Employee Complaint Management
Introduction

Objectives

Definitions

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Common Grievances
What is a Grievance Mechanism?

Why Do I Need a Grievance Mechanism?
UNGPs and the Third Pillar – Remedy
Benefits to Facilities
Benefits to Workers
Common Issues

What Makes an Effective Grievance Mechanism?

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Measuring the effectiveness of a grievance mechanism/complaint system
Details of the 8 principles of an effective grievance mechanism
Thank you for your responses to the Human Rights Workstream questionnaire earlier this year regarding types of Grievance Mechanisms used by your company. From the submissions, a majority of companies rely on a complaint hotline at the corporate level, providing a, usually, third party managed number to employees. Employees can call and register complaints which are then routed via various methods to the appropriate contacts within the company depending on topic and severity. Most plant and production facilities have access to a general complaint hotline as well, either the corporate number, or a region/country specific number provided by the company. Beyond that, plants seem to be responsible for maintaining a complaint resolution system that works for their facility. A combination of an open door policy that allows employees to make direct complaints, a complaint box, or written submission to Human Resources appear to be the most widely used methods.

The degree to which complaint mechanisms are communicated to employees within the facility seems to be plant specific with some being more thorough and providing posters and orientation training information and others being less engaged by informing employees that there is a method to lodge complaints or issues but not reinforcing its use or communicating the process actively and often. Reasons for this can be varying priorities of the plant management team, lack of knowledge of how to establish and run a truly effective and fair grievance mechanism process, or the assumption that what they have in place meets company requirements.

At the corporate level many companies are not engaging in systematic review of their facilities' processes to ensure compliance with UNGP standards. While most plants favor the informal method of complaint resolution it is important that we encourage our companies to be aware of the potential issues involved with this such as lack of anonymity, potential misuse, lack of transparency, lack of tracking to achieve continuous improvement, and the potential that some of the most vulnerable employees with concerns or issues are unable to utilize this method. Open and direct communication between management and employees is always best but employees must have an alternative method to raise concerns. Hopefully, with a simple and implementable process we can begin encouraging our facilities and suppliers to implement alternative avenues for complaint resolution in addition to the "Open Door" policy.

The goal of this training is to provide a guidance for implementing, operating, and maintaining an effective yet simple complaint system at the plant level for internal facilities and as a resource to provide to suppliers as examples of best practices. If you have any additions or examples of grievance mechanisms that you know to work well, please share and we can incorporate them for reference!

Thank you,
Human Rights Workstream Members
OBJECTIVES

• Know the steps that you can take to implement a Complaint System in your facility

• Know how to update or refresh an existing Complaint System

• Know how to measure the effectiveness of a Complaint System
A Grievance is a perceived wrong. They are subjective and can be anything that an individual or group feels is unfair in policy or action.
Common Grievance Issues:

- Wages
- Working hours
- Working conditions
- Schedules
- Promotions or advancement
- Relationships with management
- Role clarity
Grievance Mechanism

A series of steps for identifying and, wherever possible, resolving concerns that have been raised by workers
Benefits for Facility
Grievance Mechanism

- Reduced Employee Turnover
- Better Relations Between Workers and Management
- More Desirable Place to Work
- Improve Relations with Stakeholders
Benefits for Workers
Grievance Mechanism

No Fear of Retaliation
Confidence
Anonymity
8 Principles of an EFFECTIVE Grievance Mechanism

- Legitimate
- Accessible
- Predictable
- Equitable
- Transparent
- Rights-Compatible
- Source of Continuous Learning
- Based on Engagement, Dialogue with Stakeholders
Common Issues with Complaint Systems (Grievance Mechanisms)

- Employees don’t know it exists
- Process is unclear
- Lack of trust in process
- Not accessible to all
- Lack of feedback or explanation on decisions
Types of Grievance Mechanisms

- **Open Door Policy**
  - Informal complaint lodged with direct supervisor

- **Written Grievance**
  - Complaint submitted via Grievance Form to Human Resources contact using written format

- **Complaint Box**
  - Allows anonymous complaints to be made

- **Electronic Grievance**
  - Complaint submitted via Grievance Form to Human Resources contact via email
Example of Formal Grievance Procedure

Purpose of the procedure/Introduction

[Name of organisation]’s aim is to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

Informal discussions

If an employee has a grievance about their employment they should discuss it informally with an immediate supervisor. We hope that the majority of concerns will be resolved this way.

Stage 1 – Statement of grievance

If the employee feels that the matter has not been resolved through informal discussions, they should put the grievance in writing and submit to pre-appointed mediator such as HR or union representative.

Stage 2 – The grievance meeting

Within [number of days] working days the pre-appointed mediator will respond, in writing, to the statement, inviting the employee to attend a meeting where the alleged grievance can be discussed. This meeting should be scheduled to take place as soon as possible and normally 5 working days notice of this meeting will be provided to the employee and they will be informed of their right to be accompanied.

