



A fair, independent, impartial, transparent, specialised and confidential alternative for the prevention and resolution of conflicts or disputes.

Checklist for the implementation of requirements relating to the management of client complaints and dispute resolution in financial services – FinSA Mediation¹

Checklist		
1	Definition of internal roles and responsibilities regarding the receipt and handling of client complaints, the related management information and the contact persons of the mediation body. Definition of the complaints handling procedure including the mediation body. <i>The designated contact persons should correspond to the contact person(s) given to FINSOM. They may be internal or external (e.g. outsourced Compliance or Legal Services).</i>	<input type="checkbox"/>
2	Affiliation to a mediation body, in accordance with Art. 77 FinSA or voluntarily, for sound enterprise risk management.	<input type="checkbox"/>
3	Contractually agree with the client on the language to be used in the event of a mediation procedure. Otherwise, Art. 75 para. 5 FinSA applies. <i>Affiliated companies can use the mediation clause made available by FINSOM.</i>	<input type="checkbox"/>
4	Adaptation of the documentation and information provided to clients to implement the duty to inform under articles 8 and 79 FinSA and informing employees. <i>Affiliated companies can use the mediation clause and the information sheet made available by FINSOM. It is also recommended to communicate the FINSOM affiliation on the company's website.</i>	<input type="checkbox"/>

Reminders

Financial service providers are subject to the minimum requirements of articles 77, 78, 8 and 70, 75 and 80 FinSA. A financial service provider who repeatedly fails to comply with the obligations set out in Art. 78 to 80 must be excluded by the mediation body according to art. 82 FinSA.

Efficient and effective management of customer complaints, from the time they are reported to the company to the resolution of any disputes, is an essential element of any enterprise risk management and oversight system. Within this framework, the mediation body intervenes to assist the company and its client in the event of a conflict or dispute (art. 75 FinSA) thereby relieving the judicial system. The mediation body must also publish an activity report (Art. 86 FinSA) and contributes to market supervision (Art. 83 and 88 FinSA).

A company that sets up a client complaint procedure is concerned about client satisfaction, the quality of its services and its compliance. A company, that rarely receives client complaints and finds itself even more rarely in litigation, completes its client service and optimises its risk management by affiliating to an independent, impartial, specialised mediation body that is free of charge for the client.

¹ Art. 74-86 of the Financial Services Act (FinSA)