

## BONSUCRO GRIEVANCE MECHANISM - RULES OF PROCEDURE

### Introduction

Bonsucro is the Global Sugarcane Platform. Bonsucro's **vision** is a sugarcane sector with thriving, sustainable producer communities and resilient, assured supply chains. Our **mission** is to ensure that responsible sugarcane production creates lasting value for the people, communities, businesses, economies and eco-systems in all cane-growing origins. Bonsucro's **strategy** builds a platform to accelerate change and continuous improvement for the largest agricultural commodity in the world – **sugarcane**.

Complaints will be dealt with by [an individual appointed by an independent, external service provider] referred to throughout this grievance mechanism ("**Grievance Mechanism**") as the "**Decision Maker**" [once appointed, a link will be provided to more details on the organisation contracted and how the Decision Maker for each complaint is selected and appointed]. Bonsucro will not be involved in handling or making decisions relating to complaints, save that the Decision Maker/Administrator will keep Bonsucro informed of all relevant dates and timescales throughout the process and will provide a copy of the following documents to it:

- a) the complaint and any associated evidence and materials;
- b) the response and any associated evidence and materials;
- c) reports received from the Certification Body, where applicable;
- d) the written agreement reached at mediation;
- e) the decision; and
- f) any other materials deemed necessary by the Decision Maker.

### 2. SCOPE

2.1 This Grievance Mechanism exists to address complaints against one or more Bonsucro Members, and prospective Members in the 30 day period pending approval of their membership application, ("**Respondent Member**"), for breach of the ("**Relevant Standards**"), defined as:

- (a) the Code of Conduct;
- (b) if certified, the Bonsucro Production Standard, Bonsucro Production Standard for Smallholder Farmers, Bonsucro Chain of Custody Standard and Bonsucro EU RED Chain of Custody Standard (together "**Certification Standards**"); and
- (c) any policies, other codes, agreements or other documents as may be drafted, approved and/or issued by the Board, any Committee, Task Force, Working Group and/or the Secretariat from time to time and to which the Members are subject.

2.2 The following matters are out of scope of this Grievance Mechanism:

- (a) Matters alleging a breach of the Relevant Standards on the basis of adverse impacts or events which occurred (or ceased occurring) outside the period of membership of the Member and are not continuing (bearing in mind that a Member's obligations are defined by the Relevant Standards in place at the time of the alleged breach).
  - (b) Allegations unrelated to Bonsucro's objectives, specifically outside a member's
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sugarcane business or where the member is not directly involved in the production, processing and sourcing of sugarcane unrelated to those activities.

- (c) Complaints that are not made in *good faith*. This includes complaints that are politically or commercially motivated, complaints that contain abusive or derogatory language, complaints that are based solely on media reports and/or that do not substantiate allegations with evidence.
- (d) Complaints relating to matters (or substantially similar to matters) where a final decision has already been taken relating to that Respondent Member whether under this Grievance Mechanism or a predecessor Bonsucro complaints resolution procedure or grievance mechanism.
- (e) Complaints where issues of serious physical harm or criminal activities are raised and must be dealt with urgently, in which case they should be referred to the relevant authorities.
- (f) Complaints relating to any deficiencies or failure to provide adequate services in the certification process by the Certification Body, which will be dealt with in the usual way as between Bonsucro and the Certification Body.

2.3 The Decision Maker may refuse any complaint on the basis that it is out of scope where it falls within one of the criteria at paragraph 2.2.

### 3. HOW TO SUBMIT A COMPLAINT

3.1 Before submitting a complaint, prospective complainants ("**Complainants**") should carefully consider the requirements of this Grievance Mechanism in full and consider whether this is the best forum for resolution of its complaint. For example, this Grievance Mechanism may not be a suitable forum to resolve complaints where:

- (a) criminal issues are raised; and/or
- (b) urgent action is required[,

in these cases it is recommended Complainants contact the relevant authorities].

