

Allegation

Standard Operating Procedure

Valid from: 01/05/2019

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 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 organisation(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 must be submitted in writing via the FLOCERT homepage or to credibility@flocert.net by using the Allegation Submission Form (CA AllegationSubmission FO) which is available on request.

The alleging party needs to complete the Allegation Submission Form with all available evidence in order to support the investigation process. 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.

An allegation will also not be accepted for investigation in matters where the concerned incident is also pending resolution before a court or being investigated by local or national institutional authorities. Only if the matter relates to a Fairtrade Standard requirement (e.g. Standard requirements concerning labour conditions or child labour) that imposes stricter requirements than national legislation, 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.

5.2 Confirmation

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

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

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.

FLOCERT reserves the right to evaluate each case individually. Consequently the outcome of the evaluation may differ.

- Credibility Assurance will confirm receipt and acceptance of an allegation within 7 calendar days of receipt of a request.
- The party submitting the allegation must indicate the name of the concerned customer, the FLO ID if known, and all available information and documents in support of the allegation (*that the customer is non-compliant with the Fairtrade Standards, or is in breach of FLOCERT policies or other contractual obligations*). If not done by the alleging party, FLOCERT will relate submitted information to the relevant compliance criteria.
- If the allegation is considered valid, the investigation will be started.

Based on the type and severity of the allegation, 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 audit (announced or unannounced) at the concerned customer*

FLOCERT will evaluate all facts gathered during the investigation against the relevant Fairtrade Standards, FLOCERT policies and if applicable, other contractual obligations.

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

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

The timelines applicable to a specific case will be determined by the CA team and communicated to the alleging party.

To ensure confidentiality and reliability in results, information on the methodology and date of investigation will not be shared during ongoing investigations.

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

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

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

6 References

- CA AllegationSubmission WI
- CA AllegationSubmission FO