MODULE 6: Workers´ voice and grievance mechanisms

MODULE 6: Workers´ voice and grievance mechanisms		Time in minutes
1	What are grievance mechanisms?	35
2	Why are grievance mechanisms useful?	20
3	What are the main challenges to effective grievance mechanisms?	30
4	What principles should grievance mechanism include?	40
5	How can we receive feedback, complaints and grievances?	40
6	What steps can we set up to manage grievances?	50
7	What approaches can be taken to redress?	20
8	How can we generate trust in a grievance mechanism?	35
9	What elements should we keep in mind when setting up a company-level grievance mechanism?	15

1. What are grievance mechanisms?

Grievance mechanisms are like _____

because _____

Grievance mechanisms are like _____

because _____

Grievance mechanisms are like _____

because _____

Grievance mechanisms are like _____

because _____

## 2.	Why are grievance mechanisms useful?

Why should companies participate in grievance mechanisms?

_____

_____

_____

_____

_____

_____

A well-functioning grievance mechanism:

- ✓ provides a predictable, transparent, and credible process available to all parties, that results in outcomes that are fair, effective, and lasting;

- ✓ builds trust as an integral component of broader community relations activities and dialogue with stakeholders;

- ✓ enables more systematic identification of emerging issues and trends, facilitating corrective action and preemptive engagement.

3. What are the main challenges to effective grievance mechanisms?

What challenges might the following stakeholders face when using a grievance procedure?

Children workers

_____

_____

_____

_____

_____

Adult workers

_____

_____

_____

_____

_____

Suppliers

_____

_____

_____

_____

_____

Farmers

_____

_____

_____

_____

_____

Companies

_____

_____

_____

_____

Community leaders

_____

_____

_____

_____

NGOs

_____

_____

_____

_____

Unions

_____

_____

_____

_____

4.What principles should grievance mechanisms include?

The table below includes eight principles that essential to a grievance mechanism. Do you know what they mean or imply? Think about what they mean and then draw an icon or illustration depicting each principle.

Legitimate	Accessible	Predictable	Equitable
Transparent	Rights compatible	Source of learning	Engagement

5. How could we receive feedback, complaints and grievances?

Read the following case studies and decide whether these characters would feel comfortable raising a grievance:

1. Mary is 20-years old. She is an unregistered migrant worker. Her employer hasn't paid her for three months. She needs to feed her children.

   _____

   _____

   _____

2. Jane is age 14. She helps her parents on their employer's farm. The farmer pays the whole family based on the weight of bundles of produce, regardless of who prepares them. The wife of the farmer is always asking Jane to help with domestic chores, although that's not her job. Jane also needs to complete her homework before working in the fields.

   _____

   _____

   _____

3. Ben's passport has been taken by his contractor. The contractor says it's for Ben's own safety, as his ID can get lost or stolen in the dormitory. Ben doesn't trust this man and wants his papers back.

   _____

   _____

   _____

4. Bruno is age 15. He has been working on this farm while—he has been out of school for two years. He feels sick and might not be able to work this week. He thinks that the pesticides he has been spraying are not good for him, and that the PPE that the employer gives him are really designed for adults bigger than him. He really needs money but also needs rest and better working conditions.

   _____

   _____

   _____

6. What steps could we set up to manage grievances?

Discuss with your group what steps should be included when setting up a grievance mechanism.

	STEP	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

7. What approaches can be taken to redress?

When would the following approaches be appropriate to redress a grievance?

- The company proposes a solution.

_____

_____

_____

_____

- The company and the grievant defer to a third party for arbitration.

_____

_____

_____

_____

- The company and the grievant utilize traditional or customary practices.

_____

_____

_____

_____

8.How can you generate trust in a grievance mechanism?

Make a list of ideas that might generate trust among stakeholders and encourage the use of a grievance mechanism.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

How would you classify each of your ideas based on their perceived impact and cost?

WOW High impact Low implementation cost	**HOW** High impact High implementation cost
NOW Low impact Low implementation cost	**POW** Low impact High implementation cost

9. What elements should we keep in mind when setting up a company-level grievance mechanism?

Reply to the statements below identifying if they are true or false.

