

Grievance Mechanism Plan for the Cashew Nut Processing Plant

Prepared for



Prepared by



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LIST OF ACRONYMS

CRO	Community Relations Officer
DFC	Development Finance Corporation
GBV	Gender-Based Violence
GMP	Grievance Mechanism Procedure
GN	Guidance Note
GRMs	Grievance Redress Mechanisms
PSs	Performance Standards
ICC	Internal Complaints Committee
IFC	International Finance Corporation
HR	Human Resources
SEA	Sexual exploitation and abuse
SH	Sexual Harassment
SRS	Social Responsibility Staff

DEFINITIONS

Complaint: A notification provided by a community member, group, or institution to the Project that they have suffered some form of offense, detriment, impairment or loss as a result of business activity and/or contractor behavior.

Complainant: A person who brings an allegation of SEA to the GM in accordance with established procedures, whether a SEA/SH survivor or another person who is aware of the wrongdoing.

Consent: This must be informed, based on a clear appreciation and understanding of the facts, implications and future consequences of an action. In order to give consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. The individual also must be aware of and have the power to exercise the right to refuse to engage in an action and/or to not be coerced. There are instances where consent might not be possible due to age, cognitive impairments and/or physical, sensory, or developmental disabilities. Consent may be withdrawn at any time, and the choice to withdraw consent must be respected.

Employer

- i. In relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organization, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf
- ii. Any person responsible for the management, supervision and control of the workplace not covered under (i) above. “Management” includes the person or board or committee responsible for formulation and administration of policies for an organization
- iii. The person discharging contractual obligations with respect to his or her employees in relation to the workplace covered under (i) and (ii) above
- iv. in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of a domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker.

It is the employer’s responsibility to provide a safe working environment at the workplace.

Gender-based violence (GBV): GBV is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (*i.e.*, gender) differences between males and

females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.

Grievance Mechanism: A formal way that provides a clear and transparent framework for addressing, assessing, and resolving community complaints concerning the performance or behavior of the company, its contractors, or workers.

Internal Stakeholders: Groups or individuals within a business who work directly within the business, such as employees and contractors.

External Stakeholders: Groups or individuals outside a business who are not directly employed or contracted by the business but are affected in some way from the decisions of the business, such as customers, suppliers, community, NGOs, and the government.

Project Affected People (PAP): Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

Sexual Exploitation and Abuse (SEA)

- **Sexual exploitation:** any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- **Sexual abuse:** actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual harassment (SH): Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.

Vulnerable People: People who by gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

1 INTRODUCTION

1.1 Grievance Redress Mechanisms (GRMs)

Grievance Redress Mechanisms (GRMs) are institutions, instruments, methods, and processes by which a resolution to a grievance is sought and provided. They can be complex and diverse. They may include institutions specific (internal) to a project and set up from its inception or others that have emerged over time in response to needs identified while the project evolved. GRMs can include avenues for resolving conflicts between affected parties or other stakeholders and can provide the information sought by the public on the project.

Grievance mechanisms are an important part of DFC and IFC's approach to requirements related to community engagement by clients under the Policy and Performance Standards on Social and Environmental Sustainability. Where it is anticipated that a new project or existing company operations will involve ongoing risk and adverse impacts on surrounding communities, the client will be required to establish a grievance mechanism to receive and facilitate the resolution of the affected communities' concerns and complaints about the client's environmental and social performance. The grievance mechanism should be scaled to risks and adverse impacts of the project, address concerns promptly, use an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, and do so at no cost to communities and without retribution.

This Grievance Mechanism Procedure (GMP) has been prepared for the Cashew-nut Processing Project by Diaoune Agro-Industrie Sarl ("DAI or the Company") for both internal (all employees) and external stakeholders to fulfill the required studies to evaluate the Environmental and Social Impacts of the Project according to the United States International Development Finance Corporation (DFC) and IFC Performance Standards (PSs).

The GRM will be accessible and understandable for all stakeholders. The GRM will be communicated to all relevant stakeholders and will also be applicable to any contractor who is involved during the construction and operations phase. The grievance mechanism procedure is designed to ensure that all grievances are handled fairly, promptly, and confidentially, and that stakeholders are provided with feedback on the status of their grievance.

The grievance mechanism is the responsibility of DAI and will be designed to identify and manage issues throughout the entire Project lifecycle. A grievance form has been developed and stakeholders were informed of it during the Scoping engagement meetings, baseline data collection activities and ESIA stakeholder's engagement. The DAI will appoint a representative (a Community

Liaison Officer) for the Project, who will be responsible for grievance management. Grievances will be passed through the Community Liaison Officer in the first instance, which will be responsible for passing the grievance on to the appropriate person in line with the Project grievance mechanism.

1.2 Purpose and Scope

The purpose of the grievance mechanism in the cashew-nut processing factory is to provide internal and external stakeholders with a formal process to raise concerns or grievances they may have related to their employment and community agitations respectively. The grievance mechanism aims to create a workplace where employees feel heard, respected, and valued, and where issues and concerns can be addressed in a constructive and collaborative manner. The mechanism is designed to promote a positive working environment where issues can be addressed in a fair and transparent manner.

Also, the purpose of this document is to outline the principles of internal and external grievance mechanisms and how to integrate grievance management into business to minimize social risks. The grievance mechanism aims to ensure that all comments and complaints concerning the plant and its activities will be considered transparently and the related measures will be taken. The processes and responsibilities of this procedure will be defined for both external stakeholders and internal direct and indirect employees.

The scope of the grievance mechanism includes all employees (internal) of the cashew-nut processing factory, regardless of their position or length of service and external stakeholders. Anyone can file a grievance through the mechanism, either individually or collectively, without fear of retaliation. The mechanism ensures that all grievances are handled fairly, promptly, and confidentially, and that the concerned stakeholders are provided with feedback on the status of their grievance. The grievance mechanism however, does not replace other existing channels of communication, such as open-door policies, regular team meetings, or performance evaluations. Instead, it complements these channels by providing an additional formal process to address issues and concerns that cannot be resolved through informal means.

1.3 Objectives of the Grievance Mechanism

The grievance mechanism outlines the DAI's approach to accepting, assessing, resolving and monitoring grievances from internal and external stakeholders regarding the Project and its

activities (including all those of contractors). Timely redress or resolution of grievances is vital to ensure the successful implementation of the Project.

- a) To have a robust and credible mechanism to systematically handle and resolve any complaints that might arise so that they do not escalate and present a risk to operations or the reputation of the company (nationally or internationally). If well handled, an effective grievance mechanism can help foster positive relationships and build trust with stakeholders.
- b) To address affected people's concerns and complaints promptly, including gender-related concerns and complaints relating to sexual harassment, GBV, etc, using an understandable and transparent process that is gender-sensitive, culturally appropriate and readily accessible to all affected people.
- c) To protect complainants from retaliation, grant them confidentiality and enable them to remain anonymous, if requested; and to protect those who defend the rights of complainants to make such complaints,
- d) To provide for maintenance of a publicly accessible case register and reports on grievance redress and outcomes, which are disclosed following the applicable ESS

1.4 Categories of Grievances

Grievance can be broadly categorized into internal and external grievances.

1.4.1 Internal Grievances

Complaints or concerns from employees/workers (including both direct & indirect employees, casual and permanent workers etc.) may include but not limited to:

- Complaints about the amount of wage, salary, other remuneration or benefits as per HR policy;
- Timely disbursement of remuneration;
- Gender discrimination or Gender-based violence;
- Sexual harassment;
- Labour and working conditions
- Child Labour issues;
- Health and safety issues;
- Overtime/extended working hours;
- Career development and training opportunities
- Disciplinary actions
- Termination of employment

1.4.2 External Grievances

Complaints or concerns raised by employees or stakeholders outside of an organization to an external entity, such as a government agency, regulatory body, or labor union. These grievances can be related to a variety of issues, including employment conditions, treatment, or any other aspect of the work environment that affects the rights or interests of the employee or stakeholder.

- Labour disputes including issues related to collective bargaining, unfair labor practices, or strikes
- Damage to natural resources and community assets/property;
- Issues related to transportation and traffic;
- Increase in environmental pollution and impact on community health ;
- Pollution of surface water due to runoff of potential pollutants;
- Increased risk of discharge of odours, and pollutant during operation;
- Increase in noise levels with the associated disturbance to communities and fauna;
- Disturbances to locals due to the influx of migrant workers in the area;
- Increase in cases of sexually transmitted diseases (HIV AIDS) and other disease strains may result from migrant workers;
- Increased risk of corruption;
- Potential increase in GHG emissions and Carbon footprint;
- Concerns over the impact on local cultures and customs.

1.5 Key Principles of Grievance Mechanism

The Internal (Worker) and External Grievance Mechanisms will be implemented by relying on the following key principles for all the Project-related comments, issues, and complaints internally and externally.

Principle 1: Confidentiality

Confidentiality is an important aspect of any complaint or grievance mechanism. This principle ensures that individuals can submit complaints without fear of retaliation or exposure of their identity. Anonymous complaints can be submitted and resolved, and raising a complaint will not require personal information or physical presence. This type of reporting provides a safe and secure way for individuals to report concerns without fear of retribution or backlash. Additionally, anonymous reporting can encourage people to report issues that they may have been hesitant to raise otherwise.

Furthermore, a confidential complaint mechanism should not require personal information or physical presence to raise a complaint. This means that individuals should be able to submit their complaints online, by phone, or through other means that do not require them to physically attend a location. By removing these barriers, individuals can feel more comfortable raising concerns and can do so in a way that is convenient for them. This mechanism can help to identify and address issues within an organization and promote a culture of transparency and accountability.

Principle 2: Accessibility

If internal and external stakeholders perceive the grievance process to be unclear, difficult, or inappropriate, they are less likely to use it. Grievance procedures work only if they present no (or low) barriers to access by stakeholders. Accessibility depends on: 1) clear communication availability of easy-to-understand information about the grievance process and how the mechanism works; and 2) ease of use i.e. simple, convenient, culturally appropriate means for filing complaints, at no cost to complainants (this may involve encouragement and assistance for complainants to make complaints when problems arise).

Principle 3: Transparency and Accountability to all Stakeholders

All complainants want to be sure that they are being heard, taken seriously, and treated fairly. They expect consistency and predictability in the process. Institutionalizing grievance systems creates an expectation that the project will be responsive to the needs and concerns of the all stakeholders and an obligation for the company to meet this expectation.

A grievance mechanism is transparent when members of the complainants: 1) know who in the organization is responsible for handling complaints and communicating outcomes, and who is in charge of the mechanism oversight; 2) have input into its development; 3) possess sufficient information on how to access it; and 4) have the power to ensure that the process is adhered to by those directly responsible for managing it.

If all stakeholders have confidence in the grievance mechanism, they will use it with respect and discretion. Sometimes the process is just as important as the outcome. Even if people are not satisfied with the decision, the company can reduce the risk of escalation by ensuring that people are treated with respect and that they understand how the decisions are made. When companies demonstrate that they take grievances seriously and are transparent about their process and decision-making, they can benefit from improved trust and reputation and a mutually respectful relationship with all

stakeholders. In addition, measures that assure transparency and accountability can enhance the quality of a grievance mechanism and strengthen safeguards against internal conflicts of interest attributed to company-managed mechanisms.

Principle 4: Appropriate Protection

A grievance mechanism will work when stakeholders are encouraged to share their concerns freely, with the understanding that no retribution will be exacted for participation. Coming out with a complaint can pose risks for people, especially if it concerns such issues as corruption, misconduct, or monetary compensation, or if it interferes with local social norms, including gender norms. A mechanism free of retribution will consider potential dangers and risks to complainants and incorporate ways to prevent harm. These precautions include a clear policy of non-retaliation, measures to ensure confidentiality and physical protection of complainants, safeguarding of personal data collected in relation to a complaint, and an option for complainants to submit anonymous grievances where necessary.

