



Operational-Level Grievance Mechanisms



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Tulika Bansal, Senior Adviser Danish Institute for Human Rights

tuba@humanrights.dk

OPERATIONAL-LEVEL GRIEVANCE MECHANISMS

1. The UN Guiding Principles
2. Judicial vs non judicial grievance mechanisms
3. Why should companies have a OLGGM?
4. What should a OLGGM look like?
5. The effectiveness criteria of OLGGMs
6. Grievance mechanism steps
7. Challenges in current practice
8. Examples of OLGGMs from various sectors
9. Examples in the tourism sector

1. PILLAR III OF THE UN GUIDING PRINCIPLES

PILLARS I AND II ARE ONLY MEANINGFUL IF COMBINED
WITH PILLAR III: ACCESS TO REMEDY

ESSENTIAL PART OF THE STATE DUTY TO PROTECT

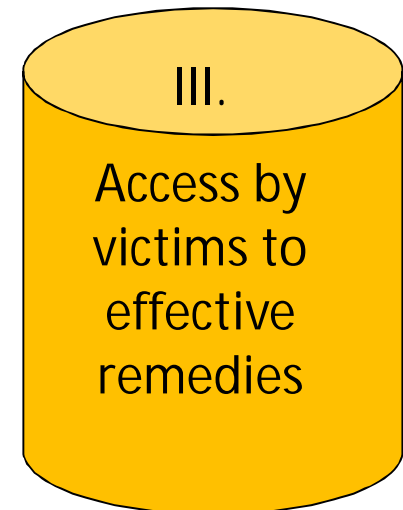
States should:

- Offer judicial and non-judicial
- Reduce barriers to access to justice

ESSENTIAL COMPONENT OF THE CORPORATE
RESPONSIBILITY TO RESPECT

Companies should

- Establish or participate in effective operational-level grievance mechanisms
- That are internal and external
- Be part of multi-stakeholder GMs



A grievance mechanism is a formal, legal or non-legal (or 'judicial or non-judicial') complaint process that can be used by individuals, workers, communities and/or civil society organizations that are being negatively affected by certain business activities and operations.

2. NON-JUDICIAL VS JUDICIAL GRIEVANCE MECHANISMS

POTENTIAL PROS	POTENTIAL CONS
Less daunting than judicial or quasi-judicial processes	Can vary widely in procedural approach and therefore be less predictable
Limited financial costs for the parties and faster in completing the process	May lack clear decision on whether standards were breached and outcomes may not be enforceable
Can help maintain, restore or build relationships between parties	Requires the willingness of both parties to work towards a resolution
Can empower aggrieved parties by giving them a participatory role in the process and outcomes	Outcomes not aggregated and publicised in a manner that can leverage systemic change

3. WHY HAVE IN PLACE AN OPERATIONAL-LEVEL GRIEVANCE MECHANISM?

- Helps to identify and address grievances early, preventing escalation
- Part of stakeholder engagement process
- Communication and monitoring channel
- Access to remedy is a right under the UDHR



4. WHAT SHOULD AN OLG M LOOK LIKE?

Operational Level Grievance Mechanisms can take the shape of:

- q Whistleblower policies, complaint processes, hotline, worker committees, customer services department
- q Should meet the effectiveness criteria for non-judicial grievance mechanisms set out in Principle 31 of the UNGPs
- q Should be open and accessible to communities and other external stakeholders
 - Communities (incl. children), NGOs, contracted workers, suppliers, consumers etc.
- q Should never undermine or substitute other legitimate processes like the role of legitimate trade unions or other judicial or non-judicial grievance mechanisms.

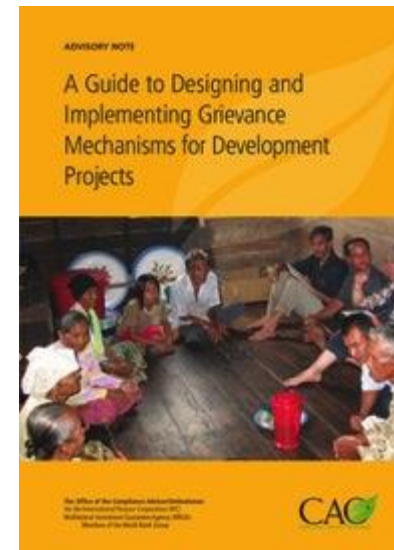
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5. EFFECTIVENESS CRITERIA FOR OPERATIONAL-LEVEL GRIEVANCE MECHANISMS

