

NGO Leadership in Grievance Mechanisms and Access to Remedy in Global Supply Chains

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Executive Summary

This paper explores the roles and responsibilities of Non-Governmental Organizations (NGOs) in shaping or influencing grievance mechanisms and investigates worker access to remedy in global supply chains. It draws on case studies and interviews with key informants in both the NGO and private sector.

The role of NGOs and civil society in the area of grievance mechanisms and access to remedy has grown substantially since the United Nations (UN) Human Rights Council operationalized the Framework for Business and Human Rights in June, 2008.

Today, NGOs and civil society organizations play several integral roles in supporting the Framework's third pillar, which encourages businesses to take ownership in providing grievance mechanisms and remedy. This paper discusses four such roles, offering specific examples:

- (1) **NGOs and civil society organizations collaborate with businesses and governmental organizations in setting international standards and agreements and passing legislation for grievance mechanisms and remedy.** The International Corporate Accountability Roundtable (ICAR), for example, lobbied for the successful passage of a law in California extending the statute of limitations for the Alien Tort Statute, which gave aggrieved workers enhanced opportunities to bring claims in California courts against U.S. corporations for human rights violations abroad. The Cahn Group, which operates the helpline-based grievance mechanism Clear Voice, tested the draft Guiding Principles on Business and Human Rights for Special Representative John Ruggie by setting up grievance mechanisms in Tesco's fruit supply chain in South Africa and Esquel's garment supply chain in Vietnam.
- (2) **NGOs and civil society organizations work with businesses to design, operate, and oversee grievance mechanisms and the provision of remedy.** In design, the International Code of Conduct Association (ICoCA) designed a grievance mechanism for the private security industry. In operation, on behalf of the global brands that are its Strategic Partners, the Issara Institute processes grievances from workers in Southeast Asia through multiple channels, including a custom smartphone application, social media such as Facebook and Viber, and a helpline. In oversight, ICAR sits on the board of the OECD's National Contact Point for the United States, Stichting Onderzoek Multinationale Ondernemingen (SOMO) evaluates grievance mechanisms as an independent third-party, and organizations such as China Labor Watch conduct investigations into Chinese factories to determine whether workers are actually receiving remedy for human rights violations.
- (3) **NGOs and civil society organizations provide workers with access to remedy and ensured distribution of remedy to workers.** Amnesty International, for example, investigates workers' claims and the disbursement of payouts when claims are settled. When reports of human rights abuses reach ICTI CARE through its helplines in China and India—which are operated in partnership with local NGOs—it dispatches on-the-ground

staff to the factories to investigate. When the Amader Kotha helpline in Bangladesh receives reports from workers of serious violations or violations that factory management have not remedied to their satisfaction, it reports those violations to the brands it works with, who can leverage their commercial relationship to ensure the worker receives remedy.

- (4) **NGOs and civil society organizations manage relationships with stakeholders at every level of the grievance process.** Amader Kotha and Issara Institute, for example, work closely with their partner brands to ensure worker grievances are heard and addressed. Where trade unions are strong, they may share data gathered from grievance reports with them and, where trade unions are not as strong they establish close relationships with workers, empowering their voices. The Issara Institute shares data it gathers through its multi-channel grievance mechanism with brands, suppliers, and recruiters.

Our case studies, Amader Kotha and Issara Institute, serve as examples of successful grievance mechanisms produced through international collaboration between businesses and NGOs and provide insight into the relationship between helplines and trade unions.

Amader Kotha is a grievance mechanism for garment factory workers in Bangladesh. It was established in 2014 as a project of the Alliance for Bangladesh Worker Safety (Alliance), and is operated by the Amader Kotha project team that includes Clear Voice, a project of The Cahn Group, LLC, Phulki (a respected NGO in Bangladesh), and Laborlink (now owned by Elevate, a provider of solutions for business risk and sustainability). In the four years since its inception, Amader Kotha has grown to be available to more than 1.35 million workers in 933 factories across Bangladesh and presently receives an average of 400 substantive calls every month. The success of Amader Kotha highlights the importance of partnering with local NGOs such as Phulki for worker training, provision of remedy, and impact assessment; examples of transparent communication with stakeholders and the public; the role of NGOs and civil society where trade unions are not strong; and the profound impact of mobile phone usage on the utilization of grievance mechanisms. The Helpline will continue as an independent initiative after the Alliance completes its work in 2018.

The Issara Institute is an NGO based in Thailand focused on issues of forced labor and human trafficking throughout Southeast Asia. It works with its Strategic Partners, global brands including Tesco, Walmart, and Nestlé, to implement its Inclusive Labor Monitoring system in their supply chains and operates grievance mechanisms on their behalf. Issara's grievance mechanisms consist of a multilingual 24-7 helpline, smartphone applications, and social media portals serving over 75,000 workers in Thailand. The success of Issara highlights the value of strategic partnerships and big data. Brands and retailers are able to rely on Issara's domain expertise in Southeast Asia, ensure they have effective grievance mechanisms and can implement data-driven supply chain system changes.

Drawing on information from our case studies, our informants, and the available literature we critically analyze the roles and leadership of NGOs, illustrate some of the common debates, discuss key challenges, and highlight good practices. We furthermore summarize perspectives voiced by key informants on pressing issues: the proliferation and duplication of grievance

mechanisms; lack of role definition between NGOs, businesses, trade unions, and states; the need for more transparency and dialogue; as well as worker trust and fear of retaliation.

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Objective and Purpose of this Report

This report is one of four commissioned by the ETI on grievance mechanisms and access to remedy from four different perspectives, those of states, corporations, trade unions, and NGOs. This report is limited to the NGO perspective. It is intended to:

1. Identify the roles NGOs are successfully playing in designing, implementing or monitoring operational-level grievance mechanisms and facilitating access to remedy in global supply chains; and
2. Draw out NGO views on key issues and emerging good practice.

Methodology

We performed a systematic survey of actors and practices, identified case studies for further investigation, and interviewed key NGOs working in the space. From our survey, interviews, and case studies we drew conclusions and recommendations.

Research design

In order to identify key characteristics of viable, NGO-led worker grievance mechanisms, as well as salient issues surrounding them, we employed a case study design for this investigation.

Case identification and questionnaires

First, we conducted a systematic literature review, which included drawing on the findings of a review of promising cases uncovered in Development International's 2017 California Transparency in Supply Chains Act (TISC) study that assessed 1,961 companies on their NGO practices and partners.¹

Based on these findings, we pursued and conducted an initial set of interviews with eleven (11) key informants in the private and NGO communities.

Our interview questionnaire was divided into four sections corresponding to different roles of NGOs in this space:

- a. Setting standards and agreements upon which grievances can be brought;
- b. Operating grievance mechanisms;
- c. Providing remedy and enforcement; and
- d. Monitoring, audit, and verification.

From our interviews, we identified two case studies for further investigation, and invited representatives of these NGOs to conduct in-depth interviews. In the interview we asked:

- a. What are the relationship between the stakeholders, including NGOs, companies, states, and trade unions?
- b. How has success been determined?
- c. How many workers were provided remedy, and of what type?
- d. How was the provision of remedy monitored?
- e. What kind of follow up was done with workers?
- f. How is worker satisfaction measured?
- g. Has there been any third party validation?

These data represented the basis of our consequent thematic analysis. All data have been anonymized in this report, as a matter of common interviewing practice on sensitive subjects.

