

What makes grievance mechanisms effective?

Criteria for functioning systems in tourism destinations

Appendix I to project summary report

[The UN Guiding Principles on Business and Human Rights](#) (UNGPs) underline that there is no **single model of a grievance mechanism that would work across all contexts** – be those business, geographic, or cultural contexts. Instead, Guiding Principle 31 identifies eight ‘effectiveness criteria’ that should be met in the design and operation of any operational level grievance mechanism.

The criteria ask systems to be

- Accessible
- Legitimate
- Predictable
- Equitable
- Transparent
- Rights compatible
- A source of continuous learning
- Based on stakeholder engagement

There is no order or hierarchy to the effectiveness criteria, meaning they are all equally important, and they are very much interconnected. Below, the criteria are explained in more detail by highlighting key elements and questions to ask that can help determine and increase effectiveness of any given system. These questions are then further operationalized from the perspective of the tourism sector to help facilitate further engagement and discussions about functioning mechanisms in the sector. Considering these elements and questions shall help tourism companies identify what is needed to build new or improve existing mechanisms.

This operationalization is drawing on a range of guidance documents¹ that have been published to support practical understanding and implementation of the original UNGP criteria. It has also been informed by a review of good practices of grievance mechanism implementation in and beyond the tourism sector.

¹ Guidances include: UN OHCHR (2013), Interpretative Guide; ETI (2014), Access to Remedy. Practical Guidance for Companies; DGCN (2019) Worth Listening. Understanding and implementing human rights grievance management; Triponel Consulting (2020), What makes for an ‘effective’ grievance mechanism; OHCHR (2021), Accountability and Remedy Project: Meeting the UNGPs’ Effectiveness Criteria; AIM Progress (2021), Grievance Mechanism Responsible Sourcing Journey; Reckitt Benckiser (2021), Grievance Mechanism Toolkit.

1. Accessibility

Aim: The mechanism is known to all stakeholder groups² for whose use it is intended and adequate assistance is provided for those who may face particular barriers to access.

Elements of a functioning system

- Proactive awareness raising
- User friendly design
- Minimizing technical and financial barriers
- Complementary to other mechanisms
- Enabling trust in the mechanism (also see legitimacy)

Key questions

- Are all intended users informed about the existence of the grievance mechanism?
- Are there users who are harder to reach who need special consideration?
- Do all stakeholders have sufficient knowledge to use the grievance mechanism?
- Are there any technical or financial barriers that could prevent the use of the grievance mechanism?
- Can users access all necessary information in their own language?

Exemplary questions to explore for the tourism sector

- Given the varied potential user groups dispersed in a region, across different locations and workplaces (i.e. customers, local communities, (seasonal) workers in hotels, contracted staff along the value chain): How do grievance mechanisms need to be designed and communicated so that these groups feel it is relevant for them and easy to use? Are there particularly vulnerable groups with special requirements (e.g. illiterate persons)? Where do separate mechanisms - tailored to different user groups - make sense?
- What are (different) access points that these potential user groups are likely to be familiar with and trust (e.g., contact person, technical solution via email, phone, app)?
- Where are grievances most likely to arise? Where should therefore be focus areas for the communication of the mechanism?
- How does a mechanism relate to existing ways to raise grievances, incl. other operational level channels such as customer complaint lines? How will people know which channel is best for them to use in which case?
- How can we take into account that complainants might not have a direct relationship to the party they are lodging the complaint against (i.e. they are not customers or directly employed)?

² This document uses the following terms interchangeably, they only have slightly different nuances: *intended users*, *potential users*, *vulnerable groups*, *rightsholders*. *Stakeholder groups* on the other hand refers to a larger group, including not only users but any other actors involved in the grievance mechanism design, operation or remedy process.

2. Legitimacy

Aim: The mechanism enables trust from the stakeholder groups for whose use it is intended, and is accountable for the fair conduct of grievance processes.

Elements of a functioning system

- Establishing and maintaining stakeholder trust
- Clearly defined accountability
- Fair conduct / avoiding conflict of interest
- Resources and expertise
- Proactive / transparent communications (also see accessibility)
- Keeping people safe and protection from retaliation

Key questions

- Are responsibilities for handling incoming grievances clearly defined?
- Are the responsible employees adequately trained?
- Is the anonymity/confidentiality of the grievance procedure guaranteed?
- Is the prohibition of retaliation clearly anchored and communicated?
- For the (various) channels, is there accountability to guarantee a fair conduct of the grievance process? I.e., a process to ensure parties cannot interfere with fair conduct, an independent oversight structure.
- Is the mechanism trusted by its intended users? Have they been involved in its design or improvement?

Exemplary questions to explore for the tourism sector

- Which organisations could lead or support the administration of a grievance mechanism with a view to upholding the above standards? How could an oversight body look that holds the process to account?
- What types of channels already enjoy the trust of vulnerable people in destinations? What could a grievance mechanism build on?

3. Predictability

Aim: The mechanism provides a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.

Elements of a functioning system

- External communication
- Managing expectations
- Well-established case management

Key questions

- Is the grievance procedure clearly described so it can be understood by all stakeholders?
- Is there a clear, publicly available procedure with indicative time frames for each stage of the grievance process?
- Is there a clear process to record and monitor all stages of the grievance procedure?

- Is it communicated to the users in case timelines are not adhered to and why that is the case?
- Does the mechanism publish clear information on types of processes, possible outcomes and means of monitoring the implementation of the remedial action?