1. The best option for grievance mechanisms is for workers to present grievances in written format.

   True   False

2. Workers need to receive training on when and how to use the mechanism.

   True   False

3. Complaints should be handled at the level closest to the complainant.

   True   False

4. When a complainant uses the mechanism, he or she can no longer apply to legal remedies.

   True   False

5. Complaints cannot be anonymous, if otherwise it is too hard to investigate the facts of the case.

   True   False

6. An appeal mechanism is only needed for extreme or severe cases.

   True   False

7. After a certain time, someone should check in with the complainant (and accused, if appropriate), whether or not the resolution has been satisfactorily implemented.

   True   False

8. Representatives of stakeholders are consulted when the mechanism is updated.

   True   False

Key learning points

- The U.N. Guiding Principles on Business and Human Rights (UNGPs) encourage enterprises to establish, or participate in, operational-level or company grievance mechanisms to support remedy of violations of human rights.
- The UNGPs define operational grievance mechanisms as being "accessible directly to individuals and communities who may be adversely impacted by a business enterprise."
- Grievance mechanisms should be part of a broader approach of stakeholder engagement that provides a way for workers and community members to engage with the company, enhance relationships, reduce social risk, and enable more responsive and responsible management.
- Grievance mechanisms help report and address human rights violations, and, in some cases, prevent them from occurring if identified in a timely manner.
- They could constitute an important source of information for the workers, if they are designed as a source of learning for the intended beneficiaries.
- They could serve as a source of human rights risk information for supply chain partners to preempt any forthcoming issues and indicate mitigating actions.
- When implemented effectively, grievance mechanisms offer efficient, immediate and low-cost forms of problem solving and remedy for both companies, suppliers and communities.
- A well-functioning grievance mechanism:
    - provides a predictable, transparent and credible process available to all parties that results in outcomes that are fair, effective and lasting;
    - builds trust as an integral component of broader community relations and dialogue with stakeholders;
    - enables more systematic identification of emerging issues and trends, facilitating corrective action and preemptive engagement.
- Addressing problems when they start and before they escalate into chronic and complex issues can help companies avoid investing more resources (both human and financial) in their resolution and can save workers from stress and preempt the build-up of negative sentiments.
- Global supply chains spanning multiple countries can pose challenges in designing a common and uniformed grievance mechanism.
- Different stakeholders may view the purpose of the grievance mechanisms differently based on local context and situation.
- Setting up effective grievance mechanisms can be costly and resource intense.
- Users may want just one or several means of accessing a grievance mechanism. Some of the most common are hotlines, emails, SMS, apps, suggestion boxes, local resource person, community leaders, or a trusted local third party.

- There may be gender-based bias and power dynamics (for example, in the case of labor contractor who is a relative and yet abusive) that play a role in grievance mechanisms.
- Grievances may relate to systemic issues that are beyond the control of one single entity to resolve.
- According to the UNGP, all grievance mechanisms should be legitimate, accessible, predictable, equitable, transparent, rights compatible, a source of learning for the company, and engage other stakeholders.
- In most cases, local solutions—dealing with grievances at workplace level—are best suited to this task.
- There may be a case for supply chain grievances to be raised directly with mechanisms operated by buyers, MSIs or other initiatives.
- Grievance mechanisms for children and women may require special attention.
- It is important to develop a referral services guide as all issues cannot be resolved in house.
- When designing a grievance mechanism, essential elements need to be considered, including the time, people and resources needed.
- A functioning grievance mechanism has to be divided into steps that include, at a minimum: reception, investigation, informing the parties, appeal, implementation, and follow-up.
- Different approaches can be taken in order to come up with satisfying solutions to the parties.
- It is important that the objective of the mechanism is to seek redress of the situation.
- An effective grievance mechanism relies on trust between community members and the company
- People need to feel that a grievance mechanism is safe, that their confidentiality will be protected, and they will not be subject to retaliation.
- Communication is key to building trust.
- Managing expectations is necessary for generating and maintaining trust.