

FWF Complaints Procedure

The complaints procedure allows workers or their representatives in garment factories which supply members of FWF to make complaints about their working conditions and the way the code of conduct is implemented in these factories. The procedure is also meant for other parties involved. For example, it can be used by suppliers to complain about the way in which FWF procedures are carried out, or by NGOs to file a complaint about the labour situation in factories.

Complaints received from suppliers and/ or member companies related to the implementation of FWF procedures are dealt with by the Executive Board of FWF (see under stage 8.) As FWF gains more experience with complaints, this procedure may be further developed.

Complaints from workers or their representatives against their employer should preferably be handled within the company. FWF requires, in the framework of the labour standard "freedom of association and collective bargaining", the creation of internal communication and consultation channels between employees and management. These must include a procedure for handling complaints. Only if the internal procedure does not exist or does not function can workers or their representatives use the FWF procedure.

FWF and the member company will do everything within their power to resolve a complaint in a timely manner.

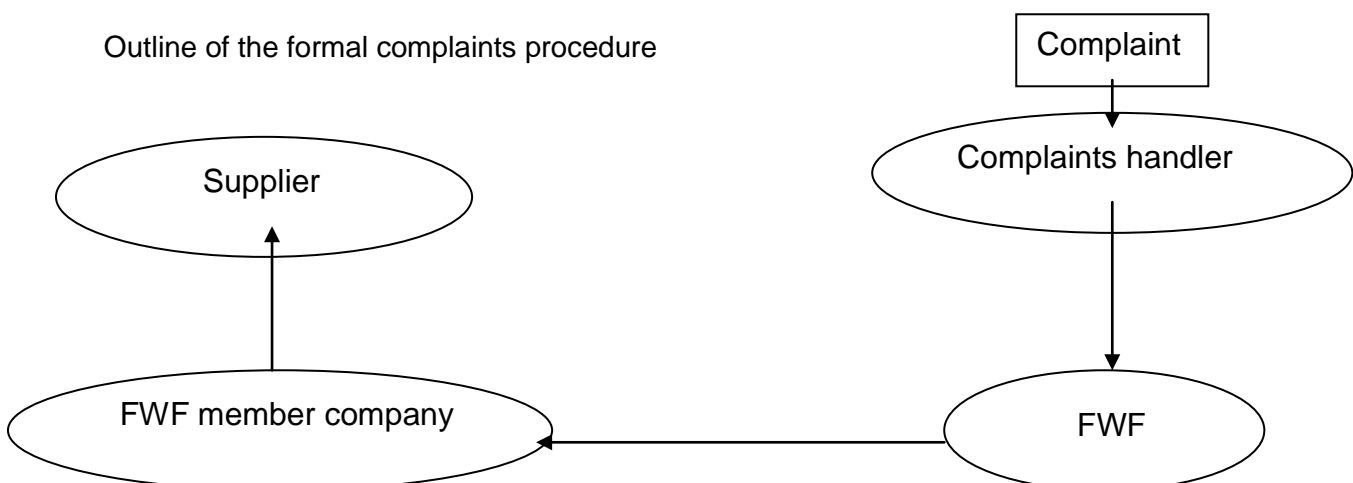
In principle, complaints can vary enormously concerning:

1. the subject matter (social-political problems like freedom of association, or more limited subjects like technical aspects of health and safety);
2. the employees involved (from a single employee to the entire workforce);
3. the party filing the complaint (NGO, supplier, union, employee);
4. the "accused" party (buyer, supplier, auditor, FWF).

The procedure consists of eight stages:

1. Making the procedure operational in the countries;
2. Receiving a complaint;
3. Establishing the admissibility of the complaint;
4. Investigating the complaint;
5. The corrective action;
6. Monitoring the implementation of the corrective action plan;
7. Verification and public reporting by FWF;
8. The appeal procedure.

Outline of the formal complaints procedure



1. Making the procedure operational in the countries

FWF and the member companies will make the complaints procedure public:

1. on the FWF website;
2. at production companies through distribution of information sheets, at presentations of the corrective action plan, and during workers' interviews;
3. to partner organisations in the countries where the garments are produced.
4. by posting the standard text for informing workers in the factory (see appendix IV of the manual for member companies).

