Terms of Reference – Fair Wear Special Representative for Human Rights Due Diligence

Leveraging Corporate Sustainability Due Diligence to Create Value for Local Stakeholders

The garment and footwear sector is at the forefront of environmental and human impact in different ways. Highly visible, it is broadly seen as a prominent source of exploitatively low wages and high planetary burden. At the same time, the garment sector has the potential of leading European industry in meaningful due diligence, pushing the bar for a level playing field in responsible business conduct.

A key factor holding back systemic progress are fundamental power imbalances characterising the dominant business model of the sector. Upcoming due diligence regulations can be instrumental in changing this and help solve the persistent human rights violations in the sector by redressing power imbalances.

The shift to due diligence should mean that production country governments and business associations have an interest in reducing risks by improving social and environmental conditions, rather than maintaining or even causing them in the interest of competitiveness. Leveraging new regulation by structurally connecting local stakeholders to brands’ due diligence obligations has the potential to make them an asset rather than a liability in the eyes of industry and government.

This is the paper reality; the actual impact on workers and planet will partly depend on the regulation itself, but even more on its implementation across the global value chain.

Due diligence legislation can be leveraged to empower local stakeholders, but this will not happen without targeted efforts.

Factories and even countries are already being played against each other by industry. The last thing we need is for this to happen to trade unions and other local stakeholders as well. We want to make full use of the DD obligation of brands to engage with stakeholders, but this must be done through a collective approach, with engagement from both production and market countries.

For this to work, local stakeholders must first be made aware of what due diligence is, and how it should be implemented to their benefit. Collective in-country, multi-stakeholder mechanisms must be created and/or strengthened for structural and effective stakeholder engagement.

Realising this momentous opportunity is complex and sensitive, but feasible because it builds on what’s already being done. Fair Wear and partners are actively forging consensus among European MSIs and business associations regarding sectoral standards for responsible business practices. The same goes for STITCH’s continued direct and indirect support to foster strong trade unions and NGOs in production countries. Last but not least, there is a host of knowledge directly available as well as a vast network of local stakeholders to be convened for the public good.
Role of the ‘special representative’ for HRDD

In addition to our highly skilled country managers in the production countries, there is the need for an expert who co-shapes and delivers this message in conversations and speaking opportunities with relevant stakeholders in priority production countries – governments, trade unions and NGOs, industry associations, significantly contributing to capacity building and enhanced understanding. This expert has a thorough understanding of the HRDD context and opportunities, and knows the narrative and approach of Fair Wear and its key trade union partners. The special representative understands the opportunity of leveraging the CSDDD to strengthen the position of production country stakeholders in the interest of worker rights. The expert will work in close collaboration with the country managers, to support their impactful work to leverage HRDD, and CSDDD, to create value for local stakeholders. In this context, the expert will execute work strongly connected to the activities already planned for 2024 to support, catalyse and capacitate Fair Wear’s local teams. In addition, the expert will represent Fair Wear and potentially its key trade union partners, at global and other high-level events to promote the narrative of HRDD.

This expert:
- Is a diplomatic connector. Is able to build bridges (goes beyond conflicting interests), finds a common ground and promotes a shared understanding;
- has great analytical skills to shape the core message as well as apply it in the right way to the different target groups identified as key change makers in this context
- Opens doors for other expert colleagues to enhance impactful access and influence
- Promotes conversations and engagements in challenging/sensitive structures and/or contexts;
- If needed, connects with stakeholders who are not familiar with Fair Wear yet, but whose partnership could add value to the mission of Fair Wear;
- Is mindful of any political sensitivities of its role and able to adapt accordingly;
- Is able to translate the above into meaningful exchanges and outcomes.

Responsibilities

Contribution to Fair Wear – general:

- Contributes to taking forward the Fair Wear narrative on HRDD
- Shares knowledge on lobby and advocacy, diplomacy, expertise on HRDD with global Fair Wear staff
- Speaks as an independent expert consulted by Fair Wear, to promote HRDD understanding at global meetings, events, fora etc.
  - In consultation with the executive director
  - in consultation with the country manager or topic expert as applicable
  - Contributing to Regional capacity building and consistency
- Promotes HRDD, as a vehicle for change in production countries, understanding the benefits, opportunities and how to address the challenges, in the context of the overall approach of Fair Wear
- Together with our country managers in the context of a multi stakeholder environment, contributes to building- and promoting a shared understanding of what good and meaningful
stakeholder engagement in context of HRDD looks like, complementing the efforts within the STITCH context and the CSDDD-opportunities

- Engages with, and facilitates engagement between, identified key stakeholders, such as labour or trade ministries, specific embassies, business associations, manufacturer associations, LROs); within country and/or between countries, on a regional level.
  - Joins regional events
  - The regional focus is on Vietnam, India, Bangladesh and Indonesia – potentially Cambodia to be added
  - Always in close consultation with Fair Wear country managers, in order to support their efforts in the production countries
  - If CNV is part of the cooperation, more capacity will be put on engaging with TUs
- Builds a bridge between private sector and production countries’ stakeholders (governments, TUs, LROs etc)

**Fair Wear capacity building**

- Promotes capacity building of Fair Wear Country managers and their teams (e.g., on strategies, stakeholder engagement, diplomacy, lobby and advocacy, international affairs etc)
- Tests if the pilots, developed under STITCH or Fair Wear, work and can be scaled.
- Brings his analysis/experience back to Fair Wear for improving Fair Wear’s approach, tools and systems.
- Forge close alliance between the country-based business association (members of STTI/IAF) and FW country managers.

**Deliverables**

**Strategy and workplan**

**October, November, December 2023**

- Give input and get familiar with the Fair Wear narrative
- Co-creates the workplan for 2024, in consultation with the respective country managers, the STITCH Strategic Lead and the Head of Supply Chain Transformation. This means
  - Co-develops a global calendar of 2024 with attendance on high level events in Asia, in consultation with the Executive Director
  - Meets (online) with the country managers and other internal colleagues to develop an overview per country (Vietnam, India, Bangladesh and Indonesia) of opportunities in 2024 for the expert to promote HRDD
  - Meets (online) with a select group of Fair Wear partners to ensure alignment on approaches, plans and visits
  - Discusses and develops the workplan in coherence with other running activities
  - Jointly prioritizes and strategizes input from global, regional and national opportunities and agree on a workplan 2024

**January – December 2024**

- Work according to the MT-approved workplan 2024, with an average of 2 days a week.
- Monthly check in with the Head of Supply Chain Transformation
  - If needed or desirable, organise check-ins more regularly, or on ad-hoc basis
- Quarterly evaluation on workplan and impact of the presence of the expert
- Summer: evaluation on cooperation and discuss continuation of contract
Terms & conditions:

- Based in Hanoi, but works on regional scope
- Contracted by Fair Wear for a period of 1 year, with a possibility to extend depending on evaluation moments from both sides, on consultancy basis (BV is listed in NL).
- Reports to Suhasini Singh and Femke Blickman on a regular basis
- Works 2 days per week on average, including travel
- Works with Fair Wear production country staff; always in agreement on how to position its role (considering political sensitivities)