Principle 10: Grievance Mechanisms and Access to Remedy are Readily Available

Workers have, and are aware of, the means to report grievances or any activity that is inconsistent with these Principles without fear of retaliation, retribution or dismissal, and to have them addressed in a prompt, fair, and consistent manner.

Introduction

Applying the Building Responsibly principles in practice will be unique in every instance. This guidance note offers discussion around the potential issues and challenges faced and offers suggested good practice options for the implementation of each principle in the Key Components for Consideration section.

Having an effective process in place which seeks out concerns and issues, in a fair and independent way, helps to foster trust and accountability across a company. Healthy companies are those that actively seek out problems and encourage all stakeholders to call out practice(s) that may be perceived as unsafe, unfair or punitive. Ensuring that these mechanisms are accessible and creating a safe environment for vulnerable worker groups are imperative in identifying issues and resolving them quickly. Establishing an effective reporting process that enables workers to report issues safely, anonymously, and without fear of retaliation can help to avoid social disruption, work stoppages, workforce turnover, and other adverse outcomes for all stakeholders.

Grievance Mechanism: Example of Effectiveness Criteria

- **Legitimate**: Enabling trust from the stakeholder groups for whose use they are intended, and accountable for fair conduct.
- **Accessible**: Being known to all stakeholder groups for whose use they are intended and providing adequate assistance for those who may face particular barriers to access.
- **Predictable**: Providing a clear, known procedure with indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.
- **Equitable**: Seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise to engage on fair, informed and respectful terms.
- **Transparent**: Keeping parties to a grievance informed about its progress and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness.

UN Guiding Principle on Business and Human Rights

Key Terms and Definitions

- **Grievance**: An allegation, issue, or problem that a worker raises in relation to his or her experience at work. A grievance may relate to working conditions, living conditions, employment practices, unfair treatment, or other job-related concerns.
Grievance Mechanism: A process through which a grievance can be raised (including anonymously), assessed, investigated, and responded to, without retribution.

Remedy: Effectively address and provide resolution to worker concerns.

Resolution: The actions taken to rectify or appropriately address a grievance. Resolution may include remedy in the case of adverse impacts, or other actions that address the concern raised, such as clarifying or reviewing procedures with the worker.

Key Challenges

Trust, Accessibility, and Adoption
Fostering awareness and trust among workers to use grievance mechanisms can be difficult. If there is mistrust in the process, workers are less likely to report an issue and may seek to ensure anonymity of their complaints through outside channels, with the potential to inhibit a full investigation and ultimate resolution. Language and cultural differences, as well as negative perceptions or stigma around expressing concerns, add further challenges. Income dependence can also affect workers' tolerance for adverse situations.

Clear Communication of Grievance Mechanisms
In some cases, there may be a variety of means to report workplace- or project-related issues, such as health and safety incident reporting, employee suggestion boxes, ethics hotlines, and community or third-party grievance mechanisms. As a result, communication on what to report and where may not be fully understood by the worker.

Customization and Local Context
A “one-size-fits-all” approach, to consistently roll out grievance mechanisms on every project and contract type, may not be possible. Flexibility and customization may be required to maintain an effective process. Site considerations may include:

- Appropriate channels for workers to access the grievance mechanism
- Accessibility for contracted and third-party workers
- Project-specific issues, such as multiple work sites or company-provided accommodations

In some contexts, companies may find it challenging to adopt traditional ways or local systems of managing grievances, which in turn may affect their ability to influence the outcome and speedy resolution. Additionally, cultural differences may result in contradictory interpretations of the fairness of the process, the actual grievance raised, and the effects, ultimately making the resolution process more difficult.

Subcontracting
A challenge for many large prime contractors in relation to indirect labor and contractual agreements is the level of influence or control the company has over any grievance mechanisms. This may pose several challenges, such as gaining agreement on the process components (e.g., identification, investigation, and resolution) and agreeing to one grievance mechanism rather than several different programs on one project.
Key Components for Consideration

☑ Companies should put in place grievance mechanisms that enable workers to raise issues, on any topics such as travel and living conditions, health and safety, wages and benefits, or discrimination and harassment, with the guarantee of confidentiality and the option to remain anonymous.

☑ Companies should ensure that grievance mechanisms are accessible to all direct and indirect workers and other stakeholders in languages and formats that promote inclusivity.

☑ Companies should ensure clear, effective communication of the grievance process to all workers in a language and format they understand. This should include communication around access, guidance on process, and explanation of the governance procedures (including escalation or appeal).

☑ Companies should ensure a clear and independent process is in place to manage and investigate grievances, while ensuring the person(s) raising any concern is treated fairly, kept informed, and protected from retaliation.

☑ Companies should provide sufficient resources and relevant training and competencies to address and manage all grievances with a view to resolution.

☑ Companies should address issues and concerns promptly and provide responses or updates (even before the final response is ready) in a timely manner to the worker(s) raising the grievance.

☑ Companies should allow for the confidential and anonymous submission of concerns via multiple channels that do not require a physical appearance (e.g., hotlines, online forms, written submittals in unmanned boxes).

☑ Companies should document all grievances and resolutions, and should publicly post, if appropriate, responses to anonymous issues/concerns.

☑ Companies should assess grievance mechanisms periodically to share lessons learned and good practices and to promote continuous improvement. This should include input from those using the grievance process. Where possible, metrics should be used to measure process performance.

☑ Companies should require subcontractors to establish adequate channels/mechanisms for complaints and concerns.

Tools and Resources

» UN Guiding Principles on Business and Human Rights, Principle 31
» International Finance Corporation, Performance Standard on Labor and Working Conditions, Principle 20
» Investor Primer on Grievance Mechanisms, CERES and Engage the Chain
» IPIECA, Worker grievance mechanisms: Guidance document for the oil & gas industry
» Verité HELP WANTED Toolkit, Establishing Effective Grievance Mechanisms, Tool 2 Evaluating the Effectiveness of Grievance Mechanisms
» Somo, What are grievance mechanisms?
» Shift, Remediation, Grievance Mechanisms and the Corporate Responsibility to Respect Human Rights

About Building Responsibly

Building Responsibly is a group of leading engineering and construction companies working together to raise the bar in promoting the rights and welfare of workers across the industry. We have come together to foster and ensure a better working environment for workers in the engineering and construction sector. Doing so will allow us to more effectively respond to client, stakeholder, and regulatory expectations and manage a healthier, more productive workforce.

For more information and resources to support implementation of these Principles, visit www.building-responsibly.org.

September 2019