



HRDD Policy

2023

Introduction

In the increasingly complex garment, textile and footwear industry, business decisions fundamentally affect those who are employed in global supply chains. As such, Fair Wear expects its member brands to respect human rights and to carry out human rights due diligence (HRDD). Due diligence is the process through which companies can identify, prevent, mitigate and address their actual and potential adverse impacts throughout their supply chains.

This policy is aligned with the United Nations Guiding Principles on Business and Human rights (UNGP, 2011), the OECD Guidelines for Multinational Enterprises (2011), the OECD Due Diligence Guidance for Responsible Business Conduct (2018), the OECD Guidance for Responsible Supply Chains in the Garment and Footwear Sector (OECD 2018) and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

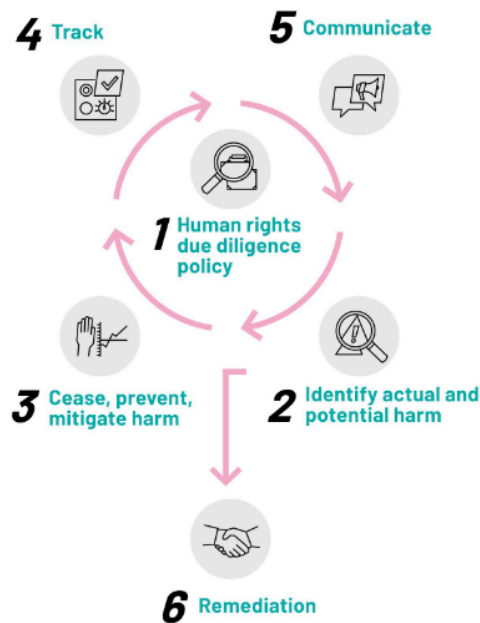
This policy outlines the responsibility of Fair Wear member brands in relation to HRDD. Given that the establishment of Fair Wear pre-dates the above-mentioned international guidelines and guidance, this policy brings Fair Wear membership requirements, as well as its guidance and tools, in line with HRDD expectations. It offers a comprehensive approach that will help companies to better manage and mitigate human rights-related risks in their supply chains. For more than two decades, the industry has been compliance focused, which has meant an over reliance on audits and outsourcing assessments. Since its founding, Fair Wear has always taken a shared responsibility approach that strengthens the relationship between member brands and their suppliers, production locations, and enables member brands to work on meaningful improvements in their supply chains by:

- Offering multi-stakeholder driven and diverse risk assessment information that is needed for companies to make informed decisions;
- Taking a more data-driven approach with innovative data collection and data analysis;
- Carrying out reviews and assessments of outcomes and progress – both on factory and brand level;
- Facilitating sector collaboration and stakeholder engagement with suppliers, production locations, business associations, trade unions, government agencies, civil society organisations, experts and other multi-stakeholder initiatives.

This policy also provides insights on how Fair Wear tools, resources and programmes can facilitate companies to meet their responsibilities for HRDD and potential legal requirements. These are listed in the Fair Wear Facilitation paragraphs at the end of each chapter. While HRDD is always a brand's responsibility, Fair Wear's role is to facilitate technical support, on-the-ground assessments and guidance, and meaningful stakeholder engagement. Moreover, Fair Wear assess member brands for their implementation of HRDD in the Brand Performance Check.

Where a member brands' HRDD responsibility goes beyond the current scope of Fair Wear, we aim to seek collaborations to align approaches which will facilitate member brands to address their responsibilities in other parts of their supply chains. Fair Wear wants to be a driving force to create industry alignment and consensus on responsible purchasing practices across businesses in Europe and seeks to harmonise guidelines rather than creating competing or duplicative expectations. This policy can therefore be used alongside the OECD guidelines and guidance as well as other relevant RBC standards.

The 6 HRDD steps



Fair Wear Human Rights Due Diligence Policy

1. Fair Wear member brands commit to carry out HRDD as part of the Fair Wear Membership Agreement.
2. This policy covers human rights supply chain due diligence for activities covered by Fair Wear's programming and assessments. This includes cut-make-trim production locations and support processes in (subcontracted) facilities that are used to transform raw material into finished garments^[1]. It does not include production locations further upstream (e.g., production locations used to produce fabric, leather, trims or other components). Own operations referring to production locations in joint venture or ownership by the member brand are also considered within the scope. However, the policy does not cover own operations beyond owned production locations, such as logistics, warehousing or downstream activities (e.g., collection, sorting, recycling).

3. This policy seeks to align with the UN Guiding Principles on Business and Human Rights (UNGPs), the OECD Guidelines for Multinational Enterprises (the OECD Guidelines), the OECD Due Diligence Guidance for Responsible Business Conduct (the OECD RBC guidance), the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy for human rights due diligence on the above segments of a brand's owned operations and supply chain.
4. Under the UNGPs and OECD Guidelines and Due Diligence Guidance, brands should carry out due diligence for all of their owned operations (e.g. retail, logistics) and their full supply chain to raw materials. Under the OECD Guidelines, brands must also carry out due diligence on environmental, disclosure, consumer interests and bribery and corruption risks. These broader RBC due diligence expectations are not covered by this policy, but member brands should be aware of them and seek to meet them.
5. This policy also sets Fair Wear's expectations on collaboration between member brands and Fair Wear in implementing HRDD. Collaboration with others does not absolve the company from its individual responsibility to identify, prevent, mitigate and account for how it addresses its actual and potential adverse impacts as an integral part of business decision-making and risk management systems^[2].
6. Adherence to this policy will be assessed through Fair Wear's Brand Performance Check guide when evaluating financial years starting in 2023 and beyond. This tool reports on the progress of member brands in line with the Fair Wear Membership Agreement. Some standards of the Fair Wear Code of Labour Practices are questioned in more detail than other commonly known sector risks:

This does not mean that other sector or product risks are less important. Member brands will be checked against our standards in the general indicators on HRDD and serve as a basis for a lower category if member brands fail to improve on these risks repeatedly as described in the Repeated Non-compliance Policy.

 - a. freedom of association and collective bargaining are fundamental and enabling rights, which need to be put in practice in order to solve other sector risks.
 - b. gender equality has been specifically added to the Brand Performance Check as gender equality is addressed first and foremost as a cross-cutting dimension that is intrinsic in each of the sector risks.
 - c. excessive overtime and (living) wages have specific indicators as supply chain partners need to cooperate with (member) brands in resolving issues on these risks.