Even if a company offers a well-designed and well-communicated grievance mechanism, complainants may still choose to rely on a dispute resolution mechanism that they are more familiar with and that they trust. Project-level mechanisms should not negatively impact opportunities for complainants to seek recourse through other available mechanisms, including the courts. Apart from litigation, options to seek resolution exist at community, national, industry, regional, and international levels. All employees and local communities must be fully informed of avenues to escalate their complaints or grievances, and of their rights to use alternative remedies if they choose to do so without turning to a project-level mechanism first or if they are not satisfied with the response of the project to their complaints. In this context, a project grievance mechanism can be considered as “first level,” while external mechanisms outside of the legal system Appropriate protection of complainants can be ensured through company policy and a culture of non-retaliation—and respect for a complainant’s choice to seek alternative avenues for raising complaints are “second level.” The most formalized mechanisms, such as courts, would be a “third level.”

Principle 5: Cultural Appropriateness

A project-level grievance mechanism should be designed to take into account specific cultural attributes as well as traditional mechanisms for raising and resolving issues to ensure that the concerns of significantly different groups and subgroups are received and addressed. To achieve this, projects should: 1) seek input on culturally acceptable ways to address grievances from significantly different

groups within affected communities, including different ethnic or cultural groups within the project-affected area; 2) understand cultural attributes, customs, and traditions that may influence or impede their ability to express their grievances, including differences in the roles and responsibilities of subgroups (especially women) and cultural sensitivities and taboos; and 3) agree on the best way to access grievance mechanisms, taking into consideration the ways communities express and deal with grievances. Cultural appropriateness will be enhanced if grievance mechanisms build on and complement other community engagement processes.

Principle 6: Proportionality

The scope, form, and level of complexity of a project grievance mechanism should be proportionate to the potential adverse impacts on and interaction with individuals or as a community. In many cases, it has a direct relationship to the number of people affected, but it can be more complex than that. If the groups affected are diverse, or the impacts on them are severe, the nature of interaction with communities can pose serious challenges even where the number of people is relatively small.

Therefore, the project's social and environmental footprint as well as social sensitivity should be taken into consideration. To scale a grievance mechanism to the risk and adverse impact on affected communities, projects will use the results of their social and environmental assessment to understand who will be affected and what the impacts on them are likely to be. This analysis will help determine the necessary complexity of the grievance mechanism design as well as the nature and amount of resources needed for implementation.

1.6 Project Standards

This procedure developed for the DAI Project will comply with the related national and international requirements and standards. The Project Standards involves:

- applicable Guinean Standards
- applicable international standards and guidelines.

1.6.1 Applicable Guinean Standards

The Constitution of Guinea adopted in 2010

Freedom of Thought and Opinion: Article 7 of the Constitution of Guinea states that "the freedom of thought and opinion is inviolable." This includes the right to express one's opinions and beliefs, and to hold and share ideas without fear of censorship or reprisal.

Right to Information: Article 8 of the Constitution of Guinea guarantees the right to access information held by public authorities, subject to reasonable restrictions for reasons of national security, privacy, and other public interests.

The Labor Code of 2016, is a comprehensive labor law which outlines the rights and obligations of employees and employers. The code covers various aspects of employment, including working hours, remuneration, occupational health and safety, and termination of employment.

Child Employment: Article 54 of the Labor Code of Guinea sets the minimum age for employment at 16 years, and prohibits the employment of children under 14 years of age. Employers who violate this provision are subject to penalties.

Grievance: The Labor Code of Guinea also provides for the right of workers to file grievances and seek redress for labor disputes. Article 21 of the Labor Code requires employers to establish procedures for handling grievances, and to notify workers of their rights to seek redress.

The Guinean Penal Code, enacted in 2016, is a criminal law that outlines the offenses and penalties for various crimes, including those related to forced labor. It includes specific provisions that criminalize forced labor and prescribes penalties of imprisonment and fines for violators.

The Loi L/2010/005/AN portant répression des violences faites aux femmes" (Law L/2010/005/AN on the repression of violence against women) aimed at protecting women from all forms of violence, including sexual harassment, and it provides for the prevention and punishment of such acts.

The Loi L/2018/055/AN portant prévention et répression des violences basées sur le genre" (Law L/2018/055/AN on the prevention and repression of gender-based violence) in Guinea includes provisions that aim to prevent and punish all forms of gender-based violence, including physical, sexual, and psychological violence against women and girls.

1.6.2 Applicable International Standards and Guidelines

IFC Performance Standards

The international standards and guidelines which the Project will follow are set by International Finance Corporation (IFC) and US International Development Finance Corporation (DFC). IFC Performance Standards and Guidance Notes which are relevant internal and external grievance mechanisms are:

- Performance Standard 1 (PS1): Assessment and Management of Environmental and Social Risks and Impacts
- Guidance Note 1 (GN1) on Assessment and Management of Environmental and Social Risks and Impacts
- Performance Standard 2 (PS2): Labor and Working Conditions
- Guidance Note 2 (GN2) on Labor and Working Conditions
- US DFC ESS 1 Environmental and Social Assessment and Management

Performance Standard 1 (PS1): Assessment and Management of Environmental and Social Risks and Impacts

The key objectives of *PSI* related to external grievance management are:

- To identify people/communities who have comments/grievances about the Project, as well as other interested parties and evaluate these environmental and social risks,
- To adopt mitigation measures to prevent and minimize social risks and impacts, and where residual impacts remain, compensate for risks, and impacts to workers, Affected Communities, and the environment.
- To ensure that grievances from affected communities and external communications from other stakeholders are responded to and managed appropriately.
- To promote and provide sufficient engagement with affected communities during the Project about issues which may affect them,
- To maintain a healthy relationship with stakeholders through adequate engagement during project implementation.

Key requirements of *PSI* involve:

- To develop a grievance mechanism to receive and facilitate the resolution of Affected Communities' concerns and grievances related to environmental and social performance of the Project,
- To identify the risks and impacts of the affected communities and other stakeholders,
- To maintain an understandable, culturally appropriate, accessible and transparent consultation to stakeholders through early and ongoing engagement,
- To inform the affected communities about the mechanism in the course of the stakeholder engagement process.

- To follow the developed grievance mechanism to receive and respond to stakeholder concerns related to the Project promptly.
- To establish a monitoring and review procedures of the concerns and grievances raised by affected communities and stakeholders.

Performance Standard 2 (PS2): Labour and Working Conditions

The key objectives of *PS2* related to worker grievance management are:

- To create equal, fair, and non-discriminatory working opportunities for every worker,
- To develop, maintain, and improve the worker-management relationship,
- To promote compliance with national employment and obey the labour laws,
- To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the client's supply chain by developing a reliable grievance mechanism,
- To identify, evaluate and respond to workers concerns and grievances in a timely manner,
- To promote safe and healthy working conditions to direct and indirect workers,
- To avoid the use of forced and child labor.

Key requirements implemented by the Project according to *PS2* are as following:

Human Resources Policy, Terms of Employment and Working Conditions

- The Project will adopt and implement human resources policies and procedures which are provided to workers with documented information clearly, regarding their rights under national labor and employment law, including their rights related to hours of work, wages, overtime, compensation, and benefits.
- The Project will make all policies understandable to all workers.
- The Project will provide reasonable working conditions and terms of employment.

Non-Discrimination and Equal Opportunity

- The Project will hire, promote, and compensate workers solely based on their ability to do the job and all workers are provided equal access to training, tools and opportunities for advancement.
- The Project will ensure that all workers will be free from harassment by management or other workers.

Child Labour

The Project will not employ workers under the minimum age for employment as defined by national law.

Forced Labour

- The Project will not employ forced labour which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty and
- The Project will respect and protect rights of workers to retain their personal documents and money.
- The Project will respect the rights of workers to leave the workplace after work.

Grievance Mechanism

- The Project will provide a grievance mechanism for workers and develop it as a transparent process for workers to express concerns and file grievances, including anonymous complaints.
- The Project will ensure that there will be no discrimination against those that express grievances, and all the grievances are considered seriously and take prompt, appropriate action.
- Any grievance mechanism will not replace other channels as defined by law or collective bargaining agreements.

Occupational Health and Safety

- The project will ensure all the necessary precautions to mitigate work-related risks are in place and develop an emergency prevention and response system.
- Workers will be provided personal protective equipment and will be trained in its use.
- The Project will document and report accidents, diseases, and incidents during the Project.

Workers Engaged by Third Parties

- The Project will extend the labour standards performance policies and procedures to contractors.
- The Project will not use contracting as a means of circumventing labour rights and laws and will ensure all the workers have access to a grievance mechanism.
- The Project will monitor contractors to verify their adherence to labour rights and laws.

Supply Chain

- The Project will extend the implementation of these key requirements of PS2 as feasible to the suppliers.
- The Project will identify the risks of child labour or forced labour in the supply chain and notify the suppliers of the PS2 requirements to prevent its presence.
- The Project will monitor the performance of suppliers according to PS2 requirements concerning child labour and forced labour and significant safety issues.

2 GRIEVANCE PROCEDURE

2.1 Introduction

Grievance procedure is a formal process that an organization uses to address and resolve complaints or concerns raised by internal (employees) and external stakeholders. A well-designed grievance procedure can help to prevent conflicts from escalating, promote a positive work environment, and ensure that employees are treated fairly and stakeholders feel heard and valued.

2.2 DAI Grievance Procedure Policy Statements

- We are committed to a transparent process for workers to express their concerns and file grievances, including anonymous complaints.
- We will ensure that there will be no retaliation or discrimination against those who express grievances, and that any grievances will be treated confidentially.
- Management will treat grievances seriously and take prompt and appropriate action in response.
- Our grievance mechanism does not replace other channels for grievance resolution as defined by law or collective agreements

2.3 Roles and Responsibilities

This provides an overview of the roles and responsibilities to support the grievance management framework. These roles and responsibilities are aligned with the DAI Policy.

Table 1: Roles and Responsibilities

Roles	Responsibilities
DAI Chief Executive Officer	<ul style="list-style-type: none">• Ensure that this Grievance Redress Mechanism procedure is applied through all DAI and Contractor departments and levels that are undertaking activities related to the Cahsew-nut Processing Project.• Apply necessary controls to minimise risks that could result in stakeholder grievances.• Contribute to the resolution and sign off of any grievances which have international repercussions.
General Manager	<ul style="list-style-type: none">• Approval of this Plan and resources required for implementation,• Coordinating with parties for implementation of the procedure.

