



Allegation

Standard Operating Procedure

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1 Purpose

This Standard Operating Procedure outlines the principles and responsibilities with regards to allegations, and it describes the process for handling allegations in accordance with applicable accreditation requirements (ISO/IEC 17065:2013) for impartiality, confidentiality, and documented complaints/appeals handling, and as mandated by applicable EU and German data protection laws when processing personal data in the course of allegations.

2 Application

This Standard Operating Procedure applies to all parties involved in the allegations process, including the party raising the concern, the concerned FLOCERT customer, FLOCERT's Credibility Assurance Unit and any other concerned FLOCERT staff member and, where applicable, experts contracted by FLOCERT for the purpose and within the context of certification activities, whereby an expert shall mean a person or entity engaged by FLOCERT to carry out or support with the provision of the certification services and related certification activities (including investigations), such as, e.g., FLOCERT's subsidiaries, auditors, legal advisors etc. Any such party shall be bound by confidentiality and conflict-of-interest rules described in this procedure.

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.

The alleger is the natural or legal person filing the Allegations with FLOCERT, including but not limited to, Customers, NGO's, labour unions, workers or members of the public, as well as FLOCERT staff members and Experts where information is received outside the regular certification workflow.

Any term not defined in this procedure shall have the meaning as laid out in the Fairtrade Assurance Rules and Guidelines, accessible at <https://www.flocert.net/fairtrade-assurance-manual/>.

4 Confidentiality

4.1 Confidentiality of the alleger

The identities of allegers as well as any information that could directly or indirectly reveal their identities are protected within FLOCERT and are only disclosed to persons who require such information in order to perform their duties within the Allegation process ("need-to-know basis").

In particular, FLOCERT will

- not use such confidential Information in any way that may allow identification of the alleger by any party other than the persons involved in processing the Allegation.
- not use such confidential Information as evidence of non-conformity unless independently verified and confirmed by additional evidence gained during the investigation.
- when processing personal data (as defined in Art. 4 of the European General Data Protection Regulation ("GDPR")) of allegers and individuals mentioned in the allegation, always verify and assess the **legitimate interest** of processing such data according to Art. 6 (1) GDPR, balancing the investigative needs with the rights of data subjects.

However, such Confidential Information may inform the scope and direction of the investigation, particularly the specific aspects that need to be investigated.

4.2 Confidentiality of investigated customers

In accordance with the certification Terms and Conditions website and the obligations arising from FLOCERT's accreditation against ISO/IEC 17065:2013, FLOCERT is permitted to share only limited information with the allegor.

Specifically, FLOCERT may only disclose the following information:

- name of the investigated customer,
- FLOID of the investigated customer,
- month and year when the investigation was conducted and
- the current certification status of the investigated customer.

5 Allegations process

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.

5.1 Submission

Information shared by Workers with an auditor during a scheduled audit, will be processed within the normal Fairtrade audit routine and will not be considered an allegation in the sense of this SOP.

Allegations can be submitted:

- via the FLOCERT webpage <https://www.flocert.net/submit-an-allegation-appeal-or-complaint/> by email to credibility@flocert.net
- by telephone: either by phone call or sending a WhatsApp message
- by videoconference
- 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 provide 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.

In case the allegation is made by an organisation on behalf of individuals, farmers, workers or other communities, the organisation should, where possible, provide:

- details of those individuals or communities they are acting on behalf of; and
- evidence that they are representing their interests.

The Allegor should inform FLOCERT if the matter is already under investigation by local or national authorities (e. g., in the course of a legal action). Such other proceedings will not impede FLOCERT from following up on the alleged circumstances within the context of ensuring compliance with the Fairtrade standards, or influence the outcome or manner of investigation. However, FLOCERT may, consider the information from such other proceedings in its own investigation if it deems it to be relevant for the case.

If the allegor is a worker or a worker representative of the customer under investigation, FLOCERT may inquire the allegor, whether a company-level grievance procedure was used, and if not, to provide the reasons.

However, the allegor is not obligated to respond to this inquiry or to use the organisation-level procedure (if available) before filing an allegation.

Information regarding the use of the company-level grievance mechanism will, in an anonymized format, provide valuable feedback to the Standard setter Fairtrade International regarding the effectiveness of the grievance procedures in certified entities.

