



**Complaints, Allegations and Appeals
Operating Procedure**

**Version: V2.1
Supersedes: V1**

Change History

Version	Date of Publication	Changes Made
V1	June 2016	First Version Approved by Fairtrade International Assurance & Oversight Committee
V2.1	September 2020	<ul style="list-style-type: none">• What information is required when making an allegation• Updates to processing an application• Updates to the allegation decision process• Addition of Confidentiality of Allegations• Addition of guiding principles of effective complaints handling

1. Purpose

The purpose of this document is to describe Fairtrade America’s procedure for dealing with complaints, allegations and appeals. This procedure reflects Fairtrade America’s commitment to transparency, oversight and compliance with Fairtrade International’s Requirements for Licensing Bodies and Standards.

2. Scope

In order for Fairtrade America to review a complaint, allegation or appeal, the subject of the complaint must fall within in Fairtrade America’s scope, such as:

- Complaints regarding the conduct of personnel, including all staff, Board members, volunteers and contractors;
- Complaints regarding confidentiality, conflict of interest and non-discrimination;
- Complaints or allegations regarding Fairtrade America’s licensees;
- Complaints or appeals regarding Fairtrade America’s licensing decisions.

Complaints and appeals are reviewed and processed according to the procedure outlined below. All personnel investigating a complaints or appeal must be free from any conflict of interest that may influence the outcome of the complaints and appeals process.

Complaints This policy is intended to apply to any complaint, regardless of who makes it. We will accept complaints relating to our paid staff, volunteers, partners, contracted service providers or anyone else acting on our behalf. Any person may make a complaint. Anonymous complaints can be made, however our ability to investigate anonymous complaints may be limited due to the nature of the reporting.

Allegations may be submitted by a third party, claiming that a Fairtrade operator is violating Fairtrade America’s policies and procedures, is damaging Fairtrade America’s reputation or is misusing the FAIRTRADE Mark.

Appeals may only be brought forward by a party about which a licensing decision was made. All decisions related to the status of the applicant operator or licensee remain in force until the complaint is settled.

3. Guiding Principles of Effective Complaints, Allegations and Appeals Process Handling

Partners and employees should consider the following guiding principles of effective complaints, allegations and appeals handling:

Visibility	Our policies are available on the Fairtrade America’s website (fairtradeamerica.org) and internally.
Accessibility	Our policies are readily accessible to all partners, employees and licensees. The policy is easy to understand and includes details on making and resolving complaints.
Responsiveness	Receipt of each complaint, allegation and appeal is acknowledged to the reporter immediately. Complaints, allegations and appeals will be handled in an efficient and effective manner. Reporters will be treated courteously and kept informed of the progress of their submission throughout the handling process.

Objectivity	Each submission is addressed in an equitable, objective and unbiased manner through the complaints-handling process.
Charges	There will be no charge to the reporters making a complaint.
Confidentiality	Personally, identifiable information concerning the reporter is actively protected from disclosure unless the complainant expressly consents to disclosure.
Customer focused approach	All partners and employees of Fairtrade America, including the members of the Board, the Executive Director and the senior management team, are committed to efficient and fair resolution of complaints. We actively solicit feedback from our licensees and producer partners on a regular basis and acknowledge their right to complain.
Accountability	All partners and employees accept responsibility for effective complaints, allegations and appeals handling. The Executive Director will ensure that, where appropriate, issues raised in the complaints handling process are reflected in partner and employee performance evaluation.
Continual	Our complaints, allegations and appeals handling process will be reviewed periodically, to enhance its efficient delivery of Improvement effective outcomes.

4. Submissions

Complaints, allegations and appeals must be submitted in writing to Fairtrade America’s Licensing Department, clearly stating that a complaint, allegation or appeal is being lodged, explaining the nature of the complaint, allegation or appeal and accompanied by documented evidence to support the claim and the signature of the complainant. A complaint or appeal must also contain a full explanation of the perceived problem including dates of events associated with the complaint, allegation or appeal and the names of the involved parties. Complaints, allegations and appeals must be submitted by email to license@fairtradeamerica.org.

4.1. What information is required when making an allegation?

1. Your Contact Information

- a. First Name
- b. Last Name
- c. Email
- d. Phone Number

2. Subject of the Allegation (Party against whom the allegation is to be lodged).

- a. Name of Organization
- b. Product
- c. Country
- d. Contact Information (*if available)
- e. Retailer Carrying the Product (*if available)
 - i. Store Name
 - ii. Phone Number
 - iii. Physical Address

3. Description of the Allegation:

Please describe the issue and attach any supporting material or evidence to support this report.

