Facilitators Manual - Table of Contents

I.   MODULE AT A GLANCE

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II. WHAT ARE GRIEVANCE MECHANISMS?

Objectives
- Define the concept of grievance mechanisms.
- Identify different approaches to operational grievance mechanisms.
- Discuss the benefits of having in place operational grievance mechanisms.
- Have a better understanding of participants' perceptions of grievance mechanisms.

Description of activity
1. Divide participants into groups of 3-5 people.
2. Put pictures/photos you have gathered on group tables (see Tips below).
3. Ask everyone to choose one picture at random.
4. Have everyone to complete following phrase: "Grievance mechanisms are like _____ (something related to the picture they chose) because_____".
5. Ask group members to share their sentences and come up with one statement that encompasses all of their individual perceptions.
6. Have one representative from each group tape the picture and encompassing statement to a flip chart and share their results.
7. Wrap up the activity by summarizing a general definition of a grievance mechanism.
8. Questions to reflect over in plenary:
   a. What are grievance mechanisms?
   b. Did the descriptions tend to bring out negative or positive elements of grievance mechanisms?
   c. What is the general perception of the group of grievance mechanisms?

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.

Time: 35 minutes
- Individual work: 5 minutes
- Group work: 10 minutes
- Plenary discussion: 20 minutes

Slides

- Slides 2-3

Materials

- Clipped pictures from magazines, advertisements, newspapers, books, etc.

Tips

- Before the class, make sure you have enough pictures for participants to choose from. You should have at least one picture for each participant.
- The pictures can be of anything (nature, cosmetics, cars, people, toys). The objective is to stimulate participants to think in metaphors.
- It is useful to give participants examples in order to make them understand that their replies should be spontaneous, and that there are no right or wrong answers. Some examples might be:
  - o Picture of a sports car: Grievance mechanisms are like this car because they need to be fast to solve problems.
  - o Picture of a leavy tree: Grievance mechanism are like trees, sometimes they don't let us see the forest.
  - o Picture of a baby: Grievance mechanisms remind me of babies because you never really know what to do about them, they are too complicated.
  - o Picture of a glass of water: Grievance mechanisms should be just like this glass of water, totally transparent.

Facilitators notes

Extracts from: USDA's Guidelines for Eliminating Child and Forced Labor in Agricultural Supply Chains: FLA's Practitioners' Guide, 2018

Operational-level grievance mechanisms are processes for receiving, investigating, and responding to questions or complaints from employees and other stakeholders. Grievance mechanisms also provide a means by which individuals or communities affected by a company's or a supplier's operations can raise questions, concerns, and problems and get them addressed in a systematic and prompt manner.

It should be clear that internal grievance mechanisms do not replace judicial or other non-judicial forms of remedy. However, when implemented effectively, grievance mechanisms offer efficient, immediate, and low-cost forms of problem solving and remedy for both companies, suppliers and communities.

Moreover, strong and trusted grievance mechanisms can help address problems proactively, before they erode the labor force's or the local community's trust or become intractable. They can

also be an effective way for companies to identify potential problems and can offer valuable information on how to improve their operations.

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.

It is important to consider how a grievance mechanism fits into a company's overall stakeholder engagement strategy. Grievance mechanisms should be part of a broader approach of stakeholder engagement that provides a way for workers and community members to consistently engage with the company, enhances relationships, reduces social risk, and enables more responsive and responsible management."

Extracts from: Access to Remedy—Operational Grievance Mechanisms. An Issues Paper for ETI, Version 2.0—revised, Curtze and Gibbons, 25 Oct. 2017

Where a company has caused direct, negative impacts on workers' human rights through its activities, it should provide remedy to those affected. This forms part of companies' broader responsibility to respect human rights, as spelled out in the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UNGPs encourage enterprises to establish, or participate in, effective operational-level, or company grievance mechanisms to support provision of such remedy. Similarly, industry, multi-stakeholder or other collaborative initiatives based on human rights standards can also provide grievance mechanisms that can be accessed by those impacted by companies' activities.

Many companies have a defined grievance policy for their direct employees. Moreover, trade unions and worker representatives can provide additional channels for workers to voice concerns. But what is the role of brands and retailers to provide grievance mechanisms in relation to issues that affect workers in their supply chain? The main responsibility for dealing with grievances of supply chain workers lies with the direct employer —which will be the supplier, or sometimes a contractor to that supplier—and typically, local or workplace-level grievance channels will be the most effective and accessible way for workers to seek redress. However, access to remedy through such routes is often limited in practice, while, at the same time, supply chain workers are among the rightsholder groups most vulnerable to negative impacts on their human rights. This can lead to a significant gap with regard to the provision of remedy for such impacts.

The UNGPs define operational grievance mechanisms as being "accessible directly to individuals and communities who may be adversely impacted by a business enterprise. They are typically administered by enterprises, alone or in collaboration with others, including relevant stakeholders. They may also be provided through recourse to a mutually acceptable external expert or body. They do not require that those bringing a complaint first access other means of recourse. They can engage the business enterprise directly in assessing the issues and seeking remediation of any harm."

