

Assessment Template: Indicators, Tests and Evidence

EVALUATION OF THE OPERATIONAL LEVEL GRIEVANCE MECHANISM: PRINCIPLES, INDICATORS AND ASSESSMENT TESTS

Introduction

To assist in evaluating the Operational Level Grievance Mechanism (OGM), we have prepared the following assessment template. The template consists of certain indicators, assessment tests, and the type of evidence to review for each test. The indicators themselves were designed to correlate to the UN Guiding Principles on Business and Human Rights (UNGPs), and in particular UNGP 31, relating to the effectiveness criteria for non-judicial grievance mechanisms. In developing the indicators, we considered the UN Guiding Principles Assurance Guidance,¹ Shift's Doing Business with Respect for Human Rights Guide,² CSR Europe's Management of Complaints Assessment Results,³ the International Commission of Jurist's Effective Operational-level Grievance Mechanisms,⁴ assessment resources associated with leading multi-stakeholder initiatives,⁵ and the indicators used for other grievance mechanism evaluation exercises. We also conferred with Triple R Alliance (TRA), and reviewed indicators that TRA and its expert personnel have developed and used.

We believe that in the context of our instruction as Independent Monitor, utilizing a template will allow for sustainable, repeatable and predictable outcomes, enhance transparency and predictability, and enable greater confidence by external stakeholders in the integrity and legitimacy of the independent assessment.

It is important to understand that the assessment template is not a "test" intended to specifically determine whether an OGM is effective or ineffective. The template will not yield passing or failing grades. Rather, it is a tool to help evaluate how an OGM may be designed or improved, the kind of documentation it might seek to generate and collect to allow for auditability and review, how it is perceived by a range of stakeholders, the way that it considers and reports information internally and externally, and other steps. Accordingly, evidence that is lacking for certain tests does not mean the OGM is weak or inadequate. It may mean that certain documents were simply not collected, or that responses from affected stakeholders are shaded by a desire for or disappointment with certain outcomes. Even a determination that certain indicators are not met is not necessarily indicative of a "problem." It may simply mean, for instance, that the indicators are not particularly relevant at that time or in that circumstance. In other words, the template is merely a device to translate the UNGPs into actionable steps "for designing, revising or assessing a non-judicial grievance mechanism" in an organized and coherent manner, and thus facilitate the kind of benchmarking that the Commentary to UNGP 31 expressly contemplates.

¹[https://www.ungpreporting.org/assurance/#:~:text=The%20UNGP%20Assurance%20Guidance%20is,among%20other%20non%2Dfinancial\)%20reporting.](https://www.ungpreporting.org/assurance/#:~:text=The%20UNGP%20Assurance%20Guidance%20is,among%20other%20non%2Dfinancial)%20reporting.)

² <https://shiftproject.org/resource/doing-business-with-respect-for-human-rights/>

³ <https://static1.squarespace.com/static/5df776f6866c14507f2df68a/t/5e666810b7c6ef5fcd9bf296/1583769622168/MOC-A+Report.pdf>

⁴ <https://www.icj.org/wp-content/uploads/2019/11/Universal-Grievance-Mechanisms-Publications-Reports-Thematic-reports-2019-ENG.pdf>

⁵ See <https://www.voluntaryprinciples.org/resource/auditing-implementation-of-the-voluntary-principles-on-security-and-human-rights/>; <https://globalnetworkinitiative.org/wp-content/uploads/2018/08/Implementation-Guidelines-for-the-GNI-Principles.pdf>; <https://www.fairlabor.org/accountability/assessments/>.

Assessment Template: Indicators, Tests and Evidence

GUIDING PRINCIPLE 22		
Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.		
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was established by the company as one pathway to remediate adverse human rights impacts which it has caused or to which it has contributed.	<ul style="list-style-type: none"> <input type="checkbox"/> The OGM's formation documents, or other information, identifies that the company established the OGM to remediate negative human rights impacts to which the company is connected. <input type="checkbox"/> Where individuals have been harmed at least in part due to actions, decisions or omissions of the company, there is evidence that the OGM has provided, contributed to or otherwise assisted in enabling remediation. 	<ul style="list-style-type: none"> <input type="checkbox"/> Review the OGM's formation documents or other materials consistent with its formation to identify the purposes for which it was created. <input type="checkbox"/> Review 5 or more grievance files to identify intake forms and investigative reports to determine (i) whether the company reasonably determined that it did or did not cause or contribute to negative impact,⁶ and (ii) if so, how remediation was determined. <input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants in which remedy was provided to confirm: (i) that the OGM in fact evaluated grievances, (ii) that there was a negative impact and the company reasonably caused or contributed to it, (iii) the OGM discussed remediation approaches with claimants, and (iv) that remediation was provided.
GUIDING PRINCIPLE 29		
To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.		
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
Individuals who believe they have been adversely impacted by the company are able to access the OGM directly to raise their concerns, without first seeking other means of recourse.	<ul style="list-style-type: none"> <input type="checkbox"/> OGM procedures allow access to any individual or group potentially adversely impacted by the company's actions, decisions or omissions. <input type="checkbox"/> There is no evidence that the OGM requires that groups directly at risk of human rights impacts due to the company's actions, decisions or omissions ("affected individuals") file grievances through third parties or alternative processes. <input type="checkbox"/> There is no evidence that the OGM requires "exhaustion" of alternative pathways of remediation. <input type="checkbox"/> There is evidence of individuals or groups raising complaints to the OGM directly. 	<ul style="list-style-type: none"> <input type="checkbox"/> Confirm the total number of grievances filed, to validate usage of the OGM. <input type="checkbox"/> Review the OGM terms of reference to confirm that they allow any individual or group to file claims without first seeking other means of recourse. <input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants to confirm that claims have been filed immediately and directly without first seeking other means of recourse.

