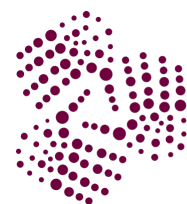


USING THIRD PARTIES TO SUPPORT THE DESIGN AND IMPLEMENTATION OF GRIEVANCE MECHANISMS

June 2022



THE
REMEDY
PROJECT

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Purpose and context of this document

Background

This report has been developed to support voluntary sustainability standard setting organizations (**VSS organizations**), businesses, or industry groups that operate, or are seeking to partner with local third-party organizations to develop company or multistakeholder grievance mechanisms in accordance with the principles set out in the United Nations Guiding Principles on Business and Human Rights (**UNGP**). This document will illustrate how third-party partners can support these organizations in the design and implementation of grievance mechanisms, and provide a practical framework for selecting a suitable third-party partner. This resource is valuable to both VSS organizations and business or industry groups (collectively referred to as “**private sector actors**” for the purposes of this document). Where special considerations for VSS organizations apply, these have been highlighted in the document.

As mandatory human due diligence laws, environmental, social and governance (**ESG**) and modern slavery reporting obligations continue to evolve and strengthen, having an effective grievance mechanism in place can help businesses prevent, mitigate, and address human rights and environmental risks. To support ISEAL, ISEAL community members and their stakeholders access learning and good practices on the implementation of effective grievance mechanisms and due diligence systems, Bonsucro has partnered with the Responsible Jewellery Council (**RJC**), both ISEAL Code Compliance Members, to develop this resource.

This resource was developed by consultants Archana Kotecha and Danette Chan (The Remedy Project - www.remedyproject.co), commissioned by Bonsucro and the RJC.

Disclaimer: The views expressed in this publication are those of the author(s) and do not necessarily represent those of the ISEAL Secretariat, ISEAL members, or donor entities to the ISEAL Innovations Fund.

The realization of the project was possible thanks to a grant from the ISEAL Innovations Fund, which is supported by:



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Confederation

Federal Department of Economic Affairs,
Education and Research EAER
State Secretariat for Economic Affairs SECO

Methodology

This resource was informed by desk-based research on the international standards and good practices in the operation and implementation of grievance mechanisms for private sector actors (the research took place between March and June 2022). Key sources used to develop this document include the reports of the Office of the High Commissioner for Human Rights (**OHCHR**) Accountability and Remedy Project (**ARP**) on enhancing the effectiveness of non-State-based grievance mechanisms as well as reports and case studies developed by international non-governmental organizations, UN agencies

and civil society organizations. Good practice guidance and resources on creating multi-stakeholder partnerships, especially practical guidance developed by The Partnership Initiative and the United Nations Department of Economic and Social Affairs, also informed the development of this resource. A list of these resources can be found in **Appendix 1** of this document.

To complement the desk-based research, interviews were conducted with key informants between March and June 2022 to better understand the needs of ISEAL community members and stakeholders in selecting and partnering with third parties (especially civil society organizations) in the implementation and operation of grievance mechanisms. These key informants have been selected to reflect a range of industry sectors and to encompass a broad range of geographies and perspectives, and included representatives of amfori, Bonsucro, CNV Internationaal, the Fair Labor Association, Ulula, the Rainforest Alliance, and the Responsible Jewellery Council. The valuable inputs and suggestions from these stakeholders have also contributed to the development of this resource.

This resource document was also tested to verify that the advice provided herein could be used by VSS organizations or their members to identify appropriate third-party partners that meet the specified partner selection criteria. The resource document was applied in three case studies to help the hypothetical user map and identify potential partners. The findings of the test have been incorporated into the document to improve its user-friendliness and ensure that it could be applied in practice.

Executive summary

As set out in Principle 22 of the UNGP, where companies have caused or contributed to an adverse human rights impact, they have a responsibility to provide or contribute to remedy for those who have been harmed. One of the primary ways in which companies have sought to fulfil this responsibility is by establishing grievance mechanisms, through which affected stakeholders can raise and seek redress for impacts that have occurred. From the company's and industry's perspectives, an effective grievance mechanism can also support early detection of human rights issues, better mitigation of risks, improved labour relations, talent retention, more inclusive supply chains, and enhanced brand reputation and legal

The resource document answers the following questions:

- What roles can third party partners play in supporting private sector actors develop and operate grievance mechanisms?
- How can private sector actors identify, assess, and verify, the suitability of potential partners?
- What competencies and qualities should private sector actors look for when determining whether the potential partner can support them in the delivery of an effective grievance mechanism which fulfils the UNGP effectiveness criteria?
- What are the good practices and key policies required to establish and implement effective partnerships with third parties?
- What additional resources are available to assist private sector actors in enhancing the effectiveness of grievance mechanisms through partnerships?

compliance.¹ However, rightsholders and affected stakeholders, who include workers in global supply chains and local communities, may encounter barriers that prevent them from accessing and using grievance mechanisms operated by private sector actors. This may include language and financial barriers, a lack of trust in the objectivity and independence of privately-operated grievance mechanisms, a lack of awareness of the existence and benefits of such mechanisms, fear of retaliation, and power and resource imbalances, among other factors. As a result, these grievance mechanisms may not fulfill their essential role of enhancing rightsholders' access to remedy. Further, such mechanisms may be ineffective at preventing future business-related human rights grievances and harms and fail to contribute to the human rights due diligence activities of the business.

A helpful benchmark for private sector actors to ensure that their grievance mechanisms are effective in practice and can be accessed by rightsholders and other stakeholders, is found in Principle 31 of the UNGP. Principle 31 of the UNGP set out eight criteria for effective grievance mechanisms: (a) legitimate, (b) accessible; (c) predictable; (d) equitable; (e) transparent; (f) rights-compatible; (g) source of continuous learning; and (h) based on engagement and dialogue with stakeholders.

Given the multi-dimensional nature of the challenges associated with implementing grievance mechanisms, there is a diversity of potential partners, from trade unions to legal counsel and mediators to specialist investigators and technology solutions providers that can provide services to support the design and implementation of a grievance mechanism. Of these potential partners, civil society organizations (**CSOs**) have the most unique function of providing operators and developers of grievance mechanisms with essential insight into the perspectives and needs of rightsholders. Rather than providing a specific service, civil society - including international organizations, non-governmental organizations (**NGOs**), community-based organizations (**CBOs**) and worker groups - is crucial to bridge gaps in access by facilitating dialogue and engagement between business enterprises and rightsholders. However, private sector actors may not be familiar with partnering with civil society and the context of these partnerships differ from a commercial relationship. Thus, this document will focus on selecting civil society partners and building private sector-civil society partnerships, although the important roles of other third parties and service providers, including trade unions, will also be noted, where relevant.

Using this resource

This resource document sets out six key steps for private sector organizations to follow when seeking to identify potential third-party partners to enhance the effectiveness of grievance mechanisms:

1. Understand how your organization's grievance mechanism measures up against the UNGP effectiveness criteria
2. Define the scope of the potential partnership based on the identified gaps and challenges with developing and/or operationalizing your organization's grievance mechanism
3. Develop a description of the roles, responsibilities, and selection criteria for the potential partner
4. Identify a shortlist of potential partners through desk-based research and/or leveraging existing networks
5. Assess and verify the potential partner's suitability by engaging in a two-way, iterative due diligence process
6. Scope, build and implement the partnership

¹ International Organization for Migration (IOM), 2021. Operational Guidelines for Businesses on Remediation of Migrant-Workers Grievances.

How third parties can support the private sector in the implementation of grievance mechanisms

In the development and operation of grievance systems, third party partners including civil society and more broadly, specialist advisors and experts, technology providers, trade unions and other stakeholders, can enhance the effectiveness of grievance mechanisms. The OHCHR, in its report on improving the effectiveness of non-State-based grievance mechanisms (the **ARP III Report**), recommends that business enterprises proactively and constructively engage with external parties in the development and operation of grievance mechanisms.² The following opportunities in which such partnerships may add value are highlighted in Objective 16 of the report and can be summarized in *Figure 1* below:

Figure 1 – Value of Partnerships in Implementing Grievance Mechanisms



For VSS organizations, working with third party partners could be essential to extending the capacity of VSS-level grievance mechanisms. VSS organizations may not have sufficient in-house capacity to support all the functions required in operating an effective grievance mechanism. In these instances, working with third party partners could bring additional resources to the table to enhance the effectiveness of the grievance mechanism. Most mechanisms have limited budget and capacity for outreach to rightsholders and affected stakeholders and may rely upon CSOs to act as intermediaries.

Furthermore, VSS-level grievance mechanisms often engage parties that may have significant power and resource imbalances, e.g., a migrant worker files a claim against a well-resourced multinational company. Redressing this asymmetry in power dynamics is crucial to supporting fair process of the mechanism and achieving fair and sustainable remedial outcomes. This may include engaging CSOs to conduct capacity building to educate rightsholders on the mechanism and their rights, or by providing legal support to rightsholders to navigate the grievance process by making third-party lawyers available to rightsholders free-of-charge. The geographically distant and culturally foreign nature of most VSS grievance mechanisms, and the often complex, administrative, and legalistic characteristics of grievance procedures, mean that it is highly challenging in practice for rightsholders and affected stakeholders to engage in VSS-level mechanisms without support from CSOs or trade unions.³ VSS organizations can mitigate power imbalances through partnerships and thereby improve procedural fairness in grievance processes.

² For more information, please refer to: <https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project-iii-enhancing-effectiveness-non-state-based-grievance#documents> See in particular: Accountability and Remedy Project (ARP) III report https://www.ohchr.org/EN/Issues/Business/Pages/ARP_III.aspx#documents

³ May Miller-Dawkins, Dr. Kate Macdonald and Dr Shelley Marshall. Beyond Effectiveness Criteria: The possibilities and limits of transnational non-judicial redress mechanisms (2016). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2865356

In addition, VSS organizations often have transnational reach. The ability to link the local-level (where the adverse human rights or environmental impact occurred) and the international-level (where the VSS sits and develops global certification standards) is central to the effectiveness of the grievance mechanism. Certain functions, such as fact-finding investigations and evidence verification, or conducting outreach to rightsholders, rely on local connections. VSS organizations may not enjoy sufficiently close proximity to rightsholders and affected stakeholders to carry out these functions in-house. This may especially be the case in agricultural or commodities sectors, where rightsholders and affected stakeholders are in remote locations. By comparison, a company may have (through their own operations or supply chains) greater opportunity to communicate with rightsholders and affected stakeholders or have existing local infrastructure which it can leverage. It must, however, be noted that greater proximity of the company does not necessarily result in greater trust in company-level operational grievance mechanisms amongst rightsholders and affected stakeholders. As such, genuine engagement with local networks and organizations that are already trusted by rightsholders is key to enhancing the effectiveness of grievance mechanisms operated by VSS organizations.

