

## Promoting Access to Remedies

*The role of the AGT Secretariat and of the AGT Complaints and Dispute Mechanism*

### Introduction

The Dutch Agreement on Sustainable Garments and Textile (hereafter: 'AGT') aims to achieve substantial progress towards improving the situation for groups experiencing adverse impacts in respect of specific risks in the garment and textile production or supply chain. For more information about the AGT, click [AGT](#)

Since the AGT is based on the UNGP's and the OECD Guidelines for Multinational Enterprises (2011)\*, companies adhering to the AGT (hereafter: 'companies') are expected, and promise, to implement due diligence. Providing access to remedies is thus part of their responsibilities.

\* OECD (2011), OECD Guidelines for Multinational Enterprises, OECD Publishing, <http://dx.doi.org/10.1787/9789264115415-en>, ISBN 978-92-64-11528-6 (print) ISBN 978-92-64-11541-5 (PDF); see especially Chapter IV, para 6.

In response to indications of various origin, this paper aims to clarify the way in which the AGT Secretariat and the AGT Complaints and Dispute Mechanism (hereafter: 'CDM'), each as such as well as in combination, on the one hand provide opportunities for those experiencing negative impacts to access remedy and on the other hand support companies in offering access to remedies.

## Two Routes

### Raising an issue and Filing a complaint

Within the working sphere of the AGT, two different routes are offered for providing access to remedy. First, there is a route of raising an issue. In this route, the AGT Secretariat plays a role. Next to that, making use of a second route, a complaint can be filed. In this phase, the CDM is involved. Both routes are explained in more detail below.

#### Route 1 Raising an issue

In order to allow those who are negatively impacted in a supply chain, or their representatives, ('rightsholder(s)') to access remedy from the AGT companies involved, the AGT Secretariat annually publishes an aggregated list of all production locations that are involved in supplying one or more of the companies: the so-called 'production location list'. Since 2019, the AGT production location list can be found and easily searched at OAR: <https://openapparel.org/?contributors=139>.

##### **How can issues be raised with companies?**

Any third party can raise issues concerning (alleged) negative impacts concerning production locations on the list with the AGT compan(y)(ies) involved via the AGT Secretariat: [AGTsecretariat@ser.nl](mailto:AGTsecretariat@ser.nl) or +31 (0) 70 3499 630.

By means of raising issues, NGOs and trade unions can contribute to AGT companies' due diligence. It is expected that companies take 'appropriate action' to help resolve the issues encountered. What 'appropriate action' looks like, will depend for example on the situation and the link to the issue.

Open dialogue between the organisation addressing the issue and the compan(y)(ies) is essential in understanding the challenges and bottlenecks that signatories may encounter in addressing the issue and for deciding on next steps towards (possible) solutions. AGT parties commit to sharing their knowledge, experience and steps AGT companies can take to help resolve issues in their supply chain.

##### **What happens after an issue is raised?**

After an issue is raised, the AGT secretariat will contact the respective company(y)(ies) (those who have indicated to source from the factory or factories concerned), to request them to do their due diligence and aim help resolve the situation.

Companies are advised to contact the organisation / person who has raised an issue / (alleged) negative impact directly. AGT companies are also expected to enter into a dialogue with their supply chain to understand the situation better and to contribute to solutions.

##### **What is expected from the AGT secretariat, the AGT companies, the organisation that brings the issue to the light and AGT parties?**

The [AGT secretariat](#) will share the issue within one week with the company(y)(ies) concerned. As part of the account management, the AGT secretariat checks in with the company(y)(ies) to assess whether they do their due diligence and whether the complaint / issue is taken seriously. If needed, the AGT secretariat introduces the complainant and the company(y)(ies) to each other, so they can engage directly. The AGT secretariat can also connect an AGT company with other companies who source from the same production location, if applicable.

[AGT companies](#) are expected to do what is in their power to help resolve the issue. What can reasonably be expected differs from case to case and depends for example on the issue, the linkage with the supplier / production location where the issue takes place and the leverage of the AGT brand. It is up to the complainant and the AGT company

together to define what appropriate action means and what timeliness are deemed appropriate in the case at hand. If needed the secretariat (account manager) can help facilitate the dialogue.

[The organisation that brings the issue to the light](#) needs to be able to provide the brand/retailer with sufficient information to address the issue properly. Sometimes, supply chain partners do not recognise the complaint. In that case it is essential that the complainant can provide the brand sufficient information to engage in a good conversation. It is very important that the complainant can also verify if the issue is really resolved, when the supply chain partners indicate that is the case.

