



OECD GUIDELINES
FOR MULTINATIONAL
ENTERPRISES

NATIONAL CONTACT POINT
FOR RESPONSIBLE BUSINESS
CONDUCT THE NETHERLANDS

Shift



International
RBC



International
RBC

SER

9 november 2020

Access to Remedy

Putting Access to Remedy into practice in RBC Agreements

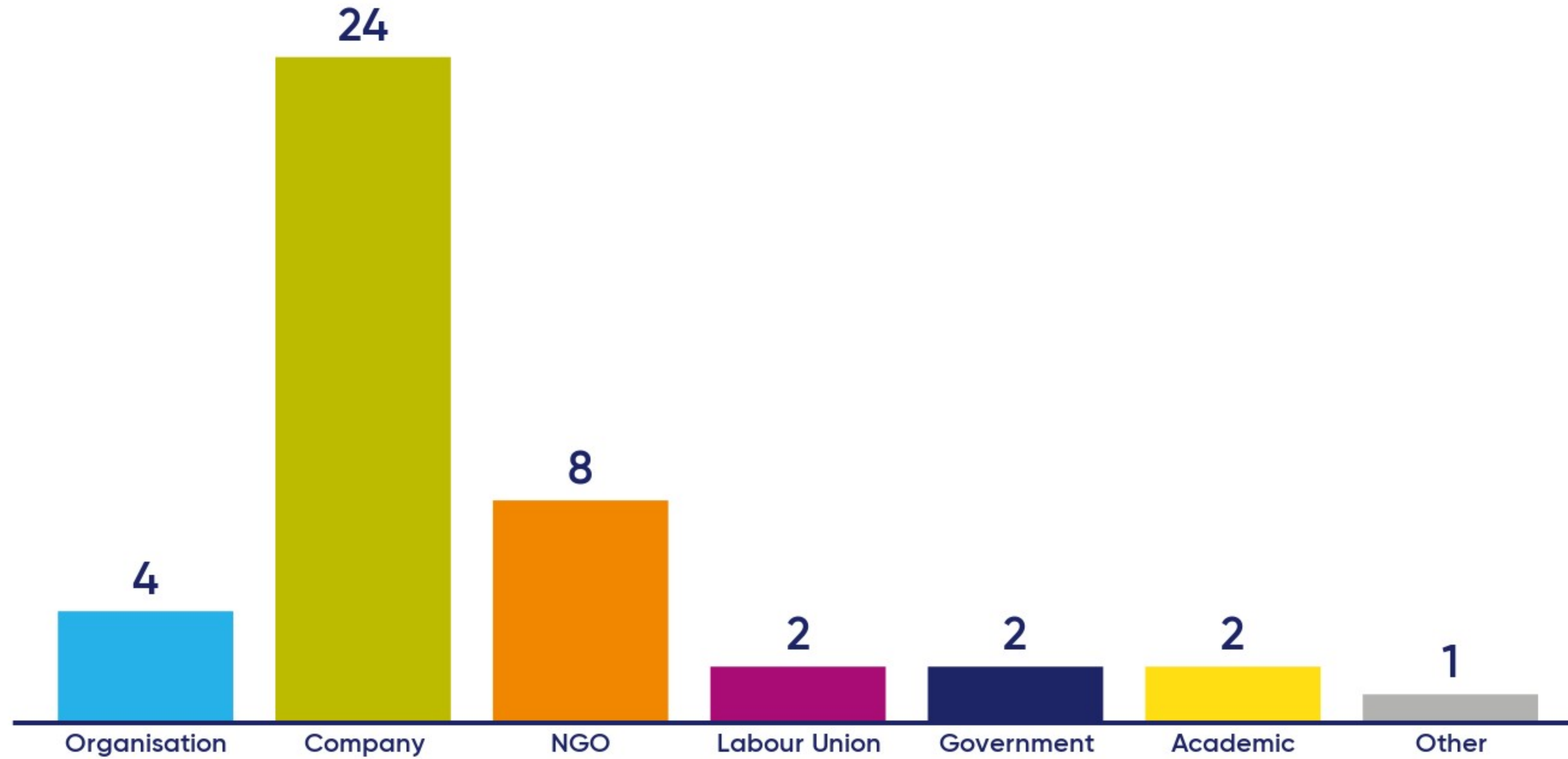




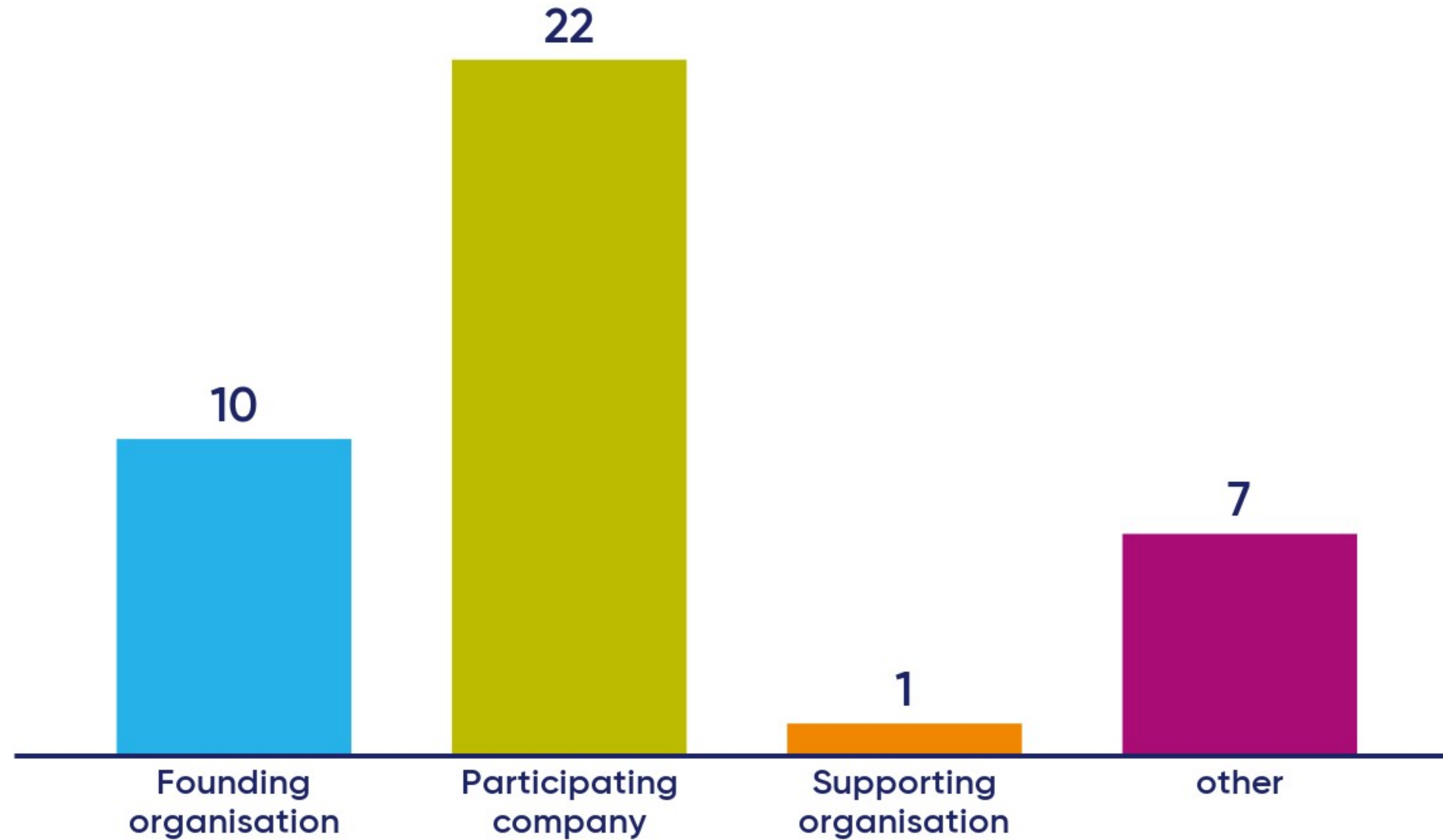
Breakout on Garments and Textile

