

# Annex 4: How to Set Up a Grievance Mechanism

This annex of the [amfori BSCI System Manual](#) provides guidance to amfori BSCI participants and their business partners on how to set up an effective grievance mechanism.

Additionally, it provides guidelines for auditors, as a complement to [Part III of the System Manual](#), [The amfori BSCI auditing implementation guidelines](#).

## PRINCIPLES THAT A GRIEVANCE MECHANISM SHOULD INCLUDE

The principles that a grievance mechanism should incorporate are described in the table below. Understanding and respecting these principles will help business enterprises to:

- Develop and maintain an effective grievance mechanism
- Handle grievances in a mature and effective manner

Principle	Elements to Include
Legitimacy	<p><i>All the parties involved should recognise the grievance mechanism as legitimate. Particularly, workers should feel that they are able to raise their grievances without fear of victimisation or negative consequences. Key elements that make a grievance mechanism legitimate include:</i></p> <ul style="list-style-type: none"> <li>• <b>Consultation:</b> Before a grievance mechanism is set up (or a procedure is revised), there should be consultation on the draft mechanism between management, workers, and workers’ representatives.</li> <li>• <b>Management briefings:</b> Once it is implemented, all managers, supervisors, and workers need to be fully briefed so everybody is made aware of the procedure, roles, and responsibilities.</li> <li>• <b>Training:</b> Training should be given to managers, supervisors, and workers and their representatives, particularly those that will have a more active role in investigation, facilitation, and decision-making.</li> <li>• <b>Consistent procedure:</b> Sticking to the agreed upon procedure ensures the legitimacy of the process and the outcomes. Exceptions should be avoided.</li> </ul>

<p style="text-align: center;"><b>Accessibility</b></p>	<p><i>Internal and external stakeholders should know that the mechanism exists and how to use it. Key elements that make a grievance mechanism accessible include:</i></p> <ul style="list-style-type: none"> <li>• <b>Visibility:</b> Copies of the mechanism’s procedure should be displayed on all notice boards that are seen by workers, as well as in workshops, changing rooms, and other areas where workers gather. To reach external stakeholders, including the information on a business enterprise’s website is a good practice.</li> <li>• <b>Availability (hard copy):</b> When it is set up, workers should be given a ‘hard copy’ of the mechanism procedure as well as the necessary forms.</li> <li>• <b>New hire orientation:</b> When new workers are hired, ensure an information session is conducted to explain how the mechanism works. This information is particularly important when hiring young workers, seasonal workers, and/or migrant workers.</li> <li>• <b>Information sessions:</b> The content of these information sessions should at least include the following: what a grievance is, how to raise one, where to get the necessary forms, where to hand in forms, and where to go for information on the mechanism.</li> <li>• <b>Translations:</b> Translation into different languages or the use of visuals may be needed to guarantee accessibility.</li> </ul>
<p style="text-align: center;"><b>Transparency</b></p>	<p><i>Internal and external stakeholders should be able to see that the mechanism is working. Key elements that make a grievance mechanism transparent include:</i></p> <ul style="list-style-type: none"> <li>• <b>Confidentiality:</b> Transparency does not mean disclosure of names and practical details about the grievance. Keeping personal and other crucial details confidential is a must to protect the grievant and other stakeholders.</li> <li>• <b>Publication:</b> The following information can be published (without revealing sensitive details): the date of the complaint, the description of the complaint (in general terms), the investigation and conciliation measures taken, the final resolution, and the date of the resolution.</li> </ul>

Dialogue	<p><i>The mechanism should aim at getting people to talk to each other so that they can agree on the nature of the problem and solutions that are acceptable to all parties concerned. Key elements that make a grievance mechanism dialogue-driven include:</i></p> <ul style="list-style-type: none"> <li>• <b>Understanding cultural differences:</b> Every culture has a different understanding of the key elements of a grievance. For example, there are different ways of understanding what an offence is, what dialogue means, and what satisfactory remedy means. These culture differences can only be assessed and handled with respectful engagement and listening.</li> <li>• <b>Training on conciliation:</b> At least the person in charge of receiving the grievances should be trained in conflict management in the workplace, conciliation, and mediation.</li> <li>• <b>External support:</b> Seek external support from consultants or stakeholders who specialise in conflict resolution as well as the topic of concern.</li> </ul>
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## BASIC CONTENT

A grievance can be defined as any concern, unhappiness, or discontent that a worker might have in the workplace.