Roles	Responsibilities
Project Manager	Overall accountable for Project implementation including grievance work stream
Grievance Manager	<ul style="list-style-type: none"> • Implement the Grievance Redress Mechanism procedure and management system providing guidance on solutions to complaints and grievances in consultation with the relevant departments and ensure consistency of redress for all grievances received in relation to the project. • Promote the Grievance Redress Mechanism to maintain momentum and ensure company and community commitment to, and understanding of, its implementation and operation. • Involvement in the investigation of grievances and the agreement of redress as well as overseeing interaction between various DAI Departments and contractors as well as the senior managers as required. • Communicate grievance management process to complaint committee. • Provide grievance management assistance to grievance coordinators as required. • Monitor all grievance management (i.e. grievance reporting and resolution monitoring). • Facilitate timely resolution of all grievances • Advise on specialist engagement for Environmental and Social grievances and initiates external review process when required. • Analyse trends and prepare reports on grievance management progress.
Social Responsibility Staff (SRS) (Human Resources and Industrial Relations Manager)	<ul style="list-style-type: none"> • Responsible for ensuring transparent employment practices • Ensuring a clear and well communicated complaint/ grievance process. • Responsible for ensuring effective operation of grievance management process including registration, investigation and resolution of grievances. • Conduct grievance reporting. • Ensuring the Project compliance with the Project Standards and other requirements set out in this procedure, • Ensuring that all site staff, including complaints of contractor’s workers, are aware of this procedure, • Informing to workers about contract details, • Determining and providing the necessary training materials relevant to this procedure for employees, • Determining necessary resources for proper implementation of the procedure and submits to managers,

Roles	Responsibilities
	<ul style="list-style-type: none"> • Evaluating in compliance with laws and regulations, • Searching the reasons of grievances and the social incidents that cause injuries, delays or stoppage in the work and disputes among the Project and communities, • Monitoring all complaints and ensures that all complaints are resolved and closed, and providing explanation for the ones that cannot be solved, • Coordinating with parties for implementation of the procedure, • Creating all necessary reporting of worker grievance including monthly report to the Management, • Investigating and proposes appropriate methodology for resolving the complaint, • Following procedures related to employment and training for site- specific issues, • Recording and reporting general and local employment rates and complaints, which are received or observed verbally, • Filling out a “Complaint Register Form” (see Annex A: Grievance/Complaint Form), • Determining necessary resources for proper implementation of this procedure and submits to his line managers, • Following the results of complaint and report on a monthly, and annual basis. • Organizing stakeholder meetings to collect the responses to grievances actively as required. • Support workers grievance process both within DAI and Contractors. • Represent DAI in discussions with Contractors relating to workers grievances which may affect DAI or pose a risk to DAI
Environmental Officer	<ul style="list-style-type: none"> • Providing answers to the environmental grievances raised by employees, the local community, and local institutions, • Evaluating in compliance with laws, regulations, and Project requirements with legal departments, • Participating and supports the audits that will be done by third-party auditors. • Supporting DAI on the first evaluation of the relevance of grievances collected, • Conducting internal audits/site audits, • Providing answers to the OHS and social grievances raised by employees, the local community, and local institutions, • Helping DAI for keeping the record of the complaints/ suggestions in the Grievance Database with details,

Roles	Responsibilities
	<ul style="list-style-type: none"> Evaluating in compliance with laws, regulations, and Project requirements with legal departments
Community Relations Officer (CRO)	<ul style="list-style-type: none"> Communicate grievance management process to communities. Grievance reporting and resolution monitoring. Receive formal grievance and record in a grievance form (<i>Annex A</i>)
Contractors	<ul style="list-style-type: none"> Complying with the requirements and standards of this procedure Fulfilling the works under the contract.

2.4 Internal and External Grievance Management

The process to be followed to resolve any grievances is described in Table 2 below:

Table 2: Processes of Internal and External Grievance Management

Process	Description	Time
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">1. Receive and log Grievance</div>	<ul style="list-style-type: none"> Face-to-face meetings with stakeholders Phone, fax, letter, or email Recorded by DAI staff Completion and submission of the grievance Database Record grievance in Grievance form and log on Grievance Database 	1 day
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">2. Acknowledge Grievance</div>	<ul style="list-style-type: none"> Receipt of grievance acknowledgment through an appropriate communication medium, but to be recorded in writing 	5 days
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">3. Assess and investigate</div>	<ul style="list-style-type: none"> DAI to assess and assign grievance significance Consult with relevant parties May require visits and discussion with other stakeholders 	7 days
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">4. Grievance Resolution</div>	<ul style="list-style-type: none"> Identify further action required Response provided to the complainant including, if necessary an indication of additional time and resources required to resolve the grievance 	28 days after receipt of the grievance
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">5. Sign-off</div>	<ul style="list-style-type: none"> Confirm with the complainant that the grievance can be closed, or determine what follow-up is necessary If the grievance is to be closed, grievance sign-off is required. 	37 days after receipt of the grievance
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">6. Monitor</div>	<ul style="list-style-type: none"> Record final sign-off of grievance according to the significance If the grievance cannot be closed return to step 2 to re-assess or recommend whether third-party arbitrations is necessary 	37 days – 3 months dependent on the significance

2.5 Internal (Worker) Grievance Management Process

Employees, who may be direct workers or third party/subcontractor's workers, are encouraged to submit written complaints, comments, and concerns by using complaint register form (*see Annex A: Complaint Register Form*). Since the privacy of the complainant must be protected, complaints should be collected in complaint boxes located in the rest areas of the employees. Through these forms, workers will also be able to make anonymous complaints. Information on how to express complaints, opinions and suggestions to workers should be provided during the orientation training process. Written submissions will not be used in any way to intimidate those submitting the complaints.

Management will treat the grievances seriously and take prompt, appropriate actions. HR will have the main responsibility to collect the complaints. The complaints will be discussed with management to gather accurate information about a given complaint. HR will process the complaint/concern and provide a resolution. Resolutions of complaints will be developed in accordance with relevant DAI policies, Guinean laws as well as international requirements and feedback will be provided to complainants where possible.

It is possible to extend the process for the complex grievances and workers will be informed about the schedule of the process. All parties should get a reasonable agreement on the corrective actions during solution process. HR aims to respond in cooperation with the related department and target to solve each complaint within 30 days. The grievance mechanism does not replace other channels as defined by law and during the grievance process, all the requirements of this procedure should be fulfilled.

2.5.1 Procedure for Employee Grievances

Step 1: Dealing with grievances informally

Managers and workers are encouraged to use informal methods of resolving disagreements or disputes. If employees have a reasonable grievance or complaint regarding their work or the people they work with they should, wherever possible, start by talking it over with their manager. It may be possible to agree a solution informally between worker and manager. This makes it more likely that disputes can be resolved faster and closer to the source of the problem and less likely that they will escalate into intractable problems. If discussions with line managers fail to resolve the issue, it is still possible to pursue an informal approach without triggering a formal procedure. For example, a human resources (HR) manager could host an informal meeting or discussion. Grievances from new employees about recruitment practices will typically need to be made directly to an HR manager.

Step 2: Formal grievance

If the matter is serious and/or the employee wishes to raise the matter formally, the employee should set out the grievance in writing to his or her manager. This submission should be factual and avoid language that is insulting or abusive. Where the grievance is against the employee's manager and the employee feels unable to approach him or her, the employee should address the grievance to another manager or the HR department. If there is a trade union at the workplace, the employee may wish to ask a union representative for advice and support.

Step 3: Grievance hearing

A designated manager (normally from the HR department and hereafter called the 'grievance manager') will call the employee to a meeting to discuss the employee's grievance within a predetermined period of time after receiving the complaint. The employee should have the right to be accompanied by a colleague or trade union representative at this meeting on request. After the meeting the grievance manager will give the employee minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time.

Step 4: Appeal

If the employee is unhappy with the decision about a grievance and wishes to appeal, he or she should let the grievance manager know. The employee will be invited to an appeal meeting within a defined period of time and the appeal will be heard by a more senior manager. (Larger companies often designate an ombudsman, who operates independently from company management, to fulfil the functions of hearing and deciding on appeals, mediation and finding resolution.) Some companies may choose to establish a grievance committee, representing different functional areas of the company as well as one or more worker representatives in order to help ensure an objective and transparent appeal process. The employee will normally have the right, on request, to be accompanied by a colleague or trade union representative at this meeting and minutes should be taken. Every effort should be made to secure a resolution in the best interests of the worker(s) and the company. After the meeting the senior manager, ombudsman or grievance committee will give the employee a decision within a predetermined period. This decision is final within the terms of the company's internal grievance mechanism; however, in some legal systems the employee or their chosen representative may refer the complaint or grievance to the labour ministry or inspectorate (or other appropriate administrative body) for resolution and/ or redress, as specified by national employment law.

2.6 Special Case: Grievance Mechanism for Sexual Harassment/Gender-Based Violence

Sexual harassment refers to unwelcome sexual advances or verbal or physical conduct of a sexual nature which has the effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, abusive or offensive working environment. Sexual harassment (SH) can range from misbehavior of an irritating nature to the most serious forms such as sexual abuse and assault including rape. Other Gender-Based Violence (GBV) cases may include acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty as well as Sexual exploitation and abuse (SEA),

The Law L/2010/005/AN on the repression of violence against women defines sexual harassment as any behavior that is of a sexual nature and that is unwanted, unreasonable, and offensive to the person who is subjected to it. The law specifies that sexual harassment can occur in the workplace, in educational institutions, or in any other public or private place. Similarly, the Law L/2018/055/AN on the prevention and repression of gender-based violence defines gender-based violence as any act of physical, sexual, psychological, or economic violence that is committed against a person based on their gender. Therefore, this procedure developed for the DAI Project will comply with the related national and international requirements and standards.

Confidentiality, discretion and non-retribution are particularly important for sexual harassment or other Gender-Based Violence (GBV) cases, as well as the ability to lodge grievances anonymously. Victims of sexual harassment may feel too intimidated to lodge a grievance in person. Therefore, gender should be taken into consideration and it is good practice to have a male and female staff member available to receive and process grievances, so that employees can choose to whom they wish to speak.

An effective sexual harassment/GBV complaints procedure:

- conveys the message that the employer takes all cases of harassment seriously and is able to prevent harassment
- enables the complainant to report harassment to the most appropriate point of contact – preferably anonymously – from a choice of management liaison points and, wherever possible, to enable the complainant to report harassment to a female supervisor or manager
- ensures that complaints are dealt with consistently and within a specified period of time
- alerts an employer to patterns of unacceptable conduct

- Highlights the need for prevention strategies in particular areas.

Sexual harassment can occur in different forms such as verbal, non-verbal, visual, and physical.

Examples are shown in Table 3 below:

Table 3: Different forms of sexual harassment

Verbal form	Physical form
<ul style="list-style-type: none"> • Gender based insults or sexist remarks • Sexual or gender-based jokes or teasing • Innuendos and taunts • Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like • Requesting sexual favours • Telling lies or spreading rumors about a person's personal or sex life • Pressure for dates • Comments about clothing, personal behavior, or a person's body • Graphic descriptions of pornography. 	<ul style="list-style-type: none"> • Unwelcome hugging, sexual touching or kissing • Forcible physical touch or molestation • Standing too close to or brushing up against another person, leaning over, invading a person's space • Patting, stroking, grabbing or pinching • Blocking someone's path with the purpose of making a sexual advance • Rape or attempted rape • Actual or attempted sexual assault, or forced fondling.
Visual form	Non-verbal form
<ul style="list-style-type: none"> • Presence of sexual visual material such as posters, cartoons, drawings calendars, pinups, • pictures, computer programmes of a sexual nature • Written material that is sexual in nature, such as notes, SMS, E-mail containing sexual comments • Knick-knacks and other objects of a sexual nature 	<ul style="list-style-type: none"> • Staring • Sizing up a person's body (looking up and down) • Derogatory gestures of a sexual nature • Sexually suggestive looks • Facial expressions of a sexual nature; winking, licking lips • Stalking.