- Welcome!
- Speakers:
 - Dieuwertje Heijl, Arisa
 - Faye Donker, WE Fashion
 - Margreet Vrieling, FWF
- Moderator:
 - Jef Wintermans, SER
- Program:
 - Short introduction AtR within AGT
 - Experiences of a participating company: WE Fashion
 - Working towards improved AtR: FWF and AGT
- Interaction via MentiMeter

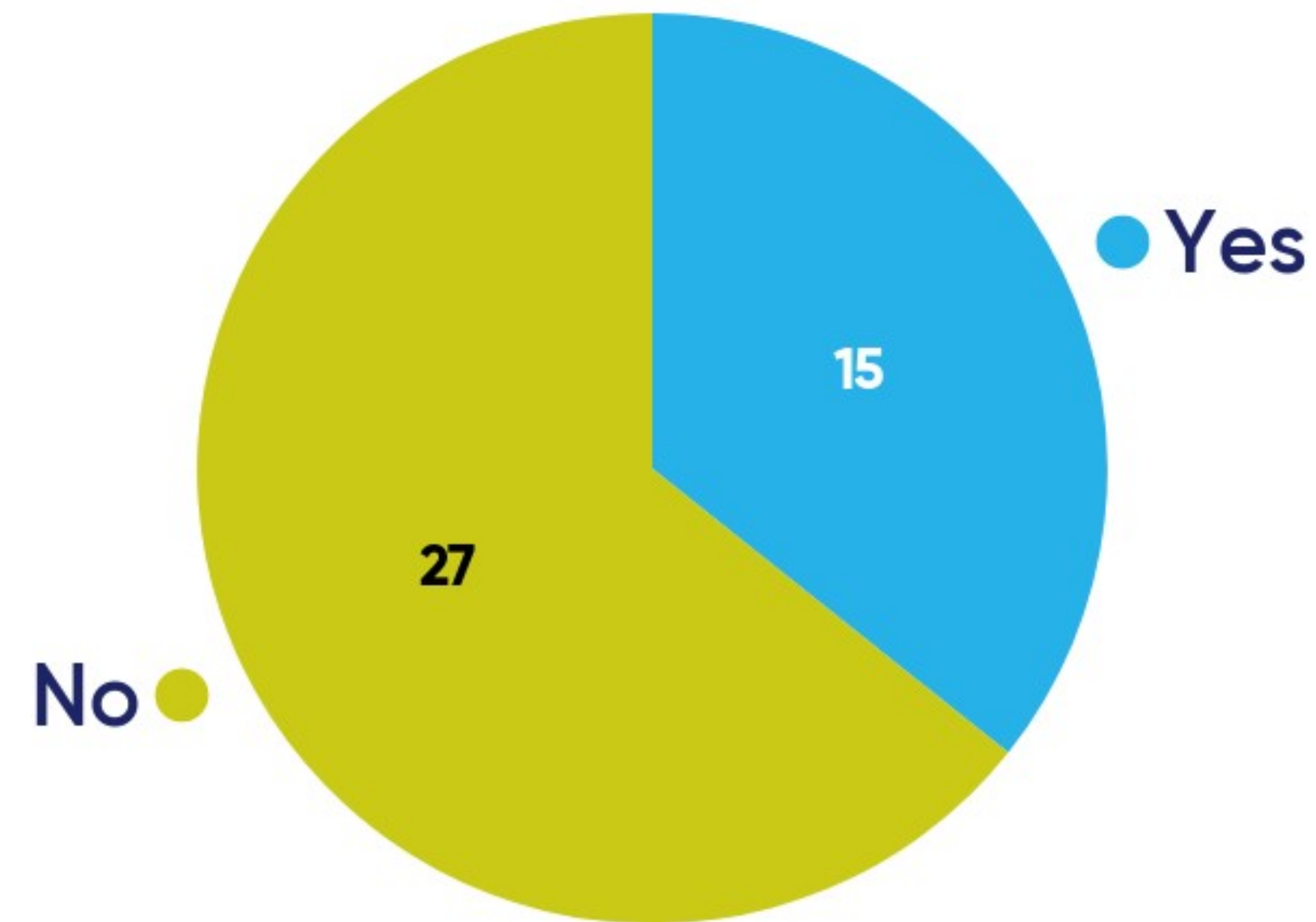
Who's attending?