Contractual conflicts should first be addressed using the alternative dispute resolution (ADR) 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.

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.

Only actionable allegations can be accepted, that are not time-barred. An allegation is actionable in the sense of this SOP when:

- a. the subject of the allegation is a Customer as defined above, and
- b. the facts alleged against the Customer, if true, would be a breach of Fairtrade Standards, FLOCERT policies or contractual obligations according to the Certification Contract, and
- c. sufficient information is available to enable a targeted investigation.

FLOCERT may decline allegations where the facts are clearly time-barred for effective investigation, (e.g., events alleged to have ceased long ago without tangible, current evidence), unless they relate to issues of ongoing or grave nature, (e.g., child labour, forced labour, etc.) where investigation remains appropriate.

The assessment of actionability and time considerations shall remain at FLOCERT's sole discretion. Furthermore, FLOCERT will inform the allegor

- about the restrictions of disclosing confidential data collected during the investigation and the type and extent of information they are permitted to receive based on section 4 above, and
- that, if they are an employed worker of the customer under investigation, they can request the result and details of the audit from their employer.

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

5.3 Investigation

FLOCERT's Credibility Assurance (CA) team investigates allegations together with a dedicated team of responsible certification staff and experts, enabling 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 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) In cases of a complex nature related to alleged labour rights violations, FLOCERT may request the opinion of independent Experts to support its decision-making
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 audit at the concerned customer according to FLOCERT audit procedures. These procedures include interviews with relevant staff members.
6. Information from representatives of the trade union

5.4 Results

If the customer under investigation was found to be compliant with the Fairtrade Standards, the allegation will be dismissed.

If the allegation was substantiated, and the customer under investigation 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 as outlined in the [Fairtrade Assurance Manual](#), including the request for corrective measure or, if applicable, the appropriate sanctions (e.g. suspension, decertification).

In case the investigation revealed a breach of an obligation under the Certification Terms and Conditions by the concerned customer, FLOCERT may execute its contractual and legal rights as stipulated therein and under the law.

5.5 Decision

The decision resolving the allegation will be made by the Credibility Assurance Team. In case, a member of the Credibility Assurance Team was involved in the certification activities related to the complaint, the decision must be made by another team member to avoid any conflict of interest.

5.6 Response

An allegation will be closed within 6 months from the date of acceptance. Where the complexity of the case or exceptional circumstances prevent closure within that time period, FLOCERT will inform the allogger about a justified extension and revised timeline.

Following the outcome of an investigation, the Credibility Assurance Team will communicate to the alleging party the type of investigation, month, and year and the Certification status

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

6 Review Process

The Allogger may submit a request for a review of the decision made by FLOCERT as a consequence of the filed allegation ("Review") by sending an email to credibility@flocert.net. All objections must clearly state the reason(s) for disagreement with a decision and need to be supported by information and evidence.

FLOCERT will convene the FLOCERT Allegation Review Committee, comprised of certification experts not involved in the initial investigation process or decision, not operating on the continent of the customer under investigation, and without links to the customer, to review the facts presented by the Allogger regarding the investigation and the follow up of the investigation.

The Review Committee's role is limited to assessing whether the investigation into the matter was appropriately thorough, complete and followed the procedure for Allegations. The Review Committee is not empowered to assess the correctness of the decision or to take a position on the interpretation or outcome of the case itself, either now or at any later stage. Should the Review Committee find that the original investigation was insufficient, it may instruct that the case be reopened for further inquiry. At no point is the Review Committee authorised to decide the case or to interpret its findings.

The decision by the Review Committee will be taken within thirty-five (35) calendar days. Once a decision is taken, the Review Committee will inform the Allegor about the decision, particularly whether the case will be re-opened or whether the Committee found that the process was duly followed and investigation was appropriate. A decision of the Review Committee is final and cannot be appealed.

In cases of a complex nature related to alleged labour rights violations, the Review Committee may independently request the opinion of experts in the field to support its decision-making, irrespective of whether such Experts were consulted in the initial investigation as per sect. 5.3 Nr. 2 above.

7 References

- DG DataSharingPolicyExternal SO
- Certification Contract
- [EU General Data Protection Regulation](#)