



# **Fair Wear Complaints procedure**

Updated in 2018

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# 1. Background

In 2011, the United Nations Human Rights Council adopted the Guiding Principles on Businesses and Human Rights, also known as the Ruggie Framework. Through these principles, United Nations (UN) articulates the responsibilities that governments and businesses have regarding human rights, with a special focus on international supply chains. The principles clearly state that businesses have the responsibility to respect human rights in their supply chains. In situations where workers' rights are violated as a consequence of the actions of businesses, workers should be provided with what the Guidelines call **Access to Remedy**. The OECD guidelines mention a similar responsibility for brands to provide for, or cooperate through legitimate processes in, the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts.

**Access to Remedy** at work refers to the principle that when rights are violated, there should be a channel through which workers or their representatives can raise the issue and find solutions. Governments should take the lead in ensuring access to remedy for human rights abuses as a consequence of business practise. According to the Guiding Principles, *as part of their duty to protect against business-related human rights abuse, [governments] must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.*<sup>1</sup>

Yet businesses are also crucial to facilitating Access to Remedy: *To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.*

Fair wear's complaints procedure aligns closely with the Guidelines' position that *industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available.*<sup>2</sup>

The Ruggie Framework also provides for the role of businesses in a potential remediation processes: *Where business enterprises identify that they have caused or contributed to adverse impacts, they should*

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<sup>1</sup> Guiding principles on business and human rights; Implementing the United Nations "Protect, Respect and Remedy" Framework. United Nations New York and Geneva 2011

<sup>2</sup> Ibid

*provide for or cooperate in their remediation through legitimate processes. Where adverse impacts have occurred that the business enterprise has not caused or contributed to, but which are directly linked to its operations, products or services by a business relationship, the responsibility to respect human rights does not require that the enterprise itself provide for remediation, though it may take a role in doing so.*

One of Fair Wear's core principles is that brands and factories have a shared responsibility for worker rights in line with international standards, and that conditions on the work floor are influenced by the actions of brands and factory managers. Given the difficulty in separating brand and factory influences on a given situation, Fair Wear interprets 'causing or contributing to adverse impacts' broadly.

Participation in the complaints mechanism is a requirement of Fair Wear's membership.

In order to contribute to consistency in the approach of non-judicial grievance mechanisms in the garment sector, Fair Wear shares its learnings with other MSIs on a regular basis.

In order to ensure that the complaints procedure will provide effective remedy, Fair Wear requires its member companies to increase their leverage where possible, or engage with other stakeholders to achieve sufficient leverage.

## **THE FAIR WEAR COMPLAINTS PROCEDURE**

Fair Wear's complaints procedure enables Fair Wear member companies to provide access to remedy for workers in their supply chains. It allows workers, their representatives, including trade unions and civil society organisations to present complaints about working conditions and violations of the Fair Wear Code of Labour Practices at factories<sup>3</sup> supplying Fair Wear members.

## **SEVERAL PRINCIPLES GUIDE FAIR WEAR'S COMPLAINT**

### **PROCEDURE:**

#### **Factory-level systems should be the first place to try to resolve complaints:**

It is Fair Wear's position that complaints from workers or their representatives against an employer should ideally be handled at the factory level. Appropriate processes to resolve grievances may include factory human resource procedures, negotiations with trade unions, or legal systems available in each country. In practice, however, these options are not always present, functional,

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<sup>3</sup> Fair Wear requirements apply to the actual production locations where workers are employed. For ease of reading, they are referred to in this policy as 'factories.'

trusted or safe for workers to use. The Fair Wear complaints procedure is designed to provide a 'safety net' or backup system when factory-level systems for remediation are not working properly.

### **Support for Social Dialogue and the role of Trade Unions:**

It is important to note that the system is not intended to replace or undermine existing functional mechanisms, in particular the role of trade unions. Rather, the system is designed to strengthen local systems, to strengthen trade unions and to create an enabling environment for constructive social dialogue. A worker's or trade union's decision to use the Fair Wear system is a clear signal that the factory's internal mechanisms, are not functioning properly. Any remediation plan for complaints received by Fair Wear should, therefore, include steps to improve the factory's internal grievance mechanism and compliance with Fair Wear's Code regarding Freedom of Association.