Who's attending?



Have you handled a worker complaint before?





Key element of the AGT: OECD based due diligence



Source: OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector <http://mneguidelines.oecd.org/responsible-supply-chains-textile-garment-sector.htm> and OECD Due Diligence Guidance for Responsible Business Conduct <https://mneguidelines.oecd.org/due-diligence-guidance-for-responsible-business-conduct.htm>.



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We support and strengthen the defence of human rights in
South Asia from the Netherlands together with local
organisations.



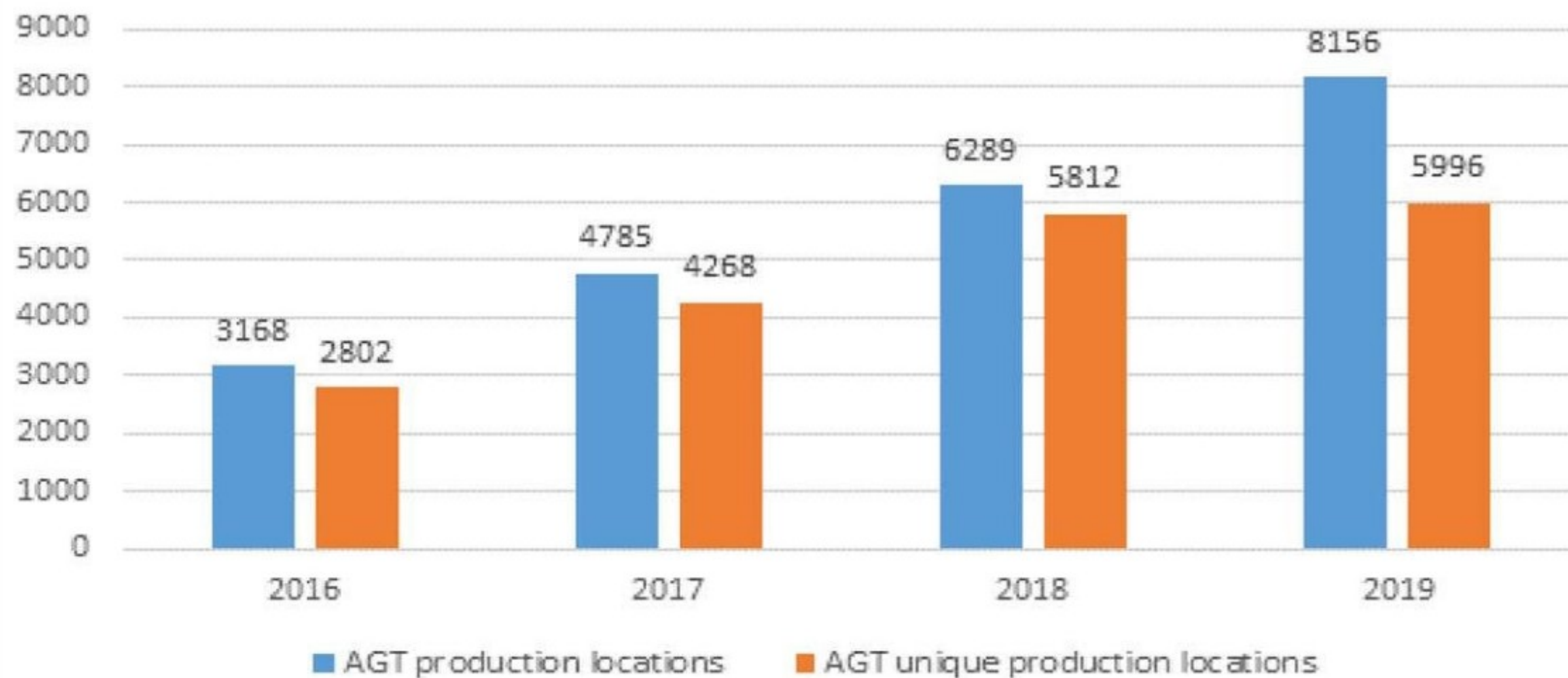
Access to remedy in AGT

- Complaints and Disputes Mechanism of AGT; two routes:
 - Raising an issue
 - Filing a complaint
- Collective projects

