



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

GRAM Partnership Webinar

Designing and administering effective grievance mechanisms

Organized by UN Human Rights (OHCHR)

Friday, 8 October 2021

Overview

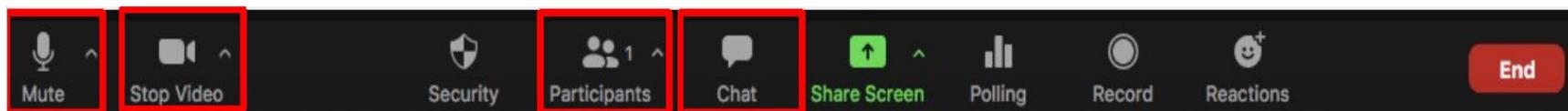
- 5 mins: **Welcome + introduction**
- 10 mins: **Breakout groups to meet each other**
- 35 mins: **Legitimacy**
- 35 mins: **Rights-compatibility**
- 30 mins: **Making the most of what you have**
- 5 mins: **Conclusion**



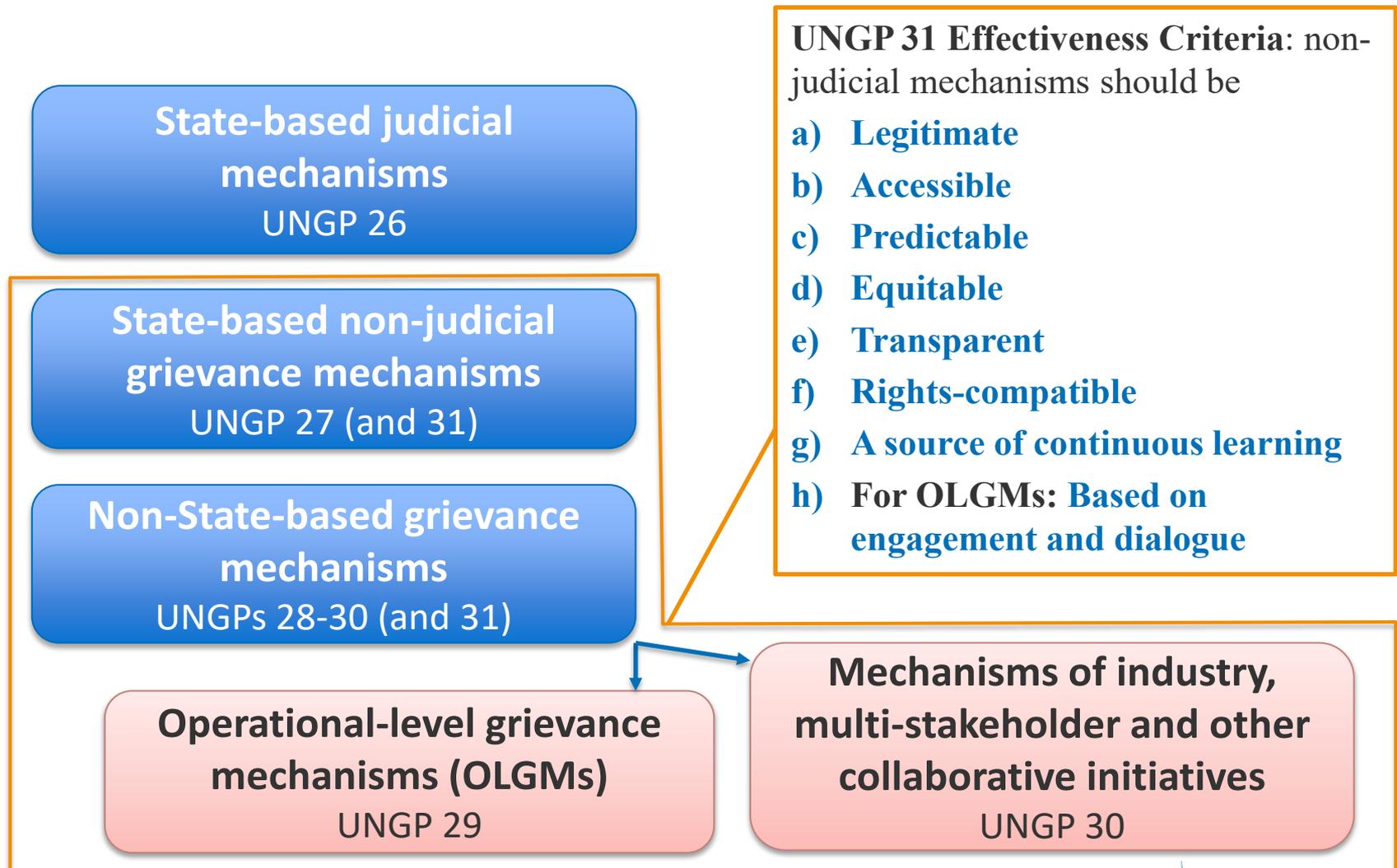
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Ground rules

