that the findings of the Document Review are substantiated in the actual operation of the business.
    - ii. If the site visit corroborates the documentation review, a final recommendation is made. If there is any conflicting information or observation uncovered during the course of the site review, the information will be thoroughly documented and presented to the Certification Committee.

## 7. Certification Committee Review.

- i. Certification Manager sends the request to confirm no-conflict with the applications submitted. Certification Committee members are required to respond within 2 business days with information about any known conflict of interest.
  - ii. Upon conflict of interest confirmation Certification Manager sends Applicants' completed checklists to Certification Committee Members. Certification Committee members are expected to review all the checklists prior to the meeting.
  - iii. Checklists and any files related to the applications can be viewed only by designated WBE Canada staff and Certification Committee members bound by NDA and cannot be shared outside of the committee.
  - iv. Checklist is reviewed during Certification Committee meeting - presented by Certification Manager.
  - v. Certification Committee members bear the responsibility to approve or deny certification based on an evaluation of all submitted documentation. The decision to certify or deny an application will be based on the WBE Canada's Certification Policy & Procedures in effect at the time the application is evaluated.
  - vi. Once an application for Certification is presented to the Committee, a decision on certification will be made at the current meeting or if clarification is required, committee members may request additional documents in existence at the time of application, but not requested or provided at the time of application, necessary to substantiate eligibility. Certification committee then must vote on the application at its follow up meeting.
  - vii. Files and checklists used by Certification Committee members must be destroyed or deleted following the meeting.
  - viii. Notes and emails regarding specific committee meeting must be destroyed once the minutes are approved.
- C. If certification is awarded, the WBE is notified via email. A certificate showing the certification is issued and accessible to be viewed or printed from the Certification portal. The WBE is then listed in the WBE Canada Directory for the duration of the certification period.
- D. Once an applicant has been deemed to have met the eligibility criteria, it will be certified as a WBE (Women Business Enterprise).
- E. If certification is denied, the applicant will be notified in writing using a standard form letter. Any Person that disagrees with the denial may file an appeal directly with the President as outlined in the Appeal Process section of this document.
- F. The WBE certification is valid for a period of one (1) year. Prior to the initial certification expiration date, WBEs are required to complete a renewal or re-certification application.
- G. Applicants are required to notify WBE Canada within thirty (30) days of any substantive change in ownership or control of their business.
- H. Upon written request, an applicant may withdraw their application and supporting documentation without cause or prejudice prior to a determination of eligibility. Fees are nonrefundable.

# Certifying Franchises

- A. A business operating under a franchise or license agreement may be certified if it meets the WBE eligibility standards and:
  - 1. The franchise agreement between the franchisor and the franchisee seeking WBE certification must not contain any provision which unreasonably restricts the ability of woman business owner(s) from exercising Managerial Control and Operational Authority of the business.
- B. In reviewing the franchise agreement, special attention shall be given to circumstances which, for certification purposes, shall be considered as restricting control and authority of the woman business owner(s). These include, but are not limited to:
  - 1. Termination of the franchise agreement by the franchisor without cause;
  - 2. Lack of ownership of receivables by the franchisee;
  - 3. Exclusive ownership of account receivables and/or contracts by the franchisor;
  - 4. Restrictions on the sale of the business below market value;
  - 5. Terms and conditions not related to the brand or systems can be altered without the franchisee's notification and/or approval;
  - 6. Contracts are prepared and approved by the franchisor;
  - 7. Management decisions cannot be made independently by the franchisee;
  - 8. No financial risk is borne by the franchisee;
  - 9. Hiring and firing decisions cannot be made independently by the franchisee;
  - 10. Equity interest in the franchise is owned the franchisor.
- C. Where there are inconsistencies between the Policy and Procedures in this Section and other Sections of the Policy & Procedures, as it relates to franchises the procedures in this Section will prevail.



# Challenge Procedures

Any third party may challenge the WBE status of any WBE. Confidentiality of challenging party's identity is to be protected. The challenge must be made in writing to the VP of Operations. Within its letter, the challenging party must include evidence challenging the eligibility of a WBE.