⁶ Cause in this sense is whether the company's activities on their own without other stakeholders were sufficient to cause a negative human rights impact. OHCHR Letter to BankTrack (2017), pg. 5. Contribution generally occurs in one of two ways: (1) via a third party, or (2) when acting in conjunction with another entity. The first type of contribution occurs when business takes an action or decision that "creates strong incentives for the third party to abuse human rights" or "where a company facilitates or enables such abuse." OECD Guidance, at 70; The UN Guiding Principles on Business and Human Rights and conflict affected areas: obligations and business responsibilities, at 973. In the second type, contribution can take place when a business activity leads to negative collective or cumulative impacts, such as drawing water from a well with other businesses that leaves little left for local residents or farmers (collective) or a relatively minor impact that over time leads to a significant impact (cumulative). IBA Guidance (2016), at pg. 20-21.

The OGM is designed to directly address remediation for any harms caused or contributed to by the company.	<input type="checkbox"/> The OGM has clear procedures through which it systematically considers how it may provide, contribute to or otherwise enable remediation for individuals who have been harmed by the company's actions or decisions. <input type="checkbox"/> There is evidence that OGM remediation efforts have been or are being implemented.	<input type="checkbox"/> Review OGM procedures for claim consideration to identify whether its processes clearly set forth how it will (i) receive, (ii) evaluate, and (iii) remediate claims. <input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants whose grievances have been remediated to confirm that the OGM procedures for (i) receiving, (ii) evaluating, and (iii) providing remediation have been followed.
The OGM does not impair access to other pathways to remediation (e.g., judicial or non-judicial accountability mechanisms).	<input type="checkbox"/> OGM procedures specifically address non-hindrance of claimants seeking remediation through other pathways. <input type="checkbox"/> There is no evidence that in practice the OGM requires claimants to waive their right to access other pathways to remediation. <input type="checkbox"/> There is no evidence that individuals were pressured or coerced by the company or OGM personnel to seek remedy through other pathways.	<input type="checkbox"/> Review the OGM procedures to confirm that it addresses non-hindrance of claimants seeking other remedy pathways. <input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants to confirm that (i) the OGM does not require claimants to waive any rights to seek remediation through other pathways, and (ii) there has been no pressure on claimants or potential claimants to forego other remedy pathways.
GUIDING PRINCIPLE 31(A)	Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was designed to include elements of independence and accountability, including those that prevent parties to the grievance from interfering with its fair conduct.	<input type="checkbox"/> OGM procedures specifically address accountability and independence. <input type="checkbox"/> The OGM's Tier 2 administrators, and any OGM oversight panel, are independent of the company in practice and perception. <input type="checkbox"/> There is evidence that senior management and individuals with responsibility for the company's human rights performance understand the company's responsibility to enable effective remediation where the company causes or contributes to negative human rights impacts.	<input type="checkbox"/> Review the OGM procedures to confirm how they address (i) accountability, (ii) independence and (iii) non-interference. <input type="checkbox"/> Interview (a) OGM personnel, and (b) 3 or more claimants to establish their perspective on the independence of the OGM administrators and oversight panel. <input type="checkbox"/> Interview (a) the GM and senior leadership of the company, (b) company human rights personnel, (c) OGM personnel, and (d) personnel with oversight responsibilities for the OGM to: confirm their understanding of the company's responsibility to cooperate in or provide remediation.
The OGM is perceived as fair and legitimate by affected individuals and the local community.	<input type="checkbox"/> Mindful of concerns regarding individuals who may not have received the remedy they had hoped for, confirm that there is no evidence that affected individuals reasonably believe the OGM is unfair regarding (a) its independence, (b) its handling of claims, (c) the steps taken to resolve grievances, or (d) its outcomes. <input type="checkbox"/> There is no evidence that affected individuals believe the OGM will fail to	<input type="checkbox"/> To assess potential grievance patterns, identify total number of grievances and appeals filed by: (i) month, (ii) nature and date of claim, (iii) gender, and (iv) channel through which the claim was filed. <input type="checkbox"/> Interview OGM personnel and at least (a) 3 or more claimants, (b) 3 or more non-claimant community members, and (c) 3 or more members of local vulnerable populations to determine the views of affected individuals regarding the OGM's fairness, respect and effectiveness, including

