



International  
Code of Conduct  
Association

# MANUAL

Developing and operating fair and accessible  
company grievance mechanisms that offer  
effective remedies







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# 1. Purpose of this Guidance

## The Code and the ICoCA's mandate

As the governance and oversight mechanism for the International Code of Conduct for Private Security Service Providers (the Code), the International Code of Conduct Association (ICoCA) oversees its implementation, promotes the responsible provision of security services, and raises industry standards.

As Members of the Association, Companies commit to establishing grievance mechanisms which address complaints that:

1. Are filed by third parties or personnel.
2. Allege failure by the Company to respect the principles contained in the Code, or allege improper or illegal conduct including acts or omissions that would violate principles contained in the Code.

The Code requires Company grievance mechanisms (CGM) to be fair and accessible and to offer effective remedies.

### BOX 1: PARAGRAPHS 66 AND 67 OF THE CODE

§66. Signatory Companies will establish grievance procedures to address claims alleging failure by the Company to respect the principles contained in this Code brought by Personnel or by third parties.

§67. Signatory Companies will:

- a) establish procedures for their Personnel and for third parties to report allegations of improper and/or illegal conduct to designated Personnel, including such acts or omissions that would violate the principles contained in this Code. Procedures must be fair, accessible and offer effective remedies, including recommendations for the prevention of recurrence. They shall also facilitate reporting by persons with reason to believe that improper or illegal conduct, or a violation of this Code, has occurred or is about to occur, of such conduct, to designated individuals within a Company and, where appropriate, to competent authorities;
- b) publish details of their grievance mechanism on a publically accessible website;
- c) investigate allegations promptly, impartially and with due consideration to confidentiality;
- d) keep records about any such allegations, findings or disciplinary measures. Except where prohibited or protected by applicable law, such records should be made available to a Competent Authority on request;
- e) cooperate with official investigations, and not participate in or tolerate from their Personnel, the impeding of witnesses, testimony or investigations;
- f) take appropriate disciplinary action, which could include termination of employment in case of a finding of such violations or unlawful behaviour; and
- g) ensure that their Personnel who report wrongdoings in good faith are provided protection against any retaliation for making such reports, such as shielding them from unwarranted or otherwise inappropriate disciplinary measures, and that matters raised are examined and acted upon without undue delay.

These Code requirements reflect the UN Guiding Principles on Business and Human Rights (UNGPs) which set out criteria for grievance mechanisms with which all Companies should comply, regardless of their business sector.<sup>1</sup> In addition to meeting Member Company obligations under the Code and under national law, as well as international principles and standards, operating a CGM also has commercial advantages. (For additional information, see [Annex 4: Business Arguments](#) of the separate document titled '[Interpretative Guidance](#)'.) In particular, a CGM:

- Enables systematic learning and continuous performance improvement.
- Contains disputes by identifying at an early stage adverse operational impacts, internal and external concerns, and potential harms to individuals and communities.
- Is cost-effective.
- Strengthens trust and relations with external stakeholders.
- Is an investment in staff.
- Assists Companies to meet client requirements and national and international standards.

Under [Article 13 of the Articles of Association](#), the ICoCA is mandated to assist Member Companies to discharge their commitment under the Code to establish and operate a CGM. This Guidance therefore aims to guide Member Companies as they implement and seek to comply with the Code's requirements. To that end, it indicates clearly and objectively what the Association may look at when it assesses whether a Company's CGM complies with the Code and is fit to receive and process complaints. Member Companies may allow complaints that the Member Company receives directly, and complaints referred to the Member Company by the Association following a review of its CGM. (See [Annex 3: ICoCA's Complaints function](#) in the [Interpretative Guidance](#).)

Many industries and sectors have tools for developing and operating CGMs, but these do not address the unique and operationally complex work of private security companies (PSCs) or the specific principles contained in the Code. This Guidance therefore draws on, and refers to, existing tools when their design or structure may be relevant to PSCs, and in addition captures challenges that are unique to the industry, based on feedback from PSCs that are developing and implementing CGMs and consultation with experts and stakeholders. The Guidance can therefore be used by Member Companies to help them establish effective grievance mechanisms in accordance with the Code.

The Guidance is a 'living document'. The Association expects to revise it in the future, in the light of operational challenges and Member Companies' experience, developments in the industry and lessons learned from the Association's own review and handling of complaints it receives.<sup>2</sup> To that end, the Association welcomes feedback from Companies that implement CGMs and use this Guidance.

<sup>1</sup> For background information on the the UN Guiding Principles, see [Annex 4](#) of the [Interpretative Guidance](#) and [Guiding Principles on Business and Human Rights](#).

<sup>2</sup> Article 13.3 of the Articles of Association states: "From time to time the Board shall publish guidance to Members on best practice and compliance with paragraphs 66, 67 and 68 of the Code, based on a review of complaints brought to the Association and claims brought to Member Companies, and other relevant developments".



## BOX 2. SUMMARY OF WHAT THE ASSOCIATION MAY LOOK FOR WHEN IT ASSESSES A MEMBER COMPANY'S COMPLIANCE WITH THE CODE

**Scope.** Includes whether a CGM accepts complaints (1) submitted by both Personnel and third parties; (2) about acts or omissions that would violate principles contained in the Code; and (3) about acts or omissions by personnel of the Company and its subsidiaries and subcontractors.