The UNGP effectiveness criteria and stages of implementing a grievance mechanism

Step 1: Understand how your organization's grievance mechanism measures up against the UNGP effectiveness criteria

The specific context of the grievance mechanism will impact the challenges it faces in implementing the UNGP effectiveness criteria. A company operational-level grievance mechanism may be well placed to deliver effective remedies to rightsholders but may lack the independence necessary to become trusted by rightsholders and affected stakeholders and therefore, limit its legitimacy. An industry-level grievance mechanism that is operated by a VSS organization may have the advantage of independence and credibility with affected stakeholders but may not have the capacity to deliver rights-compatible remedies. Thus, before seeking out third party partners, **the developer or operator of the grievance mechanism needs to first scope and understand where its mechanism is currently falling short of the UNGP effectiveness criteria, and where a partner would add value.**

The UNGP Principle 31 effectiveness criteria are set out below:

- **Legitimate:** the grievance mechanism should enable trust from stakeholder groups for whose use they are intended, and ensure accountability for the fair conduct of grievance processes;
- **Accessible:** the grievance mechanism should be known to all stakeholder groups for whose use they are intended, and offer adequate assistance for those who may face particular barriers to access;
- **Predictable:** the grievance mechanism should provide 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;
- **Equitable:** enterprises should seek 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;
- **Transparent:** parties to a grievance should be kept informed about its progress, and the enterprise should provide sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;
- **Rights-Compatible:** the grievance mechanism should ensure that outcomes and remedies provided are aligned with internationally recognized human rights;
- **Source of Continuous Learnings:** regular review of grievance outcomes should enable the institution or enterprise operating the mechanism to identify lessons for preventing future grievances and harms, and for improving the operation of the mechanism itself;
- **Based on Engagement and Dialogue with Stakeholders:** engage the affected stakeholder groups in the design and operation of the mechanism and promote dialogue as a means to address and resolve grievances.

Step 2: Define the scope of the potential partnership based on the identified gaps and challenges with developing and/or operationalizing your organization's grievance mechanism

Breaking down the development and operation of the grievance mechanism into stages provides a helpful and practical framework to understand the activities a partnership could undertake to enhance

the effectiveness of grievance mechanisms. Regardless of specifics in the procedural rules of a particular mechanism, the development and operation of an effective grievance system can be broadly divided into seven stages: (0) building trust; (1) submitting and receiving the grievance; (2) verifying the grievance; (3) investigating the grievance and determining the response; (4) redressing the grievance; (5) implementing and monitoring the remediation and closing the incident; and (6) incorporating feedback and evaluating results. ⁴ At each of these stages, the UNGP Principle 31 effectiveness criteria help pinpoint the issue(s) that needs to be resolved and the actions that can be undertaken through a potential partnership. **Table 1** highlights how third-party partners can play a role at each stage to enhance the effectiveness of grievance mechanisms, in accordance with the UNGP Principle 31 effectiveness criteria.

Table 1 –Third-party roles in enhancing the effectiveness of grievance mechanisms

| No. | Description of stages | How may a third-party support the implementation of grievance mechanisms? ⁵ |
|-----|---|--|
| 0 | <p>Building trust</p> <p>A foundation to an effective grievance mechanism is building a relationship of trust with the stakeholders especially affected stakeholders. ⁶</p> | <p>At this stage, third party partners may be effective in facilitating dialogue and advising on the specific needs and concerns of affected stakeholders. This may include:</p> <ul style="list-style-type: none"> • Supporting the developer of the grievance mechanism in mapping out the full scope of affected stakeholders, including through meaningful consultation and interviews with workers, worker representatives, and affected communities to understand their needs and concerns, and performing an analysis of workers’ knowledge of their rights. (Legitimate, Based on engagement and dialogue) • Supporting dialogue with affected stakeholders by communicating in the same language and engaging with them in their preferred manner (in-person/virtual, oral/written communication) and location (at work or in community) and breaking down cultural or other barriers. (Legitimate, Accessible, Based on engagement and dialogue) • Enhancing the grievance mechanism’s ability to reach all stakeholders, and in particular, vulnerable groups (e.g., women migrant workers or undocumented workers). This helps ensure adequate representation and |

⁴ International Organization for Migration (IOM), 2021. Operational Guidelines for Businesses on Remediation of Migrant-Workers Grievances.

⁵ These are adapted from the OHCHR’s ARP III Recommendations for non-State-based grievance mechanisms.

⁶ Human Rights Council, Piloting principles for effective company/stakeholder grievance mechanisms: A report of lessons learned. Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie (A/HRC/17/31/Add.1).

| No. | Description of stages | How may a third-party support the implementation of grievance mechanisms? ⁵ |
|-----|-----------------------|---|
| | | <p>participation by all stakeholders in the design of the mechanism. (<i>Legitimate, Accessible, Rights-Compatible, Based on engagement and dialogue</i>)</p> <ul style="list-style-type: none"> • Publishing and disseminating information regarding the mechanism that provides rightsholders and other stakeholders a proper understanding of its mandate, objectives, and operation. Materials, resources, and advisory services that are provided to socialize and enhance the accessibility of the mechanism should be made available in formats that meet the needs, and are consistent with the rights of children, persons with low literacy or are illiterate, and persons with disabilities, and in the languages of the people for whom they are intended. (<i>Legitimate, Accessible, Predictable</i>) • Conducting training programmes, including educating stakeholders on their rights and the grievance processes, especially key policies such as non-retaliation and confidentiality. Where the socialization and advertisement of the grievance mechanism is done by an organization or individuals that have already earned the affected stakeholders' trust, this may help support uptake of the mechanism. (<i>Accessible</i>) • Offering technological solutions to remotely collect information (e.g., in the form of worker surveys) and deliver education and training programmes. (<i>Accessible</i>) • Conducting training to ensure that personnel operating the mechanism are suitably qualified for the tasks they are required to carry out. This includes ensuring that such personnel are aware of the rights and needs of the people for whom the mechanism is intended, the social, economic, structural, and cultural issues that can affect the ability of the mechanism to meet those needs, and how to relate to rightsholders in a culturally appropriate and sensitive manner. (<i>Legitimate</i>) |

Engaging third parties in the design and development of the mechanism can help build trust in the mechanism. In particular, consulting rightsholders and affected stakeholders, e.g., workers, trade union representatives, worker advocates, in the creation process and ensuring that the developed mechanism considers their needs. Meaningful engagement with rightsholders can help operators of grievance mechanisms understand whether the proposed mode of handling grievances and referral channels are culturally appropriate and are tailored to the stakeholders' needs, what their level of knowledge is about their rights and what kind of technical, financial, or legal support they may need to engage with the mechanism on a fair basis. This process of consulting rightsholders is also central to ensuring that the grievance mechanism respects the rights of vulnerable and often marginalized groups, including migrant workers, undocumented workers, female workers, outsourced workers, LGBTQ+ groups or persons with disabilities. Mapping out the circumstances of affected stakeholders also allows for the identification of logistical, cultural, financial, and other barriers that may need to be addressed so that stakeholders can better access the grievance mechanism. These factors should inform the design of a grievance mechanism.

Private sector actors can engage CSOs, trade union representatives or worker representatives to facilitate and engage in constructive dialogue with rightsholders and affected stakeholders. CSOs that are trusted by rightsholders and affected stakeholders are likely to be able to elicit valuable feedback from these groups, identify gaps in existing pathways to remedy from the rightsholder's perspective, and facilitate dialogue between rightsholders and businesses on access to remedy. Similarly, trade unions can leverage their local expertise and existing channels of communication with workers to socialize the mechanism. Furthermore, integrating existing monitoring and feedback channels provided by trade unions into the grievance system is also central to enhancing accessibility. Trade unions are often one of the key channels of referring grievances due to their existing capabilities on the ground and their role of facilitating dialogue between companies and workers.

Where rightsholders and affected stakeholders have been involved in co-creating the grievance mechanism, there is likely to be greater buy-in and trust in the system and the remedial outcomes delivered. An effectively designed mechanism can enhance accessibility, procedural fairness, mitigate power imbalances between parties, and maximize leverage to result in fair and sustainable outcomes for rightsholders. Such a mechanism cannot be designed in a vacuum, without consideration of the lived experiences of the individuals who may be adversely impacted by unethical business practices that the mechanism aims to redress.

CASE STUDY: amfori Speak for Change Supply Chain Grievance Mechanism (SCGM) Programme in Vietnam

Business association amfori is currently piloting its Speak for Change programme in Vietnam, a newly developed supply chain grievance mechanism set up by amfori to provide access to remedy to impacted workers and affected stakeholders in the global supply chain of amfori members. The SCGM programme is intended to complement local-level operational grievance mechanisms at production locations and farms.

The SCGM uses an innovative technology infrastructure, which has been developed with technology solutions provider, Ulula. The framework, procedures, and the digital platform of the SCGM Programme for filing, investigation and remediation grievances has been designed based on the UNGP, the findings of the ARP III Report and the requirements of the German Supply Chain Due Diligence Act, the proposed EU Corporate Sustainability Due Diligence Directive and other modern slavery legislation in mind. A key feature of the SCGM Programme is engaging all stakeholders in the grievance resolution process and in sharing the learnings of remediation outcomes, while maintaining privacy and protecting complainants from the risk of retaliation. Ulula's technology enables complainants to file grievance through a hotline or multiple digital channels, which are adapted for the local context. The complainant's anonymity is preserved to protect them from the risk of retaliation unless the complainant chooses to waive this protection. amfori reviews the grievance to determine whether it falls within the scope of the SCGM and then the amfori members, who have a purchasing relationship with the business partner where the complaint was raised, are notified of the filed grievance. The relevant amfori members then assign an external investigator from a pool, who have been pre-vetted by amfori for their investigation expertise and local knowledge and access. The independent investigator conducts an investigation, during which time, the investigator can communicate with the complainant and the business partner (against whom the complaint has been made) and share their findings with amfori and the relevant amfori members through the Ulula platform. If remediation is required, the relevant amfori members will then appoint an external remediation partner from a pool of partners pre-vetted by amfori, to develop a remediation plan. All the stakeholders (complainants, employers/business partners and amfori members) may provide input throughout the investigation and remediation phases using the technology platform. In exceptional cases, the amfori member may act as the investigation handler or remediation handler.