Respect for Freedom of Association means trade union rights can be exercised in normal conditions, in a climate free of violence, pressure, fear and threats of any kind, and workers can join union activities without fear of retaliation and without interference by management.

### **Transparency:**

The Fair Wear procedure must provide sufficient transparency in terms of process and outcome to meet the public interest concerns at stake and must aim to be as transparent as possible. This is also important to worker representatives and businesses, as public reporting on complaints offers examples of how problems common to other factories around the world may be resolved.

Transparency regarding the filing of complaints and the key elements of their remediation are most important. In order to prevent possible retaliation from employers or individual workers, the system is designed to protect the complainant's anonymity when necessary, both locally and in published reports about the complaint.

### **Shared responsibility:**

The system is based on the principle of shared responsibility between the member brand and the factory, one of the main principles underpinning the Fair Wear approach, and on dialogue and engagement. Fair Wear member companies have committed to the implementation of the Code of Labour Practices and to responding adequately to complaints regarding working conditions.

The complaint mechanism seeks to facilitate access to effective remedy for workers, through using and increasing the leverage that Fair Wear member companies (together with non-Fair Wear member brands) have at factories to facilitate remediation of non-compliance or violation of the Fair Wear Code of Labour Practices.

Fair Wear does not have the same mandate over all involved actors to compel action from brands and factories which a legal system could have. Fair Wear's complaints system has in the past often led to full remedy for the affected workers – and full remedy is and should be the goal of any mechanism that aims to provide access to remedy. However, Fair Wear and its member brands cannot guarantee that full remedy is always achieved, due to constraints in terms of mandate and influence.

## 2. Different roles within Fair Wear's complaints procedure

### ROLES OF FAIR WEAR AND ITS MEMBERS

*Member companies:* Fair Wear Members are responsible for the following steps specifically related to the complaints procedure:

- Ensuring that all suppliers are notified about the existence of the complaints procedure and commit to cooperating on remediation.
- Promoting the Code of Labour Practices to workers at all suppliers, and informing them of the existence of the complaints helpline.
- Designating a brand employee as point of contact in case complaints are submitted. o Communicating with the relevant factory in case a complaint is received.
- Communicating with complainant/supporting the factory in its communications with the complainant.
- Ensuring the remediation plan developed by Fair Wear is implemented.

*Fair Wear Foundation:* Fair Wear has the following roles in the complaints system:

- Ensuring the Fair Wear complaints system is operational. This involves:
  - Training and managing complaints handlers in the countries where Fair Wear is active;
  - Creating worker-focused promotional materials and trainings to be distributed by members;
  - Engaging with CSOs and trade unions on a regular basis to identify and address critical issues.
- Communicating with the complainants and other relevant stakeholders (Trade Unions, CSOs) throughout the complaints procedure, often through the complaints handler.
- Leading the investigation of complaints as neutral third party.

- When complaints are found to be grounded: formulating a corrective action plan in consultation with complainant.
- Providing guidance to member companies on the process of remediation.
- Publicly sharing the outcomes of the investigation and the remediation plan through the Fair Wear website.
- Verifying the implementation of a remediation plan and engaging with the complainant with regard to the outcomes.
- assessing the performance of the member brand in ensuring remediation and
- Sharing learnings from the system with local institutions and international grievance mechanisms, business associations and trade unions.