	<p>engage with them respectfully while handling complaints.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Mindful of concerns regarding individuals who may not have received the remedy they had hoped for, confirm there is no evidence that affected individuals reasonably believe the OGM is unfair or illegitimate regarding (a) its independence, (b) its handling of claims, (c) the steps taken to resolve grievances, or (d) its outcomes. <input type="checkbox"/> There is no evidence that affected individuals believe the OGM will fail to engage with them respectfully while handling complaints. <input type="checkbox"/> There is evidence that affected individuals feel OGM is (a) free of bias, (b) free of discrimination, (c) culturally appropriate for the groups concerns, and (d) able to provide meaningful remediation in light of the perceived harms suffered. <input type="checkbox"/> There is evidence that feedback from potentially affected stakeholders was integrated into the OGM's framework. 	<p>specifically: its perceived (i) independence, (ii) treatment of claimants with fairness and respect, (iii) handling of claims, (iv) steps to resolve claims, (v) outcomes, (vi) bias, (vii) local cultural expertise, (viii) freedom from discrimination, and (ix) ability to deliver meaningful remediation.</p>
Reasonable efforts are taken to ensure the safety and security of individuals who access the mechanism.	<ul style="list-style-type: none"> <input type="checkbox"/> OGM procedures specifically address or consider the physical security of individuals who seek to access it. <input type="checkbox"/> There is no evidence that individuals who have accessed the OGM have been subjected to physical threats or violence. <input type="checkbox"/> There is no evidence that individuals have refrained from accessing the OGM out of fear of retribution. 	<ul style="list-style-type: none"> <input type="checkbox"/> Review the OGM procedures and other relevant documentation to confirm that the physical security concerns of claimants are addressed. <input type="checkbox"/> Interview OGM personnel, and at least (a) 3 or more claimants, (b) 3 or more non-claimant community members, and (c) 3 or more members of local vulnerable populations to confirm that they are not aware of (i) threats of retaliation from the company, employees or community members, or (ii) individuals declining to access the OGM out of fear for their safety.
GUIDING PRINCIPLE 31(B)	Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM has been promoted to individuals and communities where affected individuals are likely to learn of it, in a manner that accounts for local culture, literacy, language and need, with information sufficiently widely disseminated to reach materially all potential adversely impacted stakeholders.	<ul style="list-style-type: none"> <input type="checkbox"/> There is a plan to promote the OGM to individuals or communities who may be negatively impacted by company decisions, actions or omissions. <input type="checkbox"/> There is evidence of OGM promotion and consultations in all local communities where affected individuals are believed to reside or work, or other locations designed to alert affected individuals to the OGM. <input type="checkbox"/> There is evidence that those promotional activities and consultations took place in a 	<ul style="list-style-type: none"> <input type="checkbox"/> Review any promotion or consultation plans developed for the OGM. <input type="checkbox"/> Review promotional materials developed for the OGM, such as flyers, posters, advertisements, and similar materials, and where and how they have been placed and/or disseminated. <input type="checkbox"/> Review documentation reflecting any community consultations that have occurred, including (i) the number of consultations, (ii) their location, length and dates, (iii) the language in which they took place, (iv) the

	<p>manner desired to maximize the likelihood that affected individuals would understand the information conveyed.</p>	<p>number of community participants who attended, and (v) any presentations or scripts.</p> <p><input type="checkbox"/> Interview 3 or more claimants about the consultations and promotional activities to validate their understanding of the information that was conveyed.</p>
<p>The OGM has multiple channels for accessing it, is easy to use, and is adapted to account for local cultural norms and language at every material step.</p>	<p><input type="checkbox"/> OGM procedures specifically contemplate multiple means of lodging a grievance, and take into account local language concerns and the ways through which affected individuals may lodge claims.</p> <p><input type="checkbox"/> There is evidence that affected individuals believe the OGM is easy to access, understand and use.</p>	<p><input type="checkbox"/> (a) Review the OGM procedures and (b) interview OGM personnel to confirm that: (i) there are multiple channels for reporting, (ii) reporting can occur in all relevant local languages, and (iii) the OGM procedures account for local cultural and contextual considerations.</p>
<p>The OGM has been designed and implemented to account for direct and indirect costs, and physical and nonphysical hardships, that may prevent effective access or enhance harms experienced.</p>	<p><input type="checkbox"/> The design of the OGM specifically and consciously addresses potential barriers that may exist for affected individuals based on consultations, related past activities, the experiences of other OGMs, and similar factors.</p>	<p><input type="checkbox"/> Interview individuals involved in the design of the OGM to identify how they considered potential barriers to affected individuals, and how they were addressed.</p> <p><input type="checkbox"/> Review the OGM procedures to confirm that it contemplates and addresses reasonably anticipated potential barriers for affected individuals.</p>
<p>The design of the OGM has considered the potential (and perceived potential) for retaliation against affected individuals, and affected stakeholders do not believe there will be retaliation against them for accessing the OGM or receiving remedy under it.</p>	<p><input type="checkbox"/> The OGM includes a clear commitment against retaliation, supported by procedures designed to mitigate any risks of retaliation for accessing the OGM.</p> <p><input type="checkbox"/> There is no evidence that affected individuals were intimidated out of using the OGM.</p> <p><input type="checkbox"/> The OGM procedures include confidentiality to all claimants, and makes clear to claimants if, why and when confidentiality may not be provided.</p> <p><input type="checkbox"/> There is no evidence of retaliation against claimants who have accessed the OGM.</p>	<p><input type="checkbox"/> Review the OGM procedures to confirm the commitment against retaliation and identify how it is implemented.</p> <p><input type="checkbox"/> Review the OGM procedures to (i) confirm its commitment to confidentiality, (ii) identify how that commitment is implemented, and (iii) identify how explanations are to be provided to claimants where confidentiality may not be ensured.</p> <p><input type="checkbox"/> Interview (a) OGM personnel, (b) 3 or more claimants, and (c) community representatives to confirm there have been no (i) reported/perceived claims of intimidation or retaliation, or (ii) known instances of individuals afraid to use the OGM.</p>
<p>The physical location of the OGM and its operating hours are conducive to accessing it.</p>	<p><input type="checkbox"/> The OGM is located outside of the company's property.</p> <p><input type="checkbox"/> There is evidence that the OGM is open during time periods when stakeholders with differing commitments can access it.</p> <p><input type="checkbox"/> There is no evidence stakeholders cannot access the OGM because of its physical location or hours of operation.</p>	<p><input type="checkbox"/> Confirm the location of the OGM and its operating hours, and verify that its location and operating hours are reasonably conducive to accessing it in light of the local context and needs of affected individuals.</p> <p><input type="checkbox"/> Interview OGM participants and at least (a) 3 or more claimants, (b) 3 or more non-claimant community members, and (c) 3 or more members of local vulnerable populations to confirm that they are unaware of affected individuals being unable or deterred from accessing the OGM because of its location or hours.</p>

