*Note: The complaint, including all personal data and documentation related to it (including email, text message, letter, fax) will be treated confidentially[[1]](#footnote-1)* *by all parties involved in the process.*

|  |  |
| --- | --- |
| 1. **Complainant**

(Who is complaining?) | 1. **Respondent**

(Name of ACT member brand) |
| **Complainant (name)** **Company name (factory and/or supplier)****Company address****Phone****E-Mail** | * [ ]  Asos
* [ ]  Bestseller
* [ ]  Big W
* [ ]  C&A
* [ ]  Cotton on Group
* [ ]  Esprit
* [ ]  G-Star Raw
* [ ]  H&M
* [ ]  Inditex
* [ ]  Kmart
 | * [ ]  Lidl
* [ ]  New Look
* [ ]  Next
* [ ]  Pentland
* [ ]  Primark
* [ ]  PMV
* [ ]  Target Australia
* [ ]  Tchibo
* [ ]  Tesco
* [ ]  Zalando
 |
| 1. **Assisted / represented by** (Third-party representation, if applicable. e.g, an employers association)
 |
| **Assisted/represented by (name)****Organisation and Position****Phone** **E-Mail** |  |
| I confirm the right of this third party to support and/or represent me as the complainant.  |
| 1. **Reason for the complaint**

Please describe the reason for the complaint. What happened and when? |
| * [ ]  I was not paid on time, as agreed.
* [ ]  The amounts paid were not those I agreed to.
* [ ]  The brand changed the payment terms after the fact and without my agreement.
* [ ]  The brand imposed penalties which fell outside of our agreement.
* [ ]  The brand terminated its order without sufficient notice or phase out time.
* [ ]  Other (please specify on the next page):

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 |
| 1. **Alleged violation of ACT brand commitment**

Please indicate which of the ACT Global Purchasing Practices Commitments have been allegedly violated by the above mentioned action(s).  |
| [ ]  Brands Commit To Fair Terms Of Payment (Commitment No.2).[ ]  Brands Commit To Practise Responsible Exit Strategies (Commitment No.5).[ ]  Both Commitments No.2 and No.5. |
| 1. **Communication with the respondent (ACT Member Brand)**

Please describe if and when you have tried to resolve the complaint directly with the respondent. Please attach relevant documentation showing your attempt to resolve the complaint with the respondent.  |
|  |
| 1. **Remedy**

Please indicate the preferred result(s) that you view as the most appropriate outcome of the process (remedy) to address the alleged violation. The process does not guarantee the fulfilment of preferred remedies.  |
|  |
| 1. **Additional information and documentation (if applicable)**

Please provide any additional information that may be relevant to the complaint and attach copies of any relevant documents. |
|  |
| 1. **Declaration**
 |
| The complainant declares that:[ ]  The allegation refers to an incident which took place on or after 01.01.2022.[ ]  The complaint has not already been filed under a comparable grievance mechanism, including for example another multi-stakeholder initiative, or arbitration body, nor is more appropriately filed elsewhere.[ ]  The statements in this form have been made in good faith and to the best knowledge of the complainant or complainants. All relevant documents pertaining to the complaint have been submitted in the Annex. The complainant agrees to solve the dispute in accordance with ACT Complaints Mechanism for the Purpose of a Pilot. If requested, the complainant agrees to submit to the ACT Secretariat any additional information or documentation in its possession, provided that such material is reasonably relevant to the issues in dispute. [ ]  The complaint, including all personal data and documentation related to it (including email, text message, letter, fax) will be treated confidentially by all parties involved in the process. The complaint will be submitted using end to end encryption.  |
| **10. Submission** |
| **Contact information of complainant/representative**NameEmail Phone  | Date of the ComplaintSignature of the complainant/ representative |

 **Conflict of interest / Anti-trust**: If complainants or any party related with the complaint at any time of the process reasonably consider that any member of the ACT Secretariat and/or independent expert is incurred in any potential conflict of interest, this should be communicated in a formal way to the ACT secretariat. In this regard, the ACT Secretariat shall carry out the proper actions aimed to ensure an independent management of the complaint through an agreement of the ACT members involved, that is IndustriALL Global Union and the related Brand affected.

**How to file a complaint**

*Please find below a brief overview of the complaints process and eligibility criteria to support you in completing the complaint form above.*

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| **Who can file a complaint** |
| You may file a complaint if you are a manufacturer or employers’ associations from Bangladesh, Cambodia or Türkiye, supplying an ACT member in the garment, textile and footwear industry,  |
| **Subject of the complaint**  |
| The complaint must refer to an alleged violation of the [ACT Global Purchasing Practices Commitments](https://actonlivingwages.com/app/uploads/2021/04/ACT-Global-Purchasing-Practices-Commitments.pdf) No. 2 (Fair Terms of Payment) and/or No. 5 (Responsible exit strategies). Commitment No.2 Brands Commit To Fair Terms Of Payment This refers to issues such as; payments to suppliers being in line with agreed timeframes, ensuring that amounts paid to suppliers are in line with the payment terms agreed and that retrospective changes are only made where it is mutually agreed and are not to the detriment of the supplier, brands not imposing penalties that fall outside the terms of a purchase agreement, purchasing agreements clearly referencing financial consequences for nonperformance and the Implementation of an internal monitoring mechanism to track terms of payment, on-time payments as well as penalties issued and their root causes.Commitment No.5 Brands Commit To Practise Responsible Exit StrategiesThis refers to issues such as; a consideration of the reasons and consequences of a brand exiting, brand commitments to conduct impact/due diligence assessments before exiting, allowing appropriate phase out times, avoiding negative impacts on workers, and taking reasonable measures to assure that all wages and legally entitled severance payments are made. |
| **Criteria for filing a complaint** |
| Complaints that meet the following eligibility criteria can be processed: 1. The complaint falls within the scope of the [ACT Global Purchasing Practices Commitments](https://actonlivingwages.com/app/uploads/2021/04/ACT-Global-Purchasing-Practices-Commitments.pdf) No. 2 (Fair Terms of Payment) and/or No. 5 (Responsible exit strategies).
2. The complainant supplied an ACT member brand during the time when the incident happened.
3. The allegation refers to an incident which took place on or after 01.01.2022.
4. The complainant confirms that the complaint has not already been filed under a comparable grievance mechanism, including for example another multi-stakeholder initiative, or arbitration body, nor is more appropriately filed elsewhere.
5. Any type of false information provided in this regard will imply the automatic rejection or total closure of the case during any stage of this ACT external Complaints Mechanism for the purposes of a pilot.
 |
| **How to submit** |
| Please upload the completed form and supporting documentation through the end to end encrypted [document delivery system](https://actonlivingwages.com/pilot-complaints-mechanism/). |

1. **Confidentiality:** As stated in the process, all the Parties involved in the process shall treat the complaint and its outcomes confidentially, including all personal data and documentation related to the complaint. In this regard, if any third party is required to be involved in the process, the ACT Secretariat will ensure that such third party is under confidential obligations through the signature of a Non-Disclosure Agreement between the third party and the ACT Foundation. [↑](#footnote-ref-1)