## **THE LOCAL FAIR WEAR COMPLAINTS HANDLER**

The local Fair Wear complaints handler is responsible for the operation of the local helpline. The tasks of the complaints handler include:

- Answering calls – The complaints handler is available to take calls at all times, and ensures adequate follow-up in case someone leaves a message. All calls are taken seriously and treated confidentially to ensure strengthened trust in the system.
- When the call concerns a complaint: Documenting the information necessary to start an investigation and follow up.
- When the call concerns questions about labour rights or the use of local grievance mechanisms: Providing accurate and relevant information to callers.
- Informing all complainants about the possibilities and limitations of the local remediation systems and of the Fair Wear mechanism. Based on that information, ascertaining whether the caller wishes to file a complaint via Fair Wear's system, and whether there is a need to keep his or her identity anonymous. Potential adverse impacts or retaliation risks will be identified and assessed together, followed by a mitigation plan where applicable, clarifying the role of the Fair Wear member brand and Fair Wear.
- Ascertaining the *authenticity* of the complaint, i.e. whether the complainant is authentically seeking remedy for a violation of rights. In the past, calls have been received which turned out to be, for example, motivated by revenge or domestic issues.



- Documenting all relevant information regarding the complaint.
- Keeping an up-to-date overview of ongoing complaints.
- Maintaining contact with Fair Wear's country representative and Fair Wear's country manager at the Amsterdam office.
- Deciding on the admissibility of a complaint together with Fair Wear's country manager.
- When the call concerns a non-admissible issue, the complaints handler forwards the caller to an organisation that can provide support, whenever possible.
- Engaging with the complainant during the process.
- Engaging with local Trade Unions, CSOs and business associations where relevant and possible. `
- Coordinating and, where needed, implementing the investigation and reporting.
- If necessary, facilitating mediation of a meeting between the parties involved.

## **WHO CAN FILE COMPLAINTS?**

- Workers and their legitimate representatives.
- Trade Unions. o Employers' organisations.
- NGOs
- Others (including media) who are concerned about the implementation of labour standards at suppliers of Fair Wear members

## **TYPES OF COMPLAINTS**

Since the start of the complaints system Fair Wear has dealt with very different types of complaints. There have been individual and collective complaints, complaints about contracts and payments and others where conditions pose serious risks to the health of workers or where there is a serious risk of long term noncompliance.

There are certain Code violations that pose immediate risks to workers health or life, and must be addressed in an expedited manner, with stricter monitoring. These include

- Fire and building safety

- Child labour
- Payment below legal minimum wage
- Any other situations that present an immediate risk to the health and safety of workers

The above is notwithstanding the fact that issues related to Freedom of Association as union busting, (unfair) dismissals, retaliation against leaders / workers are also a severe risk. These issues, however, require more structured and longer-term solutions, which often involve a longer process.

## 3. The complaint procedure step by step

### 1. RECEIVING A COMPLAINT

Complaints can be filed with a local Fair Wear complaints handler, via telephone, in written or verbal form, through [complaints@fairwear.org](mailto:complaints@fairwear.org), and in some countries via social media or messaging apps. In cases where Fair Wear or a member brand uses information published in media reports to start a complaint, Fair Wear will contact workers affected by the noncompliance and involve them as complainant in the process. If that is not possible Fair Wear will consult with local stakeholders.

Workers who are involved in a complaint may choose whether or not to remain anonymous during the process; if the complainant opts for anonymity, Fair Wear guarantees that their identity be kept from the factory and the brand. In order to handle the complaint, however, Fair Wear itself requires the complainants to allow for monitoring of follow up and evaluating the outcome with the complainant, and potentially to check that no retaliation ensues. Regardless of whether the complainant opts for anonymity, Fair Wear never includes information about workers in the published reports on the complaints that would lead to their identification.

When a complainant does not want to share contact details, depending on the situation, Fair Wear will try to work with the relevant brand(s) and use tools like audits and offsite worker interviews, to assess whether the problem can be found in another way. This is particularly true for code violations that pose an immediate risk to the health or safety of workers.

#### Proceeding with a complaint:

The complaints handler will always ask explicitly whether the complainant (or involved workers, when the complaint comes from an organisation) wishes to begin a formal complaint procedure. A timeline for the different steps in the complaints procedure will be discussed and shared with the complainant.