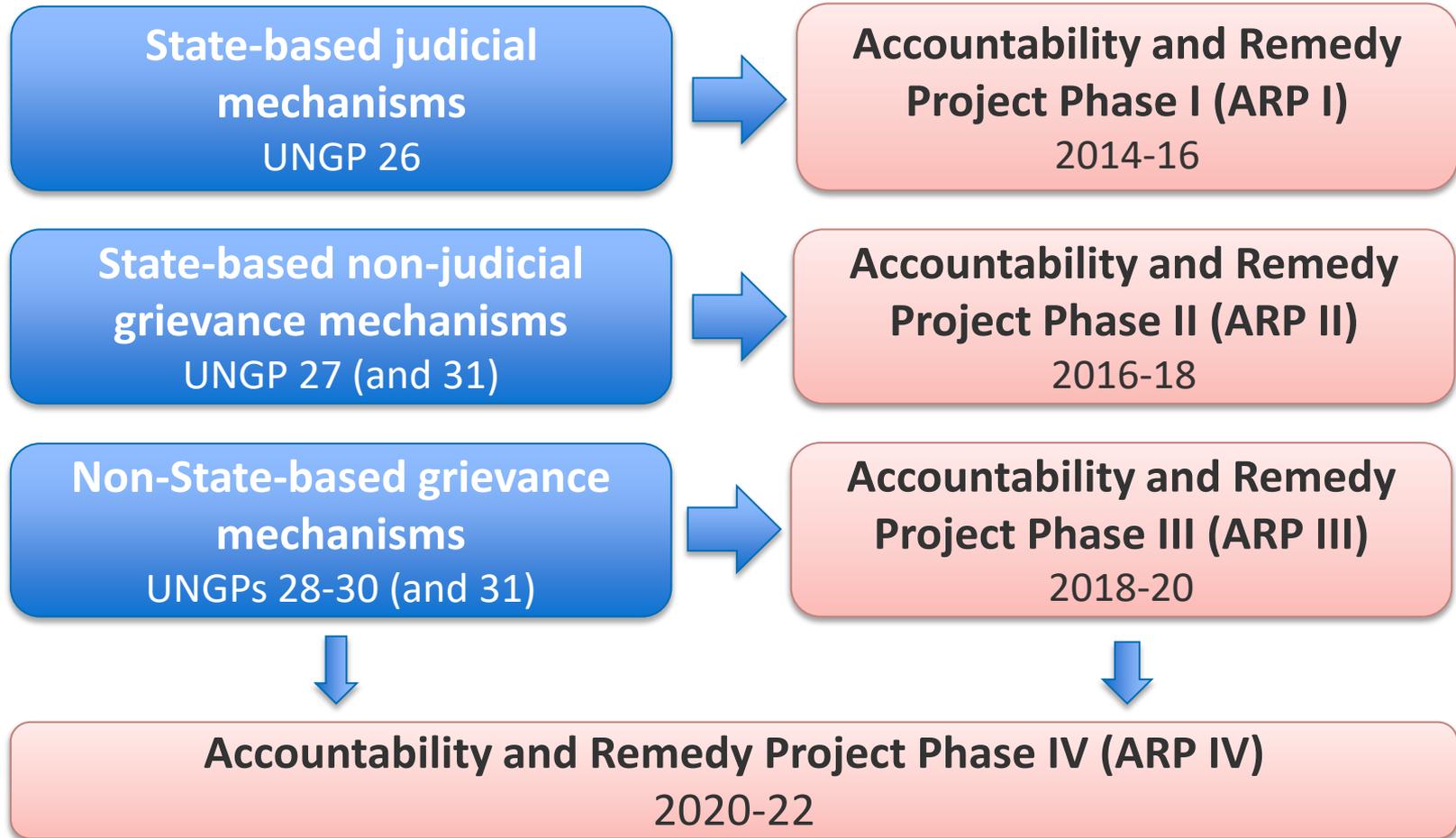
- Please **mute yourself** when you are not speaking
- Turn **video on** if possible
- Please ensure **your name shows “Full name – Organization”** (e.g., Ben Shea – UN Human Rights): you can rename by hovering over your name in ‘Participants’ and selecting ‘Rename’
- **To ask a question or make a point:**
 - Raise your hand in Zoom
 - Use the chat box
- Please **briefly introduce yourself the first time you take the floor**



A2R in the UNGPs: Pillar III Mechanisms



Accountability and Remedy Project (ARP): Overview



Meet and Greet

- **We will split into breakout rooms until 15 past the hour**
- **Please introduce yourself** (where you work, where are you dialing in from, etc.)
- **Optional discussion questions:**
 - **What is your favorite thing about your job?**
 - **What have you been working on lately (ideally regarding access to remedy)?**



UNGP 31(f) Rights-compatible

Ensuring that outcomes and remedies accord with internationally recognized human rights



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A2R: What constitutes an effective remedy?