**Fairness.** Includes whether the Company (1) informs a complainant regularly on the status of his or her complaint and provides indicative timelines; (2) allows complainants to be accompanied by a friend, family or counsel; and (3) has established an appeal process.

**Accessibility.** Includes whether the Company (1) publishes information about the CGM on its website; (2) provides a variety of ways to submit complaints; (3) mitigates potential obstacles to using the CGM (such as illiteracy, cost, or language); and (4) has established a system for regularly raising awareness of the CGM, internally and externally.

**Impartiality.** Includes whether the Company has (1) assigned personnel responsible for receiving, processing and investigating complaints; and (2) created independent oversight.

**Effective remedies.** Includes whether the Company (1) has set aside resources and set up a process to investigate allegations promptly and efficiently; (2) seeks to resolve complaints through dialogue with the complainant; (3) applies appropriate disciplinary action where necessary; and (4) ensures that judgements and rulings are implemented.

**Record keeping.** Includes whether the Company (1) keeps records of all complaints received, including allegations, findings and disciplinary measures; and (2) regularly evaluates the complaints process and lessons learned to ensure there is continuous improvement and that reasons for grievance do not recur.

**Relations with competent authorities.** Includes assessing (1) whether the Company has a process for determining when a complaint must be escalated or reported to competent authorities; and (2) whether that process includes a duty to cooperate with external investigations, and (where allowed and appropriate) a duty to make records available to competent authorities.

**Protection of complainants.** Includes (1) whether the Company has in place a system for ensuring that complainants are protected; (2) whether that system has safeguards that prevent staff from obstructing witnesses, testimony or investigations; and (3) whether the Company has established a confidentiality procedure.

## 2. How to use this Guidance

### Who is this Guidance for?

This Guidance is a tool for Member Companies of all sizes that provide land-based or maritime security services, or both, in complex environments. It should also be useful to Companies that are working towards becoming Members of the Association.

Other actors, in addition to Companies, such as governments or civil society organizations, may find the Guidance useful, for assessing CGMs, fostering common understanding, or identifying synergies and practical ways of working with Companies. It promotes good practices for providing remedies.

### What is a complaint?

Companies use a range of terms to describe issues or disputes that arise between them and individuals or groups, such as 'feedback', 'concern', 'complaint', 'non-conformity', 'dispute', and 'grievance'.

This Guidance speaks of 'complaints'. A complaint may be defined as an allegation of improper or illegal conduct, which has occurred or is about to occur, associated with acts by a Company or its personnel. 'Improper or illegal conduct' includes acts or omissions that would violate the principles contained in the Code. Complaints may allege potential or actual violations of the Code, or raise concerns that involve forms of improper or illegal conduct that are not covered by the Code.

Companies should choose terms that all parties, and in particular complainants, understand and accept.

### What is a company grievance mechanism?

A company grievance mechanism (CGM) is a system through which a Company receives, processes, investigates and resolves complaints. The Code speaks of 'grievance procedure' and 'grievance mechanism' to describe such systems. This Guidance uses the terms 'company grievance procedure' and 'company grievance mechanism' (CGM) interchangeably.

From a practical point of view, CGMs may play two roles. (1) They can resolve complaints and provide effective remedies for actual harms. (2) They can serve to identify areas where performance needs to be improved or corrected. Both roles are of particular importance to Member Companies that operate in complex environments where potential complainants may lack options for redress.

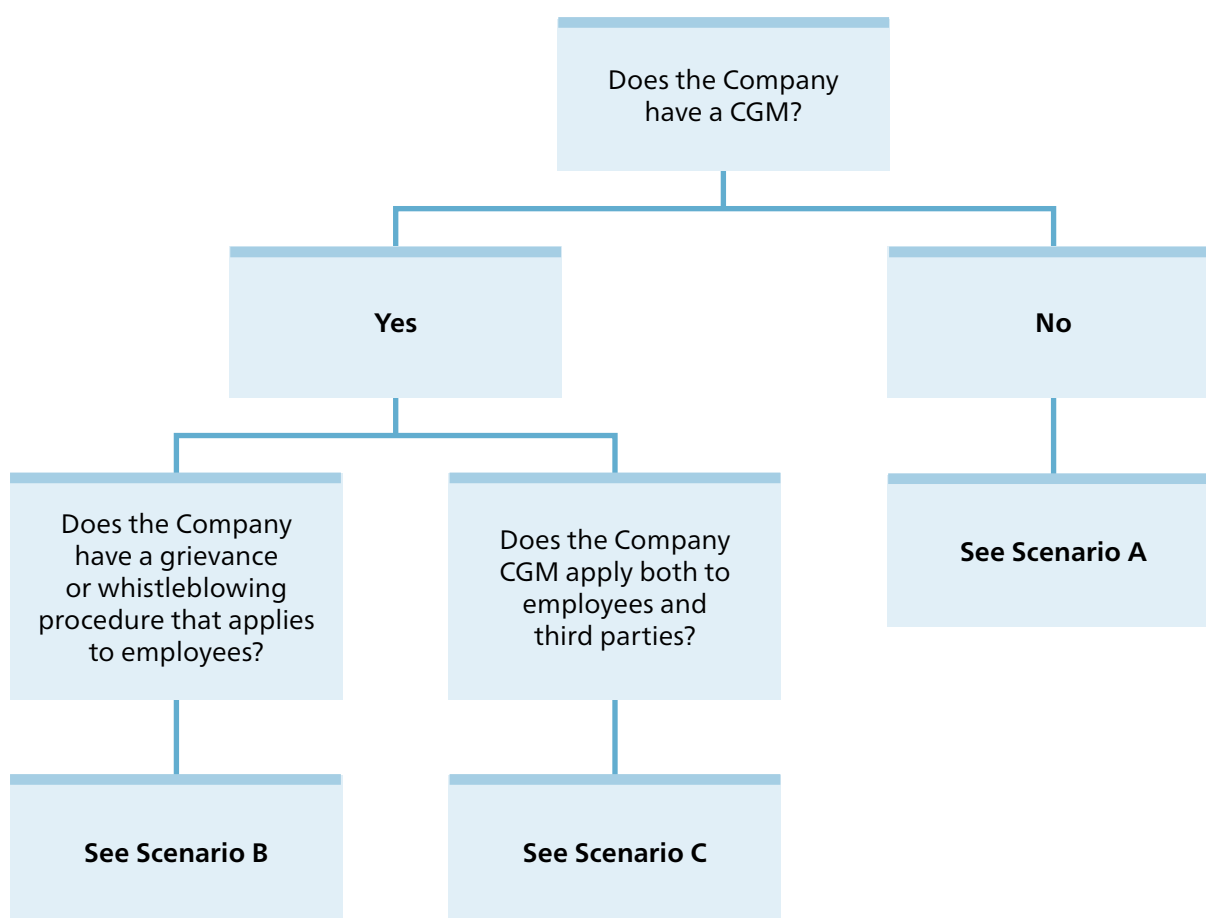
### How to use this Manual?

