

6. Establishing Effective Grievance Mechanisms & Protection

Tool 1: An Introduction to Grievance Mechanisms

All workers, and migrant workers in particular, should have access to grievance mechanisms that allow them to voice concerns without fear of punishment or retribution. The provision of these mechanisms by the employer is particularly crucial for migrant workers.

Grievance mechanisms have many helpful purposes. They can serve to channel conflict into an institutionalized mechanism for peaceful resolution. They facilitate communication between workers and management regarding problems that arise, and enable workers to complain with dignity, knowing that there is a system of appeals leading to an impartial decision maker. Finally, they assist the company in ensuring that its staff is complying with company standards on ethical conduct.

Company policy should include a description of the different processes and channels for workers to provide feedback on company practices and workplace issues – particularly those directly impacting workers' employment concerns and welfare, and those relating to social responsibility standards. A robust grievance mechanism will allow employers to have a stronger, more stable workforce and will allow potential disruptive risks to be identified early. This can save employers time and money. It can also improve morale, and protect against reputational and legal risk.

WHAT MAKES A GRIEVANCE MECHANISM EFFECTIVE?

Some characteristics of effective grievance procedures are:

- Established procedures are easy to understand;
- A mechanism to ensure workers confidentiality;
- A procedure for management to follow-up on reported grievances that is communicated to workers;
- A procedure that allows workers to report a grievance against a supervisor to an impartial entity, and in any case to someone other than that supervisor or any other manager in that supervisor's chain of command;
- A procedure for workers to monitor the status of complaints;
- Existence of an appeals system;
- A policy that ensures that workers who report a grievance can do so without fear of penalty, dismissal or reprisal of any kind;
- A policy that provides workers with grievances access to additional support or advocacy (i.e. interpreters, counseling).

Employers should set up grievance mechanisms that allow workers to take their problems, complaints and/or suggestions to management through different channels, depending on the issues being reported, who the worker has a complaint regarding, and how comfortable workers feel in reporting their grievances.

Possible examples of channels include:

- a supervisor
- a workers' representative during worker assemblies
- a union representative
- workers' committee
- phone or text hotline (can be anonymous)

SPECIAL CONSIDERATIONS FOR MIGRANT WORKERS

Employers should ensure that no worker is excluded from participation in grievance mechanisms. Social, cultural and language differences provide particular challenges in this regard.

All communication regarding grievance mechanisms should be in languages that workers understand. Translators should be employed where necessary. Multiple communication channels should be provided to ensure that workers will find an avenue with which they are comfortable registering concerns.

Confidentiality – and anonymity – in submitting grievances should be assured to all workers. This provision should be emphasized to migrant workers during on-boarding and training.

In cases where a labor broker manages migrant workers on-site, the broker should have grievance mechanisms in place; and the host facility should also provide migrant workers with confidential and anonymous channels to report broker misconduct.

LABOR UNIONS

A primary venue for worker-management communication and feedback is the labor union. Enhanced cooperation and communication between unions, workers and management facilitates mutual trust and respect, which in turn promote increased efficiency and productivity. Below are some steps for establishing a system for worker, union and management communication and feedback:

1. Establish clear and mutually agreed-upon terms of engagement for cooperation and communication with the union as a partner. Both parties should agree on the rules of engagement including roles, functions and areas of accountability for both parties. Parameters and conditions of union participation should be defined in the areas of:

- Grievance procedures;
- Discipline and termination; and
- Communication.

2. Develop a labor relations policy and an implementing structure to formalize communication with labor representatives within the facility. Labor relations policy should indicate procedures for:

- Labor-management communication;
- Worker feedback and participation in both a unionized and non-unionized workforce; and
- Worker and union representation in health and safety committees, quality assurance teams, and other worker-represented councils.

WORKER COUNCILS OR COMMITTEES

Worker committees are consultative bodies established to improve the welfare of workers and to foster the development of the business through participation and cooperation between workers and employers. They serve as a forum where management and employees may air their concerns, short of collective bargaining. These councils can help to resolve disputes and act as a mechanism for submitting a grievance. A worker committee should ideally represent all worker nationalities/languages, so that each worker has a voice. Elections are held on a fixed schedule and elected leaders meet with human resource managers to discuss potential issues and promote constructive communication. A worker committee should operate by the following principles:

- Front-line workers have the right to participate in decisions that affect their working lives;
- Workers and management have a mutual interest in the success of factory operations;
- Workers and management share a responsibility to work together to achieve that success.

Effective grievance mechanisms are a critical element of any well-functioning workplace. Where engagement with labor brokers is concerned, such mechanisms can help you to gauge the performance of your brokers. They can also serve as an early warning system for a host of labor and ethics violations that you will want to know about, including human trafficking and forced labor.