The engagement of third-party investigation and remediation experts, the involvement of amfori and the Ulula technology to administer the mechanism, creates a secure system where stakeholders are encouraged to work collaboratively to resolve grievances. Protecting the complainant's anonymity through the use of technology and use of third-party experts to interface with the complainant and the business partner in the investigation and remediation phases likewise promotes inclusive dialogue. The digital platform also enables amfori members to obtain high-level metrics to support their human rights due diligence obligations and learn from the remediation outcomes, in line with their commitment to continuous learning. Furthermore, a high-level summary of cases filed has been made [publicly available](#) as part of the SCGM Programme's commitment to transparency.

While the pilot is still on-going, amfori has found that the inclusion of all stakeholders in the design and rolling out of the grievance mechanism has been crucial to encourage uptake of the mechanism amongst workers. Consulting all stakeholders in the design, delivery, and dissemination of educational materials on the grievance mechanism was important to overcome practical obstacles posed by COVID-19 restrictions and ensuring that information about the mechanism reached the rightsholders and other affected stakeholders.

For more details regarding this case study, please refer to <https://amfori-foleon.com/speak-for-change/scgm/home/>. The SCGM Programme Vietnam pilot is still on-going at the time of publication of this guidance and amfori continues to monitor and review the operation of the grievance mechanism. It is anticipated that the grievance procedures above will undergo a revision process, based on the learnings and stakeholder feedback received during the pilot. amfori aims to scale up and introduce the SCGM Programme to other countries following the conclusion of this pilot.

| No. | Description of stages | How may a third-party support the implementation of grievance mechanisms? |
|-----|--|--|
| 1 | <p>Submitting and receiving the grievance</p> <p>Key considerations for operators of grievance mechanism at this stage is ensuring that the channels for filing grievances are accessible to the affected stakeholders. The process for submitting and receiving grievances should be predictable and transparent, as this also helps build trust in the system.</p> | <p>During this stage, third party partners can play a variety of roles:</p> <ul style="list-style-type: none"> • Acting as focal points (e.g., operating help desks or hotlines) where stakeholders can access help to submit and file grievances or acting as collection points where grievances can be filed. Rather than having company employees support rightsholders in accessing the mechanism, providing an option for rightsholders to seek third party assistance to navigate the process may help provide the mechanism an appropriate degree of independence. Individuals and organizations playing this role should be able to speak the language of affected stakeholders. (Legitimate, Accessible) • Proactively engaging with affected communities and monitoring affected stakeholders (e.g., newly recruited workers) to identify grievances (Accessible, Based on engagement and dialogue). • Developing and operating digital channels for filing grievances. This should include implementing measures to enable safe access to and use of the mechanism on an equal basis, e.g., by improving physical and communicational accessibility and by providing procedural, age-appropriate, and gender-sensitive and disability-sensitive accommodations or adjustments. (Accessible) • Offering technological solutions to notify complainants, respondents and affected parties of grievances filed, and log/record the complaint. (Predictable) • Creating and disseminating materials to facilitate the submission of grievances,⁷ e.g., complaint forms, “how to use” guidance, posters etc. which are in the languages spoken by stakeholders and tailored to their needs. The delivery format (video, leaflets, social media |

⁷ This may include publishing accurate and realistic information, through a range of user-friendly formats and multiple communication channels, to foster a clear understanding amongst rightsholders and other stakeholders regarding: (i) the mechanism’s mandate, objectives, operations, policies, and processes; (ii) the legal and operational capacity of the mechanism to address different types of harm; (iii) the eligibility criteria to initiate and participate in the grievance processes; (iv) the rights of the parties and what parties can expect at each stage of the grievance process, including anticipated timeframes; (v) the nature of kind of remedies that may be provided, and the extent to which remedies can be enforced and implementation monitored; and (vi) the extent to which rightsholders will be provided with assistance where there is a risk of a retaliation, and the forms of assistance available.

| No. | Description of stages | How may a third-party support the implementation of grievance mechanisms? |
|-----|--|---|
| | | <p>networks, in-person sessions etc.) and content of the materials should be informed by knowledge and expertise of the local context and consultations conducted with rightsholders and other stakeholders. (Accessible, Predictable)</p> <ul style="list-style-type: none"> • Supporting affected stakeholders in preparing and gathering the paperwork and evidence necessary to support the grievance. (Accessible, Rights-compatible) • Conducting capacity building activities to train company personnel, recruitment agencies, or other organizations in the supply chain or industry group on how to identify violations or grievances, and how to respond to filed grievances. (Predictable) |
| 2 | <p>Verifying the grievance</p> <p>Depending on the rules of procedure of each grievance mechanism, steps will be undertaken to assess whether the grievance filed is within the scope of the mechanism, verify whether the allegations are credible, and determine whether additional evidence is required.</p> | <p>Third-party partners can assist developers and operators of grievance mechanisms by:</p> <ul style="list-style-type: none"> • Training the individuals who will be screening the submitted grievances on how to assess admissibility and verify the credibility of the allegations. In particular, lawyers and experts on alternative dispute resolution processes would be well-placed to conduct such trainings. (Predictable) • Ensuring that the mechanism’s eligibility criteria to initiate grievance processes are clear, minimal, and consistently and fairly applied. (Accessible) • Consulting with affected stakeholders (especially vulnerable and marginalized groups) to understand how they tend to communicate or describe grievances, and any cultural, gender or other special considerations that may impact the way stakeholders may present their grievance and corroborating evidence. (Accessible, Based on engagement and dialogue) • Facilitating the inclusion of stakeholder representatives’ perspectives (e.g., worker representatives) or partnering with external stakeholder organizations (e.g., CSOs) during the assessment and verification process. (Legitimate, Based on engagement and dialogue) |

| No. | Description of stages | How may a third-party support the implementation of grievance mechanisms? |
|-----|---|--|
| 3 | <p>Investigating the grievance and determining the response</p> <p>At this stage, grievances may be triaged depending on the urgency, severity, and complexity of the issue. Further investigations may also be undertaken to collect evidence.</p> | <p>At this stage, third-party partners can help to:</p> <ul style="list-style-type: none"> • Liaise with stakeholders to collect more information and evidence and provide stakeholders an opportunity to raise questions and concerns during the investigation stage. (Accessible, Equitable, Transparent) • Use technology solutions to keep stakeholders informed on the process and stage of investigations in a timely manner and enable stakeholders to contribute to the investigation. (Equitable, Transparent) • Having external independent bodies conduct or assist in formal investigations and/or onsite investigative audits. (Legitimate) • Providing legal, technical, financial, and other assistance for stakeholders to navigate the grievance mechanism. This may help address power imbalances between rightsholders and private sector actors. (Accessible, Equitable) • Acting as an interface between the private sector actor and the rightsholder complainant to preserve an appropriate degree of confidentiality and minimize the risk of retaliation against rightsholders. (Accessible) • Providing technical advice on ways in which dialogue could be used to address and resolve grievances e.g., by educating stakeholders on mediation good practices, use of joint investigations and joint problem-solving techniques, conflict resolution and negotiation techniques. (Based on engagement and dialogue) |
| 4 | <p>Redressing the grievance</p> <p>Subject to the scope and objectives of the grievance mechanism, redressing the grievance may involve procedures such as developing a remediation action plan, corrective action plans or work plans, negotiating a settlement agreement, imposing sanctions</p> | <p>Third-party partners can developers and operators of grievance mechanisms at this stage through:</p> <ul style="list-style-type: none"> • Providing additional and specialized attention for workers who have identified serious violations, e.g., connecting victims of human trafficking to psychosocial support services and to legal assistance to pursue state-based judicial relief. (Rights-compatible) • Conducting meaningful engagement with affected stakeholders in determining the remedy, including the type of remedy and the |

| No. | Description of stages | How may a third-party support the implementation of grievance mechanisms? |
|-----|--|---|
| | and/or fines, or termination of the commercial relationship. | <p>way it should be delivered. Remedies should be provided effectively and properly, and must be adequate, culturally appropriate and gender sensitive. (Rights-compatible, Based on engagement and dialogue)</p> <ul style="list-style-type: none"> • Helping monitor and ensure that non-retaliation policies are complied with. (Legitimate, Rights-Compatible) • Providing technical advice on the development of an appropriate corrective action plan or improvements to corporate governance policies to prevent future harms. (Source of continuous learning) • Where remediation may involve terminating a commercial relationship, third-party partners may help assess the human rights implications and outcomes of such termination on the affected stakeholders. (Rights-compatible) |

CASE STUDY: Tesco Fruit Supply Chain in Western Cape, South Africa

Tesco supported a pilot project in its South Africa fruit supply chain to implement farm-level grievance mechanisms. Following audits, Tesco found issues in the supply chain such as poor communication between workers and managers, inappropriate hiring and problematic employment practices by labour brokers, and poor health and safety protections. Surveys were conducted at the farms participating in the pilot, which found gaps in communication channels between workers and management and insufficient resources for conflict resolution processes. An Oversight Stakeholder Body, which included representation from business, trade unions, civil society, and government formed a multi-stakeholder body to oversee the project. Tesco drafted the terms of reference for, and facilitated the work and meetings of, the Oversight Stakeholder Body, but did not have a formal seat. Tesco was also instrumental in securing farms to participate in the pilot and funded the project. The Oversight Stakeholder Body was led by co-chairs, one representing business and one representing a trade union. While farms and farm workers were not represented on the Oversight Stakeholder Body, they were consulted during the drafting of the grievance mechanism. Participants in the pilot observed that the diversity of stakeholders serving on the Oversight Stakeholder Body defined its legitimacy, and the consultation of the farms and farm workers further enhanced the legitimacy of the grievance mechanism. Participants noted that the programme provided a platform for these stakeholders with diverse interests to engage in a constructive dialogue about ethical trading issues and resolve previous disagreements.