### 2. CHECK ON USE OF FACTORY OR LOCAL MECHANISMS

If the complaint concerns an employer - employee(s) relation, the complaints handler will check whether the complainant has considered or tried to solve the problem through the company's internal complaints procedure, when one is present, or through existing local legal mechanisms.

The presence and use of other channels, for example cases brought to court, does not influence the admissibility of the complaint, but can influence the remediation procedure. For example, in some cases the best outcome for the worker may be to allow a court case to conclude; in other situations, factories may be willing to negotiate a solution acceptable to the worker on the condition that court proceedings are dropped. If use of a legal system appears to be a better option for workers than using the Fair Wear system, Fair Wear can support the complainant when filing a complaint at an existing local legal mechanism, if the complainant consents.

Information regarding the (mal)functioning of internal or local procedures will be included in the investigation and will inform the establishing of a remediation plan.

### **3. ESTABLISHING AUTHENTICITY AND ADMISSIBILITY**

While the vast majority of complaints are legitimate, in order to ensure the integrity and credibility of the system, Fair Wear begins with a basic check. This is to ensure that the complaints procedure is not being misused to, for example, lodge false accusations against an employer or an individual at a factory. Complaints handlers check what the relation is of the complainant with the accused party and whether the complaint could have happened, and in the way described. The authenticity of the complaint can be checked through, for example, contacting co-workers, stakeholders or on the basis of available context information. In cases where the authenticity of the complaint is inconclusive, it is Fair Wear's policy to proceed with the complaint to the admissibility check. If the complaint is deemed authentic, the next step is to determine whether the complaint is admissible – whether it falls under Fair Wear's mandate.

For a complaint to be admissible, it needs to meet the following criteria:

- The case is related to an alleged violation of the Fair Wear Code of Labour Practices AND
- The alleged violation
  - a) occurred at a current production location<sup>4</sup> of an Fair Wear member,
  - b) OR occurred at a former production location of an Fair Wear member, where the Fair Wear member still had production less than 180 days ago; OR the complaint could be related to or has its roots in the purchasing practices of the member brand or its representative.

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<sup>4</sup> Fair Wear requirements, and the complaints procedure, cover the assembly stage of garments – cut-make-trim and related processes. For specific information on what production locations are covered by Fair Wear membership, please refer to the Fair Wear member guide.

*Status of the complaint is at this stage: 'New' or 'Under Investigation'.*

#### **4. COMMUNICATION ABOUT ADMISSIBLE COMPLAINTS**

When a complaint is deemed admissible, a series of communications steps begins with the individuals and organisations involved in the complaint:

##### **The complainant and / or involved workers:**

Fair Wear will inform the complainant about the admissibility of the complaint as soon as possible, but no later than a week after it is received. In case of issues that are a direct serious risk for workers, this admissibility assessment will be completed within 24 hours.

##### **The member brand(s) sourcing from the factory:**

will be informed about the complaint once it is declared admissible, under the same timeline as for complainants.

##### **The factory:**

The member brand is then required to inform the factory within one week. In the case of issues that pose immediate risks this period is reduced to 48 hours.

The factory has a right to respond to the complaint allegations. The member brand has to inform Fair Wear within a week after receiving information about factory's response. For immediate risk issues this is 48 hours.

The Fair Wear member is responsible for clearly informing the factory that Fair Wear will monitor the process and retaliation towards complainant will not be allowed. Fair Wear's complaints handler will maintain contact with the complainant and make a contingency plan to monitor the potential risks of retaliation.

##### **Worker representative:**

In case the complaint concerns a general issue that affects more workers Fair Wear will, in consultation with the complainant, inform the worker representative(s) or trade union, if present and functional at the factory.

**Other brands sourcing from the factory:**

Fair Wear will discuss with the complainant and the Fair Wear member whether to inform or involve other customers of the factory. To be able to do that, Fair Wear or the member company will need to disclose the relation between the member and the factory to the other brands.

In case other customers are members of another multi-stakeholder organisation (MSI), Fair Wear will contact the MSI to discuss follow-up of the complaint.