3.2 Any interested party or affected stakeholder may submit a complaint. Complainants should have some connection to the issues being complained of (for example, this would include communities or individuals directly affected by a member's activities or civil society and other organisations acting on behalf of communities or individuals) and must be able to supply information about these issues. The complaint should also state clearly what resolution or remediation is sought in accordance with paragraph 4.1(f) below.

3.3 Bonsucro may initiate a complaint against a Member or prospective Member through this Grievance Mechanism.

3.4 Complaints must be submitted [by completing this online form or] by emailing the "**Required Information**" (as defined in Section 4 below) and supporting evidence [to email address or] by posting the Required Information to:

[*mailing address*]

3.5 Complaints must be submitted in written English. Only supporting evidence submitted in

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English will be taken into consideration.

- 3.6 Where a Complainant requires support to submit a complaint, for example, assistance compiling Required Information (see Section 4 below) or assistance with submission in English, they may contact [a member of the Grievance Mechanism Support Group].
- 3.7 By submitting a complaint, the Complainant agrees to comply with the requirements of this Grievance Mechanism outlined in this document.

#### **4. REQUIRED INFORMATION**

4.1 The Complainant is required to provide all of the following information before a complaint will be considered:

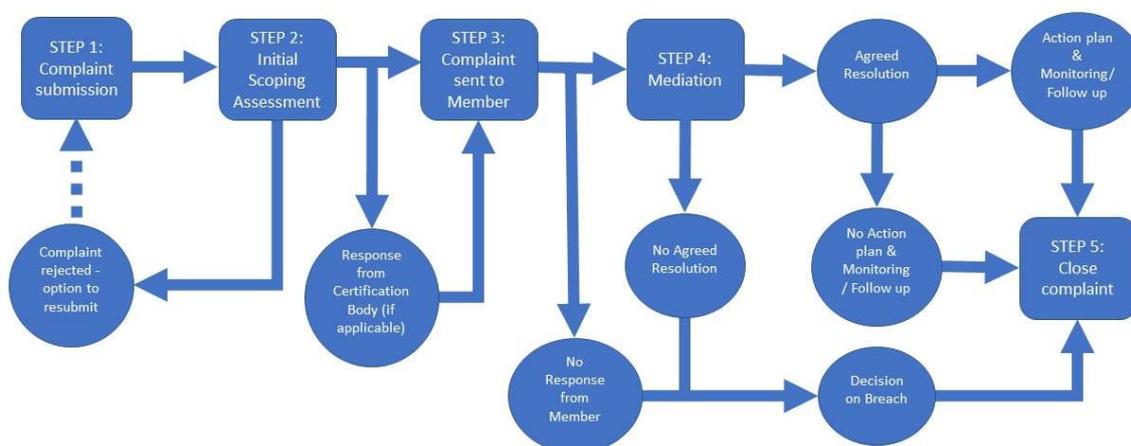
- (a) Information about the Complainant, including:
    - (i) contact person(s) making the complaint or, where applicable, name of representative organisation, contact person, and title/position;
    - (ii) where the Complainant is not an individual or a group of individuals, information that demonstrates legitimacy of a representative organisation as a legal entity or its alternative formal capacity; and
    - (iii) contact information, including email, phone number and mailing address.
  - (b) Identity of the Respondent Member(s) against whom the complaint is made.
  - (c) Details of the nature of the complaint, by identifying:
    - (i) the Relevant Standard(s), referred to above at paragraph 2.1, that are alleged to have been breached;
    - (ii) the specific article(s) of the Relevant Standard(s), referred to above at paragraph 2.1, that are alleged to have been breached; and
    - (iii) details of factual allegations which support the complaint on the basis of (i) and (ii) above. Where allegations relate to social and/or environmental harm, details must be provided on whether the Respondent Member caused or contributed to the harm or whether the harm is linked to their operations, products or services through a business relationship.
  - (d) Documentation and other supporting evidence to substantiate the factual allegations, including a clear and concise narrative with inclusion of supporting evidence.
  - (e) Written evidence that good faith steps were undertaken to seek resolution directly with the Respondent Member prior to initiating this Grievance Mechanism. If this is not possible, an explanation as to the reason that prior engagement was not possible should be provided. A lack of prior engagement will not be prohibitive to access to the Grievance Mechanism where reasons are provided, but may be taken into account when reaching a decision.
  - (f) Specific actions or recommendations requested to resolve or remedy problems raised
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in the complaint with reference to paragraphs 11.5 to 11.7.