Footnotes

1. [^] *Fair Wear Brand Performance Guide, 2022. What stages of garment supply chains are covered? p.9*
2. [^] *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector (OECD Garment & Footwear Guidance), Collaboration on due diligence, p. 28*

Collaboration

- 1.** Fair Wear believes that the human rights risks in the garment and footwear industry can best be addressed through collaboration. Collaboration builds leverage and scales the impact that is needed to make a sustainable change. Fair Wear facilitates this type of collaboration across different actors in the supply chain and the industry. This will only have an impact when Fair Wear member brands are open and willing to collaborate and join forces to address human rights risks.
 - 2.** Fair Wear believes in an inclusive approach that explicitly addresses how to organise social dialogue: member brands do not just improve workers' human rights but also involve collective worker voice when working on prevention of risks and remediation of adverse impacts. This means that voices of those who are affected by adverse human rights impacts are structurally included. Freedom of association and collective bargaining are 'enabling rights'. When these rights are respected, they pave the way for garment workers and their employers to address and implement other standards.
 - 3.** When Fair Wear member brands source at the same production location, collaboration is required. Collaboration with other clients of the production location is highly encouraged.
 - 4.** Collaboration must be integrated in the member brands' HRDD at several stages:
 - a.** Align and collaborate with others to adopt similar policies and commitments, work towards a common HRDD approach.
 - b.** Share findings from the brand's scoping exercise on the risks of harm linked to specific production processes, countries, sourcing models, etc. Sharing of information at a sectoral level, either by adding the information to Fair Wear's Member Hub or by sharing it directly to (member) brands is particularly important for identifying emerging risks of harm.
 - c.** Collaborate on the assessment of working conditions, including human rights, at suppliers/production locations.
 - d.** Collaborate on the improvement of working conditions, including to address human rights impacts, and the verification and validation of progress at production location level.
 - e.** In instances in which there are numerous parties that have caused, contributed or are linked to an adverse impact, collaborate with other parties to remediate the harm in the case they have caused or contributed to the adverse impact, or use their leverage to collaborate in the remediation of the harm in the case the member brand is directly linked to the adverse impact.
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Step 1: Embed Human Rights Due Diligence in Policy and Management Systems

1.1 Adopt a human rights due diligence policy

1. Each Fair Wear member brand must have a policy that commits to HRDD. Regardless of Fair Wear's scope^[1], member brands should be aware that under OECD Guidelines and RBC Guidance and the UNGPs, the HRDD policy should be part of a broader responsible business policy that covers environmental due diligence, the company's full value chain and owned operations and activities. The HRDD policy sets the member brands' commitments to conducting HRDD and clarifies how due diligence is embedded into the company's management systems and corporate structure. Member brands are likely to have one higher level due diligence policy accompanied by operational procedures that detail how the policy is implemented in practice.
2. The member brand's HRDD policy must commit to:
 - a. Meeting its responsibility to respect human rights.
 - b. Upholding the principles and standards contained in the OECD Guidelines for Multinational Enterprises^[2].
 - c. Upholding international standards on the sector risks and sub-sector risks covered by the Fair Wear Code of Labour Practices and any other key human rights risks in the sector. This means that ILO international labour standards should be explicitly referenced in the company's HRDD policy^[2].
 - d. Carrying out due diligence on risks covered by the Fair Wear Code of Labour Practices and any other known sectoral human rights risks and significant risks in the member brand's owned production locations and in-scope supply chain^[2]. Significance is in relation to likelihood and severity of harm^[3].
 - e. Assessing and addressing responsible purchasing practices in-line with the [Common Framework for Responsible Purchasing Practices](#) (CFRPP)^[4].
 - f. Carrying out meaningful stakeholder engagement in the course of due diligence. This includes committing to engagement that is two-way, conducted in good faith and responsive. It means committing to engaging stakeholders in on-site factory assessments, the development of corrective action plans, the verification and validation and monitoring of impacts, and the design of grievance mechanisms^[5]. Stakeholders refer to persons or groups of persons who are or could be directly or indirectly affected by the actions of the brand. This includes employees and workers, trade unions or organisations of the workers' own choosing, but also suppliers and community members and governments^[6].
 - g. Hearing and addressing complaints that are material and substantiated within the company's in-scope supply chain and in-scope own operations^[7], both through Fair Wear's complaints helpline as well as other legitimate processes^[8]. This should include a commitment to abide by Fair Wear's complaint procedure when dealing with grievances raised through Fair Wear's complaints helpline.
3. The member brand's HRDD policy must set expectations for:
 - a. The brand's owned production locations, including joint ventures, to respect human rights.
 - b. Relevant business partners, including suppliers/production locations, licensees, and intermediaries, requiring them to respect human rights and to carry out HRDD on their own operations and their suppliers. These expectations must cover the Fair Wear Code of Labour Practices and the brand's significant human rights risks. These expectations are further detailed in appropriate two-way supplier codes of conduct and/or contracts in-line with the CFRPP.

- c. The use of subcontractors, when relevant, including a definition and distinctions in subcontracted work if they exist. This includes setting out a high-level policy on whether subcontracting is permitted and under what circumstances as well as the due diligence measures the brand takes and/or requires of its business partners to implement that policy^[9].
 - d. Outsourcing to homeworkers and the use of handwork in-line with Fair Wear's, policy on homeworking where relevant to the member brand's business models^[10].
 - e. The brand's third-party brands in relation to HRDD.
4. The member brand's HRDD policy must describe:
- a. The company's HRDD process to identify, prevent, mitigate and account for human rights risks and impacts in a way that is appropriate to the size and circumstances of the brand. This includes describing the company's process to provide for or cooperate in remediation of any adverse human rights impacts they cause or contribute to.^[xi]
 - b. The operationalisation of the policy, including which departments and roles are accountable and how due diligence is integrated into the decision-making process.^[xii]
 - c. The brand's approach to carrying out HRDD on sectoral risks. These must align with Fair Wear's risk policies, where they exist, including Fair Wear's policy on enhanced due diligence and heightened due diligence.
 - d. How the brand's sourcing strategy is designed to enable the company to address human rights impacts with suppliers. This should include a focus on long-term business relationships and on increasing leverage with suppliers and business partners to meaningfully improve working conditions.
 - e. How HRDD is included into decision-making at an organisational level. If, for example, a member brand is considering expanding to a country with known human rights abuses, the costs, feasibility and how to pre-source HRDD must be determined before a decision is made whether it can operate in the country responsibly.^[xiii]
 - f. How the member brand systematically considers gender at all stages of due diligence in-line with Fair Wear's Gender Equality policy.
 - g. How the member brand systematically considers social dialogue at all stages of due diligence in-line with Fair Wear's policy on Freedom of Association and the Right to Collective Bargaining.
 - h. The willingness of a member brand to cooperate with other Fair Wear member brands and non-Fair Wear brands in risk identification, prevention, mitigation, and remediation.
5. In terms of process, the brands' HRDD policy(ies) must be:
- a. Adopted by the most senior level of the company.^[xiv]
 - b. Developed and informed by internal and external multi stakeholder expertise and input.^[xv] Fair Wear's policies have been developed through external multi stakeholder inputs and expertise. However, where needed, member brands should engage with relevant stakeholders to tailor policies more precisely to the contexts that they are operating in or sourcing from.
 - c. Publicly available and communicated internally and externally to all personnel, suppliers and business partners and other relevant parties.^[xvi]
 - d. Updated through an iterative process that builds on increasing knowledge about human rights risks in the member brand's supply chains through input from internal and external stakeholders.^[xvii] Fair Wear updates its policies regularly to respond to new information. Member brands should stay informed of these updates and revise their policies accordingly.

