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Enhancing the Effectiveness of Grievance Mechanisms in Multistakeholder Initiatives

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Plan for Session

1. Overview of research context, methods and findings
2. Case study of research into Fair Labor Association
3. Case study of research into Roundtable on Sustainable Palm Oil
4. Q&A about research findings
5. Presentation of 10 recommendations for effective grievance mechanisms
6. Q&A about recommendations

Context: Why are Grievance Mechanisms Important?

- Academic studies raise various legitimacy concerns about MSIs ([De Bakker, Rasche and Ponte](#), 2019).
- Grievance mechanisms potentially address some of these concerns ([Marx and Wouters](#), 2016).
- MSI grievance mechanisms have advantages over companies' internal grievance mechanisms ([Gläßer et al](#), 2021) and are easier to study ([Grama](#), 2022).
- Grievance mechanisms are likely to become more important in the future.
- Lack of empirical research into how grievance mechanisms operate in practice.

Research Methods

Studied **6** MSI Grievance mechanisms



The Bangladesh Accord (BA)
ACCORD
on Fire and Building Safety in Bangladesh

Bonsucro
BON SUCRO

Fair Labor Association (FLA)
Fair Labor

Fair Wear Foundation (FWF)



Forest Stewardship Council (FSC)



Roundtable for Sustainable Palm Oil (RSPO)

RSPO

Roundtable on Sustainable Palm Oil



Created [a database](#) of more than **2,000** claims that involved human rights issues.



Categorised and analysed those claims in various ways.



Interviewed claimants, MSI personnel, civil society organisations, trade unions and other relevant actors (more than **90** interviews and focus groups).

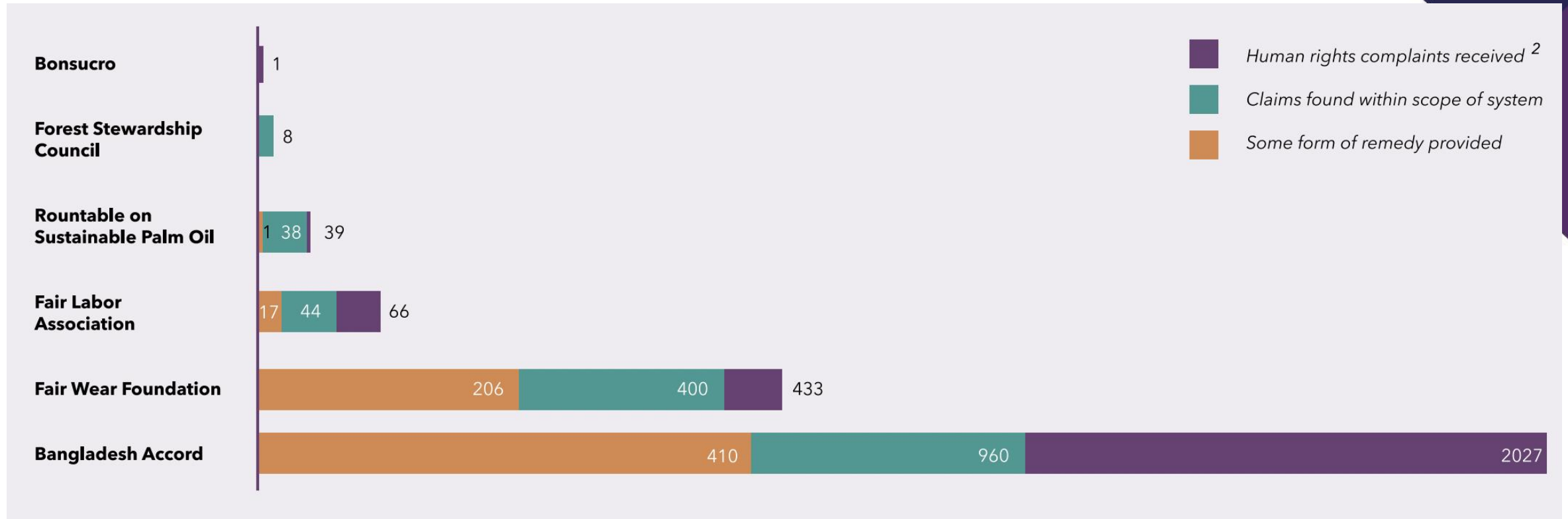
Key Outputs from Research

- Harrison and Wielga, '[Grievance Mechanisms in Multi-Stakeholder Initiatives: Providing Effective Remedy for Human Rights Violations?](#)' 8 Business and Human Rights Journal (2023) 43.
- NomoGaia [Database and Research Report](#).
- Wielga and Harrison, '[Assessing the effectiveness of non-state based grievance mechanisms in providing access to remedy for rightsholders: A case study of the Roundtable on Sustainable Palm Oil](#)', Business and Human Rights Journal (2021) 6 Business and Human Rights Journal 67.
- Harrison, Parejo and Wielga, 'The value of complaints mechanisms in private labour regulation of GVCs: A case study of the Fair Labor Association, International Labour Review (under review).
- [Policy Brief](#) summarising key findings.