- (g) Where a complaint is being made by an organisation on behalf of individuals or communities, the organisation should provide:
    - (i) details of those individuals or communities they are acting on behalf of; and
    - (ii) evidence that they are representing their interests.
  - 4.2 If the Complainant considers that details of individuals cannot be given, it should provide information and evidence as to why anonymity is required. The Decision Maker (in its absolute discretion):
    - (a) may grant the request for anonymity if the Decision Maker considers that this will not prevent the complaint from being fairly taken forward, including any difficulties in responding to allegations that cannot be substantiated or supported by evidence; and
    - (b) may make any necessary and proportionate adjustments to the process set out below to ensure that anonymity can be appropriately maintained without adversely affecting the ability of either party to otherwise fully follow the process.
  - 4.3 The Complainant must confirm that it has considered whether this Grievance Mechanism is an appropriate mechanism for the resolution of its complaint, taking into account the provisions of this Grievance Mechanism, including available remedies, and any other available mechanisms.
  - 4.4 The Decision Maker may request further information from the Complainant or the Respondent Member at any time.
  - 4.5 The Decision Maker may reject complaints that do not satisfy all of the requirements of this Grievance Mechanism.
  - 4.6 Any complaint plus evidence is not to exceed [200 pages] of A4 or equivalent unless special permission is received from the Decision Maker. The Complainant should set out why the matter cannot be dealt with more concisely at the time of submission. Links to other materials will not be considered where the material has not been converted into a suitable format and included within the applicable page limit.
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## 5. COMPLAINT HANDLING

### 5.1 Figure 1: Summary diagram of complaint handling procedure



## 6. COMPLAINT SUBMISSION

6.1 Once a complaint has been received by the Decision Maker the Complainant and the Respondent Member will be notified that:

- (a) a complaint has been received within five Business Days ("**Business Days**" include any day other than Saturday, Sunday or a bank holiday in England) from the date of receipt; and
- (b) a decision on whether or not it is in scope will be made within ten Business Days.

6.2 If, in accordance with paragraph 4.6 the Decision Maker does not allow evidence exceeding [200 pages] or (in its absolute discretion) imposes a higher limit, the Complainant shall have a further [ten] Business Days to re-submit their claim in a compliant form (in addition to the limit of times allowed for re-submission under this Grievance Mechanism).

## 7. INITIAL SCOPING ASSESSMENT

7.1 The parties will be notified of a decision on whether the complaint is in scope within ten Business Days of the date of notification served in accordance with paragraph 6.1 above. At this point a response will be requested directly from the Respondent Member, in accordance with section 8 below and, if applicable, a report will be requested from the Certification Body in accordance with paragraph 7.8 below.

7.2 A complaint will be in scope if the Decision Maker determines that:

- (a) none of the matters at paragraph 2.2 above apply;
- (b) the criteria at paragraph 4.1 above have been met; and
- (c) there is enough information to warrant further examination of the issues raised with regard to the Respondent Member's responsibilities under the Relevant Standards.

- 7.3 A determination that a complaint is in scope does not mean that there has been a breach of the Relevant Standards.
- 7.4 Where multiple complaints are made against the same or multiple Respondent Members relating to the same facts the Decision Maker may join the complaints and deal with them together, making adjustments to the time periods set out below so long as all of the parties to the complaint are kept informed of any new timetables.
- 7.5 Before making a decision in accordance with paragraph 7.4, the Decision Maker shall inform the parties of its intended decision and invite the parties to make representations as to that decision within ten Business Days of being so notified. It shall take the representations of the parties into account in deciding whether to exercise this right including, but not limited to, representations made as to the effect on affected stakeholders, personnel or to legitimate requirements of commercial confidentiality, if information needs to be shared between multiple parties.
- 7.6 A complaint must contain all of the Required Information to be in scope. If a complaint is rejected on the basis that it does not contain all of the Required Information the Complainant will be notified what further information is required. The Complainant can resubmit the complaint once.
- 7.7 The Decision Maker may allow a complaint to proceed even where all of the Required Information is not included if the Decision Maker considers that this will not prevent the complaint from being addressed effectively, or that the specific circumstances of the Complainant require that the complaint should be allowed to proceed.
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## **Complaints relating to Certified Members**

