GRIEVANCE MECHANISMS TOOLKIT

Practical guidance for companies in supply chains on how to implement effective grievance mechanisms









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INTRODUCTION



THIS TOOLKIT IS DESIGNED TO SUPPORT COMPANIES TO DEVELOP AND IMPLEMENT "OPERATIONAL GRIEVANCE MECHANISMS" FOR WORKERS.



A grievance mechanism (GM) is a process that can be used by individuals, workers, communities and/or civil society organisations that are being negatively affected by certain business activities and operations.

Operational GMs are established at site-level with the goal to enable workers and affected communities to feel empowered to speak up and have their concerns acknowledged and addressed. The benefit of operational grievance mechanisms is that they are located closest to where problems occur, and therefore are expected to be

easier to access and more efficient in providing remedy than other types of GMs.

This toolkit includes an overview of the key criteria for designing effective grievance mechanisms, examples of good practices and a step-by-step guide to plan and implement operational-level grievance mechanisms in the workplace.

The guidance builds on existing work and practical experience accumulated by companies, trade unions and NGOs and is informed by interviews with human rights practitioners and experts, including trade unions.

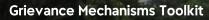
The implementation of the toolkit was tested with five companies to check the guidance was easily understood by companies and can be implemented at a factory level. The companies are located in India, Pakistan, China and the UK and operate in the consumer goods and food sectors.



The toolkit recognises that companies may be at different stages in their journey of setting up and implementing effective grievance mechanisms so provides guidance suitable for each stage.

For companies at the beginning of designing their grievance mechanisms, this guide provides key steps and actions to initiate the process.

For companies who are more familiar with grievance mechanisms (e.g. they may have systems in place to receive complaints from workers and affected communities) the toolkit supports them to review their mechanisms and ensure they are meeting their objectives.



INTRODUCTION

THE TOOLKIT IS DESIGNED TO HELP ALL COMPANIES ASSESS THEIR APPROACH ON GRIEVANCE MECHANISMS AND DECIDE HOW THEY CAN DESIGN OR IMPROVE THEIR POLICIES USING THIS GUIDANCE SPECIFICALLY TAILORED TO THREE LEVELS:



Highlights key steps that will be important building blocks to start developing a grievance mechanism, which can be progressed in future.



Further develops recommendations on key areas to achieve a mature system for receiving and handling grievances.



Provides companies with additional steps to implement grievance mechanisms that are robust and deeply aligned with a strong human rights approach.



The toolkit does not suggest a one-size-fits-all formula for grievance mechanisms but instead provides guidance that is flexible and adaptable.

Any mechanism must be tailored to the industry, country, culture and stakeholders for which it is designed.

The underlying principle is that the design and implementation of the GM is done jointly with the company's affected stakeholders and intended users.

This toolkit **focuses on grievance mechanisms for workers**; however the same broad principles and steps can apply to mechanisms designed for communities. Whenever possible, specific guidance for different settings is provided throughout.



INTRODUCTION

Who is this toolkit for?

The toolkit is aimed at those who have a role in managing stakeholder grievances in a wide range of workplaces across industries, including factory directors, human resource (HR) managers, employee/industrial relations staff, administrative staff, health, safety, security and environment managers and other professionals with responsibility for labour issues who are employed by companies or their contractors.

PART 2

Structure of the toolkit

The document is structured in three parts:

PART1

Understanding grievance mechanisms

Provides a broad overview of grievance mechanisms, including what they are and what benefits they bring to companies that use them.

PART 2

Step-by-step toolkit

Contains step-by-step guidance on how to design and implement a grievance mechanism in the workplace.

ART 3

Annex Useful definitions

Includes practical tools and additional resources.



Each section of the toolkit includes:

- definitions
- good practice examples,
- how-to guidance
- specific tools
- and further resources to dig deeper into a particular topic.

The toolkit is not meant to be read from cover to cover. Not all sections and topics may be relevant for a specific context. The toolkit is designed to allow the reader to go directly to the subject of most relevance for each company.

Limitations of this toolkit

There are limitations to what a grievance mechanism can capture and therefore to what this toolkit can achieve. In contexts with strong difference in power between the company and the potentially affected people, and when there is extreme vulnerability of the latter, the grievance mechanism will most likely be ineffective if used in isolation. The effectiveness of this toolkit relies on a genuine process of engagement with the intended users of the grievance mechanisms (the people that are potentially affected by the company).

Legend



The factory symbol signals specific guidance for factory contexts.



The plant symbol signals specific guidance for the agricultural sector (e.g. plantation).





01. What is a grievance mechanism?

The United Nations Guiding Principles on Business and Human Rights (UNGPs) state that "business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted" by the company so that grievances can be effectively addressed and remediated promptly.

Operational grievance mechanisms are **established at site-level** with the goals to:



Enable workers and affected communities to feel empowered to speak up and have their concerns acknowledged and addressed.



Be easy to access and efficient in providing remedy by being located closest to where problems occur.



Located "closest" to where abuses occur, operational (or site-level) grievance mechanisms are in principle easy to access and efficient in providing remedy.

If a worker experiences an infringement of their rights in the workplace, they should be able to access **site-level mechanisms** to raise their concern and obtain remedy rapidly.

However, there should be a process in place to **escalate grievances** to a higher level in the supply chain (the lead firm or a multi-stakeholder initiative, for example) if the operational grievance mechanism fails to produce an appropriate solution.



See step 4 in the Implementation phase



PART 1. UNDERSTANDING GRIEVANCE MECHANISMS

02. What good looks like

Grievance mechanisms are effective only when they provide a trusted channel for affected people to raise concerns early, openly, on an informed basis and in an atmosphere of respect. GMs should be designed and implemented having the "potentially affected people" at their heart and should be:

LEGITIMATE

Perceived to be **legitimate** by those who may need to use it by providing a **clear, transparent and equitable** process that should encourage trust.



ACCESSIBLE

Accessible and kept as simple as possible, avoiding unnecessary administrative stages to make it accessible.



PREDICTABLE

Predictable with a **clear and known procedure** for using the GM, together with an indicative time frame for each stage of the process.



EQUITABLE

Equitable by providing managers and workers with access to sources of information, advice and expertise necessary to engage in a grievance process on fair and informed terms.



TRANSPARENT

Transparent by keeping all parties informed throughout the process and reporting internally and externally about the performance of the mechanism; this will ensure the mechanism is not used to cover up serious issues.

RIGHTS-COMPATIBLE

Rights-compatible by assessing any complaint on its potential impact on human rights and by protecting users against retaliation of having raised complaints.



SOURCE OF LEARNING FOR THE COMPANY

A source of continuous learning by regularly reviewing all complaints and actions taken and revising the grievance mechanism as appropriate.



BASED ON ENGAGEMENT AND DIALOGUE

Based on engagement and dialogue by engaging with the intended users on the design and implementation of the mechanism and focusing on dialogue as means to address and resolve grievances.



PART 1. UNDERSTANDING GRIEVANCE MECHANISMS

PART 2

Grievance mechanisms can take different forms depending on how grievances can be raised (the entry points to raise a grievance) and how grievances are handled (the tools used to handle them). Figure 1 provides a visual representation of what a grievance mechanism process could entail in practice. As a good practice, a grievance mechanism should have:



Entry points

Provide multiple "entry points" through which potentially affected people (workers and communities) can raise their concerns. This could be through informal discussions, submission of formal complaint, submission through a third party or reported through another source (media, NGOs, MSIs). This will make the grievance mechanism widely accessible to its intended users.



Single coordination point

Channel grievances through a **coordination point** (usually a grievance mechanism officer) who will formally acknowledge and log the grievance into a system.



Combine tools and approaches

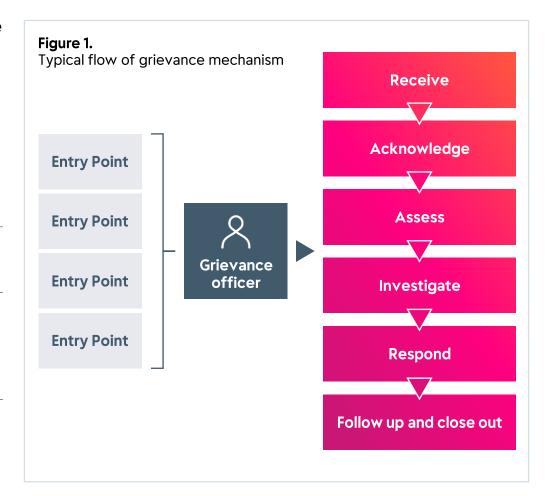
Combine different tools and approaches to assess, investigate and resolve grievances with a satisfactory outcome for all parties.

This will help the grievance mechanism to be adaptable to the specific context, and flexible to handle the specific nature of each individual grievance.



Close and monitor

Officially close a grievance only when the process is concluded and monitor the implementation of outcomes and actions. If the outcome is not satisfactory for either of the parties involved (management and worker/community), they should have the right to appeal.





PART 1. UNDERSTANDING GRIEVANCE MECHANISMS

PART 2



EXAMPLES OF ENTRY POINTS

Informal processes

Where workers bring an issue typically to their direct supervisor/manager.

Structured mechanisms

Where workers lodge grievances that are dealt with through defined procedures by management.

Joint committees

Where workers bring complaints to joint committees constituted between workers and management.

Technology-based apps

Given the widespread access that most workers have to the internet through mobile phones and computers, technology-based applications and other digital channels can provide an alternative entry point for worker complaints (see box below for further details).

Company complaint boxes or hotlines

Where workers use a company's phone number and/or email address (often the buyer) to raise any concerns related to their working conditions.

These will often be operated at a global level rather than by a specific factory's management and in a language that is not spoken by the worker. Hotlines do not always include a process of following-up on and resolving individual grievances.

However, there could be cases where there is a defined procedure on how to register and follow-up on concerns reported through worker hotlines.

Third-party hotline

Where workers raise concerns through a hotline operated by an independent third party, which acts as an intermediary between the complainant and the company.

If this route is chosen, providers need to be selected on the basis of a range of issues, including their experience, ability to deal with sensitive issues, their systems for protecting confidential information, and their response times.



EXAMPLES OF WAYS TO HANDLE GRIEVANCES

Information facilitation

The gathering of information on grievances to enable complainant to decide whether to raise a formal grievance and which route to take.

Negotiation

Direct dialogue between the parties involved with the aim of resolving the grievance through mutual agreement.

Mediation and conciliation

Direct or indirect dialogue between the parties assisted by an external, neutral facilitator with the aim of resolving the grievance through mutual agreement.

Arbitration

A process by which neutral arbitrators selected by the parties to a grievance hear their positions, conduct some form of questioning or wider investigation and arrive at a judgement on the course of action to be taken, often, though not always, with binding effect on the parties.

Investigation

A process of gathering information and views about a grievance with the aim to produce an assessment of the facts; this process will likely involve going back and forth with the complainant to confirm and verify facts, to have management respond to findings and to determine how to address findings.

Adjudication

The formation of a judgement on the rights and wrongs of parties involved in the grievance and on any remedies needed, which may be binding on the parties or lead to some form of sanction.

Adjudication is distinct from arbitration because it does not require agreement by the parties on who will adjudicate, nor does it involve a formal process of hearings.

Monitoring

A system to follow up and check if the grievance has been addressed in a satisfactory manner, and to identify cases where management is not able to carry out a commitment made or where a delivered commitment is insufficient, and provide a satisfactory solution.

PART 2



PART 1. UNDERSTANDING GRIEVANCE MECHANISMS

03. Benefits and limitations of grievance mechanisms

When effective, grievance mechanisms can bring four concrete benefits to businesses.











- Early warning system on potential issues.
- Prevent small problems from escalating into bigger issues (e.g. strikes, blockades).
- Prevent future disputes by restoring relationships.
- The simple existence of a quality grievance mechanism signals that the company is ready to acknowledge, address and learn from problems, thus creating a more constructive environment.

- When people feel listened to, they tend to be motivated and productive
- By enabling workers to raise issues, companies may be able to address problems such as:
 - low productivity due to low morale, absenteeism and illness among a workforce
 - low worker retention and additional training due to increased employee turnover

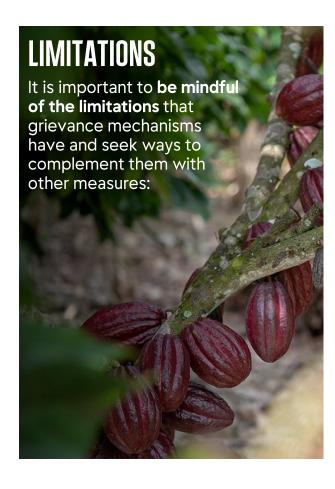
- Providing remedy in the event of the grievance being substantiated is a key outcome of any effective grievance mechanism.
 Outcomes should include:
- remedial actions, aimed at fixing, alleviating, or reversing a negative impact suffered by individual workers, such as financial compensation, back-payment or reinstatement; and/or
- systematic actions, aimed at improving overall conditions and preventing the same or similar impacts from reoccurring, such as training for managers and supervisors or enhanced management systems

- Meeting national legislation.
- Compliance with international frameworks.
- Compliance with buyers' standards and codes of conduct.
- Higher compliance rates for workplaces where workers are organised.

PART 2



PART 1. UNDERSTANDING GRIEVANCE MECHANISMS



01

GMs are a way for affected stakeholders to raise an issue but **should not be the only way** for the company to find out about issues and human rights violations linked to their operations.

Other measures should be put in place for wider stakeholder engagement.

000

03

GMs are a channel for affected people to raise issues with a company but should not be used as a substitute for **workers' organisations**.

02

GMs do not replace legal (e.g. courts) or other non-legal forms of remedy (e.g. national human rights commissions, multi-stakeholder initiatives) and should not prevent affected people to access those systems.



See the Annex for a full list of legal and non-legal mechanisms

04

There are cases of **extreme power imbalance** between affected individuals and a company that may limit the willingness of an individual to speak up.

For instance, people who have been trafficked into a factory from a different country may be so afraid of the consequences of speaking up that, even with all the best "non-retaliation" guarantees in place, they would not use a grievance mechanism.

Similarly, power imbalances may be caused by gender and traditional social norms and prevent women from raising any grievances.



PART 1. UNDERSTANDING GRIEVANCE MECHANISMS

PART 2

04. Before getting started: red flags to look out for

This tables summarises some common mistakes that companies may make when designing grievance mechanisms and includes some tips for how to avoid them.

OVERESTIMATING LEVELS OF TRUST

Do not to overestimate the trust that stakeholders are likely to have when engaging with a new GM process. Find ways to test whether workers feel truly free to speak up, particularly where women or other groups may be vulnerable or marginalised in practice.

Recent research by Oxfam in UK and India (food and garment factories) shows how various channels to raise grievances were perceived as trustworthy and accessible by managers while workers did not use them "believing they would not be listened to, the issue would not be resolved and/or they would be marginalised at work" or that they "were afraid they would lose their job" (Oxfam, 2021).

ASSUMING THE GM WORKS BECAUSE THERE ARE NO COMPLAINTS This is actually a huge red flag that the system is not working.

Any effective systems should have an initial increase in grievances reported.



Make sure the operations manager is committed to the grievance mechanism.

Specify clear timelines that can be altered only if the appropriate manager agrees and the complainant has been consulted.

Sometimes there could be delays in implementation of resolution. Ensure this is communicated effectively to all parties involved.

ENGAGING ON THE SUBSTANTIVE ISSUES

Stakeholders want to feel that they can influence how the company makes decisions, and that their input leads to real change. Do not engage them without a particular purpose and be clear about how their input will be used, as it may otherwise be seen as a simple public relations exercise.

Try to get input from diverse voices in the workforce, setting out to engage with and support women and vulnerable groups to express their views.

TAKING THE PERSPECTIVE OF THE COMPANY RATHER THAN THE COMPLAINANT Company mechanisms are often designed mostly from the perspective of the company and tend to focus more on stopping a violation of the business's rules rather than remedying a situation.

Grievance mechanisms need to be designed with a focus on the potential users of the mechanism if they are to be truly effective and, ideally, they should involve those users in the design phase, with particular consideration for workers that may be from vulnerable groups.

NO CHAMPION AT
THE MANAGEMENT
LEVEL TO DRIVE
ACCOUNTABILITY

Make the grievance mechanism a part of management's performance review.

Encourage reporting of complaints at the highest level of the organisation and produce regular GM performance reports for review by senior management.