Footnotes

1. [^] *Fair Wear Brand Performance Guide, 2022. What stages of garment supply chains are covered? p.9*
2. ^{a, b, c} *OECD Garment & Footwear Guidance, Step 1.1, p. 38*
3. [^] *OECD Garment & Footwear Guidance, p. 51*
4. [^] *OECD Garment & Footwear Guidance, Step 1.1, p. 38 and p. 73*
5. [^] *OECD Garment & Footwear Guidance, Step 1.1, p.39 and p. 27*
6. [^] *OECD Garment & Footwear Guidance, Meaningful stakeholder engagement, p. 27*
7. [^] *OECD Garment & Footwear Guidance, Step. 1.1, p. 39*
8. [^] *Fair Wear follows the definition of legitimate processes as described by the OECD due diligence guidance for responsible supply chains in the garment and footwear sector, 2018, p.98*
9. [^] *OECD Garment & Footwear Guidance, Step 1.1, pp. 39-40*
10. [^] *OECD Garment & Footwear Guidance, Step 1.1, p. 39*

1.2 Strengthen management systems

1. Fair Wear member brands must have the necessary management systems and processes to conduct HRDD. Member brands must:
 - a. Assign board and senior management accountability for guiding the approach and implementing the HRDD policy, this is also indicated in the company's HRDD policy^[1];
 - b. Assign implementation of the HRDD policy to senior staff with the necessary competence, knowledge and experience to oversee the implementation of the HRDD policy(ies), including the integration of a gender lens^[2];
 - c. Give adequate attention and support to HRDD and allocate resources accordingly^[1];
 - d. Secure adequate staff time^[1];
 - e. Have information management systems that are accurate and current and capable of storing information necessary to conduct HRDD^[3]. Where within scope, member brands can use Fair Wear's HRDD management systems on the Member Hub;
 - f. Store HRDD information for a minimum of 5 years^[3].
2. The HRDD policy is relevant across several internal departments. Member brands must establish an alignment process between teams and business units, specifically for cases where incentives of one business unit do not align with the policy. Some examples of this functional alignment are to:
 - a. Facilitate feedback and learning on HRDD and the human rights policy between business units.
 - b. Ensure that information related to HRDD is provided to relevant decision makers and is adequate and appropriate.
 - c. Include multiple business units in making a decision that may increase the risk of harm^[4].
3. The member brand must build an obligation to support supply chain HRDD of risks linked to upstream production into supplier contracts where appropriate.

Footnotes

1. ^{a, b, c} *OECD Garment & Footwear Guidance, Step 1.2, p. 42*
2. [^] *OECD Garment & Footwear Guidance, Step 1.2, p. 42 and pp. 32-33*
3. ^{a, b} *OECD Garment & Footwear Guidance, Step 1.2, p. 44*
4. [^] *OECD Garment & Footwear Guidance, Step 1.2, p. 43*

How to work on step 1

1.1 Adopt a human rights due diligence policy

- Brands can use Fair Wear's HRDD policy, risk policies such as Fair Wear's FoA policy and Gender Equality Policy and guidance on topics as wages and working hours as input to shape their own HRDD policy(ies).
- Company policies will be assessed as part of the Brand Performance Check and requirements and recommendations may be provided. Based on the Brand Performance Check results, brands can create actions to adjust company policies.

1.2 Strengthen management systems

- Through Fair Wear membership, brands are guided in adapting and strengthening their internal management systems. Brands can learn about these policy requirements and receive recommendations on improving their internal management system. Most notably through:
 - Using Fair Wear's online tools (via the Fair Wear Member Hub) that allow member brands to do due diligence;
 - Fair Wear's learning programme;
 - The annual Brand Performance Check.

Step 2: Identify actual and potential harms in your supply chains

2.1 Scope the risk of harm

- Fair Wear member brands must conduct a broad scoping exercise to identify where human rights risks are most likely to be present and most significant in their cut-make-trim production locations and support processes in (subcontracted) production locations^[1]. The scoping must be documented^[2].
- To carry out this scoping exercise, the member brand must:
 - Gather information and map the human rights risk covered by the Fair Wear Code of Labour Practices, accompanying guidelines, and any other relevant human rights risks across the brand's sourcing countries, product categories in their full supply chain. The mapping must take into consideration product risks, sector risks and country risks to scope factors or conditions that make the human rights risks more likely^[1].
 - Identify whether the brand's business model or sourcing model increases the identified human rights risks^[3].

- c. Engage with stakeholders and experts if the member brand finds gaps in information^[1]. Stakeholder engagement should be facilitated by Fair Wear, where possible, to reduce the burden on individual stakeholders.
- 3. Member brands must, at a minimum, identify the risks flagged in the Fair Wear country risk scoping tool^[4], however, these can only be used as a starting point. Additional information is required to complement the information in the risk scoping tool. In particular, this is required where it comes to garment producing countries where Fair Wear does not have local teams and stakeholder networks, or, where it comes to the specific business model^[5], sourcing model^[6] and product level risks^[7], risks should be identified and adapted by the member brand.
- 4. Member brands must take into consideration, where possible, the information and processes included in Fair Wear enhanced or heightened due diligence guidance.
- 5. Based on the scoping outcomes, member brands are required to identify and document which human rights risks are most significant in terms of severity and likelihood, with severity being most important. Severity must be judged on:
 - a. **Scale:** the gravity of the adverse impact. How serious is the harm?
 - b. **Scope:** the number of individuals that are/will be affected. How widespread is the harm?
 - c. **Irremediable character:** the limits on the ability to restore. If the harm occurs, can it be put right?^[8]
- 6. Member brands are required to carry out or update its scoping exercise on an annual basis. Member brands should also carry out a specific country, regional or product assessments when developing a new product, entering a new region or when the operational context changes significantly (e.g., due to conflict, crisis, change in laws, etc.).

Footnotes

1. ^{a, b, c} *OECD Garment & Footwear Guidance, Step 2.1, p. 47*
2. [^] *Under the UNGPs and OECD, brands are required to scope human rights risks across all owned operations and their supply chain. While Fair Wear does not evaluate this broader scoping exercise, brands should be aware of these expectations and seek to meet them.*
3. [^] *OECD Garment & Footwear Guidance, Step 2.1, pp. 49-50*
4. [^] *Previously known as Fair Wear Country Studies*
5. [^] *Risks in the supply chain that relate to the business model can be for example the number of product lines that the member brand sells and how often those product lines are changed (i.e. seasons per year).*
6. [^] *Risks in the supply chain related to a member brand's sourcing model can be the number of production locations, or whether sourcing is direct or indirect (e.g. the use of an agent), or the nature of the contractual relationship (i.e. short-term or long-term business relationships)*
7. [^] *"Product risks are risks related to inputs or production processes used in the development or use of specific products. For example, garment products with beading or embroidery hold a higher risk of informal employment and precarious work..." OECD RBC Due Diligence Guidance, Q20.*
8. [^] *OECD Garment & Footwear Guidance, Step 2.1, p. 51*