Operational-level grievance mechanisms are one defined way in which companies and other organizations can provide access to remedy for victims of human rights violations. It is, however, not the only way—remedy can also be the result of an informal process or ad-hoc decisions, without going through a formal process of dispute and grievance resolution. In addition, there are state-based judicial and non-judicial processes through which victims can seek redress.

Extracts from: FLA's Feedback and Grievance Policy

What is feedback?

Feedback is a positive or negative statement of opinion about the working conditions within a company's supply chain, shared for information or action but without intention of lodging a formal complaint.

What is a grievance?

Grievance is defined as a complaint, problem or concern of a worker regarding the workplace, task or employment relationship with the coworker, supervisor, labor contractor or farmer shared with the intention of lodging a formal complaint.

III.   WHY ARE GRIEVANCE MECHANISMS USEFUL?

Objectives
- Recognize the importance and benefit of having in place and or participating in an operational grievance mechanism.

Description of activity
1. Based on the previous exercise, have a plenary discussion about the benefits of having in place or participating in a grievance mechanism.
2. Ask participants to come up with one statement that highlights one benefit of grievance mechanisms.
3. Summarize three main point of a well-functioning grievance mechanism stated within key learning points.
4. Questions to reflect over in plenary:
   a. Why should companies have or participate in grievance mechanisms?

Key learning points
- 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.

Time: 20 minutes
- Individual work: 1 minute
- Plenary discussion: 19 minutes

Slides

- Slides 4-5

Materials

- Flip chart papers from the previous activity
- Sticky notes or pieces of paper

Tips

- This activity should be short, and it can be directly integrated with the previous discussion. What is important is that the benefits are highlighted, and negative perceptions are changed to more positive aspects.

Facilitators notes

Extracts from: Business & Human Rights Initiative "How to Do Business with Respect for Human Rights: A Guidance Tool for Companies," The Hague: Global Compact Network Netherlands, 2010

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.

IV. WHAT ARE THE MAIN CHALLENGES TO EFFECTIVE GRIEVANCE MECHANISMS?

Objectives
- Discuss the challenges that might be encountered in setting up grievance mechanisms from different stakeholder perspectives.
- Realize that every stakeholder might have different interests that would need to be met in order to ensure that grievance mechanisms are used and work.

Description of activity
1. Assign a different stakeholder to each group (see Tips below).
2. Ask each group to come up with a list of challenges they think their assigned stakeholder might face when setting up or using a grievance mechanism.
3. Have a representative of each group present the outcomes of their discussion in plenary.
4. Questions to reflect over in plenary:
   a. Which challenges do think are easiest to overcome?
   b. Which would be the hardest?
   c. Could your company/organization have an active role in minimizing these challenges?

Key learning points
- 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.

Time: 30 minutes
- Group work: 7 minutes
- Plenary discussion: 20 minutes

Slides
- Slides 6-7

Tips

- Examples of stakeholders will differ depending on the focus, local context, and participants in the training, but they should include several of the following:
    - Children workers
    - Adult workers
    - Women workers
    - Suppliers
    - Farmers
    - Companies
    - Community leaders
    - NGOs
    - Unions

Facilitator notes

Extracts from: Access to Remedy—Operational Grievance Mechanisms. An Issues Paper for ETI, Version 2.0—revised, Curtze and Gibbons, 25 Oct. 2017

The structure and complexity of global supply chains poses a number of specific challenges to the design and implementation of effective grievance procedures. For example, in order to make sure that available mechanisms are known and accessible, it is important to provide sufficient resource and priority to communication and awareness-raising to ensure grievance channels are known and understood by workers.

Moreover, with large companies there may be a range of potential routes that a grievance may be received, including official grievance mechanism contact points, but also ethical trade or human rights teams, corporate affairs, customer hotlines, worker hotlines, stakeholder engagement teams and direct relations with trade unions. It important to ensure that implementation is based on clear policies detailing how complaints received via different channels are subsequently dealt with, including clearly assigned responsibilities, internal reporting and escalation channels.

A key area for improvement of current and future approaches relates to putting in place systems to assess the actual impacts and outcomes of complaints procedures. There are a number of practical barriers, for example in relation to the resources and capacity required to implement a robust monitoring framework, including independent assessments or validation of impact and effectiveness, especially for remedial actions that span a medium- to longer-term period.

Suppliers' grievance and complaints procedures for their direct workforce are particularly well-suited to deal with more routine issues, such as a late payment of wages. However, their effectiveness especially in addressing more serious and widespread issues may be challenged by a number of factors, including a lack of knowledge, capacity and willingness on the part of suppliers in addressing complex grievances, a lack of awareness of their rights on the part of workers, as

well as power imbalances between workers and management, with workers unable or unwilling to raise issues out of fear of retribution or losing their job.