Aim of remedy: counteract or make good any human rights harms that have occurred

Basic Principles and Guidelines on the Right to a Remedy: Remedy should be **adequate, effective, and prompt**, and can involve:

- **Restitution:** to restore the affected rights holders to the original position before the abuses occurred
- **Compensation:** for any economically assessable damage
- **Rehabilitation:** which could include medical care, as well as legal and social services
- **Satisfaction:** which could involve cessation of a continued human rights abuse, public apology, symbolic remedies, sanctions, etc.
- **Guarantees of non-repetition:** actions to avoid the recurrence of similar abuses in the future

Whether a remedy is effective should be determined by the rights holder



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ARP III Guidance: Improving the effectiveness of non-State GMs

**Rights-
Compatible**

outcomes and remedies accord with internationally recognized human rights

Relevant ARP Recommendations

- **Assess and address HR implications of remedies** to avoid contributing to further harm
- **Affected stakeholders are consulted** about the type of remedy and manner in which it should be delivered
- **Remedies should be adequate, effective, prompt, culturally appropriate, and gender-sensitive**
- **Empower rights holders**
- Mechanism has **plan to address non-implementation of outcomes**

Thank You!

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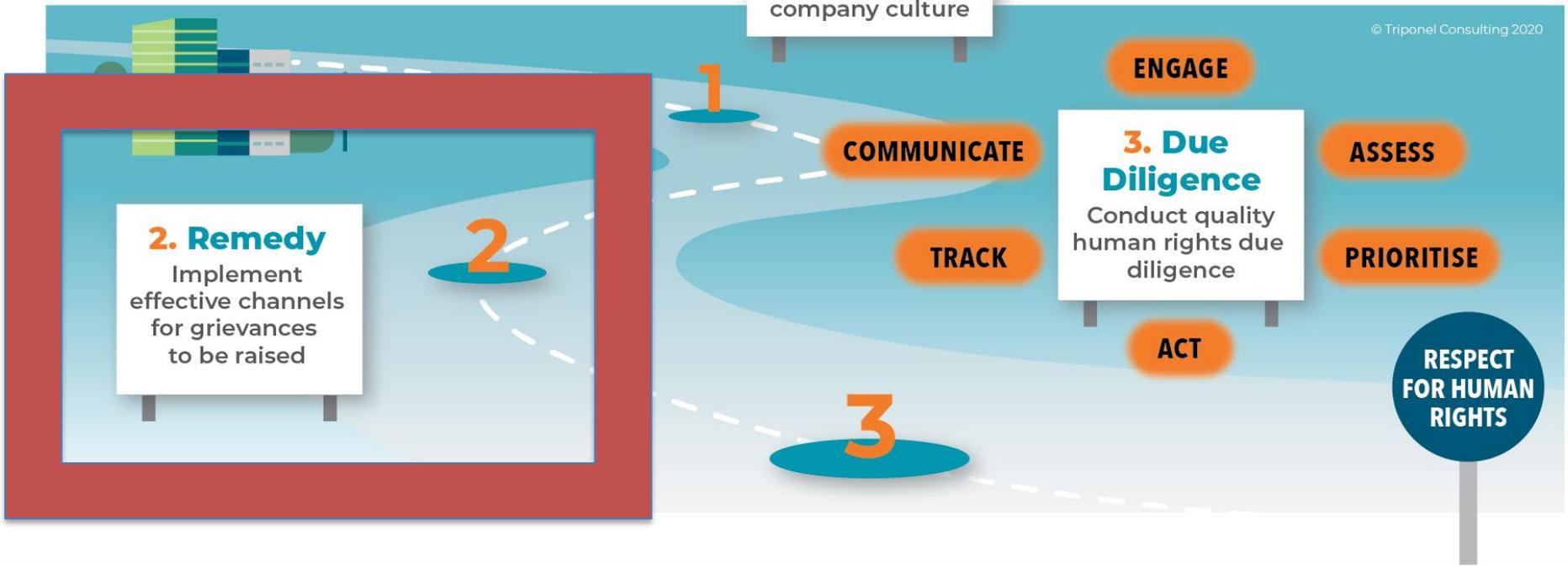
Practical points on ensuring grievance mechanism legitimacy

Reflections for the Grievance Redress and Accountability Mechanism (GRAM) Partnership

Coordinated by the Independent Redress Mechanism (IRM) of the Green Climate Fund (GCF)

8 October 2021

Respecting human rights in practice: actions to take



Revealed: delivery giant Hermes pays some couriers less than living wage

Investigation by the Guardian finds some self-employed contractors taking home less than £6 per hour



Mon 18 Jul 2016

How Hermes couriers shoulder insecurity of internet shopping boom

The parcel giant's couriers complain of low pay, no employment rights and the threat of losing their work at short notice

Inside the gig economy: the 'vulnerable human underbelly' of UK's labour market

Frank Field MP's [recent report](#) into the UK's delivery sector demanded 'emergency government intervention' to protect self-employed workers from exploitation. This is the story behind that investigation

Fabergé owners face London High Court battle over alleged human rights abuses Leigh Day

Proceedings issued against Gemfields Ltd over alleged human rights abuses

Posted on 16 April 2018

SOURCING • JAN 30, 2019

Gemfields Agrees to Pay \$7.6M to Settle Mozambique Lawsuit

NATIONAL Jeweler

The no-admission-of-liability settlement includes the establishment of a system for grievances at Montepuez and creation of community projects.