Case Studies

Case Study 1: Amader Kotha

Meaning "Our Voice" in Bangla, Amader Kotha is a grievance mechanism for garment factory workers in Bangladesh established in 2014 as a project of the Alliance for Bangladesh Worker Safety and is operated by the Amader Kotha project team -- Clear Voice, a project of The Cahn

¹ Chris Bayer and Jesse Hudson (2017). "Corporate Compliance with the California Transparency in Supply Chains Act: Anti-Slavery Performance in 2016." Development International.
https://docs.wixstatic.com/ugd/f0f801_d49f30fa19b440c190766e88bf717f56.pdf

Group, which operates helplines and builds grievance mechanisms worldwide; Phulki, a respected local NGO in Bangladesh working to improve the lives of workers and their families; and Laborlink, now owned by Elevate, a provider of solutions for business risk and sustainability. In the four years since its inception, Amader Kotha has grown to be available to more than 1.35 million workers in 933 factories across Bangladesh.² As of the end of September, 2017, Amader Kotha received an average of 400 substantive calls every month. Amader Kotha works through a mix of two communications technologies: voice over internet protocol (VoIP) and interactive voice response (IVR) and is available toll-free and 24/7 throughout Bangladesh. The Helpline will continue as an independent initiative after the Alliance completes its work in 2018.

In order to work effectively, Amader Kotha leverages its relationships with its project partners Clear Voice, Phulki, and Laborlink, as well as local labor unions where possible. Clear Voice and Laborlink, both in the business of operating helpline-based grievance mechanisms worldwide, contribute their technological proficiency, subject-matter expertise, relationships with brands, governments, and international organizations, and access to financial resources. Phulki, meaning “spark” in Bangla, has operated locally in Bangladesh for more than twenty-five (25) years and employs 224 young women out of its 235 employees. Phulki’s authentic local presence enables Amader Kotha to exert influence at the local level and build worker trust in the helpline. Where labor unions are strong, it ideally works with them, sharing information about issues raised and implementing resolutions.

Amader Kotha measures its success empirically and publishes the data in quarterly newsletters. Its key performance indicators are: number of workers served; number of factories covered; percent of factories where workers used the helpline; number of calls received; and, percent of reported issues resolved. Additional indicators, assessing worker sentiment, include number of workers willing to share their name with the helpline and with the factory and caller profiles including age, gender, factory tenure, and worker location at time of call. Amader Kotha’s quarterly newsletter features the data from its key performance indicators in charts, graphs with monthly comparisons, and break-out boxes for key findings. An example page from Amader Kotha’s Q3 newsletter is attached as Annex 1 to this report.

During Amader Kotha’s first month of operation, July, 2014, more than 12,000 workers at four factories had access to the helpline. It received seventy-six calls.³ It grew quickly—the next month Amader Kotha was available to more than 62,000 workers at nineteen factories and it received 476 calls, some from factories that had not yet received Amader Kotha training.⁴ In September, 2017, after three years of non-stop operation, the helpline was available to more

² Amader Kotha newsletter Vol. 4 No. 3, Third Quarter 2017, http://www.bangladeshworkersafety.org/files/newsletters/AmaderKotha_Q32017.pdf

³ Amader Kotha Newsletter Vol. 1 No. 2, August 2014, http://www.clearvoicehelpline.net/uploads/2/5/2/6/25261480/alliancehelpline_newsletter-1-2-2014-08.pdf

⁴ Amader Kotha Newsletter Vol. 1 No. 3, September 2014, http://www.clearvoicehelpline.net/uploads/2/5/2/6/25261480/alliancehelpline_newsletter-1-3-2014-09.pdf

than 1.35 million workers across 933 factories and received 6,830 calls.⁵ In Q3 of 2017, workers reported 1,488 substantive issues to Amader Kotha, compared to only 132 substantive issues in Q3 of 2014.

Substantive issues workers reported included blocked exits or egress routes from factories—submitted with evidence from pictures taken with mobile phones—and dirty water filters or lack of clean drinking water on factory floors, though the majority of calls related to compensation, termination, vacation, and verbal abuse. Of the substantive issues reported in Q3 of 2017, 66% were reported resolved through the follow-up process detailed below. The issues left unresolved could not be pursued further due to lack of remit, such as when workers report concerns in factories that are out of scope, or lack of worker interest in resolution. In total, since Amader Kotha's inception, more than 10,000 workers have received remedy in various forms, depending on the grievance, including: information-sharing with the worker and management; removal of obstructions and other safety hazards; provision of clean drinking water; disbursement of withheld wages; and cessation of verbal abuse through coordination with factory management.

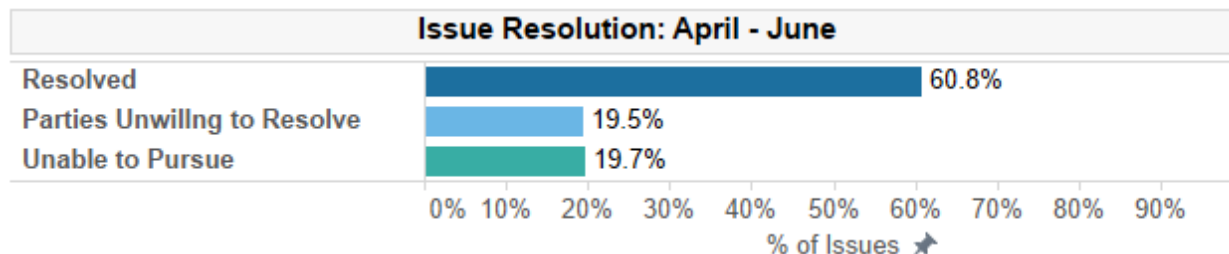
Amader Kotha is explained to workers through in-person trainings and workshops conducted by Phulki or factory management. A sample set of slides from an Amader Kotha training—translated from Bangla to English—is attached as Annex II. Amader Kotha's response to a grievance report depends on the type of issue reported. When a worker reports a safety issue, such as a blocked exit, a fire risk, or structural damage, Amader Kotha dispatches trained engineers to perform on-site inspections. The engineers then report back to Amader Kotha, who follows up with the worker to confirm the issue has been resolved. For non-safety issues, such as compensation, harassment, or termination, Amader Kotha relays worker reports to factory management, who then have two days to respond satisfactorily and report back to the helpline. After management reports back, Amader Kotha contacts the original caller to learn whether the steps toward resolution have been completed to the worker's satisfaction. If the worker reports that the issue has not been satisfactorily resolved after five attempts at issue resolution, Amader Kotha escalates the issue up to the brand or retailer. The brand or retailer has the opportunity to leverage its influence over the factory's practices through its commercial relationship. For serious issues, such as those involving crimes such as forced labor or sexual violence, workers are not discouraged from reporting violations to police or judicial authorities, though Amader Kotha only notifies factory management and contracting brands. It is important to note, however, that because brands are the ones providing enforcement there is a risk that human rights violations may not be reported to authorities. Moreover, there is a risk that helplines funded by brands and run by NGOs may undermine the position of trade unions if unions are not actively involved through information-sharing and grievance-reporting.

Amader Kotha reports that more than 90% of safety issues are resolved through the above process each quarter. Of substantive issues as a whole, Amader Kotha reports over 60% on

⁵ Amader Kotha Newsletter Vol. 4 No. 3, Third Quarter 2017, http://www.bangladeshworkersafety.org/files/newsletters/AmaderKotha_Q32017.pdf

average resolved each quarter. In its newsletters, Amader Kotha breaks down the type of resolution by method and, in cases of non-resolution, gives reasons. See Figure 1, below.