V. WHAT PRINCIPLES SHOULD GRIEVANCE MECHANSIMS INCLUDE?

Objectives
- Understand the different principles that a grievance mechanism should ensure.

Description of activity
1. Ask participants to place a piece of paper horizontally and draw a rectangle covering the whole page.
2. Have them divide the rectangle into eight parts and list the following eight principles at the top of each section:

Legitimate	Accessible	Predictable	Equitable
Transparent	Rights compatible	Source of learning	Engagement

3. Ask participants to draw an icon or image under each principle that could define the concept.
4. Ask groups to share their drawings and try to define each of them collectively.
5. In plenary, go through each principle and ask participants to state the definitions that as a group they developed.
6. Wrap up the activity by summarizing each principle.
7. Questions to reflect over in plenary:
   a. How do you think that each of these principles could work in practice?
   b. Which do you think would be hardest to put into practice?

Key learning points
- 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.

Time: 40 minutes
- Individual work: 4 minutes
- Group work: 10 minutes
- Plenary discussion: 20 minutes

Slides
- Slides 8-9

Materials
- Markers

Tips
- Make sure that participants feel comfortable by ensuring that their drawing skills are not being judged.

Facilitator notes

Extracts from: U.N. Guiding Principles for Business and Human Rights (UNGPs) Eight Effectiveness Criteria for the Grievance Mechanism

According to the UNGPs, effective operational level grievance mechanisms should be:

- Legitimate: They need to be fair and trust worthy. A mechanism must have clear, transparent and sufficiently independent governance structures to ensure that no party to a particular grievance process can interfere with the fair conduct of that process;

- Accessible: To all they are designed for. A mechanism must be publicized to those who may wish to access it and provide adequate assistance for aggrieved parties who may face barriers to access, including language, literacy, awareness, finance, distance, or fear of reprisal;

- Predictable: In terms of the process and available outcomes (remedies). a mechanism must provide a clear and known procedure with a time frame for each stage and clarity on the types of process and outcome it can (and cannot) offer, as well as a means of monitoring the implementation of any outcome;

- Equitable: Meaning fair and even access to information, advices. A mechanism must ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair and equitable terms;

- Transparent about the process and progress. a mechanism must provide sufficient transparency of process and outcome to meet the public interest concerns at stake and

should presume transparency wherever possible; non-State mechanisms in particular should be transparent about the receipt of complaints and the key elements of their outcomes.

- Rights compatible: with internationally recognized human rights. A mechanism must ensure that its outcomes and remedies accord with internationally recognized human rights standards;

- A source of continuous learning: for the company drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harm

- Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended for their design and performance and focusing on dialogue as the means to address and resolve grievances."

Extracts from: Fair Labor Association—Business Human Rights: Mapping Study on Seasonal Agriculture Workers and Worker Feedback and Grievance Mechanisms in the Informal Agricultural Sector, 2018

- Involvement of end users in the design of the mechanism: Strategic interaction with stakeholders (particularly end users to which the mechanism is intended for) will help ensure that the mechanism is acceptable to all affected groups, integrates existing traditional mechanisms for raising and resolving issues, and reasonably addresses accessibility and other barriers that may prevent them from raising their concerns. It is important to engage users of the mechanism to understand their preferences regarding how and what platform they are comfortable sharing information. This can lead to other channels or processes to access the mechanism such as smart phone apps, social media, or SMS messaging, for example. The design of the mechanism also in terms of its procedural steps and governance provides various opportunities for alignment with the effectiveness criteria.

- Consideration of cultural characteristics: The mechanism should take into account cultural attributes for raising and resolving issues to ensure that the concerns of significantly different groups are received and addressed. For this, an organization could seek input on culturally acceptable ways to address grievances from different groups, including different ethnic or cultural groups in the countries of operation of the members; understand cultural attributes, customs and traditions that may influence or impede their ability to express their grievances, including differences in roles and responsibilities of groups (especially women, outcast or religious groups, for example) and cultural sensitiveness and taboos; and, agree on the best way to access the grievance mechanism, taking into consideration the ways communities and groups express and deal with grievances. Any information that is pushed out to stakeholders should take into account cultural characteristics as well as the differing needs, risks, vulnerabilities, legal considerations (i.e., migrant workers, refugees, indigenous groups, etc.).

- Accessibility of the mechanism: If workers or other stakeholders perceive the grievance process to be unclear, difficult or inappropriate, they are less likely to use it. Grievance procedures work only if they present no (or low) barriers to access by the end users. Accessibility depends on: clear communication, and easy to use. Organizations should therefore consider the following in view to define the most effective strategy in terms of accessibility: the physical location where workers and other stakeholder potentially affected are located; literacy and education levels; access to conventional communication infrastructure (phone, mail, Internet); and, cost to access the mechanism. Organizations should make the mechanism equally accessible and offer due assistance to anyone who may have particular problems in accessing. It should offer possible options suitable for the different profile of the end user and type of possible complaint, claim or enquiry they may wish to report. Resources may include, for example, making the telephone contact available 24/7 and toll free so that claimants can call at a time and location of their choosing. Multiple channels can also accommodate those who do not have technology access or have technology barriers (low tech), such as in person visits by auditors, collection boxes in easy accessible places, etc. Language barriers can also be addressed by having the mechanism and all channels supported by in-house teams who speak local languages at least in each location where the organization is located. Trained staff or authorized third parties could handle receipt of the grievance in the first place and forward it to a central point for registration.