Gemfields Press Statement

Date 29 Jan 2019

GEMFIELDS
GROUP LIMITED

Gemfields confirms today that it has agreed, on a no-admission-of-liability basis, the settlement of all claims brought by English law firm Leigh Day on behalf of individuals living in the vicinity of Montepuez Ruby Mining Limitada's (MRM) mining concession in northern Mozambique. The settlement figure is GBP 5.8 million comprising the sum to be distributed to the claimants by Leigh Day and their legal expenses.

In its [voluntary statement dated 12 February 2018](#), Gemfields recognised that, in the past, instances of violence have occurred on and around the MRM licence area, both before and after Gemfields' arrival in Montepuez.

Operational-level Grievance Mechanism Legitimacy:

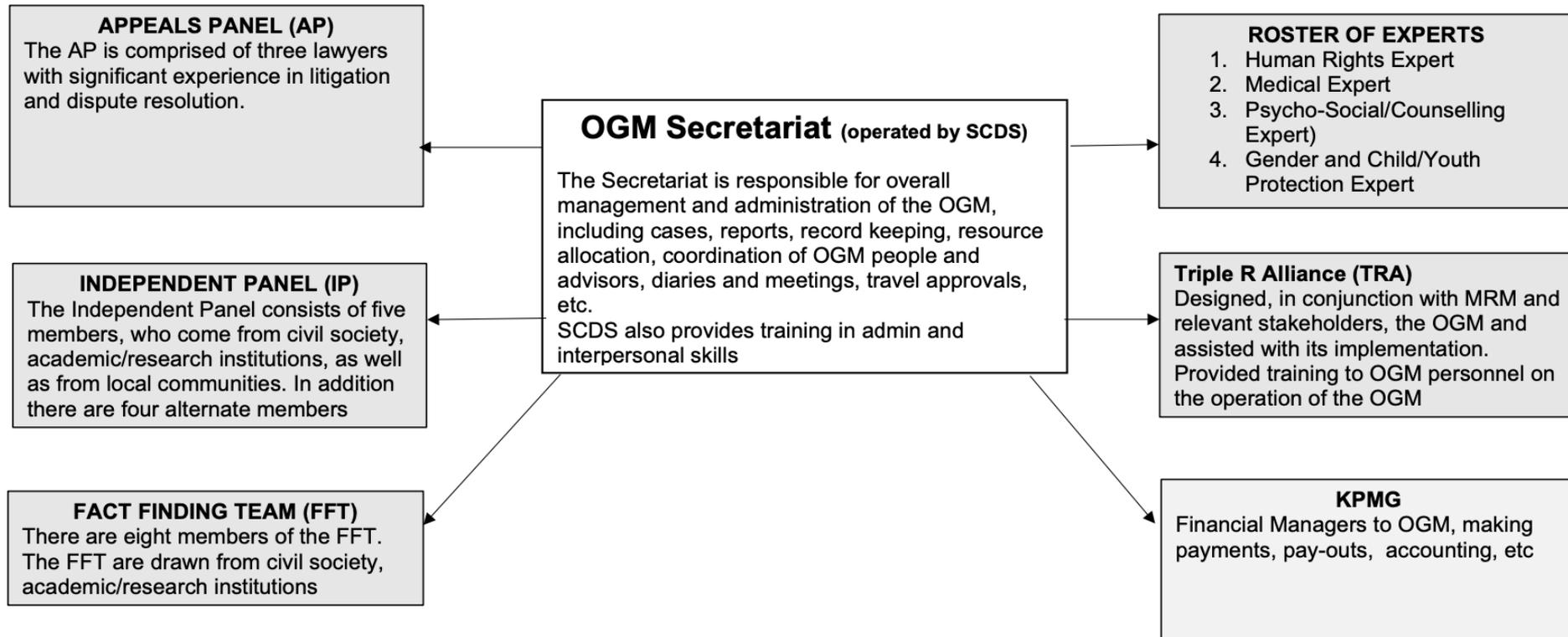
“What would engender trust in the
users of the mechanism?”