For more details regarding this case study, please refer to Caroline Rees. Piloting principles for effective company–stakeholder grievance mechanisms: A report of lessons learned. Harvard Kennedy School Corporate Social Responsibility Initiative, 2011

| No. | Description of stages | How may a third-party support the implementation of grievance mechanisms? |
|-----|---|--|
| 5 | <p>Implementing and monitoring the remediation, and closing the incident</p> <p>This stage involves following up with the affected stakeholders to ensure that the agreed-upon remedy has in fact been fully provided, and to identify any negative or positive outcomes from their engagement with the grievance system. In addition, the operation of the grievance mechanism may be reviewed and if required, potential improvements to the system may be made.</p> | <p>At this stage, third-party partners may be helpful in:</p> <ul style="list-style-type: none"> • Engaging affected stakeholders to verify whether the remedy has in fact been fully provided, and to check whether they have been positively or negatively impacted following their engagement with the system (e.g., whether they have experienced retaliatory treatment or improved treatment, whether they have experienced any stigmatization etc.). (Equitable, Rights-compatible, Based on engagement and dialogue) • Providing a digital system to log and compile all complaints and resolution outcomes, while respecting confidentiality requirements and protecting stakeholders from the risk of retaliation. (Predictable, Equitable, Transparent, Source of continuous learning) • Consulting with stakeholders on a regular basis (e.g., worker’s committees or trade unions) to understand and improve the mechanism’s performance. (Legitimate, Transparent, Source of continuous learning, Based on engagement and dialogue) |
| 6 | <p>Incorporating feedback and evaluating results</p> <p>Using the information gained from the grievance mechanism to strengthen and inform a company’s or an industry’s effort to improve human rights compliance, disclosure, due diligence and ESG policies.</p> | <p>Third-party partners may assist developers and operators of grievance mechanisms at this stage by:</p> <ul style="list-style-type: none"> • Providing expertise to improve the company’s or industry group’s human rights compliance and ESG efforts and offering technical advice to incorporate lessons learned into sustainability standards, corporate governance procedures and other policies. ⁸ (Source of continuous learning) • Facilitating communication with affected stakeholders on any changes made to company or industry policies or practices. (Transparent, Based on engagement and dialogue) |

⁸ Effective grievance mechanisms should contribute to the prevention of future business-related human rights grievances and harms by contributing to and influencing the human rights due diligence activities of businesses. Information and data obtained through the grievance mechanism can help businesses better understand the potential adverse human rights impacts caused or contributed to through their activities, or that may be directly linked to their operations, products, or services.

Tip: Some roles may cut across various stages of implementing a grievance process. A CSO that represents migrant workers may be helpful in outreach efforts at the trust building stage to educate migrant workers about the grievance mechanism and their substantive rights. The same CSO may also be helpful in verifying with the workers whether they are satisfied with the remedy provided at the monitoring and evaluation stage, as the CSO could leverage the trust already built with workers to act as a liaison between the operators of the grievance mechanism and the workers. Consideration of these different scenarios will help inform the qualities and capabilities that third-party partners will need to demonstrate to be an effective partner.

CASE STUDY: Milk with Dignity (Vermont, USA)

The Milk with Dignity Program is a **worker-driven social responsibility programme**, where workers, farmers and dairy buyers work together to secure dignified working conditions on farms. Under a worker-driven model, companies do not develop the standards and do not conduct enforcement activities. Instead, the Milk with Dignity Code of Conduct is authored by farmworkers and responsibility for review and monitoring of the participating farms' compliance with the Code is given to the Milk with Dignity Standards Council. The Council is an independent non-profit third-party auditor created specifically for the program and has trained investigative staff to conduct audits. The participating buyers pay a premium to participating farms to incentivize their participation in the programme and this premium paid also subsidizes the costs of complying with the Code. Farms who are already in compliance in the Code may retain the premium and apply the funds towards operating costs. In the first two years of the programme, ice cream company Ben and Jerry's (the participating buyer) has paid over USD 1 million in premium funds, which have been passed through to workers or invested in improving working and housing conditions to meet Code standards.

Farmworkers may file complaints through a 24/7 bilingual hotline and the Council investigates complaints as they arise. In the programme's first two years, the support line received 309 distinct inquiries, the Council investigated 226 complaints arising from these inquiries and Code violations were found in 172 cases. The median time for complaint resolution has been six days, while the most complex complaints have taken up to six months. Where non-compliance is identified, the Council works with farms to create a time-bound corrective action plan. In the first two years, 155 confirmed complaint violations were resolved. If farms consistently fail to make adjustments to meet Code standards, they lose purchase preference with the participating buyers and the premium paid by the buyer.

The iterative process of reporting and enforcement through market consequences rests foundationally on the ability of workers to speak freely about their workplace and housing conditions, without fear of retaliation. It also requires that workers have access to information about their rights, the standards in the Code, and how to report possible Code violations. Thus worker-to-worker education sessions are conducted on an annual basis, by CBO Migrant Justice that is founded and led by farmworkers. These sessions ensure that workers understand the role they play in exercising their rights. The sessions are delivered in Spanish and English to ensure all workers and management can participate equally, and workers are paid by the farm for their time in participating in the education sessions. The Milk with Dignity Working Group, composed of owners and workers also meet regularly to discuss the implementation of the programme, and consider and propose improvements.

The Milk with Dignity Program's unique structure is markedly differently than the industry norm of top-down, corporate-led programmes. The buyer company plays a crucial role of providing the financial investment necessary to raise compliance standards, and by ensuring there are market consequences for failures to comply. However, the development of the standards and the review and monitoring function is driven by the workers.

For more information refer to: <https://milkwithdignity.org/>

Partnership selection criteria

Step 3: Develop a description of the roles, responsibilities, and selection criteria for the potential partner

Toolbox 1 below sets out criteria for developers and operators of grievance mechanisms to assess and select potential partners. The criteria have been developed based on the potential roles of third parties in implementing grievance mechanisms and the requirements of the UNGP effectiveness criteria (**Table 1** above). The relative importance of each of the criterion may vary, depending on the expected scope of the partnership and the anticipated roles and responsibilities of the third-party. As such, developers or operators of grievance mechanisms may adopt a “sliding scale” approach to rank potential partners based on this selection criteria. Example questions have been provided to help assess the organization’s fit with each of the criterion however, these questions are only intended to be indicative and should be customized based on the type of organization and the specific circumstances of engagement.

Toolbox 1: Baseline partnership criteria based on the UNGP effectiveness criteria

| Partner Selection Criteria | Example Questions | Relevant UNGP effectiveness criterion |
|--|--|---|
| ✓ The organization is experienced in working with the people for whom the grievance mechanism is intended and has a deep understanding of their lived experiences. | <ul style="list-style-type: none"> Who are the targeted beneficiaries of the organization’s activities? What is the typical profile of the individuals or groups the organization has supported in the past? Does the organization demonstrate an understanding of the rightsholders’ or affected stakeholders’ needs, concerns, and interests? | Legitimate, Accessible |
| ✓ The organization is knowledgeable about the potential human rights harms the mechanism seeks to address and the individual and systemic factors that could potentially lead to adverse human rights impacts. | <ul style="list-style-type: none"> Does the organization have a track record in working on human rights issues / the types of issues typically dealt with in the scope of the grievance mechanism (e.g., land rights, indigenous rights, migrant worker rights, collective bargaining, labour disputes etc.)? Where applicable, has the organization published any reports/studies relating to the issues in the scope of the grievance mechanism? Ask the organization to speak to the common challenges/factors/root causes of human rights risks faced by the rightsholders. | Equitable, Rights-Compatible, Source of Continuous Learning |
| ✓ The organization has on-the-ground in-house capabilities or good networks/relationships in the | <ul style="list-style-type: none"> What is the scale of the organization (number of staff, location of offices etc.) in the targeted location(s)? | Legitimate, Accessibility |

| Partner Selection Criteria | Example Questions | Relevant UNGP effectiveness criterion |
|--|---|---|
| location(s) where the grievance mechanism is implemented. | <ul style="list-style-type: none"> Is the organization affiliated or a member of relevant networks (e.g., are they part of the local CSO association)? | |
| <p>✓ The organization speaks the language of the affected rightsholders and can effectively engage with affected rightsholders in their preferred manner (e.g., face-to-face in their communities or workplaces, through leaflets, videos, and other materials, through online and social media channels).</p> | <ul style="list-style-type: none"> What are the languages spoken by the organization’s staff? What are the channels of communication and outreach used by the organization to engage with the affected rightsholders? | Legitimate, Accessible, Transparent, Based on Dialogue and Engagement |
| <p>✓ The organization is embedded within the communities of rightsholders and/or are trusted by relevant stakeholder. They are an organization to whom rightsholders and other stakeholders can readily relate.</p> | <ul style="list-style-type: none"> What is the size and scale of the organization’s presence in the affected rightsholders’ communities/social media networks used by rightsholders etc. (as appropriate)? Does the organization frequently interact with rightsholders, or are rightsholders members of, or employed by, the organization? | Legitimate |
| <p>✓ The organization demonstrates an appreciation of the structural, sociocultural, and economic barriers that may exist to seeking remedies for business-related human rights harm.</p> | <ul style="list-style-type: none"> Does the organization have a track record of supporting rightsholders in seeking remedies for business-related human rights harms? Ask the organization to speak to the common obstacles faced by rightsholders, affected stakeholders and developers or operators of grievance mechanisms when seeking or providing effective access to remedy. | Legitimate, Accessible, Rights-Compatible, Equitable |
| <p>✓ The organization engages rightsholders in a culturally appropriate and gender-sensitive manner.</p> | <ul style="list-style-type: none"> Is the organization diverse and inclusive? Does the organization demonstrate an awareness of gender, equality, and social inclusion principles? | Legitimate, Accessible, Equitable |
| <p>✓ The organization is experienced in working with vulnerable or marginalized groups, including where necessary expertise in working with specific groups (e.g., persons who have experienced trauma, children, persons with disabilities, undocumented workers).</p> | <ul style="list-style-type: none"> What are the organization’s areas of expertise? Does the organization have staff who are trained in working with children/persons with disabilities/persons who require psychosocial support/victims of crime etc.? | Legitimate, Accessible, Equitable |

| Partner Selection Criteria | Example Questions | Relevant UNGP effectiveness criterion |
|---|--|---|
| ✓ The organization understands and applies the principles of requesting fully informed consent. | <ul style="list-style-type: none"> • Does the organization have in place a code of conduct for working with beneficiaries, or where applicable, consent forms or other similar policies? • Does the organization condition access to their services? | Equitable, Rights-Compatible |
| ✓ The organization adheres to high standards of personal and professional conduct and has policies and procedures (including but not limited to an ethics policy, a conflicts of interest policy, confidentiality policy) in place to ensure compliance with these standards. | <ul style="list-style-type: none"> • Does the organization have an ethics policy, conflicts of interest policy, confidentiality policy etc.? • Does the organization demonstrate professionalism in its communication and engagement? • How is the organization funded? • Conduct an adverse media search to verify if there have been any negative reports on the organization. | Equitable, Legitimate |
| ✓ The organization takes a constructive and collaborative approach to problem solving. | <ul style="list-style-type: none"> • What is the organization's mission and vision and theory of change? • Do they have a history of engaging with stakeholders of diverse interests or are their efforts more focused on lobbying, petitioning etc.? | Source of Continuous Learning, Based on Dialogue and Engagement |
| ✓ The organization is aware of business and human rights principles and concepts. | <ul style="list-style-type: none"> • Is the organization knowledgeable about the UNGP, OECD Guidelines for Multinational Enterprises, ILO Multinational Enterprises Declaration or similar business and human rights frameworks? • Is the organization familiar with business and human rights tools and concepts such as human rights due diligence, modern slavery reporting and operational grievance mechanisms? | Source of Continuous Learning, Based on Dialogue and Engagement |
| * [Subject to needs] The organization has expertise in supporting rightsholders navigate grievance processes (whether state based or non-state based, judicial or non-judicial) and is experienced in case work. | <ul style="list-style-type: none"> • What is the organization's experience in supporting rightsholders navigate grievance mechanisms, alternative dispute resolution processes or providing legal services or assistance etc.? • Does the organization have trained lawyers, paralegals, or staff with legal experience in-house? | Accessible, Legitimate, Predictable |
| * [Subject to needs] The organization has extensive experience in delivering trainings, information campaigns or education programmes. | <ul style="list-style-type: none"> • What is the organization's track record in delivering trainings/information campaigns/education programmes or other capacity building activities? | Accessible, Legitimate |