2.2 Risk assessment at production location level

1. The nature of a risk assessment is based on the outcome of risk scoping (see 2.1, article 5). This determines most significant risks. The production locations associated with the highest risk should be prioritised in the risk assessment at production level. Fair Wear member brands are expected to carry out assessments of their suppliers on a risk-basis as described below.
2. Fair Wear members must carry out full onsite assessments (meaning a full audit with an audit team assessing potential and actual harms on all labour standards (including offsite worker interviews in the case of Fair Wear assessments^[1])) for production sites that are prioritised as higher risk for human rights impacts in the scoping exercise. This includes:
 - a. A brand's owned production locations, included joint ventures, due to the relationship to the potential or actual harm^[2].
 - b. Production locations in high-risk countries for prioritised human rights impacts^[3].
 - c. Production locations that produce products that inherently hold higher-risk for human rights impacts^[3].
 - d. Production locations operating in contexts that require enhanced due diligence, as determined by Fair Wear policies and heightened due diligence, if assessments are feasible within those contexts^[3].
 - e. Production locations where there are gaps in information and little is known about the human rights risks^[4].
 - f. Production locations where the context has changed significantly (e.g., major political changes, ownership changes, etc.)^[5].
 - g. New production locations. As part of the onboarding programme, Fair Wear member brands are expected to assess whether potential new production locations have measures in place to prevent and mitigate harm prior to placing orders. If neither this assessment during the onboarding programme nor the risk scoping and existing audits/assessments provide sufficient information, a full onsite assessment must be carried out^[5].
3. Fair Wear member brands may carry out modular onsite assessments (i.e., issue-specific deep dive assessments by an audit team, including off-site interviews) if a production site is a higher risk for only one or two human rights issues. This may include, for example, production sites where a risk was identified in a previous assessment. It could also apply in cases where a production site is based in a country where only one human rights risk was prioritised during the risk scoping.
4. In some cases, an onsite assessment will not produce new information regarding the likelihood or severity of a potential harm. This is particularly the case for issues such as sexual and gender-based violence and harassment, severe violations of freedom of association, and systematic forced labour within a region^[6]. In these cases, member brands should not make the assumption that when these high-risk risks are not flagged in a particular sourcing location, they are not present. These risks are high risk issues within the workplace and preventative measures should be triggered. Therefore, member brands should trust the outcomes of the risk scoping for the area and integrate these risks in their risk action plan as well as production location action plan.
5. In some cases, the outcome of the risk scoping and desktop assessment shows there are no significant risks of harm. These locations do not need an onsite assessment but can be subject to ongoing prevention and monitoring efforts, for example, factory visits, desktop reviews, stakeholder consultation, guidance from multi stakeholder initiatives or flags raised by third parties. Member brands are encouraged to avoid duplicating assessments and prioritise efforts for prevention and mitigation.

6. Fair Wear member brands are encouraged to use Fair Wear assessments if available. For production locations, including owned operations, that are located outside of the scope of Fair Wear's operations, member brands are responsible for collecting sufficient information to conduct a risk assessment. Where feasible, this should be through credible and qualified on-site assessments in-line with OECD Due Diligence Guidance. However, if such assessments are not available, Fair Wear member brands are expected to commission audits with the most credible audit agency feasible for them, and supplement audit information with sufficient stakeholder engagement and other resources to sufficiently identify risks linked to production locations. Member brands should engage with stakeholders to determine how best to collect supplementary information on prioritised risks. This includes assessing and seeking to understand the extent to which workers are aware of their rights in relation to human rights and labour rights.
7. The member brand should account for gender dynamics in its assessment of the production site^[4]. Member brands should ensure that the data they collect is gender-disaggregated as well as gather specific information on gender relations and gender roles within the context of the garment industry and specifically their supply chain, and use this data to help identify gender inequalities.

Footnotes

1. [^] *In this policy, Fair Wear refers to onsite assessments but will follow the assessment manual (currently still called audit manual) which also provides guidelines for offsite worker interviews.*
2. [^] *OECD Garment & Footwear Guidance, Step 2.2, p. 53, and OECD RBC Due Diligence Guidance, p. 10*
3. ^{a, b, c} *OECD Garment & Footwear Guidance, Step 2.3, p. 55*
4. ^{a, b} *OECD Garment & Footwear Guidance, Step 2.3, p. 57*
5. ^{a, b} *OECD Garment & Footwear Guidance, Step 2.3, p. 57-58*
6. [^] *OECD Garment & Footwear Guidance, Step 2.3, p. 58*

2.3 Assess the member brand's relationship to impacts

1. Following the outcomes of the risk assessments, member brands should understand whether it 'caused', 'contributed to' or is 'linked to' the identified impacts – the potential and/or actual harm. This exercise will inform the action the brand needs to take in step 3 and step 6. In situations where a brand has caused or contributed to an impact, the brand is responsible for providing or contributing to remediation of the harm. When a member brand has not caused or contributed to an adverse impact but is still directly linked it is required to use its leverage to influence its supplier or business partner (or the entity causing the impact) to prevent or mitigate the impact and provide remedy^[1] (see Step 6).
2. It is important to note that a member brand's relation to the impact is not static. For example, it may 'move' from linked to' to 'contributing to' over time, i.e., if a brand has knowledge and awareness of an impact directly linked to its supply chain but does not take action to prevent or mitigate it (see also step 3.2).
3. As part of the above analysis, member brands are expected to assess their purchasing practices in line with the CFRPP.

Footnotes

1. [^] *OECD Garment & Footwear Guidance, Step 2.4, p. 66*

2.2 Risk assessment at production location level

- Heightened and enhanced risk policies indicate higher-risk production locations that must be prioritised for high-risk countries/regions (Examples are the Fair Wear guidance on Myanmar, Bangladesh and Türkiye), high-risk issues (e.g., forced labour) as well as higher risks associated to the production process (e.g. abrasive blasting).
- Fair Wear provides key questions related to Freedom of Association and Social Dialogue that brands should ask all potential new suppliers before deciding whether to source from that location, as part of their risk assessment.
- Fair Wear on site assessments guarantee qualified and credible assessments with teams with relevant expertise and understanding of the local context. Currently, full onsite assessments are available for brands to request.
- Brands can complement this information with data from own self-assessment on their sourcing strategies, purchasing practices, as well as previous audits, complaints, training and other activities as input to their risk assessments. In specific cases, Fair Wear provides training and expertise to in-house production location assessment teams and third-party auditors.
- The potential harms selected at the country risk scoping level serve as a basis for a risk assessment per production location.

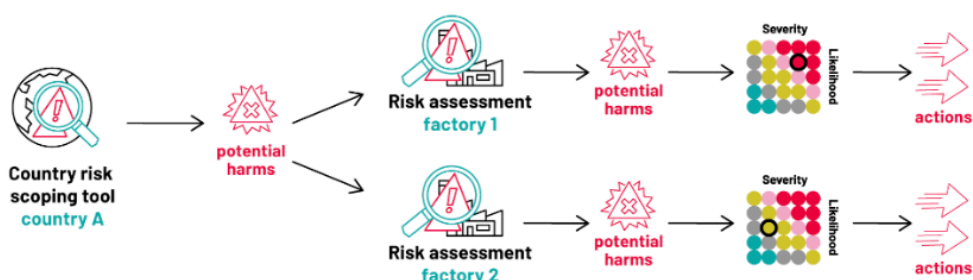
2.3 Assess the member brand's relationship to impacts

- The risk assessment per production location facilitates brands to identify the brand's relationship to (potential) impact.