Recognizing that no one solution fits every situation, the Manual and the accompanying [Interpretative Guidance](#) suggest possible approaches as well as step-by-step advice on how to establish and operate a CGM. It is important to emphasize that Companies should continuously evaluate their CGM processes, invite external experts and feedback to help them do this, and regularly analyse and revise CGMs and their results. Moreover, a CGM, even one that is well-designed, may not always be the right recourse for every complaint or complainant. In every case, the Company should consider a range of factors, including the gravity and nature of the complaint, the operating environment, social or cultural sensitivities, and the alleged involvement of personnel. The Company should also ensure that access to a CGM is without prejudice to a complainant's right to legal recourse.

By design, this Guidance may be read and applied topic by topic, or implemented sequentially, from beginning to end, as might be appropriate for a Company that wants to form or revise a CGM. Its core is structured around a [checklist](#), all parts of which (including external references) are linked to the [Executive Summary](#) and to the separate [Interpretative Guidance](#). (For references, see [Annex 1: References guide](#) in the [Interpretative Guidance](#).)

The following flowchart and scenarios assist Companies to identify where to start and how to use the Guidance most effectively.

### Flowchart 1: Where to start with the Guidance



#### Scenario A

The Company has no established procedure for reporting wrongdoings or concerns by personnel or third parties. In this case, the Company may want to start with [Step 1](#) of the [checklist](#) and plan the CGM by going through each element listed step-by-step. The Company is then advised to work on the core design and outreach in accordance with [Step 2](#). When the Company starts to receive complaints, it may run through [Step 3](#) and [Step 4](#) of the [checklist](#). For additional information and for explanations, references and examples, the Company is advised to consult the [Interpretative Guidance](#), which has links to each step of the checklist.

## Scenario B

The Company has a grievance or whistleblowing procedure (which may be called a 'phone hotline', 'ethics helpline', or 'toll-free reporting hotline'), or a mix of both, which applies only to employees. The purpose of such procedures is usually to enable employees to report wrongdoing or concerns about their personal circumstances (such as inappropriate treatment in the workplace).

In such cases, Companies are advised to start at [Step 1.2](#) of the [checklist](#), and go through each element step-by-step to identify potential gaps in the procedure's scope. To consider the question of receiving complaints, the Company is advised to focus on [Step 3](#) and [Step 4](#) of the [checklist](#), to establish whether its procedure conforms with the Code requirements and good practice. For additional information and for explanations, references and examples, Companies are advised to consult the [Interpretative Guidance](#), which has links to each step in the checklist.

## Scenario C

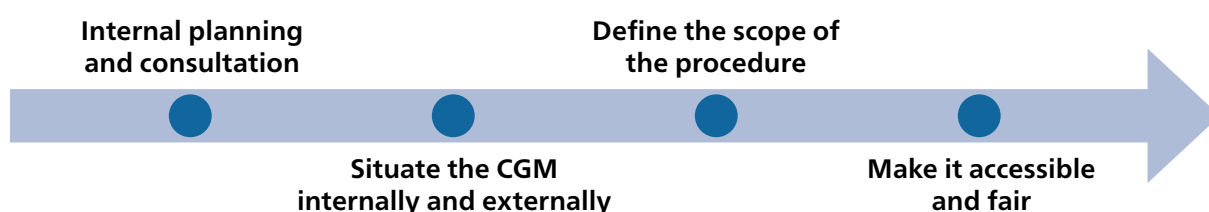
The Company has a CGM in place, which applies both to employees and third parties. The Company is advised to start at [Step 2.2](#) of the [checklist](#), to check for gaps, identify opportunities for improvement, and find ways to prevent future grievances and harms. The [checklist](#) may also help the Company to evaluate measures it is taking to ensure continuous improvement, how well it is communicating the results of these measures to internal and external stakeholders, and its success in raising awareness through training. (See [Section 4.2.3](#).) For additional information and for explanations, references, and examples, Companies are advised to consult the [Interpretative Guidance](#), which has links to each step in the checklist.