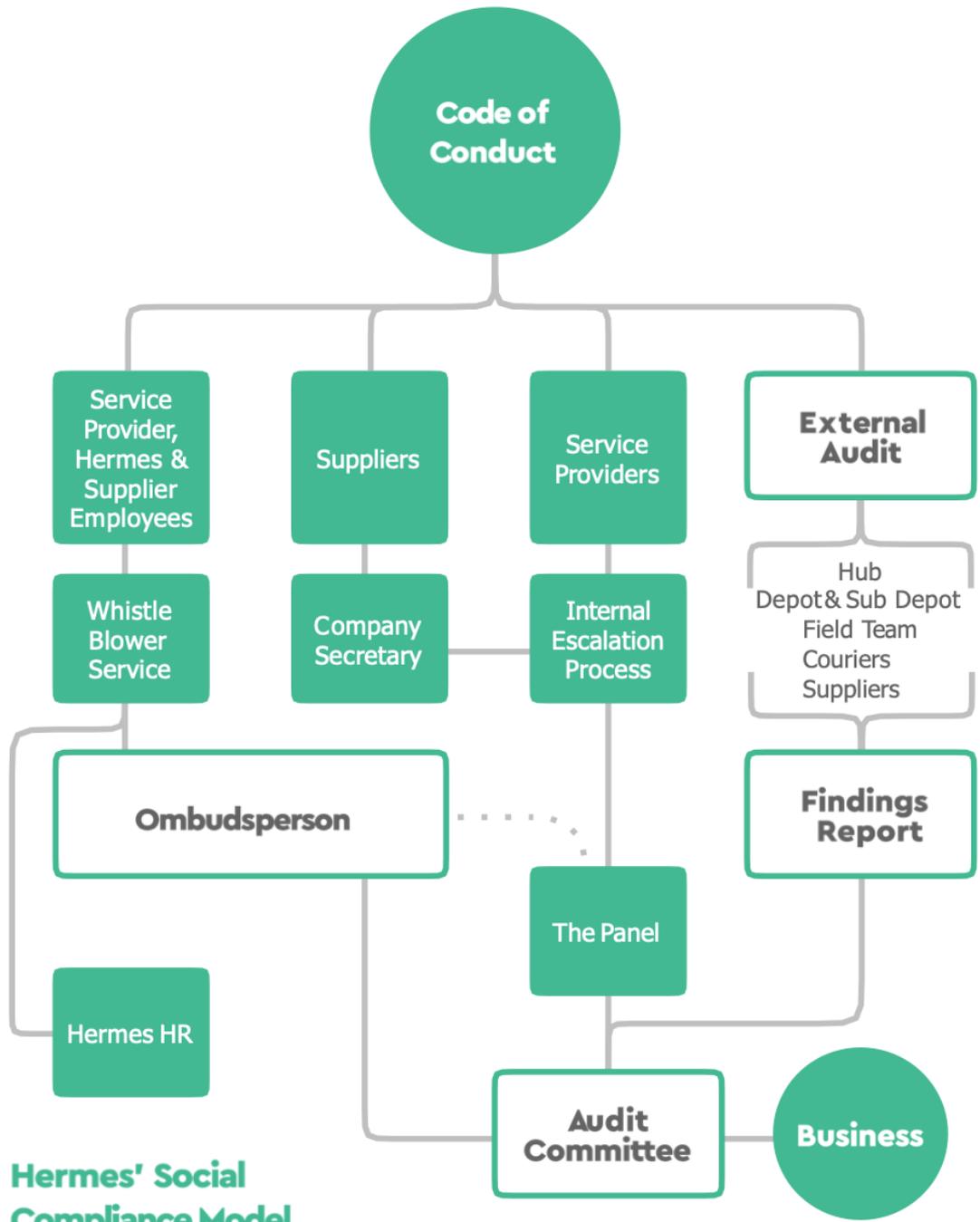
GEMFIELDS

The Operational Grievance Mechanism

Independent from MRM, the OGM is administered by the OGM Secretariat (SCDS) and handles grievances that meet a certain human rights threshold.

INTERNATIONAL MONITOR – Synergy Global Consulting PTY (Ltd) Conducts formal evaluations of the OGM on a 6 monthly reporting cycle. After each reporting cycle a comprehensive progress report will be provided to MRM and the Independent Panel. A summary of the progress report will be made public.





Hermes' Social Compliance Model



THANK YOU



Photo Credit: Jacob Eidinger

SUPPORTING RIGHTS-COMPATIBILITY IN COMPANY-LEVEL GRIEVANCE MECHANISMS

ALEXANDRA GUAQUETA –
OCTOBER 2021

RIGHTS COMPATIBLE: “ENSURE THAT OUTCOMES AND REMEDIES ACCORD WITH INTERNATIONALLY RECOGNIZED RIGHTS” – UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

- Despite uneven performance, company-level grievance mechanisms continue to be practical tools to address adverse human rights impacts
- grievance mechanisms continue to be free Limited understanding of rights and right holders
- Ideology
- Unaddressed every-day nuisance
- Cumulative and legacy impacts
 - Land access and displacement, land ownership, environmental degradation, access to water
- Project ramp up, expansions
- Closure
- Unfulfilled economic expectations and “demonstration effect” – jobs and wages, contracts, social investment, economic empowerment (co-ownership)



DECISION MAKING AND PRIORITIES

Decision-making regarding community conflict

- Routine complaints are generally dealt with differently to incidents and conflict
- Inter-disciplinary issues management groups are set up
- Not all companies have formalized learning
- Decision-making has several layers of checks and approvals
 - Innovation and testing solutions might entail risk, it isn't always rewarded
 - Navigating the details and rich context of community conflict tends to be challenging
- Legal departments tend to be inflexible and focus on risks
- Frequent concerns: precedents, costs and bureaucratic burden related to external auditing, liability risks
- Interaction with public authorities occurs when violence is present
- How do companies respond to pressure?