- 7.8 If the complaint includes any allegation that there has been a breach of the Certification Standards and the allegations relate to a period for which the Respondent Member was certified, the Decision Maker will request from Bonsucro the relevant audit report or any other certification data relevant to the complaint (“**Certification Data**”) to determine whether or not it contains information relevant to the allegations.
- 7.9 If the Respondent Member is in the process of being certified, that is, they have signed the Bonsucro certification contract with a Certification Body and/or the certification process is underway, the allegations may be passed on to the Certification Body so that it is dealt with in the certification process. [In this instance, the certification process will be paused pending completion of this Grievance Mechanism process / this Grievance Mechanism process will be paused pending completion of the certification process.] If the Complainants are satisfied that their grievance has been satisfactorily dealt with by the certification process, they may elect to withdraw the complaint.
- 7.10 If the Certification Data does not contain information relating to the factual allegations, the Decision Maker may request further information from the Certification Body. This information will also be shared with Bonsucro.
- 7.11 The Respondent Member agrees to waive confidentiality in relation to the Certification Data and any corrective action plans and outcomes to enable this information to be shared with the Decision Maker.
- 7.12 The Respondent Member may redact, as appropriate, any confidential or trade sensitive information not relevant to the factual allegations and may make submissions to the Decision Maker as to whether or not this information should be shared with the Complainant. The default position will be that any information shared with the Decision Maker will also be shared with the Complainants, subject to any redactions made in accordance with this paragraph.
- 7.13 The Certification Body will have five Business Days from the date the request is made in accordance with paragraph 7.8 above to provide a response to the Decision Maker to be shared with the Respondent Member within a further two Business Days. If a request is made in accordance with paragraph 7.10 above the Certification Body will have a further ten Business Days to provide a response to the Decision Maker to be shared with the Respondent Member within a further two Business Days.
- 7.14 The response will be shared with the Respondent Member in accordance with section 8 below.

## **8. RESPONSE FROM MEMBER**

- 8.1 The Respondent Member will have thirty Business Days from the date of notification served in accordance with paragraph 7.1 (or the date of a response being shared with the Respondent Member under paragraph 7.13 if a report is requested from the Certification Body in accordance with paragraph 7.8) to provide a written response. If the Respondent Member does not respond within thirty Business Days, a further request for response will be sent to the Respondent Member specifying that the complaint will proceed to a decision on the basis of the Complainant's submission alone if a response is not received within a further five Business Days of that further request being received by the Respondent Member.
- 8.2 The response should include:
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- (a) a response to the specific allegations raised in the complaint, including any documentation and other supporting evidence to substantiate the response to any allegations, including a clear and concise narrative with links to or inclusion of supporting evidence;
  - (b) comments on the resolution or remedy sought by the Complainant, whether they are possible to implement and any potential knock-on effects of their implementation, and any alternative suggestions; and
  - (c) if applicable, an explanation of any difficulties faced by the Respondent Member due to the Complainants' request for anonymity.
- 8.3 Any response plus evidence is not to exceed [200 pages] of A4 or equivalent unless special permission is received from the Decision Maker. If such special permission is sought the Respondent Member should set out why the matter cannot be dealt with more concisely at the time of submission. Links to other materials will not be considered where the material has not been converted into a suitable format and included within the applicable page limit. If the Decision Maker does not allow evidence exceeding [200 pages] or (in its absolute discretion) imposes a higher limit, the Respondent Member shall have a further [ten] Business Days to re-submit its response in a compliant form. If the Respondent Member fails to do so, the Decision Maker may disregard any material exceeding the relevant page limit.
- 8.4 The Respondent Member may agree to the specific actions or recommendations requested to resolve or remedy problems raised in the complaint (referred to at paragraph 4.1(f) above) or may offer an alternative proposal. If an alternative proposal is presented to resolve the complaint, the Complainants will have fifteen Business Days to accept or reject the proposal. If the proposal is rejected, the complaint will proceed through the Grievance Mechanism.
- 8.5 If the Respondent Member requires an extension of time they must:
- (a) make the request for an extension of time within ten Business Days of receiving the complaint (or the date of a response being shared with the Respondent Member under paragraph 7.13 if a report is requested from the Certification Body in accordance with paragraph 7.8); and
  - (b) specify to the Decision Maker the date that a response will be received.
- 8.6 The Respondent Member may be granted a maximum extension of 30 Business Days on application to the Decision Maker. The Complainant will be notified of any extension.
- 9. MEDIATION**
- 9.1 Following the steps at paragraphs 6 to 8 above, and assuming that no agreement is reached in accordance with paragraph 8.3 above, the parties will attempt to resolve the complaint in accordance with [CEDR's Model Mediation Agreement].
- 9.2 The parties will be required to select an independent person to act as mediator ("**Mediator**") from the pre-approved list of mediators provided by [Independent Body]. [This list is available on Bonsucro's website.] Their selection will be required within ten Business Days of the date of receipt of the response from the Respondent Member. The parties may agree an additional Mediator not on the approved list and notify [Independent Body] of their choice within this time period. If the parties are unable to agree on the joint appointment of an independent person to mediate within ten Business Days of the date of receipt of the response from the Respondent Member, [Independent Body] will nominate an appropriate Mediator within a
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further ten Business Days.

