



Making operational-level grievance mechanisms work

Parallel session

29 November

10:00-13:00

<i>Part 1: Making operational-level grievance mechanisms work in practice</i>
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<i>10:00-11:25</i>

<i>Organized by Landesa</i>

<i>Part 2: Do operational-level grievance mechanisms in the extractive industries work?</i>
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<i>11:35-13:00</i>

<i>Organized by ICMM and IPIECA</i>

Part 1: Making operational-level grievance mechanisms work in practice

Outline: This panel organized by Landesa will involve a range of different stakeholder groups in examining the key factors that need to be in place for operational-level grievance mechanisms (OLGMs) to work in practice. The starting point includes lessons from the early phase of developing OLGMs in line with the “effectiveness criteria” set out in the UN Guiding Principles: you cannot just plant a grievance mechanism into a context if there is no dialogue framework in place. Considerable efforts have gone into the question of how to design an effective OLGM, but this alone will not solve the problem of how to make OLGMs work in practice.

Thus, there is a need to look at the broader context and the “eco-system” in which they operate. Key issues include: how to ensure independent funding mechanisms and mechanisms for independent support for affected individuals and communities; how to ensure oversight; how to empower marginalized or vulnerable people; how to create an enabling environment for OLGMs (including, what is the role of financial institutions; and what company-internal factors are critical for making them work); how to make them work in contexts where rule of law is weak; when may they not be appropriate; what is the relevance of community- or worker-led mechanisms.

It complements several other Forum sessions addressing the need for making OLGMs work: making OLGMs work for workers; experience of an OLGM built to address sexual harassment in the

horticulture supply chain; the role of technology platforms for improving OLGMs in complex supply chains; banks and remedy; are OLGMs working in the extractive sector.

Speakers:

- Moderator: Chris Jochnick, CEO, Landesa
- Sheila Keetharuth, expert member of the Working Group on Extractive Industries, Environment and Human Rights Violations of the African Commission on Human and Peoples' Rights; UN special rapporteur on the human rights in Eritrea; member International Commission of Jurists panel on company grievance mechanisms
- Steve Hitov, General Counsel, Coalition of Immokalee Workers
- Anupama Mohan, Advisor, Sustainability, Statoil ASA
- Yann Wyss, Senior Public Affairs Manager, Social Impact, Nestlé S.A.

Part 2: Do operational-level grievance mechanisms in the extractive industries work? Companies and stakeholder perspectives

This session organized by ICMM and IPIECA will hear from companies from the oil and gas and mining sectors, sharing practical experiences from designing and implementing operational-level grievance mechanisms (OLGM), and lessons learned in providing remedy, from both the operational and corporate perspective. This will include taking a deep dive into how well functioning and legitimate OLGMs may prevent minor issues escalating into human rights harm, including examples from sites that have, and have not, managed this effectively in practice. NGO and government perspectives will also be covered.

Speakers:

- Tural Valiyev, BP Group Social Performance Advisor, BP
- Simon Wake, Principal Advisor – Communities, Rio Tinto
- Pablo Lumerman, ACCESS Facility
- Georgina Galloway, Acting Director, Responsible Business Practices Division, Global Affairs Canada
- Co-moderators: Helen Murphy, Senior Manager, Social Responsibility, IPIECA; Roper Cleland, Manager Social Progress, International Council on Mining and Metals

Session objectives: This session will address the following topics on access to remedy from the 2017 Forum programme:

- Examples of how grievance mechanisms function
- “Design” of effective operational-level grievance mechanisms consistent with the Guiding Principles
- Learning from mechanisms that tend not to be labelled as “business and human rights” mechanisms but which are equipped to and do deal with these issues
- Industry- and sector-focused challenges and approaches (beyond business-led mechanisms and processes)
- How to align with UNGP Effectiveness Criteria and OLGMs

Key discussion questions:

- What are the key challenges companies have experienced in the design and implementation of OLGMs? How can these be overcome?
- What is emerging good practice around community input into the design and function of the system?
- What are the key lessons companies have learned in providing remedy to affected stakeholders?
- How have OLGMs helped to prevent community concerns/ situations escalating into significant human rights incidents?
- How have OLGMs helped to improve performance/ company-community relations?
- How can companies achieve a balance between ensuring that company policies are implemented consistently on the ground and that OLGMs are appropriate to local circumstances?
- What steps need to be taken internally to ensure all key internal stakeholders are on board to ensure OLGGM outcomes are implemented in practice?
- How can operators and contractors work together to develop and implement more effective OLGGM processes?
- What have been company experiences in handling OLGGMs in countries with weak governance or inactive civil society including in terms of ensuring remedy is provided even where the government may at best not be supportive and at worst opposed?