### 3. CGM development checklist

**Explanatory note.** Each step and checkbox is **linked** to explanatory information in the [Executive Summary](#) as well as the accompanying [Interpretative Guidance](#). Click on the relevant links for each checkbox below for additional information.

#### Checklist – Developing a Company Grievance Mechanism

##### STEPS 1 AND 2: PLANNING AND DESIGN



##### 1.1 Internal planning and consultation

- ☐ Senior management is involved (10).
- ☐ Relevant personnel have been consulted (10).
- ☐ A design team has been established (10).
- ☐ Communities, experts, NGOs, trades unions and other relevant stakeholders have been consulted (10).
- ☐ Internal needs and concerns have been collected and addressed (10).
- ☐ Relevant elements of the company's general company risk assessment have been integrated (10).
- ☐ National law requirements have been identified (10).

##### 1.2 Position the CGM internally and externally

- ☐ The relationship of the CGM with other internal procedures has been defined (11).
- ☐ The roles of HQ and country offices have been determined (11).
- ☐ Implementation of a CGM by subsidiaries is ensured (12).
- ☐ Staff responsibilities are defined (12).
- ☐ A Grievance Officer responsible for administering the CGM has been appointed (12).
- ☐ Responsible staff are trained appropriately (12).
- ☐ Independent oversight is foreseen (12).
- ☐ Existing community grievance mechanisms as well as other (judicial and non-judicial) grievance mechanisms have been identified (12).
- ☐ The roles of other judicial and non-judicial grievance mechanisms, and how they relate to the CGM, have been assessed (12).

## 2.1 Define the scope of the procedure

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- ☐ Who has access to the CGM has been defined (13).
- ☐ Whose actions can be the subject of a complaint has been defined (13).
- ☐ Which types of complaints are covered by the CGM has been decided (13).
- ☐ It is possible to file confidential complaints (14).

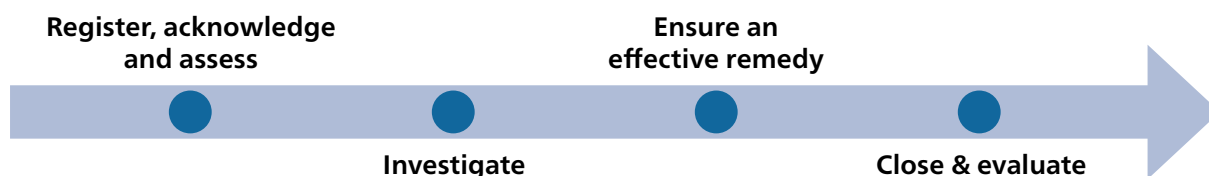
## 2.2 Make the procedure accessible and fair

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- ☐ Indicative timelines for each step in the process have been defined (14).
- ☐ A process ensures that relevant information is shared with the complainant in an understandable and appropriate way (14).
- ☐ Complainants have the right to be accompanied (14).
- ☐ A process of appeal has been defined (14).
- ☐ A complaint can be filed through several channels (14).
- ☐ A process mitigates potential barriers to use of the procedure (14).
- ☐ Information about the CGM and how to use it has been disseminated internally and externally. Renewed outreach is planned at regular intervals (15).

## Checklist – Operating a Company Grievance Mechanism

### STEPS 3 AND 4: PROCESSING & RESOLUTION



#### 3.1 Register, acknowledge and assess

- ☐ The complaint has been registered (16).
- ☐ Receipt of the complaint has been acknowledged in a timely manner (16).
- ☐ The complaint has been assessed to determine what process will be followed and whether it must be escalated to senior management (16).
- ☐ The complaint has been assessed to determine whether it must be reported to competent authorities, and whether this is appropriate (16).

#### 3.2 Investigate the complaint

- ☐ A focal point for coordinating the investigations has been identified (17).
- ☐ The protection of the complainant, and his or her family and belongings, is ensured (17).
- ☐ The circumstances of the complaint have been established and documented (18).

#### 4.1 Ensure an effective remedy

- ☐ Options for remedy have been identified in dialogue with the complainant (19).
- ☐ The remedy offered is compatible with human rights (19).
- ☐ The complainant knows and understands that he or she has the option to appeal (19).

#### 4.2 Close and evaluate

- ☐ The need for and appropriateness of a waiver have been critically assessed (19).
- ☐ The complainant understands and acknowledges what 'closing the case' means (19).
- ☐ The resolution of the complaint has been implemented (20).
- ☐ The process and lessons learned have been evaluated (20).
- ☐ The performance of the CGM has been reported to employees, authorities and the public (20).