Within ten (10) business days, the VP of Operations will determine, on the basis of the information provided by the challenging party, whether there is reason to evaluate the challenge.

- A. If the VP of Operations determines that the challenge is not credible, the challenging party will be so informed in writing and the investigation of the WBE will be closed. If the challenging party believes the determination is in error, it may appeal the decision to the President who will move challenge to the next Certification Committee meeting.
- B. If the VP of Operations determines that there is reason to believe that the WBE is not a bona fide WBE, the following steps will be taken:
  - 1. The WBE will be notified in writing that its WBE certification has been challenged. This notice will identify and summarize the grounds for the challenge. This notice will require the WBE to provide WBE Canada certification staff with information/documentation to refute the challenge within 90 calendar days.
  - 2. Once the requested information is received, the VP of Operations may provide an opportunity to the parties for hearing to respond to the challenge. Such meeting must be requested within 10 business days. These meetings must be recorded and well documented.
  - 3. VP of Operations will present the case including original challenge and documentation from hearing (if applicable) during the next Certification Committee meeting.
  - 4. Certification Committee will make a final determination in accordance with the current Certification Policy and Procedures.
  - 5. VP of Operations will inform the parties in writing of the reason for the determination.
    - i. If the determination is to decertify the WBE, the Certification Committee's determination may be appealed by the WBE to the President in accordance with the procedures described in the Appeal Process.
    - ii. While a challenge is pending, the WBE certification will remain in effect.



# Renewal, Re-Certification and De-certification Process

- A. WBE certification must be renewed on an annual basis. Full re-certification process is required every fifth year.
  - 1. During renewal WBEs must upload their financial statements, schedule 50 (if applicable) and their recent NOA.
  - 2. During re-certification the full application process is required. Site visit is required every five (5) years on all files and may be conducted at any time.
  - 3. B2G, our portal software, will transmit WBE renewal and re-certification notifications to the WBE 60 and 30 days prior to the certification expiration date. However, it is the WBE's responsibility to maintain current certification. The completed re-certification applications will be reviewed in order of receipt.
  - 4. If there has been any change in ownership and/or control, documentation of the same will be required for renewal of certification. The WBE is responsible for notifying WBE Canada of such changes and submitting all applicable documentation.
- B. WBE certification will be renewed by WBE Canada Certification Team if all of the following standards are met:
  - 1. The business entity ownership by woman/women has not changed.
  - 2. There are no changes to the company management and control.
  - 3. Company is tax compliant.
  - 4. Their renewal fee is paid prior to the renewal date.
- C. WBE certification will be prepared for review by the Certification Committee if:
  - 1. There are changes to the company structure, management or control; or
  - 2. Due to a challenge or some other reason, a business entity's current certification eligibility needs to be re-examined and the business is found not to be a bona fide WBE; or
  - 3. Any official from the Certification Committee or any of its members or any other interested party that discovers irregularities relative to the WBE status of any of the WBE Canada's certified suppliers may provide a written statement to the President citing noted irregularities. Person(s) specifically challenging a business's WBE status will be advised of the WBE Challenge Procedures.
- D. WBEs will be de-certified by the Certification Manager and suspended from eligibility in any of the participating entities' WBE programs for any of the following reasons:
  - 1. If the business entity ownership by woman/women has changed; or
  - 2. If a business is found to be engaging in business practices on any of the member's projects that circumvent the intent of the WBE programs.
  - 3. WBEs that are no longer active business entities, as well as suppliers that do not respond to requests for updated or new certification information/documentation will be removed from the Certified Supplier List. Reinstatement will require complete reapplication for WBE certification.
  - 4. A WBE that fails to submit all appropriate information/documentation for renewal by the renewal date will have their status adjusted from "Certified" to "Expired" and its name to be removed from the Certified Supplier List. The WBE will be notified via email of its expired status.