Table 4: Sexual Harassment - Examples

Sexual harassment is:	Sexual harassment is not:
<ul style="list-style-type: none"> ○ A male supervisor asking a female staff to stay back late in the evening, as his wife is away, so that he can spend some time getting to know her better ○ A male programme manager asking his newly married male colleague about his sex life ○ A new female employee being told by her supervisor, that as project funds are low, she will have to share the hotel room with him ○ A female worker has said ‘No’ to her supervisor’s advances and now he is constantly finding faults with her work. ○ A male boss hugging a female staff and kissing her on the cheek to show his appreciation for her good work ○ Male staff displaying pornographic material on their desk top in full view of the other female staff in the unit ○ A female staff in an organization is offended and upset by the frequent whistles, and loud comments from some of the security guards at the adjoining institute ○ A young woman is stroked on her back by a male colleague as he thought her saree blouse too low and felt that it had provoked him ○ A male supervisor in a gem factory follows a female worker into the toilet saying she might have concealed stolen articles in her clothing ○ While female agricultural labourers work in the field, male employers constantly stare at them and crack obscene jokes ○ Female domestic workers are followed closely by the male members of the family in the absence of female family members. 	<ul style="list-style-type: none"> • A female employee being asked to stay back late to complete a project work that is overdue for submission • A male supervisor issuing a warning to a female subordinate who is always late to work ○ Loud talk and sharing of cricket match scores in the office space and disturbing the environment • Sleeping in the office premises • Taking personal calls in the office and not completing tasks • Keeping feet upon the table in office • Vandalizing office furniture and equipment ○ Consuming alcohol in the office premises.

2.6.1 Classification of Sexual harassment

Sexual harassment in the workplace is classified under two main types:

- Quid pro Quo
- Hostile Work Environment.

Quid Pro Quo or This for That

This type of sexual harassment implies seeking sexual favours or making sexual advances in exchange for benefits at work. It includes instances when:

- There are implicit or explicit requests or demands for unwelcome sexual activity as a term or condition of employment
- Consent to or rejection of unwelcome sexually explicit behaviour or speech is made a condition for employment, or refusal to comply with a 'request' is met with retaliatory action such as dismissal, demotion, difficult work conditions.

Hostile Work Environment

Hostile working environment involves uninvited and unwelcome conducts or behavior whether they are physical, verbal, non-verbal or visual forms which create work environment that makes it uncomfortable for a worker to be there. Hostile working environment is usually dependent on circumstances, frequency (repetitive misconduct rather than a single episode of misbehaviour), and severity.

2.6.2 Guiding Principles

1. **Accessibility, transparency, and non-discrimination:** A SH/GBV/SEA grievance procedure must be accessible to all potential complainants and its existence and operation should be transparent to the workers in which it is situated. The grievance procedure accessibility should be sensitive to gender, age, disability, and other potential contextual barriers. Adequate information about the existence and operation of the grievance procedure must be provided in a language and manner accessible to any potential project-affected person. The principle of non-discrimination should be respected when receiving, processing, and referring the allegation.
2. **Survivor-centered approach:** All prevention and response actions must balance the respect for due process with the requirements of a survivor-centered approach under which the survivor's safety, confidentiality, choices, needs, and well-being remain

central. The grievance procedure should also include processes that protect the rights of the alleged perpetrator, including confidentiality.

3. **Safety:** The survivor's physical and psychological safety as well as that of their family remains a priority at all times.
4. **Confidentiality:** Confidentiality should cover all information in a complaint that may lead to the identification of a specific incident or those affected by the allegation. This applies to the survivor and witnesses, but also the identity of the alleged perpetrator. Confidentiality is a key to protecting survivor's and witnesses' safety. Confidentiality requires that information gathered about the allegation not be shared with persons or entities unless there is explicit permission granted by the complainant. Even in such cases, information-sharing should take place on a strict need-to-know basis, limited to essential information, and based on pre-established information sharing protocols which are in line with best practices for the handling of Sexual Harassment/Gender-Based Violence cases. Reports of grievances to the management shall only include an anonymized summary of allegations based on pre-established information sharing protocols.

2.6.3 Responding to and Addressing Sexual Harassment and other GBV cases

For effectively responding to and addressing sexual harassment at workplace, it is important to have a grievance handling mechanism that is accessible for all workers. The Labor Code of Guinea prohibits sexual harassment in the workplace and provides for measures to prevent and address it. Specifically, Article L12 of the Labor Code provides for the establishment of an internal complaints committee to receive and investigate complaints of sexual harassment in the workplace.

Confidentiality, which is an important aspect of reporting incidents of sexual harassment or gender-based violence shall be a key principle in responding to and addressing sexual harassment and other GBV cases. The Internal Complaints Committee (ICC) that receive such reports should take steps to ensure that the information provided by the victim is kept confidential and only disclosed on a "need-to-know basis". This means that the information provided in the report should be shared only with those individuals who are directly involved in the investigation and resolution of the incident.

It is important to note that while organizations strive to maintain confidentiality, they also have a legal obligation to take appropriate action to investigate and address incidents of sexual

harassment or gender-based violence. This means that in certain circumstances, the organization may need to disclose information to third parties, such as law enforcement or regulatory bodies.

Therefore, when reporting an incident of sexual harassment or gender-based violence, victims should be informed of the organization's policy on confidentiality and what steps will be taken to protect their privacy. Victims should also be provided with information about their rights and options for support and resources, such as counseling services or legal advice.

2.6.4 Constitution of Internal Complaints Committee (ICC)

Under this Labour Code of Guinea, organizations in Guinea to ensure that they have established an Internal Complaints Committee (ICC) to address complaints of sexual harassment at the workplace. The Labor Code of Guinea requires the committee to keep a register of complaints received, including information such as the date of the complaint, the identity of the complainant and the accused, and the nature of the complaint. The committee is also required to investigate the complaint and prepare a report on its findings, including any recommendations for appropriate action and submit such report to the employer.

In addition to these requirements, it is good practice for the ICC to prepare an annual report summarizing its activities over the year, including the number of complaints received and the outcomes of those complaints and submit such to the employer (management). The report can also include any recommendations for improving the organization's policies and procedures related to preventing and addressing sexual harassment in the workplace. By preparing and submitting such reports, the ICC can help to ensure transparency and accountability in its operations and contribute to the organization's efforts to create a safe and respectful workplace environment for all employees.

Composition

The composition of the committee as prescribed by the Code states that a must have at least two members, including a representative of the employer and a representative of the employees, and is responsible for receiving complaints, conducting investigations, and making recommendations for appropriate action to address the complaint. The composition is explained in Table 5 below:

Table 5: Composition of the Internal Complaints Committee

Member	Requirement
Presiding Officer	<ul style="list-style-type: none"> • Must be of good character and reputation, and should have no history of involvement in sexual harassment or other forms of harassment or discrimination. • Must be a person of authority in the organization and should be well-versed in the organization's policies and procedures related to preventing and addressing sexual harassment in the workplace. • Should have experience and training in the laws and regulations related to sexual harassment in the workplace, as well as in conducting investigations and making recommendations for appropriate action. • Should be knowledgeable about overseeing the proceedings of the committee and ensuring that investigations are conducted in a fair and impartial manner. • Should be trained on how to receive and handle complaints of sexual harassment, how to conduct investigations, and how to make recommendations for appropriate action. • Should maintain confidentiality and respect the privacy of the complainant and the accused throughout the investigation process. • Should be committed to ensuring that the workplace is free from sexual harassment and other forms of harassment and discrimination, and should work collaboratively to promote a safe and respectful workplace environment.
<ul style="list-style-type: none"> • Member representing employer • Member representing employee • Representative of a union, if there is one present in the workplace 	<ul style="list-style-type: none"> • Must be of good character and reputation, and should have no history of involvement in sexual harassment or other forms of harassment or discrimination. • Should be someone who is respected and trusted by their colleagues, and who is committed to promoting a safe and respectful workplace environment. • Should be knowledgeable about the laws and regulations related to sexual harassment at the workplace, and should be able to conduct investigations in a fair and impartial manner. • Should be trained on how to receive and handle complaints of sexual harassment, how to conduct investigations, and how to make recommendations for appropriate action. • Should maintain confidentiality and respect the privacy of the complainant and the accused throughout the investigation process.

Member	Requirement
one or more experts in the field of sexual harassment or gender-based violence	<ul style="list-style-type: none"> • Be knowledgeable about the laws and regulations related to sexual harassment and gender-based violence in the workplace, as well as best practices for preventing and addressing these issues. • Have experience working with survivors of sexual harassment and gender-based violence, and be familiar with the emotional and psychological impact of these experiences. • Be able to provide advice and support to the Committee in carrying out its duties, such as conducting investigations, making recommendations for appropriate action, and developing policies and procedures related to preventing and addressing sexual harassment and gender-based violence in the workplace. • Maintain confidentiality and respect the privacy of the complainant and the accused throughout the investigation process. • Work collaboratively with the other members of the Committee to promote a safe and respectful workplace environment, and to ensure that the needs of survivors of sexual harassment and gender-based violence are being addressed. <p><i>The expert(s) shall be paid fees or allowances for holding proceedings of the ICC.</i></p>

In order to make the ICC accessible for all workers, the ICC may represent the cross section of hierarchies present in the workplace. This will make it easier for all employees across the organization to approach the committee with ease in case of a complaint or advice.

Tenure

According to the Guinea Labour Code, the tenure of office for members of the Internal Complaints Committee (ICC) is two years. After the initial two-year term, members may be reappointed for additional terms of two (2) years each. It is important to note that ICC members serve in a voluntary capacity, and are not considered employees of the organization. As such, the tenure of office for ICC members is not directly tied to their employment status or contract.

However, the ICC is an important mechanism for addressing sexual harassment and other forms of harassment and discrimination in the workplace, and it is recommended that organizations take steps to ensure the continuity and effectiveness of the Committee. This may

include providing training and support to ICC members, and establishing clear policies and procedures for the selection, appointment, and reappointment of members.

According to the Guinea Labour Code, the presiding officer or any other member of the Internal Complaints Committee (ICC) may be removed from their position before the end of their two-year term under certain conditions.

These conditions include:

- *Resignation*: A member of the ICC may choose to resign from their position at any time.
- *Misconduct or incapacity*: If a member of the ICC engages in misconduct or demonstrates incapacity to perform their duties, they may be removed from their position. Misconduct may include, but is not limited to, behavior that is discriminatory, harassing, or abusive. Incapacity may include, but is not limited to, illness or disability that prevents the member from performing their duties.
- *Conflict of interest*: If a member of the ICC has a conflict of interest that affects their ability to perform their duties impartially and effectively, they may be removed from their position. A conflict of interest may arise if the member has a personal or professional relationship with the complainant, the accused, or anyone else involved in the complaint.
- *Other justifiable reasons*: In certain circumstances, other justifiable reasons may arise that warrant the removal of a member of the ICC. These reasons may include, but are not limited to, a change in employment status or a change in the member's availability to perform their duties.

It is important to ensure that any decision to remove a member of the ICC is made in a fair and transparent manner, and that the reasons for the removal are clearly communicated to the member and to the rest of the Committee. The removal process should also comply with any applicable laws and regulations related to labour and employment.

2.6.5 Filing a complaint

Those who suffer from sexual harassment tend to keep silence about their incidence of sexual harassment due to several reasons such as fear of losing their job, retaliation, and victimization. Therefore, it is important that workers know of various options for filing a complaint and

addressing sexual harassment without fear. A complaint can be made to the Internal Complaints Committee, or directly to the HR.

2.6.5.1 Filing a complaint with the Complaints Committee

According to the Guinea Labour Code, employees who wish to file a complaint of sexual harassment or any other form of harassment or discrimination in the workplace should do so in writing to the Internal Complaints Committee (ICC) (See Annex B for a sample template of Sexual Harassment/GBV complaint form). The complaint should include:

- The name and contact information of the complainant.
- The name and contact information of the accused, if known.
- A description of the behavior that is alleged to be harassing or discriminatory.
- The date(s) and location(s) where the behavior occurred, if known.
- Any other relevant information or evidence that supports the complaint.

The complaint should be addressed to the presiding officer of the ICC, who is responsible for receiving and processing complaints. If the presiding officer is the subject of the complaint, the complaint should be addressed to another member of the Committee.