How to work on step 2

2.1 Scope the risk of harm

- The country risk scoping tool is based on over two decades of local presence in the largest garment producing countries. Validated and multi stakeholder information is provided for member brands to scope these specific risks across their supply chains. When using the risk scoping tool, brands will find an overview of potential harms per country. Among those, brands can select and assess those that pose a potential risk for their factories. The selection is used as a baseline for the risk assessment of their factories.
- Fair Wear has created a 'Continuum of Advancement of Freedom of Association,' which ranges from the low end, where workers are not free to organise or collectively bargain, to the high end, where these rights are realised. To help brands, Fair Wear has grouped its focus countries into three categories that fall on this continuum.
- For some sector or country risks, Fair Wear has developed enhanced or heightened guidance, which should be considered in the member brands' scoping exercise. Examples are the Fair Wear guidance on Myanmar, Bangladesh and Türkiye.



Step 3: Cease, prevent or mitigate harm in own operations and supply chain

3.1 Responsibilities for owned operations

1. If a member brand identifies an adverse human rights impact at an owned production location, including where the member is shareholder, the member brand is required to stop any actions that are causing or contributing to harm and provide for remediation of harm (see step 6 for expected actions related to remediation)^[1].
2. The member brand must develop and implement actions to prevent and/or mitigate future human rights impacts in its owned operations as part of a production location action plan (see 3.5). It should detail what actions will be taken with an adequate and specific timeline for follow-up. In carrying out this process, member brands are expected to:
 - a. Take immediate actions to prevent any immediate and critical danger. Where there is immediate and critical danger to the health and lives of employees, the member brand should ensure workers are immediately removed from danger. Where there is immediate and critical danger to the environment of a production location, the member brand should stop its activities causing harm until the danger is addressed.
 - b. Develop outcome-oriented solutions that lead to prevention of harm over time and do not only resolve one case.
 - c. Pursues actions that are proportionate to the risk – this means that the actions are commensurate, i.e., when the risk or impact is more severe, the actions need to be more robust and immediate. The more complex the risk, the stronger the case is for the member brand to draw on expert advice in designing a response.
 - d. Engage workers through trade unions or organisations of the workers' own choosing during the developments of the member brand's measures to prevent and mitigate labour related issues. In cases of sexual and gender-based violence and harassment, member brands should ensure that the worker representation is representative of the gender demographic of the production location and that there is strong women representation in the group.^[2]

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3.1 Responsibilities for owned operations

1. If a member brand identifies an adverse human rights impact at an owned production location, including where the member is shareholder, the member brand is required to stop any actions that are causing or contributing to harm and provide for remediation of harm (see step 6 for expected actions related to remediation)^[1].
2. The member brand must develop and implement actions to prevent and/or mitigate future human rights impacts in its owned operations as part of a production location action plan (see 3.5). It should detail what actions will be taken with an adequate and specific timeline for follow-up. In carrying out this process, member brands are expected to:
 - a. Take immediate actions to prevent any immediate and critical danger. Where there is immediate and critical danger to the health and lives of employees, the member brand should ensure workers are immediately removed from danger. Where there is immediate and critical danger to the environment of a production location, the member brand should stop its activities causing harm until the danger is addressed.
 - b. Develop outcome-oriented solutions that lead to prevention of harm over time and do not only resolve one case.
 - c. Pursues actions that are proportionate to the risk – this means that the actions are commensurate, i.e., when the risk or impact is more severe, the actions need to be more robust and immediate. The more complex the risk, the stronger the case is for the member brand to draw on expert advice in designing a response.
 - d. Engage workers through trade unions or organisations of the workers' own choosing during the developments of the member brand's measures to prevent and mitigate labour related issues. In cases of sexual and gender-based violence and harassment, member brands should ensure that the worker representation is representative of the gender demographic of the production location and that there is strong women representation in the group.^[2]

3.2 Contribution to harm

1. If a member brand established in step 2 that it has contributed to actual harm in its supply chain, it is expected to first provide or contribute to remedy (see step 6 for expected actions related to remediation of harm).
2. If a member brand has identified risk of contributing to harm in its supply chain, it should develop and implement preventive actions to stop its contribution within an adequate and specific timeframe. Preventive actions can differ based on the nature of the harm. It is the responsibility of member brands to determine which actions are needed to stop the risk of harm. The brand will likely need to:
 - a. Engage with its supplier/production location and worker representation to collect input on the risk and how a member brand contributes to this risk. This dialogue can also serve to discuss potential solutions to stop the risk of harm.
 - b. Implement internal controls to prevent the brand's continued contribution to a harm, such as changing a brand's policy or internal procedures.
 - c. Identify indicators that may trigger a risk of contributing to harm, this may include tracking a company's payments against payment terms, for example.^[3]

3.3 Responsible purchasing practices

1. Fair Wear sees responsible purchasing practices as an important practice to prevent a brand's contribution to harm in the supply chain. Fair Wear member brands are expected to implement the following in line with the CFRPP:
 - a. Due diligence sourcing dialogue: Assess whether purchasing practices are contributing to risk of harm. Seek supplier and worker engagement on the brand's purchasing practices and/or collect feedback from suppliers on purchasing practices, for example, through the Better Buying platform.
 - b. Implement preventive actions: Examples of preventive actions include the adoption of the CFRPP , instalment of fair payment and delivery terms, using the **Fair Working Hours Guide** together with the brand's supplier to prevent excessive overtime.
 - c. Set red flags that trigger preventative actions: Examples include controls in cases when orders may be placed late. In this situation, the brand should set a system whereby last-minute changes require the brand to review whether the change is necessary and if necessary, implement measures with the supplier to mitigate any consequential impacts, such as excessive overtime. This may mean, for example, changing the delivery date or identifying an approved subcontractor.^[4]