PART 2. STEP-BY-STEP TOOLKIT

This section outlines the steps to follow to set up an effective grievance mechanism. They are organised into three phases:

PHASE 1: PLANNING

PHASE 2: DESIGN

PHASE 3: IMPLEMENTATION

For each phase, there is a summary table with key steps for each level (beginner, established, advanced) followed by additional guidance and practical tips on how to implement those steps.

Further resources and tools are linked throughout the document and can be found in the Annexes. The guidance has been written to work across most contexts and situations. Here is an overview of the entire process.



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Additional resources



Grievance Mechanisms Toolkit

PART 1

PART 2. OVERVIEW OF TOOLKIT





In addition to Beginner



• Agree on the meaning of the word "grievance".

- Get buy-in from senior management.
- Set up a taskforce to actively involve GM intended users (workers and/or community members) in the design and implementation phases.
- Map out and review existing internal processes and tools available to raise grievances.
- Conduct a gap analysis of existing processes.

• Make the business case for GM internally.

- Carry out a series of consultations with intended users and stakeholders.
- Understand local norms that may affect stakeholders' access and use of GM.
- Build on existing legislation for designing sitelevel GM.

In addition to Established

- Engage with the buying company
- Consider appointing a stakeholder oversight group.
- Engage with internal and external stakeholders (including trade unions and rights-holders representatives, women's rights organisations, ensuring representation of women and vulnerable groups) and experts in the design, development, implementation and performance of the mechanism.
- Provide feedback to stakeholders on how their inputs have been considered to reinforce trust.
- Identify state and non-state mechanisms already available to stakeholders.
- Assess the effectiveness of these mechanisms (use questions in the toolkit).



PART 1

PART 2. OVERVIEW OF TOOLKIT



PART 2



M ADVANCED

PHASE 2: DESIGN



• Define which workers are covered by the GM.

- Describe with concrete examples what categories of issues are accepted.
- Ensure the GM is gender sensitive:
- allow workers to submit complaints on genderrelated issues.
- provide concrete examples of what genderrelated issues are covered by the GM (e.g. sexual harassment, discrimination).
- address specific challenges that women may face in the workplace.
- Establish a governance and management system for GM.
- Identify channels to raise grievances that are accessible to all workers.
- Allow for multiple ways for grievances to be raised and submitted.
- Provide option to raise grievances anonymously
- Establish a clear step-by-step procedure for handling a grievance with specific timelines.
- Keep the complainant duly informed throughout the process.
- Provide options and resources to appeal against an unsatisfactory outcome.

In addition to Beginner

- Increase gender sensitivity of GM by providing safe spaces for women to raise grievances and overcoming the barriers that may prevent them reporting a grievance.
- Empower women workers to raise issues and ensure women workers participate in GM design process.
- Provide training at all levels to ensure effective governance and management of the GM.
- Appoint an elected worker representative as grievance officer and provide training.
- Set up a "grievance committee" to enable oversight by a broader group of internal stakeholders (workers and management with participation of women and vulnerable groups).
- Categorise issues by severity with differentiated timeframe for the process.
- Provide detailed information about the attributes of each available channel to raise a grievance.

In addition to Established

- Extend the scope of the GM to residents of the local area.
- · Set up gender committee
- Actively involve trade unions or other forms of worker organizations in the governance and management of the GM.

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PART 2





PHASE 3: IMPLEMENTATION



- Consult with wide range of stakeholders on GM draft.
- Test and review the GM
- Provide training and communication around the GM for workers and management.
- Communicate what remedy could look like.
- Monitor and track performance of GM.

In addition to Beginner

- Enhance communication activities around the GM, especially targeted at vulnerable groups (e.g. migrant workers, workers with disabilities).
- · Manage expectations around remedy.
- Provide escalation recourses.
- Report internally and externally on the performance of the mechanism.

In addition to Established

- Involve worker representatives or local trade unions to support communication around GM and train workers on their rights.
- Adopt a user-centric approach and do not treat affected people merely as recipients of remedy.
- Track complaints and evaluate whether the GM is effective in engaging women by capturing gender disaggregated data and setting KPIs around usage, responses to grievances raised and remedies implemented.
- Participate in MSI or industry-wide GM.
- Maintain a public record of complaints and demonstrate how grievances were remedied.





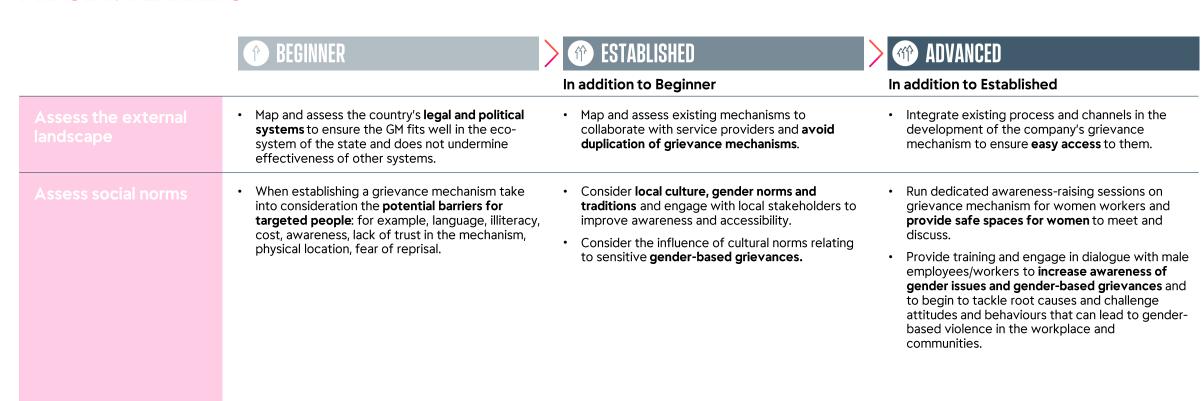
PHASE 1: PLANNING

		P BEGINNER	>	🍘 ESTABLISHED	>	ADVANCED
_			I	n addition to Beginner		In addition to Established
	Getting started	 Secure senior management commitment to support and promote the GM. 	•	Make the business case for GM within the company.		• Engage with the buyer .
	Identify and engage key stakeholders	Set up a taskforce made of workers and management representatives to actively involve their participation in the design and implementation	o actively involve and implementation ers and vulnerable women and vulnerable groups) for the design revision and monitoring of the mechanism. k for guidance on led users by throughout the	Conduct consultations with key stakeholders (e.g. potentially affected people and future users, women and vulnerable groups) for the design,		 Appoint a Stakeholder Oversight Group that can provide real-time review during the operation of the grievance mechanism.
		 of the GM. Ensure women workers and vulnerable groups are represented (put link for guidance on taskforce). Build trust with workers/intended users by proactively seeking their input throughout the process (via meetings, surveys, etc.). 		revision and monitoring of the mechanism.		 To build legitimacy, discuss the draft GM with selected external stakeholders (local labour rights organisations, community-based associations, women's rights organisations and other local experts) to verify its practical applicability, and to get their comments and suggestions.
						Engage with local communities.
	Gap analysis	 Review existing internal mechanisms and tools (see list in Annex to guide this internal mapping). Assess if current processes provide effective channels for identification, grievance raising or resolutions of complaint. 	•	Recognise the role of trade unions and seek their input to identify gaps in the existing GM.		Engage with trade unions, rights-holder representatives and other internal and external stakeholders in the planning, design and implementation of the mechanism to improve legitimacy, accessibility, and trust.
		 Assess whether all impacted stakeholder groups have access to a GM (use gap analysis questions). 				
		 Assess where the company is in terms of their approach to GM (<u>use self-assessment tool</u>). 				





PHASE 1: PLANNING





01. Making the business case for grievance mechanisms

Grievance mechanisms that are carefully designed, implemented and embedded in effective stakeholder engagement can bring significant benefits to both companies and workers.

Outlining these benefits internally is essential to promote ownership by senior management and across the business while securing collaboration for the GM. A range of benefits for companies having effective grievance mechanisms are outlined in the table below.



REMEDIATING HARM

Provides workers with access to remedy if they have been negatively impacted because of a company's activities. It solves problems closer to the source, addresses issues more quickly and reduces the number of issues that get escalated up the chain.

PREVENTION

Prevents small issues from escalating into bigger issues or from recurring by identifying their root causes. This will reduce resources needed to address issues that escalate and avoids significant consequences of leaving issues unresolved (e.g., increased absenteeism, days lost due to industrial action, lower productivity, etc.).

WORKFORCE RELATIONS

Contributes to improved working conditions and strengthens relations between a company and its workers in terms of promoting dialogue and transparency.

MEETING REGULATION COMPLIANCE WITH NATIONAL

Legislation, upcoming new regulation and international frameworks and meeting stakeholders' expectations (e.g., buyers, investors' demand, civil society).

Source: Adapted from Shift (2014), Ipieca (2019) and ETI (2019).

INCREASED VISIBILITY AND RISK MANAGEMENT

By providing visibility into a companies operations, it offers a tool to identify actual or potential risks, enables company to be more proactive in managing risks rather than being reactive and helps to identify potential gaps in current management practices.

REDUCED COSTS

GM can significantly reduce costs by:

- Improving workplace morale, which can increase
 workforce retention, reduce accidents and boost
 productivity. For example, in a group of 50 garment
 factories in Bangladesh, the system has reduced labour
 turnover and reduced unauthorised absenteeism by 8%.
 An unexpected result was improved re-work rates,
 from 4.5% to 0.9%, which has a direct impact on the
 bottom line.
- Reducing the number of audits
- Reducing the costs to resolve disputes by addressing them early on.

VALUES ALIGNMENT

Reinforces a culture of dialogue and engagement



02. Identify and engage key stakeholders

The main stakeholders of grievance mechanisms are its intended users, that is the workers (direct employee and contracted workers) and community members that may be affected by the company operations.

These intended users should not be treated merely as recipients of remedy, but should integrate their perspectives when considering the design of the mechanism. When a grievance mechanism is "dropped" into the workplace, without any preexisting dialogue between workers and management, workers may not understand or trust the process, and may be unwilling to use the grievance mechanism.

When grievance processes are supported with worker/management dialogue or other forms of engagement, the workers develop trust in the mechanism and begin to use it.

The most important step to take in the planning phase is to engage with, and actively involve, the intended users of the mechanism early on in the design and implementation process.

By directly involving workers (or other intended users) in the process, the design of the mechanism can consider any perceived barriers to accessibility, any preferred channels for raising grievances, which processes are perceived as legitimate and fair, and what kind of impacts the GM is designed to address.



The grievance mechanism should also be part of a **broader approach towards stakeholder engagement** that provides a way for workers (and community members when relevant) **to consistently engage with the company,** to enhance relationships and enable more responsive and responsible management.

In practice, this could mean consulting workers themselves, as well as seeking input from worker representatives, local trade union, women's rights organisations, or labour rights NGOs. Many issues that might be raised through a GM may be more appropriately dealt with through effective stakeholder engagement before getting formalised.

If no other platforms and channels are available for a dialogue between the company and its stakeholders, then every issue is framed as a grievance and will get channelled through the GM.



How-to: Build trust with workers

01

Regularly communicate to workers the availability of the mechanism and how to use it.

02

Have a regular presence on site that all workers (including agency workers and third-parties) know they can approach to raise concerns (similar to the role of a Community Liaison Officer in a community).

03

Place posters across the work site (and other areas frequented by workers, e.g. communal break spaces and bathrooms) which should include details of any contact person for the GM.

04

Reassurance that use of GM will not lead to retaliation or negative repercussions for workers.

05

Be open to address issues even if they are not complaints; this will help establish the report with the user.

06

Testimonies from diverse range of users and word of mouth.

07

Examples of factories where a GM system has been used and has worked.

08

Share information with all workers (verbally, not just via a noticeboard) on performance of the mechanism on a regular basis by providing examples of where an issue has been resolved and remediated appropriately.

Workers will also welcome information about what lessons were learned through the process and what changes were made as an effect of the process (e.g. about changes in culture).





How-to: Engage with intended users



SET UP A TASKFORCE

As a very first step, set up a taskforce group made of an equal number of management and worker representatives. The group should also have a representation of women workers and those from vulnerable groups where possible.

This group will be responsible for leading the design of the GM by having periodic meetings to discuss different aspects of the mechanism. When needed, the taskforce will seek input from wider sections of management and workers.



CARRY OUT A SERIES OF CONSULTATIONS

with the wide groups of users on the core design elements of the mechanism: the work of the taskforce can be strengthened by involving a wider group of workers at specific touchpoints; this could be done via specific meetings/forums or surveys.



STAKEHOLDER ENGAGEMENT

can be further enhanced and formalised throughout the design and operation of the GM through the appointment of a **Stakeholder Oversight Group** that can provide real-time review during the operation of the grievance mechanism (see example of Tesco in the Good Practice box on page 28).





How-to: Engage with intended users



EMPOWERING WORKERS THROUGH TRAINING

An important initial step in empowering workers to be effective defenders of their rights and active participants in workplace improvement is comprehensive and accessible worker education, conducted in collaboration with local trade unions and/or independent, representative worker organisations, preferably on-site and during working hours.

A diverse range of individuals that may be represented in the workforce (e.g. women, different races, religious beliefs, etc.) should be included in initiatives to increase their participation.



ENGAGING WITH COMMUNITIES

There is often a significant power imbalance between companies and people affected by their operations. Communities often lack the opportunity and capacity to meaningfully participate in decision-making processes that will affect their lives.

Businesses that seek to consult with affected communities as part of the development of their GM need to ensure that the engagement with the community is meaningful. This is because often there are significant power imbalances between communities and companies.

In order to be truly effective, the GM must be equitable and therefore seek to ensure that affected people have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms. The brand/multinational company could play a role here in providing communities with access to these resources.









GOOD PRACTICE



Oversight Stakeholder Body in Tesco's supply chain in South Africa.

UK food retailer Tesco carried out extensive stakeholder engagement during the pilot of grievance mechanisms at farm level in the Western Cape region in South Africa. Tesco engaged significantly with local stakeholders, including suppliers, unions and NGOs, through an Oversight Stakeholder Body established to advise on the development, form and function of the mechanism's design.

This stakeholder group served as a means for exchange and discussion early on, as well as for gathering stakeholder feedback on key aspects of the planned mechanism. This type of stakeholder involvement throughout the process was instrumental in building legitimacy and enabling trust in the mechanism.

Source: Ergon, 2017



GOOD PRACTICE



How to create meaningful stakeholder engagement:

Engage the right stakeholders

This should include anyone who may experience severe impacts but have relatively limited influence over the company, such as workers (direct employee and contract) and members of vulnerable groups that are marginalised in law or practice in the community and the workforce, e.g. women, people with disabilities. It may be beneficial to engage with local women's rights organisations, community groups and networks to access these vulnerable groups.

Engage on the right issues

Workers and communities should be involved in identifying what potential grievances may be raised, the preferred channels and tools to be used and the expected outcomes that can potentially result.

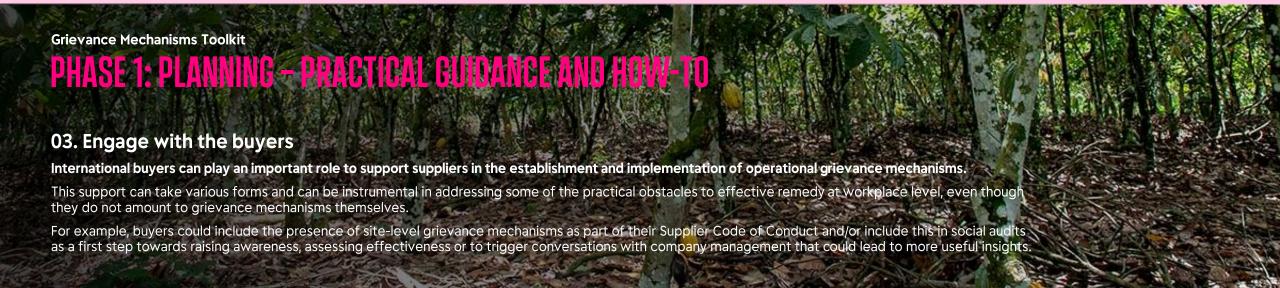
Source: Shift et al, 2016

Engage in the right way

The nature of the engagement is likely to depend on the number of people engaged. Sometimes, stakeholder groups need to be engaged with individually; sometimes, joint or group sessions will be more appropriate. It's also helpful to create formal and informal spaces to discuss sensitive issues relating to the workplace and potential grievances. Companies need to pay attention to whether consulting with potentially affected stakeholders could put those individuals, or their families, at risk of reprisals or other threats to their safety.

