Bonsucro draft grievance mechanism review

Open Consultation Questions

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| This draft Grievance Mechanism has been designed with regard to the Effectiveness Criteria in the UN Guiding Principles on Business and Human Rights ("**UNGP**"), whilst also recognising that Bonsucro is a small, non-profit organisation with limited funds and resources available and with a diverse membership base with large geographic reach. This inevitably means that some compromises have to be made and in some cases there may be restrictions that prevent certain steps from being taken. We are mindful of this and are taking steps to make sure there is effective alignment with best practice, where practicable. Respondents to this consultation are actively encouraged to provide examples and practical suggestions as to how a better balance may be struck where it is felt that effective alignment has not been achieved.The draft Grievance Mechanism has been designed to attempt to achieve an effective overall balance. It also takes into account that in a number of cases, Complainants will have to make a choice about the most effective means of achieving remediation and, as such, it would not be necessary or appropriate for Bonsucro to attempt to cover all bases. This draft Grievance Mechanism is also intended to align with the UNGP more broadly, specifically in relation to how businesses are involved in adverse impacts and the associated responsibilities.Bonsucro welcomes general constructive feedback on this draft mechanism, taking the above background into account. We have also identified a number of specific areas for feedback, detailed below. Please provide feedback in writing (in English) to [address] by no later than [date]. Where possible, please reference your feedback according to the numbered consultation questions.Overarching question**Funding**Are you, or can you recommend a charitable foundation or other organisation that may be interested in funding this initiative?How can funding be accessed to make the Grievance Mechanism available at no cost, given the resource requirements involved in the development and administration of an independent, external decision making and mediation process?**UNGP Effectiveness Criteria**How well does this Grievance Mechanism align with the UNGP Effectiveness Criteria, taking into account the current draft Rules of Procedure? Please provide:examples of positive alignment or good practice; andexamples where alignment could be enhanced with specific suggestions as to how that might be implemented.How should policies and protocols be developed to ensure effective, fair, and rights-compatible delivery of remedial outcomes?**Safeguarding**What appropriate safeguarding measures and strategies might be included in the Grievance Mechanism?**Vulnerable groups**How should the Grievance Mechanism support and/or take into account the specific context, circumstances and needs of vulnerable users? What resources might Bonsucro be able to draw on to support these groups?**Technology**What examples of rights-respecting and safe digital technologies exist that might support users to raise grievances?**Collaboration**How should Bonsucro’s Grievance Mechanism collaborate with:other organisations’ grievance mechanisms; andstate agencies?What policies and protocols should be developed to support this collaboration?SPECIFIC QUESTIONS RELATING TO THE RULES OF PROCEDURE |
| Scope**Prospective Members (Rule of Procedure, 2.1)**Should complaints against Prospective Members, raised during the 30 day candidacy period, be addressed also through Bonsucro's Grievance Mechanism? |
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| **Substance of a complaint (Rules of Procedure 2.1 to 2.2)**How should allegations against Bonsucro members unrelated to their sugarcane supply chain be dealt with? Is it appropriate for unrelated issues to have any impact on Bonsucro membership, or for Bonsucro to have any engagement with them? |
| What information and guidance might be provided to assist complainants understand when matters are more appropriately dealt with by public authorities and what Bonsucro’s role in relation to those matters will be, if any?  |
| How to submit a complaint |
| **Method of submission (Rule of Procedure, 3.5)**In order to be a manageable and concise process, submissions need to be written. However, if you have experience running a grievance mechanism with other user access points please provide details of how this worked and what resources were required?What language support and/or translation services exist that could be utilised to support Complainants put together a complaint in English?How might translation services be made available to Complainants at no cost or minimum charge? |
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| **Grievance Mechanism Support Group (Rule of Procedure, 3.6)**What role could/should other organisations play in supporting the submission of a complaint, for example, civil society organisations, charities, pro bono lawyers, etc? Which organisations should play a role? Who should the "Grievance Mechanism Support Group" consist of? Are you an organisation that could perform such a role?REQUIRED INFORMATIONWould it be possible or desirable to include specific examples of the type of evidence that should be provided?What support could Bonsucro provide to Complainants to ensure all of the Required Information is submitted, for example, in addition to the Grievance Mechanism Support Group suggested above?**Anonymity (Rule of Procedure, 4.2)**How should complaints where anonymity is required be handled, specifically in terms of balancing protection of complainants with ensuring allegations are properly understood by the Respondent Member and remediation is clear and achievable?COMPLAINT SUBMISSION**Evidence page limit (Rule of Procedure, 6.2)**Is 200 pages adequate to allow for a complaint or response (and all supporting material) to be produced?INITIAL SCOPING ASSESSMENT **Complaints against Certified Members (Rules of Procedure, 7.8 to 7.14)**In relation to complaints against Certified Members, are there any concerns arising from sharing relevant certification data with specified third parties, that is, the external decision maker, mediator and complainants?If a Respondent Member is in the process of being certified, which option is preferable: a pause in the certification process to enable the mediation process to progress OR a pause in the Grievance Mechanism process to enable the certification process to conclude? **Submission attempts (Rule of Procedure, 7.6)**What is a reasonable limit on submission attempts? How do we balance accessibility with predictability and ensuring complaints can be dealt with effectively?Mediation Is "mediation" an acceptable term? If not, what alternative language could be used to describe this process? (For example, "facilitated negotiation".)How should the mediation process be funded? Do organisations exist that might be willing to provide funding to enable access to mediation or to fund this Grievance Mechanism?Is CEDR's Model Mediation Agreement the most suitable agreement? Please suggest any alternatives and why they are more suitable?Are you, or can you recommend, a mediator who would be appropriate to facilitate negotiation of disputes under this Grievance Mechanism? Please provide a CV, including details of any relevant experience.NO AGREED RESOLUTION**Investigations (Rules of Procedure 11.1 to 11.3)**What situations might require further investigation of the factual allegations?Who should undertake any investigations?How should this or any other technical experts engaged for this purpose be funded?**Conditions on continued membership (Rules of Procedure 11.5 to 11.6)**What are some examples of conditions that might be placed on continued membership or re-entry to membership to support the principle of continuous improvement and positive outcomes for communities?What resources might be provided to support Bonsucro to monitor recommendations and/or action plans?REVIEW PROCEDUREWho should fund the process when a review is requested?CONFIDENTIALITY How can confidentiality and transparency take into account risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality?GRIEVANCE MECHANISM REVIEW What KPIs could be used to measure the effectiveness of the Grievance Mechanism? |