5. If a WBE cannot meet the deadline due to special circumstances, WBE must inform Certification Staff prior to the expiry date. An extension of time may be granted at the Certification Manager's discretion and cannot exceed 90 days. In case of extension the following criteria must be met:
    - i. Full recertification fee must be paid.
    - ii. Temporary WBE Certificate will be issued with the date of extended deadline.
    - iii. An alert must be created in database.
  6. If by reason of a change to WBE Canada Policy and Procedures, a currently certified company is no longer eligible for recertification, the Certification Manager may grant the company a ninety (90) day grace period from the date of the committee's review to come into compliance with the changed Policy and Procedures.
- E. Within ten (10) business days of the de-certification determination, WBE will be notified of the decision and a summary of the reasons in writing via email using a standard form letter.
- F. Any business that believes that it has been wrongly decertified as a WBE may appeal as prescribed in the Appeal Process.



# Appeal Process

An application denied certification may appeal that decision to the Appeals Sub-Committee following the procedures found in the Appeal Process. The decision made by the WBE Canada Appeals Sub-Committee is final and the applicant must agree to abide thereby.

## A. Appeals Sub-Committee

### 1. Mandate

- To ensure WBE Canada continues to uphold the international standards for Certification as expected by the Members.
- To evaluate all appeals submitted to President.
- To provide a forum for discussion and resolution of Certification issues and procedures.

### 2. Scope of Work

- To provide a recommendation of final remedy for appeals of denied applications or challenged WBE Certification status.
- To provide an ongoing review of current Policy and Procedures for clarity and consistency.
- To make ongoing recommendations for updates to the Certification Policy and Procedures based on evolving business practices, legal and financial models.

## B. Appeal Process

1. Business denied certification by the Certification Committee might request a meeting with the President to discuss the specific reasons for such denial. Said meeting is solely for informational purposes and is not intended nor is it to be construed, as a hearing or appeal of the certification determination.
2. An applicant may appeal the Certification Committee's decision by making a request in writing to the President no later than thirty (30) days from the date of the denial letter.
3. The WBE Canada staff will obtain a copy of the relevant original files, checklist and appellant letter and distribute copies to the Appeals Sub-Committee. Changes in the business' ownership and control subsequent to the applicant's request for certification by WBE Canada shall not be considered as evidence during the appeal process.
4. The Appeals Sub Committee will convene within ninety (90) days to discuss the file and supporting documentation and to formulate a recommendation.
  - The Appeals Sub Committee will use only WBE Standards and Procedures in support of their decisions.
  - If the Appeals Sub Committee recommendation is to uphold the denial, BUT for reasons other than the original denial, applicant will be notified of new reason(s) and given 14 days from the date of notification to respond to new reason(s) for denial.
5. The Appeals Sub Committee will make one of the following determinations identified below. The decision of the Appeals Sub Committee shall be final.
  - The Appeals Sub-Committee will overturn the decision of the Certification Committee, affecting the acceptance of the business's certification; or,
  - The Appeals Sub Committee will uphold the decision of the Certification Committee to deny.

6. The Appeals Sub-Committee will prepare a summary document of the appeal decision, if the denial is overturned, for distribution to the Certification Committee and Applicant. The applicant will be informed of the decision via email within seven (7) days. All copies of files used by the Appeals Sub-Committee must be destroyed and deleted after use.
7. If the decision of the Appeals Sub-Committee results in a denial, then the applicant may re-apply for certification one (1) year from the date of receipt of completed application.
8. The Chair of the Certification Committee will communicate the Appeals Sub Committee's decision to the Board of Directors at the next scheduled Board Meeting.

## Non-Eligible Businesses

Agents, brokers, non-profit organizations, manufacturer's representatives, and strategic alliances are not certifiable unless standard in the industry.

## Contact Information

### **WBE Canada (Women Business Enterprises Canada Council)**

401 Bay St. Ste. 1600, Toronto, ON M5H 2Y4, Canada  
416-646-6233 • [concierge@wbecanada.ca](mailto:concierge@wbecanada.ca)

For more information visit [WBECanada.ca/certification](http://WBECanada.ca/certification)