**OHCHR Accountability and Remedy Project Part III**

**Questionnaire for Industry, Multi-Stakeholder, or Other Collaborative Initiatives that have Grievance Mechanisms**

|  |
| --- |
| Welcome to OHCHR's targeted questionnaire for industry, multi-stakeholder, or other collaborative initiatives for Part III of the Accountability and Remedy Project (ARP III). The aim of ARP III is to develop credible, workable and practical recommendations to enhance the effectiveness of non-State-based grievance mechanisms dealing with business-related human rights harms. Further information on ARP III can be found in OHCHR’s paper on scope at: https://www.ohchr.org/Documents/Issues/Business/ARP/ARPIII-PoW.pdf. We welcome contributions from industry, multi-stakeholder, or other collaborative initiatives that have mechanisms through which grievances concerning business-related human rights abuse can be raised and remedy can be sought. For the purposes of ARP III, such mechanisms include those that are external to a company and that administer a set of commitments that a company has agreed to. Beyond mechanisms of membership-based or multi-stakeholder initiatives, this covers mechanisms set up to administer international framework agreements and collective bargaining agreements.This questionnaire proceeds in four parts. Part 1 covers the basic design of the mechanism. Part 2 includes one question on each of the effectiveness criteria discussed in principle 31 of the UN Guiding Principles on Business and Human Rights. Part 3 covers a few crosscutting issues. Part 4 provides a space to share contact information.We value all contributions, and you may answer as few or as many questions as you like. We encourage you to answer this survey through the online form at: http://tiny.cc/ARP3MultiActorSurvey; however, if you prefer, you may answer using this document and email your responses to business-access2remedy@ohchr.org or bshea@ohchr.org. Regardless, we kindly request responses to be made by **30 April 2019**.**ALL RESPONSES PROVIDED WILL BE KEPT CONFIDENTIAL**. If you have any questions, please contact business-access2remedy@ohchr.org or bshea@ohchr.org. If you would like to provide more information, a separate questionnaire open to the general public with additional questions is available at: http://tiny.cc/ARP3PublicSurvey. |

**Information on the basic design of your mechanism**

|  |
| --- |
| This questionnaire is for information about a single mechanism. If you would like to provide information on multiple mechanisms, please complete a separate form for each mechanism. |

1. **Who is entitled to raise a grievance through the mechanism?**
2. **What types of grievances can be addressed by the mechanism?**

*Check all that apply.*

[ ]  Labour-related grievances (e.g., discrimination, workplace safety, payment of wages)

[ ]  Property-related grievances (e.g., involuntary displacement, loss of land/property)

[ ]  Grievances related to physical well-being (e.g., violence, health-related complaints)

[ ]  Grievances involving environmental issues (e.g., pollution, access to water)

[ ]  Consumer-related grievances (e.g., product safety)

[ ]  Grievances related to privacy (e.g., misuse of personal information)

[ ]  Other:

1. **What kinds of remedies may be obtained through the mechanism?**

*Check all that apply.*

[ ]  Financial compensation

[ ]  Preventative process (e.g., working with a company to improve safeguards at a facility; training of factory managers)

[ ]  Non-financial remedy (e.g., working with a company to restore employment or repair environmental damage)

[ ]  Termination / suspension of business relationship (e.g., revoking a company’s membership in the initiative)

[ ]  Monitoring (e.g., regular inspections)

[ ]  Other:

1. **How is the mechanism resourced?**
2. **What were the main reasons for establishing the mechanism?**
3. **What guidance, resources, or sources of information were consulted when designing the mechanism?**

**Information on the effectiveness of the mechanism**

|  |
| --- |
| Principle 31 of the UN Guiding Principles on Business and Human Rights (UNGPs) provides a set of effectiveness criteria for non-judicial grievance mechanisms. The questions below cover each of these criteria. For a fuller description of the criteria, please consult UNGP 31 and its Commentary.Feel free to answer as few or as many questions as you like. If possible, please include actual examples where relevant. |

1. **What steps are taken to ensure that the mechanism is legitimate (i.e., it enables trust from users and is protected from undue interference)?**
2. **What steps are taken to ensure that the mechanism is accessible (i.e., users are aware of the existence of the mechanism and receive assistance to overcome barriers to access (related to language, literacy, cost, location, fears of reprisal, etc.))?**
3. **What steps are taken to ensure that the mechanism is predictable (i.e., mechanism procedures, available outcomes, and implementation tools are clear and publically known)?**
4. **What steps are taken to ensure that the mechanism is equitable (i.e., affected stakeholders are given reasonable access to sources of information, advice and expertise so that they may engage in the grievance process on fair and informed terms)?**
5. **What steps are taken to ensure that the mechanism is transparent:**
	1. **in individual cases (i.e., parties to a grievance are regularly kept informed about its progress)?**
	2. **to the public (i.e., the mechanism’s overall performance is known through publicly-available statistics, case studies, and detailed information about the handling of cases)?**
6. **To be considered effective under the UNGPs, non-State-based grievance mechanisms should be rights-compatible, in that the mechanisms ensure that outcomes and remedies accord with internationally recognized human rights. Would you please provide examples of how this is achieved in practice?**
7. **What steps are taken to ensure that the lessons learned from the mechanism are:**
	1. **being used to improve the mechanism?**
	2. **influencing policies, procedures and/or practices of the concerned company so as to prevent future grievances and harms?**
8. **What steps are taken to ensure that:**
	1. **affected stakeholder groups are consulted about the design and performance of the mechanism?**

*Note: Guiding Principle 31(h) on stakeholder engagement and dialogue is concerned with operational-level grievance mechanisms. However, for the purposes of ARP III, we are interested in learning more about how other kinds of grievance mechanisms are responding to these issues.*

* 1. **decisions with respect to remedial outcomes are arrived at through dialogue between the company and those affected?**

**Information on crosscutting issues**

1. **Please describe any relationship the mechanism has with State-based institutions. Is the mechanism regulated under domestic law? Are there policies covering referrals to or collaboration with State-based mechanisms? To what extent is there interaction between the mechanism and State-based mechanisms in practice?**
2. **Does the mechanism cooperate with other non-State-based grievance mechanisms, such as those operated by the company where the grievance originated or mechanisms from other organisations (e.g., multi-stakeholder initiatives, industry associations, or independent accountability mechanisms of development finance institutions). If so, how and in what circumstances?**
3. **What measures are taken to ensure that actual and potential users, their friends and family, human rights defenders, and others are protected from retaliation or intimidation when the mechanism is or will be utilized?**
4. **In what ways does the mechanism involve affected stakeholders in the design and implementation of remedies? What steps are taken to ensure that the experiences and perspectives of users (and particularly those at risk of vulnerability and marginalisation) are properly understood and reflected?  What processes are in place to ensure large groups and/or disparate groups are being sufficiently represented?**

**Respondent information**

|  |
| --- |
| All personal information will be kept strictly confidential, and you may omit any information you feel uncomfortable sharing. |

1. **Your name.**

*Note: This information will be kept confidential, though you are free to omit it*

1. **What is your role in the organization in relation to the grievance mechanism you have told us about?**
2. **Name of your organization.**

*Note: This information will be kept confidential, though you are free to omit it*

1. **Contact email address.**

*Note: This information will be kept confidential, though you are free to omit it*

1. **Would you be happy for us to contact you, if needed, for research purposes?**

[ ]  Yes

[ ]  No

**Additional Information**

1. **Please share any other information here that you did not have space for above.**