Priorities in problem-solving and mediation

- The perennial learning curve
- Communities and advisors as adversaries
- Information disclosure and liability risks
- Red lines
- Present and future costs across all operations
- Degree of independence of impact assessments
- Communicate progress publicly
- Less cooks in the kitchen
- Limiting the universe of complainants versus ensuring a final solution

SETTING UP AND IMPROVING GRIEVANCE MECHANISMS

Common fears

- Vexatious complaints, opening the door for opportunists to take advantage
- Communities will not trust us, why bother
- Source of internal tension
- Additional bureaucracy and requirements for sites/factories

Opportunities

- Better understanding of risks; parallels with safety systems
- Addressing issues before they become conflicts
- Learning, improvement
- Avoidance of litigation?
- Access to markets

Challenges when setting up grievance mechanisms

- Breaking old habits
- Designing a lean mechanism
- Including escalation/recourse options, use of third party experts
- Overlaps with whistleblowing mechanisms
- Whether to include labor issues
- Data privacy and the scope of investigations
- Engaging activist NGOs and pressure

Making the Most of What You Have

Exploring efficient ways for grievance mechanisms to meet the UNGP effectiveness criteria



David Simpson, Director
Independent Recourse Mechanism
African Development Bank

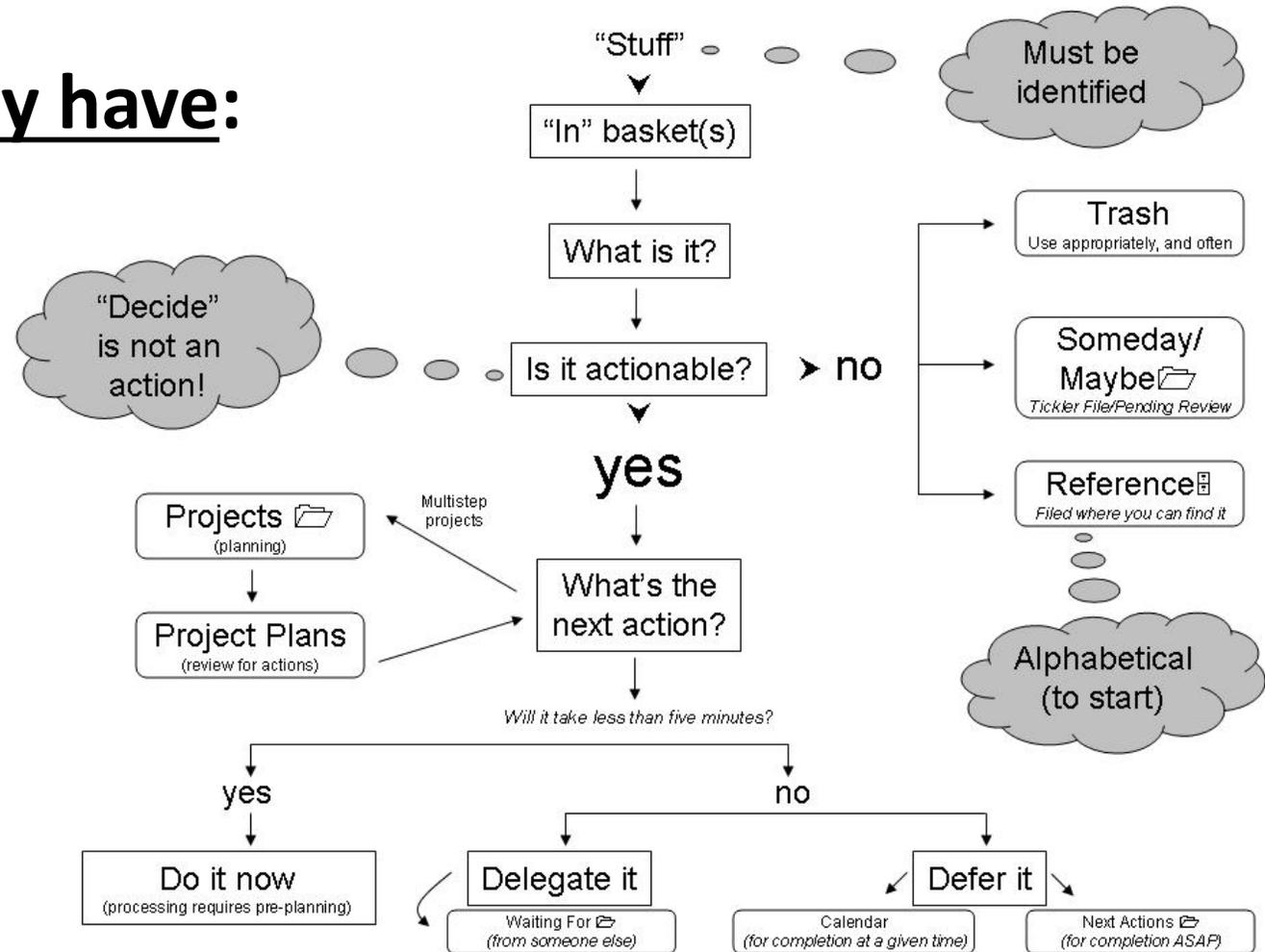
What do you have?



How Do Organizations Get Stuff Done?

Some examples you may already have:

- Occupational Safety and Health Management
- Managing production of a widget
- Environmental Management
 - Responsible Care (Chemicals)
- Compliance Management
- Human Resources Mgt
- Anti-Corruption Management
- Supply Chain Management



Envisioning An Effective GRM

Quality management system approach: A QMS is a system that documents processes, procedures, and responsibilities for achieving **quality** policies and objectives.