Engage at the right time

Relationship building from the very start may be critical to develop the trust needed for meaningful engagement when it really matters. The company should also provide feedback to stakeholders on how their inputs have been considered, as this can help show that the company took the input seriously.



How-to: Getting buyer support



Secure **executive-level commitment** from the buyer for resolving rights violations in the supply chain.



Ask the buyer to provide **training** on GM as well as on effective handling of worker complaints and enhancing workers' knowledge of their rights.



Secure an additional recourse channel to complement the site-level GM from the buyer (for example, through a hotline) so that affected stakeholders can have an additional channel, if local GM is deemed inadequate (see Step 4 in the Implementation Phase).



Agree to not take any action against workers' representatives involved in the GMs (non-retaliation policy).



Ask the buyer to include a freedom of association clause in their code of conduct (see Patagonia's example on the next page).



Share non-confidential data about the number and types of grievances received to feed into the buyers' human rights due diligence process.







GOOD PRACTICE



Example of a freedom of association and collective bargaining clause (Patagonia).

Here is an example of a freedom of association and collective bargaining clause included in the apparel company Patagonia's code of conduct:

"Workers must be free to join organisations of their own choice. Suppliers shall recognise and respect the right of employees to freedom of association and collective bargaining. All suppliers must develop and fully implement effective grievance mechanisms which resolve internal industrial disputes, employee complaints, and ensure effective, respectful and transparent communication between employees, their representatives and management (ILO Conventions 87, 98 and 135)."



GOOD PRACTICE



New Look training programme on grievance mechanisms.

In the context of its broader efforts to enhance worker voice at supplier factories, New Look provided training to suppliers and workers which explicitly covered grievance mechanisms. Training on how to introduce grievance mechanisms in supplier factories has been delivered in a number of sourcing countries, including India and Bangladesh.

In Turkey, New Look trialled training on the benefits of good workplace communication, after which five factories were selected to take part in a pilot project to develop and implement action plans aimed at strengthening grievance mechanisms and worker representation.

Source: ETI, 2019

Source: Ergon, 2017



PHASE 1: PLANNING - PRACTICAL GUIDANCE AND HOW-TO

04. Internal mapping and gap analysis

Grievance mechanisms typically sit within an existing "eco-system" of company processes designed to provide channels for identifying and/or addressing the concerns of certain stakeholder groups or breaches of standards in in the workplace. These channels could include trade unions, whistle-blower policies, reporting mechanisms for issues such as sexual harassment, employee conflict management programmes, health and safety incident-reporting systems, and complaints to management.



Internal mapping



Map the processes the company already has in place to determine where gaps may exist.

Understand what processes are working well for some impacts and stakeholders and how to build on those.

Consider whether all the main stakeholder groups that could potentially be impacted by the company have access to a grievance mechanism, such as contract workers who may not be able to access the company's existing mechanism as well as other vulnerable or marginalised groups.

How-to: Undertake an internal mapping of existing GMs

Before designing a new grievance mechanism process, review the existing systems which may include:

- Whistle-blower/ethics hotlines
- Employee ombudsman/human resources complaints processes
- Open door/speak up policies
- Face-to-face meetings with staff
- · Informal discussions with supervisors
- Trade unions/industrial relations processes
- On-site complaint boxes
- Mobile apps
- · Submissions via a third party

- Online complaints forms
- Consumer complaints mechanisms
- Community facing grievance mechanisms
- Audit processes (and workers interviews)
- Business-to-business contract clauses with dispute resolution provisions.
- Supply chain hotlines
- Stakeholder engagement (at the site level and policy level).



Additional resources

To support your mapping exercise, check the table in the Annex and review possible grievance mechanisms.



Gap analysis

Identify whether there are specific groups of issues or stakeholders for which the existing systems and processes do not provide effective channels for addressing concerns and complaints.

Identify what additions would address the identified gap by asking directly the intended users of the mechanism.



How-to: Conduct a gap analysis of GMs

These three questions should lead a gap analysis of grievance mechanisms:

Do the main stakeholder groups that could be affected by the company's activities, including through its business relationships, have access to an effective grievance mechanism? If not: Who is responsible for providing remedy? What additional channels might be needed?

Do current and planned grievance mechanisms align with the UNGP's effectiveness criteria for grievance mechanisms (use checklist in the Annex)? How do you know? If not: How do they need to be improved?

Do current and planned grievance mechanisms offer remedy that is appropriate to the nature of the harm and in a timely fashion? Do current and planned grievance mechanisms facilitate cumulative learning and improvement over time? If not: What needs to be done in order to enable this?

Self-assessment

Use the gap analysis to assess where the company is in terms of their approach to GM. A self-assessment tool can also be used to identify where companies are along the spectrum of grievance management and help to start conversations with relevant internal stakeholders.

The self-assessment tool in the Annex offers a guide to assess the company's approach to GM and its maturity level across three stages.



Additional resources

Use the <u>questionnaire</u> in the Annex to identify any gaps in existing or planned GMs.

Use the <u>self-assessment tool</u> in the Annex to see where your company is on the spectrum of remediation.



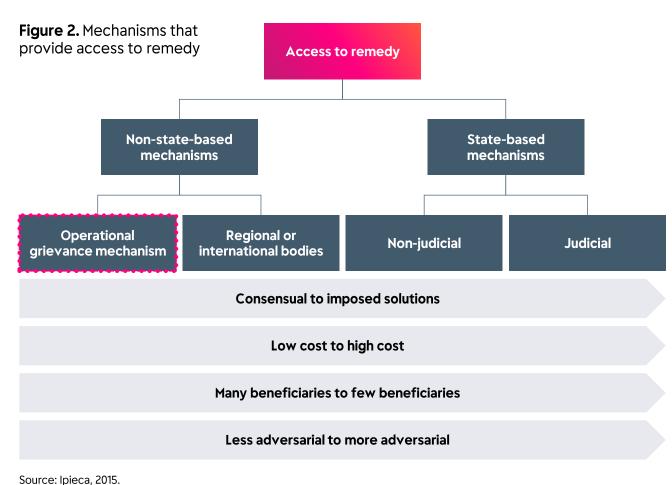
05. Assess the external landscape

State-based institutions play a critical role in ensuring that effective legal processes are present through national court systems and regulatory bodies, such as National Human Rights Institutions, labour dispute bodies, and the National Contact Points (NCPs) of the OECD.

Understanding the different institutions within the external landscape can help companies identify an appropriate role for them within their processes.

Figure 2 provides an illustration of the different mechanisms that may be involved in providing access to remedy.







Identifying state and non-state mechanisms

Analyse the existing systems and mechanisms and determine their value and effectiveness before introducing a new grievance procedure that may be unnecessary and thus not used by local workers.

Communicate clearly to stakeholders that grievance mechanisms should not prevent workers and affected people from raising concerns or complaints through official government channels, particularly where criminal offences have been committed.



How-to: Assess existing external remedy mechanisms

While assessing the external landscape for remediation, ask the following questions:

- Are there labour unions functioning and able to negotiate on behalf of the workers? Is there a collective bargaining agreement in place (CBA)?
- Are union representatives reflective of the diversity of the workforce, e.g. including women, vulnerable and minority groups such as migrants?
- Do the justice systems adequately address labour and other related issues?
- Are existing state-based remediation laws and judicial processes adequate?
- What is the overall political and economic context of the country in relation to upholding workers' and human rights?

- What are the needs, vulnerabilities and barriers to justice that your workers face, particularly women and vulnerable groups, and what remedy options are available to them?
- How will company mechanisms complement or support state-based systems?
- What processes will the company employ to ensure that company mechanisms will not undermine state-based systems?
- Are state-based or other third-party remedial mechanisms accessible, transparent and efficient?
- Are labour inspectors and mediators perceived as neutral and impartial?

Source: Adapted from ETI, 2019.







GOOD PRACTICE

Linking companies' grievance mechanisms to external processes

In some contexts, businesses have linked internal company remediation processes to legitimate institutions in the external landscape, for example National Human Rights Institutions or OECD National Contact Points, to provide recourse or escalation pathways, when company processes are not able to lead to satisfactory resolution.

Farm-level labour grievance mechanisms in Tesco's fruit supply chain in South Africa included recourse to a government labour relations body – the Commission for Conciliation, Mediation and Arbitration (CCMA) – when the farm-level mechanism was unable to produce resolution. Similarly, Newmont's community grievance mechanisms in Ghana included recognition of and recourse to the national human rights institute of Ghana (the Commission on Human Rights and Administrative Justice, CHRAJ), for dealing with certain sub-sets of issues.



Additional resources

Review possible organisations in the external environment using the table in the Annex.



Building on existing legislation

Assess whether existing legislation requires factories to have a set of workplace rules or policies.

These could be important building blocks for effective human resources systems and grievance mechanisms (see box below for examples).



GOOD PRACTICE

Building on existing legislation

Legislation in most countries requires factories to have a set of workplace rules or policies. In Vietnam, for example, they are called "internal working regulations"; in Bangladesh, "service rules".

These should set out the arrangements for things like working hours, how to apply for maternity leave, or how PPE is issued. These rules are the building blocks for any HR system.

However, in some cases neither supervisors nor workers may be aware of these rules: if supervisors do not know the rules, they might just refuse a worker's request, and if workers are not aware of their legal rights, then they might not challenge the refusal. In these contexts, training can play a key role.

Increasing the knowledge of both workers and supervisors about factory rules and legal workers' rights can help solve workplace issues before they become problems or formalised grievances.





How to: Understand local norms and social context

CONSIDER ASKING QUESTIONS SUCH AS:



Who do workers listen to for advice?



Who told them to pursue this work?



Do the elderly play a role?



Do workers use mobile phones?



What communication platforms do workers use (WhatsApp, WeChat, VPN, etc.)?



Do workers face restrictions to communication? If so, how do they circumvent them (e.g. VPN)?



What social norms linked to gender, race, sexuality may impact workers ability to raise a grievance?



PHASE 2: DESIGN





In addition to Beginner

> M ADVANCED

DEFINE THE SCOPE OF THE GRIEVANCE MECHANISM

- Include all workers on-site in scope (permanent workers, temporary/seasonal workers, agency/contracted workers, service providers, e.g. cleaners and canteen workers).
- Clearly define and list categories of issues that can be raised through the mechanism with concrete examples.
- Accept anonymous grievances.
- Protect the identity of the employees/workers who asked for their anonymity to be respected or reported a complaint anonymously.

- Categorise issues by severity with differentiated timeframe.
- Address the barriers workers may have in accessing the mechanism by providing multiple access points that are well adapted to the operational context.
- Provide support for those who may face particular barriers in accessing the mechanism, such as women and vulnerable groups.
- Make an explicit commitment to **protect the user from reprisals**.

In addition to Established

- Extend the GM to residents of the local community.
- Allow unions, either individually or as federations, to raise concerns on behalf of both members and non-members, or other workers who contact them.
- In non-unions contexts, support needs to be provided for workers (e.g. through a local labour rights organisation or a union office outside the company).
- Make public any supporting resources available to all users.

ESTABLISH OWNERSHIP AND INTERNAL GOVERNANCE

- Appoint a grievance officer (preferably a worker representative).
- Set up a grievance committee to be involved in the process with representation of women and vulnerable groups.
- Decide which functions of the company will be involved in the implementation and management of the GM.
- Provide periodic **training** to ensure effective governance and management.
- Create an "Oversight Stakeholder Body".
- Actively **involve unions or worker representatives** in the management of the GM.

PHASE 2: DESIGN





In addition to Beginner

> M ADVANCED

APPLY A GENDER LENS

- Include **gender-based grievances** within the scope of the GM.
- Identify and address potential **barriers** that may prevent **women workers** using the GM.
- Create processes that are truly free for women to participate in (e.g. during working hours and without losing income) and reinforce that the GM is open to workers at all levels of the company.
- Involve women representatives in the design, development and implementation of the GM.

- Increase **gender sensitivity of GM** by providing safe spaces for women to raise grievances
- Empower female workers to raise issues
- Allow and support women to decide their own priorities and to elect their own representatives.
- Provide participants with access to expert independent advice and solidarity with women in other contexts.

In addition to Established

- Set up **gender-focused committee**.
- Run dedicated awareness-raising sessions for women workers, preferably with female facilitators, and provide safe spaces for women to meet and discuss concerns.
- Provide training and/or engaging in dialogue with male employees/workers to increase awareness of gender issues and gender-based grievances, and to begin to tackle root causes and challenge attitudes and behaviours that can lead to genderbased violence in the workplace and communities.

SET UP A CLEAR PROCESS

- Identify channels to raise grievances that are accessible to all workers.
- Take into consideration the barriers faced by targeted people (language, illiteracy, cost, awareness, lack of trust in the mechanism, physical location, fear of reprisal).
- Provide option to raise grievances anonymously and ensure protection of identity where requested.
- Reinforce the policy of confidentiality and nonretribution, along with ability to raise anonymous grievances, during inductions and other trainings.

- Provide timely feedback to workers about grievances raised and the responses of the company.
- Provide information on the existence and functioning of the mechanism in a way that is adapted to the context and audience for whose use it is intended, e.g. using the audience's native language.
- Address the barriers workers may have in accessing the mechanism by providing multiple access points that are well adapted to the operational context.

- Keep **senior management** informed throughout the development process.
- Consider engaging a trusted third party to resolve anonymous complaints and ensure confidentiality.
- Appoint women representatives to handle gender-based grievances.
- Widely communicate information about the procedure of the mechanism to potential users, including timelines and potential approaches to promote awareness and build trust.



PHASE 2: DESIGN







SET UP A CLEAR PROCESS

- Worker and union representatives also are able to raise concerns on behalf of workers who contact them.
- Establish a process with predictable steps and timeframes.
- Keep complainants informed throughout the process.
- Provide option to appeal.

In addition to Beginner

- Combine different tools and approaches to handle a grievance in order to be adaptable and flexible to address the specific nature of each individual grievance.
- Worker and union representatives are present during training and are encouraged to help workers with future complaint processes if needed.

In addition to Established

 Integrate (or link to) existing channels for receiving complaints such as trade union/ industrial relations processes, audit process (workers interviews), worker voice tools.

PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

01. Agree on the meaning of the word "grievance"

The word "grievance" may carry certain connotations that prevent some issues and concerns from being raised, because they do not seem to rise to the level of a "grievance". In practice, it does not matter what the mechanism is called, it is only important that it can effectively play the role for which it is intended.

It can be labelled in a number of different ways according to what works best in a given context, using expressions that may resonate more with workers like "ideas and suggestions", "concerns and suggestions", "feedback and concerns", etc. All these expressions may feel more approachable and carry a positive connotation. This is something to be discussed with the taskforce and to get insights from workers to see what resonate to them.



The key is to ensure that:

- Its purpose and functions are understood by intended users.
- Those responsible for it within the company understand what it is for.



02. Define the scope of the grievance mechanism

Grievance mechanisms work best when they are able to address the types of impacts for which they were designed. It is important to establish a common understanding between the workers and the company about what issues the grievance mechanism will address and who can raise issues.



The taskforce that was set up in Phase 1 plays an essential role here. The taskforce should:

- Brainstorm about categories of issues that they would like to be included in the scope of the GM.
- Have discussions with a wide range of workers to get their input.



PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO





The company should work in collaboration with the taskforce (e.g. with workers and union representatives) to define the scope of the GM and consider which issues would fall within or outside the scope of the GM.



Brainstorm with the taskforce possible issues that should be included in the policy and see what resonate with workers.

Examples of types of issues to be considered are: health and safety, working hours and overtime, salary, employee contract, sick leave, paid leave, verbal harassment, sexual harassment, discrimination (based on sex, race, religion, ethnicity and other aspects related to identity), unfair treatment, disagreement between colleagues (teammates or supervisors), gender-related issues, abuses.



Be specific about what is in scope with examples, workers may have their own assumptions of what it covers.

Provide a clear list of categories of issues that can be accepted with examples of what they are.

This will help workers see how the GM can work for them, especially keeping in mind cultural differences and different background workers have, in addition to gender barriers.

See how two companies did this in Figure 3 on page 44.





