

JO-IN Project Dispute Resolution Procedure

Introduction

This document sets out a dispute resolution procedure for the Jo-In project. Part 1 is a brief description of the context in which the Procedure may be invoked. Part 2 is the procedure itself.

Part 1: Context of the JO-IN Dispute Resolution Procedure

Every effort should be made to resolve complaints at the level of the facility, between workers and management. All facilities participating in the project are expected to have a complaints procedure in the facility. If such a procedure does not exist, then implementation of the JO-IN Draft Code requires that one be developed. Examples of factory-level mechanisms include, but are not limited to, collective bargaining agreements, grievance procedures; worker/management grievance panels; and external entities such as mediation and arbitration providers, whether public or private.

Should the complaint not be adequately dealt with at the level of the facility, most code implementation systems make provision for workers to lodge a complaint with the company doing business with the facility. All companies sourcing from the facility and participating in the project are expected to have a process for addressing such complaints in their code implementation systems. If such a procedure does not exist, then implementation of the JO-IN Draft Code requires that one be developed.

The JO-IN Dispute Resolution Procedure applies:

- i.) if the factory and/or company-level complaints mechanisms has not adequately resolved an issue, and workers, trade unions or one of the participating organizations wish to take the complaint further;
- ii.) in circumstances where immediate action is required.¹

Because one goal of the project is to develop sustainable institutions within the worker/supplier/buyer nexus, a requirement for initiating the Jo-In Dispute Resolution Procedure is that a reasonable effort has been made to resolve the complaint at factory or company level.

In all cases the Jo-In Dispute Resolution Procedure work in a way that complies with Turkish law.

¹ "Circumstances requiring immediate action" are those which are considered to be of such a serious nature that they threaten the safety and security of a worker, such as serious physical abuse or dismissal in retaliation for trade union activities. Depending on the severity of the situation, such action might include, but would not be limited to, one of the following: asking the company to intervene; sending an observer to the scene; asking authorities to intervene.

Part 2: The JO-IN Dispute Resolution Procedure

The purpose of this procedure is to provide a mechanism through which complaints that arise in any of the participating facilities - that are not adequately dealt with by existing complaints mechanisms, or that are considered sufficiently serious that they require immediate action - can be dealt with by the Jo-In project before they are taken up by any of the organizations participating in the Joint Initiative.

Project staff will prepare a public report on the matter once remediation is underway, or within thirty days of the filing of the complaint, whichever is sooner. The report will include a description of the complaint, the actions taken at each step, and the current status of remediation. The report will seek to avoid the identification of particular individuals, but will identify the company and factory involved. A final version of the report will be published, with input from all the parties that have standing in the complaint.

Step 1:

Any party may lodge a Complaint with the JO-IN Project Coordinator or International Project Director, who will consult with the complainant to arrive at a preliminary assessment of whether to move forward with the process. The complaint must meet the following criteria:

- a. The complaint alleges that the company, the company's supplier, and/or a subcontractor to the supplier, have acted in a manner that does not comply with the JO-IN Draft Code of Labor Practice.
- b. There has been a good faith effort by the complainant and/or the affected workers to resolve the complaint at both the factory and company levels.
- c. The complaint is credible, which means that it is not frivolous and is filed by a party seeking remediation.
- d. The complaint is, in principle, verifiable through documentation, testimony or other means available to the JO-IN Project Coordinator.

If the JO-IN International Project Manager's decision is to move forward, the process goes to Step 2; if not, the JO-IN Project Coordinator will inform the complainant in writing with an explanation of why the process has been terminated.

Step 2:

The JO-IN Project Coordinator will inform the company that a complaint has been filed against it or one of its suppliers, and provide the company with the information provided by the complainant.

If the company agrees that there is a significant likelihood that the complaint is justified, and believes it can resolve the complaint itself (or, if the conditions giving

rise to the complaint are already being addressed through remediation of the subject factory), in accordance with the JO-IN Draft Code of Labor Practices, then the JO-IN Project Coordinator shall grant the company a reasonable amount of time to do so.

If the company does not agree that there is a significant likelihood that the complaint is justified, or if the company agrees that the complaint is justified but that it would not be able to resolve it, then the JO-IN Project Coordinator conducts an assessment of the allegation. If the allegation is found to be true, then the JO-IN Project Coordinator will inform the company so it can begin remediation immediately; otherwise, the JO-IN Project Coordinator terminates the complaint and issues a summary report.

Step 3:

If the noncompliance is not remediated in a timely manner then the JO-IN International Project Director shall so inform the Steering Group, which will in turn determine whether the facility or company is meeting its obligations for participation in the project.

If, it is determined that the supplier or the company has not met its obligations for participation in the project, then any of the six participating organizations can take the complaint forward according to their own procedures.

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