- 9.3 The parties will agree with the Mediator the terms of reference for the mediation and any other relevant details required to enable the process of mediation to proceed. The mediation should take place within twenty Business Days of the appointment of an independent mediator in accordance with paragraph 9.2 above or as otherwise agreed by the parties. The parties will share the proposed mediation date with the Decision Maker.
- 9.4 [Bonsucro will make available funds to cover the cost of the mediator for a maximum of two days mediation and one day preparation and follow up or up to a limit of £5,000, whichever is lower; subject to a maximum available amount for all mediations under the Grievance Mechanism of £30,000 per calendar year. Any costs incurred beyond these limits will be covered by the parties.]
- 9.5 If any party refuses to engage in mediation the complaint will proceed to a decision by the Decision Maker on whether there has been a breach of the Relevant Standard(s). When making its decision as to any relevant sanction to be imposed on the Respondent Member, the Decision Maker will take into account any refusal to engage in mediation.
- 9.6 Any settlement reached in the mediation shall not have the effect of engaging paragraph 10.2 [to 10.3] below until it has been reduced to writing and signed by, or on behalf of, the parties to the mediation. The Mediator shall assist the parties to the mediation in recording the outcome of the mediation.

## **10. AGREED RESOLUTION**

- 10.1 Within five Business Days of the date of the Mediation, the parties will notify the Decision Maker that either:
- (a) they wish to pause the Grievance Mechanism for a further period to enable continued discussion and/or to request a non-binding recommendation from the Mediator in accordance with paragraph 10.5 and/or for their agreement to be recorded in signed writing, and notify the Decision Maker of the date on which that period will end, following which they will make a further notification to the Decision Maker;
  - (b) they have agreed to resolve the complaint at mediation and this has been recorded in signed writing; or
  - (c) they have been unable to reach an agreement.

### **Mediation leads to agreement**

- 10.2 If the parties agree to resolve the complaint at mediation and agree to this in signed writing, the notification by the parties will include a copy of the agreement reached, including any details of the agreement, action plan and agreed follow up or monitoring mechanisms.
- 10.3 Bonsucro will then:
- (a) take a decision to close the complaint and publish notification of the decision on its website; or, if applicable,
  - (b) Bonsucro will publish on its website an expected date for review when a decision will be taken following the implementation of any agreed action plan and follow up or
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monitoring mechanisms.