3.4 Risk action plans

1. Member brands are expected to develop a high-level action plan for each of the risks that they have prioritised during the scoping exercise (e.g., a child labour action plan and/or a forced labour action plan, etc.). This risk action plan must detail the brand's strategy to seek to prevent or mitigate the risk, with country-specific or region-specific implementation as appropriate. It is a dynamic document and should be updated through an iterative process.
2. The risk action plan must:
 - a. Align with Fair Wear's risk policies and guidance where available, and enhanced and heightened due diligence policies as appropriate. For risk issues which Fair Wear does not have risk policies for, member brands are expected to align with risk modules of the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector.
 - b. Be tailored to the nature of each risk and proportionate to the severity of the risk or harm^[5].
 - c. Be developed with input from suppliers and/or production locations and worker representation^[6].
 - d. Incorporate a gender lens, regardless of whether the risks are focusing on gender specifically or not^[7].
 - e. Include how the member brand will approach its sourcing to prevent and/or mitigate prioritised human rights impacts, for example, implementing a sourcing strategy that privileges countries where workers are free to form and join a trade union and bargain collectively.
 - f. Include how the member brand will address product development (i.e., for human rights risks that are linked to specific products).
 - g. Include use of the member brand's leverage to influence its supplier to prevent or mitigate the impact. Leverage is considered to exist where a member brand has the ability to effect change in the wrongful practices of the entity that has caused the harm. Member brands may use their leverage to jointly implement improvement. To increase leverage and provide an enabling environment for production locations to make improvements, member brands are required to cooperate with other member brands sourcing at the same location to implement the various programmes. At the same time, member brands are expected to cooperate with non-member buyers sourcing at the same location.^[8]
 - h. Include meaningful engagement with workers and their representatives throughout risk prevention/ mitigation: workers' right to freedom of association and collective bargaining should be respected to enable them to use their collective voice. Elected worker representatives should be in place, trained and protected, and should be involved in the programme. The time for workers needed to participate in the development and implementation programmes should be compensated.^[6]
 - i. Include consultation and involvement of stakeholders; relevant stakeholders should be involved. Member brands are expected to participate and support stakeholder engagement facilitated by Fair Wear and multi-stakeholder structures in place. Where possible, member brands should carry out their stakeholder engagement in collaboration with Fair Wear. This is to reduce the burden on shared stakeholders.
3. The action plan may include government engagement as a means of addressing a prioritised risk. Although many actions can be taken between member brands and their production locations to improve human rights, sometimes human rights risks cannot be effectively or sustainably managed through supplier engagement alone. In these cases, an enabling environment is needed to affect change. Member brands may use their leverage with government (local or national) and/or other key stakeholders to encourage the government to affect change.^[9]

3.5 Production location action plans

1. Member brands are expected to develop site specific action plans in collaboration with individual production locations. These production location action plans implement the brand's broader risk action plan at a site level. They include specific actions based on available information and the findings of site assessments, and a timeline for action and follow-up.
2. Production location action plans must:
 - a. Implement the brand's risk action plan at a site level.
 - b. Be tailored to the nature of the risk at each site and proportionate to the severity of the risk or harm at each site.
 - c. Include participation of management of the production location: members should involve the right people at the suppliers and/or production locations in different steps. If improvement and prevention actions are not up to expectation, member brands should engage with top management or the owner of the production location.
 - d. Explicitly reference the role and responsibilities of intermediaries.
 - e. Be designed and implemented with workers, through trade unions or organisations of the workers' own choosing.
 - f. Incorporate a gender lens, regardless of whether the actions are focusing on gender specifically or not.

3.6 Responsibilities for business with new suppliers

1. Member brands are expected to fulfil the following for all potential suppliers:
 - a. Prequalification – Member brands must carry out an assessment of any new business partners prior to placing the first purchase order. Based on the risks identified in the risk scoping, combined with risk information obtained at the start of the onboarding, member brands must determine if a full or modular onsite assessment is needed (see Step 2). Based on the outcomes of this assessment, brands must determine whether they can source from the supplier responsibly based on the severity of the issues identified. Member brands are expected to engage with supplier management in a due diligence dialogue to ensure the potential supplier is aware of the brand's commitments and expectations and the findings of the assessment.^[10]
 - b. Two-way contracts – Fair Wear expects its member brands to set their commitments in written agreements with any new business partner. This includes commitments to responsible purchasing practices aligned with CFRPP. It also includes commitments to how the brand and the supplier will address any risks that were identified, alongside other topics such as transparency.
 - c. Onboarding – Member brands must onboard workers and management at the start of a business relationship. The onboarding must involve:
 - a. Raising awareness of the workers and the management on the member brands' HRDD policy.
 - b. Raising awareness on the importance of social dialogue. Member brands should check if the social dialogue structures are gender representative (and encourage a better representation if not).
 - c. Establishing and raising awareness for the Fair Wear helpline as a safety net.
 - d. Adding other topics to the onboarding of workers and management of production locations based on the risk assessment or outcomes of the sourcing dialogue.

3.7 Sourcing strategies

1. Member brands are expected to incorporate responsible purchasing practices in sourcing strategies^[4]. **Fair Wear's policy on Freedom of Association and the Right to Collective Bargaining** and the **CFRPP** further details what the important principles are for that.
2. Member brands are expected to increase their leverage through their sourcing strategies by:
 - a. Consolidating the total number of production locations (if not already consolidated). This facilitates members to increase control over their supply chain and concentrate its resources to prevent impacts with a limited number of suppliers.
 - b. Focusing on long term business relationships. This can provide a better basis for a sourcing dialogue and willingness from both sides to invest in HRDD as it allows member brands to better understand the local operating context and adjust preventive actions accordingly.
3. Member brands are also encouraged to establish positive business incentives for suppliers and production locations that support the member brand's HRDD policy, for example, a larger order if they perform well on production location action plan. Business incentives should be mutually beneficial and not solely beneficial for the brand. An example would be when a brand and supplier agree to work on living wages. Responsibility to implement these actions should also be carried by the member brand, for example, by committing to a higher FOB price.

3.8 Responsible disengagement

1. Fair Wear recognises that responsible disengagement should be a last resort. However, Fair Wear expects member brands to disengage:
 - a. After repeated failed attempts at preventing or mitigating impacts through the above measures, for example, when suppliers have repeatedly not taken corrective action within agreed upon timeframes.
 - b. Where member brands can show preventing or mitigating impacts are not feasible.
 - c. When the member brand has identified severe harm. When immediate and critical danger has been identified, the member brand should ensure that production does not take place at the affected production location until the immediate and critical danger has been adequately addressed.
 - d. Fair Wear member brands' plans to disengage should consider how crucial the supplier or business relationship is to the brand, the legal implications of remaining in or ending the relationship, how disengagement might change impacts on the ground, as well as credible information about the potential social and economic adverse impacts related to the decision to disengage.
 - e. If member brands disengage, disengagement is expected to be responsible, in line with **Fair Wear's policies and guidance on a responsible exit strategy**.