Employees must take all reasonable steps to attend the meeting, but if for any unforeseen reason the employee, or the employer, can’t attend, the meeting must be rearranged.

Should an employees companion be unable to attend then the employee must make contact within [number of days] days of the date of the letter to arrange an alternative date that falls within [number of days] days of the original date provided. These time limits may be extended by mutual agreement.

After the meeting the pre-appointed mediator hearing the grievance must write to the employee informing them of any decision or action and offering them the right of appeal. This letter should be sent within [number of days] working days of the grievance meeting and should include the details on how to appeal.

Step 3 – Appeal

If the matter is not resolved to the employees satisfaction they must set out their grounds of appeal in writing within [number of days] working days of receipt of the decision letter.

Within [number of days] working days of receiving an appeal letter, the employee should receive a written invitation to attend an appeal meeting. The appeal meeting should be taken by a more senior manager not involved in the original meeting.

After the appeal meeting with senior manager must inform the employee in writing of their decision within [number of days] working days of the meeting. Their decision is final.
Suggested Process

1. Receive
   - Receive complaint
   - Document details

2. Assess and Assign
   - Assess severity
   - Decide investigation approach
   - Assign next steps

3. Acknowledge
   - Acknowledge receipt
   - Explain next steps to complainant
1. Investigate
   - Investigate complaint
   - Identify options for resolution

2. Respond
   - Respond to complainant
   - Outline investigation and findings
   - Propose Resolution

3. Consider recourse or appeal
   - IF Complainant NOT satisfied with resolution

4. Follow up and Close Out
   - IF Complaint resolved successfully
Grievance Form

Basics:

• Reference Number for internal tracking

• Name or option to submit anonymously

• Contact Information

• Preferred Language

• Description of Incident

• Date of Incident

• How would the complainant like to see the issue resolved?

• Where to return form

Reference No:

Full Name

First name

Last name

☐ I wish to raise my grievance anonymously

☐ I request not to disclose my identity without my consent

Contact Information

Please mark how you wish to be contacted (mail, telephone, e-mail).

☐ By Post: Please provide mailing address:

☐ By Telephone:

☐ By E-mail

Preferred Language for Communication

☐ English

☐ Spanish

☐ Other:

Description of Incident or Grievance:

What happened? Where did it happen? Who did it happen to? What is the result of the problem?

Date of Incident/Grievance

☐ One time incident/grievance (date__________)

☐ Happened more than once (how many times?_______)

☐ On-going (currently experiencing problem)

What would you like to see happen to resolve the problem?

Signature: __________________________ Date: ____________

Please return this form to: ____________________________

Address ____________________________

Tel.: ________ E-mail: ________________@______________
Communicating the Process to Employees

- **Orientation** – include in activities and paperwork

- **Posters** – placed in employee communal areas with details of the complaint process – informal and formal

- **Announcements** - periodic refreshers of the process during line or shift meetings

- **Handouts**
So what are YOUR next steps going to be?

- Assess current grievance mechanisms at your facilities and at your suppliers’ facilities
- What does the current system do well?
  - Accessible? Transparent? Effective resolutions?
- Does the current system cover the 8 principles? If not, what can be done to improve it?
  - Ex) Current system doesn’t allow for anonymous complaints. Add a method for employees to turn in complaints without being identified.
- What resources would be needed to implement changes to the current system?
  - Ex) Support from corporate Human Resources, assignment of an overseer at each facility, designing and printing posters or handouts
- Have some ideas for how to solve these issues and others before they arise
- Be Creative!
- Be Communicative!
How many Team Members are needed to manage the grievance mechanism process?

This depends on the size of your workforce and on the nature of the grievance. The key is to have someone in charge of the process that is responsible for allocating resources and ensuring accountability at each step.

Employees are often afraid to discuss concerns with management. What steps can be taken to build trust?

Management should emphasize their desire for workers to express their concerns and assure them that there is a NO Retaliation policy. Citing examples of successful use of the Grievance Mechanism can reinforce this.

How can you ensure employees continue to trust the GM process despite unfavorable outcomes?

Regardless of the outcome the most important thing is that they feel the process was conducted fairly and openly according to established procedures.
What is best way to refresh our current grievance mechanism?

Grievance Mechanisms should be updated regularly based on feedback from management and employees according to new learnings and effectiveness.

What makes a credible appeal process?

A well developed Grievance Mechanism includes the option for appeal if a complainant feels that a decision was biased or did not take into account all information. An appeal process can include review by another member of the GM team, a third party, or a trained mediator.

What is the most important aspect when designing or reviewing an existing Grievance Mechanism?

All Grievance Mechanisms are most effective when workers have input in its construction, management, oversight, and review.
ASK!

• Independent surveys of workers’ perceptions and views are often the most accurate way of measuring effectiveness

• Ask workers what their attitudes are toward various issues in the facility

• Do they feel comfortable using the grievance mechanism to resolve disputes or register complaints?