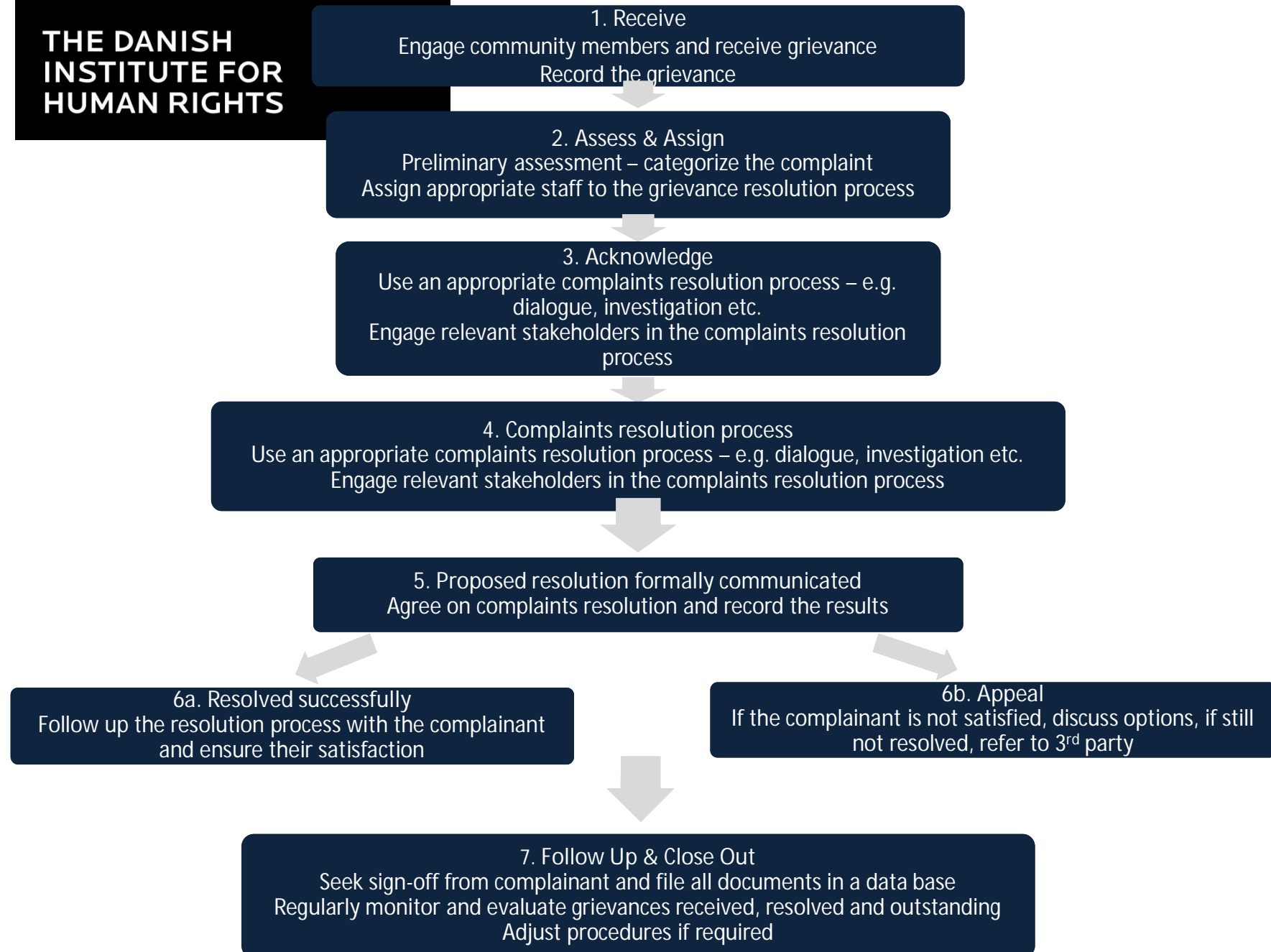
UN Guiding Principle 31

1. Legitimate
2. Accessible
3. Predictable
4. Equitable
5. Transparent
6. Rights-compatible
7. A source of continuous learning
8. Based on engagement and dialogue

 HARVARD Kennedy School
Corporate Social
Responsibility Initiative



6. GRIEVANCE MECHANISM STEPS



7. CHALLENGES IN CURRENT PRACTICE REGARDING OLGGM

Common challenges:

- Not many good practice examples of company OLGGMs
- HRIAs often demonstrate a lack of functioning OLGGMs
- Designed by company without input from rights-holders/NGOs
- Not accessible by communities (language/distance/women)
- Lack of possibilities to lodge anonymous complaints
- No periodical review of OLGGM

New initiative

- EarthRights International and SOMO -> community-driven grievance mechanism, designed by affected communities and NGOs
- See for more information:

https://www.earthrights.org/sites/default/files/documents/ogm_discussion_paper.pdf

8. EXAMPLES OF GRIEVANCE MECHANISMS IN DIFFERENT SECTORS

Norsk Hydro (Hydropower)

- Third party GM in Brazil – can be anonymous and is disseminated through an information campaign: <http://www.hydro.com/en/press-room/Archive/2014/Hydro-launches-a-new-grievance-mechanism-in-Brazil/>

Philips Myanmar (electronics)

- Grievance mechanism for communities is designed in collaboration with local NGO to adapt to local context (lack of internet, distance etc.)

Anglo American (mining)

- Grievance mechanism is accessible for children, families and groups or NGOs working on behalf of children

DeBeers diamonds (mining)

- Has an internal hotline (Speak Up) for employees and other stakeholders to raise concerns about conduct that is unlawful, unethical or unsafe. Is independently managed by Deloitte Tip-offs Anonymous

9. GRIEVANCE MECHANISMS IN TOURISM SECTOR

ECPAT INTERNATIONAL

- Allows tourism companies to refer reports of child sexual abuse in tourism to ECPAT or to national hotline - > judicial follow-up

APOLLO TRAVELS

- Mechanism to receive reports from tourists regarding child abuse with suggestions to report to local police, children's rights organizations or embassy, as well as Apollo's staff/tour guides.

IHG AND REZIDOR HOTELS

- Have secure portals for staff to raise issues
- Can raise concerns by phone or online on corruption, discrimination, harassment, health, safety and human rights issues



Thank you!
For questions, contact:

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Senior Adviser, Danish Institute for Human Rights
tuba@humanrights.dk