- Dissemination of the mechanism in different locations and formats: The mechanisms should be known to all affected stakeholders. Information on the mechanism could be disseminated in-person (for example, during audit visits or when feedback is requested from unions and workers about the business performance under the certification process), at facilities (business locations, through posters, for example), via social media, networks, etc. Publicizing the access to the mechanism is part of the organization´s outreach and awareness building.

- Other available mechanisms: Stakeholders (workers and others) must be fully informed of avenues to escalate their complaints or grievances, and of their rights to use alternative remedies if they choose to do so without turning to your organization's grievance mechanism. Even if the organization offers a well-designed and well-communicated grievance mechanism, affected workers and stakeholders may still choose to rely on a dispute resolution mechanism that they are more familiar with, and that they trust. The organization has a range of ways to let potentially affected groups and individuals know about the external routes of redress available to them. From simply including information about external options in response to a grievance (referral mechanism) to providing assistance to those who choose to use judicial conflict resolution systems.

- Simple and flexible process to issue a complaint or claim: The process for presenting complaints, claims or enquiries should be sufficiently simple so as not to require assistance from others, and should allow for concerns, complaints and grievances to be raised any time. Different options should be provided to empower workers or other stakeholders affected to decide how and when they would like to proceed.

- Anonymous complaints or claims: The mechanism will work when target stakeholders are encouraged to share their concerns freely and anonymous, with the understanding that no retribution will be exacted for participation. Organizations should communicate a clear policy on anonymous complaints.

- Assurance of confidentiality, data protection, protection of the claimants and objectivity: Users should have confidence that if they lodge a complaint, it will be treated in a fair, secure and objective manner. Strict internal protocols should be set for risk assessments and safeguards of the claimants (understand preferences, vulnerabilities, risks of reprisals, potential threats, etc.). Confidentiality and management of the data provided must be assured throughout the process. Information should be kept anonymous, and data privacy measures and protocols regarding how and what information can be shared, and at what time, carefully developed. The channels provided should allow therefore complaints, claims and enquiries to be reported and managed confidentially. Measures should also be adopted to protect the claimants against reprisals. The organization should state clearly that is committed to respecting the rights and guarantees of the people who access the mechanism.

- Processes should be set with clear tasks, responsible functions and expected results within the organization: Organization should develop a plan of investigation that clearly defines the tasks, people responsible and the expected results. Claimants expect consistency and predictability in the process. Sometimes the process is just as important as the outcome. Even if claimants are not satisfied with the final decision, Organization can reduce the risk of escalation by ensuring that end users of the mechanism are treated with respect and that they understand how the decisions are made. If organization demonstrates that it takes grievances seriously and is transparent about the process and decision making, it will benefit from improved trust and reputation and a mutually respectful relationship with stakeholders (workers, unions, and other potentially affected stakeholders).

- Compliance with internationally recognized human rights: Organization must guarantee that reparations comply with internationally recognized human rights, and complainants should be communicated about their rights and provided with options to seek repair and to follow an action if they choose to pursue them through other mechanisms.

- External parties: In the case of sensitive complaints, claims or enquiries, those which involve multiple interests and when a large number of people are affected, organization could

collaborate with external organizations to take part in the investigation, privacy and security measures provided, or allow the involvement of civil society organizations, NGOs or local authorities if the claimants agree with this approach. If claimants are not satisfied with a proposed resolution, organization, in more complex cases, could involve external parties also as a member of the stakeholder group affected or another third party, if claimants agree. In any case, the organization should also allow the claimants to lodge their complaints to a conflict resolution mechanism outside the business or the organization´s mechanism. The case should only be closed when an agreement has been reached with the claimants and reparations for the damage, where applicable, have been assured.

- Proof of corrective action: After agreeing on a final resolution and the corrective actions, proofs should be collected that these actions have been carried out, for example, through photos or documentary evidence (apologies, restitution, rehabilitation, financial compensation or otherwise, punitive sanctions, etc.). In the case of activities with a significant impact on human rights, or when the events surrounding the complaint or claim are controversial or contentious, the follow-up could be done by a neutral third party, if claimants agree with this approach.

- Lessons learned: An analysis should made to determine whether the problem has been resolved to the satisfaction of the claimants, and confirmation is obtained. The final report on the case should be submitted to the competent bodies (within the company and the organization, for example) for their information and for a reflection on the future measures to be developed. An analysis should be made also of how the company and the organization approach both the resolution of structural and systemic problems and the resolution of individual complaints.