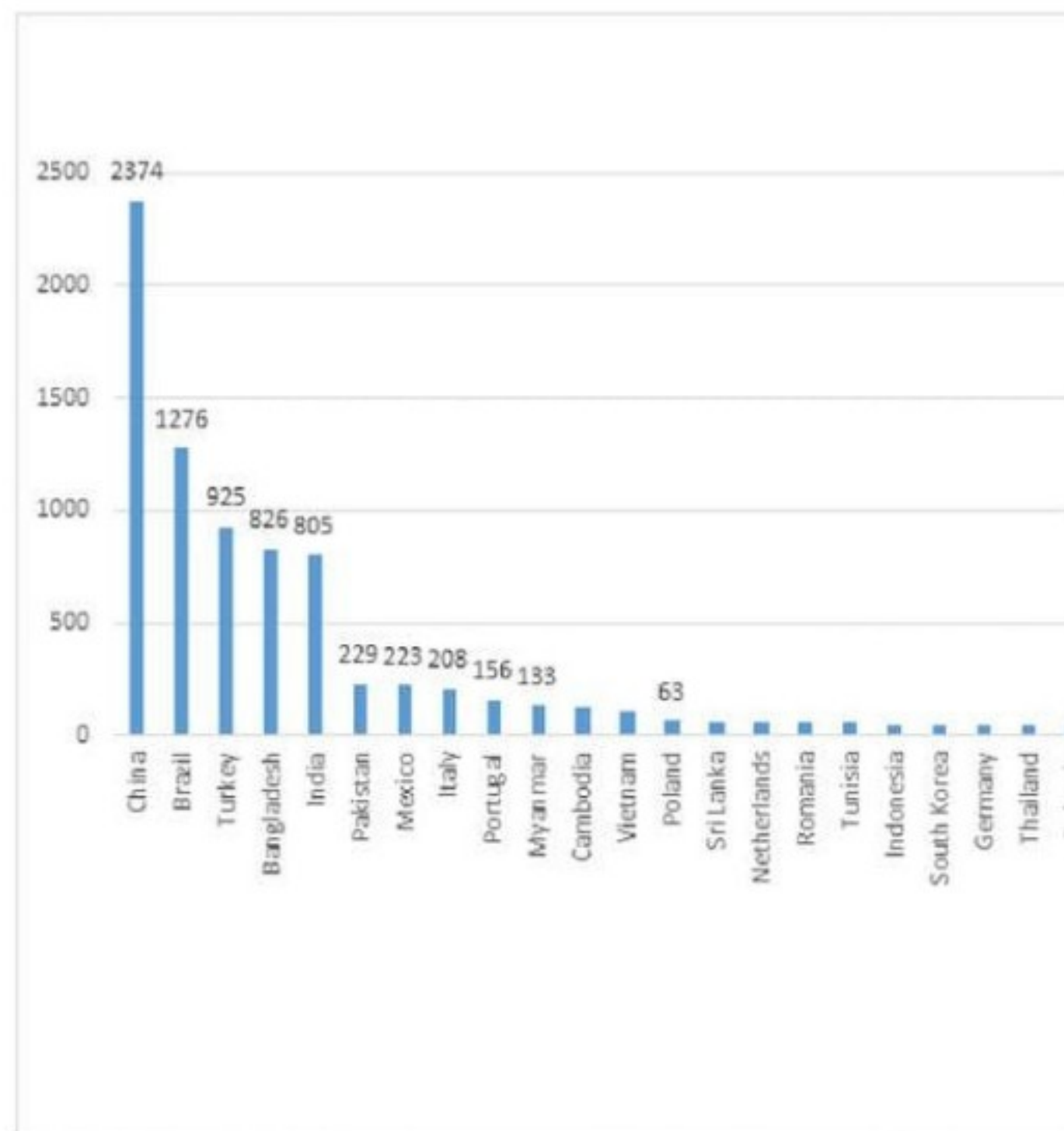


Aggregated production location list

Growth # AGT production locations on
aggregated public list
publication date: 08-10-2020



Over 8000
locations in 40
countries

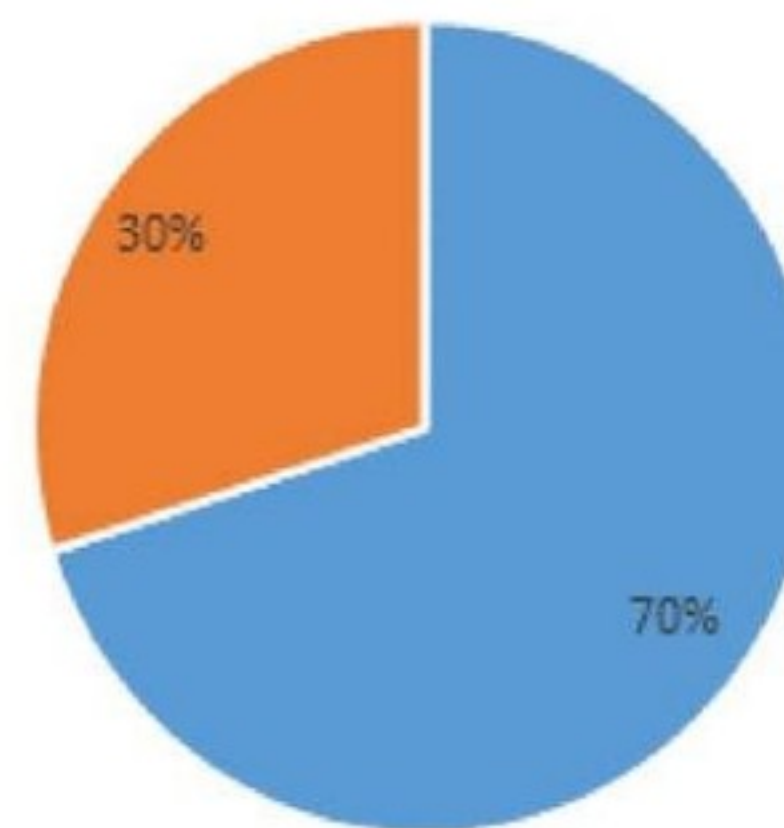




Transparency is key

Number of AGT signatories publishing production locations on OAR, at aggregated level: 14, covering 70% of locations

Overview of production locations that can be traced back to individual AGT companies on OAR



- # of AGT production locations who can be traced back to AGT company on OAR
- # of AGT production locations who can be traced back to AGT aggregated list on OAR only



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Transparency is key

Open Apparel Registry

openapparel.org/?contributors=139&countries=IN

OPEN APPAREL REGISTRY
The open map of global apparel facilities.

FACILITIES SEARCH GUIDE

Search a Facility Name or OAR ID
Facility Name or OAR ID

Filter by Contributor
Agreement on Sustainable Garments and Textile (AGT) x

Filter by Contributor Type
Select...

Filter by Country Name
India x

[Report an issue](#) [RESET](#) [SEARCH](#)