Exemplary questions to explore for the tourism sector

- How can a mechanism cater for a variety of possible complaints that might need different approaches and involve different parties - companies and other stakeholders - in their resolution? How can this be reflected in the assignment of responsibilities?
- In how far are companies in the tourism sector willing to cooperate and commit to a joint grievance procedure that comes with clear rules, timelines and publication of outcomes?
- What could a collaborative procedure look like between tour operators that are linked to a grievance case in a shared location/site (i.e. a hotel, cruise, airline)?

4. Equitability

Aim: The mechanism seeks to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.

Elements of a functioning system

- bridge imbalances in power and resources
- autonomy of the complainants in the grievance process
- responsible use of technology

Key questions

- Are intended users adequately informed about how to use the mechanism?
- Is it ensured that all stakeholders have the necessary support to fully participate in the grievance procedure?
- Is it ensured that they have support in filing the grievance if they need it?
- Does evidence confirm that the mechanism is equally used by potentially affected groups?
- Do technologies used in the grievance process respect people's rights (i.e. right to privacy and data protection)?

Exemplary questions for the tourism sector

- How can we take into account diverse cultural and educational backgrounds of potential users?
- How can we take into account power imbalances and fears or reservations complainants might have regarding engaging in a grievance process? Which external actors could be included to support or represent individuals?
- What kinds of resources need to be made available (and from whom) to provide assistance along a grievance investigation?

5. Transparency

Aim: The mechanism keeps parties to a grievance informed about its progress and provides sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake.

Elements of a functioning system

- Communication with parties involved and the wider public
- Regular effectiveness monitoring and publication of results
- Keeping people safe by protecting anonymity (also see legitimacy)

Key questions

- Does the mechanism keep parties informed about the progress of their grievance?
- What information can be provided 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 including outcomes and user feedback)?
- Where and how - along the remedy process and after - will case information need to be redacted/aggregated to protect people's identity?

Exemplary questions for the tourism sector

- How can the mechanism keep in touch with users when they are dispersed (communities) incl. such with no access to internet or users with unstable employment that move on frequently (seasonal/informal/short term workforce)?
- How could challenges and fears for tourism companies be overcome to publish case studies or statistics about grievances in an industry that relies heavily on customer reputation and is not used to communicating about cases of abuse and exploitation?
- How can insights from grievances be used within travel companies and towards the public to learn and continuously improve performance?

6. Rights compatibility

Aim: The mechanism ensures that outcomes and remedies are in accord with internationally recognized human rights.

Elements of a functioning system

- Ensuring most severe cases are prioritised
- setting clear standards for remedy
- ensuring remedy has positive contributions to human rights
- ensuring the process is empowering for rightsholders
- keeping people safe (also see legitimacy and transparency)

Key questions

- Does the mechanism treat all incoming grievances seriously?
- Does the process allow for prioritization of severe grievances over others and swift escalation of more severe grievances?
- Is the process set up so it avoids patronizing or culturally insensitive behaviour?

- How is the implementation and effectiveness of remedies provided monitored? Are the needs and feedback from affected stakeholders included in this?
- How is it ensured that outcomes and remedy do not lead to further disadvantages for rightsholders?

Exemplary questions for the tourism sector

- How can it be ensured that all human rights related grievances receive the same attention and assessment, in a sector where systems have been built to mainly process customer complaints? How can a prioritization be carried out in alignment with human rights due diligence standards that looks at the severity of impacts rather than the risk to the business?
- How can remedy be provided and follow up ensured in contexts with weak governance?

7. A source of continuous learning

Aim: The mechanism draws on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.

Elements of a functioning system

- Enabling continuous improvement of the mechanism based on previous experience
- Developing prevention strategies based on findings

Key questions

- Is the grievance mechanism evaluated regularly? Is this also drawing on the experience of complainants with the process?
- How are the results considered to identify lessons and improve the mechanism? How are good practices shared with relevant actors?
- How is effectiveness of measures taken evaluated?
- Are insights from grievances used to strengthen the overall due diligence approach (e.g., to define better policies, appropriate prevention and control measures)?

Exemplary questions for the tourism sector

- Which forums can be used to share insights about sector specific or systemic issues that are not yet widely discussed in tourism and to define joint prevention strategies?
- If a mechanism is externally administered, how can it be ensured that the different participants/companies whose operations are covered take learnings into account internally or collaboratively? Who in a tour operators' value chain could take responsibility for doing so?

8. Based on engagement and dialogue

Aim: The grievance mechanism consults the stakeholder groups for whose use it is intended on its design and performance; and focuses on dialogue as the means to address and resolve grievances.

Elements of a functioning system

- Active engagement on design and review of mechanism
- Dialogue-based grievance resolution

Key questions

- Have stakeholders been involved in the design of the mechanism?
- Are stakeholder perspectives considered for the aspects of the procedure that most concern them (e.g., choice of access points, modes of dispute resolution, options for remedy, transparency)?
- Can stakeholders provide feedback on the performance of the mechanism?
- Is dialogue the preferred/initial means to resolve grievances?
- Are communication formats designed with the specific target group in mind and do they differ accordingly?

Exemplary questions for the tourism sector

- Have all relevant stakeholder groups been identified & consulted incl. those where no prior relationship exists, i.e. human rights NGOs in destination countries and trade union affiliates?
- How can the sector leverage its experience with engaging people in different locations / circumstances to establish dialogue-based grievance approaches?