## 4. Executive summary

### Developing a company grievance mechanism

#### Step 1. Planning

##### 1.1 INTERNAL PLANNING AND CONSULTATIONS

###### 1.1.1 ■ Define who needs to be involved in design of the CGM

A CGM needs to be implemented at all levels and in all operations including with subsidiaries and subcontractors. Companies should:

- **Secure high-level buy-in.** Member Companies should ensure that the CGM has a sufficiently senior sponsor and that its implementation is carefully managed at all levels.
- **Promote internal consultation.** Consult widely internally to encourage feedback and staff support during the CGM's design and implementation.
- **Set up a team to design the CGM.** The responsible team or individual should have sufficient experience, be committed to the process, and understand change management.

###### 1.1.2 ■ Consult external stakeholders

Consult with potential users of the CGM, including external stakeholders, to ensure that it is fit for purpose and will encourage the submission of complaints. Companies should make sure they:

- **Prepare and conduct external consultations.** Map external stakeholders, including non-governmental organizations (NGOs), communities, or unions and their federations, and consult them to ensure that the CGM will be effective. In the light of their feedback, make design changes to improve their likely participation.

###### 1.1.3 ■ Conduct a needs and risk assessment

When designing the CGM, assess the risks to potential complainants as well as their needs. To make the CGM fit for purpose, it is also important to properly consider the operational footprint of the Company and financial, operational, legal and reputational risks to the Company's business. The assessment should further consider past or current events and levels of trust. It should:

- **Address concerns.** These may include the concern that a public CGM will encourage a steep rise in complaints. All personnel should understand the positive effects of enabling stakeholders to report issues before they grow and escalate.
- **Take into account the Company's general risk assessment.** General risks include political, economic, civil or social factors that may impact the Company, and human rights or security risks that could inspire or aggravate complaints. Consider the capacity of local authorities to provide access to remedy. Respect the rights of both the complainant and the accused.
- **Integrate risk factors in the CGM's design.** Compile the risks and needs, assess the potential impact that each might have on the CGM, and modify the design accordingly. It is important to ensure that the CGM meets requirements in the following areas:



- Number and type of access points.
- Coordination across internal functions.
- Staff resources to handle complaints.
- The functionality of tracking systems.
- Awareness-raising strategies.
- Confidentiality requirements.
- The involvement of external grievance mechanisms for serious complaints.
- Internal governance and oversight.

## 1.2 POSITION THE CGM INTERNALLY AND EXTERNALLY

### 1.2.1 ■ Position the CGM in relation to other company procedures

A CGM should be developed within a Company's 'ecosystem' of procedures, and should take account of whistleblowing procedures or human resources complaints processes to ensure that all complaints have an appropriate avenue and lessons are learned. Companies should make sure they:

- **Map existing complaints procedures.** These *may* include:
  - A personnel ombudsman or human resources complaints processes.
  - Open door or 'Speak up' policies.
  - Trades union or industrial relations processes.
  - Consumer complaint mechanisms.
  - Community grievance mechanisms.
  - Business-to-business contract clauses with dispute resolution provisions.
  - Supplier code of conduct mechanisms.
  - Audit processes (and worker interviews).
  - Supply chain hotlines.
  - Stakeholder engagement (at site and policy level).
  - Ethics or whistleblower hotlines.
- **Integrate the CGM.** To ensure that the CGM is coordinated and efficient, learn from other internal processes, determine how they relate to the CGM, and identify gaps.

### 1.2.2 ■ Determine internal roles and responsibilities

To ensure that the CGM functions effectively, Companies should define the roles of corporate headquarters, field operations and subsidiaries, and the responsibilities of personnel tasked to process complaints, and make sure there is appropriate and independent CGM oversight. Companies should make sure that:

- **The roles of headquarters (HQ) and field operations are clear.** Companies should establish multiple access points through which complaints may be filed, and determine how they relate to each other. They should also determine how a complaint may be transferred from the field level to HQ.
- **Subsidiaries implement the CGM.** When subsidiaries do harm, it may be assumed that the parent Company is liable, or that the parent Company's due diligence procedures were not adequate. When CGMs are developed, it is essential to

establish clear roles and responsibilities of both the Company and its subsidiaries, as well as coordination arrangements.

- **The roles and responsibilities of personnel are set out clearly.** Define the roles and responsibilities of all personnel who process complaints and manage the CGM, including at access points. This ensures that complaints do not 'fall between the cracks' and that individuals know to whom they should address questions.
- **A Grievance Officer is appointed.** He or she should be responsible for the complaints process as a whole and accountable in the Company for overall management of the mechanism.
- **Personnel are properly trained** and have the necessary skills and experience.
- **Oversight is independent – hierarchically, practically and operationally.** The Company should establish an independent oversight entity with defined responsibilities. This may be a senior management representative, an oversight board with an independent chair, or a permanent ethics committee. Personnel who implement the CGM should have access to sufficient resources, be self-reliant, and be independent of complainants when they process complaints.

### 1.2.3 ■ Link the CGM to the external landscape

The CGM is one option for complainants who seek remedy. For many reasons, however, a CGM may not always be the most appropriate course for a complainant. The nature of the complaint, its content or seriousness, cultural considerations, and whether the CGM is perceived as trustworthy may weigh against its use. Companies should be aware of other mechanisms, provided by the State or other organizations, to which complaints can be referred to. They should:

- **Map other grievance mechanisms** in the areas in which the Company operates, including mechanisms run by the State and regional and international organizations. Take account of community-based approaches.
- **Evaluate the roles of other grievance mechanisms.** Consider the options for resolution they offer and how they relate to the CGM. Consider any specific CGM requirements that territorial, home, or contracting States impose and how these might impact the CGM. It may be advisable to consult other Companies or clients, to see whether they have experience to share.