Fig. 1



Amader Kotha Newsletter, Q2 2017.

Amader Kotha measures worker satisfaction through surveys conducted by helpline staff using Interactive Voice Response (IVR) technology. These surveys ask workers whether they would recommend the helpline to colleagues, whether they would use the helpline again, and what their levels of overall satisfaction are with the helpline. Amader Kotha reported positive responses to each of these worker satisfaction in excess of 80%, indicating strong satisfaction.

Laborlink, Amader Kotha’s project partner, provided the following list of sample questions asked to workers when following up:

- *How do you feel about your experience interacting with Amader Kotha?*
 - *(Satisfied, Neutral, Unsatisfied)*
- *If you had a work-related issue in the future, would you call Amader Kotha?*
 - *(Yes, No, Not sure)*
- *In your opinion, is Amader Kotha easy or difficult to use?*
 - *(Easy, Neutral, Difficult)*
- *Has the issue that you reported re-occurred?*
 - *(Yes, No, Not sure)*
- *Were you comfortable discussing your issue with the Helpline Representative?*
 - *(Yes, No)*

The success of Amader Kotha highlights a few key lessons. First, the importance of partnering with local NGOs such as Phulki for worker training, provision of remedy, and impact assessment. Working with local NGOs builds worker trust in the mechanism, resulting in increased utilization. Amader Kotha’s newsletters provide examples of clear communication with stakeholders and the public, encouraging transparency. Amader Kotha also highlights the role of NGOs and civil society where trade unions are not common—and, conversely, the importance of leveraging the power of trade unions where they do exist. Finally, Amader Kotha highlights the profound impact of mobile phone usage on the utilization of grievance mechanisms and adherence to human rights in global supply chains. As Amader Kotha shows,

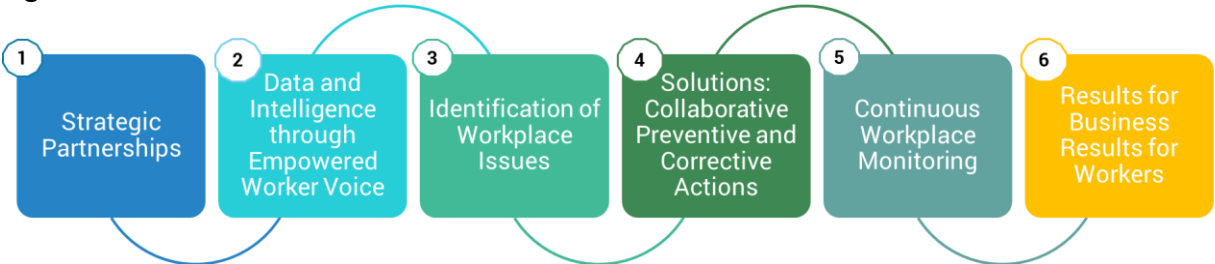
with over 1.35 million Bangladeshi workers in 933 factories able to access the helpline and an average of 400 issues raised per month, there is undeniable merit, efficiency, and documentation benefit to giving workers a voice through mobile technology. Learning from Amader Kotha, companies should focus on relationships with local NGOs, encourage transparency of grievance data against which they can benchmark their performance, and connect with workers through mobile technology.

Case Study 2: Issara Institute

Issara Institute, established in 2014, is an NGO based in Thailand focused on issues of forced labor and human trafficking throughout Southeast Asia. Issara operates in export-oriented industries including fisheries, agriculture, poultry, garments, footwear and electronics. It is structured around three connected programs: Issara Labs, which does data research and analytics; Issara Strategic Partners Program, which engages brands—including several ETI members—to address risks of forced labor and human trafficking using Issara’s Inclusive Labor Monitoring (ILM) process and grievance mechanism; and Issara’s Freedom of Choice program, which provides workers and victims of trafficking with remedy in the form of unconditional cash transfers.

With its ILM process, Issara focuses not only on providing an effective grievance mechanism to address individual worker concerns, but also on working with suppliers and brands to transform the end-to-end system of labor from recruitment to management and handling of human rights issues. Issara works with its Strategic Partners to implement its ILM process throughout their supply chains. Issara also operates the grievance mechanism on behalf of its Strategic partners, reporting back to the Strategic Partners with data gathered and recommendations for supply chain system changes. Issara’s ILM process is detailed in Figure 2, below.

Fig. 2



Issara Institute Annual Report, 2016

Issara’s grievance mechanism is integral to steps two (2), three (3), and five (5) of its ILM process. Empowered Worker Voice is at the heart of the mechanism—or perhaps better termed mechanisms because Issara provides a range of communication channels. Its mechanisms consist of a multilingual 24-7 helpline, smartphone applications, and social media portals serving over 75,000 workers in Thailand.

With worker engagement through its hotline as well as social media applications Line, Viber, and Facebook, Issara involved more than 900 workers in the creation of its Myanmar-language reporting application Golden Dreams, a platform for workers to exchange information, reviews, ratings, comments, and advice about employers, recruiters, and service providers in both home and destination countries. Golden Dreams also provides Issara with a way to conduct worker polls, and a way for workers to poll each other.⁶ By providing a platform for information sharing for the Myanmar-language worker community throughout Southeast Asia, Golden Dreams specifically addresses the needs of migrant workers from Myanmar.

In 2016, Issara’s grievance mechanisms received over 6,750 calls and more than 400 inquiries through social media, resulting in more than 550 in-depth follow-up conversations.⁷ Issara reports that since the inception of its mechanism in 2014 it has provided over 5,500 workers with remedies including unconditional cash transfers. It emphasizes unconditional cash transfers as a pioneering new approach to empower trafficked persons—simply giving them the financial resources they need to shape their futures. It is important to note, however, that Issara’s remedy is not only focused on compensation, but also on analysis of the underlying issues to address the root causes through data-sharing with suppliers, recruiters, unions, and Strategic Partners. The value of a dual focus on both compensation and analysis of the underlying issues has been raised frequently in the literature on operational-level mechanisms.⁸

After receiving and verifying a grievance, Issara shares anonymized findings, typically in person with worker union representatives, management, and human resources, then works with the supplier to develop a corrective action plan. For serious issues, the findings and corrective action plans are reported to the Strategic Partners. Issara then provides Strategic Partners with technical support in the development and implementation of their corrective action plans. Issara is in continuous communication with the original caller through the duration of this process and then, once the plan is implemented, follows up in order to assess the adequacy of the remedy provided.

In order to work effectively, Issara leverages its relationships with Strategic Partners, suppliers, recruiters, workers, and worker representatives. Workers provide direct feedback through the helpline and smartphone applications, sharing and receiving information and rating employers, recruitment agencies, and NGO service providers. Strategic Partners provide key funding and supply chain data for their entire supply chains for Issara to implement its end-to-end ILM process. Relationships with suppliers and recruiters enable Issara to implement systemic changes recommended through feedback from workers and in areas highlighted by the data it collects from its communication channels.

⁶ Issara Institute (2017). “Issara Institute: 2016 Annual Report.”

https://docs.wixstatic.com/ugd/5bf36e_d79e0db2d09a4cc2bf2ed4c346a4bbb7.pdf

⁷ Id.

⁸ See e.g. Benjamin Thompson (2017). “Determining Criteria to Evaluate Outcomes of Business’ Provision of Remedy: Applying a Human Rights-Based Approach.” *Business and Human Rights Journal*, 2 55-85.