Good practice is that any issue that is workplace related should be in scope. If someone feels that their rights have been violated, then it is an issue. However, while problem solving should always be allowed, it is important to make a clear reference to which rights are covered by the GM to ensure that remediation is granted when rights have been violated.



Rights at work and basic human rights should always be in scope, even if not covered by the law. If there is a collective bargaining agreement (CBA), this will typically spell out which rights are covered and the GM should refer to it.



In addition, it may be useful to refer to the company's own policies that in turn may refer to fundamental worker rights. These policies should be made available to workers and should form a minimum standard. This minimum standard will be something that workers can refer to and build on. This is especially useful in those contexts where there is a workforce without representation.



Some countries may have good laws in place but not working in practice. However, a reference to these laws within the GM scope may still be valuable so workers know their legal rights and have a legal argument.





Figure 3. Examples of categories of grievances



Type of grievances:

INTERPERSONAL ISSUES

bullying, harassment and discrimination (age sex, <u>disability</u>, gender reassignment, race (including colour, nationality and ethnic origins), religion or belief.

PAY AND BENEFITS

Dissatisfaction with their wages and/or benefits, discrepancies between their wages and/or benefits and other members of staff in similar roles, discontent relating to expenses.

GRIEVANCES RELATED TO THE GENDER PAY GAP

work (work which involves similar skills, tasks and responsibilities), equivalent work.

GRIEVANCES ABOUT WORKING TIME AND WORKING CONDITIONS

Discontent regarding annual leave, rest breaks, non-working days and weekly breaks; safety and comfort during the working day; effects of the work on mental and physical health.

GRIEVANCES OF RESIDENTS AROUND FACTORY

Discontent over emerging any pollutant from factory, employee misconduct, any other issues which could affect the natural environment.



Type of grievances:

INFRASTRUCTURE

such as insufficient lighting and ventilation in the workplace or company dormitory; insufficient space for employees to ensure safe work, etc.

PERSONAL RELATIONSHIPS

such as physical or verbal harassment by the supervisor, conflicts between colleagues, etc.

CONTRACTUAL RIGHTS

e.g., payment delay, illegal deduction of wages, non-payment of overtime pay or payment below the agreed price, etc.

HUMAN RIGHTS AND LABOUR RIGHTS

e.g. employees are discriminated against due to gender, religion, and place of birth; employees due to participation; punishments at trade union meetings; no drinking water during work, etc.; especially women's related human rights: such as job promotion, gender discrimination, sexual harassment, various job protections for women, etc.

OTHERS

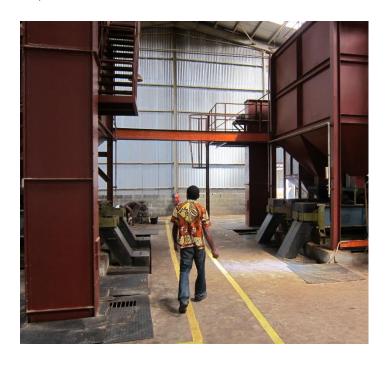
such as customary rights (such as the time required to pray or participate in community activities).



Who is eligible to bring complaints?

Direct employees (e.g. permanent workers)

All direct employees of a company should be able to raise concerns about their rights being infringed. If the labour union is the guarantor of the GM, then it should be clear that the GM is open to non-members as well.



Non-direct employees (e.g. third-party, agency, temporary or contracted workers)

Good practice is that contracted/labour agency workers are also included in the process and eligible to use the GM.

When a company decides to take this step, it is important that it is published among the relevant groups in their own language, and where possible through trusted channels.

When contracted workers are eligible to use the GM, it is important to be clear on the role and responsibility of the company and the contractor. Specifically, the company should clearly set out the following points in agreements with contractors:



LOCAL COMMUNITY

In some cases, the GM should be open to community members and NGOs that could be impacted by the operation. This is particularly important for raw materials and raw ingredients that may have a huge impact on community members who are not employed by the company.





How the GM will be communicated to third-party workers.



Which grievances are within the scope of the GM, and which are not, for complaints raised by third-party workers.



Which complaints should be dealt with by the contractor, and which should be processed by the company.



The process for handling the grievance, and the defined inputs from both the company and the contractor; and



The mechanisms that will be used to monitor the contractor's handling of grievances (reporting, audits, etc.).



PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

How-to: Define the scope of your GM

02

Agree with workers, worker representatives and management on the scope of the GM (via the taskforce).

Define the types of grievances that will be accepted and which ones will not; create a list of categories with clear examples. Discuss whether the mechanism will accept anonymous grievances, through which channels and how they will be handled.

06

Assess whether there are additional grievance mechanisms (e.g. ethics hotline) accessible to stakeholders (community members, employees, workers within the supply chain) and what types of grievances are handled through them.

01

03

04

Clearly specify who can lodge a grievance: company's employees, temporary or contract workers, local communities, etc.
Discuss whether others can raise a grievance on behalf of affected people

(such as NGOs or trade unions).

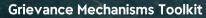
05

Discuss whether the mechanism will accept grievances of a collective nature in addition to grievances affecting individuals.

07

Agree on the terms used to refer to the grievance mechanism internally and decide whether the GM will only handle complaints/grievances, or include other issues, questions and concern (this will influence the decision about the name of the mechanism).

Source: Adapted from Shift, 2014



03. Establish ownership and internal governance of the grievance mechanism

A crucial step in designing a GM is to establish its ownership and internal governance. This includes identify the "home" for the grievance mechanism in the company and the individuals and functions involved in its implementation.

TO ENSURE THE GRIEVANCE MECHANISM IS ROBUST AND SUSTAINABLE, ITS INTENDED USERS (WORKERS AND/OR COMMUNITY MEMBERS) NEED TO BE ACTIVELY INVOLVED IN THE GM AND INCREASE ACCOUNTABILITY OF MANAGEMENT.

By involving the intended users in the governance and management of the GM, the mechanism will be perceived as sufficiently independent from company management (and therefore legitimate) and will be well positioned to address the difference in power that typically exist between a company and the people affected by its operation.

Ensure workers' involvement in the governance of grievance mechanism



Companies with labour unions

When there is a labour union, this should be where the mechanism sits to ensure accessibility and trust by workers. The Human Resource (HR) department is often seen as part of company management and it may not be trusted as neutral by workers.

The HR department could work as a channel to pass issues onto a grievance mechanism officer and committee, but the labour union should be involved in those functions.



Companies without labour unions

In contexts where there may be restrictions on trade union rights or low levels of trade union membership, alternative ways of involving workers in the management of the GM will be necessary. One option in these circumstances can be for companies to engage with labour forums or worker committees.

These can provide a company with a useful means of consulting with the wider workforce on issues related to the workplace, and allow individuals to raise particular concerns. In these instances, workers must be independent to elect their representatives, they must be free to gather, have discussion about the workplace and be free to create loose or tight associations.





The expression refers to genuine forms of workers' organisation, chosen by workers without management interference. Workers should have the freedom to choose how they come together to improve or address workplace concerns and be able to do this without undue influence from their employer or fear of reprisal (in the form of intimidation, harassment or dismissal, for example). The collective nature of workers' organisations evens up power between managers and workers, and enables safe dialogue between them.

Trade unions represent the ideal model and structure for worker representation; independent unions have legal protection, access to resources and the support of wider trade union networks and are free from employers' influence. They are also the only genuine and measurable expression of the human right of freedom of association.

Where freedom of association is restricted and where trade unions are restricted through law or resources, the best available form of independent worker representation should be pursued. However, the longer-term aim should be to help promote an enabling environment that will allow for normal union activity.

Companies should be aware that any alternative to trade unions requires a greater commitment to compensate for the lack of union status, for example:



Lack of legal protection.



Greater provision of capacity-building support, such as access to information and training.



The lack of union networks and strict requirements for the employer to respect the rights of representatives to freely speak and act in representing the workforce.

Decide on roles and responsibilities

All GMs have several significant roles and decision-making points. It is better to decide on those roles early on and avoid disagreements later.

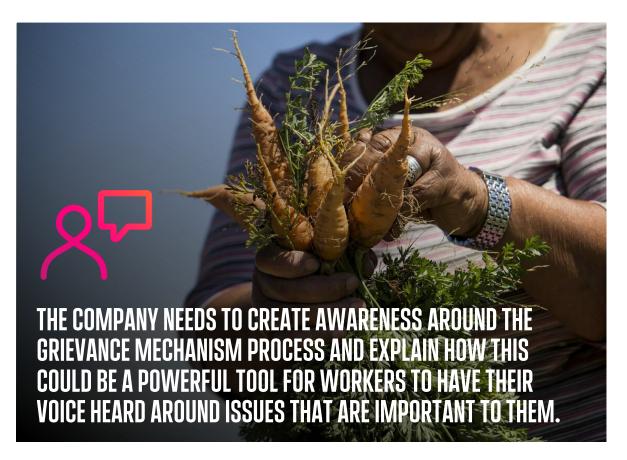
As grievances may cover a range of issues and cross over internal boundaries (health and safety, security, environment, social, legal), the GM design and implementation needs to be cross-functional, involving different functions in the company and being coordinated by a dedicated process owner, often called "grievance officer".

Figure 4. Examples of company functions to be involved in the grievance mechanism

Functions	Responsibilities
Human resources	May sometimes act as an intermediary between management and workers, including in grievances and disputes.
Trade union or works council	Can function as trusted channel to receive and handle complaints; may support company in improving performance though it is important that representatives reflect or are able to engage with vulnerable and marginalised groups in the workforce, including women and migrants.
Community relations	May serve as intermediary between the company and different external stakeholders affected by the company, or their legitimate representatives.
Business operations	May interact with local communities and, therefore, are needed to resolve many complaints; can also be a source of complaints.
Legal and compliance	Often runs existing whistle-blower procedures; understands legal considerations related to the handling of grievances.
Senior management	May receive some complaints directly; role in instilling accountability throughout the organisation.

PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

How to motivate and incentivise a worker representative to be the grievance officer



The message from the company should be that this is an important tool for the company to hear about issues that affect workers in the workplace and that the grievance officer will be an essential piece for this process to work well.

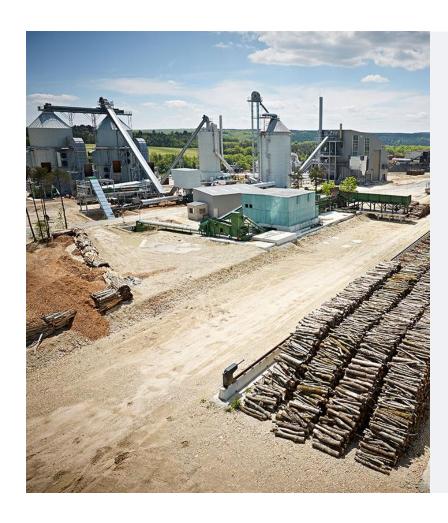
By having a worker representative as grievance officer and worker representatives in the grievance committee, the company truly wants to engage in a process of constructive dialogue with workers in order to find solutions that work for all parties.

The company should also recognize the additional tasks that a grievance officer will need to perform as part of the role and make space during the working hours of the grievance officer to perform this role. Senior management should come together and decide how much time the grievance officer should allocate to these tasks. We suggest experimenting a bit and starting with 1 hour per week. After a period of time (for example, 2 months), the company should assess if this time allocation is enough or if it should be changed.

The important thing is that the worker should perform this role during paid working hours, it shouldn't be extra work.

Finally, workers should volunteer and candidate themselves to be appointed and should be freely elected by the rest of the workers.

PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO



GRIEVANCE OFFICER AND THEIR ROLE

The grievance mechanism officer (or simply, grievance officer) is the individual within the company who is trained to handle the grievance mechanism process, from receiving the grievances, sorting and processing and acknowledgement and follow-up, to monitoring and evaluation, and feedback.

In some organisations they may simply be the first point of contact when making a formal complaint. In some other organisations, grievance officers are expected to conduct formal investigations.

For the grievance mechanism to have credibility and be trusted by workers, the mechanism should be perceived as sufficiently independent from company management and the role of a grievance officer should be covered by a worker representative. This is a fixed role that will always be covered by the same individual (for a fixed period of time such as 2 years, for example).

The grievance officer should act as the interface with workers. This person needs to be able to relate to the potential complainants (workers) by understanding their needs and issues and by being easily approachable. By having one of them as grievance officer, we hope that workers will feel more comfortable accessing the mechanism and trust that the process will be impartial.

Companies may find it difficult to delegate this role to a worker representative, especially in contexts where there is little experience of workers' organising collectively or being involved in constructive dialogue with management. However, even in these contexts it may be possible to involve workers more directly in the functioning of the grievance mechanism. The box below illustrates examples of companies that were able to overcome this challenge and embraced the idea of having workers covering the grievance officer position. This is a key aspect to ensure the effectiveness of the grievance mechanism.





GOOD PRACTICE

How to appoint workers as "grievance officers"

In a company in Pakistan, with a labour union on site, the grievance taskforce in charge of reviewing the grievance mechanism decided that the President of the labour union would be the grievance officer, with the Secretary as alternate.

A company in India, without a labour union on site, held elections for their workers to freely choose two grievance officers that could be representative of gender (one man and one woman) and type of employment (one company employee and one labour agency employee).

In a company in the UK, also without a labour union on site, the grievance taskforce assessed that low level of trust among workers did not provide fruitful terrain for having a worker holding the position of the grievance officer. Instead, it was decided that the human rights department would hold the position, since it was seen as a neutral party by the workers, but at the same time they would have the workers freely elect four colleagues to be appointed as focal points of the grievance mechanism.

The idea behind this is that by having these focal points in place, the company will start nurturing a context in which workers play a role in the GM, get used to share concerns and ideas amongst themselves and slowly get to a point in which they could also take the position of grievance officer. The company aims to review the situation periodically to assess progress on this aspect of the GM.





Tasks of the grievance officer

The grievance officer should receive training on the role and the tasks that need to be carried out. The officer is responsible to receive complaints, assist workers in formulating a grievance and make sure that communication with all parties involved is fluid. The grievance officer will report to a grievance committee and should receive training on the grievance mechanism and the specific role.

TO ENSURE ACCOUNTABILITY AND TRANSPARENCY, THE GRIEVANCE OFFICER SHOULD RECORD AND SHOW PROPER DOCUMENTATION OF THE PROCESS.

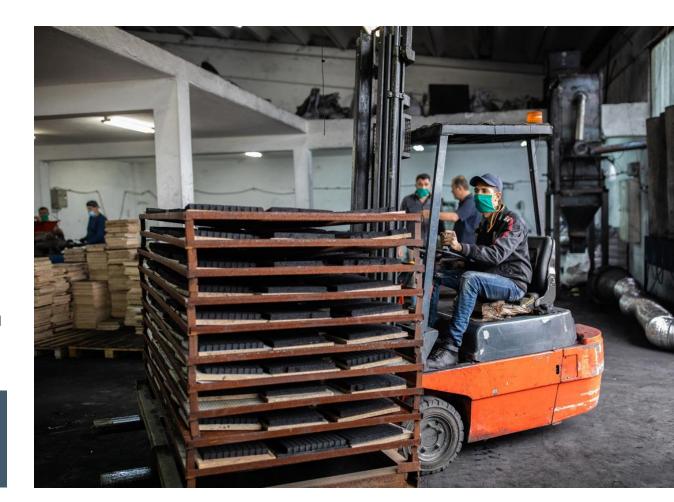
A logging and tracking system need to be in place to document the steps in the grievance resolution process and to facilitate systematic handling of complaints and development of key performance indicators.

A logging system can be as simple as an Excel spreadsheet. The grievance officer will need to receive training on how to maintain this record and over the first few months, this individual may need support from HR or other members of the grievance committee.



Additional resources

Use the tools in the Annex to find out more about <u>roles and responsibilities</u> within a grievance mechanism and to see an example of <u>terms of reference</u> for a grievance officer.







TASKS THAT THE GRIEVANCE OFFICER IS EXPECTED TO PERFORM

The grievance officer will first receive support from the grievance committee and the human resource department and then gradually learn how to perform these tasks independently:



Support communication to other workers about the grievance mechanism.



Receives and reports complaints.



Serves as principal point of contact and liaison with complainants.



Ensures communication with the complainant and follows specified procedures and timelines.



Maintains a log of complaints received.



Serves as a liaison between complainants and grievance committee.