Total facilities: 22416

FEWER FACILITIES MORE FACILITIES



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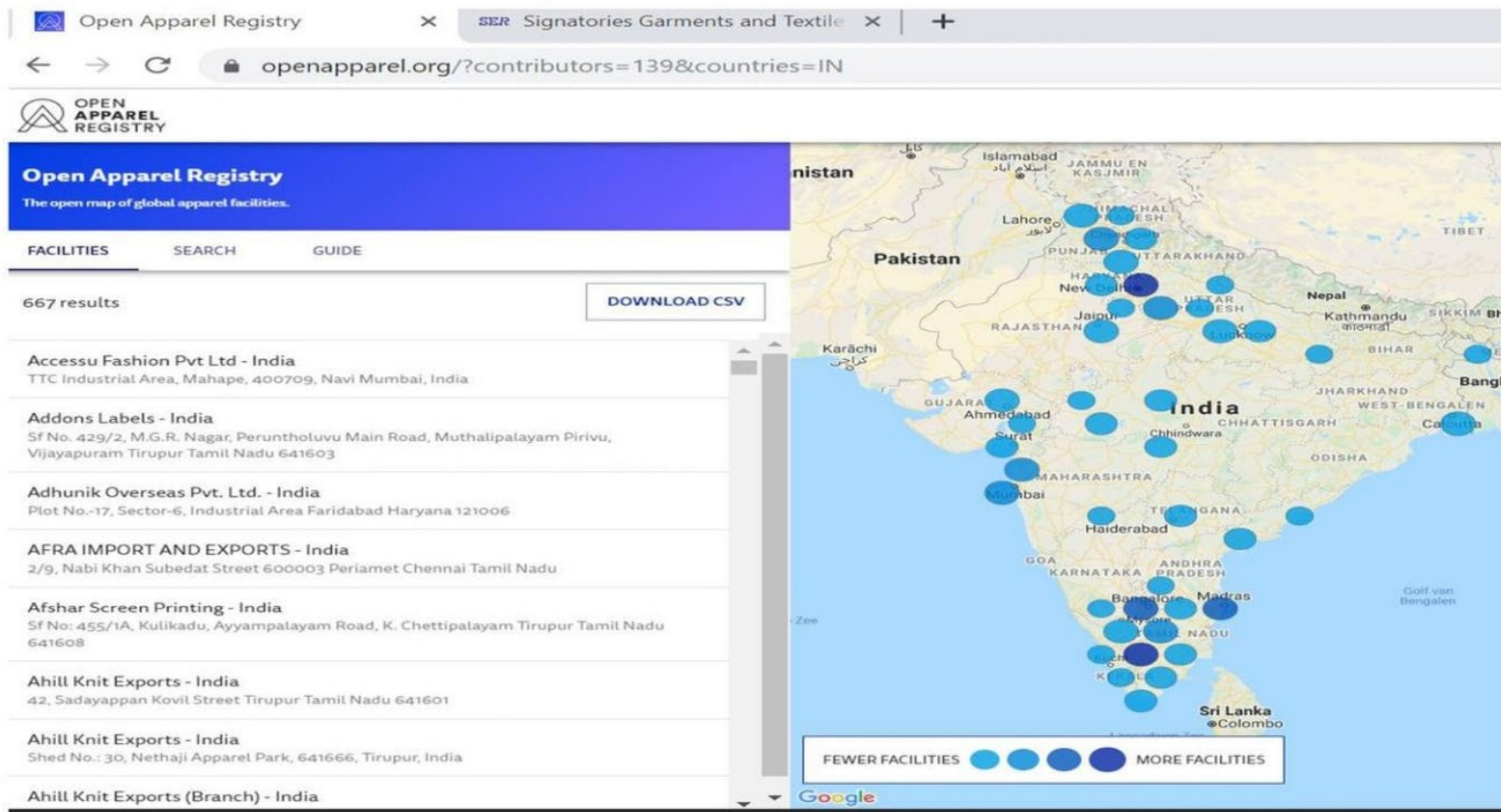
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Transparency is key

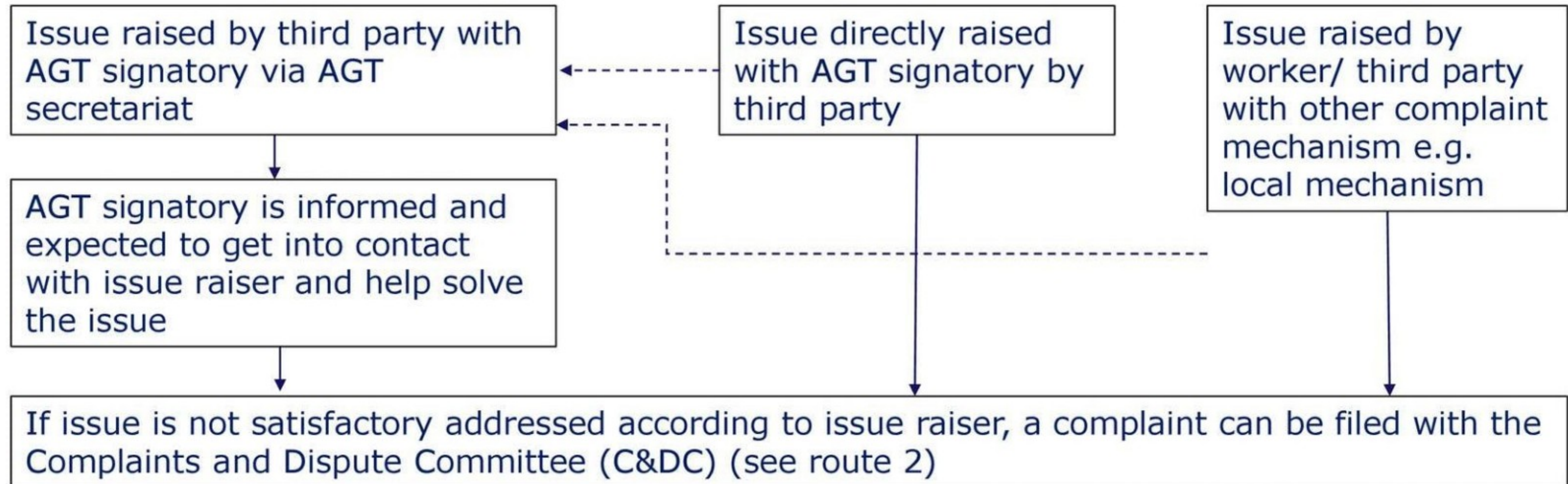




Complaints and Dispute mechanism of AGT

Route 1: Raising an issue via the AGT Secretariat

Route 1: Raising an issue via other ways





Complaints and Dispute mechanism of AGT

Route 2: Filing a complaint with the Complaints and Dispute Committee

Pre-condition: complainant has tried to solve the issue amicably with AGT signatory

C&DC: handling complaint -> admissibility check -> handling complaint e.g. hearings
-> decision: (partially) unfounded / well founded & binding / non-binding
recommendations and/ or duty to remediate -> publication of ruling.

AGT secretariat: follow-up compliance with ruling by AGT signatory. If AGT signatory
does not follow-up the ruling the AGT Steering Committee (SC) is informed.