Key Findings (1) – The Potential

- Grievance mechanisms can provide significant benefits to workers and communities.
- But individual grievance mechanisms perform very differently in terms of
 - (1) the number of claims they receive and
 - (2) the proportion of claims where some form of remedy is provided to the claimant.

Complaints, claims and remedies within grievance mechanisms



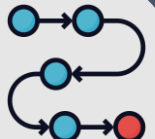
Key Findings (2) – The Problems



Structural differences and national differences significantly affect MSI performance.



Accessing the System – (1) Insufficient outreach and (2) complex and inaccessible systems for making claims.



The Claims Process – Insufficient resources and ability to properly and speedily investigate claims and tackle retaliation against claimants.



Remedies – Problems with ensuring that relevant corporate actors actually comply.



Most claims from Central America and the Caribbean over labour rights issues.

68 cases received

48 cases adjudicated upon

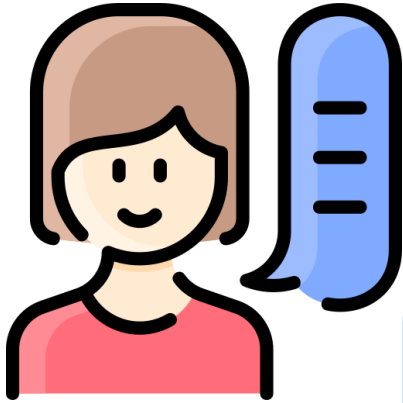
25 cases “won” by claimants

17 cases achieved some form of remedy (according to interviews with claimants)



85%

of interviewed FLA complainants said that they would use the grievance mechanism again.



“FLA’s complaint system is valuable. I would use the FLA complaint mechanism again because it was the main reason we got paid a compensation [after a factory closure]. I would use it again and recommend that others use it.”

FLA claimant, WhatsApp call, 4 May 2021



“We first tried to talk to the factory, but got nowhere. Then we tried the brand, but had no contacts we could call. We saw the brand was part of FLA so we thought we would try FLA. FLA responded immediately. [They] were fast and effective. There were a lot of good changes that this claim brought about. . . This case was a success. . . [Compared to other MSI complaint systems] FLA is by far the best.”

FLA claimant, Bangalore, 18 March 2021

Accessing the System



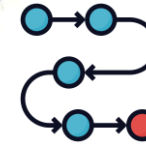
The FLA's Code of Conduct is posted in the factories, but the workers don't know what it is for, what it does, or what they can do if their rights are threatened. Neither do they know which brands buy from the factory where they work or if they are FLA members. FLA does not train workers on this; it only reacts to their claims.



NGO, Guatemala City, 21 April 2022



The Claims Process



“We relied on [...] an NGO [...] in El Salvador, which gave us free technical support. They helped us fill out the [FLA] forms and with all the procedures because we are not very well educated.”

FLA claimant, Zoom, 16 January 2021



“They blacklisted workers and they did not hire us at any factory. They did not give us work because they said we were troublemakers. All doors were closed to us.”

FLA claimant, Guatemala City, 27 April 2022



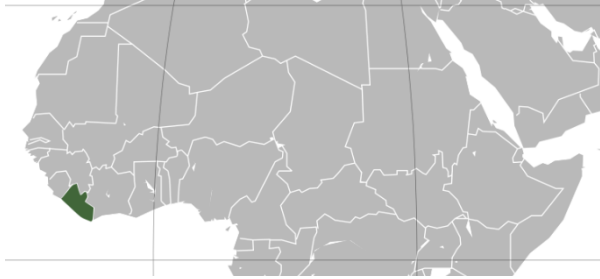
It is the brands that get the results or can ensure there are results. If the brands are not committed to remedy, they just implement actions because they have to and the work has no real impact. If the brands don't pressure the factories, nothing happens because it is the business requirements that make things happen.

Labour expert, Zoom, 01 February 2021

National Differences



Region	Number of Factories (Adidas)	Number of Factories (Fast Fashion, e.g. Uniqlo)	Number of Factories (Under Armour)	Number of complaints in the FLA system
Latin America	4 (2%)	3 (<1%)	21 (14%)	29 (64%)
China and Vietnam	99 (53%)	295 (65%)	55 (38%)	3 (7%)
Rest of World	82 (44%)	157 (35%)	70 (48%)	13 (29%)
Total	185	455	146	45



Most claims from Indonesia (27) and Liberia (4) over land rights issues.

- Interviews with claimants determined that a remedy provided, but debatable whether it could be deemed ‘effective.’
- RSPO has serious problems enforcing judgments against companies when violations are found.