- 10.4 Any monitoring mechanisms will seek to ensure regular follow up and aftercare of rights-holders after the grievance process has concluded in order to track the impacts of the remedy and obtain feedback.

### **Mediation does not lead to agreement**

- 10.5 If the parties to the mediation (or some of them, where there are multiple Respondent Members) are unable to reach a settlement in the mediation or during any subsequent further period of negotiation, and only if all the parties to the mediation so request and the mediator agrees, the Mediator shall produce for the parties to the mediation a non-binding recommendation on the terms of settlement. This shall set out what the Mediator suggests are appropriate settlement terms in all of the circumstances.

- 10.6 The non-binding recommendation will be shared with the Decision Maker.

### **11. NO AGREED RESOLUTION – CONTINUATION OF PROCESS**

- 11.1 The Decision Maker will have thirty Business Days from the relevant date of notification (in accordance with paragraph 10.1) to make a decision on whether there has been a breach of the Relevant Standards and any resolution or remediation. If the Decision Maker requires additional time to make a decision, for example, because the complaint raises complex issues, the parties will be notified of the date that a decision will be made (up to a maximum of twenty further Business Days).

- 11.2 If the Decision Maker requires further expert support it may apply to Bonsucro to request that further information.

- 11.3 In making a decision, the Decision Maker will only take into account the submissions of the Complainant and the Respondent Member, any items specified elsewhere in this Grievance Mechanism, and, if applicable, any reports from the Certification Body and technical experts or other third parties commissioned by the Decision Maker to support in the resolution of the Complaint.

- 11.4 The Decision Maker will then:

- (a) make a decision on whether there has been a breach of the Relevant Standards; and
- (b) make recommendations on what remedial action should be taken to remediate the situation and what sanctions should be applied to the Respondent Member.

- 11.5 The available sanctions include:

- (a) termination of membership of the Respondent Member (with no return up to a maximum period of [6] years);
- (b) suspension of the membership of the Respondent Member for a maximum period of [x] years; and/or
- (c) imposition of conditions on continued membership or re-entry to membership.

- 11.6 The conditions which may be placed on continued membership or re-entry to membership may include:
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- (a) development of a corrective action plan aligned with the requirements of the Relevant Standards and monitoring procedures;
  - (b) [...]
- 11.7 The conditions which may be placed on continued membership do not include:
- (a) the payment of financial compensation;
  - (b) actions that are beyond the scope of the obligations placed on the Respondent Member under the Relevant Standards.
- 11.8 Any conditions placed on continued membership or re-entry will be focused on continuous improvement of policies and processes and aimed at achieving positive outcomes for affected individuals and communities. They must include a time period for completion of the relevant activities and a mechanism for verifying compliance. The Respondent Member shall have the opportunity to apply to the Decision Maker for the extension of a relevant time period, such a request is to be made no less than twenty Business Days prior to the end of the relevant period, and the Decision Maker shall notify the Respondent Member of its decision on whether to grant an extension within twenty Business Days of the request being received.
- 11.9 The Decision Maker will consider the specific actions or recommendations requested to correct problems submitted by the Complainant and any representation made in this regard by the Respondent Member. It shall also consider any recommendations made by the Mediator pursuant to the process described at paragraph 10.5 above.
- 11.10 Bonsucro will then:
- (a) take a decision to close the complaint and publish notification of the decision on its website; or, if applicable
  - (b) Bonsucro will publish on its website an expected date for review when a decision will be taken following the implementation of any agreed action plan and follow up or monitoring mechanisms. Any monitoring mechanisms will seek to ensure regular follow up and aftercare of rights-holders after the grievance process has concluded in order to track the impacts of the remedy and obtain feedback.
- 11.11 The Decision Maker will share with the parties the text of the decision that will be published on Bonsucro's website within five business days of the date of the decision for the parties to comment upon. The parties will be given ten Business Days to reply. If a response is not received from either party, the decision will be published without their comments unless a review has been requested in accordance with paragraph 12 below.
- 11.12 Once the decision has been published on Bonsucro's website it is final.