The OGM has a process to provide reasonable assistance for affected individuals to effectively access the OGM, if needed.	<input type="checkbox"/> OGM procedures contain identified steps to provide assistance to affected individuals who may face barriers, and a process through which affected individuals may request assistance.	<input type="checkbox"/> Review the OGM procedures to identify how (i) barriers to access are anticipated and addressed, and (ii) affected individuals may request assistance. <input type="checkbox"/> Interview OGM participants to confirm how barriers to access have been addressed in practice, including any specific instances in which – despite the OGM's design - barriers still had to be addressed.
GUIDING PRINCIPLE 31(C)	Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was designed with clear steps for each material stage in the process, as well as safeguards specific to serious or sensitive grievances, with relevant timeframes.	<input type="checkbox"/> OGM procedures are written in simple and plain language and: (a) address how complaints will be processed, (b) allocate responsibilities and accountabilities for handling complaints, (c) provide reasonable timeframes for addressing complaints, and (d) are designed to enable transparency for claimants about how their complaints are being handled. <input type="checkbox"/> OGM procedures provide for: (a) engagement with the claimant in a manner that enables a fair and respectful process, (b) support to the claimant whenever necessary to enable a fair and respectful process, and (c) steps to address issues that raise severe human rights impacts or represent significant disputes. <input type="checkbox"/> There is evidence that (a) these procedures have been implemented, (b) complaints typically are processed within prescribed time limits, (c) proposed solutions have been shared with claimants, and (d) solutions are compatible with human rights standards.	<input type="checkbox"/> Review the OGM procedures to confirm they are written in simple and plain language, and identify (i) how complaints will be processed, (ii) how responsibilities and accountabilities for handling complaints are assigned, (iii) the contemplated timelines associated with each OGM step, and (iv) how claimants will be informed of the progress of their claims. <input type="checkbox"/> Review the OGM procedures to confirm that they address (i) fair and respectful treatment of claimants, (ii) support for claimants when appropriate to enable a fair process, and (iii) how severe human rights impacts or significant disputes will be treated in the OGM. <input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants to establish their views on whether: (i) claimants have been treated with respect, (ii) support has been provided where necessary, (iii) severe human rights impacts or significant disputes are addressed as contemplated in the procedures, (iv) the indicative timelines are generally followed, (v) claimants are regularly informed of the progress of their claims, (vi) proposed remediation is developed through engagement and collaboration with claimants, and (vii) remediation is compatible with human rights standards.
The material steps in accessing and seeking remedy under the OGM, as well as potential outcomes and indicative time frames, have been communicated to affected individuals in a manner they could easily understand.	<input type="checkbox"/> There is a process to communicate to claimants the material steps in accessing and seeking remedy under the OGM, including potential outcomes and indicative time frames, which is followed in practice. <input type="checkbox"/> There is evidence that affected individuals (a) know how to submit a complaint should they wish to do so, (b) are able to access at least one channel to submit a grievance given their language, literacy,	<input type="checkbox"/> (a) Review the OGM procedures addressing communication about (i) the OGM's material steps, (ii) potential outcomes, and (iii) indicative time frames to stakeholders, and confirm those procedures are followed in interviews with (b) OGM personnel and (b) 3 or more claimants. <input type="checkbox"/> Interview 3 or more claimants to confirm they (i) understood how to submit a claim, (ii) could effectively access a complaint channel, (iii) did not perceive barriers to filing a claim,