| Partner Selection Criteria | Example Questions | Relevant UNGP effectiveness criterion |
|--|---|---------------------------------------|
| | <ul style="list-style-type: none"> • Does the organization have existing training materials or programmes? | |
| <p>*[Subject to needs] The organization has adequate financial controls and management systems, which would enable it to support in managing funds for compensating rightsholders.</p> | <ul style="list-style-type: none"> • Does the organization have systems and processes in place to manage funds, e.g., policies on deployment of funds and controls on access to bank accounts? • Does the organization have in-house accounting staff and facilities? | Legitimate, Rights-Compatible |

Appendix 2 sets out additional and specific considerations may apply for technology providers and faith-based organizations.

Mapping the landscape of potential partners

Step 4: Identify a shortlist of potential partners through desk-based research and/or leveraging existing networks

Depending on type of partner sought (e.g., CSO, NGO, CBO, trade union, worker representatives/groups, faith-based organization, technology solution provider), different tools and methods may be used to map and identify a shortlist of potential partners. **Appendix 3** provides a list of databases and networks, which are a helpful starting point to identify potential CSOs, NGOs and CBOs partners. VSS organizations, which are by nature, multistakeholder initiatives may be better placed to leverage existing networks identify potential partners. This is highlighted in the practical tip below.

***Tip:** Word-of-mouth and leveraging existing networks are key to identifying potential partners. Many grassroots organizations do not have a web presence. The Fair Labor Association (FLA), which is a multi-stakeholder initiative, consults with their network of company members and CSO members to identify and verify potential partners and grassroots organizations, especially where the FLA does not have extensive on-the-ground presence.*

Similarly, multi-stakeholder initiative, the Fair Wear Foundation will also consult its member brands to propose local teams to carry out complaints investigations, where it does not have up-to-date and comprehensive knowledge of relevant local consultants and stakeholders.

Assessment and verification of the credibility of potential partners

Step 5: Assess and verify the potential partner's suitability by engaging in a two-way, iterative due diligence process

Once the shortlist of suitable partners has been narrowed down, developers and operators of grievance mechanisms should seek to engage with the potential partners, either directly or indirectly, to assess and verify their credentials and their suitability based on the selection criteria (see **Toolbox 1** above). This due diligence process is often the first opportunity for both parties to build mutual trust and should be an iterative process.

“Partnerships ‘move at the speed of trust’. – The SDG Partnership Guidebook

High-trust partnerships tend to be more efficient and cost-effective – transaction costs are reduced, knowledge exchange is rapid, and risks are proactively identified. Approaching the due diligence process as a two-way engagement between partners to build mutual trust (as opposed to a top-down, service provider-client mindset) can help plant the seeds for an effective partnership down the line. With this objective in mind, the following considerations, based on the four elements of trust relevant to partnerships,⁹ can help your organization gather information to assess and verify the credibility of potential partners:

- **Competence:** is the partner capable of doing what they say they will do?
 - Seek examples or case studies of similar activities conducted by the organization.
- **Reliability:** will the partner do what they say they will do?
 - Understand whether the organization has a track record of working with similarly positioned private sector actors.
- **Doing the right thing:** will the partner act in the best interests of the partnership?
 - Seek to understand the partner’s organizational mandate, ethos, principles, and theory of change, and how these may align (or conflict) with the vision and objectives of the partnership.
 - Verify whether the partner has a conflict-of-interest policy in place.
- **Transparency/honesty:** is the partner being open and honest about their motivations?
 - Try to learn the partner’s objectives and incentives for participating in the partnership.

Partnerships are a two-way street. Private sector actors must also work to secure trust of the partner from the beginning of the partnership process. This is of heightened importance in private sector-CSO partnerships, given the potential diversity of roles and interests of the potential partners. CSOs, whose mandates focus on the provision of support and services for vulnerable, marginalized, or underprivileged groups, and/or the promotion of rights, equity, and social environmental development, are interested in understanding how the objectives of the partnership align with their theory of change and mandate. While the private sector actor works to assess the credibility of the potential CSO partner, the CSO should also have an opportunity to engage and ask questions about the partnership objectives, the (implemented or proposed) grievance system, and the organization’s principles and frameworks on access to remedy and the business responsibility to respect human rights. The private sector partner may demonstrate a good faith intention to respect rightsholders’ views, in the following ways:

- By ensuring that worker representation and empowerment principles are incorporated into the design and operation of the grievance mechanism. This may include incorporating a non-retaliation policy, confidentiality policies, non-discrimination policies and ensuring transparency around procedures and reporting.

⁹ THE SDG PARTNERSHIP GUIDEBOOK: A practical guide to building high-impact multi-stakeholder partnerships for the Sustainable Development Goals, Darian Stibbe and Dave Prescott, The Partnering Initiative and UNDESA 2020 (*SDG Partnership Guidebook*), Page 49

- Where the grievance mechanism has yet to be developed, private sector actors could consider making commitments to incorporate the rights-based principles into the design of the mechanism.
- Private sector actors must consider the scale of resources they need to bring to the table to support the partnership and hold up their end of the bargain. Ensuring the operation of the grievance mechanism and the partnership are well-resourced also helps build CSO trust in the partnership.

This two-way communication enables the potential partners to collectively agree upon the common purpose of, and vision for, collaboration and align the interests and objectives of the parties. Establishing a shared agenda during this initial engagement process sets the tone for an effective high-trust partnership.

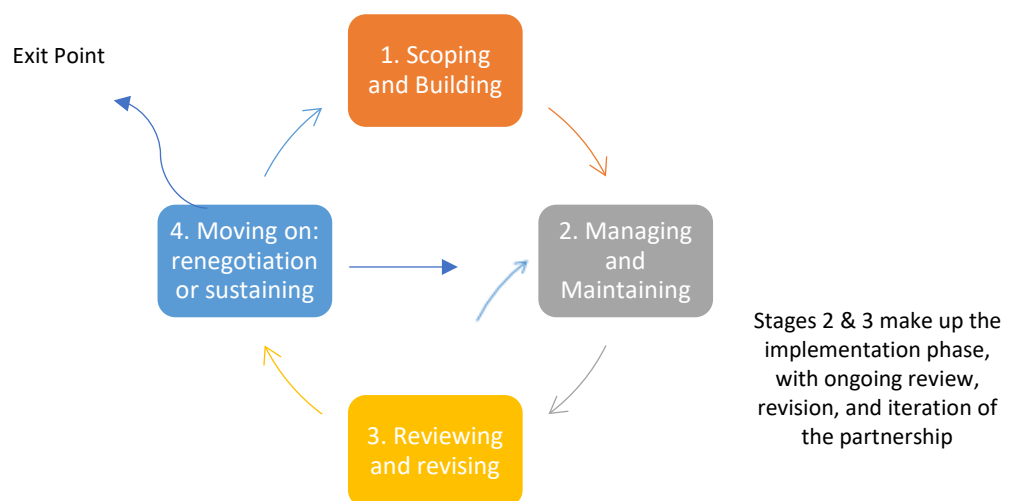
Tip: Where there are confidentiality concerns, consider using a non-disclosure agreement or use a neutral, third-party organization that is ideally familiar with both partners, to facilitate exploration of the potential engagement on a no-names basis.

Practical guide for engaging third parties

Step 6: Scope, build and implement the partnership

In this section, each of the stages of establishing a partnership will be summarized in practical stages. However, effective partnerships rarely follow a linear path. Effective partnerships evolve through an iterative process, where the partners regularly communicate to shape the partnership, the activities, and roles of each partner, and continuously monitor the partnership to plug any gaps in resources and keep the partnership on track.

Figure 2 – The partnering lifecycle¹⁰



- **Stage 1: Scoping and Building**
 - Preliminary scoping and designing of the partnership and the role of the potential third party partner

¹⁰ Adapted from The SDG Partnership Guidebook, Page 38.

- Mapping the landscape of relevant stakeholders and identifying a shortlist of potential partners
- Assessment and verification of the shortlisted partners to determine their suitability for the role, reliability, credibility, transparency, and expertise/competence
- Undertaking a process of engagement and negotiation to collectively agree upon the common purpose of, and vision for, collaboration, and align the interests and objectives of the parties
- **Stages 2 and 3: Managing and Maintaining and Reviewing and Revising**
 - Establishing the governance, operational and management structures, and allocation of resources, roles, and responsibilities of each partner
 - Undertaking a constant process of review and iteration, which includes monitoring progress of the partnership towards its goals, reviewing the health of the partnership and making necessary changes to keep partnership on track
- **Stage 4: Moving On**
 - Deciding whether to close the partnership or continue or modify the partnership going forward.

CASE STUDY: Rainforest Alliance certificate holders and the Assess-and-Address Committee

As part of the 2020 Rainforest Alliance certification programme, certificate-holders are required to implement an **assess-and-address system**, which begins with the formation of an Assess-and-Address Committee set-up by the certificate holder in collaboration with external stakeholders. The Committee is responsible for implementing the requirements under Section 5.1 of the Rainforest Alliance Sustainable Agriculture Standard, which includes conducting risk assessments and monitoring activities in relation to topics such as child labour, forced labour, workplace violence/harassment, and discrimination. Depending on the type of certificate-holder, the Committee comprises representatives of different stakeholder groups (management, worker representatives, union, or worker organizations). The Committee is advised to engage additional stakeholders such as farmers, community leaders, youth leaders, community members etc. to collect information as part of monitoring efforts – for example, by appointing independent child labour liaison officers in the at-risk communities who are trusted by the community to gather information and report to the Committee. Where potential cases of violation of the Rainforest Alliance Sustainable Agriculture Standard are identified, cases should be referred to the certificate holder’s grievance mechanism for investigation and remediation.

