

Providing workers with confidential complaints mechanisms

Confidential complaints mechanisms are an important addition to the formal process of inspecting labour conditions since workers themselves are best placed to monitor these conditions. This chapter reviews experiences of implementing complaints procedures, identifies the different mechanisms used and their strengths and weaknesses, and explores what constitutes good practice. It draws in particular on the experiences of Reebok and Grupo de Monitoreo Independiente de El Salvador (GMIES), an independent monitoring organisation.

4.1 Background

Sourcing companies implementing codes of labour practice have tended to focus on developing systematic auditing programmes, where the sourcing company audits or inspects supplier sites on a periodic basis to ensure that agreed labour standards are met. The underlying premise behind this approach is that the sourcing company takes responsibility for monitoring labour practices and ensuring that certain minimum standards are met. The development of these auditing programmes should be recognised as both a logical and a positive step forward. However, experience and common sense point to the fact that, ultimately, workers themselves are the best monitors of labour practices and code implementation. Workers are best able to judge whether or not certain labour practices are ‘problematical’, have the highest stake in the code implementation process and are in the best position to keep track of whether any improvements are sustained over time.

The concept of ‘confidential complaints mechanisms’ builds on this recognition that workers are ultimately the best monitors of workplace conditions. The aim of such mechanisms is to provide a secure channel for workers to express any concerns they may have about working conditions, and in particular to enable them to raise issues overlooked by the sourcing company’s auditing programmes. There is growing recognition that the latter’s auditing programmes will never be enough to ensure that minimum labour standards are met in all parts of their supply chains, and that the existence of effective complaints mechanisms is crucial to bridge that gap.

4.1.1 What are confidential or independent complaints mechanisms?

Confidential/independent complaints mechanisms are channels through which workers can register a complaint or concern about working conditions in their workplace, *independent from and without the knowledge of their employer*. Such mechanisms should be able to guarantee that the identity of the worker making the complaint remains confidential, and that sincere efforts will be made to resolve the problem(s) identified by the worker.

There is a distinction between ‘external’ and ‘internal’ complaints mechanisms. Internal mechanisms are those where complaints are directed to and handled by the sourcing company. An external mechanism refers to systems where an independent organisation, such as a local trade union organisation, NGO or multistakeholder initiative, is responsible for receiving and handling complaints. In practice, there may be a combination of both, that is where a sourcing company works in collaboration with a local independent organisation.

4.2 The experience of Reebok

Reebok has been implementing an integrated programme of code monitoring, the aim of which is to uncover and resolve workplace issues in suppliers’ factories, strengthen the relationship between Reebok and the factories, and ultimately to decrease Reebok’s own auditing of suppliers. A key component of this programme has been the establishment of confidential complaints mechanisms. Over a six-year period, complaints mechanisms have been developed and worker representatives, reporting to Reebok and the factory management, have been trained to manage them. Once sustainable confidential complaints procedures and action plans are implemented, Reebok intends to phase out its role in managing the programme.

Reebok’s experience is that factory management is often reluctant to introduce a programme which cultivates a direct relationship between worker representatives and the customer, Reebok. Yet the commitment of factory management is essential and must be declared through a public agreement not to retaliate against complainers posted throughout the factory. Moreover, when the programme is implemented, worker representatives have found that it is time-consuming and as a result tend to focus on resolving existing problems rather than implementing preventive measures.

4.3 The experience of GMIES

GMIES has found that effective monitoring requires faith in the system. In their experience, empathetic relationships with workers, independence from management, transparency, access to information, and respect of confidentiality are essential factors for building workers’ trust in the system.

4.4 Different types of complaints mechanisms

Both Reebok and GMIES have tested/used the following mechanisms:

- **pre-paid mailers:** complaints forms that workers can complete and send to the organisation dealing with the complaint, without cost to the workers
- **drop boxes:** covered boxes where workers can leave written complaints

- **phone lines**
- **off-site meetings/interviews:** often used to follow up a specific complaint made by a worker via the phone line or drop box.

4.4.1 Effectiveness of the mechanisms

In the experience of Reebok and GMIES, workers are generally more comfortable using anonymous pre-paid mailers than drop boxes. Both organisations would like to put more emphasis on phone contact than written complaints, which often do not provide sufficient detail for follow-up.

Reebok and GMIES both emphasised the need for worker trust in the system, and found that a programme is more successful if the workers can see that concrete changes have been implemented. Both their programmes have been effective at addressing emergencies but have been less effective in preventing problems arising.

4.5 Issues raised by workers

The following table gives examples of the issues raised by workers through complaints mechanisms, based on the experience of Reebok.

TABLE 4.1 Nature and number of complaints handled by the Reebok programme 1997–2000

Categories	Country					Grand totals
	China	Philippines	Thailand	Indonesia	Vietnam	
Discrimination	23	0	0	4	6	33
Working hours/overtime	291	18	92	231	43	675
Factory rules/regulations	122	22	68	436	87	735
Wages	396	69	223	486	92	1266
Freedom of association	3	9	4	17	4	37
Health and safety	288	51	35	85	36	495
Interpersonal relationships	321	18	47	62	95	543
Other	687	57	78	745	89	1656
Totals	2131	244	547	2066	452	5440

Reebok and GMIES have found that issues not covered by the ETI Base Code, such as poor canteen food, are often raised. Conversely, discrimination and freedom of association, key principles of the ETI Base Code, are often omitted because workers do not know they have a right to demand these standards.

4.6 Moving ahead

Workshop participants voiced concern over confidentiality and the risk that unscrupulous parties might bribe worker representatives to release the names of workers who have lodged anonymous complaints.

Evaluating the effectiveness of complaints mechanisms poses a challenge in that a decrease in complaints might imply the system is working, whereas in practice it often indicates workers' disenchantment with an ineffective complaints mechanism.

Participants made the following points about improving complaints mechanisms in the future:

- **Worker education is crucial.** This is essential for workers to feel empowered and be able to identify which rights are being violated.
- **Workers must be informed about the results of using the complaints mechanisms and see concrete action** in order to have faith and continue to use or assist in managing them.
- **Effective systems for protecting workers' confidentiality are essential** to gain worker trust and participation.
- **Internal programmes can benefit from working with local capacity-building organisations.** Sourcing companies need to work with local organisations, in particular with trade unions, to establish and maintain complaints mechanisms, if they are to be sustainable in the long run.

Further information

Presentation slides from GMIES and Reebok are available from the ETI Secretariat.

GMIES: Carolina Quinteros, Directora-Ejecutiva, Grupo de Monitoreo Independiente de El Salvador, Blvd. De los Heroes, Pje. Las Palmeras, Edif. Demsa, 2 piso, n 22, San Salvador, El Salvador.
T + 503 260 8661 F + 503 260 8661 cquinter@amnetsal.com

Reebok: Jill Tucker, Director, Human Rights Programs, Reebok Trading (Far East) Ltd, 13th Floor, Tower II, The Gateway, 25 Canton Road, Kowloon, Hong Kong. T + 852 2956 6223 F + 852 2956 1023
jill.tucker@reebok.com