	<p>geographical and cultural needs, (c) do not perceive any barriers to raising complaints should they wish to do so, (d) understand how complaints will be addressed, and (e) understand any limitations on the remedy that the process can provide.</p>	<p>(iv) understood the process to submit claims, and (v) understood at the outset the potential outcomes (including limitations on the nature, form or quantum of remedy).</p>
<p>The OGM is sufficiently resourced to address the volume of concerns consistent with the indicative timeframes, and with sufficient internal expertise to address the range of grievances anticipated.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The company has provided sufficient resources to enable the effective operation of the OGM, given its nature and volume of its cases. <input type="checkbox"/> There is no evidence that the OGM has (a) materially failed to meet its indicative time-frames, (b) altered its published processes because of resource constraints, or (c) altered the remedy it has provided because of budgetary concerns. <input type="checkbox"/> The funding of the OGM has sufficient indicators of independence to avoid the (a) risk and (b) perception that the grievance process and outcomes are influenced by its funders. <input type="checkbox"/> The OGM is managed by individuals with appropriate training in (a) engaging with victims and vulnerable individuals, (b) handling sensitive complaints, (c) the specific types of complaints likely to arise, and (d) data protection. 	<ul style="list-style-type: none"> <input type="checkbox"/> Review OGM procedures to identify indicative timeframes. <input type="checkbox"/> Review the OGM operating budget to determine its reasonableness in light of the scope of its contemplated operations. <input type="checkbox"/> Review (a) any terms of reference associated with OGM funding to identify steps to promote OGM independence, and (b) any indicators or steps supporting that independence. <input type="checkbox"/> Review (a) any information made public to try to generate confidence about the OGM's independence, and (b) documents reflecting how that information has been disclosed to claimants and affected individuals. <input type="checkbox"/> Interview 3 or more claimants to evaluate the extent to which they believe the OGM is independent of its funder. <input type="checkbox"/> (a) Review any changes to OGM procedures, and (b) interview OGM personnel to understand the rationale for the changes and confirm they were not made because of budgetary reasons. <input type="checkbox"/> (a) Review the OGM procedures related to how the nature and quantum of remedy is determined, and then (b) review 5 or more case files and (c) interview OGM personnel to: confirm that remedy was (i) provided consistent with the contemplated processes and (ii) not limited or adjusted because of budgetary concerns. <input type="checkbox"/> Review (i) the total caseload of the OGM, (ii) the number of dedicated personnel, (iii) the average length of time a case takes to progress as measured against the indicative timelines, (iv) the number of cases that fell within and outside the indicative timelines, (v) the cases that have taken the longest and shortest to resolve and the reasons, (vi) and the thoroughness of fact-finding and review. <input type="checkbox"/> Interview OGM personnel to confirm that they have experience and training regarding: (i) human rights, (ii) engaging with victims and vulnerable individuals, (iii) handling issues of personal sensitivity, (iv) the types of claims

		the OGM has received, and (v) data protection.
The OGM maintained sufficient flexibility to adapt its processes to situations as needed to respect rights, including those of vulnerable populations or groups requiring assistance to access the OGM.	<input type="checkbox"/> The procedures of the OGM are sufficiently flexible to allow for adjustment based on the specific facts of each case and the circumstances of each claimant.	<input type="checkbox"/> (a) Review the OGM procedures to verify they allow for adaptation in light of specific case concerns, and (b) interview OGM personnel to understand how those procedures are implemented in practice, with specific examples where it has occurred.
The OGM was designed to allow for monitoring and review of effectiveness of each key step, to identify gaps between the process as designed and as implemented.	<input type="checkbox"/> There is a process to (a) evaluate the consistency between the OGM's design and practice at each key step, (b) evaluate the effectiveness of each key step, including through feedback from those who have brought complaints, and (c) modify any step depending on the evaluation, including in relation to: (i) submitting and reviewing cases, (ii) engaging with claimants about the case once filed, (iii) investigating claims, (iv) providing claimants with the results of the investigation, (v) engaging with claimants about remediation, and (vi) providing or enabling remediation. <input type="checkbox"/> There is evidence that complaints involving severe human rights impacts or significant disputes over outcomes have been escalated, consistent with the design of the mechanism.	<input type="checkbox"/> (a) Review the process to evaluate the consistency between the OGM's design and implementation at each key step, (b) review the process to evaluate the effectiveness of each key OGM step, which should include feedback from claimants who have submitted grievances, and (c) interview OGM personnel to confirm that adjustments to the OGM have been made based on (a) and (b). <input type="checkbox"/> (a) Review the OGM procedures to confirm they contemplate escalation of cases involving severe harm, and (b) review 3 or more case files involving allegations of severe human rights impacts to confirm their escalation consistent with the OGM's design.
GUIDING PRINCIPLE 31(D)	Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was designed to provide affected individuals with equal access to information collected during any fact-finding process, and implemented consistent with that design.	<input type="checkbox"/> The OGM has specific processes that enable affected individuals to receive the same results of fact-finding efforts that the OGM may receive, and there is evidence that they receive that information in practice.	<input type="checkbox"/> Review the OGM procedures to confirm that stakeholders are to receive the results of any fact-finding efforts. <input type="checkbox"/> (a) Interview OGM personnel, (b) review 5 or more case files, and (c) interview 3 or more claimants to confirm that claimants receive the results of any OGM fact-finding efforts.
The OGM provides information to affected individuals about alternative pathways to remedy.	<input type="checkbox"/> There is evidence that all claimants and affected individuals have access to at least one alternative judicial or non-judicial pathway to remedy besides the OGM, which is perceived as credible and fair. <input type="checkbox"/> There is evidence that the OGM provides potential claimants with information about other pathways inside or outside the company.	<input type="checkbox"/> (a) Interview OGM personnel, and (b) engage with local experts, to confirm that alternative pathways exist for remedy that (i) are reasonably trusted and (ii) do not impose undue barriers on claimants. <input type="checkbox"/> Review OGM procedures and documentation to confirm that claimants receive information about alternative remedy pathways.