- Assessment of the mechanism: The mechanism monitoring, and assessment activities should allow measurement of the effectiveness of the mechanism (considering all effectiveness criteria), the identification of patterns and common and recurrent complaints, claims and enquiries, and it should integrate the feedback received by the target stakeholders or end users. The measures and tools for monitoring and assessing the mechanism should be also regularly revised and restructured to take account of the main impacts and the volume of complaints, claims and enquiries identified. Finally, the results of the monitoring and assessment of the mechanism could be shared with the target stakeholders for their consultation and feedback on the findings in view to design future measures and get them involved.

VI. HOW COULD WE RECEIVE FEEDBACK, COMPLAINTS, AND GRIEVANCES?

Objectives
- Acknowledge the difference between channels to receive complaints and systems set up to address the grievance.
- Recognize that different audiences may prefer different channels.

Description of activity
1. Create two flip chart papers that have the following titles:
    a. Traditional person to contact
    b. Technology solutions (email, SMS, app, hotline, web, online surveys)
2. Divide each of the flip charts into five sections and write the following titles on each one:
    a. Traditional person to contact
        i. Trade union
        ii. Ombudsperson
        iii. Company representative
        iv. Community leader
        v. Government official
    b. Technology solutions (email, SMS, app, hotline, web, online surveys)
        i. Phone APP
        ii. Telephone hotline
        iii. Email
        iv. Web based
        v. SMS
3. Distribute four sticky dots of different colors to participants.
4. Ask participants to listen to the four following case studies and decide which channel is open to these characters to raise grievances.
    a. 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.
    b. Jane is 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.
    c. 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 dormatory. Ben doesn't trust this man and wants his papers back.
    d. Bruno is 15 and he has been working on this farm while—he has out of school for two 2 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.

5. Participants can choose only one option. They chose or vote by placing the sticky dot on the flip chart paper in the relevant section.
6. Once all the case studies have been read and participants have voted, have a plenary discussion over the advantages and disadvantages of each options.
7. Questions to reflect over in plenary:
    a. Are there channels that have significantly more votes than others?
    b. Which ones have the lest votes?
    c. Why do you think that some of these actors would prefer one option over another?
    d. What are the advantages and disadvantages of each one?
    e. Do you think several of these channels should be made available?
    f. Do you think that some of these would be more practical in the agriculture sector?

Key learning points
- 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.

Time: 40 minutes
- Plenary work: 10 minutes
- Plenary discussion: 30 minutes

Slides
- Slides 10-11

Materials
- Flip chart paper
- Tape
- Markers
- Sticky dots (multiple colors)

Tips
- You can draw a symbol for each channel instead of writing its name, just to make the chart more visual.
- If sticky dots are not available (usually found in with school supplies) you can assign each of the cases a letter or number and ask participants to write the assigned letter or number in their preferred option. You can also use colored markers.

- There could be different channels that are more appropriate to use in this exercise depending on the local context. Adapt as needed.
- Another option is to record the advantages and disadvantages of different channels on the flip charts.
- Another way to go about this activity in greater detail is to create a matrix with the principles outlined in previous activities. Have participants discuss how these principles might be affirmed when creating/designing one of the above grievance mechanisms.

VII. WHAT STEPS COULD WE SET UP TO MANAGE GRIEVANCES?

Objectives
- Discuss the flow of the different steps in managing grievances.
- Discuss advantages and disadvantages of different types of grievance mechanisms.

Description of activity
1. Print the following steps on pieces of paper:
   o Receive the grievance
   o Acknowledge receipt
   o Refer to responsible person or institution
   o Investigate
   o Make a decision
   o Inform the parties
   o Appeal
   o Implement
   o Follow-up
   o Record keeping
2. Ask participants place the papers/labels in chronological order and describe what each step implies.
3. Discuss in plenary the practical applications of managing a grievance mechanism.
4. Questions to reflect over in plenary:
   a. Who should be involved in each of these steps?
   b. What would be reasonable time periods needed to manage each step?
   c. What resources would be necessary in each these step?

Key learning points
- 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.

Time: 50 minutes

- Group work: 10 minutes
- Plenary discussion: 40 minutes

Slides
- Slides 12-13

Materials
- None

Tips
- Consider which additional grievance mechanisms could be added to the list and substitute for those that might not make sense in a local context.

Facilitator notes

Extracts from: U.N. Guiding Principles for Business and Human Rights (UNGPs) Eight Effectiveness Criteria for the Grievance Mechanism

UNGP defined process requirements of the grievance mechanism

- Design: considers issues that relate to the involvement of the stakeholders in the process of design and improvement, and whether this states clearly its purpose, is free, anonymous, flexible and takes into account cultural aspects of the end users, among other issues.

- Publication: takes into account how the company or the organization makes it known and the information provided.

- Reception and registration: this process integrates issues regarding the submission of the claim and confirmation of receipt, confidentiality, data security, and record keeping.

- Review and investigation: the focus is put on the investigation plan and team, access to information, privacy and personal security, assistance provided, reprisals, approaches to analyze the claim, involvement of third parties, and the investigation report.

