

## EVENT SUMMARY

### Roundtable for Business Practitioners on Access to Remedy

6 June 2023, 3-5 PM - Bangkok, Thailand

On 6 June 2023, the Global Business Initiative on Human Rights (GBI), the Remedy Project and the UN Global Compact Network Thailand co-organised a Roundtable on Access to Remedy with business practitioners.

Under the UN Guiding Principles on Business and Human Rights (UNGPs), there is an expectation that companies remediate adverse human rights impacts that they are involved in. For grievances to be addressed early and remediated directly, companies should participate in operational level grievance mechanisms. The UNGP's lay out a criteria to ensure the effectiveness of non-judicial grievance mechanisms, grievance mechanisms should be legitimate, accessible predictable, equitable, transparent, rights-compatible, a source of continuous learning and based on engagement and dialogue.

The session began with an overview of the ecosystem of remedy, which includes both State based and non-State-based grievance mechanisms. Non-State-based grievance mechanisms can be company and corporate-level grievance mechanisms, including operational-level grievance mechanisms, multistakeholder initiatives, international development finance institutions, and international framework agreements.

In Thailand, there are examples of company engagement with rightsholders or their representatives in the design of grievance mechanisms, companies developing multiple channels for raising grievances, and setting up clear timelines for settling complaints. In terms of the implementation of grievances, companies communicate on the grievance mechanisms and report progress, monitor and evaluate their grievance mechanisms, and work with suppliers to build capacity. In terms of remedy, there is practice of engagement with rightsholders in the design of remedy and creating referral mechanisms to other grievances, including judicial.

Through the roundtable discussion, we identified a few key takeaways for business practitioners about implementing grievance mechanisms.

#### **Building trust amongst workers and affected communities is essential for grievance mechanisms to be effective**

Sometimes trust takes time to build, a few companies discussed using third parties to assist to build and facilitate grievance mechanisms. Companies can sometimes partner with NGOs to implement grievance mechanisms in order to gain trust for the mechanism in the community. One company described working with an NGO partner to work with the supplier and receiving significantly more cases than when they implemented the grievance mechanism alone. Another

key learning from that experience was that at first the company received small complaints with “easy” solutions, but as they consistently worked through the smaller cases, they eventually got to the bigger issues. It was a long process, but eventually, the company felt that by working through the small issues, they could build the trust to access the bigger complaints. Another company raised a challenge around language, and how to ensure that the grievance mechanism was available in multiple languages.

### **Gauging the effectiveness of grievance mechanisms is more than simply closing cases**

Measuring the effectiveness of a company's grievance mechanism is important for companies to understand whether or not their grievance mechanism is working. Some companies develop key performance indicators (KPIs) around access, quality, and how many complaints are received and closed. However, there was a recognition that these KPIs do not often indicate whether complaints were handled effectively. One company noted that they will not close a complaint until they are certain that the affected rightsholder is happy with the remedy. Another company was looking at how to gauge the effectiveness of handling the complaint and whether it was to the satisfaction of the affected rightsholder. The format of the grievance mechanism is also important to facilitate use of the grievance mechanism. One company noted that they had several different types of grievance mechanisms across their organisation and they were undergoing a mapping exercise of the different mechanisms and whether they were being used. In this process, the company realised that they were also receiving complaints via LinkedIn, which they were considering keeping as it was a channel that people were comfortable using.

### **Companies should use their grievance mechanisms to feed back into their human rights due diligence**

One challenge that was identified in the discussion is that different colleagues or teams might handle the grievance mechanism than those involved in implementing other aspects of human rights due diligence. Joining up the findings from a company's grievance mechanisms with the company's human rights due diligence can help the company to address adverse human rights impacts more effectively across their operations. While many companies are driven to developing a grievance mechanism due to regulations or sanctions, developing a grievance mechanism early and feeding complaints into the company's human rights due diligence processes can help companies to be better prepared for regulation and prevent adverse human rights impacts before they occur.

### **Looking ahead**

GBI will continue to engage with partners in different regions of focus to continue exploring best practice in implementing the UNGPs.

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