4.2. What information is required when making a complaint?

1. Your Contact Information

- a. First Name
- b. Last Name
- c. Email
- d. Phone Number

2. Subject of Your Complaint

Party against whom the complaint is to be lodged.

- a. Name
- b. Contact Information (*if available)

3. Description of Complaint

Please describe the issue and attach any supporting material or evidence to support this report.

4.3. Your rights during the complaints, allegations and appeals process

You have the right to enquire as to the status of your complaint, allegations and appeals by contacting the staff member who has been identified to you as handling your submission. Your personal information will be protected from disclosure unless you expressly consent to disclosure. Your submission will be addressed in an equitable, objective and unbiased manner.

5. Processing an Allegation, Complaint or Appeal

- a. Once the complaint, allegation or appeal has been submitted, the Licensing Department opens a case file of the complaint, allegation or appeal, and evaluates whether the complaint, allegation or appeal meets the criteria described above. The Licensing Department submits the complaint or appeal case file for preliminary review by the Leadership Team before moving forward.
 - i. If a complaint or appeal is accepted for review, the Licensing Department notifies the claimant within 10 working days, outlines the next steps of the process and may request additional information from the claimant.
 - ii. If a complaint or appeal is rejected for review, the claimant is informed within 10 working days and provided with an explanation of the rejection. The claimant may amend their complaint or appeal and resubmit. In this case, the Leadership Team will appoint alternative personnel to review the complaint or appeal.
 - iii. If an allegation concerns a purely certification related matter it will be transferred to Fairtrade America's certification body, FLOCERT.
 - iv. The reasons an allegation may not be investigated further are; the organization is not Fairtrade certified or licensed, the allegation is not linked to a breach of the Fairtrade Standard, policies or the allegation has no link to the Fairtrade standards or policies.
 - v. Based on the nature of an allegation, the investigation may take the form including, analysis of the evidence provided, analysis of audit history, statement

from the customer or analysis taken as part of an announced or unannounced audit.

- b. If you are a licensee and the matter comes within the terms of the License Contract, please refer to the dispute resolution clause in the License Contract if you are dissatisfied with the response from Fairtrade.

6. Decision

Once a complaint, allegation or appeal has been determined to have merit, the Licensing Department determines what further action and/or decision-making is needed to address the complaint or appeal. In cases of appeals, the Leadership Team will appoint personnel not involved in the previous decision to review the claim. The Licensing Department or appointed personnel may also request additional information, collate data from other sources or commission an investigation. A corrective action plan for the complaint, allegation or appeal is submitted for review by the Leadership Team.

Once a decision has been made and verified by the Leadership Team, the claimant is informed of the final decision and if applicable steps for remediation within 10 working days. The decision is final and no further complaint against the decision is possible.

7. Documentation

Fairtrade America reserves the right to inform certifiers (FLOCERT), authorities, licensees and the general public of the outcome of complaint, allegation or appeal.

The level of investigation will be commensurate with the seriousness and frequency of the allegation and complaint.

If you are dissatisfied with Fairtrade America's response, you have the right to ask for review of the response by the Executive Director, or if the complaint is in regard to the Executive Director to the Chair of the Fairtrade America Board. Such a request should be made in writing and forwarded by post, email or fax to the address provided above.

If you are still dissatisfied with Fairtrade America's response you may ask the Fairtrade International Oversight Committee to review the complaint. You should address your complaint to the Fairtrade International Assurance Manager, assurance@fairtrade.net

8. Confidentiality of Allegations, Complaints and Appeals

The information received through the allegations, complaints and appeals procedure is handled as confidential information.

Specifically, where Fairtrade America received credible confidential allegation information from a third party, and this information, by its nature, cannot be provided to the operator, then Fairtrade America shall:

- Not disclose the confidential allegations, complaints and appeals to any party except those within Fairtrade America who have a need to know, or as required by law
- Not use the confidential allegations, complaints and appeals during an audit in any way that may allow the operator to identify the individual(s) or organization(s) who provided the information

- Not use the confidential allegations, complaints and appeals as evidence of non-conformity unless the information can be verified as being correct by other means; and
- Use the confidential allegation to identify which areas of the client's operation should be investigated.