Seek feedback from complainants once issues are resolved.



Support monitoring of resolution of complaints (with grievance committee and support from HR).



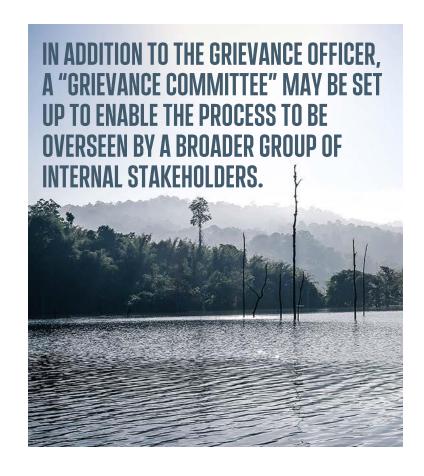
Support the preparation of monitoring reports (with grievance committee and support from HR).



Prepares feedback (together with the grievance committee) on the effectiveness of the grievance mechanism to management.

PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

Grievance Committee





The **grievance committee** is made of employer and employees jointly to discuss grievances and help ensure an objective and transparent process.



The grievance committee should be composed of worker representatives and managers, with adequate representation of women, vulnerable and marginalized groups or including a way to include perspectives from these groups.

This committee could be created for specific time period or be permanent.



The grievance committee should be representative of the workforce with equal participation of both men and women, and/or reflecting female representation in the sector.

There should also be consideration for how the voice of vulnerable and marginalized groups are represented.



Members of the committee should participate on a voluntary basis i.e. not forced to by the company and provision should be made to support their participation.

For instance, meetings. Should be held during working hours and time for the committee should be included as part of their working hours rather than in addition (unless they'll be compensated for it).



Workers must be independent to elect their representatives for the grievance committee.

This means that workers must be free to gather, have discussion about the workplace and be free to create loose or tight associations. If there are no legitimate elections of worker representatives, companies need to establish a clear process independently from management.

Managers should not be allowed to choose with which workers they want to interact with.



PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO



GOOD PRACTICE

Examples of grievance mechanisms governance.

The coal mining company Carbones del Carrejón (Colombia) housed the grievance mechanism in the **Complaints Office**. The Office is part of the Social Standards and International Engagement Department. In order not to single out any particular department, the mechanism combines all community, contractor and employees' grievances into one new procedure, which is channelled through the Complaints Office. The Complaints Office enter the grievance into the database system and delegate the investigation process to the appropriate departments.

The Sakhalin Energy Investment Corporation (Russia) appointed a **grievance officer** who coordinates all community-related grievances. The officer heads up the **grievance committee** that, in turn, has the authority to designate the head of the department associated with the grievance with the task to investigate and/or address the complaint.

Source: Rees, 2011





PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

Training to ensure effective management



Once the company appoints a responsible person for the grievance mechanism (e.g. a worker representative), this person should receive adequate training before starting the work. These appointed people must be trained and empowered to make decision or have access to people who can make decision. It is important to establish the GM policy first and then offer training to build capacity. This is especially important where there are no trade unions. Training for the GM officer and GM committee should cover dealing with and responding to gender-sensitive grievances to enable these types of grievances to be dealt with respectfully and sensitively.

Training at different levels is key to support any GM:

- Workers and their representatives (ideally all workers to raise awareness and ensure they know more about their rights and the scope of the mechanism. It may only be practicably possible with their representatives).
- Union representatives
- Supervisors (essential otherwise they don't know how to handle small complaints and to accept that a worker representative can raise issues).
- Managers (to make the business case and gain internal buy-in).

Training needs to bring a change in behaviour in the management (i.e. line managers, HR managers and supervisors) who essentially need to learn how to ask questions and make sure that issues and grievances are raised.

If management does not hear issues from workers, it is bad news.

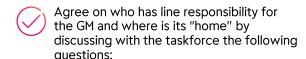




PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

How-to: Set up the internal governance of the GM

IN ORDER TO IDENTIFY THE BUILDING BLOCKS FOR THE GOVERNANCE OF THE MECHANISM, FOLLOW THESE STEPS WITH THE TASKFORCE:



- Is there a functional trade union or other forms of worker representation on site?
- Are trade union representatives and members sufficiently independent from company management and/or able to operate freely?
- Are women and other vulnerable groups adequately represented in the trade unions (or other forms of worker representation)? If there are unions on site, the union should have a policy for a quota for women representation. Where there are no unions, there should be a company policy asking for adequate representation of women in other forms of worker representation.



Is the Human Resources department sufficiently independent from company management and perceived as a neutral party by workers?



Decide with the taskforce a governance structure for the GM.



Ensure that all stakeholders engaged in the process have defined roles and responsibilities and that they receive adequate training to execute their part.



Enable workers to have discussions and elect their own representatives to participate in the governance and management of the GM.



Establish a simple database system to enable logging and tracking of grievances.



GOOD PRACTICE



Grievance mechanism management for community-based grievances

In some contexts, it is appropriate to also open the GM to external grievances coming from the communities (or their representatives) impacted by the company's operations.

Since community-based grievances could span across different issues, it is advisable to set up a cross-functional team that includes representatives from the Community Relations, Human Resources, Health Safety & Environment (HSE), Security, Procurement, Operations, and Legal departments. This team should be coordinated by a grievance officer and could be overseen by a grievance committee.

The grievance officer could be someone elected by the community or someone appointed from the Community Relations department, if the community sees it as sufficiently independent from company management.

The grievance committee should have equal representation of management and community representatives (democratically chosen by the community itself). The composition of the committee should also reflect the participation of women and marginalised groups.

The GM should have a senior management operational sponsor for the process to create legitimacy and secure internal backing.



Additional resources
For further guidance on
establishing community-based
grievance mechanisms, see this
manual developed by the oil and
gas industry association lpieca.

Introduction

Unders grievance

rstanding

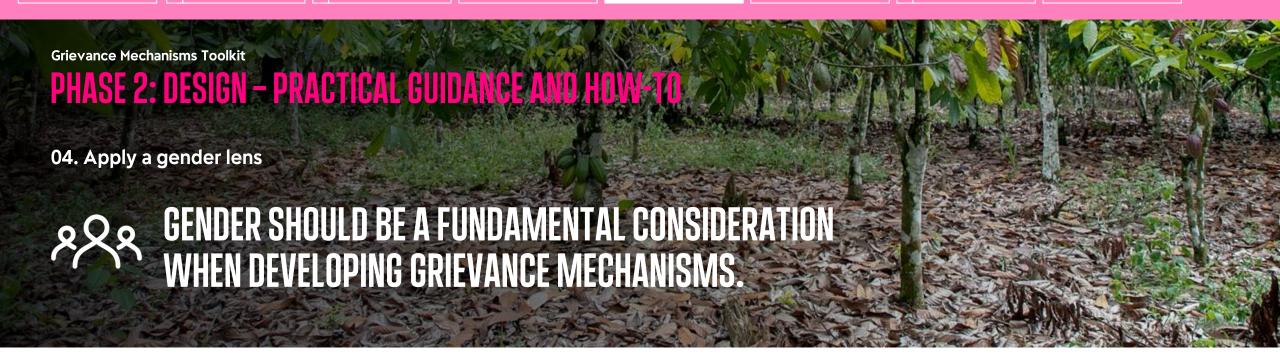
Step-by-step toolki

Phase 1: Planning Phase 2: Design Phase 3: Implementation

NAK I

Annex eful definitions Additional resources







Grievance mechanisms designed to address gender equality issues are central to ensuring that women workers are able to raise concerns safely and confidentially.



Anonymity and/or confidentiality are particularly important in relation to sensitive workplace issues such as violence and sexual harassment, and women's reproductive health.



Companies may choose to have a separate system for handling grievances raised by women workers or they could provide an "enhanced" track for gender-based grievances that can guarantee strict confidentiality, timely assessment and resolution and the involvement of women workers in handling the process from start to finish.



PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

How-to: Ensure the grievance mechanism is gender-sensitive



The GM should accept gender-based grievances such as sexual harassment and discrimination in the workplace.

Raise awareness about GM and which issues are covered, give concrete examples (e.g. sexual harassment and abuse, discrimination, concerns in relation to pay, access to facilities and safety at work, bullying) so that women understand it covers issues that matter to them.

Involve women workers in the formulation of the scope of the grievance; for example, it is important that women workers define what is gender-based violence for them in their specific context.

Provide training for line managers and individuals involved in the implementation of the GM on how to respond to gender-sensitive grievances raised.

This should cover more serious gender-sensitive grievances such as sexual harassment or abuse but also raise awareness of some of the more subtle gender-based issues that may be raised as a result of cultural differences or the influence of traditional social norms in the workplace e.g. women workers not feeling comfortable or able to use certain spaces in the workplace, or feeling like they are excluded or treated differently by their male colleagues due to their gender.



PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

How-to: Ensure the grievance mechanism is gender-sensitive



The GM should consider and address the potential barriers that may prevent women workers using it e.g. free to use, accessible during working hours, multiple entry points, ability to raise grievances verbally and in writing.

Good practice is to give women access to female representatives that can provide advice and support to formulate their grievances. In some cases, initially women may need to have a sounding board to air an issue and get feedback to see if it is something that they would like to raise formally or to build their confidence and ability to feel comfortable talking about more sensitive issues.

Provide reassurance that raising and having grievances is a good thing for workers and suppliers, particularly from women as it shows that the process is working and is trusted.

Entry points should be aware of the particular barriers faced by women workers, e.g. available during working hours, option to be anonymous, access to female representative where possible.

Consider if in the local context it is difficult for women to speak up. The influence of traditional gender norms may mean that women feel less comfortable raising gender-sensitive grievances due to fear or retaliation or concerns about the potential negative impact on their reputation.

In some cases, GM is more accessible to women if they are not seen when using it (e.g. hotline, suggestion box, email).

If the only entry point is speaking to a male grievance officer, for example, it could be trickier. Similarly, if there are low levels of literacy amongst women workers, submitting a grievance in writing will be difficult.

Cultural attitudes and perceptions around raising grievances may need to be considered, e.g. willingness to raise issues and how this may be viewed in wider culture.

Create safe spaces for female workers to share feedback about grievance processes and create alternative access points to raise issues which complements the grievance mechanism rather than replacing it, e.g. set up a women's forum or workers' group to promote the voice of women workers whilst providing another route for grievances to be raised.



How-to: Ensure the grievance mechanism is gender-sensitive



BUILD TRUST IN THE GRIEVANCE MECHANISM

- Ensure that women workers are represented throughout the design and development of the procedure as well as in the ongoing tracking, and follow-up to see how effective the new process is and where there are opportunities to improve it.
- Ensure that women workers are part of the decision-making and design of the GM process means that their potential needs and priorities can be considered and integrated proactively.
- Encourage both women and men to participate in worker forums and on the GM committee to help increase awareness around sensitive grievance issues for all workers and to make sure that women workers' voice is considered.
- Develop female leadership to have more diverse representation in the GM process and encourage women's participation in worker-management committees to feed into grievance process and resolution of grievance issues.
- Train women leaders to support women workers to be more vocal in unions.
- Engage with women workers at the lowest level of production and then gradually move up at the factory level to boost engagement with the GM.
- Consider diversity of women representatives to ensure most vulnerable groups are reflected where possible, i.e. intersections of race, ethnicity, migrants, LGBTQ+.





How-to: Ensure the grievance mechanism is gender-sensitive



MONITORING AND LEARNING

- Track complaints and evaluate whether the grievance mechanism is effective in engaging women by capturing gender disaggregated data and setting KPIs around usage, responses to grievances raised and remedies implemented (or not).
- When testing the GM process and design, test with a gender-sensitive grievance where possible to assess how effectively the process is able to manage these types of grievances and to get feedback on areas for improvement from the perspective of women workers.
- Consider what are the right questions to ask from a gender perspective to evaluate whether the grievance process is fit for purpose and something that women workers would access.



PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

05. Set up a clear process



The grievance mechanism policy should include both informal and formal processes to raise a grievance.

Good practice is that the majority of workplace-related issues should be solved informally through dialogue and problem solving. Raising a formal grievance should only have been done once these options have been exhausted.

These practices should be gender-sensitive and recognise barriers for women and marginalised groups in the workforce due to power imbalance or overarching social norms.

KEEP THE COMPLAINANT INFORMED THROUGHOUT THE PROCESS

Throughout the process, it is important to try to keep the worker or "rightsholder" who has raised the complaint informed of the progress and to check in on any changes or specific information which may impact on potential outcomes.

This should be done through a series of regular communications, either in defined intervals, at key stages of the complaints handling process, or both.

At the minimum, the complainant should be informed of the status and progress of their grievance at the following stages:

- Upon reception of a complaint, to acknowledge receipt and describe how the complaint will be dealt with.
- Following initial assessment of the complaint, to communicate whether the complaint is admitted and /or whether additional information is required.
- To see whether the issues can be resolved by agreement through formal or informal mediation.
- Throughout the investigation or examination of the complaint to provide regular updates on its progress.
- Upon the development of corrective and remedial actions, to seek the complainant's perspective and, ideally, agreement.
- After the conclusion of the actual complaints process, to gather their views on whether any agreed actions are effectively being implemented.





PROVIDE THE OPTION TO APPEAL



Grievance mechanisms often incorporate appeals procedures to allow complainants to seek alternate recourse if they are not satisfied with the resolution offered by the company. The appeals process offers a chance to resolve complex complaints.



The first line of appeal is often internal to the company. In such cases, to avoid a conflict of interest, the party hearing and investigating an appeal should not be the party that initially investigated the complaint and worked with the complainant to define a resolution and approach.

In many cases, the complainant's appeal will be handled by senior managers who are designated within the company to address unresolved complaints and who were not previously involved with the issue.



If the internal appeals process does not satisfy the complainant, a grievance mechanism may also incorporate an external appeals approach as the next resolution option. The company and complainant should agree on the selection criteria and process for involving a third party.



If third-party recourse is not possible or does not work, the complainant will still have access to available judicial procedures without fear of retribution or retaliation.

How-to: define the procedure

It is fundamental to have a clear and predictable procedure in place, with a specific timeframe and expectations for all involved parties set out at each stage.

The table on the following pages describes some typical procedural elements along with guidance on what to do at each step. Review these steps with the taskforce and adapt them to the company's context.





Figure 5. Key stages of a grievance mechanism

STAGES OF THE GM **ACTIONS** Workers who have a grievance or complaint regarding their work should be able to raise their concern with a supervisor or manager with the aim to resolve issues quickly and before they escalate into a bigger problem. The issue and response should be logged and tracked to check outcomes and monitoring. If discussions with supervisors/managers fail to resolve the issue, it is still possible to pursue an informal approach without triggering a formal procedure. Informal For example, a HR manager could facilitate an informal meeting about the grievance. Any such options taken should be logged. process In some cases, it may not be appropriate to raise a complaint informally with a direct supervisor, for example when the complainant has a complaint about the behaviour of his/her own supervisor or manager. If the matter is serious and/or the worker wishes to raise the matter formally, the worker should set out the facts of the grievance in writing to the nominated manager under the mechanism. In case of language barriers or low levels of literacy, support should be provided, for example by allowing to submit verbal grievances (that will then be recorded in writing). It is important to ensure support is provided to the worker to identify all the components of the grievance. The process needs to allow for this kind of Raising discussion to a formal come about. grievance If there is a trade union at the workplace, the worker may wish to ask a union representative for advice and support. This is key as the worker may be afraid of retaliation and may not know their rights in order to formulate the grievance appropriately. Where a worker has a grievance against their supervisor or manager who is also the nominated contact for reporting grievances under the mechanism, the worker should raise the grievance through another entry point. There should always be the option to raise a grievance with a female representative. At this stage, a question or complaint from a worker is received by the company grievance officer. Reception of grievance A grievance may also be raised by a member of the community and should be treated in the same way.

PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

Figure 5. Key stages of a grievance mechanism

STAGES (OF THE GM	ACTIONS
	Acknowled- gement	Once a grievance has been raised, the company should provide an acknowledgement to the complainant that the details have been received. Receipt of the complaint should be communicated within a specified period of time (usually 3-5 working days).
		An early assessment of the complaint should identify the key issues that have been raised, together with any root causes, and determine the outcome the worker is looking for. Any additional information should be gathered to allow a full assessment. The grievance officer will need to determine the appropriate next steps.
(A)	Initial assessment	First, they will need to assess whether the grievance raised falls within the scope of the mechanism (if not, there may be other more appropriate means of handling the complaint, for example if a case of forced labour is alleged, it is usually better to refer the complaint to relevant authorities or experts.)
		Second, the grievance officer conducts a evaluation of the complaint to determine if the issue can be resolved without the involvement of other company staff:
		• If so, the grievance officer is the owner of the complaint.
		• If not, the grievance officer assigns another company staff member as owner of the complaint (usually someone from the area of operations related to the complaint).



PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

Figure 5. Key stages of a grievance mechanism

STAGES OF THE GM **ACTIONS** The grievance officer (or the assigned manager) then investigates the complaint to determine what happened, who was responsible, and what can be done. This investigation should be done in consultation with the complainant, and any necessary technical experts. The appropriate form of investigation will depend on the type of grievance and the seriousness of the allegation. Where there are allegations of harassment or discrimination, or other particularly sensitive issues, the grievance officer (or the competent manager involved) should handle these issues with care and sensitivity and may require special training and protocols, acknowledging influence of gender and balance of power between workers and supervisors. It may be that an independent investigation is needed, which will require external expert input. Investigation Documentation should be produced throughout the investigation stage to ensure transparency and accountability. Checks and balances should be built into the grievance mechanism so that no one individual in the company (such as the grievance officer) serves as the "judge and jury". Check the grievance log to determine who was consulted and when during the evaluation. In all cases, at a minimum, the complainant should be consulted. Good practice is also to involve a committee made up of management and worker representatives to oversee the process (this could be the grievance committee, if existing, or a temporary committee created for the occasion). If the grievance is substantiated, a designated manager will invite the worker to a meeting, within a determined period after receiving the complaint, to discuss the worker's grievance. The worker should have the right to be accompanied by a colleague or trade union representative at the meeting upon request. The designated manager should be sensitive to concerns around the threat of retaliation and reprisals for workers particularly when grievances raised are gender based or involve **Final meeting** discrimination, sexual harassment or violence in the workplace. and time-bound At the meeting, and in consultation with the complainant and any other relevant company staff member, the grievance officer or designated manager resolution proposes a solution and presents it to the complainant. It is important that the options available to the complainant are explained in a manner that is clear and easy to understand so that they are able to make an informed decision about next steps. The complainant should be free to make a decision without threat of reprisals in the workplace, which can be a significant concern for women workers. After the meeting, the grievance officer will give the worker a decision in writing (or verbally if required), within a determined period.



PHASE 2: DESIGN – PRACTICAL GUIDANCE AND HOW-TO

Figure 5. Key stages of a grievance mechanism

STAGES OF THE GM

Implement

resolution



Monitor and close



Appeal

ACTIONS

If the solution is accepted, it is implemented and monitored.

If the solution is not accepted, the grievance officer or complainant can present it to an appeal committee or the complainant can seek recourse through another mechanism (e.g. a legal process).

Once the complaint is resolved, or if the complainant does not accept resolution and chooses to engage in another process, the complaint is monitored for a reasonable period to make sure the complainant does not express additional concerns and then closed.

A complaint is closed when the resolution has been implemented or when further activity would not be productive.

At this stage, it is critical to ensure that remedy was satisfactory for the worker. The GM should include a dispute resolution mechanism for when there is divergence of opinions between management, who may think they have provided appropriate remedy and the worker, who may not be satisfied with it. If this conflict of views cannot be resolved, then the worker should have the option to appeal.

If the worker is unhappy with the decision in relation to their grievance and wishes to appeal, they should notify the grievance officer. The worker should be invited to an appeal meeting within a defined period of time, and the appeal will be heard by a more senior manager.

Some companies establish an appeal committee, which operates independently from company management, to fulfil the functions of hearing an appeal, deciding on the outcomes, undertaking mediation and finding a resolution.

It is important that the appeal committee reflects the diversity of the workforce wherever possible, similarly to the GM committee.

After the appeal meeting, the senior manager/ committee will give the worker a decision in writing.





GOOD PRACTICE

Problem solving

Prior to entering the formal GM process, if workers have an issue with the management, the first step is to call their union representative. After this initial conversation with the union, the issue can be brought to HR (or to the Grievance Committee or Officer).

The site-level union goes with workers to the meeting. In non-union places, workers should be able to bring an external lawyer or a colleague, and the company should signpost workers to other local support NGOs or groups in the absence of a union. This should not be seen as breaking confidentiality rules and the company should not retaliate against the worker. Unions or law firms could sign confidentiality agreements. They should still be able to speak about the case, but should not speak about specific details of the company.



GOOD PRACTICE

Multiple entry points to a GM

The community grievance procedure of the Sakhalin Energy Investment Corporation (Russia) has a range of entry points: by mail and email; by phone, including a secure phone line; through a Community Liaison officer; the Grievance officer; through a company line manager; by a secure website; through the whistle-blowing focal point; and through the company's information centres in local libraries.

Source: Rees, 2011





PHASE 2: DESIGN - PRACTICAL GUIDANCE AND HOW-TO

How-to: Review effective set-up of the grievance mechanism procedure

Use this checklist to ensure that:



The process steps and timelines are clear, appropriate and predictable.



Complainants are given materials to help them understand the grievance mechanism process steps and timeline.



Timelines are short enough to make complainants feel like the process is progressing, but long enough to allow deadlines to be met without undue burden or shortcutting.



Any barriers to access (e.g. language, gender and traditional social norms, presence of indigenous or vulnerable people, etc.) have been identified and addressed.



Complaints can be submitted anonymously and confidentiality is respected where appropriate.



There are multiple entry points to raise a grievance and they are appropriate given the context.



There is a process to assure that these complaints will be entered in the grievance mechanism.



Complainants receive acknowledgement of receipt of the complaint within a reasonable timeframe.

Source: Adapted from CAO Toolkit



There are objective and clear criteria for evaluating complaints.



The resolution offered is appropriate for the nature of the complaint.



Feedback from the complainant is collected to assess the level of satisfaction with the process and the outcome.



The implementation of the resolution is well-documented and supported.



The resolution is implemented as agreed and in a timely fashion.



There is a clear appeal process if the complainant does not accept resolution.



Members of the appeal body are appropriate and without a conflict of interest.



The complaint is closed in the grievance log (tracking system) and that a notice of closure was sent to the complainant.





PHASE 3: IMPLEMENTATION



PART 2



the launch.

In addition to Beginner



TEST, REVIEW AND LAUNCH

- Consult with a diverse range of stakeholders.
- Test the mechanism by running mock complaints.
- Make changes based on the results of the test.
- Increase internal awareness about the GM.
- Provide training on the GM in all languages spoken on site to ensure all workers can understand the information.
- Translate the new policy in all languages spoken on site.

- Ensure that all access points are functional, roles and responsibilities are clear, the logging system is functioning, all logistics are in place before
- Identify and address challenges that marginalized groups may still be facing and consider these challenges when communicating the GM to these groups.

In addition to Established

- Demonstrate that stakeholder feedback and suggestions have been treated seriously (this will increase trust in the mechanism).
- Ensure worker representatives and unions are present when the training is delivered as they can help workers with any complaint process.
- **Engage local stakeholders**, especially NGOs such as women rights organizations and trade unions, to bridge any gaps with marginalized and vulnerable groups.

PROVIDE ACCESS TO REMEDY

- Provide a range of remedies available without discrimination.
- Clearly communicate to users what types of remedy may be available to them.
- Ensure that outcomes and remedies are in accordance with internationally recognized human rights guidance and adopt the higher standard in case of conflict with national legislation.
- Manage expectations of users: discuss different scenarios for what the complainant can expect and let people know about the limitations of the process early and often.
- Ensure the proposed remedy is to the satisfaction of the affected people and respond to their needs.
- Consult the complainant on the remediation plan and identify remedy together with all affected parties.
- When the site GM fails to provide remedy, provide affected people with access to the buying company's grievance mechanism as last resort.

- Adopt a user-centric approach and do not treat affected people merely as recipients of remedy.
- Women and vulnerable groups should be consulted around proposed remedy for different scenarios.
- Integrate existing remediations channels in the ecosystem to address the issue.
- Engage in multi-stakeholder or industry wide GM to offer a fall-back option to affected people, once all local approaches have failed to provide satisfactory remedy.

PART 1

PHASE 3: IMPLEMENTATION



PART 2



In addition to Beginner



MONITORING AND LEARNING

- Monitor implementation of GM by lodging each grievance in the system and tracking the case until it is closed.
- Track effectiveness of the GM by using key performance indicators (KPIs).
- Regularly report on number of grievances raised and outcomes (without identifying individuals).

• Report internally and externally on the performance of the mechanism.

 Higher-level union and corporate managementlevel personnel should have access to complaint procedures.

In addition to Established

- Maintain a public record of complaints (while guaranteeing confidentiality of complainants).
- Demonstrate how the grievance was remedied and what operational reforms have been made in order to prevent such violations in the future.
- Track complaints and evaluate whether the GM is effective in engaging women by capturing gender disaggregated data and setting KPIs around usage, responses to grievances raised and remedies implemented.



PHASE 3: IMPLEMENTATION - PRACTICAL GUIDANCE AND HOW-TO

01. Test, review and launch

Once the draft GM design has internal and external buy-in, it needs to be tested and, if necessary, reviewed before being officially launched.

The summary table above covered these two steps with concrete guidance. In addition, the launch is an important opportunity to build credibility and demonstrate the company's commitment to addressing complaints in a professional manner.



INCREASE INTERNAL AWARENESS

Before launching, increase internal awareness about the GM through:



A range of internal communication channels including newsletter articles, posters on site, emails, etc.



Worker training and briefings with union and worker representatives.



Training worker representatives such as union members and worker committee members on how to support staff to use the GM tool.



Integrating speaking points about the GM into senior leadership presentations.



Integrating the GM into the induction training of new employees and contractor staff.

PHASE 3: IMPLEMENTATION - PRACTICAL GUIDANCE AND HOW-TO

01. Test, review and launch (cont.)



LAUNCH THE TOOL

Translate the policy and information on a grievance procedure into the language(s) spoken by workers and recognise the influence of different issues such as gender on how GM is communicated in the workforce.

In workplaces where there is a recognised trade union operating, the existence and use of the mechanism should be clearly communicated through the trade union. This should include collaborative efforts to include information about the mechanism and its use through the union's own communications with its members.

There should also be an approach for communicating the GM to non-union members or those who may not feel able to access the GM through these channels, e.g. women, migrant workers, agency staff.

When communicating grievance procedures to workers, consider the additional challenges that marginalised or vulnerable groups of workers may face in accessing information as well as in accessing the mechanism itself. Even when aware of existing mechanisms, marginalised groups are often unlikely to make a complaint through impersonal and remote channels.

Engage with local stakeholders, especially NGOs such as women rights organisations and trade unions, in order to bridge the gaps with marginalised and vulnerable groups.

In some contexts (e.g. in order to better reach workers and the wider community), a formal launch date provides the opportunity to increase awareness around the GM, through radio advertisements, media releases and public meetings.

Be prepared - if the GM tool is working well there should be an initial increase in grievances. When the GM becomes operational, complainants will likely try the system by lodging long held but unstated grievances.







REMEDIAL ACTIONS

aimed at fixing, alleviating, or reversing a negative impact suffered by individual workers, such as financial compensation, back-payment or reinstatement; and/or



SYSTEMATIC ACTIONS

aimed at improving overall conditions and preventing the same or similar impacts from reoccurring, such as training for managers and supervisors or enhanced management systems.



PHASE 3: IMPLEMENTATION - PRACTICAL GUIDANCE AND HOW-TO

02. Provide remedy (cont.)



COMMUNICATE WHAT REMEDY COULD LOOK LIKE

There should be a range of remedies available without discrimination.

Clearly communicate to users what types of remedy may be available to them:

- Restitution, financial and nonfinancial for any harms done.
- Compensation, including unpaid or underpaid wages due.
- Rehabilitation
- Satisfaction those wronged should feel that the wrong was made right.
- Non-repetition, to ensure systems that prevent further rights violations from occurring.



MANAGING EXPECTATIONS

Remedy should be responsive to the experiences and expectations of complainants.

Clarify at the outset what is the complainant's desired outcome from the process and what is possible under the framework of the mechanism, and to manage the complainant's expectations accordingly.

Consider asking the following questions:

- What type of remedy does the worker seek?
- What type of remedy is appropriate for particular situations?



ADOPT A USER-CENTRIC APPROACH

Affected people should not be treated merely as recipients of remedy but remedial mechanisms should work for rightsholders.

Complainants should not have to fear victimisation in the process of seeking remedy.

Effectiveness of a remedy should be assessed by considering the perspective of the affected people (while being aware that these individuals may have low expectations).

Typically, there are strong power imbalances between affected people and the company; those managing remedial mechanisms should be proactive in redressing such power imbalances.





Grievance Mechanisms Toolkit

PHASE 3: IMPLEMENTATION - PRACTICAL GUIDANCE AND HOW-TO

USE FALL-BACK OPTIONS AND ESCALATION PROCESSES



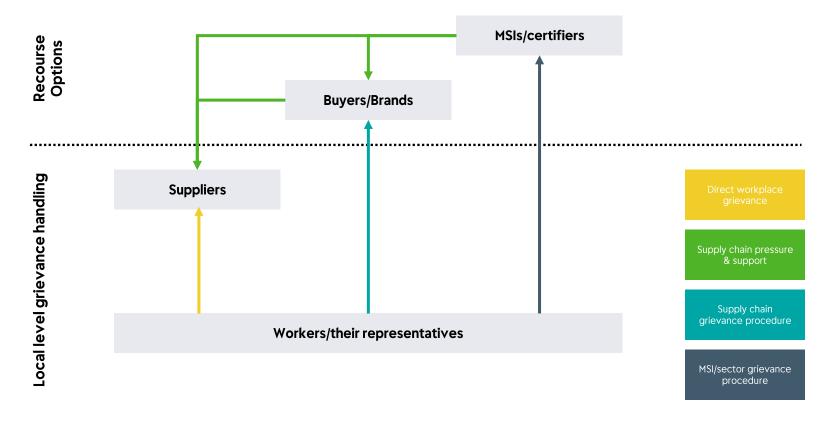
An effective GM can usually deal with 90% of the typical operational impacts that occur, while 10% of the issues may require a different kind of process, because of scale, scope or severity of the impacts. Where local mechanisms are absent or fail to resolve a grievance in an appropriate way, affected people should be able to access "fall-back" options to access different recourses.

In these cases, grievances can be escalated through mechanisms operated by buyers, multi-stakeholder initiatives (MSIs) or other initiatives. These organisations may work with companies to help them handle and resolve complaints, or they may require suppliers to establish formal workplace grievance mechanisms. Figure 6 exemplifies these processes.

When all recourses are exhausted, provide affected people with access to these external grievance mechanisms as a last resort.

Figure 6. Escalation process to access remedy in supply chain setting

Typology of different approaches to grievance mechanisms and access to remedy in a supply chain settings



PHASE 3: IMPLEMENTATION - PRACTICAL GUIDANCE AND HOW-TO

03. Learning and evaluation



It is important to make sure that information about complaints is used to make corrections for current or potential problems with operations.

PART 2

Grievance mechanism data can be used to determine if the concern is related to a particular area or group of people, such as women or vulnerable and marginalised groups that would need attention from the company, or if it relates to a wider issue that could require a broader effort. For this reason, GM data should be gender-disaggregated with regular reporting and analysis of data collected.

- A company should regularly report on the functioning of the GM, including to senior management.
- The use of key performance indicators (KPIs) to monitor the use and effectiveness of GMs is critical (see table below for examples).
- Reviewing the effectiveness of responses to complaints can help to identify systemic changes needed to either business practices or the practical workings of the GM.
- Evidence of effectiveness can also create a positive feedback loop and reinforce trust in the GM.

- A low number of grievances filed may present a false picture of working conditions and issues if the GM is not trusted or if workers do not know how to pursue a complaint.
- Assessment of effectiveness should focus not only on process, but also on outcomes, and ultimately, users must be able to confirm whether the system meets their needs.