<https://doi.org/10.1017/bhj.2016.30>

Issara attributes its success to eight key success factors: partnerships; a for-the-people focus; empowered worker voices; data, science, and technology; on-the-ground technical expertise; transformative systems change; ethics; and scaling that works. Through partnerships with workers, brands, and suppliers as well as a policy against “name and shame” tactics, Issara is able to build trust among not only workers but also brands and agents. Issara’s Freedom of Choice program has a for-the-people focus, providing unconditional cash transfers accompanied knowledge transfer, employment options, and other resources as a remedy. By focusing on empowered worker voices, Issara learns from workers themselves about labor conditions, recruiting practices, and the nature of their work itself. Gathering that data, data from the helplines, and data from its smartphone applications, Issara tracks trends and emerging patterns and threats, understands which remedies are working, and can share the data with businesses to give rational bases for supply chain system changes. On the ground-level, many of Issara’s team members are of the same nationality as the suppliers and workers Issara works with, which cultivates the understanding of culture, business environment, and regulatory environments necessary to solve challenges related to human rights issues at the ground level.

Issara’s success highlights the value of partnerships between global brands and NGOs for effective grievance mechanisms. Issara’s Strategic Partners are able to rely on Issara’s domain expertise in Southeast Asia and, by utilizing big data, can make data-driven decisions for supply chain system changes. Issara also highlights the value of working closely with Strategic Partners on end-to-end supply chain monitoring processes, enabling targeted systems change.

Findings

NGO Roles in Grievance Mechanisms and Access to Remedy

NGOs influence the very setting of international standards and agreements. NGOs have successfully participated in forums for the creation of international standards and agreements upon which grievances can be brought and against which effective grievance mechanisms can be measured.

ICAR, for example, participated in G7 and G20 discussions, was involved in the G7 Leaders Statement, and helped to design National Action Plans in order to set hooks at the international level which were then used to drive national reform. In addition to participating in international standard-setting, ICAR has driven domestic law reform, successfully lobbying to pass a law in California extending the statute of limitations for the Alien Tort Statute—a law, presently under attack in the United States Supreme Court, that allows workers harmed by U.S. corporations abroad to bring claims against them in U.S. courts.

NGOs and civil society played key roles in the UN’s Guiding Principles for Business and Human Rights and, looking beyond the Guiding Principles, NGOs such as Amnesty International and SOMO are taking leadership by participating in discussions for a binding treaty on business and

human rights.⁹ In the run up to the release of the Guiding Principles, Special Representative John Ruggie commissioned pilot studies from civil society. The Cahn Group tested the draft principles in Tesco’s fruit supply chain in South Africa and in an Esquel apparel factory in Vietnam. Luc Zandvliet, now with the Triple R Alliance, conducted tests in Carbones del Cerrejón, a coal mine in Columbia, and Sakhalin Energy Investment Corporation, an oil and gas company in Russia.¹⁰ The pilot grievance mechanisms were based on the Guidance Tool for Rights-Compatible Grievance Mechanisms developed by the Corporate Social Responsibility (CSR) Initiative at Harvard University and designed in close collaboration with the subject companies.¹¹

Reviewers evaluated the pilot mechanisms in light of the draft Guiding Principles, asking whether the mechanisms were legitimate, accessible, predictable, equitable, rights-compatible, transparent, and based on dialogue and engagement. Reviewers tested the principles through written, telephone-based, and in-person worker surveys, then companies adjusted their approaches according to worker responses. At Sakhalin Energy, for example, worker surveys highlighted that the main challenge for the mechanism to be perceived as “legitimate” was among indigenous populations rather than the main worker communities, so the company focused on working with indigenous leaders to develop appropriate processes. The company then held discussions including indigenous leaders and other stakeholders, both internal and external, such as business managers and local NGOs to reflect on whether the mechanism was perceived as more legitimate and trustworthy.

In Cerrejón, for example, the reviewers tested whether the grievance mechanism was “predictable” through surveying workers in the local indigenous community about cultural traditions in handling disputes and asking whether the mechanism’s methods and remedies conformed with expectations. The reviewers determined the mechanism effective both when a balance had been struck between indigenous cultural traditions and modern expectations and when a formal process for handling grievances had been implemented. Finally, in Tesco’s fruit supply chain, the metric of success was the extent to which other farms saw the advantage of adopting similar grievance mechanisms and, further, whether other farms actually adopted such mechanisms. The reviewers saw that other farms fully replicated the mechanism. The reviewers tested each of the effectiveness criteria in a similar manner—through surveying worker populations, businesses, and external stakeholders such as nearby farms, mines, or factories using questionnaires and, when possible, in-person meetings.

⁹ Daniel Blackburn (2017). “Removing Barriers to Justice: How a treaty on business and human rights could improve access to remedy for victims.” SOMO. <https://www.somo.nl/wp-content/uploads/2017/08/Removing-barriers-web.pdf>

¹⁰ Caroline Rees (2011). “Piloting Principles for Effective Company-Stakeholder Grievance Mechanisms: A Report of Lessons Learned” Harvard Kennedy School, https://sites.hks.harvard.edu/m-rcbg/CSRI/publications/report_46_GM_pilots.pdf

¹¹ Harvard University (2008). “Rights-Compatible Grievance Mechanisms: A guidance tool for companies and their stakeholders.” https://sites.hks.harvard.edu/m-rcbg/CSRI/publications/Workingpaper_41_Rights-Compatible%20Grievance%20Mechanisms_May2008FNL.pdf

As a result of the pilot programs, an additional principle was added: continuous learning, which focused on identifying lessons for improving the mechanism and preventing future grievances and harms. This was added because it became clear to the reviewers that as certain projects developed, shifting for example from construction phase to operational phase, the number of reports to the mechanism decreased as new workers came in or the needs of workers changed. In order to ensure the mechanism was a source of continuous learning, factory managers asked departing employees to share ideas for how the factory might improve and had monthly lunch meetings with both existing and outgoing employees.

The pilots identified crucial steps companies should take in order to ensure their grievance mechanisms are effective: education of senior management and relevant internal departments, allocation of resources for administration of grievance mechanisms proportionate to the range and complexity of stakeholder relationships involved, and publicizing information about the mechanism to workers. Amader Kotha, for example, gives workers a contact card to put in their lanyards with their factory identification cards, puts up posters in factories, and conducts on-site trainings. Issara uses a combination of smartphone applications and social media to create a network effect of awareness among workers and shares data with managers and other stakeholders. In doing so, they ensure that workers are aware of the mechanisms available to them and that key agents of change are aware of the issues the mechanisms bring to light.

NGOs operate and oversee grievance mechanisms. Both of our case studies and all of our interviewees' organizations were involved in some capacity of grievance mechanisms, whether in design, operation, or oversight.