As certificate-holders work to implement the new assess-and-address system and link the system to its broader grievance mechanism and remediation systems, several learnings have begun to emerge. For example, to be effective, the Committee needs to be provided a clear mandate and be supported by management buy-in, and the roles and responsibilities of each Committee member should also be clear. Potential conflicts of interest issues and privacy concerns must be addressed when establishing the system, and it is important to ensure the balance of power between the management representative(s) and worker representative(s) is managed through the design of the system and policies. Where applicable, the functions and composition of the Committee must be adapted to align with local laws and cultural norms. The sharing of the administrative burden and costs of operating the system need to be addressed to ensure sustainability, especially where civil society partners are engaged in the operation of the system. In sum, the practicability and sustainability of the partnership structure and day-to-day working relationship of the different stakeholders are crucial ingredients of an effective partnership.

For more information, please refer to the Rainforest Alliance’s Guidance Document L Assess-and-address: <https://www.rainforest-alliance.org/resource-item/guidance-document-l-assess-and-address/>. The Rainforest Alliance is currently conducting research to learn from emerging good practices and improvement pathways in the implementation of operational grievance mechanisms under the Rainforest Alliance Standard.

Key considerations for structuring private sector-civil society partnerships

When engaging with civil society partners, the ecosystem within which the private sector and civil society collaborate, and the benefits/value created for each individual partner should be considered when structuring and implementing the partnership. Below are key considerations for working with civil society partners:

- Civil society is not a homogenous group and organizations may deploy different strategies depending on their mandate. Some CSOs may take an activist approach and leverage public and media attention to highlight violations of human rights, whereas others may focus on collaborative action with the private sector to drive change.
- Some CSOs may primarily be operated based on dedicated funding, meaning they must deliver on specific programmes, which are pre-determined by donors.
- Resource and personnel constraints may limit the capacity of CSOs to deliver programmes.
- The breadth and depth of the CSO network may vary significantly depending on the applicable jurisdiction due to legal, cultural, or other factors that may prevent or support such organizations from organizing and implementing programmes.
- Vying for donor funding is often a highly competitive process. CSOs working in a similar space may have a history of competing for funding and may have reservations about working with each other.

These considerations may therefore impact the roles and responsibilities of the private sector actor when working with CSOs:

Practical tips for private sector actors partnering with CSOs

- Private sector actors may need to support the CSO in scaling up their personnel, financial accounting, or other capabilities, as the organization may not have sufficient capacity to deliver at the scale required. Consider whether resource sharing could be helpful to expand the CSO's delivery capacity.
- Where the CSO has limited non-dedicated funding, it may be necessary for the private sector partner to provide financial support to enable the organization to bring its resources to the table.
- A coalition of CSOs and/or partners may be required. For example, a CSO with legal expertise may provide technical support to help rightsholders navigate the grievance process, while a community-based organization would undertake the groundwork of directly liaising and socializing the mechanism with rightsholders.
- Where the partnership comprises a network of CSOs, the private sector actor may need to facilitate communication and information between the different organizations and break down barriers between the parties. Transparency and clarity in the allocation of financial support (if applicable) to each CSO would also be helpful to prevent any potential conflicts over funding.

Funding private sector-civil society partnerships

Financial support will likely be required to enable CSO partners to support the development and operation of the grievance mechanism. Care must, however, be taken to ensure that the sources of

funding for the grievance mechanism and the CSO's work do not compromise the effectiveness of the mechanism. Potential conflicts of interest must be considered in funding structures and linked to the design of the grievance mechanism itself. For example, grievances operated by multistakeholder initiatives at the industry-level are often funded through membership fees of corporate members. In these instances, safeguards may need to be put in place to minimize the risk of corporate members' interests skewing decision-making processes – such measures could include, for example, ensuring transparency around reporting decisions or introducing independent external parties to conduct investigations to bolster impartiality. The below examples highlight different ways of funding the operation of a grievance mechanism:

- **amfori SCGM Programme:** The third-party investigators and remediation experts available under the amfori SCGM Programme are generally funded by the amfori members who purchase from the business partner/supplier against whom the complaint has been made.¹¹ To address the potential risk of conflicts of interest, the amfori Rules of Procedure state that the investigation handler or remediation handler should conduct the investigation or remediation process, in an independent and objective manner.¹²
- **The Bangladesh Accord:**¹³ The costs associated with the administration of the Bangladesh Accord (including administration of inspections, training, and other program operations) is funded by signatory companies.¹⁴ Furthermore, to support factories' compliance with upgrade and remediation requirements under the Accord, signatory companies are required to negotiate commercial terms with their suppliers to ensure that it is financially feasible for factories to maintain safe workplaces and comply with upgrading and remediation requirements.¹⁵
- **Fair Wear Foundation:** The Fair Wear Foundation, a not-for-profit organization, covers the initial costs incurred during the investigation of a complaint. Due to the growing number of complaints, Fair Wear Foundation partially uses donor money to finance the extra resources needed to continue to deal with complaints efficiently.
- **RSPO Dispute Resolution Settlement Facility:** In the RSPO Complaints System, where the parties to the grievance elect for settlement facilitated by the RSPO Dispute Settlement Facility (DSF), the costs of mediation are shared by the parties. However, where a party is unable to cover these costs, the RSPO DSF Trust Fund may provide funds to support mediation, including to cover the fees of the appointed mediators/technical experts and related costs. The DSF Trust Fund may also be accessed to cover the cost of capacity building

¹¹ See Articles 7.5 and Article 10.5 of the amfori Supply Chain Grievance Mechanism – Rules of Procedure. Available at: https://assets.foleon.com/eu-west-2/uploads-7e3kk3/32994/scgm - rules_of_procedure_452021.fef72bfbbd55.pdf The contribution of each relevant amfori member may be equally divided between the members. Alternatively, each member's contribution may be allocated based on the nature of the alleged complaint, the leverage of each member (calculated by the share of production volume the member purchases from the business partner, the length of business relationship etc.), or whether the alleged complaint relates to a single event or is part of an ongoing pattern of behaviour resulting in systematic or structural violations.

¹² *Ibid.* Articles 7.3 and 10.2.

¹³ The Bangladesh Accord is a legally binding agreement between international brands/retailers and trade unions to improve worker health and safety conditions in the ready-made-garment industry in Bangladesh. Pursuant to the Bangladesh Accord, brands and retailers are required to open their supplier factories to fully independent inspections by qualified experts and engineers, permit the results of inspections to be reported publicly, help pay for essential safety renovations and stop doing business with factories that fail to make safety repairs. Furthermore, the Bangladesh Accord also provides for a complaint mechanism, which workers can use to anonymously report potential violations at their factory to the Bangladesh Accord. This complaint mechanism, known as the Safety and Health Complaints mechanism, is a grievance mechanism integrated with an investigation process and remediation program.

¹⁴ See Chapter V of the International Accord for Health and Safety in the Textile and Garment Industry (1 September 2021). Available at: <https://bangladesh.wpengine.com/wp-content/uploads/2021/08/1-September-International-Accord-on-Health-and-Safety-in-the-Textile-and-Garment-Industry-public-version.pdf> The annual fees for signatory companies for June 2019-2020 is publicly available [here](#). The allocation of costs to each signatory company is calculated based on a combination of factors such as revenues, number of factories covered by the Accord and annual production volume.

¹⁵ *Ibid.*, Articles 30-31. Signatory companies may use joint investments structures, loans, donor, or government support, offer business incentives or pay for renovations directly, to support suppliers financially.

to enable meaningful participation in the negotiations during mediation.¹⁶ The financing sources of the trust fund is based on contributions from any party, including parties without any relationship with the RSPO.

For further practical information on how to establish and implement a partnership, please refer to **Appendix 4**.

Key considerations for engaging with trade unions

A fundamental component of an effective grievance mechanism is to facilitate dialogue between the rightsholder and the private sector actor, in which there is a mutual respect and commitment to resolve grievances. In this way, an effective collective bargaining system is akin to a grievance mechanism – a system where the trade union, employees and employers can engage in dialogue to address issues relating to labour standards. Where trade union representatives are selected from the same workplaces as those they are representing and are trusted by the workers, they can be effective advocates for workers. Such democratically elected trade union representatives will have an invaluable understanding of the grievances faced by workers and the expertise to engage in dialogue with the employer and workplace management. Thus, in systems of mature industrial relations, operational-level grievance mechanisms should not undermine existing processes of workplace dialogue, but rather act as a complementary channel for workers to resolve grievances.¹⁷

In jurisdictions with mature industrial relations systems, trade unions can play a central role in referring cases to the system. Trade unions may also support workers navigate the grievance process and support the outreach and education process required to socialize the grievance mechanism amongst workers. Where there are mature systems of industrial relations between trade unions and employers, the following elements should be present¹⁸:

- A robust, single code of conduct that reflects all fundamental ILO conventions;
- A trade union recognition agreement and management system, which would be capable of addressing individual grievances, disciplinary issues and collective disputes; and
- Acknowledgement of the primacy of the employment relationship, where the employer takes responsibility for their employees and where that responsibility is overseen by a mature system of industrial relations at workplace level, involving management and trade union representatives.

Where these elements exist, engagement with trade union partners in the development and operation of a grievance mechanism is a “must-have”. For example, in Nicaragua’s sugarcane industry, companies already work with trade unions to monitor compliance with health and safety standards on plantations. Mixed committees, comprising trade union representatives and employer representatives jointly carry out regular monitoring activities. These existing processes and structures can be leveraged as a referral pathway for grievances. It is also worth noting that where Global Framework Agreements¹⁹ exist, they may also establish structures such as monitoring committees or other frameworks, through which worker grievances can be escalated.

¹⁶ For more information, please refer to: <https://rspo.org/dispute-settlement-facility> and the Trust Fund Framework available here: https://www.rspo.org/library/lib_files/preview/893.

¹⁷ See UNGP Principle 29 and commentary.

¹⁸ Dr Aidan McQuade *Grievance mechanisms, remedies and trade unions: a discussion document* (2017).