- Development of a resolution, responses and reparation: considers issues like the approaches to resolve the claim, information shared with the parties involved, final agreements and confirmation of the resolution, and satisfaction of right-holders.

- Monitoring, reporting, evaluation, and closure of the claim: this process integrates issues that relate to the collection of proofs or evidence regarding the implementation of the resolution agreed, involvement of third parties, accountability and knowledge building.

- Monitoring, reporting, and evaluation of mechanism: takes into account how the company or the organization monitors and evaluates the mechanism, integrates lessons learnt and involves stakeholders in the process.

In relation to Multi-Stakeholder Initiatives (MSIs) and sector-based initiatives, the UNGPs include a broad statement that "industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available."

Direct workplace grievance mechanisms: In most cases, local solutions—dealing with grievances at workplace-level—will be best suited to this task. There may be situations, however, where local mechanisms are absent or fail to resolve a grievance in an appropriate way. In these instances, there may be a case for supply chain grievances to be raised directly with mechanisms operated by buyers, MSIs or other initiatives. In addition, these organizations may work with suppliers to enhance their ability to handle and resolve staff complaints, or they may formally require suppliers to have workplace grievance mechanisms in place.

Mechanisms which provide that employees can raise issues directly with their own employer are the most accessible and obvious form of operational grievance mechanisms for workers. In most cases, trying to resolve issues where they arise—that is, in the employment relationship between the worker and the supplier—will be the most appropriate and effective way to facilitate access to remedy. As direct employers, suppliers bear the primary responsibility for addressing labor rights-related grievances of their workforce. Moreover, workers may feel more confident to raise grievances locally, using the channels that they are familiar with. Available evidence, for example from research into human rights grievance handling in the Indian tea sector, shows that most workers will approach their managers or supervisors on an estate if they are worried or would like to complain.

Grievance mechanisms at workplace level may take one or more of a number of forms. These can include:
- Structured mechanisms where workers lodge grievances and these are dealt with through defined procedures by management;
- Complaints to joint committees constituted between workers and management; or
- Complaint boxes or hotlines.

Supply chain grievance mechanisms: While the first approach of businesses with extended supply chains may be to encourage their suppliers to establish grievance mechanisms and report on outcomes from grievance processes, there are some companies who chose to establish global supply chain grievance mechanisms through which they receive complaints directly from affected parties.

Grievance mechanisms linked to MSIs, sector-wide initiatives and certification bodies:

A further approach to grievance mechanisms can be developed where a group of companies and/or other stakeholders have a common sectoral or standard-based agreement. Such grievance mechanisms can take one of the following forms:

- Direct complaints to the secretariat of such groups about actions that have taken place in a workplace in a supply chain associated with a member of the group; or
- Complaints about the way in which a member of the MSI or sector partnership have reacted or behaved in relation to specific instances.

Examples of the former include the complaints mechanisms of the Fair Wear Foundation (FWF), which can be accessed by workers or their representatives in factories supplying FWF members, or the Fair Labor Association (FLA), who operate a procedure for complaints in relation to workers' rights in facilities used by FLA affiliates. Examples of the latter include the Roundtable for Sustainable Palm Oil (RSPO), which has a system in place providing for complaints to be raised against its members or the RSPO system itself. Another example is the complaints mechanism operated by the Bangladesh Accord.

The specific objectives of a grievance mechanism should include:

- Establishing a timely, consistent, structured, and trusted procedure for receiving and addressing worker and community concerns and complaints;
- Ensuring that complainants are treated with respect;
- Ensuring proper documentation and disclosure of complaints and any resulting corrective actions; and
- Contribution to continuous improvement in the company's performance by analyzing trends and learning from complaints received.

Extracts from: the FLA Internal document on FLA Connect Grievance Mechanism

The grievance mechanism process comprises following steps:
1. **Raise a grievance:** The grievance is submitted through one of the suggested pathways - the mobile application, email, focal points, or the mobile number.

2. **Receive the grievance:** Designated person in the organization receives the grievance. This person is in charge of reviewing the complaint and classifying it according to three categories based on the severity of grievance. This information will be protected for confidentiality and safety purposes. Complainants may wish to remain anonymous, in which case the complaint will be handled following the same process; the complainant can still receive the feedback if they provide any contact information such as e-mail address, or phone number about the follow-up of the grievance.

3. **Acknowledge the grievance (within 48 hours):** The designated person will inform the person who provided the feedback/complaint, either verbally or through message, that his/her

feedback/complaint has been received and recorded and will inform the person on the process and on time-frames. Children's feedback or complaints will be acknowledged on priority.

4. **Categorize the grievance:** The grievance can be classified into following three categories and the time frame to respond to the grievance is determined by the designated person accordingly.