The International Council of Toy Industries (ICTI) CARE program, for example, operates a grievance mechanism in over 900 factories in China by partnering with local Chinese NGOs. Providing critical third-party oversight, local NGOs in China such as China Labor Watch (CLW) monitor the efficacy of ICTI CARE's grievance mechanisms through independent physical investigations of factories, publishing summaries of human rights violations they encounter during their investigations.¹²

Though independent NGOs like CLW are not privy to the contents of grievances reported through the ICTI CARE helpline, their assessments of human rights violations at factories they employ the helpline are a testament to the grievance mechanism's effectiveness—and the reality of whether remedy is provided. Continuing the feedback loop, ICTI CARE visited the factories identified by reports such as CLW's and conducted follow-up investigations, which included meeting with factory management, reviewing payroll and hours documentation, conducting randomized worker interviews, and conducting factory tours, and then developed corrective action plans with factory management.¹³

¹² China Labor Watch (2016). "An Investigation into Four Toy Sweatshops." <http://www.chinalaborwatch.org/report/122>

¹³ ICTI CARE (2016). "ICTI CARE response to China Labor Watch report." http://www.ICTI.CARE.org/uploadfileMgnt/01_2016121623210.pdf

Among our other interviewees, the International Code of Conduct Association (ICoCA) designed a grievance mechanism for the private security industry; Clear Voice designed and operates helplines such as Amader Kotha tailored to meet individual company needs worldwide; the Issara Institute designed and operates grievance mechanisms in Southeast Asia; ICAR sits on the board of the OECD's National Contact Point for the U.S., participating in peer reviews; and Amnesty International, SHIFT, and SOMO monitor grievance mechanisms through international fora and independent investigations—adversarial or collaborative, depending on the company being investigated.

Drawing from our case studies and the experiences of our interviewees, companies and NGOs operating grievance mechanisms should focus on opening multiple communication channels with workers through mobile phones, social media, and other applications; on educating workers about the mechanisms through workshops, on-site posters, and contact cards; and on seeking feedback from workers through following up during the grievance process. Companies contracting NGOs such as Clear Voice and Issara should promote coordinated use of NGO mechanisms over their own internal corporate mechanisms in order to avoid the issue of duplication, discussed below. All parties involved should be aware of the need to involve unions in information-sharing in order to mitigate the risk of company-funded and NGO-operated hotlines undermining the ability of unions to engage in the long term.

When NGOs are overseeing and evaluating grievance mechanisms, they should evaluate them using evaluation instruments such as the Guidance Tool for Rights-Compatible Grievance Mechanisms developed by the Corporate Social Responsibility (CSR) Initiative at Harvard University and in the light of the effectiveness criteria, asking whether the mechanisms are legitimate, accessible, predictable, equitable, rights-compatible, transparent, and based on dialogue and engagement, and sources of continuous learning. Moreover, reviewers should examine the mechanisms in light the six additional criteria for effectiveness mechanisms identified by Miller-Dawkins, McDonald, and Marshall, who showed, through a comprehensive study spanning five (5) years, 587 interviews, and 10 case studies, that a grievance mechanism may fulfill the seven original effectiveness criteria but still fall woefully short of delivering effective remedy. The six additional effectiveness criteria are: leverage for generating behavioral change in businesses and governments, strategic relationship management using skilled staff, approaches to addressing power imbalances, clear processes for gathering and verifying evidence, good resourcing of finances and staff, and local-level management.¹⁴

NGOs act as a bridge between workers and mechanisms, victims and remedy. NGOs should play roles in not only training workers how to use grievance mechanisms but also, where trade unions are not strong, in representing workers in hearings and connecting workers with provisioned remedies. Amader Kotha, for example, works with local NGO and project partner

¹⁴ Miller-Dawkins, May and Macdonald, Kate and Marshall, Shelley D. (2016) "Beyond Effectiveness Criteria: The Possibilities and Limits of Transnational Non-Judicial Redress Mechanisms." Corporate Accountability Research <https://ssrn.com/abstract=2865356>

Phulki to train safety trainers or go into factories and conduct trainings on the use of the helpline.

In China, ICTI CARE requires factories participating in its helpline program to post information about the helpline in public areas and provides workers with a “CARE Card”—a business card with a QR Code and phone number for the helpline on one side and a list of rights under local labor laws and encouragement to contact their local trade union on the other. Calls are handled by an independent Chinese NGO and worker information is kept confidential to protect workers from retaliation, discussed below. Since the helpline’s inception in 2014, the helpline has received about 15,000 calls across approximately 900 factories in China. ICTI CARE reported that workers will even call the helpline listed on the card from factories not covered by its grievance program. Most callers seek advice on concerns relating to payments and entitlements under Chinese law. In these cases, the helpline provides remedy immediately in the form of information, measuring worker satisfaction with the information provided through a short survey of a few questions at the conclusion of the call. In the event that a worker raises a human rights issue, the issue is escalated to ICTI CARE. ICTI CARE staff then conduct an on-site visit to assess the situation and determine the appropriate course of action. When staff identify serious issues such as child labor, ICTI CARE works with the factory management to develop a corrective action plan. Once the remediation plan is complete, ICTI CARE surveys factory management and may conduct an additional on-site visit before determining the issue is resolved. While factory management and ICTI CARE may determine the human rights issue resolved, independent NGOs such as CLW and Students & Scholars Against Corporate Misbehavior (SACOM) provide third-party checks through conducting independent investigations into the factories and publishing lists of human rights issues identified.¹⁵

Where trade unions are not present or inactive, local NGOs may assume the responsibility trade unions would of supporting workers in hearings. In a case study from Fulton, for example, nearly all community members surveyed articulated that a local NGO played an integral role in supporting them in mediations, not only by connecting the community to the mechanism and helping file the complaint, but also by paying attorney’s fees for the duration of the mediation and providing mobile phone credits so that chosen community representatives could communicate with the rest of the community.¹⁶

However, when the NGO was not around during mediations, reported being taken advantage of by the company and feeling vulnerable. This highlights the need for NGOs supporting workers during hearings to remain present and available to workers, or risk exacerbating of power

¹⁵ China Labor Watch (2016). “An Investigation into Four Toy Sweatshops.” <http://www.chinalaborwatch.org/report/122>; SACOM (2011). “ICTI CARE Makes Big Money While Workers Continue to Suffer.” http://sacom.hk/wp-content/uploads/2011/02/20110208_ICTI_CARE-makes-big-money-while-workers-continue-to-suffer.pdf

¹⁶ Taylor Fulton et. al (2015) “What is Remedy for Corporate Human Rights Abuses? Listening to Community Voices: A Field Report” Columbia University <http://accessfacility.org/sites/default/files/Listening%20to%20community%20voices%20on%20effective%20remedy.pdf>

imbalances at the negotiating table due to worker dependency on NGO support. On the other hand, one of our interviewees shared that over-reliance on NGO support can hinder capacity development at the local level by the concerned parties themselves.

When courts are involved, NGOs play roles in helping aggrieved workers access state judicial mechanisms state through financial assistance, legal expertise, coordinating class actions, worker protection, and investigation of claims. In the case of Rajasthan Quarry Mines in India, for example, NGOs helped mine workers suffering from silicosis and asbestosis access compensation granted to them by the High Court of Rajasthan through processing worker claims with the court.¹⁷ In a case brought by Guatemalan workers against Hudbay Minerals in Ontario, Canada, NGOs helped workers to prepare a class action lawsuit, attend court in Canada, and distribute their damages award when their lawsuit was successful.¹⁸ NGOs can learn from these cases to get involved in the process of both bringing workers to court and helping workers to access monetary rewards.

NGOs manage relationships between stakeholders at every level of the grievance process.

Because relationship management is a key element of effective grievance mechanisms, NGOs and civil society organizations should stakeholders to build relationships, gather information, and monitor implementation of mechanisms at the local, national, and international levels.¹⁹

ICAR shared that one of the greatest powers NGOs have in this space is convening—bringing together a range of actors to foster discussion and ensure negotiated settlements or determinations actually have effects.