¹⁹ Global Framework Agreements are an instrument negotiated between a multinational enterprise and a Global Union Federation in order to establish an ongoing relationship between the parties and ensure that the company respects the same standards in all

Practical tip for VSS organizations working with CSOs

- Collaborating with trade union affiliated CSOs or global union federations can enable VSS organizations to scale up stakeholder engagement efforts. For example, Bonsucro worked with CNV Internationaal to collect suggestions from trade unions across their globe on their proposed standards. A similar collaborative model may also be deployed to enable the co-creation of a grievance mechanism, where external stakeholders such as workers, trade unions, and CSOs have the opportunity to meaningfully engage and provide feedback on the design and implementation of the mechanism, from the ground up.
- To ensure the effectiveness of this partnership, the VSS organization must also be prepared to invest in the partnership. In the Bonsucro example provided above, Bonsucro translates its standards into multiple languages in order to make them accessible. This helped stakeholders like CNV Internationaal to be able to reach out to trade union leaders for their feedback.

However, it must be noted that in certain jurisdictions, solely engaging with trade unions may not be sufficient to ensure that all rightsholders are able to access the grievance mechanism. In certain countries, local laws may act as a barrier to full respect for trade union rights and restrict freedom of association. Laws on collective bargaining may also exclude certain groups from trade union representation. For example, in Thailand and Malaysia, international migrant workers are not permitted to be part of union stewardship or hold executive positions.²⁰ Trade unions may not have the foreign language capabilities to educate and organize foreign migrant workers. Agricultural workers, seasonal workers, and workers in the informal economy, may also not have guaranteed rights to form unions or to bargain collectively. In addition, trade union capacity to respond to the needs of vulnerable groups may also be limited by social and cultural factors. For example, the caste system in South Asia may limit its capacity to respond to the needs of workers who are discriminated against.²¹ The capability of unions to organize workers in remote parts of a supply chain may also be limited where the workforce is diffused and unorganized. Where the employer disrespects industrial relations, engages in bad faith bargaining or union busting practices, trade unions will also be limited in their capacity to act as worker advocates.²² This is especially important where workers live and work on company property, and therefore companies can easily discover and interfere with attempts to organize.²³

countries where it operates. Hadwiger, F, ILO. *Global framework agreements Achieving decent work in global supply chains, Background paper*. (2015)

²⁰ For more information on restrictions for migrant workers in engaging in collective bargaining processes in Thailand, please refer to International Labor Rights Forum '*Time for a Sea of Change: Why union rights for migrant workers are needed to prevent forced labour in the Thai seafood industry*' (2020). Available at: https://laborrights.org/sites/default/files/publications/ILRF_TimeforaSeaChange.pdf. See also Ethical Trading Initiative *Human Rights Due Diligence in Malaysia's Manufacturing Sector* (2019). Available at: https://www.ethicaltrade.org/sites/default/files/shared_resources/ETI%20Malaysia%20HRDD.pdf.

²¹ Dr Aidan McQuade *Grievance mechanisms, remedies and trade unions: a discussion document* (2017).

²² See for example: <https://www.industrial-union.org/goodyear-sacks-52-union-members-in-indonesia-without-cause>

²³ Ethical Trading Initiative *Human Rights Due Diligence in Malaysia's Manufacturing Sector* (2019). Available at: https://www.ethicaltrade.org/sites/default/files/shared_resources/ETI%20Malaysia%20HRDD.pdf.

As such, it is important to note that the value and contribution of trade unions may be impacted by the degree to which freedom of association is permitted and respected. In these restrictive legal environments, engaging with democratically elected worker committees, welfare committees or other quasi-forms of worker representatives may be a viable alternative to promote workplace dialogue. However, private sector actors should be careful not to undermine genuine social dialogue. Where trade unions are not present or inactive at the workplace, private sector actors may seek technical guidance from other trade unions in the region or country, such as a Trade Union Confederation.

CASE STUDY: Fair Wear Foundation

The Fair Wear Foundation (**Fair Wear**) is a multi-stakeholder organization that works to improve labour conditions in the garment industry. It is a not-for-profit organization whose activities are funded by donors and grants. Fair Wear has over 130 corporate members that have committed to upholding the Fair Wear Code of Labour Practices at their supplier factories. The work of Fair Wear focuses on countries where most of Fair Wear members' production occurs. This includes Bangladesh, Bulgaria, India, Indonesia, North Macedonia, Myanmar, Romania, Tunisia, Turkey, and Vietnam. Fair Wear operates a complaints procedure where workers, trade unions, employers organizations, NGOs and other stakeholders can raise complaints regarding violations of the Code of Labour Practices at supplier factories.

To ensure that the Fair Wear complaints procedure is known by stakeholders in these priority countries, Fair Wear members are required to help distribute worker-focused promotional materials and trainings created by Fair Wear at their supplier factories. Fair Wear also trains local complaint handlers, who speak the local language, to receive complaints and provide information to workers regarding the grievance process. The complaint handler also provides information on other local options to seek remedies, e.g., through State-based judicial pathways. The specialist local knowledge of the complaint handler is also important to identify any potential retaliatory actions that may be taken against the complainant, and where required, to develop a retaliation plan.

The investigation itself is conducted by a local expert. In those countries where Fair Wear has a local team available, that team will conduct an investigation. Where Fair Wear does not have up-to-date and comprehensive knowledge regarding relevant consultants and stakeholders, the member brand will be asked to propose a team to carry out the investigation, involving the relevant local trade union or IndustriALL Global Union where possible. If that option also proves difficult, relevant labour NGOs will be consulted. The criteria for selecting a team or organisation include accessibility, ability to speak the local language(s) and English, knowledge and expertise on labour standards and local law, understanding of Fair Wear, and independence.

Engagement of trade unions is a key component of the Fair Wear grievance mechanism. Where an issue affects more than one worker, Fair Wear will consult the complainant and notify the trade union (if present and functional) or worker representatives. Where the complainant consents, Fair Wear will consult the relevant trade unions and business associations in the development of a remediation plan. Fair Wear also notes in its Complaints Procedure that the Fair Wear complaints system is not intended to replace or undermine existing functional mechanisms (including factory-level systems for remediation) and the role of trade unions. The system is instead designed to strengthen trade unions to create an enabling environment for constructive social dialogue. A worker's or trade union's decision to use the Fair Wear system is perceived as a clear signal that the factory's internal grievance mechanisms are not functioning properly.

Appendix 1: Further resources

Please see below further resources and good practice guidance on the development and operation of grievance mechanisms, and on partnering with third parties.

Development and implementation of grievance mechanisms

- Harvard Kennedy School Corporate Social Responsibility Initiative, Rights-Compatible Grievance Mechanisms A Guidance Tool for Companies and their Stakeholders (2008). Available at: https://www.globalcompact.de/migrated_files/wAssets/docs/Menschenrechte/Ocai/workingpaper_4_1_rights-compatible_grievance_mechanisms_may2008fnl.pdf.
- International Organization for Migration (IOM). Operational Guidelines for Businesses on Remediation of Migrant-Workers Grievances (2021). Available at: <https://publications.iom.int/books/operational-guidelines-businesses-remediation-migrant-worker-grievances#:~:text=The%20Operational%20Guidelines%20for%20Businesses,concerns%20of%20migrant%20workers%20in>
- OHCHR, Accountability and Remedy Project III report (2020). Available at: <https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project-iii-enhancing-effectiveness-non-state-based-grievance#documents> See in particular: Accountability and Remedy Project (ARP) III report https://www.ohchr.org/EN/Issues/Business/Pages/ARP_III.aspx#documents
- Shift, Remediation, grievance mechanisms and the corporate responsibility to respect human rights. Shift workshop report no. 5. Available at http://shiftproject.org/wp-content/uploads/2014/05/Shift_remediationUNGPs_2014.pdf.
- Ethical Trade Initiative, Access to remedy: Practical guidance for companies. Available at www.ethicaltrade.org/sites/default/files/shared_resources/Access%20to%20remedy_0.pdf.
- International Commission of Jurists, Effective operational-level grievance mechanisms (2019). Available at www.icj.org/wp-content/uploads/2019/11/Universal-Grievance-Mechanisms-Publications-Reports-Thematic-reports-2019-ENG.pdf.

Grievance mechanisms - case studies

- CSR Europe, *Assessing the Effectiveness of Company Grievance Mechanisms* (2013). Available at: <https://static1.squarespace.com/static/5df776f6866c14507f2df68a/t/5e666810b7c6ef5fcd9bf296/1583769622168/MOC-A+Report.pdf>
- Human Rights Council, *Piloting principles for effective company/stakeholder grievance mechanisms: A report of lessons learned*. Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie (A/HRC/17/31/Add.1). Available at <https://undocs.org/en/A/HRC/17/31/Add.1>. Also published as Caroline Rees. *Piloting principles for effective company–stakeholder grievance mechanisms: A report of lessons learned*. Harvard Kennedy School Corporate Social Responsibility Initiative (2011). Available at <https://media.business-humanrights.org/media/documents/files/media/documents/ruggie/grievance-mechanism-pilots-report-harvard-csri-jun-2011.pdf>
- Ergon Associates, *Handbook effective Grievance Mechanisms* (2021). Available at: <https://english.rvo.nl/sites/default/files/2022/02/Handbook%20Effective%20Grievance%20Mechanisms%20-%20Fund%20for%20Responsible%20Business%20FVO.pdf>
- Global Compact Network Australia, *Effective Modern Slavery Grievance Mechanisms* (2021). Available at: https://unglobalcompact.org.au/wp-content/uploads/2021/03/4261-UNGC-Grievance-Mechanisms-GUIDANCE-DOC_28pp-9-FA.pdf
- Fair Labor Association, *Mapping study on seasonal agriculture workers and worker feedback and grievance mechanisms in the agricultural sector* (2018). Available at: https://www.fairlabor.org/sites/default/files/documents/reports/grievance_mechanism_mapping_study_report_final.pdf
- Migrant Justice and Milk with Dignity Standards Council. *Milk with Dignity First Biennial Report: 2018-2019* (2020). Available at: <https://milkwithdignity.org/sites/default/files/2020MDReport.pdf>

Working with third parties

- The SDG Partnering Guidebook. Available at: https://sustainabledevelopment.un.org/content/documents/26627SDG_Partnership_Guidebook_0.9_5_web.pdf
- Ethical Trading Initiative, NGO leadership in grievance mechanisms and access to remedy in global supply chains (2018). Available at www.ethicaltrade.org/sites/default/files/shared_resources/ngo_leadership_in_gms_and_remedy_paper_eti_revised_feb_2018.pdf.

Appendix 2: Specific considerations by partner type

Additional and specific considerations may apply for specific types of partners, including technology providers, CBOs and grassroots organizations, trade unions, and faith-based organizations.