<p>The OGM (Tier 2) will provide claimants access to independent expert advice as required (including in relation to severe impacts and in connection with settlement agreements).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> There is evidence that any advisors the OGM provides (a) act independently of the OGM or the company and in the best interests of the claimant, and (b) can be chosen by and are acceptable to the individuals they are supporting. <input type="checkbox"/> There is evidence that affected individuals (a) are aware of the availability of any resources that the OGM, the company or third parties may offer them in connection with their grievance, (b) have confidence that any advisors will act (and have acted, where relevant) independently of the company and in their interests, and (c) have felt that advisors (where used) helped them in the process. 	<ul style="list-style-type: none"> <input type="checkbox"/> Review the OGM procedures for providing independent assistance, including (i) when it may be required, (ii) how individuals are selected to provide the assistance, (iii) the role of the claimant in selecting an advisor, and (iv) how the independence of any external advisor is maintained. <input type="checkbox"/> Review (a) 5 or more case files, (b) any agreements with independent advisors, and (c) interview OGM personnel, 3 or more claimants and one or more independent advisor to: (i) identify the extent to which independent assistance has been provided to claimants in connection with their claims, (ii) confirm that any contracts or agreements with providers include clauses reflecting their independence and duty to the claimant, (iii) confirm advisors consider themselves to owe a duty to the claimants, (iv) verify that any advisors were acceptable to the claimants, (v) verify that the claimants considered any advisors to be independent, and (vi) verify the claimants believed the advisors were helpful in understanding or advancing their claims.
<p>The OGM includes independent processes to mitigate perceived power imbalances, and has the flexibility to implement additional measures if a perceived power imbalance exists.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> There is evidence that the design of the OGM considered how local power imbalances might take place, and that processes specifically address those potential imbalances. <input type="checkbox"/> The OGM has sufficiently flexibility in its design to address "real time" perceived power imbalances that were not originally contemplated. 	<ul style="list-style-type: none"> <input type="checkbox"/> Interview individuals associated with the design of the OGM to understand the potential local power imbalances identified, and how they were addressed. <input type="checkbox"/> Review the OGM procedures to confirm that (i) steps to address local power imbalances have been integrated, (ii) the OGM has flexibility to adapt to address those imbalances, and (iii) OGM personnel are aware of the potential imbalances and authorized to react as needed.
<p>GUIDING PRINCIPLE 31(E)</p>	<p>Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake</p>	
<p>INDICATOR</p>	<p>EVIDENCE RELATED TO INDICATOR</p>	<p>EVIDENCE REVIEWED</p>
<p>The OGM was designed to provide, and provides in practice, regular updates to claimants about the status and progress of their claims.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A process exists to provide claimants with periodic updates regarding their claims from the time of their submission until resolution. <input type="checkbox"/> There is evidence that the process is followed in practice. <input type="checkbox"/> There is no evidence that claimants feel uninformed about the status and progress of their claims. 	<ul style="list-style-type: none"> <input type="checkbox"/> Review the OGM procedures to identify how they contemplate providing claimants with updates about their claims, throughout the process. <input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants to confirm that the OGM's stated process regarding claimant notification is followed in practice. <input type="checkbox"/> Interview 3 or more claimants to confirm they have felt reasonably informed about the status of their claims throughout the process.

<p>The OGM was designed to provide, and regularly provides, public reports of its performance (whether through KPIs and metrics, case studies, and/or handling certain cases), while respecting claimant confidentiality.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A process exists to support the collection and publication of meaningful data, metrics or performance against KPIs regarding the OGM's performance. <input type="checkbox"/> (a) Evidence exists that the process to provide public information about the OGM is being followed, (b) reported examples of actions taken by the company to provide or enable remedy for actual human rights impacts are accurately represented, including with regard to any context that is relevant to understand the actions taken, (c) examples of remedy for any particularly severe impacts with which the company has been involved are included (subject to legitimate legal or other constraints as recognized under Reporting Principle G of the UN Guiding Principles Reporting Framework), and (d) the examples provided are balanced and broadly representative of the company's performance. <input type="checkbox"/> (a) Assessments of the OGM, including by the Independent Monitor, are made public in a form that fairly represents the findings, and (b) any lessons or recommendations from the review have been or are being implemented, or the decision not to implement them has been clearly explained. 	<ul style="list-style-type: none"> <input type="checkbox"/> Identify a process used to collect information to evaluate and publicize the OGM's performance, which may include data, metrics, or performance against KPIs. <input type="checkbox"/> (a) Interview OGM personnel to confirm that the process to collect and publicize information about the OGM is being implemented, (b) review the data, metrics or information collected under this process and confirm (i) it is meaningful to evaluate the OGM's implementation and (ii) it is used as part of public reporting. <input type="checkbox"/> (a) Review any publicly reported cases or anecdotes about the OGM, (b) review data and (c) conduct interviews of OGM personnel (and relevant claimants if needed) to confirm: (i) the accuracy of OGM disclosures, and (ii) that they are representative of the cases or issues before the OGM and/or the OGM's performance. <input type="checkbox"/> Cases of severe negative impacts are disclosed consistent with Reporting Principle G of the UN Guiding Principles reporting Framework and are accurate, subject to reasonable constraints. <input type="checkbox"/> The OGM makes public (i) its metrics and KPIs, along with (ii) relevant substantive information, (iii) as well as lessons learned and how they have been integrated, in order to allow stakeholders to evaluate the performance of the OGM.
<p>The OGM provides internal reporting consistent with relevant international reporting standards under the UNGPs.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> There is (a) regular internal reporting to key internal individuals, including OGM administrators, the company and others connected to or overseeing the OGM, (b) that includes relevant metrics, as well as substantive information (such as case studies, survey results, and stakeholder reports), sufficient to evaluate the OGM against UNGP 31 in its implementation. 	<ul style="list-style-type: none"> <input type="checkbox"/> Review documentation confirming the regular internal reporting of information about the OGM's operations to individuals overseeing the OGM, which includes relevant metrics and data relevant to OGM KPIs, as well as substantive issues, concerns, or patterns, which permits effective oversight of the OGM.
<p>GUIDING PRINCIPLE 31(F)</p>		
<p>Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights</p>		
<p>INDICATOR</p>	<p>EVIDENCE RELATED TO INDICATOR</p>	<p>EVIDENCE REVIEWED</p>
<p>The OGM was designed to provide, and does provide, outcomes and remedies consistent with international norms, as appropriately applied in the local context.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> There is evidence that the OGM was designed to provide (and does provide) remedies aimed at restoring affected individuals to the status preceding the harm that was done, through restitution, compensation, rehabilitation, satisfaction, and/or guarantees of non-repetition.⁷ 	<ul style="list-style-type: none"> <input type="checkbox"/> Review the design of the OGM to identify contemplated remedies, and validate that the design is consistent with restoration, through restitution, compensation, rehabilitation, satisfaction, and/or guarantees of non-repetition.