How-to: Assess whether the GM is effective

The company should create some key performance indicators (KPIs) that can provide evidence for the effectiveness of the grievance mechanism as well as inform their policy and response:

- Average time to respond to a complainant (how does this compare with promised time given to respond?)
- Average time to resolve a complaint (is this consistent with the complexity of the complaint?)
- Complainant's overall satisfaction or dissatisfaction with the resolution of the complaint.
- Number of complaints in a given period (monthly, quarterly, annually)

- Number of complaints per location/business unit/department.
- Number of complaints by gender (are number of complaints raised by gender proportionate to the gender breakdown of the workforce? If there are no complaints from women, does this highlight issues with access or the way the GM has been communicated?)
- Number of complaints per issue (such as payment, working hours, harassment, etc.)



Grievance Mechanisms Toolkit

PART 1

PHASE 3: IMPLEMENTATION - PRACTICAL GUIDANCE AND HOW-TO

 		學。INTERPRETATION
A significant number of complaints or grievances are brought to the mechanism in the period after its establishment.	>	There is both awareness of the mechanism's existence and confidence that it provides a credible first avenue of recourse.
A significant number of grievances raised by women in the period after its establishment.	>	Women trust the GM and are able to access it.
A reduction, over time, in the number of grievances pursued through other non-judicial mechanisms, NGOs or the media.	>	There is both awareness of the mechanism's existence and confidence that it can provide a credible and effective first avenue of recourse.
Over time, the number of grievances of the same or similar nature decreases.	>	Staff are learning from past mistakes and adapting practices and/or operating procedures where appropriate.

PART 1

PHASE 3: IMPLEMENTATION - PRACTICAL GUIDANCE AND HOW-TO

M KPIs		© INTERPRETATION
Audits show a reduction in incidents of non-compliance with applicable standards.	>	Grievance processes are contributing to the identification and remediation of non-compliance incidents.
A reduction in absenteeism and staff turnover and/or an increase in productivity among workers.	>	A partial indicator of reduced worker grievances and improved worker satisfaction, most relevant in relation to supply chains and contractors.
A reduction in the number of gender-based grievances raised over time.	>	An indicator that training around gender sensitive issues such as gender-based violence and harassment is having an impact.
Standard operating procedures (SOPs) have been reviewed and amended where investigations reveal significant and repeat grievances, despite staff following existing SOPs.	>	Lessons regarding management systems are being learnt and acted upon to reduce the likelihood of the same kind of grievances recurring.
Regular stakeholder surveys by an independent third party indicate a high and increasing awareness of the mechanism's existence and a high and increasing perception that it is a credible, worthwhile process.	>	There is effective publicising of the mechanism and high potential that it will be used by stakeholders where they have a grievance.

Source: Adapted from Oxfam et al, 2016.

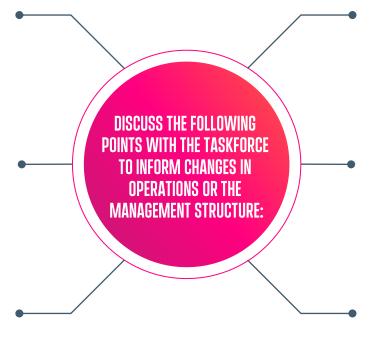
PHASE 3: IMPLEMENTATION – PRACTICAL GUIDANCE AND HOW-TO

How-to: Use data from the grievance mechanism

Carry out systematic evaluation of the types of complaints received, response times, offers of resolution, and acceptance and complaints resolved vs. appealed.

Use complaints data to inform systemic learning and make improvement to the processes that lead to complaints.

Understand if there is a concentration of complaints by location, unit or issues and discuss how they should be addressed (adopt systemic changes, involve specific departments of the business, etc).



Consider how changes to processes may impact women workers particularly and make sure systemic solutions are sensitive to gender issues.

Decide how often management should meet to discuss complaints.

If there is a high volume of complaints, discuss whether management should make any operational changes to address them.







PART 1

PART 3: ANNEX - USEFUL DEFINITIONS

AFFECTED PEOPLE

Individuals or groups that may be negatively impacted by a company's operations and may have a grievance.

These people can include: workers, contracted and temporary workers, small-scale farmers, customers and end-users of the company's products or services, and communities located around the company's facilities. The terms "affected people", "affected stakeholders" or "rightsholders" will be used interchangeably throughout the toolkit.

GRIFVANCE

The word grievance broadly refers to an issue, problem or allegation that a person has related to their treatment or experience at work.

This can cover a broad range of concerns, from a complaint about the quality of food provided in the canteen, to serious and potentially illegal actions such as harassment and workplace discrimination. The term "grievance" is often interchangeable with complaints, but can also refer to feedback or concerns. Companies should choose the term that best fits their circumstances and that will be best understood by employees and managers.

A grievance can be raised by anyone in a company, irrespective of their position, gender, race, ethnicity and religion. The person raising the grievance or complaint is often referred to as "the complainant."

COMPLAINANT

An individual or group that has submitted a grievance. Complainants may raise an allegation of harm against themselves or against others (on their behalf).

GRIEVANCE MECHANISM OFFICER

A grievance mechanism officer (or simply, grievance officer) is the individual within an organisation who is trained to handle the grievance mechanism process, from uptake, sorting and processing and acknowledgement and follow-up, to verification and action, monitoring and evaluation, and feedback.

In some organisations they may simply be the first point of contact when making a formal complaint. In many organisations, grievance officers are expected to conduct formal investigations.

If they are required to do this, then they are responsible for conducting formal interviews of the complainant and his/her witnesses and the respondent and his/her witnesses. The grievance officer will compile all of the evidence into one report and provide this to the decision maker.

REMEDY

Remedy for grievances raised by workers can cover a range of actions including: acknowledgement and apology; restitution and rehabilitation (i.e. compensation, payment of money owed, reversal of an employment decision); management-level changes; financial compensation; and, the implementation of measures that prevent future occurrences.

Remedy can take place either through judicial or non-judicial processes. (ETI, Access to Remedy). Remedy can be understood as:

- an outcome that describes actions that a company takes in order to reverse, or fix, negative impacts on workers; what constitutes an appropriate remedy will depend on the specific grievance, the background and local context, as well as the rightsholders' perspective on what would be appropriate.
- a process refers to the way in which a company deals with cases where workers' human rights impacts have been negatively impacted and specifically the way in which it enables those who have been impacted to seek remedy.

GRIEVANCE MECHANISM COMMITTEE

A committee formed by a labour union or by employer and employees jointly to discuss grievances and help ensure an objective and transparent process.

GRIEVANCE MECHANISM

A procedure through which a grievance can be raised by a worker, and in turn assessed, investigated and responded to by their employer.

Importantly, this process should enable remediation by providing remedy to the people who have suffered any adverse impacts or damage as a result of business activities. For example, a worker may raise a complaint against managers for unfair dismissal. The worker and the company are brought together to determine an adequate remedy (e.g. reinstatement, compensation etc.).

This is different from an early warning system which identifies risks (or actual impacts) in a company's own operations or in its supply chain. For example, a company might establish a worker hotline to provide an opportunity for workers to raise concerns about building safety.

THIRD-PARTY WORKERS

These are workers who are working on site (such as temporary workers and cleaning and canteen services) and have been contracted through an external third-party labour broker or agency.







Checklist for UNGPs criteria



Self-assessment tool



Internal mapping of existing grievance mechanism



Gap analysis



External mapping of existing grievance mechanisms



Roles and responsibilities in a typical grievance mechanism



Terms of reference for grievance officer



Example of complainant feedback form



Template for logging and tracking grievances





© 01. CHECKLIST QUESTIONS FOR UNGPS CRITERIA

The following guestions can guide companies as they seek to apply the effectiveness criteria illustrated in Part 1 of this toolkit.¹

01.

Is the grievance mechanism legitimate?

a) Is the mechanism trusted by its users?

What engenders trust in this particular situation and how can we build it?

How can affected stakeholders be involved in designing/reviewing/providing feedback?

b) Is the mechanism accountable for the fair conduct of grievance processes?

Is there a process to ensure parties cannot interfere with its fair conduct?

Is there a formal and independent oversight structure?

02.

Is the grievance mechanism accessible?

a) Is the mechanism known to all intended users? How is the company publicising its existence? Does the company know the access points users

are most likely to use?

Are there users who are harder to reach who need special consideration?

Are there ways of targeting publicity when/where grievances are most likely to arise?

Does the mechanism provide adequate assistance for those who may face particular barriers to access?

Does it consider barriers (e.g. those related to language, literacy, costs, physical location and fears of reprisal)?

How does the company seek to protect individuals who raise concerns from retaliation?

03.

Is the grievance mechanism predictable?

a) Is the mechanism clear on the types of process and outcome available and means of monitoring implementation?

Does the mechanism provide public information about the procedure it offers?

Is the mechanism clear on the types of process and outcome available and means of monitoring implementation?

Does the mechanism provide public information about the procedure it offers?

¹These questions were developed by <u>Triponel Consulting</u>.



The following questions can guide companies as they seek to apply the effectiveness criteria illustrated in Part 1 of this toolkit.¹

04.

Is the grievance mechanism equitable?

a) Does the mechanism seek to ensure that parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms?

Are users adequately informed and readily able to use the mechanism?

If not, are there providers of external advice that can provide support that are respected by both the company and users?

05.

Is the grievance mechanism transparent?

- a) Does the mechanism keep parties informed about the progress of their grievance?
- **b)** Does the mechanism provide sufficient evidence to build confidence in its effectiveness and meet any public interest at stake?

What information can the company provide publicly to demonstrate that the mechanism is working, effective and can be trusted (e.g. statistics, case studies, detailed information about the handling of certain cases)?

Is the information provided in such a way as to protect user confidentiality?

06.

Is the grievance mechanism rights-compatible?

a) Do the outcomes and remedies accord with internationally recognised human rights?

Do the procedures enable and ensure rights-compatible outcomes?

Does the mechanism treat all complaints seriously, including those which do not represent allegations of human rights abuse?

¹ These questions were developed by <u>Triponel Consulting</u>.



© 01. CHECKLIST QUESTIONS FOR UNGPS CRITERIA

The following questions can guide companies as they seek to apply the effectiveness criteria illustrated in Part 1 of this toolkit.¹

07.

Is the grievance mechanism a source of continuous learning?

a) Does the mechanism identify lessons for improving the mechanism and preventing future grievances and harms?

Is there regular analysis of the frequency, patterns and causes of grievances?

Has the company developed meaningful indicators to assess success?

Are there procedures in place to enable feedback from users/potential users?

Does the company seek to adjust wider company policies and procedures based on identified trends?

08.

Is the grievance mechanism based on engagement and dialogue?

a) Are the users consulted on the mechanism's design and performance?

Are stakeholder perspectives considered for the public-facing aspects (e.g. choice of access points, modes of dispute resolution, transparency)?

Is dialogue used as the means to address and resolve grievances?

Are agreed solutions reached through dialogue, including, where appropriate, through facilitated discussions (e.g. mediation)?

Is recourse to a legitimate, independent third-party mechanism possible?

¹These questions were developed by <u>Triponel Consulting</u>.

Understanding grievance mechanisms

Step-by-step toolkit

Phase 1: Planning Phase 2: Design Phase 3: Implementation ART 3

Annex Useful definitions Additional resources



Grievance Mechanisms Toolkit



The following tool suggests a maturation in a company's approach to grievance mechanisms across three levels.

The tool can help assess where systems could be further enhanced and how.

1 BEGINNER	>	> M ADVANCED
No formal grievance mechanism has been set up.	Grievance mechanism set up by the company.	Grievance mechanism set up by the company and its intended users together.
Grievances are addressed on an ad hoc basis.	Grievances are addressed in a systematic manner.	Grievances are proactively solicited.
Company is aware of grievances mostly by chance.	There is a designated place/entry point for logging grievances.	There are multiple entry points for logging grievances.
Grievance handling is an add-on activity.	Grievance handling is an integral part of stakeholder engagement.	Grievance handling is integral to all parts of the business.
No grievance owner.	Grievance officer.	Grievance officer + Grievance committee.
Same issues keep coming up.	Systematic response to avoid repeat grievances.	Independent oversight committee.
No recourse mechanism.	Recourse mechanism available.	Funds available for acquiring independent expertise/mediation.
No systematic database or other tracking system.	Grievance database that allows to track, report and analyse.	Database is automated (including escalation, reminders, etc.).

Source: Adapted from Shift, 2014.





© 03. INTERNAL MAPPING OF EXISTING GRIEVANCE MECHANISM

MAP THE PROCESSES THE COMPANY ALREADY HAS IN PLACE TO DETERMINE WHERE GAPS MAY EXIST.

Consider whether all the main stakeholder groups that could potentially be impacted by the company have access to a grievance mechanism, such as contract workers who may not be able to access the company's existing mechanism as well as other vulnerable or marginalised groups.

Using the table below, please select all channels that are available to your workers.



POSSIBLE CHANNELS FOR RAISING COMPLAINTS/GRIEVANCES	YES/NO
Whistle-blower/ethics hotlines.	
Employee ombudsman/human resources complaints processes.	
Open door/speak up policies.	
Face-to-face meetings with staff.	
Informal discussions with supervisors.	
Trade unions/industrial relations processes.	
On-site complaint boxes.	
Mobile apps.	
Submissions via a third party.	
Online complaints forms.	
Consumer complaints mechanisms.	
Community facing grievance mechanisms.	
Audit processes (and workers interviews).	
Business-to-business contract clauses with dispute resolution provisions.	
Supply chain hotlines.	





30 04. GAP ANALYSIS OF CURRENT GRIEVANCE MECHANISM

Identify whether there are specific groups of issues or stakeholders for which the existing systems and processes do not provide effective channels for identification, grievance raising or resolution of concerns and complaints.

Identify what additions would address the identified gap, consulting stakeholders where possible.

This tool allows for a quick assessment of the current design and/or implementation of a grievance mechanism. This assessment can help identify potentially critical areas that should be the focus of improvements to the grievance mechanism moving forward.



Understanding grievance mechanisms PART 2

Step-by-step toolkit

Phase 1: Planning Phase 2: Design Phase 3: Implementation

Grievance Mechanisms Toolkit



Gap analysis questionnaire

PART 1

About the procedure

- **01.** Do you have a system or structure for collecting complaints or issues raised by your workers (or nearby communities) that relate to your company and its operations?
- a) Yes
- b) No
- **02.** If yes, please describe this system/structure.

- 03. Who operates this system/structure?
- a) Dedicated staff member
- b) Grievance officer/Community liaison officer
- c) There is no specific person assigned
- d) Other

- **04.** How do you publicise your mechanism? Select all that apply.
- a) Local media
- b) Signage at project site
- c) Through our Grievance officer/Community liaison officers
- d) Word of mouth
- e) Through trade unions or other forms of worker representations
- f) Brochures
- g) Other
- **05.** What are the access channels for complainants? Select all that apply.
- a) Complaints box
- b) Hotline
- c) Email
- d) In-person meetings
- e) Other

Understanding grievance mechanisms PART 2

Step-by-step toolkit

Phase 1: Planning Phase 2: Design

Phase 3: Implementation **Useful definitions**

Additional resources



Grievance Mechanisms Toolkit



Gap analysis questionnaire

About the procedure

06. Do you know which access channels workers are most likely to use?

- **07.** Does the mechanism provide a clear and known procedure with an indicative timeframe for each stage?
- **08.** Is the mechanism clear on the types of process and outcome available and means of monitoring implementation?
- 09. Does the mechanism provide public information about the procedure it offers?
- 10. Does the mechanism keep parties informed about the progress of their grievance?

Gap analysis questionnaire

Design & Review

11. Are workers consulted on the mechanism's design and performance?

12. How can workers be involved in designing/reviewing/providing feedback?

- 13. How did you consider workers' perspectives in the design of the grievance mechanism (e.g. choice of access points, modes of dispute resolution, transparency)?
- 14. Are there procedures in place to collect feedback from users/potential users (e.g. workers and community members)?

Understanding grievance mechanisms PART 2

Step-by-step toolkit

Phase 1: Planning Phase 2: Design

Phase 3: Implementation

Annex **Useful definitions**

Additional resources



Grievance Mechanisms Toolkit



04. GAP ANALYSIS OF CURRENT GRIEVANCE MECHANISM

Gap analysis questionnaire

Access & Trust

15. How do you know if the grievance mechanism is known by all intended users (e.g. workers)?

- 16. Are users sufficiently informed and able to use the mechanism? If not, are there providers of external advice that can provide support that are respected by both the company and users?
- 17. How do you know if the mechanism is trusted by its users? Can you describe how your company is building trust with workers around the grievance mechanism?
- 18. Are there workers who are harder to reach who need special consideration (e.g. third-party workers, workers who speak different languages, migrant workers)?

