

COMMUNITY- LED GRIEVANCE AND REDRESS MECHANISM (CGRM).



OVERVIEW

An Operational Grievance Mechanism (OGM) is a systematic, transparent, non-judicial process for receiving, investigating, and addressing company-related grievances from affected communities, workers and remedy is sought.

A Community Grievance and Redress Mechanism (CGRM) on the other hand forms part of an OGM and integrates formal company procedures with traditional community dispute-resolution structures, ensuring that grievances are addressed in a manner that is legitimate, accessible, predictable, equitable, transparent, and rights-compatible.

Principles of a CGRM (Principle 31 UNGPs)

- **Legitimate** - the mechanism should be effective to be trusted as credible.
- **Accessible.**
- **Predictable** - clear steps and timelines.
- **Equitable** - complainants to be able to participate equally.
- **Transparent** - clear communication.
- **Rights-compatibility** - does not stop the enjoyment of other rights.
- **Continuous improvement.**

Why should businesses have a CGRM?

1. To help with the identification of contextualized human rights risks and negative social impact that can affect the reputation of the business.
2. As a tool for the business to contribute to the well-being and realization of human rights in its own immediate environs.
3. To highlight where there may be weaknesses in the business' policies, procedures or practices this can contribute to continuous improvement.

Governance Structure

It consists members of the Elders' Council, women, youth, persons with disabilities to ensure consideration of diverse needs and are elected by the community. Membership must also reflect a balance of representation across villages, clans and ethnicity in a community and may include community paralegals. Collectively this establishes a Community Grievance Committee (CGC). Elders oversight the Grievance Committee ensuring the decisions are culturally appropriate and aligned with cultural norms.

A CGRM operates independently as it is embedded in the community. Access points, triage process as well as the internal investigations will be managed and overseen by the Community Grievance Committee and can receive independent advice in their triage decisions from the Head of Community Relations as needed. The grievance committee reports to the company's Grievance Officer to ensure tracking of the complaints by the company.

The elected committee should serve for a defined period in office, for example, three years.

Trainings and Resources

For an effective CGC, the company should co- design with the CGC a series of training focused on the grievance mechanism procedure and internal company policies while enhancing effective conflict resolution capacity. Similarly, the company should be trained on cultural norms.

Jointly, the Company and the CGC should develop Terms of Reference (ToR) that define: the scope of grievances covered, the structure, procedures, timelines, and reporting lines.

The Company should also provide resources for practical handling of grievances. This should include providing a grievance book.


Scope of CGRM

Grievances can be handled by a Community Grievance Committee only if they relate to impacts that may occur during the normal course of business operations. These grievances do not raise allegations of severe human rights impacts and can be appropriately addressed by the committee as part of its efforts to develop and maintain good relationships with affected stakeholders.

Examples of such grievances may include:

1. Disputes over minor environmental impacts (noise, dust, water access);
2. Local employment and contractor behavior issues;
3. Grievances related to health & safety issues or (non-severe) work-place injuries, disruption to livelihoods and local trade;
4. Access to shared infrastructure; compensation or benefit-sharing disputes and exclusion from opportunities;
5. Cultural and social issues (inter/intra- clan conflicts)

Feedback and Information

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Monitoring & Reporting

The Grievance Committee should hold periodic meetings with community members to share general information of grievances received and outcomes while maintaining confidentiality.

Regular internal quarterly reports should capture activity, case load and key performance indicators. Summary reports with anonymized metrics for internal and external stakeholders should also be published.

Evaluation of the CGRM should be conducted consistently throughout the project lifecycle, with communities actively involved in regular monitoring processes. An independent external monitor can annually undertake an evaluation and publicly disclose a summary finding with recommendations.

Safeguards

“Do no harm” and informed consent principles guide the process; risk assessments and confidentiality protections must be applied throughout.

Appeal

Appeals are escalated to the company’s grievance department for review permitted if they are based on one of the following three grounds if;

1. New evidence has emerged that was not considered before;
2. Incorrect conclusions were drawn from the facts available; or
3. The procedure was followed incorrectly, and/or if available safeguards and supports were not, or not adequately, provided.



Exclusions and Limitations

Grievances can be directly submitted or referred to the internal company's human rights mechanism if they relate to an allegation of a severe human rights impact (involving personal injury) that a company has caused, contributed to, or is directly linked to through its operations or business relationships.

CGRM shall also not have the mandate to provide punitive or administrative sanctions against individuals or organizations. However, the process may recommend internal workplace sanctions and disciplinary actions where necessary.