**Social Partners:**

Fair Wear will inform relevant business associations or other official industry representatives, and the relevant local union(s) or IndustriAll global union, when considered in the interest of the workers and in consultation with the complainant.

**Local grievance institutions:**

In order to enhance local ownership and facilitate capacity building of local grievance mechanisms, Fair Wear will regularly share information about the complaints mechanism with key local organisations including labour inspection and unions.

**Public Reporting on Complaints:**

Fair Wear will publish information about admissible complaints on its website, starting with the decision that a complaint is admissible. In its public communication on complaints, which includes basic information on the complaint, the relevant labour standard and country, Fair Wear always includes the name of the Fair Wear member brand(s) sourcing from the factory.

To avoid negative consequences for the workers, the name of the factory for which a complaint is filed is not disclosed during the procedure. When a complaint has been successfully remediated, the involved parties, including the complainants may agree on disclosing the name of the factory. If the parties involved agree, this information will be added to the public information on the Fair Wear website.

When a complaint is closed due to unwillingness of the factory to engage in remediation, Fair Wear can decide to disclose the name of the factory if the complaint is related to a situation that poses immediate risks, and only after consultation with the complainant.

### Process steps included in public reports:

Each step in the process following the admission of the complaint is documented in the public reporting. The steps, outlined in the following sections, are:

- A short description of the complaint
- Admission status o Result of the investigation
- Remediation plan
- Verification/Closure status

### Communications in high-risk situations:

In certain circumstances, Fair Wear and the member brand may jointly decide that it is necessary to protect the complainant by keeping the complaint, or specific information related to the complaint, confidential from the factory. Fair Wear will specify in the public complaint report why this information could not be shared with the accused party if this is the case.

## 5. INVESTIGATING THE COMPLAINT

When a complaint is declared admissible, Fair Wear will draw up an investigation plan and consult the member and the complainant for receiving input on the plan. If the member brand does not respond within five working days, Fair Wear will proceed with the investigation plan as written. Two different situations can be distinguished:

### *The issue is already known (audit report, CAP)*

If the complaint concerns an issue that was identified by a recent audit, and is already part of a corrective action plan (CAP) written within the 90 days preceding the complaint, Fair Wear will require the member to prioritise the issue in the remediation process and to report to Fair Wear on the progress. No new investigation will be done. Fair Wear will respect the time frame for remediation agreed between the member brand and factory before further steps are taken. *This means follow-up happens within the already agreed CAP. This will be included in the public report on Fair Wear's website including the timeline.* Fair Wear will verify whether the corrective action has been taken and consult the complainant. If the member brand can show proof of the remediation, and this information is confirmed by the complainant, the status of the complaint will be changed into remediated.

When no corrective action is taken within the agreed time frame, Fair Wear will consult with the complainant and member and will conclude on needed steps.

**The issue was previously undocumented:**

If the issue had not been identified through a recent audit, Fair Wear will lead an investigation process. The investigation plan follows the procedure of audits in consulting different sources of information available at the factory and country level.<sup>5</sup> The investigation phase will lead to a report with conclusions as to whether the complaint is grounded.

Fair Wear is responsible for approving the most suitable team or organisation to conduct the investigation. In those countries where Fair Wear has a local team available, that team will conduct an investigation. In other countries Fair Wear does not have up-to-date and comprehensive knowledge regarding relevant consultants and stakeholders. Then the member brand will be asked to propose a team to carry out the investigation, involving the relevant local trade union or IndustriAll Global Union where possible. If that option also proves difficult, relevant labour NGOs will be consulted. Fair Wear must approve the investigation team and all parties must agree on the team's composition. Specific guidance to brands on selecting such a team will be provided. Stakeholders can provide input or suggestions.

The criteria for selecting a team or organisation include: accessibility, ability to speak the local language(s) and English, knowledge and expertise on labour standards and local law, understanding of Fair Wear, and independence.

If it proves impossible to identify a person or organisation on which all parties concerned agree, Fair Wear – as neutral third party – will take a decision.