⁷ **Restitution** is intended to restore, to the extent possible, whatever has been lost (position in the community, property, liberty, etc.), and restore the victim to the state preceding the harm that took place. **Compensation** is appropriate in those cases where damage can be economically assessed.

		<input type="checkbox"/> Review 5 or more case files to identify the nature of remedy provided, and evaluate that remedy against international human rights standards.
The OGM has access to experts in international human rights and local culture in considering appropriate outcomes and remedies.	<input type="checkbox"/> Experts have been identified and engaged to provide advice, if requested, on appropriate outcomes.	<input type="checkbox"/> Review the experts who have been or may be consulted to provide advice on appropriate outcomes, and understand why they have or have not been contacted in the context of evaluating outcomes and remedies.
Claimants believe that the outcomes and remedies they received are equitable and proportionate in light of the specific harms as reflected in their claims.	<input type="checkbox"/> There is evidence that recipients of remedy consider that the remedy provided was equitable. <input type="checkbox"/> There is evidence in instances where claimants/recipients do not consider the remedy acceptable or effective, that they found the process itself to be fair and respectful. <input type="checkbox"/> There are no legal disputes, campaigns, credible media or other reports indicating that recipients consider remedy to have been substantially inadequate.	<input type="checkbox"/> Review 5 or more case files to (a) confirm that where remedy was provided it was reasonably proportionate to the harm and the evidence, and (b) identify documentation verifying that claimants at the time of remedy were content with it. <input type="checkbox"/> Interview 3 or more claimants to confirm that they believed the remedy they received was (i) fair, and/or (ii) that the process was fair regardless of the remedy provided. <input type="checkbox"/> Review media reports, legal claims, NGO reports and other public source material to identify whether recipients have expressed concerns regarding the remedy provided.
The OGM does not impair the rights of claimants to seek accountability through other mechanisms.	<input type="checkbox"/> The OGM contains processes that specifically do not inhibit individuals from pursuing claims through other channels, should they so choose <input type="checkbox"/> Claimants are made aware, through written documentation and oral explanations, of their right to pursue claims through other channels.	<input type="checkbox"/> Review the OGM procedures to confirm that individuals may, at any time, pursue claims through other channels and the OGM places no restrictions on seeking remedy through other pathways. <input type="checkbox"/> Review OGM-related documentation regarding information provided to claimants, and interview (a) OGM personnel and (b) 3 or more claimants, to confirm that claimants are advised of their right to pursue claims through other channels.
GUIDING PRINCIPLE 31(G)	A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
Feedback on experience with the OGM is solicited from users on an ongoing basis, including in regard to predictability, accessibility,	<input type="checkbox"/> There is evidence that the OGM engages with claimants, including those with finalized claims, to gain insights into their	<input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants to discuss claimant engagement with the OGM in relation to the their experiences, including specifically

These cases include: “(a) Physical or mental harm; (b) Lost opportunities, including employment, education, and social benefits; (c) Material damages and loss of earnings, including loss of earning potential; (d) Moral damage; and (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.” Compensation can take the form of money or other fungible trade-offs. **Rehabilitation** covers medical or psychological care and social or legal services needed to restore the victim. **Satisfaction** includes such measures as a cessation of the violations; an acknowledgment of the harm done, including verification of the facts and public disclosure of the truth; public apologies from those responsible, including acceptance of responsibility; and sanctions against those responsible for the harm. **Guarantees of non-repetition** include a number of measures to prevent further abuses. These include investigation into crimes that result in human rights violations, and prosecution for those responsible for causing harm, while respecting the right to a fair trial. Changes in policies, procedures, laws, and oversight may also be necessary to ensure non-repetition.