AGT SC: can decide to 1) place suppliers on a 'black' list, 2) AGT parties can publicly
report about failure to follow-up ruling by AGT signatory, 3) AGT signatory can be
expelled from AGT



More information

See AGT website (<https://www.imvoconvenanten.nl/en/garments-textile>)

- Agreement on Sustainable Garments and Textile
- Rules of Procedure of Complaints and Dispute Mechanism

Raising an issue: agtsecretariat@ser.nl

Filing a complaint: AGT-complaints@internationalrbc.org



Usage of Complaints and Dispute Mechanism

Issues:

How many cases	Countries	Status	Issues
33 since 2017	Myanmar, China, India, Turkey, Bangladesh, Indonesia, North-Korea	14 solved, 19 on going	FoA, minimum and living wages, child labour, forced labour, health and safety, suicide, worker protests

Complaints:

- Complaint filed by SKC and SOMO in 2020 (see website SKC & SOMO)

Klacht tegen C&A ingediend bij kledingconvenant; retail-gigant pakt problemen bij toeleverancier in Myanmar niet aan. UPDATE: klacht ontvankelijk verklaard!

Gepubliceerd 2 juli 2020

De arbeidsrechtenorganisatie [Action Labor Rights](#) (ALR) uit Myanmar, [Schone Kleren Campagne](#) (SKC), en [SOMO](#) dienen een klacht in over kledingbedrijf C&A bij de klachten- en geschillencommissie van het Nederlandse Convenant Duurzame Kleding en Textiel. Reden is de ondermaatse inspanning van C&A om problemen aan te pakken bij kledingfabriek Roo Hsing in Myanmar (Birma). Het management van de Roo Hsing-

What barriers do you experience regarding the complaints and disputes mechanism of the AGT?

Not easy to find

transparency

Outreach to workers, understandable process for them

Language

Lack of technical knowledge of and/or access to digital means

complicated process

Is it doing what it should do, protect workers?

I have not experienced barriers since I only study them (academically)

Complex, unknown

What barriers do you experience regarding the complaints and disputes mechanism of the AGT?

Lack of knowledge by the workers on how to reach or use the mechanism

Not operational in production countries

Complicated

Awareness of the AGT complaints mechanism in general. Many companies will (probably) more actively use FWF / BSCI complaints mechanism.

Requirement was if we could give follow up. We could bit guarantee as topic was not iour main specialty

Lack of existence

Workers are not aware of the mechanism

Transparency

Accesibility

What barriers do you experience regarding the complaints and disputes mechanism of the AGT?

Accessibility and awareness

Position in relation to other (local) mechanisms

I do not experience barriers (do not work with AGT), but how is gender incorporated?

cultural standards/expectations in the respective countries
accessibility of the mechanism to workers

complicated

Lack of knowledge

Limited worker access



Collective projects

Different collective projects are ongoing or in start-up phase:

- **Wet Processing / Cleaner Production** (China, Solidaridad in the lead)
- **Freedom of Association:** 'Amplify' (various countries, FNV and CNV in the lead)
- **Factory support program:** continuous improvement of labour conditions in Tamil Nadu, India'

Project partners:

Arisa, Mondiaal FNV, local NGO SAVE, Euretco, Fabienne Chapot, HEMA, O'Neill,
Prénatal, The Sting and WE Fashion

Supported by: the Fonds Verantwoord Ondernemen



Factory support program

- Participating companies gain **insight in supply chains**, improve policies and practices on **social themes** and **purchasing practices**
- Establishing functional **worker-management committees** in 75 production locations in the supply chains of participating AGT signatories
 - Works committee/ Grievance redressal committee
 - Internal complaints committee
 - Safety & Health committee
 - Canteen Committee
- Establishing a **peer support systems** in 35 workers' **hostel facilities**
- Collaboration with **Trade Unions**
- Running a **regional workers' helpline** and linking the helpline with the complaint's mechanism of the AGT

ACCESS TO REMEDY AT WE FASHION



How do we receive complaints?

- Social audit reports
- Email from Bangladesh Accord
- Email from NGO
- Email from AGT
- Country reports from NGO's



What do we look for in social audits?

- Issues related to worker involvement, freedom of association, discrimination, fair remuneration, working hours, occupational health & safety, child labour, young workers, precarious employment, bonded labour, environment and ethical business behavior.
- Effectiveness of the Grievance Mechanism (are complaints filed, documented and remediated?)

Issues reported during a social audit:

- Request more information from the supplier by email
- Request their remediation plan within 60 working days
- Approve the plan or ask for more details/ offer help
- Inform the buyers to discuss this during their next visit
- Follow up on that plan 3 months prior to the next audit
- After 1 year re-audit





Other complaints:

- Do research on the complaint
- Get more information from local NGO
- Contact other brands at the factory
- Contact the supplier by email with a request for more information
- Request their remediation plan
- Inform buyers to discuss this during their next visit
- Involve local NGO to help and/or check on the remediation

- Send information on effective Grievance Mechanisms
- Provide training on topics where most issues are found
- Improve own buying practices
- Join MSI projects to improve Access to Remedy for workers

WE and AGT for Access to Remedy:

- Share received complaints and our remediation during annual report
- Receive training on several topics
- Access to work together with other brands
- Follow up from secretariat on issues (f.e. cooperation with other brands during Covid lockdowns)

