

## Third-Party Complaint Procedure

The FLA is a multi-stakeholder initiative involving companies, non-governmental organizations (NGOs) and colleges and universities in a collaborative effort to improve workplace conditions worldwide.

The Third Party Complaint procedure was established to strengthen the **FLA system** by serving as a vehicle through which any person or organization can confidentially report to the FLA about any situation of serious noncompliance with the **FLA Workplace Code of Conduct** or **Principles of Monitoring** with respect to the production facilities of **FLA-affiliated companies**.

### FAQs

#### 1. What is a third-party complaint?

A “third-party complaint” is a report of an FLA Code violation at a factory that manufactures products for an FLA-affiliated company.

Any individual or group – such as a community organization, NGO, union or relative of a worker – may file a third party complaint with the FLA on behalf of one or more workers employed at a factory producing for FLA companies. This procedure is designed to offer “third parties” (individuals or groups that are outside the factory workforce) a confidential reporting channel to report serious violations of the FLA Code of Conduct to the FLA.

#### 2. How do I know whether a labor problem at a factory is a violation of the FLA Code of Conduct?

The FLA Code of Conduct sets a *baseline* standard for working conditions in factories used by FLA-affiliated companies. In cases of conflicts or differences between the local or national law and the provisions of the FLA Code, companies are obliged to apply the higher standard.

Therefore, a situation in which a factory is mistreating workers or interfering in the exercise of their rights is likely to constitute noncompliance with the FLA Code.

Some examples of FLA Code violations include cases where:

- Child workers (workers who are younger than the legal minimum age) are known to be working in the factory (Child labor).
- Workers are unfairly dismissed for trying to organize a union (Freedom of association).
- Workers are physically barred from leaving the factory premises during work hours (Forced labor).
- A certain category of workers, such as female or migrant workers, is systematically discriminated against (Discrimination).
- Workers’ wages are withheld as a form of discipline (Harassment and abuse).

In addition, if you have evidence that a factory is illegally subcontracting production to a smaller factory where labor abuses are taking place, this should be reported to the FLA.

### **3. How do I know whether a factory produces for FLA companies?**

There are over 1900 **companies** and 185 **colleges and universities** affiliated in some capacity with the FLA. These lists are kept updated on the FLA web site. Please check these lists to determine whether a factory produces products for an FLA-affiliated company or college or university.

You may also want to consider the following:

- Are workers sewing labels onto garments or other products in the factory? If so, check the labels against the names of companies on the FLA web site.
- Have workers seen posters in the factories that have brand names on them, such as company codes of conduct? Make a list of these companies.
- Is the factory listed in the **Factory Database** [link] posted on the FLA web site? (Please note that this database does not list all FLA applicable factories. It only provides the names and locations of factories used in the production of goods for FLA-affiliated colleges and universities.)

If you are still unsure as to whether the factory in question produces for an FLA company, you should contact the FLA staff.

### **4. Why should I use the third-party complaint procedure?**

Through your involvement in the FLA third party complaint system, you are playing an essential role in holding companies accountable for the conditions under which their products are produced.

- a. What the third-party complaint procedure does:
  - Allows third parties to bring serious situations or patterns of noncompliance with the FLA Code to the attention of the FLA.
  - Gives a voice to workers' concerns that is confidential and independent of the factory's internal procedures.
  - Identifies problems so that the FLA can work to remediate the situation in an appropriate and timely manner.
- b. What the third party complaint procedure does not do:
  - Replace or undermine the existing internal channels for relaying grievances at a factory.
  - Guarantee that a problem can or will be resolved immediately.

### **5. How can I make a complaint?**

To send a complaint by mail, e-mail or fax, we encourage you to download and fill out the **FLA Third Party Complaint Form**.

If you would like to report a situation by phone, you can do so by providing the FLA with the following basic information:

1. The factory name and location.
2. A person to contact to discuss the complaint.
3. An explanation of the Code violation. Please provide as much detail and information as possible, including the date or time period of the incident.

4. If you have already reported the problem to the factory, a buyer, a local labor authority, trade union or other organization, please describe the outcome.
5. Please list any known FLA companies that contract production in the factory.

#### **6. Is my complaint confidential?**

If you would like your identity as the complainant to remain confidential from the FLA-affiliated company using the factory in question, the FLA staff will honor this request. Please indicate on your complaint form or in the information you provide the FLA whether you would like your identity to remain confidential with the FLA.

#### **7. Where should I send a complaint?**

Complaints can be made directly to the FLA office or via another institution that could reasonably be expected to pass them along to us, such as accredited monitors or members of the FLA's NGO Advisory Council.

Complaints sent to the FLA should be sent to the attention of the FLA staff listed below:

Jorge Perez-Lopez  
Director of Monitoring  
[jperez-lopez@fairlabor.org](mailto:jperez-lopez@fairlabor.org)

Fair Labor Association  
1505 22<sup>nd</sup> Street, NW  
Washington, DC 20037 USA  
Tel. +1-202-898-1000  
Fax. +1-202-898-9050  
[www.fairlabor.org](http://www.fairlabor.org)

#### **8. What happens after I make a complaint?**

Complaints that include the information mentioned above and in the Third Party Complaint form will be reviewed by FLA staff. Complaints with a verifiable violation of the FLA Code of Conduct will be investigated by FLA staff, and when necessary, the FLA Executive Director will initiate steps involving relevant actors in the factories – including the applicable FLA company(ies), factory management, monitors, unions and NGO partners – to resolve the problem.

## **FLA WORKPLACE CODE OF CONDUCT**

**Forced Labor.** There shall not be any use of forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise.

**Child Labor.** No person shall be employed at an age younger than 15 (or 14 where the law of the country of manufacture\* allows) or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15.

**Harassment or Abuse.** Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

**Nondiscrimination.** No person shall be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin.

**Health and Safety.** Employers shall provide a safe and healthy working environment to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employer facilities.

**Freedom of Association and Collective Bargaining.** Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

**Wages and Benefits.** Employers recognize that wages are essential to meeting employees' basic needs. Employers shall pay employees, as a floor, at least the minimum wage required by local law or the prevailing industry wage, whichever is higher, and shall provide legally mandated benefits.

**Hours of Work.** Except in extraordinary business circumstances, employees shall (i) not be required to work more than the lesser of (a) 48 hours per week and 12 hours overtime or (b) the limits on regular and overtime hours allowed by the law of the country of manufacture or, where the laws of such country do not limit the hours of work, the regular work week in such country plus 12 hours overtime and (ii) be entitled to at least one day off in every seven day period.

**Overtime Compensation.** In addition to their compensation for regular hours of work, employees shall be compensated for overtime hours at such premium rate as is legally required in the country of manufacture or, in those countries where such laws do not exist, at a rate at least equal to their regular hourly compensation rate.

\* \* \*

Any Company that determines to adopt the Workplace Code of Conduct shall, in addition to complying with all applicable laws of the country of manufacture, comply with and support the Workplace Code of Conduct in accordance with the Principles of Monitoring and shall apply the higher standard in cases of differences or conflicts. Any Company that determines to adopt the Workplace Code of Conduct also shall

require its licensees and contractors and, in the case of a retailer, its suppliers to comply with applicable local laws and with this Code in accordance with the Principles of Monitoring and to apply the higher standard in cases of differences or conflicts.

\*All references to local law throughout this Code shall include regulations implemented in accordance with applicable local law.