Draft: Quality Management System

1. Scope

Alignment to UNGPs

2. Terms and definitions

Understanding of org (big/small, etc.) and Stakeholders expectations

3. Guiding Principles

4. Context of the organization

Roles & Responsibilities

5. Leadership & commitment

6. Planning and design

Setting objectives & plans to achieve them

7. Support & resources

8. Operation of complaints handling system

Resources, competencies required

9. Performance evaluation

10. Improvement

Monitoring, measurement, internal audit, and review

Annexes

Procedures for continual improvement

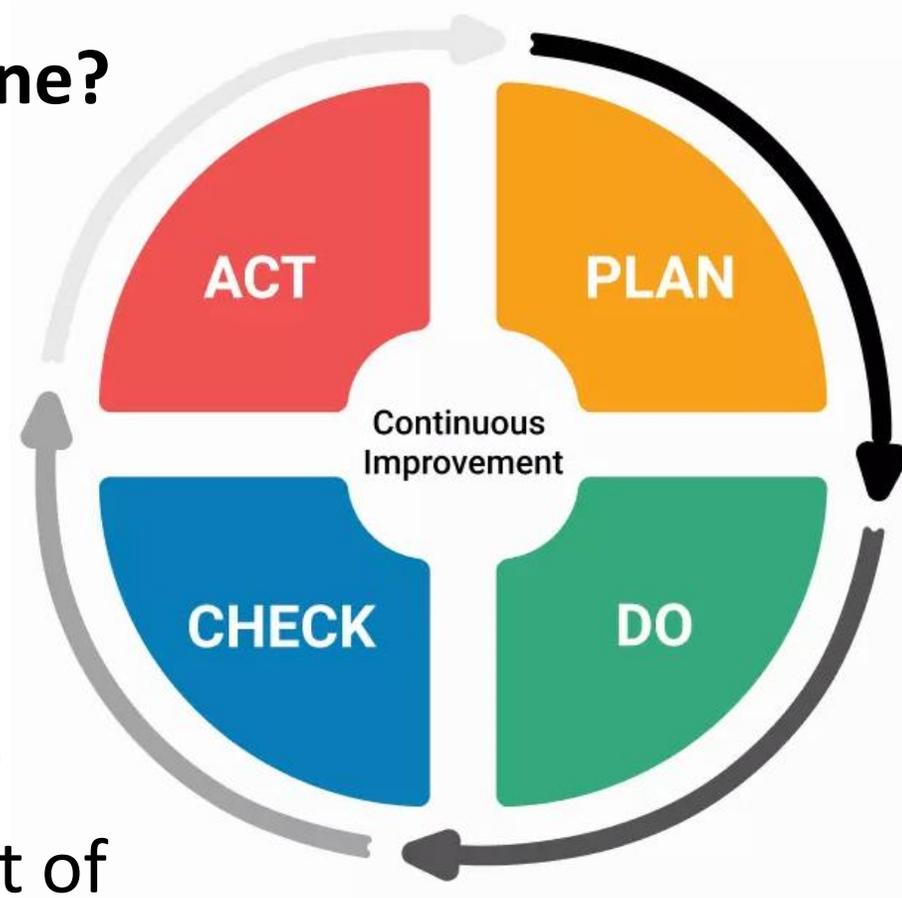
8. Operation of Complaints-Handling System



It's About Continuous Improvement

What else can be done?

- Identify room for improvement



What was achieved?

- Check achievement of objectives

What should it be like?