## **12. REVIEW PROCEDURE**

- 12.1 Any of the parties to the complaint can request a review of whether the Decision Maker has properly complied with the procedure outlined in this Grievance Mechanism.
- 12.2 The review will not re-examine the substance of a decision.
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12.3 A review can be requested only:

- (a) after a complaint submission has been rejected a second time in accordance with paragraph 7.6 above; or
- (b) once the text of a decision has been shared with the parties in accordance with paragraph 11 above.

#### **How to request a review**

12.4 A request for review must be made in writing to Bonsucro within ten Business days from the date of a decision referred to at paragraph 12.3 above.

12.5 A request for review must set out the reasons for requesting a review set out in paragraph 12.1 above.

12.6 The review process will normally be completed within thirty business days of receipt of the request by a separate decision maker appointed by an independent, external service provider.

### **13. DOCUMENTATION**

13.1 The Administrator will maintain a log of all complaints made to Bonsucro. Any original documentation submitted by the parties shall be returned to those parties as soon as reasonably practicable and the copies shall be stored at the office of Bonsucro for a period of twelve months beginning on the date on which the complaint was determined. Thereafter such copies will be destroyed.

### **14. TRANSPARENCY**

14.1 Each complaint will be assigned a unique tracking number. Bonsucro will publish the following information on its website, referencing the applicable tracking number:

- (a) Initial Scoping Decision:
    - (i) where the complaint is in scope: a statement will be published on Bonsucro's website within five Business Days of a decision on initial scoping being made. The statement will state that a complaint has been received and is within scope, clarifying that this does not mean any determination has been made on whether there has been a breach of the Relevant Standards. The statement will include a list of specific parts of the Relevant Standards which are alleged to have been breached, and allocate a case tracking number. The statement will not name the parties to the complaint. The statement will outline the process and next steps; and
    - (ii) where the complaint is not in scope: a statement will be published on Bonsucro's website within five Business Days of a decision on initial scoping being made. The statement will state that a complaint has been received and is not in scope.
  - (b) Mediation - a statement will be published on Bonsucro's website at the commencement of the mediation process. The statement will outline that the complaint has progressed to mediation. The statement will not include the name of the
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parties.

- (c) Conclusion of the mediation process - a statement will be published on Bonsucro's website that either:
  - (i) the parties have reached an agreement at mediation and the complaint has been closed, in which case no further details will be given unless otherwise agreed between the parties;
  - (ii) the parties have requested further time to reach a resolution; or
  - (iii) the parties have been unable to reach a resolution and the case will proceed to a decision.
- (d) Resolution - a statement will be published on Bonsucro's website within ten Business Days of the decision being made, including reasons for the decision. The statement will include the name of the parties.

14.2 The parties should not publish the complaint, response or any other document relating to the complaint that is not published by Bonsucro. If the parties do not comply with this requirement, this will be taken into account when reaching a decision.

## **15. CONFIDENTIALITY**

- 15.1 Both parties agree to keep the fact and substance of the complaint confidential until the complaint is resolved, subject to the need for limited disclosure for the purposes of investigation of, and otherwise dealing with, the complaint.
- 15.2 The Decision Maker shall take any breach of confidentiality into account when making its decision as to the appropriate remedy.

## **16. DATA PROTECTION**

- 16.1 Data protection law regulates the handling of personal data about individuals. Where a party collects and transmits personal data as part of a complaint, it will be responsible for complying with locally applicable data protection laws. These may require that party, *inter alia*, to notify relevant individuals about the use of their data for the purpose of resolving the complaint, and to establish a lawful basis for that use (which may require obtaining consent from those individuals). The parties are responsible for ensuring that any personal data contained within a complaint has been collected lawfully, and may lawfully be disclosed to Bonsucro and/or the Decision Maker/Administrator and/or the other party/ parties to the complaint.
  - 16.2 In general, the parties should not disclose sensitive personal data (that is, data about an individual's health, race, ethnic origin, religious or philosophical beliefs, trade union status, sex life or sexual orientation, biometric or genetic status or personal financial data (including bank account details)) as part of a complaint. Where it is strictly necessary to disclose such data, the party making the disclosure must obtain consent from the relevant individual(s) (such consent to specifically name Bonsucro and/or the Decision Maker/Administrator and/or the other party/ parties to the complaint as a recipient of the data, for the purposes of resolving the complaint).
  - 16.3 Bonsucro is established in the UK, and is regulated by UK data protection laws (including the UK implementation of the General Data Protection Regulation (**GDPR**)) as a data controller
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in relation to its processing of any personal data contained within a complaint. UK data protection laws provide individuals with certain rights, which may mean that Bonsucro is required (in its absolute discretion) to provide an individual with access to their personal data contained within a complaint, or to erase that data. Bonsucro maintains a publicly available privacy notice [\[link\]](#).