Once a complaint has been received, the ICC is required to conduct an investigation to determine the facts of the case and to make a recommendation for resolution. The investigation should be carried out in a timely and impartial manner, and should involve interviews with the complainant, the accused, and any witnesses who may have relevant information.

After the investigation is complete, the ICC should prepare a report summarizing its findings and recommendations. The report should be submitted to the employer or the appropriate authority, as required by law, and may also be shared with the complainant and the accused.

Box 1: Points to remember for the Complaints Committee members

- Once a complaint of sexual harassment is brought to the committee, it must be registered immediately and a written complaint filed
- The Chairperson of the Internal Complaints Committee should convene a meeting of the Committee within 48 hours of the receipt of complaint
- A quorum should be maintained for the Complaints Committee meeting, which stipulates 50 per cent attendance of the members. The presence of Chairperson is mandatory
- According to the principles of natural justice:

- ✓ The alleged harasser should be informed of the complaint against him/her. It is suggested that the harasser should be informed of the complaint against him/her via a formal charge sheet
- ✓ On receipt of a formal charge sheet, s/he must submit his/her defense statement within the specified time frame. A time frame of 10 working days is suggested for the defendant to present his defense statement.

2.6.5.2 Informal Mechanisms

Reporting of cases of sexual harassment takes effort and courage on the part of many women, despite the presence of a committee to deal with the same. In such cases, informal mechanisms work best in creating a conducive environment, which is non-threatening and builds the confidence of an employee in speaking out about an incident of sexual harassment.

In the event that a senior staff, supervisor or manager is approached for advice regarding a case of sexual harassment, she/he may give a patient hearing to the individual concerned. After assuring the necessary support in taking this matter forward, the employee must be encouraged to take the issue to the committee, in order that it can be established whether or not it is a case of sexual harassment (in case there is a lack of clarity) and further that appropriate action may be initiated by the committee.

- The role of supervisors and managers is critical in the redressal and prevention of sexual harassment in the workplace:
- It gives the employee an opportunity to assess whether the organization is supportive of such matters and builds the confidence to approach the committee
- It ensures that the committee accepts all complaints of employees and takes action
- The committee may also request the support of the supervisor, manager concerned in counselling and conciliation of the alleged harasser
- The supervisor may ensure that there is no backlash on the employee that has complained and in monitoring further unacceptable behavior
- Such staff in senior positions understand and identify the nuances of sexual harassment
- Senior staff and committee members discuss informal mechanisms for the prevention of sexual harassment in the workplace.

It is to be noted that for the informal mechanisms to function effectively, supervisors, managers and other staff need to be properly trained, in areas such as grievance handling which maintains confidentiality, counselling, and gender sensitivity, that are critical elements in playing out this role.

2.7 Handing Sexual Harassment Complaints

This document presents two ways to respond to a sexual harassment complaint: Conciliation and Inquiry.

2.7.2 Conciliation

This makes provision for the Complaints Committee to take steps to settle matters through conciliation before initiating an inquiry. The conciliation can only happen at the request of the aggrieved worker and money cannot be the basis of this settlement.

Once the settlement has been agreed upon, a record of the settlement needs to be sent to the employer or the HR to take action as specified in the recommendation. The copy of the settlement should be sent to the aggrieved worker and the respondent.

No further enquiries are conducted after the settlement. However, if any of the conditions of the settlement are not complied with by the respondent, the aggrieved can go back to the Committee who will proceed to make an inquiry.

2.7.3 Inquiry into Complaint

Accordingly, the complaint mechanism should ensure a time bound treatment of complaints. The ICC is bound to complete the inquiry within a time period of 90 days upon receiving the complaint. While conducting inquiries, the safety of all concerned, especially the complainant should be ensured to avoid victimization, and ensure consistency and fairness for all cases received. The information on steps should be widely shared with workers, especially the aggrieved person and the respondent to have a clear understanding on the process.

While conducting the inquiry procedures of the case, the Committee has the powers with respect to the following:

- Summoning and enforcing the attendance of any person
- Examining the individual on oath
- Requiring the discovery and production of documents essential to the case.

The ICC should also make provisions for counsellors or any other support services in case either party should ask for one.

The information below presents general steps involved in the investigation and explanations per step:

Step 1: Investigation of the allegations

For ensuring safety of the complainant and fairness for alleged harasser, investigation may be carried out according to the steps as follows:

- The complainant is interviewed to document the details of the incidence
- The allegations are conveyed to the alleged harasser in full
- The alleged harasser is given the opportunity to respond and defend themselves against the allegations
- If there is a disagreement over facts, statements from any witnesses and other relevant evidence are gathered
- Relevant allegations made during the investigation are made known to both the complainant and alleged harasser, with an opportunity to respond.

If both parties are employees, both parties will be:

- Given a fair chance of being heard
- Given a report of the findings that will enable them to make their representations before the committee.

The employer should authorize the presiding officer/chair of the ICC to procure all documentation and other evidence from appropriate departments during the investigation.

The employer may also initiate action against the perpetrator under the Guinean Penal Code or any other law if the aggrieved worker so desires. This is also applicable if the perpetrator is not an employee (third party).

Box 2: Tips for Committee members during investigation

1. Take all allegations seriously

Listen to the allegations carefully. Get as many specifics as you can, find out what happened, when it happened and ask if there were any witnesses. You must show empathy, yet remain neutral. From your perspective, the incident may seem unimportant or the employee may appear to be over sensitive. You may know the alleged harasser and believe the action or

remarks to have been made in fun or not intended to harass. Remember that it is not the intent of the remark or the action, but it is the impact that it has on the harassed that matters.

2. Take Immediate Action

All complaints must be addressed. Document the complaint with dates, times, places, names and quotes. Report the information to the Presiding officer of the committee or to any committee member you are comfortable with. Conduct your inquiry promptly. After hearing the complainant's story, repeat relevant facts so that the aggrieved can correct any mistakes and can be assured that the incident was understood properly. Ask the complainant if there is anything you forgot to ask or they wish to include. Discuss the alternatives with the aggrieved. Tell the aggrieved how and when you intend to follow up with the complaint and thank them for coming forward.

3. Investigate the complaint

Get the alleged harasser's account of what happened. Also speak to any witnesses who have been named. It is important to conduct a thorough inquiry. Do not discuss the matter with anyone who does not need to know. These are often sensitive issues. Do not become part of the office rumour mill.

Step 2: Examination of witnesses

Although cross-examination of witnesses needs to be conducted in the presence of the accused in ordinary cases, such cross-examination should not be done in the presence of the respondent in the case of an inquiry into allegations of sexual harassment. Sometimes, the very presence of the respondent may result in putting pressure upon the witnesses, particularly, if they are children, and may discourage them from coming out with the truth. Moreover, cross-examination in the presence of the respondent would invariably result in disclosing the identity of the aggrieved and/or witnesses, even where it is not necessary to disclose their identity.

The Committee must ensure complete confidentiality of the complainant during the investigation. All information collected such as statements from interviews and documents and all steps taken in the investigation must be thoroughly and properly recorded.

Box 3: Tips for maintaining confidentiality of the case:

- Limiting the number of individuals who are aware of the report and restricting access to the information to only those who need to know.

- Providing clear guidelines and instructions to those involved in the investigation and resolution process on the handling of confidential information.
- Ensuring that any documents or materials related to the report are stored securely and not accessible to unauthorized personnel.
- Informing the victim of the organization's policy on confidentiality and what steps will be taken to protect their privacy.
- Seeking the victim's consent before disclosing any information about the report to third parties.
- As members of the Complaints Committee, do not discuss the case with other colleagues while investigation is underway unless it is a part of the investigation process
- Do not disclose the names of the complainant or the alleged harasser in any records that are going to be shared with people who are not members of the Committee.

Step 3: Examining findings applying the principles of fairness

Cases of sexual harassment are controversial and highly contentious matters. Acts of sexual harassment in the workplace are usually between two individuals and often behind closed doors, a “private matter”, mostly without any eye witnesses. In cases where sexual harassment is over a prolonged period of time, aggrieved might not have kept a log of the acts of harassment, dates, times it occurred and a list of witnesses to that specific conduct. It is also possible that when sexual harassment takes place in the open, it might appear as consensual and mutually acceptable behaviour to the others in the workplace. In this context, it is necessary to understand the different standards that are adopted in dealing with cases of sexual harassment in the workplace.

The most predominant standards include:

- i. Reasonable Woman Standard
- ii. Intent vs. Impact
- iii. Prior Awareness
- iv. Proof beyond Reasonable Doubt

Box 4: Tip for examining findings:

The key words to bear in mind in assessing a situation of sexual harassment are ‘unwelcome’ and ‘sexual’.

i. Reasonable Woman Standard

The most common practice to assess sexual harassment in the workplace is to use a Reasonable Woman Standard. It implies that an act(s) of behaviour is considered to be sexually harassing if a ‘reasonable woman’, when put in that situation, would deem it to be so. This standard was adopted in order to avoid decisions being taken that will in all likelihood have a male perspective to it if there are no woman-based standards available. This allowed the decision makers to view the case from the perspective of the aggrieved.

This approach has emerged from the reasonable man standard used earlier where the perspective of a ‘reasonable man’ was used to determine whether sexual harassment had indeed occurred. This stance was found to be flawed and supported existing male dominant positions of power, which discriminate against women. In today’s courts of law across the world, the reasonable woman approach is gaining more acceptance due to its logic and gender sensitive reasoning which supports the view of a woman in ascertaining the occurrence of sexual harassment.

ii. Intent vs. Impact

‘Intent vs. impact’ is one of the most crucial standards in assessing sexual harassment. In this framework, the “impact” on the aggrieved is given weightage as opposed to the “intent” of the perpetrator. This view has had significant bearing upon cases of sexual harassment and the consequent decisions that have favoured women. There is emphasis on the purpose or effect of the offensive conduct on another’s dignity. Impact not intention is what counts. In a nutshell, it is not sufficient reason to excuse an act of sexual harassment merely because someone said “Well, I did not mean it, sorry!” This approach, combined with the Reasonable Woman Standard approach, are important elements in deciding cases from a third party perspective, along with the cultural context and other prevailing social norms to ensure that justice is meted out.

iii. Prior Awareness Approach

Another approach to understanding whether a particular case is an act of sexual harassment or not is known as ‘prior awareness’. This standard assumes that there are two attitudes at play as

a reaction to an act of sexual harassment. If the complaint's attitude is of a vulnerable, docile and powerless woman, there is all likelihood of the natural instincts of the decision maker to perceive the woman in question as a victim, which may result in a favourable decision towards her. But, if the complaint's attitude is that of a hostile and aggressive woman, the decision makers are most likely to express an unfavourable decision for the aggrieved, as they view her as a threat to male dominance. This theory underscores once again the importance of developing explicit and shared standards and criteria for the assessment of behaviours as sexual harassment at workplace.

There are two attitudes at play which have contrasting impacts in the prior awareness approach. These are "hostile sexism" and "benevolent sexism".

In "hostile sexism", the preferred and acceptable image of a woman is that of a submissive female who has remained within her socially defined limits. So-called aggressive women are viewed negatively as those who must be controlled and prevented from occupying male dominated spaces. The hostile images of a woman that are created by this attitude are likely to trigger an unsympathetic response from the third party, which could end in an unfavourable decision for the aggrieved as she is viewed as a threat to male dominance. This attitude structure of 'hostile sexism' suggests that where a woman aggrieved is seen to be aggressive, the response to her complaint may be unsympathetic and assessment may be unfavourable to her.

"Benevolent sexism" has the image of a vulnerable and powerless woman who has to be protected by the all-powerful male. This rouses feelings of sympathy and compassion towards a weaker individual being dependent and seeking the support of the powerful. Such an attitude is more likely to perceive the woman in question as a victim, whose space has been invaded by the respondent and therefore may result in a favourable decision for her. The attitude structure of 'benevolent sexism' sees the woman as helpless and vulnerable, therefore assessment may favour her.

