

Allegation

Standard Operating Procedure

Valid from: 01/03/2021

Distribution: Public

Certifier for



FAIRTRADE
INTERNATIONAL



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1 Purpose

This Standard Operating Procedure outlines the principles and responsibilities with regards to allegations. Furthermore, it describes the process for handling allegations.

2 Application

This Standard Operating Procedure applies to all parties that are involved in the process, including the party raising the concern, the concerned FLOCERT customer, FLOCERT Credibility Assurance Unit and any other concerned FLOCERT staff member.

3 Definition

An allegation is a statement of assertion or assertions by a third party against a customer holding a Fairtrade certificate or being in the process of applying for a certificate (applicant) claiming that this customer is non-compliant with applicable Fairtrade Standards or is in breach of policies or other contractual obligations with FLOCERT.

An allegation can be filed by anybody, including but not limited to, a Fairtrade customer, an NGO, a labour union, a worker or a member of the public. FLOCERT staff members including auditors are also encouraged to use the allegation process when they receive information outside the regular certification workflow.

FLOCERT understands the allegations process as a valuable tool to strengthen the robustness of its certification process and therefore welcomes this additional information from third parties. It treats accepted allegations with priority.

If workers share concerns during an audit directly with the FLOCERT auditor, the information will be processed within the normal Fairtrade audit routine and would not be considered an allegation.

4 Confidentiality

In general, all submitted allegations will be treated strictly confidential by the responsible staff in order to ensure that identities of involved parties are protected.

Where confidential information from the alleging party such as workers, suppliers, buyers or other stakeholders would reveal the information provider's identity, FLOCERT will:

- Not disclose that confidential information to any other party except the responsible staff within FLOCERT on a need to know basis,
- Not use that confidential information in any way that may allow identification of the individual(s) or organization(s) that provided the information.
- Not use that confidential information as evidence of non-conformity unless the information can be verified as being correct by additional evidence gained during the investigation
- Use the confidential information to identify which aspects should be investigated.

5 Process

5.1 Submission

Allegations can be submitted:

- via the FLOCERT webpage Submit an Allegation, Appeal or Complaint (online Allegation Form)
- by email to credibility@flocert.net
- by telephone: either by phone call or sending a WhatsApp message
- by Skype
- by using the "Confidential feedback" box in Fairtrace (reporting tool for FLOCERT customers)

The party submitting the allegation must indicate the name of the concerned customer, the FLO ID if known, and all available information and evidence to support the allegation. Evidence is including but not limited to documents, statements, notes from meetings or interviews, pictures and media information which are not restricted by any legal requirements on data protection.

If not done by the alleging party, FLOCERT will relate submitted information to the relevant compliance criteria.

5.2 Confirmation

FLOCERT's Credibility Assurance Unit will conduct an initial evaluation of the allegation. Within 7 calendar days, Credibility Assurance will confirm receipt and inform the submitting party whether the submission contains an actionable allegation or not, or if the request should be dealt with according to a different procedure.

FLOCERT will not interfere in the investigation of matters already being investigated by local or national institutional authorities (e.g. in the course of a legal action). However, if the matter relates to a Fairtrade Standard requirement, potential breach of policies or certification contract, FLOCERT may accept the allegation.

Where applicable, workers or their representatives should try to solve conflicts first within their own organization. In accordance with the Fairtrade Standards for Hired Labour, every certified customer should have an internal grievance procedure which ensures that workers have the right to be heard and the right to appeal. Moreover, management is not allowed to discipline, dismiss or discriminate against workers for using any grievance procedure. In cases where these internal procedures do not function properly, FLOCERT will accept the allegation and investigate it accordingly.

Where applicable, business partners should try to solve contractual conflicts using the alternative dispute resolution mechanism which is foreseen by the Fairtrade Trader Standard to be part of contracts. In cases where such procedures are not successful, FLOCERT will accept the allegation and investigate it accordingly.