- 19. Are there barriers that some workers may face to use the grievance mechanism (e.g. those related to language, literacy, costs, physical location and fears of reprisal)?
- 20. What kind of assistance does the mechanism offer to those who may face particular barriers to access?
- 21. How does the company seek to protect individuals who raise concerns from retaliation?
- 22. What information can the company provide publicly to demonstrate that the mechanism is working, effective and can be trusted (e.g. statistics, case studies, detailed information about the handling of certain cases)?
- 23. How does the mechanism ensure that parties have reasonable access to information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms?





Grievance Mechanisms Toolkit



04. GAP ANALYSIS OF CURRENT GRIEVANCE MECHANISM

Gap analysis questionnaire

PART 1

Use & effectiveness

- **24.** What system do you have for recording grievances? Select all that apply.
- a) Log book
- b) Computer database
- We don't have a system in place
- d) Other
- 25. How many grievances have you received in the last year?
- 26. Of the number you gave in the previous question, how many have you already resolved?
- 27. How do you provide feedback to complainants? Select all that apply.
- a) In a letter
- b) At ad hoc worker/community meetings
- At regular worker/community meetings
- At one-to-one meetings
- e) Other

- 28. How do you determine whether complainants are satisfied with the outcome of the grievance mechanism, including the result and the overall process?
- Through individual surveys at the end of each process
- Through periodic surveys with the users
- Informally through discussions with workers/community members
- Other
- 29. How often does management meet to discuss information obtained through the grievance mechanism?
- Every two weeks
- b) Once a month
- Once a quarter
- Once a year
- As the need arises
- Never
- 30. Does the mechanism identify lessons for improving the mechanism and preventing future grievances and harms?





30 04. GAP ANALYSIS OF CURRENT GRIEVANCE MECHANISM

Gap analysis questionnaire

Use & effectiveness

- **31.** Is there regular analysis of the frequency, patterns and causes of grievances?
- 32. Has the company developed indicators to assess use and effectiveness of the mechanism?
- **33.** Has the company adjusted wider company policies and procedures based on identified trends?



PART 1

© 05. EXTERNAL MAPPING OF GM: STATE-BASED AND NON-STATE GRIEVANCE MECHANISMS (1 OF 2)

This table gives an overview of possible grievance mechanisms that sit outside the company's walls.

Level	Accessible to	Examples
Industry or initiative mechanism	Typically includes member company's own workers, workers in the supply chain.	Fair Labor Association third- party complaints procedure.
National Contact Points under the OECD Guidelines for Multinational Enterprises	Any individual or organisation (affected or not affected).	All adhering countries required to establish one.
State-based mediation and arbitration bodies	Workers	UK: Advisory, Conciliation and Arbitration Service84 South Africa: Commission for Conciliation, Mediation and Arbitration85.
Courts	All individuals subject to jurisdiction.	All issues subject to jurisdiction

Source: CAO Toolkit

Select all mechanisms that may be available to workers in your context (it's OK if they do not all apply to your context).

Type of mechanism	Description/example	Type of process	Yes/No
Courts	Criminal and civil cases filed in national courts, including with regard to alleged violations abroad.	Adjudication	
	Courts specifically targeted with adjudicating disputes related to employment matters.	Adjudication	
Labour Courts	Examples:		
Labour Courts	German Federal Labour Court		
	Indian Labour Courts		
	South African Labor Courts		

Non-state Judicial Mechanisms

Type of mechanism	Description/example	Type of process	Yes/No
	European Court of Human Rights	Binding adjudication	
Regional Courts	Inter-American Court of Human Rights	Binding adjudication	
	African Court of Human and Peoples' Rights	Binding adjudication	



Grievance Mechanisms Toolkit

© 05. EXTERNAL MAPPING OF GM: STATE-BASED AND NON-STATE GRIEVANCE MECHANISMS (2 OF 2)

Type of mechanism	Description/example	Type of process	Yes/No				
National Human Rights	NHRIs typically monitor compliance by governments with national human rights laws and advise on the development of laws with human rights implications. Many (though not a majority of) NHRIs can hear complaints against companies.						
Institutions (NHRIs)	Examples:						
	India's National Human Rights Commission	Adjudication (incl. investigation)					
	Kenya National Commission on Human Rights.	Mediation, Arbitration, Adjudication					
	New Zealand Human Rights Commission	Mediation					
	Some countries have non-judicial labour dispute resolution bodies, which typically have a statutory basis or other link to the state.						
Labour Dispute Systems	Examples:						
	Cambodia: Arbitration Council	Mediation, Arbitration					
	South Africa: Commission for Conciliation, Mediation and Arbitration.	Mediation, Arbitration					
National Contact Points (under the OECD Guidelines for Multinational Enterprises)	NCPs can offer mediation between companies and complainants (typically trade unions or NGOs), and where mediation does not achieve a resolution, they may make forward-looking statements about the company's compliance with the Guidelines.	Mediation, compliance assessment					

Type of mechanism	Description/example	Type of process	Yes/No				
	Typically, IFI's have "accountability mechanisms" that can both provide problem-solving processes (often through local mediation) to resolve disputes between corporate clients and communities, and assess compliance with the IFI's own standards. Examples:						
National Human Rights Institutions (NHRIs)	Compliance and Advisory Ombudsman of the International Finance Corporation	Mediation, Compliance Review, Advisory					
mstitutions (Mikis)	European Bank for Reconstruction and Development's Project Complaint Mechanism	Mediation, Compliance Review					
	Asian Development Bank's Accountability Mechanism	Mediation, Compliance Review					
	African Development Bank's Independent Review Mechanism	Mediation, Compliance Review					
	Inter-American Development Bank's Independent Consultation and Investigation Mechanism	Mediation, Compliance Review					
	Mechanisms typically involve reviewing comp an initiative's established code of conduct, a standard. Processes range from information f mediation and adjudication.	set of principles, or a certifi	ication				
Labour Dispute Systems	Examples:						
	Fair Labor Association's Third Party Complaint Process						
	Fair Wear Foundation's Complaint Procedure						
	The Bangladesh Accord						

Grievance Mechanisms Toolkit

PART 1

© 06. ROLES AND RESPONSIBILITIES IN A TYPICAL GRIEVANCE MECHANISM

Roles	Responsibilities
Grievance officer	 Informs the public about the grievance mechanism. Ensures that all individuals with responsibilities under the grievance mechanism are made aware of the existence of the process and receive adequate training. Receives and reports complaints. Serves as principal point of contact and liaison with complainants. Ensures communication with the complainant and follows specified procedures and timelines. Maintains a log of complaints received. Resolves complaints that do not need a substantive expert. Supports the substantive expert, if necessary. Serves as a liaison between company and third parties, as required. Monitors resolution of complaints. Prepares monitoring reports. Provides feedback on the effectiveness of the grievance mechanism to management.
Complaint owner	 Responsible for investigating and resolving complaints. The complaint owner may be either: The Grievance Officer, if the complaint can be resolved with limited additional information expertise or resources; or A substantive expert, such as a manager from the area of operations implicated by the complaint, if the complaint cannot be easily or quickly resolved by the Grievance Officer.
Appeals Committee	 May be composed of company officials that have not been involved with the complaint to date. May also include or be exclusively composed of other trusted people from outside the company, if an independent view is necessary. Intervenes when the proposed resolution is not accepted by the complainant and identifies additional actions to address the complaint. Approves the close-out of complaints when an agreement cannot be reached with the complainant.
Contractors	 Understand the basics of the grievance mechanism, having received information about and training in the grievance resolution process from the company. Assist the complaint owner to manage and resolve complaints in a timely manner when the contractor may be involved.
Project/Operation manager	 Approves and is accountable for implementation of the grievance mechanism. Provides support for implementation of the grievance resolution process and enforcement of specific agreements.





© 07. EXAMPLE OF TERMS OF REFERENCE FOR A GRIEVANCE OFFICER (1 OF 4)

KEY REQUIREMENTS AND CHARACTERISTICS FOR COMPANY STAFF MANAGING COMMUNITY COMPLAINTS

The individuals tasked with managing a grievance mechanism often feel that community members consider them to be too closely aligned with company interests, while co-workers view them as too strongly representing and advocating for the interests of community members. For many Grievance officers, communicating and justifying actions within the company can be more difficult than communicating to external stakeholders.

Therefore, company staff managing community complaints should strive to be transparent through open communication with community members, while also maintaining confidence and wielding influence internally.

A larger operation with a significant community footprint could have a dedicated staff member(s) whose responsibility is to manage community concerns (a "Grievance officer"). Other operations may have a staff member(s) who is responsible for community engagement as well as management of community concerns (a "Community Liaison Officer" (CLO)). Both positions are aligned around three principal activities:

UNDERSTANDING

- the project or operation and what impacts may result;
- the social environment surrounding the operation; and
- the needs and expectations of the company, the community and their representatives.

COMMUNICATION

- to community members on how the grievance mechanism functions and how it can help them have a voice and seek redress.
- to company staff on how the grievance mechanism can facilitate operations and how the grievance mechanism functions; and
- how commitments resulting from the grievance mechanism are implemented.

INFORMING AND PROMOTING

- the planning and decision-making process of the project/operation; and
- continuous learning from complaints to improve operational performance.

To accomplish these objectives, the complaints handler must be able to:

- follow the specified grievance mechanism process when responding to the complaint and record activities related to the complaint;
- focus on substance and facts without speculating or making value judgements;
- understand the boundaries of the job and seek help when a situation may compromise his or her ability to perform assigned duties (for example, seek help when working on a complaint that could compromise other job duties, such as the day-today needs of engagement with critical community stakeholders);
- strive for equity in response to complaints and results of complaint assessment, such that if a particular resolution becomes known to others, it will be viewed as reasonable and consistent with how other complaints have been resolved; and
- maintain confidentiality if requested to do so by a complainant.



Grievance Mechanisms Toolkit



TERMS OF REFERENCE FOR A GRIEVANCE OFFICER

The grievance officer serves as the focal point for the grievance mechanism. The grievance officer's key roles are to capture community complaints and concerns systematically, address issues that can be readily resolved, refer issues to a complaint owner within the operation/company when substantive expertise is necessary, and follow up with both the complaint owner and community member(s) to ensure that the issue is resolved in a fair and timely manner.

ROLES AND RESPONSIBILITIES:

Manage the grievance mechanism

- Receive community complaints and concerns and record them in a database.
- Resolve complaints and concerns as appropriate.
- Assign complaints that cannot be resolved by the grievance officer to a complaint owner within the operation.

- Follow up with complaint owners to ensure complaint resolution is advancing in a timely manner and using a fair process.
- Update complaint information in the database regularly.
- Review complaints regularly and close them out when appropriate.
- Monitor any resolutions to grievances to ensure they are implemented.

Engage with stakeholders

- Provide information about the grievance mechanism to community stakeholders.
- Inform management of concerns and complaints received by the grievance mechanism.
- Work with operations staff to notify community members of activities that may lead to community concerns or complaints before the company undertakes the activities.
- Work with staff tasked with community engagement to understand community issues before, during, and after community engagement events.

EXPERIENCE AND QUALIFICATIONS:

- Knowledge of the basic elements of the business operations.
- Strong customer service focus.
- Excellent communication skills.
- Ability to work independently and with teams.
- Ability to work on issues that may lead to conflict or be emotionally charged.
- Mastery of computer skills sufficient to maintain a database of community complaints, and prepare reports and presentation of results.

Grievance Mechanisms Toolkit



TERMS OF REFERENCE FOR A COMMUNITY LIAISON OFFICER

The Community Liaison Officer (CLO) builds and maintains relationships with community members to better understand community concerns and perceptions. The CLO serves as the principal link—and thus also a critical communications channel—between the project operation and community members. The CLO is also responsible for implementing the grievance mechanism, including managing day-to-day activities and addressing community concerns when appropriate.

OPERATIONAL FOCUS

- Gain a thorough understanding of the project operation.
- Understand potential impacts of the operation on the local environment, economy, and society.
- Interact with departments within the operation and inform staff of community relations activities and community concerns.
- Utilise data and information from the grievance mechanism to develop lessons learned that are communicated to operations staff and communities as appropriate.

 Assist operations staff with utilising lessons learned from the grievance mechanism to guide continuous improvement of operations.

COMMUNITY FOCUS

- Gain a thorough understanding of local socioeconomic conditions.
- Build and maintain relationships with local stakeholders (such as neighbours, government, business and religious leaders, community organisations, and nongovernmental organisations).
- Provide information about the project operation to the community.
- Understand community perceptions of the operation.
- Recognise issues within the community that may result in heightened concern or unrest, and thus provide an early warning system on community issues.
- Facilitate engagement between operations staff, contractors, visitors, community members, and local officials and representatives, as needed.
- Manage social initiatives undertaken by the operation.

MANAGEMENT OF THE GRIEVANCE MECHANISM

- Oversee implementation and operation of the grievance mechanism.
- Resolve complaints and concerns as appropriate.
- Assign a complaint owner within the operation to manage complaints that require technical or substantive expertise, as necessary.
- Work with complaint owners to help identify options for complaint resolution, as necessary.
- Track and document the complaint resolution process.
- Develop and maintain the grievance mechanism database.
- Perform data analysis and reporting.

EXPERIENCE AND QUALIFICATIONS

- Knowledge of the elements of the business operations.
- Deep knowledge of potential conflict points for the company and community.



Grievance Mechanisms Toolkit

07. EXAMPLE OF TERMS OF REFERENCE FOR A GRIEVANCE OFFICER (4 OF 4)

- Strong customer service focus.
- Excellent communication skills.
- Ability to work both independently and within teams.
- Ability to work on issues that may lead to conflict or be emotionally charged.
- Ability to influence decision-making at all levels.
- Mastery of computer skills sufficient to maintain a database of community complaints and prepare reports and presentation of results.
- Build and maintain relationships with local stakeholders (such as neighbours, government, business and religious leaders, community organisations, and nongovernmental organisations).
- Provide information about the project operation to the community.
- Understand community perceptions of the operation.
- Recognise issues within the community that may result in heightened concern or unrest, and thus provide an early warning system on community issues.

- Facilitate engagement between operations staff, contractors, visitors, community members, and local officials and representatives, as needed.
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Understanding grievance mechanisms



Step-by-step toolkit

Phase 1: Planning Phase 2: Design

Phase 3: Implementation

Useful definitions

Additional resources



Grievance Mechanisms Toolkit

100 08. EXAMPLE OF COMPLAINANT FEEDBACK FORM

GRIEVANCE FEED	BACK FORM	
Name of the complainant:	- -	Date:
Mobile no: Complaint no:	Email:	
Are you satisfied with the resolution of your complaint? Yes or no If No, please specify why:		
Was there any part of your compliant that you believe was not dealt with? Yes or no Please specify:		
In your opinion what else should be done to resolve your compliant? Yes or no Please specify:		
Was it easy for you to lodge your complaint? Yes or no Were the staff at XX company helpful when you lodged your complaint? Yes or no Was it easy to find out about how to make a complaint at XX company? Yes or no Were you informed at different points in the process about the progress of your complaint and the next step? Yes or Do you have any additional comments to share? (Optional) Please specify:		
Signature of complainant:		Date:

Understanding grievance mechanisms

PART 1

PART 2

Step-by-step toolkit

Phase 1: Planning Phase 2: Design Phase 3: Implementation PART 3

Annex Useful definitions Additional resources



Grievance Mechanisms Toolkit

100 09. TEMPLATE FOR LOGGING AND TRACKING GRIEVANCES

Below is an example of a logging and tracking database for grievances. This template could be enriched by adding further information such as "approaches used", "outcome provided" and others that may respond to the needs of the company.

N.	Category of issue	Complainant department	Complainant name (if available)	Complainant gender	Complaint date	Complaint response date and time	Time to acknowledge complaint	Consistent with the expected timeframe?	Time to resolve complaint	Consistent with the expected timeframe?	Satisfaction Remarks

GRIEVANCE MECHANISMS TOOLKIT

Thank you

This toolkit was developed for Reckitt by the Oxfam Business Advisory Service. If you have any questions about this document or would like to know more about Oxfam's work on grievance mechanisms, please email: advisory@oxfam.org.uk

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