



## warfair Complaints Mechanism

### Policy and Procedure

#### A. What can justify a complaint

In order to make a valid complaint, the complaining party must allege that there, as a consequence of the activities by warfair and/or its partners has been a negative human rights impact or a breach of the warfair policies and principles listed at the [warfair website](#).

The complaint should present as many facts as possible and should be able to produce sufficient information to demonstrate the relevance and seriousness of the complaint.

#### B. Who can complain

Any individual or organisation, including staff, volunteers, suppliers, customers and related communities (or any organization representing such a party) who experience adverse human rights impacts, unethical or illegal behaviour (such as corruption) that warfair cause or contribute to through its own activities, or which may be directly linked to the operations, products or services by the warfair business relationships.

#### C. How to complain

Complaints can be made via the warfair telephone (+4560690330), by email ([complaints@warfair.dk](mailto:complaints@warfair.dk)<sup>1</sup>) or by direct contact to one of the members of the [warfair Ethics Committee](#).

The complaint does not have to be submitted in English, it can be submitted in the individual's or organisation's own language.

The complaint should, if possible, contain the following information:

1. the name and full contact details of individual or organisation making the complaint and (for issues of confidentiality and anonymity see section D);
2. the name of the person, company, group or activity to which the complaint relates;
3. a description of the nature and scale of the adverse human rights effects or breach of policies/principles and how it relates to warfair;

If possible, the complaint should include supporting information.

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<sup>1</sup> Emails to [complaints@warfair.dk](mailto:complaints@warfair.dk) are forwarded to both the CEO of warfair and to the chairperson of the Ethics Committee at [ethics@warfair.dk](mailto:ethics@warfair.dk).

#### D. Confidentiality and sensitive information

warfair wishes all parties to have confidence in the complaint procedures. We therefore deal with complaints in an open and transparent way. Unless there are good reasons not to do so, all information received will be provided to all other parties to the complaint.

If there is sensitive information, the preferred course is to agree with all parties on how to deal with this.

warfair recognises the risk of retaliation facing workers making complaints about their employment conditions, or individuals raising issues related to human rights violations or breaches of policies/principles. In these circumstances warfair will not disclose the identities of workers to employers to open them up to retaliation, or the names of individuals who may have been subjected to human rights violations, where such disclosure would lead to their likely intimidation or victimisation.

warfair understand that at times, individuals may wish to make an anonymous complaint. Where anonymous complaints are received, warfair will investigate and determine whether there are grounds to the complaint. However, in the case of anonymous complaints we will not be able to inform the complainant with the outcome of those investigations, or the actions taken by warfair. If an individual decides to make an anonymous complaint it is important that the complainant provides as much information as possible to substantiate their complaint.

#### E. Procedure following a complaint

The procedure for all complaints is an initial assessment of the evidence, followed by an in-depth investigation, and the development of appropriate remedial action(s) in the quickest possible timeframe based on the following steps:

1. warfair<sup>2</sup> will acknowledge receipt of a complaint in writing, or verbally if the complaint was received via a telephone call or in a face-to-face meeting with a complainant.
2. If there is insufficient information provided by the complainant initially, warfair will ask for additional information or clarification about the nature of the complaint.
3. warfair management and the Chair of the Ethics Committee will together assess and determine whether it can be accepted as a legitimate complaint. If an agreement cannot be made, the case will be referred to the warfair Ethics Committee for decision on further steps.
4. The complainant will be informed whether the complaint has been accepted. If the complaint is not accepted, the reasons will be given to the complainant.
5. If the complaint is accepted, warfair will identify the parties to the complaint. Depending on the nature of the complaint, these parties could include the complainant, the subject of the complaint, rightsholders, workers, volunteers or others directly affected by the issues raised, groups representing or advocating on behalf of those directly affected, and other actors in the supply chain or in the warfair business operations and activities.
6. All parties will be contacted and briefed on the process unless such disclosure would put those parties in danger and/or lead to intimidation or victimisation (see section D).
7. The substance of the complaint and all relevant documents will be examined by warfair management. If the complaint relates directly to warfair management or staff, the warfair Ethics Committee will determine who will examine the complaint.