Allegations are documented and managed centrally within the Credibility Assurance (CA) team of FLOCERT.

FLOCERT reserves the right to evaluate each case individually. Consequently, the outcome of the evaluation may differ. If the allegation is considered valid, the investigation will start.

5.3 Investigation

FLOCERT's Credibility Assurance (CA) team together with a dedicated team of responsible certification staff will investigate an allegation. Working with a dedicated team allows for bundling of information from a region, a country, a product or a supply chain. A regular exchange is installed to further foster learning and improve analysis and investigation methods.

Based on the type, severity and context of the allegation (political unrest, pandemic, ...), appropriate investigation measures will be determined. These include:

1. *Analysis of the written evidence provided by the alleging party*
2. *Request for an evaluation of the allegation by a third party (e.g. technical expert opinion, legal statement)*
3. *Request for a statement and/or objective evidence from the concerned customer*
4. *Analysis of existing audit reports.*
5. *Analysis of the allegation as part of an on-site audit (announced or unannounced) at the concerned customer*
6. *Analysis of the allegation as part of a remote investigation using live interaction (via Skype, phone call, chat) with the alleging party, concerned customer or third party.*

FLOCERT will evaluate all facts gathered during the investigation against the relevant Fairtrade Standards, FLOCERT policies and if applicable, other contractual obligations. To ensure confidentiality and reliability in results, information on the methodology and date of investigation will not be shared during ongoing investigations.



- If the concerned customer was found to be compliant with the Fairtrade Standards, the allegation will be dismissed.
- If the allegation was substantiated, and the concerned customer was found to be in non-compliance with the Fairtrade Standards, FLOCERT will issue a non-conformity and the regular Fairtrade certification process will be followed through, including the request for corrective measure or, if applicable, the appropriate sanctions (e.g. suspension, decertification).
- If the allegation was substantiated and the concerned customer was found to be in breach of the certification contract or applicable policies, FLOCERT may proceed to cancel the certification contract with the customer.

5.4 Response

An allegation will be closed within 6 months from the date of acceptance.

Following the outcome of an investigation, the Credibility Assurance Team will communicate the results and subsequent decision to the alleging party.

FLOCERT, based on the requirements of the certification contracts and the requirements of its accreditation against ISO 17065, will not disclose customer sensitive data collected during investigations to the alleging party.

At this point, the allegation will be considered as closed.

6 References

- CA Allegation FO

7 Change History

Version	Author / Reviser	Date approved	Changes
10	F. Brinkschneider, T. Poole	06.11.2009	First version
11	F. Brinkschneider	12.05.2010	QM procedure; relevant to all staff; allegations are treated as confidential; reference to CERT AllegationSubmission WI added; numbering changed; reference to GN Complaints SOP removed
12	I. Markova	05.07.2010	Information about allegations submitted by workers was added; number of staff members involved in the allegations is limited
13	K. Mercier	11.06.2012	Section 4: grounds to deny acceptance of allegation case / Section 4.1: introduction of Allegation Submission Form and corresponding rules; introduction of prescription period
14	R. Trevino	02.04.2013	Allegation SOP was proof read by Legal, to make sure all terminology is correct.
15	M. Seifert	27.01.2015	Replace FLO-CERT with FLOCERT Updated email address: allegations@flocert.net
16	J.Goss	01.03.2018	Details of process deleted in SOP as they belong to the WI, Response to alleging party added as a separate chapter
17	J Goss	01.05.2019	Timelines adjusted according to RAPs, structure aligned with other CA SOPs.
18	J Goss A Roman	01.03.2020	Allegations apply also to applicants Oral communication via telephone added as possibility to submit an allegation where writing is not possible.
19	AS Boizard	22.07.2020	Reordered paragraphs. Added live interaction as a means of investigation.
20	AS Boizard	01.03.2021	Added paragraph on contractual disputes.