RED	Harassment, abuse, worker unrest, accident, emergency, forced labor, child labor, major health and safety issues, etc.	Requires immediate response	Designated person (---)
YELLOW	Overtime, violation of freedom of association or collective bargaining, non-payment of wage/compensation, discrimination	3 days	
GREEN	Inquiries/Feedback	5-7 days	

5. **Referral of the grievance (to the responsible person or institution):** At this stage, the content of grievance is analyzed by the designated person and referral to related person internally, externally or external institution is processed.

6. **Investigation of the grievance:** Institution or the person that the grievance is referred to carries out an investigation. If the grievance is classified in the red category, this person responds immediately to escalate the complaint.

7. **Problem resolution (grievance redressal):** There are three basic approaches to be considered when evaluating what array of resolution approaches to offer:
   a. The company proposes a solution.
   b. The company and the grievant defer to a third party for arbitration.
   c. The company and the grievant utilize traditional or customary practices.

8. Each approach may involve only the parties to the dispute or could be facilitated by a third party.

9. **Right to appeal:** Complainants who have launched a well-founded grievance and who are dissatisfied with the decision have the right to appeal. The appeals procedure is handled by a different entity than that involved in the first investigation.

10. **Closing a complaint:** Depending on the nature of complaint, the time to close a complaint may vary. However, companies must strive to close the complaints in the shortest time

possible. During this period, it is important to keep the dialogue with the complainant open so that they are aware of the process. Companies should also put a deadline with in which every complaint needs to be resolved (for example 12 weeks).

11. **Record keeping:** All the records of complaints are maintained by the company.

VIII. WHAT APPROACHGES CAN BE TAKEN TO REDRESS?

Objectives
- Understand the different grievance redressal approaches

Description of activity
1. Explain to participants the three different approaches to be considered when evaluating what array of resolution approaches to offer:
    a. The company proposes a solution.
    b. The company and the grievant defer to a third party for arbitration.
    c. The company and the grievant utilize traditional or customary practices.
2. Have a discussion in plenary over when it could be more convenient to use one approach vs another.

Key learning points
- 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.

Time: 35 minutes
- Facilitator presentation: 5 minutes
- Plenary discussion: 15 minutes

Slides
- Slides 14-15

Materials
- Markers
- Flip chart paper

Tips
- Depending on time constraints, the facilitator can decide to give participants some insights into the differences between mediation, arbitration and a rights-based procedure.

Facilitator notes

Approach 1. The company proposes a solution. This approach will be used when:
> • The complaint is straightforward, the issue is clear, and the solution is obvious.
> • The company staff can resolve the issue alone, to the satisfaction of the complainant, based on their knowledge and authority.
> • A considered and respectful company proposal is more likely to be acceptable to the complainant.

Approach 2. The company and the grievant defer to a third party for arbitration. This approach will be used when:
> • There are disputes of fact or conflicts about data.
> • The parties have been unable to reach a voluntary settlement through other procedures.

Approach 3. The company and the grievant use traditional and customary practices. This approach will be used when:
> • "Imported" procedures are unfamiliar, inaccessible, or culturally incompatible with local customary practices of a community/grievant.
> • Alternative traditional means are available and can be adapted in a way that is mutually acceptable to both the complainant and the company.

IX. HOW CAN YOU GENERATE TRUST IN A GRIEVANCE MECHANISM?

Objectives
- Generate ideas to build trust in a grievance mechanism.
- Discuss building ideas based on their impact and implementation cost.

Description of activity
1. Distribute three sticky notes to each participant.
2. Ask participants to write on each note one idea that could generate trust among the different stakeholders.
3. On a flip chart, have participants draw a matrix with four quadrants with the following labels:

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

4. Have each participant discuss his or her ideas with the group and place the sticky notes based on perceived impact and implementation costs.
5. Discuss in plenary the WOW ideas (and others if time permits).
6. Questions to reflect over in plenary:
   a. What ideas relate to how mechanisms are set up (that is, to process of setting up a grievance mechanism)?
   b. What ideas relate more to implementation of the system?
   c. Do the actions address confidentiality and retaliation?
   d. Which ideas would you be willing to implement?

Key learning points
- 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.

Time: 35 minutes
- Individual work: 5 minutes
- Group work: 10 minutes
- Plenary discussion: 20 minutes

Slides
- Slides 16-17

Materials
- Sticky notes
- Markers
- Flip chart paper

Tips
- Remind participants that ideas can be very simple.
- Do not allow more than two minutes for individual idea generation; ideas should come to their minds immediately.
- You can bring prepared matrixes for each working group.

Facilitator notes
(Also, see the Facilitator notes in the previous section.)

Extracts from: Compliance Advisor Ombudsman, Purpose, Design & Implementation —Grievance Mechanism Toolkit

Trust is essential to a grievance mechanism. People need to know that it is a safe place to seek redress, that their confidentiality will be protected, and that they will not be subject to retaliation by either the company or other community members when they voice their concerns and participate in the grievance resolution process. Further, participation in an operational-level grievance mechanism is always voluntary and community members need to know they can freely choose not to participate or can cease to participate without retribution. In some particularly difficult circumstances, it may be necessary to identify an ombudsman in the community who can hear and respond to any allegation of retribution, whether this be open criticism of the project, presentation of a complaint, or dissatisfaction.