Footnotes

1. ^a *OECD Garment & Footwear Guidance, Step 3.1, p. 69*
2. ^a *OECD Garment & Footwear Guidance, Step 3.1, pp.69-71*
3. ^a *OECD Garment & Footwear Guidance, Step 2.3, pp.66*
4. ^{a,b} *OECD Garment & Footwear Guidance, Box 4, pp. 73-74*
5. ^a *OECD Garment & Footwear Guidance, Introduction, p.25*
6. ^{a,b} *OECD Garment & Footwear Guidance, Introduction, p.27*
7. ^a *OECD Garment & Footwear Guidance, Introduction, p.32*
8. ^a *OECD Garment & Footwear Guidance, Step 3.2.3, p.77*
9. ^a *OECD Garment & Footwear Guidance, Step 3.2.6, p.80*
10. ^a *OECD Garment & Footwear Guidance, Step 3.2.2, p.75*

How to work on step 3

- The **Action List** provides an overview of all actions a brand needs to implement to prevent and mitigate potential harms and/or remediate actual harms. The actions are triggered by the potential and/or actual harms previously assessed, and also include actions suggested by auditors as a follow-up to an onsite factory assessment. Per **factory**, brands can consult the overview of the actions for an individual factory under the section "Action Centre".
- Preventive actions start by adjusting a brand's purchasing practices, specifically related to **Freedom of Association**, **production planning** and **prices**. Brands are encouraged to align with the **Common Framework for Responsible Purchasing Practices (CFRPP)**.
- Brands and factories can cooperate and communicate about actions online.
- Fair Wear provides **workplace training** to raise awareness on labour rights risks and build the skills of workers and suppliers in recognising and addressing them. Each workplace training is envisioned to occur as part of a factory-level action plan to prevent, mitigate and address potential and actual harms. Fair Wear provides general modules or country-specific modules and programmes.
- In situations where a member brand concludes that it should disengage from a supplier or production location, it should use Fair Wear's Responsible Exit Strategy Guidelines for more guidance on the actions needed for a responsible exit strategy. Fair Wear provides suggested urgency of actions that can guide member brands in their prioritisation.

Step 4: Track progress

1. Each Fair Wear member brand is expected to track their progress on HRDD and how they can invest in continuous improvement. Member brands must have a system in place to track the implementation and effectiveness of their due diligence activities across all steps of the due diligence process for their in-scope supply chain and in-scope own operations. First and foremost, member brands are expected to assess whether prioritised risks and impacts have been responded to effectively.^[1]

4.1 Verify actions

1. Fair Wear member brands are expected to establish and implement systems to verify that preventative and mitigation actions under risk action plans and production location action plans have been done, and within the agreed timeframe. Verification is meant to verify whether actions have been implemented.^[2] For example, to verify that a supplier has implemented an agreed training under a production location action plan (see 3.2) or a supplier has posted information on the Fair Wear Complaints Helpline.
2. Member brands can verify themselves, use Fair Wear's local experts, or use other local experts. Verification activities can include on-site checks, photo verification, follow-up audits or assessments, (off-site) worker interviews, documents review, stakeholder engagement, etc. Member brands should implement the most appropriate verification method to the risk. Actions to address more severe risks should have more robust verification.
3. Fair Wear member brands are also expected to verify that the brand itself has implemented the actions it has committed to under risk action plans and production location action plans (see 3.1 and 3.2). This can be carried out through internal checks and controls but could also be conducted by a third-party.

4.2 Monitor

1. Fair Wear member brands are expected to establish and implement systems to monitor prioritised risks over time. Monitoring activities are ongoing activities done by the member brand to monitor the status of progress and to help identify whether approaches need to be adjusted.
2. Member brands monitor at two levels:
 - a. At the production location level, member brands will track data on an individual risk or issue to determine whether it has been addressed.
 - b. At a regional or global level, member brands will track data across production locations, regionally or globally over time to identify risk trends (i.e., has the risk of child labour stayed the same, improved or become worse across the brand's sourcing?).
3. Data should be collected from a range of sources, if possible (e.g., factory assessment data, data from stakeholder interviews, performance data from factory programmes, data from complaints or the Fair Wear Complaint Helpline etc.).^[3]
4. In some cases, it will be helpful to track qualitative and quantitative indicators. Where possible, it is better to use indicators which are outcome based, such as the percentage of workers understanding their rights, rather than output-based indicators, such the number of workers trained on their rights. Data gathered should ideally be disaggregated by gender.
5. Member brands are expected to engage workers, through trade unions or organisations of the workers' own choosing, and factory management in the monitoring progress.^[4]
6. Member brands maintain regular dialogue with production locations for which no risk actions or production level actions are formulated.

4.3 Validate actions

1. Member brands are expected to validate that the risk action plans and production location action plans are effective in preventing or mitigating the human rights risks. For example: a brand has prioritised forced labour under Step 2. The brand implements a series of trainings on third party recruitment agencies over a period of 2 years across all new and existing production locations in a high-risk country under Step 3. The brand would now be expected to review data over time to determine and validate that those trainings were effective in reducing the risk of forced labour. This can focus on a particular region or set of higher-risk production locations, if appropriate.
2. Methods for validation can include combinations of full or modular assessments and/or affected stakeholder dialogue conducted.
3. In reviewing the outcomes of their risk action plans and production location action plans, member brands are expected to analyse if and how their purchasing practices – and any actions to address purchasing practices – are linked to the risk.
4. When actions are not effective i.e., the risk still exists or the risk was not fully addressed, the member brand is expected to try to understand why this is the case. For example, the activities did not address the root causes, the brand lacked resources and time, etc. Where it is not clear why an action has not been effective, the brand should seek external support.^[5] Fair Wear can facilitate this process.
5. The member brand is expected to update its prioritised risks (see Step 2) and its risk action plans based on the above findings (See Step 3).^[5]
6. Member brands validate risk profile of production locations for which no risk actions or production level actions are formulated.

Footnotes

1. [^] *OECD Garment & Footwear Guidance, Step 4.2, pp. 86-87*
2. [^] *OECD Garment & Footwear Guidance, Step 4.1, p. 84*
3. [^] *OECD Garment & Footwear Guidance, Step 4.1, p. 85*
4. [^] *OECD Garment & Footwear Guidance, Step 4.1, p. 87*
5. ^{a,b} *OECD Garment & Footwear Guidance, Step 4.1, p. 86*

How to work on step 4

- /// **The Action List facilitates the monitoring of progress at production locations.**
- /// **Fair Wear offers the possibility to upload proof of verification of factory actions by brands.**
- /// **Fair Wear offers the possibility to validate improvements of factory findings.**
- /// **In the Brand Performance Check, Fair Wear reviews overall progress reports, including a sample of production location specific improvements.**

Step 5: Communicate about human rights due diligence

1. This chapter focuses on how member brands are expected to communicate about HRDD. Member brands should communicate what they are doing, the harms and risks they assess, how they have addressed potential and actual harms, and what dilemmas they encountered along the way.