In essence, the theory of prior awareness underscores the importance of developing explicit and shared standards and criteria for the assessment of behaviours as sexual harassment at workplace.

iv. Proof beyond Reasonable Doubt

If evidence and witnesses may not always be forthcoming, reliance has to be placed on the circumstantial evidence and whether in it overall terms, inspires the confidence of the judges. The terms used for evidence is that of "high probability" or "within reasonable doubt". Which

means that it is not required that the Committee obtains 'proof beyond reasonable doubt' to take a decision on whether sexual harassment has occurred. As most incidents of sexual harassment are in private without any solid evidence or eye witnesses, the case should be built upon the strong probability that the accused did sexually harass the complainant is sufficient to take a decision in her favour. A misconduct need not be proved beyond all reasonable doubt, but if there are preponderance of probabilities, that is enough for holding a person guilty of misconduct.

Step 4: Arriving at the conclusion as to whether the harassment occurred or not

A formal complaint should not be dismissed on the ground that nobody saw or heard the incident/s occur. Given the nature of the conduct, there are often no direct witnesses to acts of sexual harassment. Those responsible for investigating complaints should consider all available evidence, including any surrounding evidence, and make their finding on the balance of probabilities, that is, that it is more probable than not that the harassment did or did not occur. It is important to note that even if there is not enough evidence for a complaint to be substantiated, it does not mean that the discrimination did not occur or that the complainant is a liar. Findings may be that harassment did or did not occur, or that it was not possible to make a conclusive finding.

Step 5: Submitting a report with a recommended course of action to the appropriate decision-maker (employer, management, etc)

The onus of preparing the report rests with the Presiding Officer/Chairperson of the Complaints Committee. She may seek the support from other Committee members or other persons in doing so, depending upon the proceedings and the complexities of the case. For example, the Presiding officer/Chairperson may deploy the services of a professional to transcribe recorded statements of all witnesses or seek the advice of a lawyer in understanding complex aspects of a case. However, it must be noted that caution must be exercised in maintaining the confidentiality of the case and the identity of the aggrieved at all times.

The report must present all the evidence that has been acquired in the proceedings of the complaint. It shall build up an argument of the conclusion reached in the case and a rationale for the suggested penalty to be imposed if the case of sexual harassment had been proven. The report of the Complaints Committee shall be deemed to be the final inquiry report. In accordance with the Terms of Reference of the Committee, the report shall be submitted by the Chairperson, to the employer/ head of the disciplinary authority for consideration.

Upon completion of the inquiry, the ICC must **send a report of its findings to the employer within a period of 10 days of completion of the inquiry** (See Annex C for a sample template of Investigation report). The inquiry report may contain 3 types of verdicts:

1. If the allegation against the respondent has **not been proved**, the ICC recommends to the employer that no action is required to be taken.
2. If the allegation against the respondent has **been proved**:
 - The ICC can recommend to the employer to take action on sexual harassment as a misconduct in accordance with the provision of service rules; if there are no such service rules then with the rules that have been prescribed
 - The committee can also recommend deduction of an appropriate sum of money from the salary of the respondent or ask respondent to pay the sum as compensation to the aggrieved. The amount may be determined by the ICC members on the basis of:
 - ✓ the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman
 - ✓ the loss of career opportunities due to the incident of sexual harassment
 - ✓ medical expenses incurred by the aggrieved for physical and psychological treatment
 - ✓ income and financial status of the aggrieved
 - ✓ Feasibility of such payment.

Box 5: Tips if the respondent fails to make the payment

In case the respondent has already left the employment and deductions to the salary are not possible, and in case the respondent fails to pay such a sum when directed to, the management may have to recover such sum as an arrear of land revenue.

3. If the allegation against the respondent has been proved to be a **false and malicious complaint**, or if the aggrieved or anyone else has produced a false document, provision will be made for a penalty according to the Service Rules.

However, this clause has a safeguard in the form of an inquiry prior to establishing the malicious intent. This means that the onus of proving that the complaint was of a false and malicious intent lies with the committee. Mere inability to prove the case or a lack of evidence will not attract penalty under this provision.

The decision of the Complaints Committee should be presented in its report and submitted to the management who will forward the same to the disciplinary authority. This report may also contain suggested penalties for the accused.

Box 6: Tips if the parties involved in the case are not satisfied with the investigations?

It is to be noted that in the event that either of the parties involved in the case (complainant or accused) are not satisfied with the investigations, the decision or the recommendations of the complaints committee, they may approach a court of law to secure justice. The court of law will call upon the complaints committee to submit its report and all other documents for review and verification. Most often, the court takes a serious view of proceedings of the complaints committee and ascertains whether principles of natural justice have been followed and that the committee has done its level best to examine all angles of the complaint in reaching its final conclusion.

Step 6: Ensuring that the recommended action are taken

The Complaints Committee only recommends disciplinary action, and the ultimate decision on this lies with the employer or the disciplinary authority of the organisation that can either choose to accept the suggested actions or change them. Penalties may be imposed based on the recommendations of the Committee and in keeping with the disciplinary norms of the organization.

When an act of sexual harassment amounts to misconduct as defined by the relevant service rules, appropriate disciplinary action (e.g. demotion, transfer, suspension, probation or dismissal) should be initiated by the employer in accordance with those rules. But, when the act of sexual harassment amounts to an offence under the Guinean Penal Code, the employer shall initiate action by making a complaint with the appropriate authority. In case the aggrieved is not willing to initiate action under the Guinean Penal Code, as a good practice and a measure of caution, the employer can record this in writing from the concerned person.

The employer in the case of the ICC is mandated to **act on the recommendation within 60 days of receiving the report** by the Committee.

2.7.4 Action by Employer during Pendency of Inquiry

There are provisions related to action which may be taken by employers during the pendency of an inquiry. Upon a written request made by the aggrieved woman, the Committee may recommend to:

- Transfer the aggrieved or the respondent to any other unit/department
- Grant leave to the aggrieved worker up to a period of 3 months, which is in addition to the leave that she is entitled to
- Map out providers of GBVH services in the project area (especially healthcare and counselling), so that if an incident is reported, the survivors can access services.
- Other relief as appropriate.

One of the reasons for this provision is that when an act of sexual harassment is the result of power dynamics at play, the daily proximity of the aggrieved with her “harasser” has a deep and lasting negative impact on the emotional, physical and social functioning of the aggrieved, who is often of a more subordinate position than the accused

2.7.5 Implementation and Updates of the Procedure

During steady-state operations, this procedure will be reviewed on an annual basis (if required) and any necessary revisions made will reflect the changing circumstances or operational needs. The revision of this procedure will be the responsibility of the HR who is the custodian of the procedure.

2.8 External Grievance Management Process

Besides internal grievance mechanism procedure, external grievance management process will be implemented for grievances raised by all stakeholders such as local communities, governmental or non-governmental organizations, universities, media etc.

The steps of the grievance management process consist of receiving the grievance, assessing, sending acknowledgment, investigating, feedback to stakeholder, implementing the remediation activities and closeout. The External Grievance Mechanism should involve the following steps:

Step 1: Receive and Log complaints

Stakeholder will be allowed to make a formal statement of dispute or claim (verbally or written) to the selected representatives acting on a CRC, directly to the CROs, or to a recognised community leader. The CROs should ultimately receive all complaints and shall be tasked with completing a grievance form and logging the grievance in a central grievance database.

The complainant should be registered by the CROs. The grievance form to be completed by the CROs should include the date, description of the grievance, as well as the details of the

complaint and the person who lodged it (full names and position) (See Annex A for Grievance/Complaint Form). The person who submits this claim should sign this completed form and must receive a receipt of this complaint by the CROs upon submission. The form also needs to indicate the date on which the grievance will be addressed by DAI and when feedback will be received.

It will be the responsibility of the CROs to receive complaints and to enter these in the register (an electronic register should also be kept). Three copies will be made of the form: one copy to be provided to the person submitting the complaint (to be provided to the claimant), one to be used to implement the corrective action and for document control, and one copy to remain in the grievance file to be kept and maintained by the CROs. The complaint will then be entered into a database that will be created for this purpose. The complainant will have the option to remain anonymous.

As a minimum the following information shall be recorded:

- Case number;
- Complainant's name and contact details;
- Date of complaint;
- Details of complaint;
- History of other complaints / queries / questions (if known);
- Resolutions discussed and agreed with the party(ies) in question;
- Actions implemented (including dates); and
- Outcome of the actions implemented.

Box 7 Tips for Receiving a Grievance

- Regardless of who receives the grievance, it needs to be forwarded to Grievance Manager for attention.
- The grievance redress mechanism should make it possible to lodge a grievance in any appropriate format (written, verbal, telephonic, email, post etc.). Consideration should be given to capturing concerns raised informally or indirectly (e.g., through perception studies, media reports, social media, etc.).
- It is important that the process is easily accessible and not intimidating to stakeholders.

- Regardless of the form of the complaints, all need to be addressed with the same sincerity and seriousness.
- The Grievance Manager will be required to be in touch with the complainant at least once per month to provide feedback on the grievance.

Step 2: Acknowledging Receipt of a Grievance

Upon completion of the grievance statement form, the CROs shall ensure that DAI receives a copy of the form within 48 hours of submission. An electronic database should also be kept of each grievance (See Annex D for Grievance Record to be used as part of the database). The grievance statement form shall be managed and maintained by the CROs who will bear the responsibility for ensuring that all records are up-to-date and accurate. DAI shall therefore acknowledge receipt of any grievance as soon as possible, but up to seven days from the date it was submitted and shall inform the complainant about the timeframe in which a response can be expected. A Grievance Receipt Form (Annex E) shall be signed and a copy provided to the complainant.

Box 8 Tips for Acknowledging a Grievance

- Literacy levels should be taken into consideration when providing the complainant with the acknowledgment of receipt, and verbal acknowledgement should accompany a written acknowledgement.
- Where appropriate acknowledgement should be provided through the Grievance Manager.

Step 3: Assess and Investigate Grievance

The following steps shall be performed in a timely manner to avoid delaying resolution of a grievance:

1. Obtain as much information as possible from the person who received the complaint, as well as from the complainant to gain a first-hand understanding of the grievance.
2. Undertake a site visit, if required, to clarify the parties and issues involved. Gather the views of other stakeholders including DAI employees, if necessary and identify initial options for settlement that parties have considered.
3. Determine whether the grievance is eligible

- Eligible grievances include all those that are directly or indirectly related to DAI’s Cashew-nut processing Project and that fall within the scope of the Grievance Redress Mechanism as outlined above.
 - Ineligible Complaints may include those that are clearly not related to DAI Cashew-nut processing Project or its contractors’ activities, whose issues fall outside the scope of the Grievance Redress Mechanism procedure or where other DAI or community procedures would be more appropriate to address the grievance.
4. If the grievance is deemed ineligible it can be rejected however a full explanation as to the reasons for this must be given to the complainant and recorded in the Grievance Database.
 5. If the grievance is eligible, determine its severity level using the significance criteria in Table 6 below. This will help to determine whether the grievance can be resolved immediately or requires further investigation and whether senior management will need to be informed of the grievance.
 6. If the grievance concerns physical damage, (e.g. crop, house, community asset) take a photograph of the damage and record the exact location as accurately as possible.
 7. Inform the complainant of the expected timeframe for resolution of the grievance.
 8. Enter the findings of the investigation in the Grievance Database.

DAI will aim to resolve any grievances within 30 days from the date that it was received. This timeframe can be extended to 60 days for more complex grievances (e.g. level 4 grievances), if required.