For example, Amader Kotha works with local NGO Phulki to make sure the grievance mechanism and remedies are tailored to worker needs, and works with project partners Clear Voice and Laborlink to connect with the bands and businesses involved in the local factories. Issara Institute works local NGOs in Southeast Asia to operate its hotlines, works with trade unions to conduct education and address reported issues where trade unions are strong, and interfaces closely with the brands that are its Strategic Partners to implement its end-to-end ILM process throughout their supply chains, providing its big-data analysis to brands and to union representatives to raise awareness of reported issues and drive systems change.

In countries where trade unions operate under a restrictive legal environment, NGOs play crucial roles complementing unions. One of the founders of Amader Kotha suggested that there

¹⁷ Shelley Marshall, Kate Taylor & Samantha Balaton-Chrimes (2016), “Rajasthan Stone Quarries: Promoting Human Rights Due Diligence and Access to Redress in Complex Supply Chains” Corporate Accountability Research www.corporateaccountabilityresearch.net/njm-report-xi-rajasthan

¹⁸ Susana C. Mijares Peña (2014), *Human Rights Violations by Canadian Companies Abroad: Choc v. Hudbay Minerals INC*, Western Journal of Legal Studies 5.1, <http://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1105&context=uwojls>

¹⁹ May Miller-Dawkins, Kate Macdonald & Shelley Marshall (2016) “Beyond Effectiveness Criteria: The Possibilities and Limits of Transnational Non-Judicial Redress Mechanisms” Corporate Accountability Research https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2865356

is an opportunity for unions and helplines to work more closely, where NGOs share data gathered through their helplines with unions, providing insight into worker issues.

Clear Voice and the Issara Institute reported that across the board most of the call traffic their helplines receive originates from workers that feel they do not have effective representation from trade unions. However, they also noted that helplines can play a key role in capacity building for trade unions, benefitting unions by providing visibility into the issues raised through call data. Rather than competing with trade unions, third-party helplines can provide an extra channel of communication with additional information, enabling unions to expand their knowledge of worker issues.

Here, the lesson for NGOs is how to work together with trade unions—by sharing information in order to help the unions represent workers more effectively. NGOs should leverage their relationships by working in close consultation with workers and worker unions where they exist. Companies working with NGOs can leverage the power of NGOs to convene parties at each level. Most importantly, companies and NGOs should ensure that they are working with stakeholders, such as trade unions and local NGOs, at the local level in order to directly serve worker interests.

NGO Views on Key Issues in Grievance Mechanisms and Access to Remedy

Under the International Covenant on Civil and Political Rights, an effective remedy is understood as “the relief needed to repair the harm.”²⁰ In general, our interviewees shared the view that most grievance mechanisms fall short of delivering remedy, both procedurally and substantively, that meets this standard of “relief needed to repair the harm.”

As one interviewee put it:

“The message everyone took from the UNGPs was that everyone needs a mechanism...The message people didn’t focus on relates to the effectiveness of such systems.... I don’t know if it’s 95 percent or 99 percent but most of the grievance mechanisms out there are terrible”.

Interviewees expressed numerous reasons for this shortfall in effectiveness and results. We set-out the key strategic issues raised below:

A proliferation of grievance mechanisms. The grievance landscape is becoming increasingly complicated and difficult to navigate with the proliferation of voluntary commitments, legal responsibilities, and accompanying grievance-handling mechanisms. The overlap of mechanisms is inefficient, costlier to companies in the aggregate, and confusing to workers.

²⁰ The United Nations General Assembly (1966), International Covenant on Civil and Political Rights. Treaty Series, 999, 171.

A recent study from New York University (NYU) identified 279 corporations with information about grievance mechanisms on their websites, 67 of which provided one channel for reporting grievances, 84 of which provided two channels, and 121 of which provided three or more channels.²¹ ACCESS Facility, an NGO focused on resolving conflicts between companies and communities, lists 175 non-judicial grievance mechanisms in its database, operated by both corporations and international institutions such as the African Development Bank. We identified nineteen additional grievance mechanisms operated wholly by NGOs, civil society, and multi-stakeholder initiatives. One of our interviewees, SHIFT, shared a guide published by the International Federation for Human Rights (FIDH) that provides details on intergovernmental mechanisms, state judicial mechanisms, corporate mechanisms, and mechanisms operated by international financial institutions that totals more than 500 pages.²² We identified three more such guides as well as numerous websites in addition to that of ACCESS Facility offering grievance reporting instructions for the various mechanisms.

Our interviewees reported that users have difficulties in navigating the range of possible grievance options, not knowing which are trustworthy or effective. One NGO shared his organisation's strategy in response to this challenge: namely, to bring the same claim through every available mechanism, hoping that one will provide effective recourse. Here, NGOs can work with companies in helping worker union representatives and workers to navigate the international landscape of grievance mechanisms, as well as putting together strategies for bringing grievances in the right mechanisms by mapping the available grievance mechanisms for each claim, providing workers with support, convening stakeholders, and taking international action to bring attention to local issues.

Defining roles. Most of our interviewees expressed some level of frustration with a lack of coordination among NGOs and civil society organizations with overlapping purposes. At times, both NGOs and Trade Unions worked on the same issues without communication and brands might overstep their enforcement roles when issues were escalated to them. For some businesses we interviewed, the intentions of NGOs were not clear or articulated, which made working with them difficult. Others identified issues that arise when workers become reliant on NGOs for conflict-resolution, arguing that the proper emphasis should be on workers building capacity to solve workplace problems internally rather than expecting influence from an external NGO or brand.

Several interviewees identified duplication of grievance mechanisms resulting from a failure to define roles as a main concern.

²¹ Dorotheé Bauman-Pauly & Gildete de Araujo Lima (2017). "Research Brief: No rights without remedies—an assessment of corporate remedy channels." NYU
<https://static1.squarespace.com/static/547df270e4b0ba184dfc490e/t/59f0d09132601e58449223aa/1508954257903/3-NYU-Research-Brief-Oct17.pdf>

²² International Federation for Human Rights (FIDH) (2016). *Corporate Accountability for Human Rights Abuses: a guide for victims and NGOs on recourse mechanisms*.
https://www.fidh.org/IMG/pdf/corporate_accountability_guide_version_web.pdf

As one NGO shared:

“We work with some large factories that employ 10-12,000 people during peak season, with 10-15 customers. If each customer—each brand, e.g. Mattel, Disney, Lego, etc.—has their own grievance mechanism, it creates confusion and distrust among workers.”

The key recommendation for NGOs and businesses here is to define their roles vis-à-vis each other in order to ensure that grievance mechanisms are not duplicated. Many of Issara’s Strategic Partners, for example, have their own corporate grievance mechanisms. However, they leave it to Issara to educate workers on the Issara-operated mechanisms while the corporate mechanisms operate in the background. In Bangladesh, many of the brands contracting the factories where Amader Kotha works have their own grievance mechanisms. However, providing a single point of contact—Amader Kotha—and advertising it through contact cards, posters, and educational workshops, and connecting it with local NGOs such as Phulki helps to gain worker trust. The level of worker trust is reflected in the numbers of calls the mechanism receives and worker willingness to share their names with the mechanism and factories. Learning from these and other aggregated mechanisms like ICTI CARE’s, businesses should design their operational-level grievance mechanism with reference to these third parties. The NYU study referenced above, for example, raised a concern that only six of the 369 corporations it studied referenced third-party institutions for handling grievances. By working together with organizations like Clear Voice and Issara, corporations can implement effective grievance mechanisms in their supply chains while maintaining their own corporate mechanisms operating in the background. One of our interviewees suggested that more pre-competitive coordination, standard harmonization, and grievance mechanism cross-recognition can potentially fix the issues posed by duplication. Another suggested that in order to resolve the issue of worker reliance on NGO-mediated conflict resolution, we need to focus on promoting clear and open communication, creating team-building opportunities, constructively managing any conflict, and encouraging collaborative problem-solving.