## Step 2. Design and outreach

### 2.1 DEFINE THE SCOPE OF THE CGM

#### 2.1.1 ■ Decide who can access the CGM

The CGM should be accessible to a wide range of potential internal and external complainants. Companies should:

- **Define who can access the CGM.** The CGM should accept complaints from personnel and third parties (communities, clients, civil and military authorities, suppliers, trades unions, NGOs).
- **Accept complaints submitted on behalf of an employee or third party.** An individual or group may be afraid to file a complaint, may speak a different language, or have other reasons for not reporting a complaint directly to the Company. Conditions of acceptability should include:
  - The representative of a complainant must have a connection to him or her (particularly in cases of death).
  - The complainant must agree to be represented.

#### 2.1.2 ■ Define whose actions can be the subject of complaints

Determine whose actions may be the subject of a complaint submitted to the CGM. Companies should:

- Accept complaints that arise from **acts or omissions of the Company or its personnel**. They should also address relevant complaints against subsidiaries or subcontractors.
- **Develop a process for managing complaints against subcontractors.** Complaint procedures enable a Company to make itself aware of any risks or discontent associated with its operations. A Company should decide whether complaints against one of its subcontractors will be processed by that subcontractor's CGM and, if so, how this process will be coordinated with the Company. Make sure that subcontractors understand the process including the Code's requirements. The process should be monitored regularly.

#### 2.1.3 ■ Determine which types of complaint the CGM covers

When they decide which types of complaints the CGM will cover, Companies should:

- **Accept complaints concerning alleged violations of principles of the Code** as well as complaints about impacts of the Company's operations on personnel and external stakeholders. This will help the CGM to capture and address issues at an early stage.
- **Define a process** for accepting and rejecting complaints. The process should indicate how rejections will be explained to complainants, and how the impact of false claims will be mitigated.
- **Define the circumstances in which complaints will be escalated** and a process for escalating them.
- Decide whether the Company will accept **complaints that are not directly linked to its operations**.

### 2.1.4 ■ Accept confidential complaints

To mitigate risks to complainants' safety, Companies should accept confidential complaints and develop a process to protect complainants and their identity, family and belongings.

- **Develop a confidentiality policy.** Describe the measures the Company will take to guarantee confidentiality with respect to both the identity of complainants and the content of their complaints. The arrangements selected should include a process to identify and minimize any risk that complainants or their property will be harmed, or that their family members or witnesses will be intimidated.
- **Decide how to handle anonymous complaints.** Companies should be prepared to receive anonymous complaints. However, anonymous complaints may lack detail and may be difficult to investigate. It is therefore advisable to encourage complainants to file a confidential complaint or ask a trusted representative to file a complaint on their behalf. In confidential complaints, the identity of the complainant is known only to the Grievance Officer. This permits the Company to provide meaningful feedback without exposing the complainant's identity.
- **Establish a system for recording information.** Decide what type of system the Company will use to track complaints, and how it will manage information confidentially in compliance with applicable data protection laws.

## 2.2 ENSURE ACCESSIBILITY AND FAIRNESS

### 2.2.1 ■ Ensure the CGM is fair and equitable

Reasonable access to information and advice as well as regular communication are essential to ensure a fair and equitable complaints process. Companies should:

- **Communicate regularly with complainants and define timelines for each step in the process.** Notify complainants of any deviation from agreed timelines and explain the reason. Always provide information in a form that is understandable and appropriate.
- **Allow complainants to bring someone to support or advise them at any point in the process.** They may be accompanied by a friend, family member, (legal) counsel, or a representative from a trades union.
- **Define an appeal process.** Complainants should be able to appeal a complaint resolution. Determine the conditions under which a complainant can appeal, and assign an entity to provide oversight; or use other external mechanisms, such as mediation.

### 2.2.2 ■ Make the CGM accessible

A CGM will only be effective if the people it is intended to serve know about it, trust it and are able to use it. Member Companies should therefore provide several access points through which a complaint can be submitted, and should minimize barriers that might prevent use of the CGM.

- **Define several points of access** through which complaints can be filed and publicize these.
- **Identify and take steps to minimize potential barriers to use of the CGM.** The Company should publish information about the CGM on its website. That information should be easy to understand and find on the website and should be written in relevant languages. The website should explain how to file a complaint and other key elements of the process.

### 2.2.3 ■ Raise awareness

Making a CGM accessible does not always guarantee that those who are expected to use it are aware of its existence. Companies should therefore:

- **Raise awareness of the CGM internally.** Include information about the CGM in staff training, on the intranet, and in other relevant documents and locations.
- **Advertise the CGM externally.** Publicize the existence of the CGM externally, using a range of different communication tools. Post information in locations where those who are expected to use the CGM congregate. Invite local employees to explain the CGM in their communities and give feedback on the impact of Company operations. Select forms of communication that fit the context, match the Company's operations, and meet clients' needs.
- **Set expectations.** Explain how and where people can access the CGM, describe each step of the process from start to finish, and provide indicative timelines. It may be helpful to explain what the CGM is not, what it is not able to provide, and which complaints it will not address.
- **Continuous outreach.** Put systems in place that will continue to publicize the CGM after its initial promotion.