... Technology providers

- The organization is well-versed in the UNGP and the effectiveness criteria for grievance mechanism.
- The organization is committed to [The Worker Engagement Supported by Technology \(WEST\) Principles](#) or otherwise demonstrates a robust understanding of the importance of developing technology solutions that use worker-centric and inclusive design and engage workers in their implementation.
- The technology solution offered can make gender-sensitive or disability-sensitive, trauma-informed, or other accommodations for vulnerable or marginalized groups, and is available in the languages understood by the affected groups.
- The technology solution offered can build in measures to protect rightsholders and other stakeholders from the risk of retaliation and preserve their anonymity.
- The organization demonstrates a nuanced understanding of how technology needs may differ due to economic, structural, cultural or other factors specific to the jurisdiction(s) where the grievance mechanism will be implemented.
- The organization has prior experience in engaging rightsholders and relevant stakeholders (workers, affected communities, CSOs) in the jurisdiction(s) where the grievance mechanism will be implemented, including where applicable, using the digital tools/platforms preferred by rightsholders in data collection processes (e.g., social media or messaging apps that are popular in the local jurisdiction(s)).
- The technology solution offered is compliant with laws relating to privacy and data protection, and cybersecurity risks are addressed effectively.
- The organization has access to in-house or external experts who are available on the ground or are based in the appropriate time-zone(s) to support roll-out the technology platform and troubleshoot any technical issues as they arise.

... Faith-based organizations:

- Certain faith-based organizations may condition access to help and support only to beneficiaries who agree to become a member of the faith. These policies may conflict with the principles of the UNGP effectiveness criteria, that grievance mechanisms should be accessible, equitable and rights compatible. Care must therefore be taken to ensure that these organization have processes in place to ensure that fully informed consent is requested from beneficiaries.

Appendix 3: Networks and Databases

The following networks and databases may be helpful to map out potential civil society partners.

International networks

- **The International Labour Organization (ILO):** The ILO works with non-governmental organizations including international NGOs and trade unions to promote decent work. The ILO has deep expertise in working with civil society, government and the private sector on the promotion of human rights. The relevant national or regional ILO office may be able to help your organization make connections to potential civil society partners. For more information: <https://www.ilo.org/pardev/partnerships/civil-society/lang--en/index.htm>.
- **The International Organization for Migration (IOM) CREST Programme:** IOM CREST is an initiative developed by the IOM to support businesses in upholding the human and labour rights of migrant workers globally. The IOM CREST Programme has significant expertise in working with private sector, CSOs and governments on business and human rights issues, and the relevant local or regional IOM CREST project may be able to support your organization. For more information: <https://crest.iom.int/>.
- **The United Nations Global Compact networks:** The UN Global Compact is the world's largest corporate sustainability initiative, which brings together businesses and other organizations taking action to achieve the Sustainable Development Goals. The database of organizations in the UN Global Compact network, which includes local and international NGOs, is available at this [link](#).
- **The Namati Legal Empowerment Network:** This is a network of grassroots justice defenders, which include community paralegals and lawyers, human rights activities, advocates, educators, researchers and other groups that support communities and individuals exercise their rights. The list of member organizations is available [here](#).
- **International Federation for Human Rights (FIDH):** The FIDH is an international federation of NGOs working on human rights issues, spanning civil, political, economic, social, and cultural rights. Refer to the FIDH website for more information on the member organization network in each region: <https://www.fidh.org/en/about-us/What-is-FIDH/>
- **Modern Slavery Map:** An interactive map of NGOs, funds, business/social enterprises, and initiatives that work with the private sector to address human trafficking, with an option to filter organizations by type, issue, industry, services provided or geography: <https://www.modernslaverymap.org/>

Regional networks

- **ILO AP Migration Asia Pacific Migration Network:** The ILO maintains a network of organizations working in the area of migration in the Asia Pacific region, which can be found here: <https://apmigration.ilo.org/network/organizations>
- **Migrant Forum in Asia:** MFA is a regional network of NGOs, associations and trade unions of migrant workers and advocates in Asia who work to protect and promote the rights and welfare of migrant workers. The MFA acts a facilitator and focal point for communication and coordination for its member organizations and advocates. For more information: <https://mfasia.org/>
- **Centro Regional de Empresas y Emprendimientos Responsables (CREER):** CREER is a regional hub for south-south learning and knowledge exchange on business and human rights issues. CREER engages governments, business, trade unions and civil society based in Latin America in a multistakeholder initiative to strengthen government and business efforts to protect, promote and respect human rights. For more information, see: <https://www.creer-ihrb.org/>
- **East African Civil Society Organizations' Forum (EACSOFF):** EACSOFF is an umbrella organization of NGOs and CSOs in East Africa. They also have wider affiliations with other networks in Africa, including the Southern African Development Cooperation Council of NGOs, the African CSO Platform on Principled Partnerships and the West Africa Civil Society Organisations Forum. For more information, see: <https://eacsof.net/>

Appendix 4: Establishing and implementing an effective partnership

Designing the preliminary scope of the partnership

Start by identifying the **need, opportunity or problem** that could be solved by the partnership and consider what could be achieved with the right partners gathered around the table. Rather than adopting a “what can the business get out of this” attitude, consider “what could the partnership do together to improve the effectiveness of the grievance mechanism”.

Partnerships create value by bringing together a diversity of resources and perspectives however, the different roles and interests of each party may also create conflict or hinder the attainment of the partnership objectives if these are not carefully considered and addressed at the outset. Where private sector actors seek to engage with civil society, the roles and interests of each partner need to be aligned. In particular, consider the ecosystem within which the private sector and civil society are working together, and the benefits/value created for each individual partner through the partnership.²⁴ In this context, there are two key questions to ask:²⁵

1. **The Collaborative Advantage:** How is that by working together we will be able to deliver significantly more?
2. **The Partnership Delta:** What specific additional impact will we be able to achieve?

Table 2 below sets out potential complementary roles and resources of businesses and civil society that may be considered in the formulation of the value of the potential partnership.

Table 2 – Potential Complementary Roles of Businesses and Civil Society

| | Civil Society (CSOs, CBOs, NGOs) | Businesses |
|---------------------------------------|--|---|
| Potential roles and Interests | <ul style="list-style-type: none"> • Providing support and services for those in need and those who are excluded from mainstream society, especially underprivileged, marginalized, or vulnerable groups. • Ensuring proper representation and upholding the rights of underprivileged, marginalized, or vulnerable groups. • Promoting rights, equity, and social and environmental development. | <ul style="list-style-type: none"> • To make a financial profit for shareholders, owners, or investors. • To produce and distribute goods and services to satisfy public needs and demand. • To reduce legal, financial and reputation risks that may arise from potential rights violations or non-compliance with human rights due diligence, modern slavery and/or ESG policies, and fulfil business and human rights responsibilities. |
| Resources brought to the table | <ul style="list-style-type: none"> • Legitimacy, influence, and social capital with rightsholders and affected stakeholders • Access to technical knowledge of affected communities and on-the-ground experience and capabilities. • Deep knowledge of, and reach and access to, rightsholders and affected stakeholders and communities. | <ul style="list-style-type: none"> • Financial resources, and access to technical (e.g., marketing and training) and business expertise. • A market-based, ‘solutions’-oriented mindset and focus on results. • Large multinational and national companies may have significant brand power and leverage. |

Structuring and implementing a partnership

²⁴ SDG Partnership Guidebook, Page 34.

²⁵ *Ibid.* This framework was developed by The Partnering Initiative and World Vision.

Following the process of partnership selection and assessment, the potential partners can begin building the scope of the partnership. This should be an iterative exercise, where both parties collectively agree upon the common purpose of, and vision for, collaboration and align the interests and objectives of the parties. After the overall vision is broadly agreed upon, the parties can then get more specific and detailed, setting out the roles and responsibilities of each party, and the resources each party will bring to the table. Each partnership will have a unique structure which should be fit for purpose. Implementing the following structures will help the partnership stay on track:

- **Governance, management, and operational structures** – agree on how the partnership will be managed, the bodies or individual that will oversee its operation and have decision-making capability, and the roles and responsibilities of the teams or individuals responsible for day-to-day tasks. A review and monitoring mechanism should also be established. A monitoring mechanism should also be built into the partnership structure, as on-going review and monitoring will be important to ensure that the partnership is effective and to proactively identify any issues that may hinder its effectiveness. Partnerships are driven by the complex and dynamic relationship among the partners, and circumstances may change and require the scope of partnership to pivot. In the CSO context, this may include adapting for personnel turnover, managing capacity, and ensuring transparency in communication. Thus, it is important to monitor the implementation of the partnership and feedback any learnings to improve the effectiveness of the partnership.
- **Theory of change and indicators of success** – set out the logic behind how the activities of the partnership will create an impact and agree on clear key performance indicators to measure progress towards this impact. The outputs and key activities of the partnership should also be agreed on. This may evolve over time based on the outcomes of review and monitoring of the partnership.
- **Funding and resourcing** – ensure that sufficient funding needs are clear, and sources of funds are secured, and both parties understand what resources they are expected to contribute to the partnership.

Depending on the context of the partnership, it may be helpful to have the following documents or key policies in place:

Toolbox: Key documents and policies

- **A Memorandum of Understanding / Letter of Intent / Framework Agreement**, which expresses the overarching vision and objectives of the partnership but is often not legally binding. This document may also set out the commitments and expectations of each party.
- **A Non-Disclosure Agreement**, which sets out the parties’ agreement that sensitive and confidential information that may be obtained through the partnership should generally not be disclosed to third-parties or the public.
- **Contractual agreements**, which are legally binding such as funding agreements or service provision agreements.
- **Terms of Reference**, for multi-stakeholder bodies, a document setting out the roles and responsibilities of the body.
- **A work plan**, which incorporates planned activities and key performance indicators. This should be a “living” document that evolves based on the outcomes of review and monitoring activities undertaken.
- **Confidentiality and data protection policy**, a policy that commits to upholding the confidentiality and anonymity of rightsholders throughout the process, and guidance on how to securely store data and information relating to the partnership and operation of the grievance mechanism.
- **Conflict-of-interest policy**, a policy that sets out principles that apply where the partner is faced with competing interests that may conflict with the objectives of the partnership and provides procedures for resolving these conflicts.

Ensuring sustainable outcomes of the partnership

Since grievance mechanisms are commonly operated for an indefinite period, it is important to consider the sustainability of the outcomes of the partnership. Where the partnership comes to an end, a plan must be developed to ensure that the effectiveness of the grievance mechanism is sustained. This may include:

- Bringing the activities of the partnership in-house;
- Establishing a separate entity to conduct the activities of the partnership;
- For education programmes and awareness campaigns, a train-the-trainers programme could be undertaken to train workers on how to conduct peer-to-peer education sessions.