**Costs of investigation:**

Fair Wear covers the initial costs incurred during investigation of the complaint. In order to be able to continue to deal efficiently with the growing number of complaints, Fair Wear is partially using donor money to finance for the extra resources needed.

**Investigation Findings :**

Fair Wear will share the results of the investigation with the complainant and the member, for consultation, and it will later share the final report. As the reporting is in English, a local complaints

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<sup>5</sup> Sources of information: Documents inspection, Visual inspection, Management interviews, worker interviews (onsite and off-site) and stakeholder information.



handler might need to facilitate translation to the complainant. Fair Wear will require the member to share the report with the accused party or factory.

Fair Wear will post information on the conclusions of the investigation of the complaint on its website.

Investigations result in one of three findings, which will be communicated to the parties involved; to the complainant and the member company which in turn informs the factory.

**Grounded:**

In investigating the complaint, evidence has been found, or it was confirmed by different sources, that one or more of the Code of Labour Practice standards has been violated

**Not Grounded:**

In investigating the complaint, clear evidence was found that the Code of Labour Practice standards have *not* been violated

**No conclusion possible:**

Due to lack of evidence, it is not possible to establish definitively whether the Code of Labour Practices has been violated.

*Status of the complaint is investigated with as conclusion of the investigation: 'grounded'; 'not grounded'; or 'no conclusion possible'.*

## **6. REMEDIATION PLAN**

**In case a complaint is found to be grounded**, the conclusion of the investigation will include the full remediation that is needed. Fair Wear will formulate a required action that clearly delineates the role of the Fair Wear member and the factory and will make this public.

In order to develop the proposal for remediation Fair Wear will consult the complainant and/or their appointed representatives. This includes assessing the possible effect of existing legal procedures on a proposed remediation plan.

When relevant and if the complainant agrees, Fair Wear will also consult the relevant trade unions and business associations and, if needed, will seek legal advice.

The final corrective action plan for the remediation and the role of the Fair Wear member brand needs to be approved by Fair Wear and should be focused on creating a situation that complies with the Fair Wear Code of Labour Practices.

Next to specific remediation activities needed to correct the violation, a corrective action plan should also include steps to improve the functioning of the internal grievance procedure of the factory.

What can be reasonably asked from the brand to contribute to the remediation will be influenced by:

- The seriousness of the situation (severity, scale)
- Whether the issue concerned a single incident or an ongoing pattern of behavior resulting in multiple or chronic violations
- What the leverage of the particular brand is or can be
- For the purposes of remediation, leverage is partly defined by the share of the production volume the brand buys from a factory and the length of the business relation, but is not a static concept. It can be influenced by a range of mechanisms, including by inserting contractual provisions, but also through collaboration with other customers or parties.

The approved remediation plan will then be shared with the complainant and the member or members. Where needed, the Fair Wear complaints handler will facilitate translation for the complainant. The member will share the plan with the factory.

Fair Wear will update the information on its website and inform those stakeholders that were informed about the admissibility of the complaint.

The cost of implementation of the corrective action plan will be paid for by the member and/or the factory and possibly other customers according to their agreement, or as stated in the remediation plan.

### **Inconclusive findings:**

When it is not possible to come to a clear required action, for example for cases when the investigation did not lead to a clear conclusion or when implementation of remediation is not straightforward, a dialogue/mediation will be suggested to the parties, with a third independent party, possibly Fair Wear, as facilitator. The precondition for a dialogue to start is that both parties agree to engage in a dialogue and drop/freeze (juridical) claims for duration of the dialogue pending

the outcome. If the parties are able to come to a conclusion acceptable to both parties, Fair Wear will take over this conclusion for the remediation plan and verify its implementation.