Grievances which have been placed before a Court of Law that have already been adjudicated, or for which legal proceedings are pending, are excluded from the grievance mechanism process.

PROCESS FLOW

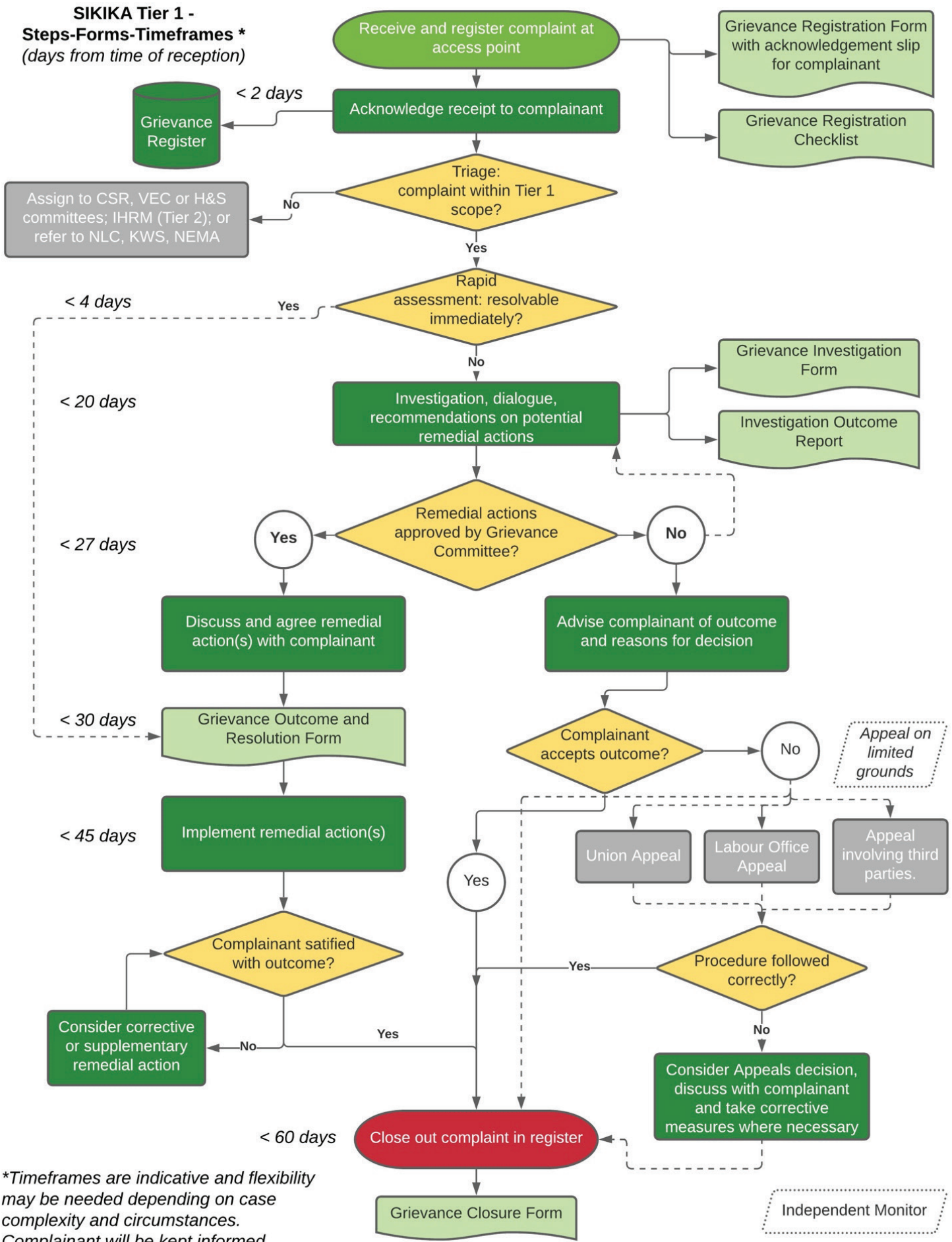
Submission: There should be multiple access points to file a complaint, ie a secure dropbox, with an elder and two selected committee members', a committee email.

Fixed timelines: the process should be predictable. Acknowledgement, review and investigations should be undertaken within a predictable timeline.

Documentation: An effective CGRM should maintain clear documentation of the whole process



SIKIKA Tier 1 - Steps-Forms-Timeframes *
(days from time of reception)



*Timeframes are indicative and flexibility may be needed depending on case complexity and circumstances. Complainant will be kept informed.