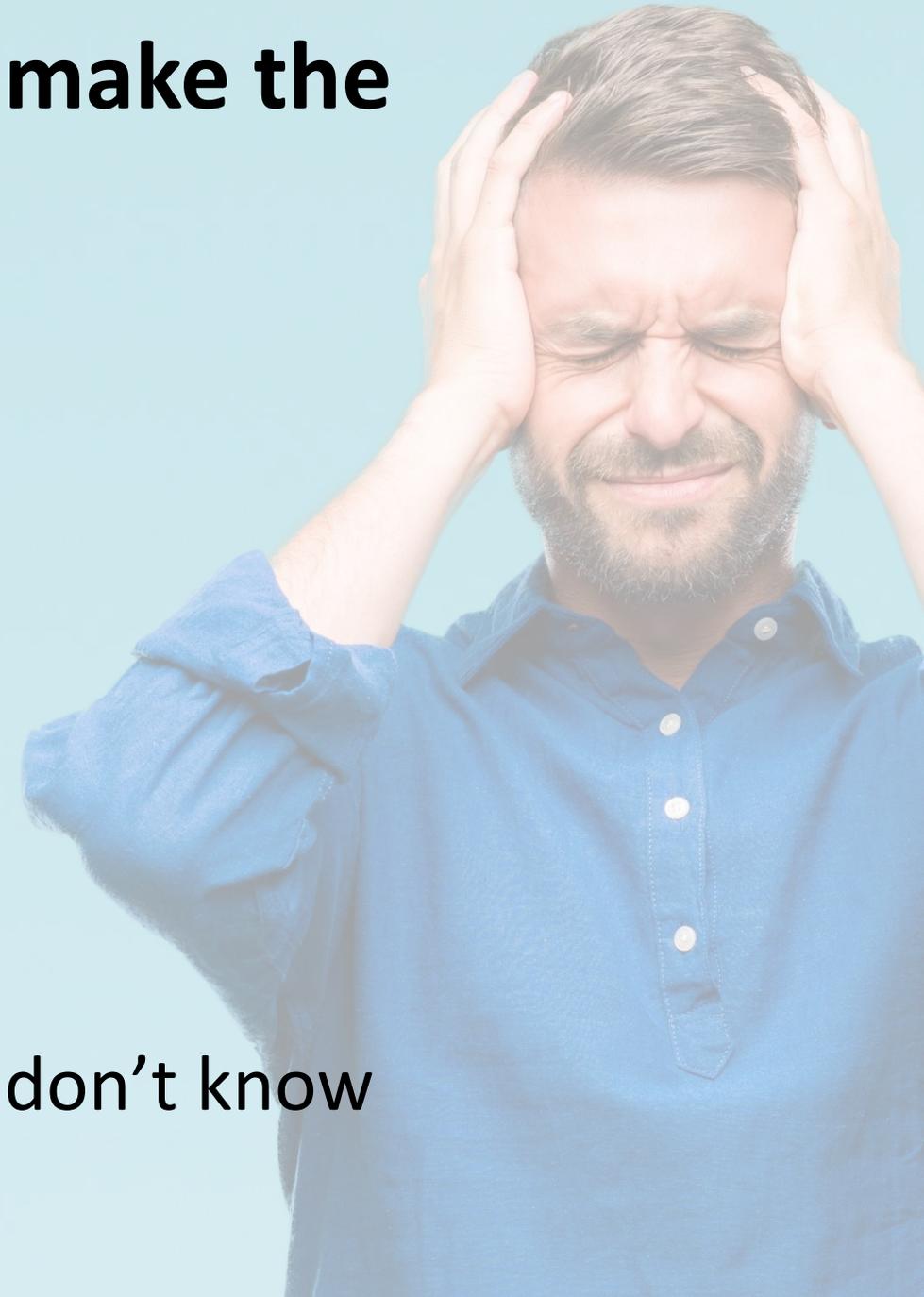
- Define objectives; action planning

What should we do and how to do it?

- Implement actions

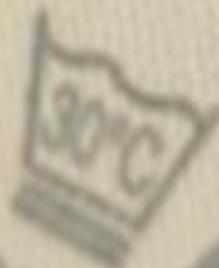
Don't over-complicate things and make the most of what you have

- Digital technologies?
- Collaborative outreach?
- Outsourcing complaint intake?
- Help-line?
- Group complaint intake?
- Build relationships with NGOs
- Peer learning – you can't know what you don't know



USA MEX

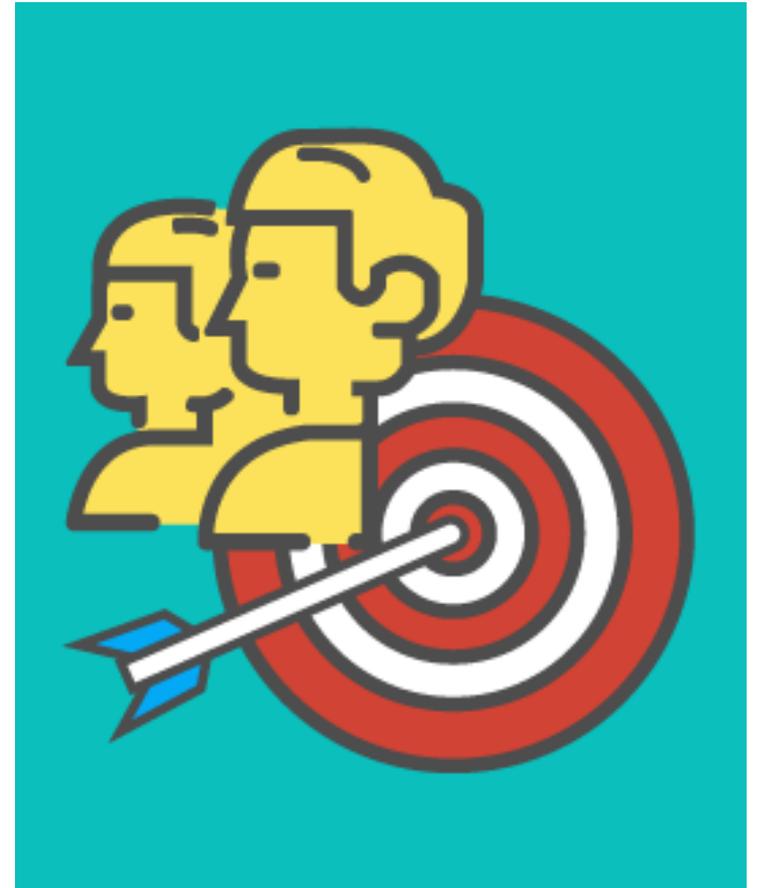
**ONE SIZE
DOES NOT
FIT ALL**



Von links bügeln
repasser sur l'envers

The Only True Test Of Effectiveness

- Effectiveness can only be judged by the intended users themselves.
- That's why engaging with your stakeholders is key.



Thank You

David Simpson
Independent Recourse Mechanism
African Development Bank

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