Grievances can be related to:

- **Infrastructure:** For example, the working room does not have sufficient lighting or ventilation, or the space assigned to the worker is not sufficient to safely conduct the work.
- **Personal relations:** For example, a supervisor has used physical or verbal harassment, or there is a conflict between co-workers.
- **Contractual rights:** For example, payment is systematically delayed, there are illegal deductions, or overtime is not paid at the premium rate or is paid in a lower amount than initially agreed.
- **Human and labour rights:** For example, a worker has suffered discrimination based on gender, religion, or place of origin; a worker has been punished because of attending a trade union meeting; or the water available during working time is not drinkable.
- **Customary rights:** For example, requested time to pray or to participate in community activities has not been allowed.

Workers' grievances may also be related to issues other than what is described above in the five categories. In such cases, workers may still lodge the grievance internally while seeking outside assistance. A workers' representative can be a good source of information.

## BASIC GRIEVANCE MECHANISM PROCEDURE

The effectiveness of the grievance mechanism is part of the amfori BSCI audit scope. At a minimum, the grievance mechanism procedure should ensure that workers have:

- **Access to supervisor:** The possibility to hold an open and constructive meeting about a grievance with their immediate supervisor or manager can prevent escalation of the problem.

- **The right to appeal:** An escalation channel to a more senior manager to challenge a decision made by their supervisor or manager can add impartiality.
- **Access to support:** Workers should have the right to be accompanied by a fellow worker of her/his own choice, or by a union representative (for unionised facilities), when attending a meeting to discuss a grievance. Access to support can make workers more comfortable with the process.

The questions below can help to assess the soundness of the grievance mechanism procedure:

**Who can lodge a grievance?** A good grievance mechanism procedure must ensure that **all workers** regardless of their roles or seniority can lodge a grievance. Additional channels for external grievances should be created.

**How is a grievance lodged?** A good grievance mechanism procedure must describe the preferred mechanism for filing a grievance and specify if a specific grievance form is needed (see example below).

Usually, the first stage is to make a verbal complaint to someone (e.g. verbal complaint to the direct supervisor). The escalation of the complaint to a higher level of management (or the person in charge of the grievance mechanism) occurs most often through a grievance form (see below). Although both verbal and written systems may work, for the sake of transparency, business enterprises are encouraged to have workers use a written grievance form.

The grievance mechanism procedure should keep track of the nature of the grievance, the nature of the investigation, and remediation steps.

Workers may seek the support of a fellow worker, or the workers' representative, to raise the concern on their behalf. This is another legitimate way of raising a grievance that can ensure it is not rejected or ignored by the manager or person in charge of the grievance mechanism.

**Who collects the grievance forms?** In general, it is recommended that the worker should lodge the grievance with her/his immediate supervisor or manager.

If the grievance is raised about her/his own supervisor or manager, the grievance will need to be addressed to the person in charge of the grievance mechanism.

It is also recommended that business enterprises appoint somebody well trained to deal with grievances and that workers are aware of who that person is. If not, workers' grievances should be processed through the business enterprise's existing management structure.

Appointing a person to deal with grievances enforces:

- **Transparency and predictability:** Everyone in the business enterprise knows from the beginning who is supposed to learn about a grievance first.
- **Efficiency:** The grievance does not get lost throughout the different departments in the business enterprise, and it can be addressed immediately.

## STEPS FOR HANDLING GRIEVANCES FROM WORKERS

### Step 1: Acknowledge Grievance

The supervisor or person in charge of the grievance mechanism should acknowledge receipt of the grievance form in writing with a simple statement.

**Simple statement:** A simple statement is all that is necessary at this point. Include the date of receipt and commit to the timing for follow up. For example:

“Grievance number 3/2018 was received on 13/03/2018. The worker will be contacted within 10 days to proceed to the next steps.” The statement should be signed.

**Timeframe:** The grievance mechanism procedure should aim at solving grievances as quickly and effectively as possible. However, the timeframes should be realistic and not create false expectations, as resolution may vary depending on the complexity of the grievances.

### Step 2: Analysis

The supervisor or the person in charge of the grievance mechanism should:

- Analyse the issue
- Try to identify the root cause(s) of the problem
- Identify the potential solutions
- Assess the cost and feasibility of potential solutions
- Make the necessary arrangements to resolve the problem (or remediate)

This analytical approach:

- Identifies the most feasible solutions
- Identifies the most appropriate solution for the specific type of grievance

For example, a grievance against the conditions of the workplace infrastructure will require a different approach and timeline for finding the solution than a grievance related to personal relations with a supervisor or co-worker.