39

cases received

27

cases adjudicated upon

11

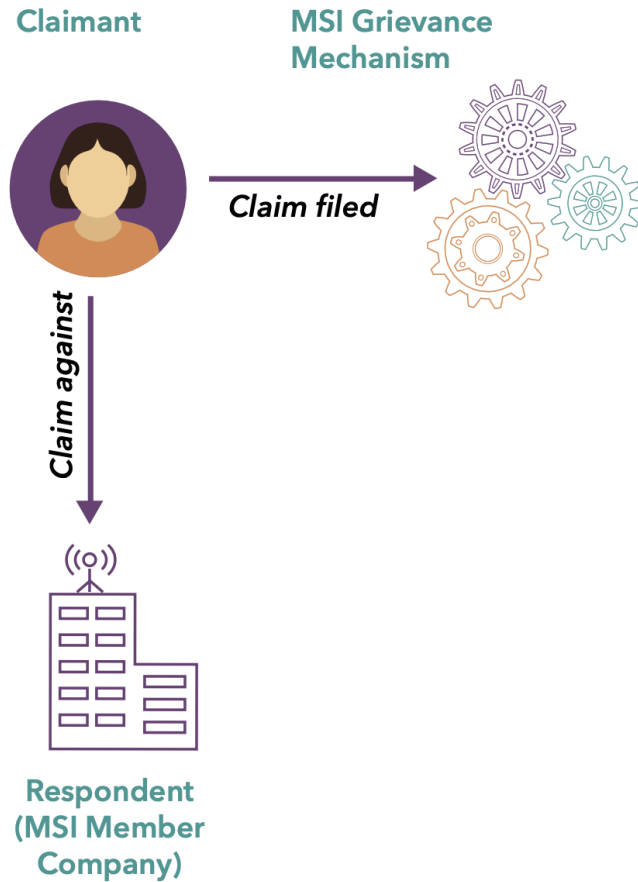
cases “won” by claimants

1

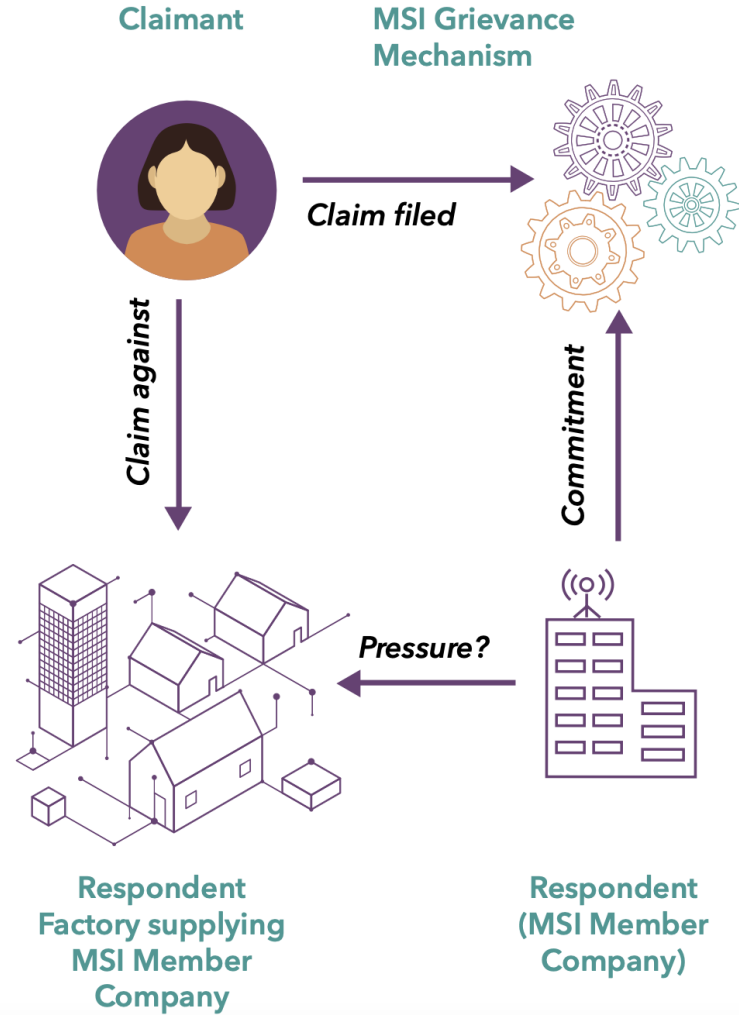
case of ‘potential’ remedy

Structural Differences

THREE-PARTY SYSTEM



FOUR PARTY SYSTEM



April 19, 2023



MAKE IT REAL: Structure of the Grievance Mechanism

- 1** Make the effort and spend the money
- 2** Tailor the mechanism to the national and local context

MAKE IT WORK: Process

- 3** Conduct meaningful outreach and provide real access
- 4** Undertake investigation of claims
- 5** Provide demonstrably competent and impartial investigators
- 6** Act quickly
- 7** Create justified trust in claimants' protection from retaliation

MAKE IT MATTER: Providing Remedy

- 8** Leverage over the respondent must be commensurate with the magnitude of the remedy ordered
- 9** Remedies must be verified
- 10** Address systemic issues

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Please get in touch with the project team for more information



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Thank you!