Communication is also key to building trust. It is especially important to tell people what they can expect once they have decided to submit a complaint and what the complainant can expect from the process, together with any uncertainties. The steps in the process should be clearly outlined to the complainant, with clear, frequent, and timely points where information on the process is communicated

An effective grievance mechanism relies on trust between community members and the company and an assurance that lodging a complaint will not have negative repercussions on the complainant.

A lack of clarity on the process can lead to confusion and ineffectiveness of the grievance mechanism.

Managing expectations is also necessary for generating and maintaining trust. Key activities for managing expectations include discussing different scenarios for what the complainant can expect and letting people know about the limitations of the process early and often.

An effective grievance mechanism relies on trust between community members and the company and an assurance that lodging a complaint will not have negative repercussions on the complainant.

X. WHAT ELEMENTS SHOULD WE KEEP IN MIND WHEN SETTING UP A COMPANY-LEVEL GRIEVANCE MECHANISM?

Objectives
- Discuss different practical aspects of a company-level grievance mechanism.

Description of activity

1. Have participants 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.

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

2. In plenary, discuss the replies to the questions.
3. In order to make the exercise dynamic, ask participants to clap when you call out their preferred option, true or false; the class should be silent for incorrect answers, while everyone should be clapping for correct answers.

Time: 15 min
- Individual work: 5 minutes
- Plenary discussion: 10 minutes

Slides
- Slide 18

Tips
- Make the activity a bit livelier with the clapping. Anyone clapping alone is likely to laugh even if his or her answer is incorrect; they should not feel exposed.

Facilitator notes

Extracts from: Business & Human Rights Initiative, "How to Do Business with Respect for Human Rights: A Guidance Tool for Companies," The Hague: Global Compact Network Netherlands, 2010

Building Blocks of a Company—Level Grievance Mechanism Following the Ruggie Principles

Access to the Mechanism
- An employee who thinks his or her human rights are negatively affected through the company's doing has the possibility to bring the complaint to the responsible site/plant manager or his delegate (e.g., HR official), with at least two different management-level access point.;
- Possible channels to lodge a complaint include writing a letter, accessing a website, using email, or through an anonymous third-party provider via a free hotline.
- Every employee should receive a pocket card with a telephone number or other means of access for complaints (all in their native language.
- Employees exposed to particular vulnerabilities may receive a short training on when and how to use the mechanism.
- It must be made clear who has access to the mechanism and what can be reported.

Receipt and handling of complaints
- Complaints are handled at the lowest level possible; the more serious the human rights issues, the higher up in the corporate hierarchy it is addressed.
- Because different types of complaints are addressed by different processes, an initial assessment should be made to determine the appropriate process.
- The process has clear steps, including time frames, how to maintain anonymity (if desired), and when to close a case; the process should be communicated upon publication of the mechanisms or when a complaint is filed.
- Complainants should have the opportunity to explain their complaints; they should receive a response within a reasonably short time.
- Any individual in the company specifically accused of causing harm should be granted access to self-chosen support and expertise (e.g., person of trust).
- Where solutions are not evident and readily agreed, a dialogue will be established to resolve the dispute;
- The complainant is encouraged to use the mechanism, but he or she is not in any way prohibited from applying to legal remedies.

Oversight
- The mechanism is overseen locally by an assigned complaint officer, and at company level by a senior manager or committee with a certain degree of independence from the board and other managers (but with their full trust and support), or by an outside expert in an ombudsman function.
- Local complaint officers have undergone training on the merits of a complaint and the type of process to initiate.

- Where appropriate and effective, representatives of stakeholders likely to use the grievance mechanisms (e.g., community liaisons, work councils) should be involved in oversight of the mechanism.
- Every site/plant should report receipt and handling of complaints to a senior manager or high-level body in the company.

Outcome
- If a resolution involves a management decision, there should be clear separation between those making the decision and mandating its execution, and the accused and his/her immediate managers.
- Certain types of complaints (especially those in which complainants are directly harmed, such as a harassment cases) are considered closed when the complainant is satisfied with the resolution.
- After a certain time period, the complaint officer checks in with the complainant (and accused, if appropriate) on whether the resolution has been satisfactory.

Follow-Up and improvement
- Those who oversee the mechanism formulate key performance indicators and monitor improvements.
- The mechanism is reviewed periodically and feeds into management decisions (such as who is being targeted for training and audits).
- Representatives of stakeholders are consulted when the mechanism is updated.

About the Fair Labor Association
Since 1999, Fair Labor Association has helped improve the lives of millions of workers around the world. As a collaborative effort of socially-responsible companies, colleges and universities, and civil society organizations, FLA creates lasting solutions to abusive labor practices by offering tools and resources to companies, delivering training to workers and management, conducting due diligence through independent assessments, and advocating for greater accountability and transparency from companies, factories, farms, and others involved in global supply chains.