Table 6: Significance Rating Criteria

Significance Level	Type of Grievance	Responsibilities
Level 1	A grievance that is isolated or ‘one-off’ and essentially local in nature and restricted to one complainant. Note: Some one-off grievances may be significant enough to be assessed as a Level 4 grievance e.g. when a national or international law is broken (see Level 4 below)	Grievance Manager
Level 2	A grievance that extends to the local community or region and has occurred more than once, which is judged to have the potential to cause disruption to DAI	Project Executive

Significance Level	Type of Grievance	Responsibilities
	operations or to generate negative comment from local media or other local stakeholders	
Level 3	A grievance which is widespread and repeated or has resulted in long term damage and/or has led to negative comment from local media, or is judged to have the potential to generate negative media and local stakeholder comments (e.g. damage to a sacred site or flooding of local school)	Project Executive
Level 4	A one-off complaint, or one which is widespread or repeated and, in addition , has resulted in a serious breach of DAI policies, Guinean or International Law and/or has led to negative national/international media attention, or is judged to have the potential to generate negative comment from the media or other key stakeholders (e.g. failure to pay compensation where appropriate, e.g resettlement)	DAI Chief Executive

Step 4: Grievance Resolution

All grievances shall be dealt with on a case by case basis. However, all will require further discussions with complainants and community members that seek to jointly identify and select measures for grievance settlement. This will help to increase ownership of solutions and to mitigate perceptions that resolutions unfairly benefit DAI.

- An incident investigation team may be tasked with seeking resolution to the grievance. This may entail a dialog or series of dialogs between affected parties to find a solution to the grievance. Alternatively, it may entail investigating the underlying cause of the grievance and action any changes required to internal systems to prevent a recurrence of a similar grievance.
- An Incident Investigation Report will be completed within 28 days (considered good practice).
- During the 28 days of dialog or investigation, the Grievance Manager will co-ordinate conflict resolution activities necessary to contain and resolve any actual or potential

conflicts arising from the reported grievance. If the case is complex and the stated resolution timeframe cannot be met, an interim response will be provided (oral or written) that informs the stakeholder of the delay, explains the reasons, and offers a revised date for next steps.

Where possible, grievances will be addressed directly by DAI. The resolution proposal shall be respectful and considered, including rationale for the decision and any data used in reaching it. If wider consultation is necessary, grievances will be forwarded to a third party. This third party should be neutral, well-respected, and agreed upon by both DAI and the affected parties. These may include public defenders, legal advisors, local or international NGOs, or technical experts. In cases where further arbitration is necessary, appropriate government involvement will be requested.

DAI shall draft a written response and this should include DAI recommendations to be taken into consideration. This formal feedback response letter needs to be submitted by DAI to the complainant in person. The letter needs to be verbally communicated to the complainant. Should the complainant accept the response, this decision shall be documented with the complainant's signature on the grievance response letter. Thereafter, the latter response letter shall be returned to DAI for recording into the grievance statement form (to be attached to it).

As a last resort, aggrieved parties have a right to take legal action. This is a more formal rights based approach that shall only be taken if all other approaches have failed or when there are serious conflicts about facts and data. The final decision will be taken by the arbitrator or courts based on compliance with laws, policies, standards, rules, regulations, procedures, past agreements or common practice.

Box 9 Tips for Resolving Grievances

- Grievance verification is especially important when the grievance is about another stakeholder or group of stakeholders. For example the community may make claims against a contractor that need to be investigated before acted upon.
- A regular forum to discuss grievances could be in the form of a monthly meeting where general and Risk Level 1 grievances are discussed. This forum can be constituted more frequently or as is needed especially in the case of Risk Level 2 and

3 grievances. This is particularly relevant to phases of the project that are likely to result in the highest degree of impact (e.g., construction).

- It is important to be transparent about the mechanism to resolve the issue. The appropriate level of action may require further consultation. Also, the issue may be symptomatic of a bigger issue. When this arises, both the symptom and the cause need to be addressed and resolved. For example, a complaint about job seekers setting up informal housing near the site may be raised as an issue related to informal housing but may also be symptomatic of an issue around influx of people and associated negative impacts.
- There are instances where grievances cannot be resolved in 28 days. In these cases, monthly updates must be given to the stakeholders who raised the grievance to provide them a report on progress.

Step 5: Rejection of a response

Should the complainant reject the response, the merits of the rejection shall be investigated by DAI. Should the complainant reject the response, the complainant shall have the right to consult the relevant government authorities, after which a formal meeting can be arranged between the relevant government authority, DAI, the complainant, and any other stakeholder groups involved in the process. Formal meeting minutes shall be drafted for this meeting and will be issued and signed by all parties involved.

The outcomes of the meetings shall be recorded by DAI, and if an agreement is reached, such an agreement will be captured in the grievance statement form with the signature of the complainant.

Step 6: Closure/Sign-off on Grievance

- The Grievance Manager will seek sign-off from the complainant(s) that the grievance has been resolved.
 - In instances where the stakeholder is not satisfied with actions taken, the grievance will either:
 - i. Be escalated to senior management and a decision will be taken either to implement supplementary actions or to consider initiating an appeal process;
- OR

ii. The Grievance Manager will approach a neutral or third party to assist in mediating and resolving the grievance;

OR

iii. The Grievance Manager will approach the host country's judiciary to further address the grievance.

- Following this process, the Grievance Manager will again approach the stakeholder to obtain sign-off on actions implemented.
- The staff member who signs off the complaint should have sufficient knowledge about the topic to provide assurance.
- Once sign-off has occurred, this should be recorded in the Grievance Log.

Once the investigation has been completed and necessary measures have been taken, the results will be communicated by DAI to the complainant and entered in the grievance statement form and electronic database, as explained. Regardless of the outcome, a response should be provided to all complainants (Annex F: Grievance Closure Form).

Step 7: Monitoring and Reporting

DAI management will monitor grievances routinely as part of the broader management of the Project. This entails good record keeping of complaints raised throughout the life of the construction and operation of the Project. On receipt of grievances, electronic notification to management must be distributed. Grievance records must be made available to management at all times.

Monthly internal reports will be compiled by the Grievance Manager and distributed to the management team. These grievance reports will include:

- The number of grievances logged in the proceeding period by level and type.
- The number of stakeholders that have come back after 30 days stating they are not satisfied with the resolution.
- The number of grievances unresolved after 60 days by level and type.
- The number of grievances resolved between DAI and complainant, without accessing legal or third party mediators, by level and type.
- The number of grievances of the same or similar issue.
- DAIs' responses to the concerns raised by the various stakeholders.

- The measures taken to incorporate these responses into project design and implementation.

These reports and other records will be made available for external review if required.

An appropriate grievance report should be part of DAI’s annual reporting. Annual reports will be made available to the public. A hard copy will be located at the DAI offices, and an electronic copy will be made available online.

Box 10 Tips for Monitoring Grievances

- How many complaints have been raised?
- What types of complaints have been raised?
- What is the status of the complaints (rejected or not eligible, under assessment, action agreed upon, and action being implemented or resolved)?
- How long did it take to solve the problem?
- How many APs have used the grievance redress procedure?
- What were the outcomes?
- Are the GRMs effective in realizing the stated goals, objectives, and principles?
- Are the GRMs capable of responding to the range of grievances specified in their scope?
- Are the GRMs equipped with an adequate and diverse set of resolution approaches?
- Have the GRMs adopted measures to improve the resolution approaches, e.g., capacity building, consultation, with technical experts, etc.?
- Are the GRMs effectively integrated into overall project management?

2.8.1 Implementation and Updates of the Procedure

The Grievance Mechanism set out in this plan shall be annually reviewed by DAI for its adequacy and appropriateness to the lifecycle of the project. The number and nature of grievances, as recorded in the grievance database, will be reported to the DAI Managing Director on a quarterly basis. For effective monitoring of the grievance process, see *Annex D for Grievance Record to be used as part of the database.*

3 MONITORING

3.1 Overview of Monitoring Requirements

In compliance with the Project standards of this procedure, monitoring measures will be implemented to prevent the reoccurrence of grievances and monitoring management. Therefore, this grievance mechanism will be subject to periodic reviews to decrease the systemic problems and maintain the resolution process efficiently.

If monitoring activities detects non-conformance with the Project Standards, these will be investigated, and appropriate corrective actions identified. The overall grievance management performance will be monitored and evaluated according to the key performance indicators.

3.2 Key Monitoring Activities

The key monitoring activities are used to assess grievance management. The Project will also monitor the efficiency and application of the third-party grievance mechanism. The procedures and the grievance management tool will be adjusted as required. Key monitoring measures are set out in Table 7 below.

Table 7: Key Monitoring Measures

Topic	Indicator	Method	Period	Location
Grievances/ Concerns	The Project will review Grievance Log/Database, including complaints closed and unresolved per period at a minimum monthly to include: <ul style="list-style-type: none">• number of outstanding complaints and grievances opened in the month,• number of complaints and grievances opened in the month and evolution since Project start (graphic presentation),• number of complaints grievances closed in the month; and• type of grievance.	Grievance Records	Monthly	Site office
Customer Satisfaction	SRS will keep records written and verbal complaints raised by customers.	Customer Grievance Records and	Monthly	Site office

Topic	Indicator	Method	Period	Location
		Satisfaction Surveys		
Community Engagement Activities	The SRS and CRO will record formal and informal engagement with local communities	Community Engagement Records	Monthly	Site office
Disclosure Materials/ Feedback to Communities	SRS will keep records of the types of leaflets, brochures, newsletters prepared and distributed. GM will monitor feedback to local communities.	Community Info System on the Website	Quarterly	Site office

3.3 Key Performance Indicators (KPIs)

The Table 8 below summarizes the key performance indicators and related key monitoring actions. These can be used to assess the progress and effectiveness of the proposed mitigation strategies.

Table 8: Key Performance Indicators (KPIs)

KPIs	Target	Monitoring Method
Total number of external complaints or grievances	Total number reduced year on year	Grievance database
% of complaints that are responded within 5 days	Respond stakeholders within 5 days at last / delivery of regular reports to stakeholders on the outcomes of the Grievance Mechanism	Monthly reports
% of internal complaints that are closed within 30 days.	Target of 100%	Grievance database
% of customer complaints that are resolved within 30 days.	Target of 100%	Grievance database
% of external complaints that are resolved within 30 days.	Target of 100%	Grievance database
Auditing Grievance Procedure to ensure that it is being implemented and grievances are being adequately addressed.	Annual audit complete target of 100% of grievances close out to satisfaction of complainant within 30 days.	Audit report

4 TRAINING

4.1 Training Overview

All necessary training regarding the grievance mechanism will be provided as induction training or toolbox to provide general awareness for all employees of the Project and its contractors. Job-specific training for responsible personnel will be also provided as necessary. The implementation of this grievance mechanism will be followed by the Social Responsibility Staff (SRS), and supervisors of the Project.

4.2 Induction Training

The induction training will provide information about the internal (worker) grievance mechanism to all direct and indirect workers, including contractors' employees. The trainings will be given in the first "Induction Training" session. All employees of the Project and contractors are required to participate in social training. This training will provide the information on how to understand and respect different opinions and to be an effective team member by behaving appropriately with locals and colleagues; how to raise a grievance/suggestion or comments.

4.3 Job Specific and Other Training Requirements

Job-specific training and additional specialist training (if there any) for key personnel involved in the community, then it will be provided to those and employees for grievance management. Specific training on the implementation of the grievance mechanism is also provided to the Social Responsibility Staff (SRS), personnel defined in the roles and responsibilities section and supervisors of the Project and contractors.