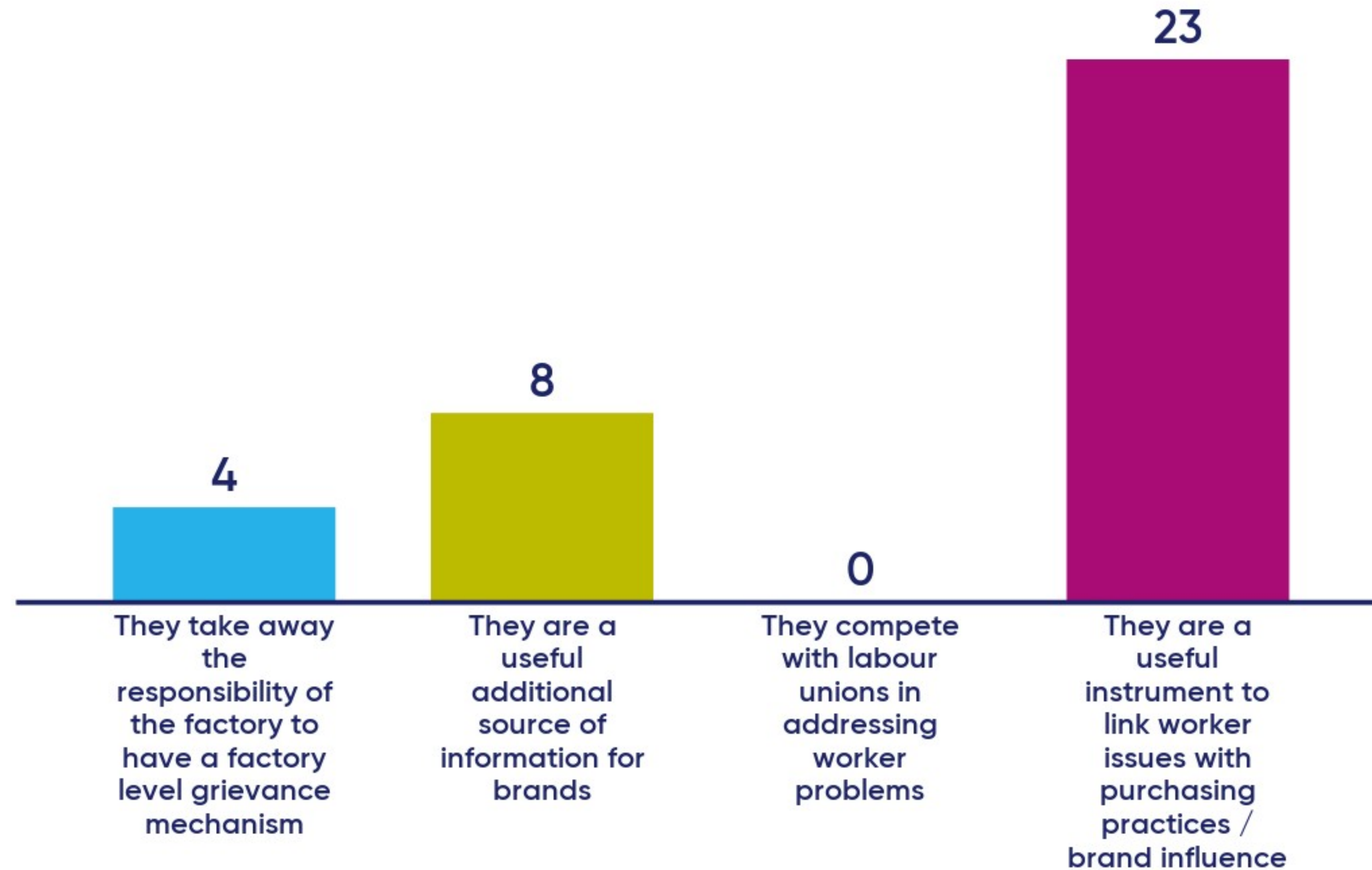
THANK
YOU!

WEAR *FAIR*

- *Margreet Vrieling*
- *9 november 2020*

**Providing a channel for workers,
suppliers and stakeholders
to adress rights violations**

What is your view on a MSI managed complaints mechanism?



Role Fair Wear on complaints

- To provide operational system
 - Channel for workers/stakeholders
 - Additional source in HRDD
- Engage with stakeholders
- Investigate the issue independently
- Verify the remediation
- Reporting
- Local team in 11 countries, but process can also be used in others