## **17. MISCELLANEOUS**

- 17.1 Bonsucro is committed to resolving complaints efficiently and transparently. However, in some situations, for example, where the complaint raises complex issues, the Decision Maker may need to extend the timelines set out in the Grievance Mechanism. In the event that timelines need to be extended, the Decision Maker will notify both parties in writing.
- 17.2 Bonsucro has a zero-tolerance policy on retaliation, intimidation or harassment. All parties to a complaint will refrain from retaliating against, intimidating or harassing other parties to a complaint or any individual or community involved in the complaint, including human rights defenders.
- 17.3 Where there is evidence that any of the parties to a complaint have caused or contributed to retaliation, intimidation or harassment against another party to the complaint or any individual or community involved in the complaint, including human rights defenders, the Decision Maker may choose to take the following steps:
- (a) pause the Grievance Mechanism pending investigation into the allegations; and
  - (b) if verified, apply a sanction as outlined above at paragraph 11.5.

Where parties to a complaint seek to rely on this clause, if the mediation process has been commenced this clause will not apply and the parties will attempt to resolve the issue in the context of mediation.

- 17.4 The parties may agree to resolve the complaint at any point. In this situation Bonsucro will close the complaint in accordance with its internal procedures and publish a statement on its website to this effect. Any such statement will not give any further details of the complaint unless otherwise agreed between the parties.
- 17.5 If court proceedings on the same issues as those raised in a complaint are commenced against the Respondent Member and/or another relevant grievance mechanism or similar procedure has been commenced (or is in the course of this process commenced) the Decision Maker may, at any time, pause the complaint pending the conclusion of those proceedings.
- 17.6 Parallel proceedings in and of themselves will not automatically cause suspension of a complaint, the Decision Maker will only take a decision to suspend a complaint where there is a risk of serious prejudice to either party to the parallel proceedings and it is appropriate in the circumstances.
- 17.7 Bonsucro may make submissions to the Decision Maker that there is a risk of serious damage to the reputation of Bonsucro, which the Decision Maker will take into account.
- 17.8 At any time during the Grievance Mechanism process the parties to the Complaint may agree to resolve the Complaint, in which case the Decision Maker may close the Complaint when exercising its duties under this Grievance Mechanism.
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## **18. CONDUCT**

18.1 All parties to a complaint must:

- (a) comply with the rules and responsibilities set out in the document;
- (b) comply with the timescales, attend to requests for information in a timely manner and notify the relevant party if they foresee any delay in complying with the timescales;
- (c) act in good faith at all times; and
- (d) refrain from making statements that are prejudicial to the resolution of a complaint.

## **19. REVIEW**

- 19.1 Bonsucro will conduct an internal review of any complaints received, how they were handled by the Grievance Mechanism and lessons learnt every twelve months. Feedback will be sought from users of the Grievance Mechanism as well as any Respondent Members [against KPIs, determined to measure the Grievance Mechanism against best practice, including the UNGP Effectiveness Criteria]. A report will be provided to Bonsucro's board for review.
- 19.2 Bonsucro will commission an external assessment of its Grievance Mechanism every three years seeking recommendations for improvement. Feedback will be sought from users of the Grievance Mechanism as well as any Respondent Members [against KPIs that have been determined to measure the Grievance Mechanism against best practice, including the UNGP effectiveness criteria]. A report will be provided to Bonsucro's board for review.
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