4.4 For Special Training Need: Sexual Harassment

Effective training programmes are essential for sensitizing all their staff members, both men and women to recognize sexual harassment to prevent it, and to deal with it when it occurs. The training programme is the best way to ensure proper understanding and implementation of the organization's policy on sexual harassment. It is the best forum to communicate to employees what behaviour is acceptable and what is not, in a non-threatening atmosphere of mutual learning. Training for the members of the Complaints Committee and others who are going to be instrumental in implementing the policy is very essential. It is the duty of an employer to organize orientation programmes for the members of the Internal Complaint Committee. For example, training may cover topics such as:

- The legal framework governing workplace complaints
- Company policies and procedures related to complaints
- Investigation techniques
- Communication skills
- Conflict resolution and mediation
- Sexual harassment training with a component on gender sensitization, along with the procedures for taking complaints and enquiry

Also, the general training for all employees should address perceptions and understanding of sexual harassment, impact of sexual harassment on individuals and workplace, understanding the policy and complaint mechanism. The training for Complaints Committee should address, in addition to these, the procedures of investigation, skills necessary for enquiries, documenting the procedures etc.

A separate training for supervisors and managers may be organized to encourage appropriate conduct by themselves. As a manager, they play a key role in promoting the organization's sexual harassment policy to ensure that the workplace is free from sexual harassment. They also need to monitor the working environment by closely scrutinizing performance and morale of all employees and assessing changes in employees' behavior patterns such as high turnover. The training for supervisors becomes especially important when sexual harassment cases are handled through informal mechanisms.

5 AUDIT AND REPORTING

In this section, internal and external auditing is involved. For the Project activities, record keeping, and reporting basics are explained.

5.1 Internal and External Auditing

Internal and External Audits will be carried out in order to ensure the assessment of the grievance mechanism efficiency by Social Responsibility Staff. Conformance and aspects of this procedure, which are subject to regulatory audits, will be monitored in accordance with the existing management systems and separately by Project Lenders. Monthly conformance will be monitored. Contractors will be subjected to inspection and audit by the Project prior to a contractor's initial appointment.

5.2 Record Keeping and Reporting

Record keeping will be done during the following cases:

- Consultation meetings and community engagement activities,
- Grievances actions and closeout of grievances,
- Concerns/opinions/suggestions by the local community during consultation meetings and stakeholder engagement activities,
- News on press and interviews,
- Audits, investigations, and incidents which will be managed according to the Project procedures.

On a monthly basis, an overview of the grievances recorded in terms of number and type will be investigated. The situation of the grievances as open/closed out will be developed periodically. The Social Responsibility Staff (SRS) will evaluate and conclude this overview with project management in the monthly progress meetings.

ANNEXES

Annex A: Grievance/Complaint Form

Annex B: Sexual Harassment/GBV Complaint Form

Annex C: A Sample Format of Complaint Committee Investigation Report

Annex D: Grievance Record

Annex E: Grievance Receipt Form

Annex F: Grievance Closure Form

Annex G: Format for Recording the Proceedings of Grievance Redress Committees (GRC)

ANNEX A

GRIEVANCE/COMPLAINT FORM

Grievance Record	
Reference No: (for official use)	
Anonymous:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Full Name:	
Contact Information: Please mark how you wish to be contacted (letter, telephone, e-mail).	Department/Unit/Address/village/traditional authority and ward: _____ _____ _____ _____ Telephone: _____ E-mail: _____
Preferred Language for communication	
Description of Incident or Grievance	What happened? Where did it happen? Who did it happen to? What is the result of the problem?

Date of Incident/Grievance	One-time incident/grievance (date _____) Happened more than once (how many times? _____) On-going (currently experiencing problem)
What would you like to see happen to resolve the problem?	
Additional Comments:	

ANNEX B

SEXUAL HARASSMENT/GBV COMPLAINT FORM

Name:	
Sex:	1. Male <input type="checkbox"/> 2. Female <input type="checkbox"/>
Age:	
Place of Incident:	
Date of Incident:	
Time of the Incident:	AM <input type="checkbox"/> PM <input type="checkbox"/>
Was the abuse against	a) An individual <input type="checkbox"/> b) Group <input type="checkbox"/>
The form of incident:	Harassment <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Discrimination <input type="checkbox"/>
Assault/physical abuse <input type="checkbox"/>	Rape/Sexual assault <input type="checkbox"/> Illegal arrest <input type="checkbox"/>
PERPETRATORS	
Discriminated/ Harassed / Abused by:	
Co-worker:	Yes <input type="checkbox"/> No <input type="checkbox"/> Contractor: Yes <input type="checkbox"/> No <input type="checkbox"/>
Supervisor/Manager:	Yes <input type="checkbox"/> No <input type="checkbox"/> Security Personnel Yes <input type="checkbox"/> No <input type="checkbox"/>
HR Personnel:	Yes <input type="checkbox"/> No <input type="checkbox"/> Partner: Yes <input type="checkbox"/> No <input type="checkbox"/>
Clients/Customer:	Yes <input type="checkbox"/> No <input type="checkbox"/> Health Provider: Yes <input type="checkbox"/> No <input type="checkbox"/>
Third-party vendor:	Yes <input type="checkbox"/> No <input type="checkbox"/> Employer: Yes <input type="checkbox"/> No <input type="checkbox"/>
Community members:	Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify) _____
Chief Executive Officer: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Date and time the crisis response team made its first attempt to address the incident through its staff	
<input type="text"/> <input type="text"/> <input type="text"/>	Time am pm
Type of post-violence support provided	

Section B

Services	Duration of service	Provided within 5 days
Tick the applicable post-rape care service provided		
a) HIV testing service		
b) Emergency contraception		
c) Complaint registration at the police station (provide details)		
d) Psychosocial/trauma counseling		
e) PEP provided		
f) STI screening and treatment		
g) Legal support		
h) Medical examination		
i) PRC form filled		
j) Other services provided: specify:		
Non-sexual violence		
a) Medical services and care		
b) Psychosocial/trauma counseling		
c) Complaint registration at the police station (Provide details)		
d) Legal Support		
Where is the person now: Dead <input type="checkbox"/> Imprisoned <input type="checkbox"/> Hospitalized <input type="checkbox"/> At home <input type="checkbox"/>		
Safe space <input type="checkbox"/>		
Follow-up action plan:		
Date issue was completely addressed <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		

Grievance Officer (enter name): _____

ANNEX C

A SAMPLE FORMAT OF COMPLAINT COMMITTEE INVESTIGATION REPORT

PARTICULARS OF THE DOCUMENT	PAGE NO.
PART –A: REPORT (PAGES X-X)	
<p>Constitution of the Committee – Details of the aggrieved, the accused, the chair of the Committee, the members, the third party.</p> <p>Procedure</p> <ul style="list-style-type: none"> ➤ Receipt of complaint by the Committee ➤ NOTICE to the aggrieved for appearance before the Committee ➤ Recording of statement of the aggrieved ➤ NOTICE for appearance to AND recording of statement of the WITNESSES, ➤ Issue of Notice to the accused, appearance of the respondent and recording of the statement of the accused ➤ Recording of statement of the accused’s WITNESSES ➤ Cross examination of parties and their witnesses ➤ Material and documents examined by the Committee <p>List of Material and Documents Examined by the Committee</p> <ul style="list-style-type: none"> ➤ Copy of the complaint ➤ Copy of the response of the accused, if any ➤ Official records and files relating to employment of the aggrieved and the accused ➤ E-mails from the organization providing clarifications and information sought by the Committee from time to time. ➤ Any correspondence or other forms of communication related to the case, including SMS, photographs, E-mails, letters, telephone bills ➤ Minutes of meeting of complaints committee ➤ All documents, transcripts of aggrieved, respondent and witnesses (duly signed by all committee members present in the meeting). ➤ The Labour Code, Law L/2010/005/AN on the repression of violence against women and other relevant laws 	

PARTICULARS OF THE DOCUMENT	PAGE NO.
<p>Case of the Aggrieved</p> <ul style="list-style-type: none"> ➤ Aggrieved case as told to the Committee <p>Defence of the Respondent</p> <ul style="list-style-type: none"> ➤ Respondent’s defence to the Committee <p>Appraisal of Oral Evidence and Documents</p> <ul style="list-style-type: none"> ➤ Appraisal and analysis of evidence of witnesses ➤ Information & documents placed before the Committee – such as attendance and leave records <p>Conclusion</p> <ul style="list-style-type: none"> ➤ Definition of sexual harassment as in the Law L/2010/005/AN on the repression of violence against women ➤ Definition of gender-based violence as in the Law L/2018/055/AN on the prevention and repression of gender-based violence ➤ Type and forms of sexual harassment/GBV that the aggrieved was subjected to 	
PART – B: RECOMMENDATIONS (PAGES X-X)	
<p>Recommendations for the Respondent</p> <p>Recommendations for the Aggrieved</p> <p>Recommendations vis-à-vis the Institution</p>	
PART – C: APPENDICES	
<p>Include all documents that have been submitted and scrutinized by the committee</p>	

ANNEX D

GRIEVANCE RECORD – TO BE USED AS PART OF THE DATABASE

Grievance Record			
Grievance Number:	Date Submitted:	Target Date for Resolution:	
Internal/External			
Name of Complainant			
Address and Contact Details			
Grievance Received By:			
Name of Grievance Coordinator			
Description of Grievance:			
Assessment of Grievance Level:		Notification to CEO or other senior management?	Y/N
Communication with complainant*			
Actions to Resolve Grievance			
Delegation to:			
Action	Who	When	Completed Y/N/Date
Response/Resolution:			
Strategy to Communicate Response:			
Communication with complainant**			
Sign-Off:			
Date:			
Conclusion			
Is complainant satisfied?	Y/N	Comments from Grievance Coordinator	
Grievance Closed?	Y/N	Grievance Resubmitted?	Y/N
Signature of CEO:		Date:	
Date:		New Grievance Number:	

* Notification date and method (via call/face to face): If complainant has provided a name and contact information, he/she will be notified within 5 days that the grievance solution process has started.

** Notification date and method (via call/face to face): If complainant has provided a name and contact information, he/she will be notified with related information after the grievance resolved.

ANNEX E

GRIEVANCE RECEIPT FORM – TO BE USED TO ACKNOWLEDGE GRIEVANCES SUBMITTED

Grievance Receipt Form		
Grievance Number:	Date Submitted:	Target date for initial meeting to address grievance:
Name:		
Address and Contact Details		
Grievance Received By:		
Name of Grievance Coordinator:		
Contact details of Grievance Coordinator	Telephone:	
	Email:	
	Address:	

**ANNEX F
GRIEVANCE CLOSURE FORM**

Grievance Closure Form			
Reference No:			
Determination of Corrective Action(s)			
1			
2			
3			
4			
5			
Responsible Departments			
Close Out the Grievance			
<i>This section will be filled and signed by the complainant in case the complaint stated in the "Grievance Registration Form" is resolved.</i>			
Date: ____/____/____	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Name Surname /Signature of the Person</td> <td style="width: 50%;">Name, Surname /Signature of Complainant Closing the Complaint</td> </tr> </table>	Name Surname /Signature of the Person	Name, Surname /Signature of Complainant Closing the Complaint
Name Surname /Signature of the Person	Name, Surname /Signature of Complainant Closing the Complaint		

ANNEX G

FORMAT FOR RECORDING THE PROCEEDINGS OF GRIEVANCE REDRESS COMMITTEES (GRC)

1. Name of the complainant/s:
2. Date complaint was recorded:
3. Means of Identification of complainant
4. Address of complainant:
5. Date of mediation by GRC:
6. Complainant participated in mediation? Yes or No
7. Summary of grievance:
8. Complainants statement:
9. GRC recommendation:
10. Participants at the mediation (GRC Members):