It is also expected that [organisations – particularly AGT parties](#) - support AGT companies to identify what remedial action is appropriate in the local context and given the situation at hand. When the organisation addressing the issue, secretary and/ or signatory(ies) are aware of another MSI or organisation that is taking up the specific issue, collaboration with this MSI or organisation can be a possible step towards resolving the issue.

For an overview of what is expected from the different stakeholders involved in this route, please see the annex to this note.

## Route 2 Filing a complaint

When creating the AGT, its' founding parties wanted to introduce an additional route for rightsholders to access remedy. They did so by creating an independent Complaints and Dispute Mechanism (CDM), attributed with the power of issuing and publishing binding rulings. The CDM was established in 2017. It published its' Rules of Procedure in 2018. The CDM Rules of Procedure were amended in 2019. For more information on the CDM, read more here: [CDM](#)

## Promoting Access to remedy by making use of Route 1 and Route 2

Since the AGT Dispute & Complaints Mechanism is independent, there is no (formal) link between the AGT and the DCM. However, in Article 9.1 of its' Rules of Procedure, the CDM states that parties should attempt to resolve the issue amicably prior to submitting a Complaint.

Thus, if AGT signatories (companies) in the eye of a rightsholder or its' representative(s), do not address the issues raised to a satisfactory degree, after having contacted the AGT Secretariat via Route 1, or after having tried to resolve the issue with the AGT companies in a different way, the complainant can make use of Route 2 and file a complaint at the AGT independent CDM.

## Annex

Step	Who	What	Specification	When
1	Organisation raising an issue (with or without insight in linkages with signatory(ies))	Contact the secretariat for information on linkages with signatories, after checking at OAR ( <a href="https://openapparel.org/?contributors=139">https://openapparel.org/?contributors=139</a> )	In communication (by phone and) follow-up email in English about the issue: <ul style="list-style-type: none"> <li>• Provide an explanation of the issue</li> <li>• Share sufficient information about the issue for having a meaningful dialogue (incl. linkages with signatory(ies), if known by the organisation raising the issue)</li> <li>• Include an invitation to jointly think about next steps towards solutions</li> </ul>	As soon as possible after the organisation identified the issues or is informed about the issues through others (e.g. local partners, networks etc.)
2	AGT Secretariat	Checks linkages known to the AGT Secretariat via the production location list	<ul style="list-style-type: none"> <li>• Checks direct and indirect linkages of signatory(ies) sourcing from the production location where the issue is identified based on production location data submitted to the AGT</li> </ul> In communication to signatories: <ul style="list-style-type: none"> <li>• Requests signatory(ies) to enter into direct contact with the organisation raising the issue.</li> <li>• In case of multiple linkages requests willingness of signatory(ies) to engage with other signatory(ies)</li> </ul>	Within one workweek
3	AGT Signatory(ies)	Enters into dialogue with the organisation raising the issue and engages with supplier(s) involved	<ul style="list-style-type: none"> <li>• In dialogue with the organisation determine feasible next steps and desired outcome, including timeline</li> <li>• If possible and desirable, the organisation raising the issue facilitates contact with a local organisation (e.g. NGO, Labour Union) in case this is relevant for gaining more information about the issue and resolving the issue</li> <li>• Engages with the supplier involved to discuss the issue and try to resolve the issues</li> </ul>	
4	AGT Signatories and organisation raising the issue	AGT Signatory(ies) give updates on next steps and outcomes to the organisation raising the issue The organisation raising the issue gives updates on local developments to signatory(ies), if known.	Discuss findings, challenges, ideas towards solutions openly aiming at resolving the issue; until sufficient actions are taken and/ or desired outcomes are met.	Update given by signatory(ies) and organisation raising the issue. Regularly, aiming for once a month.
5	AGT Secretariat (account manager)	Follow up in assessment meeting	During annual assessment check-in on the issue of concern and steps that have been taken In case the organisation is of the opinion that there is insufficient progress, touch base with the signatory(ies) to understand delay and possible concerns.	
6	Organisation raising the issue	If AGT signatory is not taking sufficient action according to the complainant, the complaint can be escalated to the complaints committee.	Last resort: in case the signatory(ies) have taken insufficient steps and/ or did not act timely (as per the urgency of the issue), the organisation raising the issue can submit a formal complaint to the Complaints and Dispute committee of the AGT and/ or publicly communicate about the issue	