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<sup>2</sup> “warfair” will in the following mean the warfair management if the complaint is related to partners or suppliers or, if related to warfair management or staff, the chair of the Ethics Committee.

8. The examination can include on and off-site interviews and an examination of the related staff, volunteers, partners or suppliers and may include relevant government agencies, stakeholders from the local communities and civil society. If additional expertise is required, warfair may choose to commission an external investigation from an independent third party, or use the services of an independent specialist or, appoint an independent ombudsman or mediator to manage the complaint process.
9. The purpose of the examination is to gather evidence in order to make a decision on how to proceed. Therefore, the conclusion will not require evidence 'beyond all reasonable doubt' - rather, they need to prove 'in the balance of probability' that the alleged incident did or did not occur. The examinations will follow the [guidelines for investigations](#) produced by the Core Humanitarian Standard Alliance.
10. The complaint and the initial findings of the examination will be communicated to the subject of the complaint and their response will be requested. They will be given a defined period of time to respond.
11. The findings of the examination will then be shared with all parties, unless there is a strong compelling case for confidentiality (see section D).
12. The subject of the complaint may, on the basis of its own investigations, suggest a remedy which is agreeable to the complainants or the affected parties. Equally the complainants may, on the basis of the information provided by the subject, agree that there is no merit in pursuing the complaint.
13. Where warfair determines that its activities has caused or directly contributed to a violation of human rights or breach of its own policies/principles it will undertake to cease or change the activity that is responsible, in order to prevent or mitigate the chance of the impact occurring or recurring.
14. If the examination determines that warfair has caused or directly contributed to a violation, warfair will engage actively in its remediation, either directly or in cooperation with others. In case it is not caused by warfair directly, warfair will encourage the partner, supplier or entity that has caused or contributed to the impact to prevent or mitigate its recurrence.
15. In resolving complaints, warfair will be mindful of the law and legal precedence in the country where a complaint arises.
16. warfair will not assume, nor accept, the legal duties or obligations of other parties who may be the subject of a complaint.
17. warfair cannot adjudicate on legal disputes between parties, nor can it determine cases which require the deliberations and decisions of a court, tribunal or other duly authorised body under national or international law.
18. If there is no agreement within a reasonable period of time, warfair reserves the right to decide on the outcome of the complaint. It will do this on the basis of the information supplied at all stages of the complaint. warfair will communicate its decision and the reasons to all parties. If warfair upholds the complaint, it will institute appropriate action within its contractual rights, if the issue relates to its partners, suppliers, licensees or service providers, or its legal rights and responsibilities if the complaint is directed against warfair activities, employees or volunteers.
19. warfair may cease business with the subject of the complaint in accordance with the terms of the relevant contract or agreement.
20. While warfair will make every effort to facilitate agreed resolutions to legitimate complaints, and do so in partnership with partners, suppliers, licensees and other business partners or providers, and with the full engagement of other stakeholders, this does not affect warfair's contractual or legal rights.

21. Depending on the type of remedial action agreed or decided, the parties will seek to reach agreement on how this is to be monitored and checked to ensure that it is implemented within the agreed timescale. warfair will monitor the implementation of agreed outcomes or appoint a credible third party to do so.
22. At the conclusion of the complaint, warfair will write a short summary of the complaint and the outcome and share this with the affected parties. At the end of each year warfair will communicate, via its corporate website, how many third-party complaints it has received and the nature and the outcome of the complaints. The specific details of the complaints or the parties to the complaint will, in general, not be disclosed, unless both the complainant and the subject of the complaint have agreed that this to be made public. However, in those cases where an independent third party is retained to investigate a complaint, the terms of their appointment may require that they publicly report their findings and recommended actions, thereby ensuring credibility and transparency.
23. warfair will not disclose detailed information on any complaint, where it involves or could affect an ongoing legal case.
24. If any party is unhappy with the way the complaint has been handled, the party should raise the issue first with the warfair Ethics Committee. If the complainant is still dissatisfied with the outcome of their complaint and the actions taken, the warfair Ethics Committee will advice, if possible, on further recourse.

The warfair Complaints Mechanism Process and Procedure is approved by the [warfair Ethics Committee](#) at its Meeting on the 13<sup>th</sup> of August 2020.