## 5. Executive summary

### Operating a company grievance mechanism

#### Step 3. Processing a complaint

##### 3.1 REGISTER, ACKNOWLEDGE AND ASSESS

###### 3.1.1 ■ Register the complaint

To ensure that no complaint is lost or wrongly rejected, register all complaints including those which seem ill-founded or otherwise unacceptable. Take care to:

- **Centralize the registration of complaints.** A complaint may arrive and be handled at project or country level. This may make it possible to address the complaint close to the source and move the process forward more quickly. However, all incidents, even if they are processed at local level, should be communicated to HQ.
- Record complaints in a manner that **respects confidentiality**. Protect the identity of complainants and take steps to ensure that their safety and the safety of other individuals is never in danger as a result of making a complaint.

###### 3.1.2 ■ Acknowledge receipt of the complaint

Companies should formally confirm receipt of a complaint, and give complainants an assurance that their case is in the system and will be treated promptly.

- **Timely acknowledgment.** The Company should tell a complainant what the next steps in the process are and when each step will occur, and provide information on the Company's confidentiality policy. Information should be communicated in a culturally appropriate and discreet (non-compromising) manner, adapted to the needs of the complainant.
- **Regular updates.** The Company should regularly update a complainant on the progress of his or her complaint, to ensure that he or she does not feel ignored. This will help complainants to understand what to expect from the process and avoid misunderstandings.

###### 3.1.3 ■ Assess the complaint

Companies should assess the nature of the complaint, evaluate immediate risks to the Company and to the complainant, and decide who needs to be informed and who will manage the investigation and subsequent actions.

- **Decide whether a complaint falls within the scope of the CGM** as rapidly as possible (ideally within 24–48 hours).
- **Decide** whether a complaint should be **escalated internally** to senior management or the oversight entity. Decide also whether it is necessary or appropriate to **refer the complaint to an external grievance mechanism**. External mechanisms might include a local community mechanism, national court, or other mechanism identified when the CGM was designed.

###### 3.1.4 ■ Consider reporting to the competent authorities

In certain situations, a Company is legally obliged to report a complaint to a competent authority. This may be a private security regulatory authority or, where complaints contain criminal allegations, the national authority that has criminal jurisdiction.

Decide whether it is necessary to report to a competent authority on a case by case basis. When such situations arise, Companies should:

- **Involve senior management or escalate to the oversight entity.** The decision to refer a complaint to competent authorities should not be taken solely by the Grievance Office in charge.
- **Assess promptly whether the Company is obliged to report the complaint to an authority,** in order to prevent any further harm to the complainant.
- **Identify and refer the complaint to an authority that is competent to provide an effective remedy.** The following criteria may be helpful for this assessment:
  - **Map authorities** at local, national, and international level.
  - For each of the options identified, **assess any operational, financial or legal risks for the Company.**
  - For each of the options identified, **assess the risks for the complainant or other individuals** linked to the complaint, and how those risks can be mitigated. Plan protection measures accordingly.
  - Establish **what forms of remedy** (if any) the complainant can obtain if his or her complaint is referred to one or more of the competent authorities identified. Assess whether the remedies available meet the complainant's and the Company's expectations of a resolution of the complaint.

## 3.2 INVESTIGATE THE COMPLAINT AND COLLECT EVIDENCE

### 3.2.1 ■ Identify the person in charge

To conduct investigations efficiently and in a manner that respects the complainant's need for protection, the complaint should be assigned to staff that are responsible, impartial and capable of conducting a competent investigation. This is especially important when the complaint is serious or complex. Companies should:

- Assign a staff member to be the **focal point** responsible for investigating the complaint.
- **Determine whether escalation is needed** and who decides the eventual outcome and proposed resolution.
- **Train all staff assigned to investigate a complaint.** Staff should understand the operational context, be aware of potential risks of harm to the complainant, and exercise good judgment, caution and sensitivity in all their interactions.

### 3.2.2 ■ Ensure that complainants, their family, and their belongings are protected

Complainants and witnesses may put themselves or their families and belongings at risk when they report an incident. Companies should ensure that potential risks are mitigated before and during the investigation. They should:

- **Assess the risks for the complainant, his or her family, and belongings.** Foresee and assess actions that may expose the identity of the complainant and put him or her, or relatives, at risk of retaliation.
- **Plan and implement protection measures.**
- **Inform the complainant about the Company's confidentiality procedures.** Throughout the investigation process, the Company should hold all information confidential, particularly information that might make it possible to identify the complainant.

- **Pay attention to logistical arrangements.** Ensure that these do not cause the complainant to feel intimidated or disempowered or give rise to other grievances. For instance, Company offices may not be a good location in which to hold meetings.
- To minimize risk to the complainant, restrict information about the complaint to the very **small circle of staff** who are involved in its investigation.

### 3.2.3 ■ Establish and document the circumstances of the complaint

Companies should make every effort to investigate complaints promptly and efficiently, in accordance with the timelines set out in the Company's grievance procedure. In particular, they should:

- **Establish and document the facts.** Assess the complainant's point of view, examine the circumstances of the case, and involve all relevant parties. The Company should log and record all information that is gathered.
- **Coordinate with the complainant and the investigation team.** The focal point of the investigation should regularly share information with the parties involved, ideally through face to face meetings with complainants. The Company should provide regular updates (on timeline, new information received, next steps), and use meetings to verify information received from other sources, for example rumours.
- **Build confidence.** Choose safe and reassuring locations for meetings. Encourage complainants to come to meetings with a friend or family member.