Producers can use the table below to help to analyse a grievance:

Grievance Category	Questions to answer			
	Do I know the potential root cause?	Is the potential solution feasible?	Do I have the leverage?	What is the cost of the correction? The cost of the remediation?
	Do I need more information? Who should I contact to get it?	By when?	Who can help me?	Is it affordable? What are the alternatives?
Infrastructure related				
Personal matter				
Contract related				
Human and labour rights				
Customary rights				

### Step 3: Mediation

Once the analysis of the grievance is completed, the supervisor or person in charge of resolving the grievance should call the worker for a meeting. The invitation for a meeting can be extended orally or

in writing. The advantage of a written invitation is the documented proof. However, depending on the context of the complaint or the business enterprise's procedures, a written form may not be an option.

Regardless of whether the invitation to the worker is written or oral, it should communicate:

- The day of the meeting
- The place
- Who else will be present (if applicable)

The worker should also be informed of her/his right to come to the meeting with a fellow worker of her/his free choice or the workers' representative. He/she may also choose to invite somebody from outside the business enterprise, such as a trusted community stakeholder.

During the meeting, the person in charge will provide the background (see steps 1 and 2) and present the reasoning behind the analysis. The worker should be given the chance to contribute at every step with explanations, and he/she should provide feedback on whether the analytical process has been consistent and accurate.

Eventually, the person in charge will present the potential solution and he/she will seek the worker's reaction and approval. Minutes should be taken at this meeting.

#### **Step 4: Closing and Publication**

Ideally, during the mediation meeting, an agreement is reached on the corrective or remediation measures to be taken, as well as the timeframe for the implementation of these measures. After the meeting, the solution for the grievance should be posted on the notice boards to inform workers, with full respect of the involved parties' privacy.

Publication of the solution, respect for the procedure's timeframe, and implementation of the corrective measures in due course are crucial for maintaining the credibility of the grievance mechanism among the workers.

#### **Step 5: Appeal**

Disagreement on the analysis and proposed corrective actions, as well as any delay in the implementation of agreed upon corrective measures, are grounds for appeal. In addition, the worker may raise an additional complaint if the worker believes he/she has been victimised or harassed in the way that his/her grievance has been addressed.

The management should investigate the worker's complaint immediately. Misuse of the grievance mechanism to victimise or harass workers should be disciplined (including dismissal of the supervisor or manager), as this behaviour compromises the integrity of the mechanism. The worker may seek other channels of appeal outside the business enterprise. What is possible depends on the national laws and the different arbitration processes and platforms available in the region to address workers' complaints.

Finally, the relevant labour laws may define legal dispute mechanisms.

## **USE OF A GRIEVANCE FORM**

Grievance forms should not be complicated documents, but they should:

- Allow the workers to describe the actual grievance
- Allow the business enterprise to track the investigation, conciliation, and remediation steps, when applicable
- Be available to all workers at the production site

Copies of the forms should be left in places where workers can access them easily and privately (e.g. changing rooms, the workshops, and other places where workers spend a lot of time). An identification number may be assigned to the grievance (e.g. number / year). This practice will facilitate tracking both the investigation process and the communication process without actually revealing the identity of the worker or the nature of the complaint.

The grievance form may also contain a list of possible grievance examples to help workers describe the issue. Below is a sample grievance form:

Grievance number: n/yyyy					
<b>Submitted by:</b>					
		<b>First name</b>	<b>Last name</b>	<b>Job title</b>	<b>Date</b>
	<b>CATEGORIES</b>	<b>Description (please be as specific as possible):</b>			
<input type="checkbox"/>	<b>Infrastructure</b>				
<input type="checkbox"/>	<b>Personal Relations</b>				
<input type="checkbox"/>	<b>Contractual Rights</b>				
<input type="checkbox"/>	<b>Human Rights</b>				
<input type="checkbox"/>	<b>Labour Rights</b>				
<input type="checkbox"/>	<b>Customary Rights</b>				
For administrative use only:					
<b>Received by:</b>					
		<b>First name</b>	<b>Last name</b>	<b>Job title</b>	
		<b>Date</b>		<b>Signature</b>	
		<b>grievance received</b>			

## COMPLAINTS FROM LOCAL COMMUNITY

Business enterprises may have a procedure to receive grievances from the local community. The steps described above for grievances from workers, as well as the grievance form, may be valid (or require

small changes) to address grievances from local communities. Business enterprises should ensure that local community members are aware of their rights and the related channels to lodge grievances.