transparency, equitability, and remedy, with responses considered for potential adjustments.	<p>experiences in light of the UNGP 31 criteria.</p> <p><input type="checkbox"/> There is evidence that the results of those consultations are continuously considered in evaluating the OGM procedures.</p>	<p>regarding their (i) trust, (ii) the ease of access and barriers, (iii) local awareness of OGM, and (iv) remedy</p> <p><input type="checkbox"/> Interview OGM personnel to (i) identify specific examples of claimant feedback integrated into the OGM procedures or operations, and (ii) confirm that there is continuous engagement with claimants around the OGM's operational effectiveness.</p>
The OGM was designed to, and in fact does, identify patterns, trends, and key learnings for (a) its own potential improvement, and (b) the prevention of future harms at the company.	<p><input type="checkbox"/> The OGM has a process for identifying trends and patterns in complaints and their outcomes, which is capable of identifying relevant information regarding improvement of the OGM and preventing future company-related harms.</p> <p><input type="checkbox"/> Information or data used to identify trends is relevant and reliable.</p> <p><input type="checkbox"/> Trends or patterns identified are (a) fairly assessed, (b) fairly articulated, and (c) placed in the context necessary to understand their implications.</p>	<p><input type="checkbox"/> Interview OGM personnel to (i) confirm that they are seeking to collect data to identify trends related to OGM steps, claims and outcomes, as well as company operations, (ii) understand how that data is being collected and those trends are being tracked and considered, (iii) confirm that the trends are relevant to the OGM's and company's operations.</p> <p><input type="checkbox"/> (a) Review metrics or KPIs retained by the OGM regarding the nature and demographics of claims and claimants, (b) validate the sources of that information to confirm the reliability and reasonable completeness of the data tracked, and (c) interview OGM personnel to understand the rationale behind tracking those specific areas.</p>
Patterns, trends and lessons from the OGM were (a) considered and/or acted upon to improve the mechanism, and (b) shared with the company to prevent future harms.	<p><input type="checkbox"/> If facts, trends or patterns from complaints or claimant feedback clearly indicate a need to introduce or change OGM policies, processes or practices, there is evidence that the OGM (a) has acted upon those lessons, and (b) has shared the lessons with any relevant third parties.</p> <p><input type="checkbox"/> If facts, trends or patterns in complaints received or claimant feedback may be relevant to the company's operations, activities or decisions, the OGM has shared that information with the company.</p> <p><input type="checkbox"/> Any lessons the OGM has drawn from analyzing the pattern of complaints or feedback received are based on (a) a robust analysis of the trends and patterns identified, and (b) any additional information necessary to draw informed conclusions.</p>	<p><input type="checkbox"/> Interview OGM personnel to identify specific instances in which facts, trends or patterns have been integrated into the OGM procedures and/or provided to the company to improve its processes.</p> <p><input type="checkbox"/> Interview OGM personnel to confirm (a) that perceived lessons from evaluating the pattern of complaints and feedback received are (i) valid, (ii) reasonable, and (iii) meaningful in light of the OGM's operations, and (b) that the OGM has sought additional information where needed to help reach such conclusions.</p>
The OGM established context-appropriate KPIs that were tracked and fairly measured.	<p><input type="checkbox"/> The OGM has established and tracks performance against KPIs to demonstrate its robustness and effectiveness.</p> <p><input type="checkbox"/> The KPIs established by the OGM are meaningful in light of its goals and ambitions, its operating context, and international human rights norms.</p>	<p><input type="checkbox"/> (a) Interview OGM personnel to identify how the OGM's KPIs were developed, and (b) review the OGM's KPIs, to: confirm that they explicitly or implicitly encompass (i) a good faith commitment to implementing the OGM as designed, (ii) OGM performance against the goals it has set and UNGP 31, (iii) the</p>

		local environment, and (iv) human rights norms.
GUIDING PRINCIPLE 31(H)	Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The mechanism was designed following meaningful engagement with affected individuals, their representatives, and community groups about the grievance process and outcomes, with their perspectives integrated.	<input type="checkbox"/> There is evidence that engagement with a range of stakeholders occurred before the OGM was launched, and there is evidence that the feedback was integrated into the design.	<input type="checkbox"/> Review (i) any consultation plans for the design of the OGM, and (ii) documentation reflecting stakeholder consultation in the design of the mechanism. <input type="checkbox"/> Interview individuals involved in the design of the OGM to identify the nature of feedback provided by stakeholders and how it was implemented, including specific examples.
The OGM solicits and receives regular feedback from affected individuals, their representatives and community members on its performance.	<input type="checkbox"/> The OGM has procedures for ongoing engagement with stakeholders, and there is evidence that such engagement occurs.	<input type="checkbox"/> Interview (a) OGM personnel, (b) 3 or more claimants, (c) 1-2 claimant representatives, and (d) non-claimant community members to confirm engagement between stakeholders and the OGM, including in relation to (i) the OGM's performance, and/or (ii) how feedback is integrated into the OGM's operations. <input type="checkbox"/> Review OGM procedures to identify how feedback from affected individuals is integrated into the OGM's operations.
The mechanism was designed to, and in fact does, focus resolution of grievances on dialogue and joint problem solving.	<input type="checkbox"/> The OGM procedures focus on grievance resolution through dialogue and engagement, and there is evidence that grievances in fact are resolved consensually and through collaboration as opposed to unilateral OGM determinations.	<input type="checkbox"/> Review the OGM procedures to confirm that the process through which grievances are resolved is through engagement and dialogue. <input type="checkbox"/> Identify the percentage of grievances resolved and appealed. <input type="checkbox"/> Interview (a) OGM personnel and (b) 3 or more claimants whose grievances were resolved to: (i) identify the process through which the grievances were resolved, and (ii) confirm that it was through collaboration and consensus.