5.1 Public communication

1. Fair Wear member brands are required to communicate on their HRDD publicly and to Fair Wear, annually at a minimum. Reporting should be aligned with the OECD Due Diligence guidance and the UNGPs that the intended users are able to access the information.^[1]
2. Member brands' public communication includes^[2]:
 - a. HRDD policy(ies). Member brands can likewise communicate additional value statements which the brand subscribes. Member brands explain what Fair Wear membership means for them and how this is embedded in responsible business conduct.
 - b. The HRDD management systems, including how HRDD is included in decision making processes and information management systems.
 - c. The corporate governance which oversees RBC. The board and senior management are responsible and accountable for guiding the approach and implementation of the company's HRDD.
 - d. Disclosure of the senior staff responsible for the oversight of the HRDD policy.
 - e. The most significant human rights risks of harm for its supply chain, including how these risks are identified, assessed and prioritised.
 - f. Components of member brands' risk action plans to prevent or mitigate harm in in-scope supply chain and in-scope own operations and effectiveness of these measures.
 - g. Tier-1 production locations, in line with the Fair Wear transparency policy. Member brands are strongly encouraged to disclose their suppliers throughout the supply chain, the assessment findings for their suppliers, corrective action plans for their suppliers and complaints (on an aggregate level).
 - h. Where relevant, member brands' intent and objectives in policy engagement as well as the outcomes of the engagement.
 - i. Member brands' system to provide access to remediation. In case of complaints through the Fair Wear helpline member brands are required to disclose the complaint and describe the brand's role in remediation. In the case of own production locations, the member brand must also report its own remediation policy and processes for the production they (co-)own.
 - j. Member brands meaningful engagement with stakeholders, including the member brand's policy on stakeholder engagement in the due diligence process (see 3a) and the activities the brands has taken to implement that policy in the reporting period. For example, where member brands implemented risk policies that required stakeholder engagement. If government or industry engagement was needed to create an enabling environment, members must also communicate on these activities.
 - k. How member brands collaborate on HRDD with Fair Wear members and other brands, including on which specific components (like risk assessment).
3. Member brands are expected to communicate the most recent Brand Performance Check report publicly through their own communication channels, e.g., on the company's website and/or on social media.

Footnotes

1. ^a *OECD Garment & Footwear Guidance, Step 5.1, p. 91*
2. ^a *OECD Garment & Footwear Guidance, Step 5.1, pp. 90-91*

5.2 Communication with affected stakeholders

1. Member brands whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communication must:
 - a. be of a form and frequency that reflect a member brand's human rights impacts and that are accessible to intended audiences;
 - b. provide information that is sufficient to evaluate the adequacy of a member brand's response to the particular human rights impact involved;
 - c. in turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.^[1]
2. In relation to labour rights, member brands should communicate with affected workers, through trade unions and organisations of the workers' own choosing. The member brand should engage with the stakeholders to understand what they deem to be material information. ^[1]

Footnotes

1. ^{a, b} *OECD Garment & Footwear Guidance, Step 5.2, p. 92*

How to work on step 5

- // Fair Wear has developed a **social report** template that can be integrated in a brand's public reporting on due diligence.
- // Fair Wear enables members to embed its **performance check report** in its own website or online sustainability report.

Step 6: Provide for or co-operate in remediation when appropriate

1. This chapter focuses on remediation of actual harm. If a member brand identifies a potential harm (e.g., a risk which is not yet an adverse impact), the brand should seek to prevent and mitigate the risk from occurring under Step 3. However, prevention and mitigating measures can and should also be part of remedy (as described below in 6.2).

6.1 Establish and secure grievance mechanisms

1. In line with the OECD Guidelines and UNGPs, Fair Wear believes that remediation of human rights impacts should ideally be handled at the production location level.
2. Member brands are expected to establish effective grievance mechanisms in their owned production locations aligned with the UNGP and OECD effectiveness criteria.^[1]
3. When engaging with a new supplier or during monitoring of existing suppliers, member brands are expected to identify whether the supplier has a factory-level grievance mechanism (FLGM) and if one exists, assess whether it meets the core criteria of legitimacy, predictability, equitability, transparency, is dialogue-based, not block access to judicial recourse (e.g., through legal waivers) for victims of human rights violations and meeting Fair Wear's guidance on FLGM.
4. In particular, for cases related to sexual and gender-based violence and harassment, the member brand should assess whether it is best suited to address these cases and if not, take action to make sure a suitable mechanism is available. Member brands should ensure that workers, especially those vulnerable to violence, harassment and discrimination, are made aware of these grievance mechanisms and feel confident to utilise them. Member brands should be aware that when remediating these types of complaints, specialised additional support might be needed.
5. Furthermore, the member brand and its suppliers must not interfere with civil or criminal investigations or human rights examinations.
6. When effective FLGMs are not present, functional, trusted or safe for workers or their representatives to use, the member brand is required to establish a process that is legitimate, accessible, predictable, equitable, transparent, and dialogue-based ^[2] to enable remediation of human rights impacts in their supply chains. In countries where Fair Wear is active, this means at a minimum providing the Fair Wear Complaint Helpline and meeting requirements of brands as set in Fair Wear's Complaint Procedure. The member brand is also expected to work with its supplier to establish effective FLGMs over time.

6.2 Remedy

1. Member brands are expected to provide for or cooperate in the remediation of adverse impacts where they have caused or contributed to that adverse impact^[3] (see Step 3).
2. When a member brand has not caused or contributed to an adverse impact but is still directly linked, it is required to use its leverage to influence its supplier or business partner (or the entity causing the impact) to prevent or mitigate the impact and provide remedy. If the impact is not remedied, Fair Wear requires the brand to provide remedy to the extent feasible and reasonable. This goes beyond the OECD Due Diligence Guidance and UNGPs.
3. In both of the above cases, Fair Wear member brands must engage with affected stakeholders in the determination of remedy, and/or ensure that affected stakeholders have been appropriately engaged.^[4]
4. Fair Wear member brands must ensure (when in their own production locations) or require of their business partners that remedy meets the following internationally recognised principles:
 - a. It seeks to restore the affected person or persons to the situation they would be in had the harm not occurred (where possible) and be proportionate to the significance and scale of the adverse impact.
 - b. It meets national laws and international guidelines on remediation where available; where such standards are not available, the remedy provided is consistent with that provided through similar cases. In situations where international guidelines contain higher standards, those take precedence.
5. Where there is no capacity or technical expertise, Fair Wear expects member brands to seek external support for remediation of harm, preferably in engagement with local stakeholders through local multi-stakeholder initiatives.
6. After remediation of harm, member brands are expected, in consultation with affected stakeholders, to follow up with preventive and mitigating actions (as part of a production location action plan) to prevent the harm from recurring and to assess the level of satisfaction with the process and outcomes of those who raised the complaint.^[4]
7. Remediation shall be gender responsive. As such, all related processes shall ensure equal access and equal outcomes.

Footnotes

1. [^] *OECD Garment & Footwear Guidance, Step 6.1, pp. 95-97*
2. [^] *OECD Garment & Footwear Guidance, Step 6.1, p. 94*
3. [^] *OECD Garment & Footwear Guidance, Step 6.2, p. 97*
4. ^{a, b} *OECD Garment & Footwear Guidance, Step 6.2, p. 102*

How to work on step 6

- // Fair Wear assesses for the presence and functionality of Factory-Level Grievance Mechanisms (FLGM) during assessments (see step 2).
- // Fair Wear offers the [Complaint Helpline and procedure](#) in case the FLGM is not functioning (properly). Fair Wear local teams and stakeholders can support this process by independently collecting complainants' views on remedy.
- // FLGMs and Fair Wear's Complaint Helpline can also function as an early warning system for possible risks of harm in production locations. If complaints are filed where actual harm has not yet materialised, these complaints can be translated into preventive and/or mitigating actions in a production location action plan (see step 3).