**Complaint cannot be investigated or factory refuses to participate in remediation:**

In case a complaint could not be investigated, or the remediation is blocked by the factory, for example due to bankruptcy or unwillingness of the factory, Fair Wear will in consultation with complainant reassess what can be reasonably asked from the member in contributing to remediation for the workers. **Status of the complaint: 'remediation'**

## **7. MONITORING THE REMEDIATION**

The Fair Wear member brand is responsible for ensuring the implementation of the remediation plan agreed upon is carried out. The member brand will periodically, and at agreed times, share information with Fair Wear about the current status of the complaint and will include a description of each complaint and its remediation in its public annual social report.

During the process of implementation, Fair Wear will maintain contact with the complainant and, where applicable, the union or worker representation in the factory, to assess whether, from the complainant's perspective, the agreed upon remediation steps are being implemented.

**Inadequate progress/change in situation:**

When remediation is not implemented according to the plan or the situation has changed, a meeting or call, to discuss the situation and if needed update the remediation plan, will be organised with all the parties involved.

**Additional complaints in the same location:**

If new admissible complaints are filed for the same factory during while a complaint is open, Fair Wear will ask the individuals filing the new complainant whether the investigation and remediation need a separate process or should be incorporated into the existing remediation plan.

When a new complaint is incorporated into an existing remediation plan, Fair Wear will still report publicly on the new complaint, indicating that remediation is being carried out within an existing plan.

## **8. VERIFICATION BY FAIR WEAR**

Fair Wear is responsible for verifying whether a complaint has been fully remediated according to the agreed-upon remediation plan. Fair Wear will verify the implementation of the remediation plan after a period agreed upon with the involved parties. Verification uses Fair Wear's audit procedures, consulting different sources of information, including in those cases where a third party carries out the investigation. Fair Wear shares the verification conclusions with the complainant and the member. Fair Wear collects specific feedback on the complainant's evaluation of the outcome and will include this in its final public reporting. The member brand shares the outcome of the verification process with the factory.

## **9. CLOSING COMPLAINTS**

There are several possible outcomes for complaints

### **Full Remediation:**

When verification shows the remediation has been implemented satisfactorily, the status of the complaint will change to 'closed: complaint remediated' and the case will be considered closed.

### **Incomplete/No Remediation (Factory Level):**

When verification shows the factory has not implemented satisfactory remediation of issues that did not pose an immediate risk to workers, Fair Wear will change the status to 'closed: not solved' and will discuss with the complainant and the member brand how to prevent other workers from being affected. The role of the member in the remediation plan will be assessed and revised where needed to find a solution for the complainant.

### **Incomplete/No Remediation (Brand Level):**

When verification shows the member brand has not implemented its part of the remediation plan, Fair Wear will conclude this in the public complaint report, will assess the member's participation in Fair Wear, and include a report in the member's annual brand performance check.

### **Incomplete/No remediation, high risk situation:**

When verification shows that a factory is unwilling to implement their part of the remediation in one of the cases that needs an emergency response and strict follow up, the Fair Wear member can be

required to end the business relationship with the factory. The role of the member in the remediation plan will be assessed and revised where needed to find a solution.

Fair Wear can decide to disclose the name of the factory in the final public report, if that is considered in the interest of the workers. Ending the business relationship is a measure of last resort and the complainant and affected workers and their representative should be consulted before taking the decision. The status of the complaint will be changed to 'not solved/business relation ended'.

**Complainant no longer in contact with Fair Wear:**

There are times when Fair Wear can no longer contact the complainant. When verification shows that remediation has not been possible due to an inability to contact the complainant, the case status will change to: 'Closed: complainant unavailable for verification'.

**Status of the complaint: 'resolved' or 'closed.'**

Fair Wear will regularly update public information accordingly on its website. It will inform the worker representation where applicable, and the relevant stakeholders involved earlier in the process. Fair Wear will also report about complaints in its annual report.

## **10. THE APPEAL PROCEDURE**

No appeals can be lodged against a decision on the admissibility of a complaint.

When a member brand, the complainant or the accused party disagrees with the outcome of the procedure, appeals can be made to Fair Wear's Executive Board.

The Board will consider the advice of Fair Wear's Committee of Experts and decide on a proper course of action.