## Step 4. Effective remedy, waiver and right to appeal

### 4.1 ENSURE AN EFFECTIVE REMEDY

#### 4.1.1 ■ Determine an effective remedy

An effective remedy implies resolving the complaint in a manner that addresses the harm allegedly caused in a way that both the complainant and the Company find appropriate. Determining what constitutes an effective remedy depends on several factors: the cultural context, the circumstances of the complaint, the type of violation or harm, information received from the complainant and witnesses, the protection measures implemented, the investigation process, and implementation of the final resolution. Companies should:

- **Discuss options for resolution with the complainant.** Ask the complainant what he or she would consider an appropriate remedy.
- **Determine a resolution of the complaint.** A resolution should be the best available choice for the Company and for the complainant. To test whether a remedy is effective, the Company may want to ask the following questions:
  - Does the proposed remedy resolve the complaint?
  - Will the complainant's position be better than it was before the complaint was made?
- **The resolution proposed should be consistent with internationally recognized human rights** and should not infringe the rights of others who may be affected by the outcome.

#### 4.1.2 ■ Provide a right to appeal

If complainants are not satisfied with the outcome of a complaint process, they should be able to appeal the decision, using the process set out in the Company's grievance procedure. Companies should:

- **Inform complainants that they have a right to appeal** and make sure that they understand both the process and its potential outcomes.
- **Assess whether external assistance is required.** The assistance of an external expert or mediator may be needed. If so, the Company should propose an approach that is acceptable to all parties to the complaint process.

### 4.2 CLOSE THE COMPLAINTS PROCESS

#### 4.2.1 ■ Assess the need for a waiver

Companies should critically assess whether it is necessary and appropriate to ask complainants to sign a waiver. Complainants who sign a waiver agree to accept the proposed resolution of their complaint and declare that they will not seek further recourse. When they make a decision on this matter, Companies should:

- **Determine in each case whether it is necessary and appropriate** to ask complainants to sign a waiver and what the justifications are for such a request. Most importantly, the Company needs to ensure that the entire complaint process is soundly conducted, before and after the waiver.
- Ensure, where the possibility of a waiver exists, that the **complainant is fully informed and understands the nature and significance of signing a waiver.** He or she should understand how the resolution proposed compares to other options. The Company is advised to document this process, in case the waiver is subsequently disputed.

- Ensure that the complainant is not exposed to risks that prevent him or her from **signing the waiver voluntarily** and without coercion.

#### 4.2.2 ■ Close the case

A remedy is only considered effective if the case in question is closed after its resolution has been implemented, and if the complainant has fully understood the consequences. Companies should:

- **Make sure that the complainant understands** that the Company considers the resolution to be a conclusion of the complaints process. Avoid possible misunderstandings.
- **Implement the resolution before closing the case.** Do not leave the complainant without remedy. Follow up any problems during implementation and make adjustments that are necessary to ensure the remedy is effective.
- **Document** all outcomes, findings, and measures taken, and track all complaints to see that they are properly recorded. Doing this also provides useful insights into the impact of the Company's operations in high-risk areas, and accumulates valuable institutional memory.

#### 4.2.3 ■ Evaluation and lessons learnt

To ensure that CGMs are effective and that lessons are learned, preventing future grievances and harm, a Company needs to continuously record and analyse CGM data, and act on findings. Companies should:

- **Set out reporting requirements.** The Company should identify what information it wants to gather, which indicators it will use to evaluate CGM performance, and the criteria it will employ to evaluate the CGM's strengths and weaknesses.
- **Monitor performance.** Identify any lessons from the complaint process that suggest that the Company's operations create systemic problems that need to be addressed or prevented from recurring. Seek feedback on the complaints process from complainants and other stakeholders, to identify any residual risks to complainants and ideas for improving the process. Make necessary adjustments and consider how lessons learned from the analysis can be transferred to other functions in the Company and its subsidiaries.
- **Report internally and externally on the CGM's performance.** While taking care to respect confidentiality, publish reports about the CGM, and lessons learned, to avoid the recurrence of unfounded claims and build public confidence in the CGM's effectiveness. Internally, decide what information should be made available to the oversight entity and Company personnel, how frequently and in what form.

## 6. Conclusion

This Manual has explained how Companies should go about setting up and implementing a CGM. The guidance is structured around a [checklist](#), linked to the [Executive Summary](#), which summarizes a separate document titled [Interpretative Guidance](#).

The [Interpretative Guidance](#) provides further information and explanation. It describes good practices in more detail and explains why and how they are linked to the requirements of the Code as well as other international standards and principles. It includes references to external tools, guidance and examples. Its Annexes provide:

- A key to references and a list of external tools and guidance ([Annex 1 – References guide](#)).
- Definitions ([Annex 2 – Definitions](#)).
- An overview of the ICoCA's complaint function ([Annex 3 – The ICoCA's Complaints function](#)).
- Reasons why a CGM should be developed and implemented ([Annex 4 – Why a Company Grievance Mechanism?](#)).



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