Need for greater transparency, dialogue, and information. A central issue our interviewees identified was access to information. NGOs often seek more information about supply chains, suppliers, corporate structures, and business practices than companies are willing to give.

Amnesty International, for example, shared that the information it needs during its investigations of grievance reports is often held by disparate entities, such as recruiters or government agencies, reluctant to share the information. SHIFT pointed to a lack of knowledge on the part of those affected, or those who might use grievance mechanisms, in understanding their rights and entitlements in the workplace. Other interviewees discussed how businesses often have vague and ambiguous grievance management strategies that are not known to workers. When workers are aware of the mechanisms, they often question their legitimacy because they believe claims are not likely to be taken seriously or conducted in a timely manner. Our interviewees commented that any lack of information sharing between businesses and NGOs perpetuates barriers to bringing grievance.

Here, the key role of NGOs is in encouraging transparency, sharing information with workers and the public, and—when the NGOs operate grievance mechanisms—responding to critical input with follow-up investigations. For example, ACCESS, Amnesty International, CLW, SOCOM, and SOMO publish the results of their investigations into grievance mechanisms and purported remedies.²³ After SOCOM and CLW published reports on human rights violations, ICTI CARE investigated the factories they identified issues and published follow-up reports describing changes. Issara shares the data it gathers through its grievance mechanisms with brands, trade unions, suppliers, and recruiters who are then empowered to use it to effect systems change. Finally, Amader Kotha shares a host of data from its helpline in its quarterly reports, available free to the public.

Fear of retaliation and gaining worker trust. Fear of retaliation can undercut the utilization of any grievance mechanism. Without whistleblower protections and assurance of anonymity, a grievance mechanism is unlikely to be trusted by workers.

As one of our interviewees who operated multiple grievance mechanisms around the world shared, companies instill fear or retaliation in workers in subtle ways: coaching sessions before audits or site visits from a brand customer to a factory or farm, follow-up from management when grievances are reported, and shoring up power imbalances between workers and managers through close collaboration between managers and brand representatives.

In order to mitigate fear of retaliation, NGOs and civil society organizations need to gain worker trust in their capacity to listen, help, and drive effective change. Gaining worker trust happens in several ways: through partnering with local organizations, getting buy-in from managers and owners into the grievance mechanism without exacerbating power imbalances, and, crucially, through technology—giving the assurances of anonymity, independence, and near-instant feedback by making grievance mechanisms available directly, e.g. through workers’ mobile phones. Issara, for example, evaluated its mechanisms by polling workers—and enables workers to poll each other—to obtain feedback on issues, remedies, employers, and recruiters through its smartphone application Golden Dreams. It also gets feedback from workers through social media applications Facebook, Viber, and Line. In China, ICTI CARE uses popular messaging application WeChat to communicate with workers directly. In Bangladesh, Amader Kotha surveys workers with a short series of questions based on IVR technology at the conclusion of every call and through follow-up calls to measure worker satisfaction with remedies provided, only considering a case closed when the worker is satisfied with the outcome. It gauges worker satisfaction with its whistleblower protections by asking workers their willingness to share their names with both the helpline and with factory management.

²³ Hendrik Kotze (2014). “Farmworker Grievances in the Western Cape, South Africa.” ACCESS. <http://accessfacility.org/sites/default/files/Farmworker%20Grievances%20Western%20Cape%20South%20Africa.pdf>

Both of the mechanisms in our case studies, Issara and Amader Kotha, leverage mobile technology to open lines of direct and anonymous communication and partners with local NGOs, which gains worker trust in the mechanisms. The mechanisms their success according to increasing usage rates, worker satisfaction according to polls, and the use of the mechanism by workers outside of the factories or farms where the grievance mechanisms focus their educational efforts—ICTI CARE, for another example, shared that workers would call its helpline from factories outside its scope.

Concluding Discussion

Our research unearthed NGO views on many issues and highlighted civil society leadership at multiple levels of the system of grievance mechanisms and access to remedy in global supply chains.

NGOs play leadership roles in four key areas: in setting international standards and agreements, in operating and overseeing grievance mechanisms, in connecting workers with remedy, and in managing relationships between stakeholders at each level.

First, NGOs and civil society organizations can successfully collaborate in setting international standards and agreements and passing new legislation upon which grievances can be brought and remedies provisioned. This can be done in several ways: drawing on the convening power ICAR emphasized in order to gather stakeholders for roundtable discussions, setting hooks at the international level to drive national reform; testing grievance mechanisms in practice like The Cahn Group did for the draft Guiding Principles, and providing feedback on new principles for effectiveness against which grievance mechanisms can be evaluated; and, lobbying for law reform at the national and international levels like Amnesty International, ICAR and SOMO.

Second, NGOs and civil society organizations can successfully help in the design, operation, and oversight of grievance mechanisms. In doing so they should involve both corporations and workers. Issara, for example, involved migrant workers from Myanmar in the development of its smartphone application Golden Dreams and shares data gathered through the application with its Strategic Partners, suppliers, and recruiters in order to empower them to drive effective systems change in the areas that need it most. NGOs and businesses should leverage mobile technology to empower worker voices, open direct channels of communication, and gather worker feedback to measure their effectiveness. When evaluating the effectiveness of their mechanisms, they should look not only to the effectiveness criteria in the Guiding Principles, but also the additional effectiveness criteria identified through follow-up studies, measuring their successes with worker surveys using mobile technology and in-person meetings and then adjusting their practice accordingly. In some cases, NGOs should perform additional third-party investigations through on-site visits, publishing reports from their investigations so that the companies operating mechanisms can use to improve their practice.

Third, NGOs and civil society organizations can successfully help workers to access remedy. Whether through filing disputes with multiple mechanisms and with courts, through supporting

workers in mediations and litigation, or through investigating, like Amnesty International, grievances and disbursement of monetary rewards. Here, NGOs provide a bridge between the multiple parties involved at every level, especially between workers and remedies such as unconditional case transfers or targeted systems change based on data analysis.

Fourth, NGOs can successfully leverage their power to manage relationships across the various levels of the global system of grievance mechanisms and remedy. Where trade unions are strong, NGOs should share issue data gathered from hotline reports with unions to empower them to address the issues among their workers and drive targeted change. Where trade unions are not as strong, by working with local partners like Phulki NGOs can establish close relationships with workers and empower worker voices. By engaging key stakeholders such as recruiters and Strategic Partners like Issara does with its end-to-end ILM process and data-sharing, NGOs can drive change at key points in the labor system.

Beyond identifying the successful leadership roles of NGOs, our research highlighted key issues in the system of grievance mechanisms and access to remedy and examples of methods for the resolution of these issues.