Member brand responsibilities



ENSURING AWARENESS AND
COMMITMENT OF ALL
SUPPLIERS



ENSURING WORKERS ARE
INFORMED



DESIGNATING AN
EMPLOYEE/ENSURING
AVAILABILITY



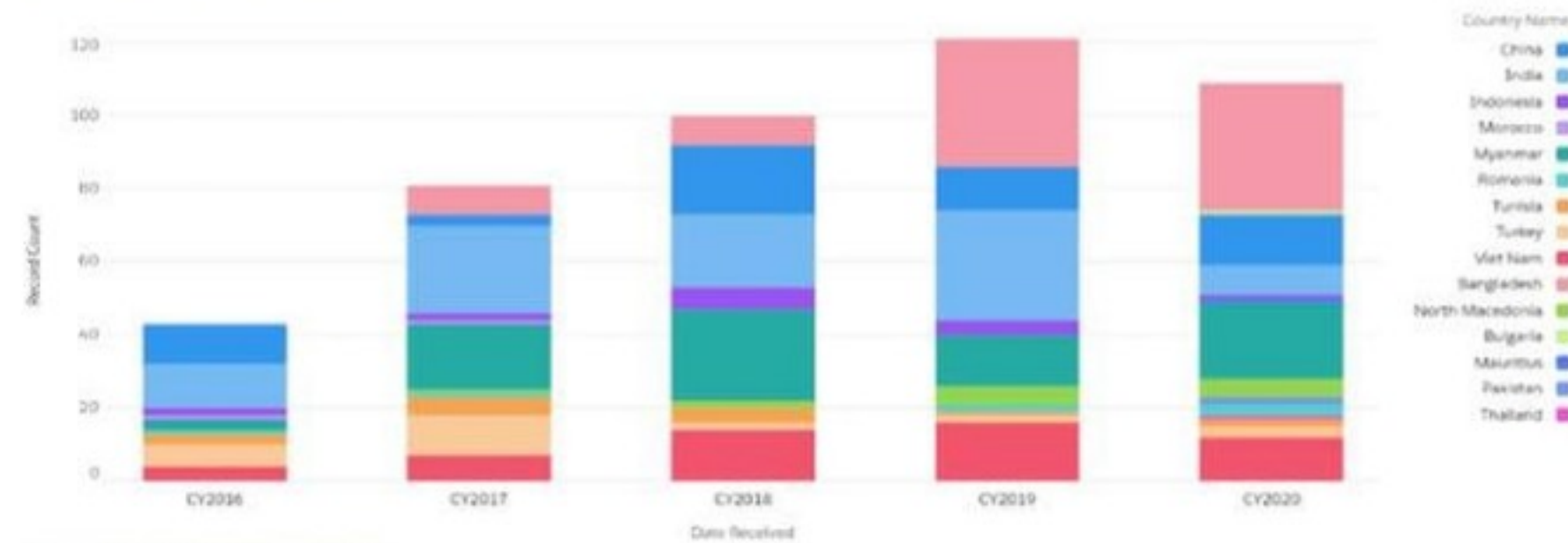
COMMUNICATION WITH
SUPPLIER



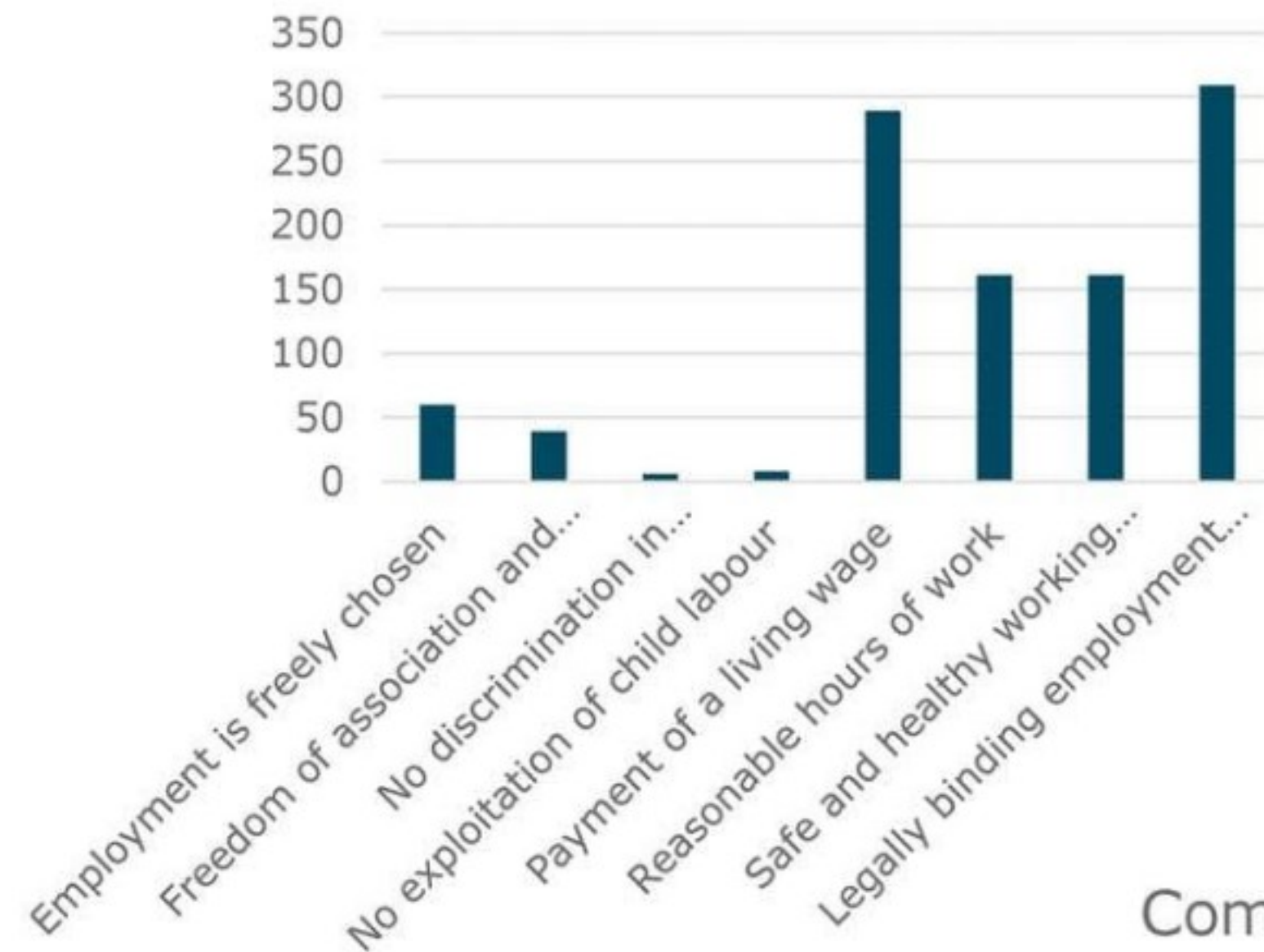
FOLLOW UP ON
REMEDIATION PLAN WHEN
COMPLAINT IS GROUNDED
AND ENSURE
IMPLEMENTATION

Complaints received

Admissible complaints since 2016



Oct 21, 2020 10:33 AM - Viewing as Joska Rothold



Complaints related to labour standards

- > 120 adimissable complaints a year
- Most related to wages, employment relationship
- Some urgent: related to use of violence, harasssment, abuse of power
- > 90% from workers



Examples of issues dealt with

Mass dismissals of union members

Part was reinstated, part got severance payment,
union was allowed as negotiating partner

Pregnant worker was forced to
resign

The worker continued to be
employed and training
management AHC was improved

Excessive overtime till late, workers don't
feel free to refuse, and don't feel safe

Excessive overtime reduced, worker feels
more free to refuse when overtime is asked.

Complaints mechanism only part of access to remedy

- Role of brands/responsible business conduct platforms
 - HRDD, monitoring, remediation
 - Engaging with worker representatives/unions
 - Facilitating factory level grievance mechanisms
 - **And:** provide a trustworthy, independent channel accessible for workers

THREE PILLARS of the UN GUIDING PRINCIPLES



Important for the mechanism to work

- Accessibility; language
- Awareness and Trust
- (Fair Wear as) Independent assessor
- Link to purchasing practices/influence
- Transparency/accountability
- Integration in coherent system

Challenges

- Avoiding multitude of mechanisms
- More ownership for local systems vs access to brands
- Defining (aligning on) remediation
- Cooperation among customers of same production location

Cooperation

Cooperation
with AGT/PST

CaRe Platform
(PST, AGT, FLA,
ETIs, Accord,
Amfori)

Cooperation AGT/PST

- Exploring next steps in the development of the mechanism
- Including number of brands of AGT/PST in mechanism Fair Wear
- Exploring parameters for jointly usable mechanism
- Strengthening role of local stakeholders



www.fairwear.org