2. Receiving a complaint

1. Complaints can be filed directly with FWF or with a local complaints handler, in written or verbal form, such as e-mail, letter, telephone or personal contact.
2. Auditors that receive a complaint must pass it on to FWF as soon as possible.
3. Every country or region from which FWF members source garments should have a designated person (complaints handler) or organisation where complaints can be filed easily. FWF is responsible for identifying the appropriate person or organisation. Criteria for selecting such a person/organisation are: accessibility, ability to speak the local language(s) and English, and having the confidence of all the parties involved. If it is impossible to identify a person / organisation that all parties concerned will agree on, it is crucial that the workers, as the most vulnerable party, are able to trust this person/ organisation (Usually a female labour or women's NGO).
4. The complaints handler who receives the complaint should ensure that the complaint is described/ recorded as detailed and accurate as possible.
5. If the complaint concerns the relation between employer and employee(s), the complaints handler will check whether the plaintiff has tried to solve the problem through the company's internal complaints procedure (if existing).
6. Complaints must be received in a neutral environment and must be passed on to FWF immediately, without comments or advice to the plaintiff. Expectations must not be raised by the complaints handler (other than the promise that the FWF will decide about the admissibility of the complaint within 6 days and that the plaintiff will be informed about further steps that will be taken). The plaintiff should, however feel that he/she is being treated fairly. FWF realises that this creates high expectations from the local complaints handler.
7. The complaints handler can attach comments for the attention of FWF.
8. The complaints handler will inform FWF about all complaints received.
9. Plaintiffs can, if so desired, remain anonymous during the entire procedure. FWF guarantees their anonymity.
10. Complaints filed outside the standard procedure (e.g. complaints by the media) should be taken on as a formal complaint if possible. In such cases, FWF will contact the plaintiff and suggests filing a complaint with FWF.
11. Costs made during this stage will be covered by FWF.

3. Establishing the admissibility of the complaint

Criteria to establish the admissibility of the complaint are, based on the mandate of FWF:

- Case is related to the Code of Labour Practices;
- Case is related to a supplier of a member company, a member company or the work of FWF.

1. In case of an unknown plaintiff (no contact details left at complaints handler) the case could still be admissible.¹
2. After receiving the complaint FWF will decide on admissibility

¹ Plaintiff can decide not to give his/her contact details, deciding to contact him/herself the complaints handler for follow up on process. The case will be investigated when admissible.

3. FWF will inform the plaintiff about the admissibility of the complaint as soon as possible or no later than six days after it is received.
4. The member company will be informed about the complaint as well as about admissibility of the complaint.
5. Costs made during this stage will be covered by FWF.

4. Investigating the complaint

1. When a complaint is declared admissible, FWF will draw up an investigation plan and consult the member company concerned for receiving input on the plan. The investigation plan follows the procedure of audits in consulting five sources of information available at factory and country level. The investigation will lead to conclusions and a proposal for a corrective action. It also includes a time frame and way of reporting.
2. When it is impossible to have this consultation within one week, FWF goes ahead on the investigation plan.
3. The Member Company could decide on additional investigation.
4. FWF covers costs incurred during investigation of the complaint. The Member Company covers costs related to additional investigation as mentioned under 4.3
5. The “accused party” will be informed, unless FWF and the member company decide otherwise during consultations in order to protect the plaintiff.
6. FWF will issue a decision on whether the complaint is justified and immediately inform the plaintiff, the member company, and the “accused party”.
7. In case the same problem was found during an audit and a corrective action has been agreed between the member company and the supplier, the agreed time frame of the corrective action plan will be taken into account before further steps are taken.

5. The corrective action plan

1. If necessary, the member company and the accused party shall agree on a corrective action plan together. Plaintiffs and/or their appointed representatives must not only be informed, but also be involved in the formulation of the corrective actions as much as possible. Plaintiffs and/or their appointed representatives must be involved in the implementation of the corrective action plan whenever appropriate. FWF can facilitate this.
2. The corrective action plan might include steps to improve the functioning of the internal complaints handling procedure of the factory.
3. FWF will verify progress in settling the complaint. The member company remains, however, responsible to negotiate and implement this corrective action plan with the supplier.
4. Those concerned and involved are informed about the corrective action plan agreed upon.
5. Costs for implementing the corrective action plan will be paid for by the member company or the supplier according to their agreement.

6. Monitoring the implementation of the corrective action plan

1. The member company is responsible to follow up on the complaint and to monitor that the agreed improvements are implemented.
2. The member company reports to FWF about complaints handling on a regular basis and includes a description of each complaint in its annual report.

7. Verification and public reporting by FWF

1. FWF is responsible for overseeing that the complaints procedure is duly executed, to verify whether the agreed corrective action plan is implemented and for public reporting.
2. The action plan will not be made public during the process of resolving the complaint, but those involved have a right to be informed. FWF will consider the pros and cons in this matter.
3. The details of every complaint will be included in FWF's newsletter and on the website (www.fairwear.nl) after final settlement and at the latest 3 months after receiving the complaint, without mentioning the accused party's name.
4. FWF will report about complaints in its annual report, without mentioning the accused party's name.

8. The appeal procedure

1. No appeals can be lodged against a decision on the admissibility of a complaint.
2. When a member company, the plaintiff or the accused party disagrees with the outcome of the procedure, or disagrees with FWF's methods of verification; or when FWF is certain that a member company is not addressing the complaint seriously, appeals can be made to FWF's Executive Board. The Board will consider the advice of FWF's Committee of Experts and decide on a proper course of action.