Proliferation and duplicity of mechanisms. Two recommendations came to light to address this issue: first, mapping the available mechanisms and developing strategies for bringing grievances in the correct mechanism—or, in some cases, multiple mechanisms. Second, when businesses contract NGOs to operate grievance mechanisms, they should work together with the NGOs to define roles at the outset. One of our interviewees recommended letting the the NGO-operated mechanism take center stage for workers in order to avoid duplication of mechanisms—though does not negate the responsibility of businesses to take ownership of ensuring their workers have access to remedy. Another of our interviewees suggested that more pre-competitive coordination, standard harmonization, and grievance mechanism cross-recognition could be a good fix, alleviating some of the inefficiencies and cost-burdens for businesses—and confusion for workers—of overlapping mechanisms. For another, the solution lay in capacity building among workers to solve problems themselves instead of relying on external NGOs or brands.

Greater transparency and dialogue. Companies should demand information in digestible formats, such as Amader Kotha’s newsletter, and emulate Issara in sharing grievance data with key stakeholders, such as trade unions, suppliers, and recruiters in order to drive systems change. As one of our interviewees shared, a grievance mechanism is often the final quality control on the conduct of fair and productive labor organizations. Data from such mechanisms should be made public so companies can gauge and benchmark their progress.

Fear of retaliation and gaining worker trust. Companies and NGOs should work closely with local project partners, following the examples of Amader Kotha and Issara. Consulting and involving workers in the development of grievance mechanisms through paper questionnaires, mobile phone-based surveys, and in-person interviews encourages workers to take ownership of the mechanisms and opens up multiple channels of communication. Then, when a helpline

escalates an issue to a brand the brand can leverage not only its commercial relationship with its supplier but also its relationship with workers in order to ensure the worker receives the relief needed to repair the harm.

While our research highlights particular issues, roles, and examples to draw from, it is limited in both time and scope. There are two areas, in particular, for further exploration:

First, it is important to explore the role of NGOs and businesses in the context in which human rights abuses occur. Though each situation will be unique, common elements might include: the role of contractual relationships, purchasing practices, national, local, and workplace culture. If human rights abuses are the outcome, then what systemic features and dynamics cause these outcomes, or allow them to occur? Of these systemic failures, what is within our power to influence?

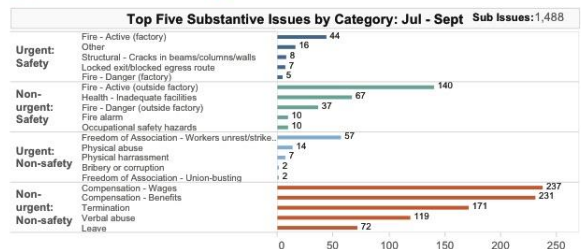
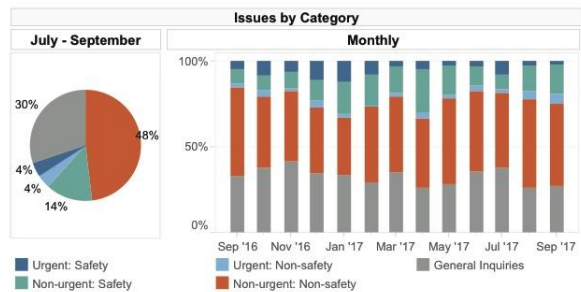
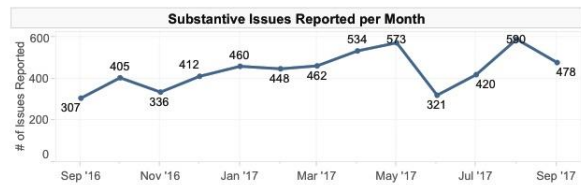
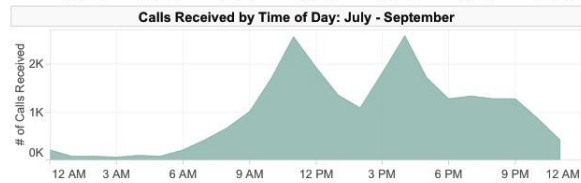
Going beyond looking at a single mechanism, businesses and their NGO partners should explore their roles within the broader system through which human rights abuses are identified, investigated and remediated. This includes operational-level mechanisms, but also site-level mechanisms; national judicial mechanisms; national contact points; national human rights institutions; ombudspersons; worker knowledge of their rights and entitlements in the workplace; worker committees; trade unions; and the culture and political economy of worker-management collaboration. These are just a few examples of elements of a system that interact to produce a particular set of outcomes. Changing these outcomes in lasting ways, with better worker-management communication and negotiation or towards improved remediation, requires that we understand the system and find ways of practically nudging it in the desired direction. Lasting improvements to the system of grievance mechanisms and access to remedy for workers in global supply chains will continue to require broad engagement between businesses, states, trade unions, civil society, and NGOs.

Annex I: Sample Page from Amader Kotha Newsletter

THIRD QUARTER 2017 FINDINGS

KEY FINDINGS INCLUDE:

- 24,180 calls were placed to Amader Kotha this quarter from July through September, for a total of 168,892 calls received to date.
- The peak call times this quarter were around 11am and 4pm, consistent with previous quarters and reflecting test call volume due to Helpline (refresher) trainings.
- 375 safety issues were reported to Amader Kotha this quarter, of which 85 were urgent and 290 were non-urgent. Among safety issues reported by workers, those most frequently mentioned were fires and fire dangers (both inside and outside of factories) and inadequate facilities.
- General inquiries comprised 30% of issues this quarter, disregarding missed or test calls. The majority of these inquiries pertained to Helpline support capabilities and labor laws.
- 1,488 substantive issues were shared with the Helpline from workers at Alliance factories this quarter. The most commonly reported issues were related to compensation, termination, and fires outside of factories.



Annex II: Slides from Amader Kotha Training Materials

<p>Using Amader Kotha</p> <p>Examples of when to use Amader Kotha:</p> <ul style="list-style-type: none"> • Crack in building • Structural shift • Vibration • Fire safety • Locked gate during work hours • Smoking inside factory • Generator/boiler not located properly • Electrical safety • Uninsulated wires • Sparks • Other fire related dangers • Any other issue of concern 	<p>Using Amader Kotha</p> <p>After worker calls:</p> <ul style="list-style-type: none"> • Urgent issues communicated to factory immediately; management responds as soon as possible (typically within 30 minutes) • Non-urgent issues communicated to factory within 24 hours; worker notified of factory response • Alliance and brand informed after factory has opportunity to verify and address concern(s) <p>Amader Kotha will protect worker identify, if requested</p>
<p>Using Amader Kotha</p>  <p>Amader Kotha is available 24 hours a day, 7 days a week.</p> <p>Posters, stickers and note cards made available to provide the information workers need to contact Amader Kotha</p>	<p>How to communicate with helpline?</p>  <p>Call us Toll Free: 08006666666</p> <p>Safe working environment is our goal</p>
 <p>Safe working environment is our goal</p> <p>To identify hazard, create awareness and ensure safety</p> <p>Call us Toll Free: 08006666666</p>	<p>Training Process in Factory</p>  <p>In a factory of 1000 workers, 5 Lead Trainers are selected and work with 20 Peer Trainers. Each Peer Trainer is responsible for training 50 workers.</p>
<p>Training Session Details</p> <p>Where? Factory training room/dining room</p> <p>When? At a convenient time for your factory</p> <p>Who is responsible? Factory-appointed representative for Amader Kotha</p> <p>How long will it take and how many workers will join each training? Each training session will be 20 minutes in duration and include 25 workers</p>	<p>[blank]</p>

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