CHECK!

• Agree on a set of KPIs to measure the effectiveness of your grievance mechanism

• Measure performance over six months and then discuss the findings and propose changes if needed
Appendix and Additional Information
Grievance Procedure Overview

1 – Develop a process for handling complaints including who is responsible for overseeing the process and ensuring issues are resolved
   • Should include the 8 Principles
   • Should have employee input

2 – Communicate the process to employees
   • Include in Orientation training
   • Poster in employee areas such as canteen or locker room with how to’s for making a complaint or identifying a concern
   • Separate informational session
   • Handouts

3 – Ensure that the process meets employee needs and is accessible to all employees particularly those that may have language or literacy barriers
   • Answer commonly asked questions and address concerns

4 – Check the effectiveness of the grievance mechanisms periodically
   • Use suggested Key Performance Indicators to measure levels of engagement and overall satisfaction
How to measure the effectiveness of a grievance mechanism
Suggested Key Performance Indicators and What They Measure

**01**
Number of complaints or grievances reported in the after GM is established

*Indicates awareness of mechanism’s existence and confidence in credibility*

**02**
Check that all grievances (a) acknowledgement and (b) a proposed course of action update within the timelines set forth

*Indicates commitments to a predictable process and to act with transparency are being practiced*

**03**
A reduction, over time, in the number of grievances reported other non-judicial mechanisms, NGOs or the media

*Indicates awareness of mechanism’s existence and confidence in its credibility*
Measuring Effectiveness

Suggested Key Performance Indicators and What They Measure

06
A reduction in absenteeism and staff turnover and/or an increase in productivity among workers

Indicates improved worker satisfaction, most relevant in supply chains and contractors

05
A high percentage of cases are resolved without the involvement of a neutral party

Indicates satisfaction with the company’s internal process and direct negotiation procedures

04
A high percentage of registered grievances are resolved mutually agreed outcome

Low percentage may not reflect the overall effectiveness, interpreted in conjunction with Indicator 2
Measuring Effectiveness

Suggested Key Performance Indicators and What They Measure

07

Over time, the number of grievances of the same or nature decreases

Indicates staff are learning from past mistakes and adapting practices and/or operating procedures where appropriate

08

Audits show a reduction in incidents of non-compliance applicable standards

Indicates that the process is contributing to the identification and remediation of non-compliance incidents

09

In most cases complainants to an independent party that considered the process to be serious, fair and respectful

Indicates mechanism is effectively, even if no reached

(Watch for correlation between instances of settlement reached and complainant report process as unfair or disrespectful)
Measuring Effectiveness
Suggested Key Performance Indicators and What They Measure

13
Regular stakeholder surveys by independent third party indicate an increase in positive attitudes toward the company

Indicates a reduced level of grievances and an increased of positive, respectful that result in mutual benefits

12
Regular stakeholder surveys by independent third party indicate awareness of the mechanism’s existence and a perception that is a credible, worthwhile

Indicates effective publicizing of the mechanism and high that it will be used by where they have a grievance

11
A reduction in stakeholder that aim to disrupt corporate operations

Indicates individuals feel they an effective channel for addressing grievances in a confrontational way

10
Standard Operating Procedures have been reviewed and where investigations reveal significant and repeat

Indicates lessons are being and integrated to reduce of the same kind of grievances recurring
Details of the 8 Principles for an effective Grievance Mechanism
Legitimate

1. Identify the stakeholders
2. Establish a committee
3. Collaborate with the union
4. Include a provision for non-retaliation
1. Ensure GM reporting methods are well publicized to all stakeholder groups
2. Ensure multiple access points for employees to report a grievance
3. Access points should take multiple groups into consideration
4. Take into account the needs of all stakeholders
1. Draft procedures that clearly state the step-by-step process
2. Provide a detailed response to the worker who filed the complaint within an established timeframe, or an update on progress
3. Ensure that internal systems are in place
1. Identify, and engage with, a local NGO or expert resource
2. Trained Staff in place to ensure safeguarding of workers’ interests
3. Use of a trained mediator
4. Treat all workers seriously
1. Provide for confidentiality of any dialogue (negotiation/mediation)
2. Outcomes of grievances should be posted where all employees can see the information
3. Keep detailed records of proceedings and outcomes
4. Workers MUST be permitted to file anonymously
Rights-Compatible

1. Avoid situations that could damage credibility of the GM system
2. Preserve long-term effectiveness and promote positive employer/employee relationships
Source of Continuous Learning

1. Utilize KPIs to track GM performance and effectiveness
2. Review types, root causes, and frequency of grievances
3. Use of a trained mediator
4. Allow a worker/management committee to review grievance outcomes and make recommendations for potential changes
Based on engagement and dialogue with stakeholders

1. Participation in the GM is fundamental to its success
2. Open communication prevents problems before they affect operations