



Center for International
Law and Policy



NEW
ENGLAND
LAW
BOSTON

Periodic Project Report:

*Trends and General Practices of Company
Operational-Level Grievance Mechanisms*

Operational-Level Grievance Mechanism Research Project

The Center for International Law & Policy

New England Law | Boston

Principal Report Authors:

Olivia Belanger & Lisa J. Laplante

Project Director:

Lisa J. Laplante

I. OGM RESEARCH PROJECT OVERVIEW

The Operational-Level Grievance Mechanism Research Project (OGM Research Project) is a student-led research project at the Center for International Law & Policy (CILP) at New England Law | Boston that focuses on conducting desktop research to gather data on how private companies are using OGMs to resolve human rights claims.

The OGM Research Project was initiated in 2016 to respond to a gap in knowledge about these private remedy mechanisms although they are centrally featured in the United Nations Guiding Principles on Business and Human Rights (UNGPs) which were approved by the U.N. in 2011.¹ In particular, the Third Pillar of the UNGPs focus on access to remedy includes a notable emphasis on company grievance mechanisms. UNGP 28 suggests that non-state grievance mechanisms should be considered as an effective tool for dealing with business-related human rights harms² and UNGP 29 calls on the private sector to establish OGMs to provide for early remediation of harm.³

The interpretation and implementation of the UNGPs are still in their early stages of development as corporations and non-state actors demonstrate a growing dedication of resources towards figuring out how to either adapt existing grievance mechanisms or adopt new ones to respond to the call set forth in the Third Pillar of the UNGPs. To help support this process while also raising awareness, the OGM Research Project aims to gather information about the functionality of these OGMs through the development of a desktop database that can serve as an informative tool for both practitioners and scholars. In particular, the Project sets out to show that these purely private mechanisms are poised to handle human rights claims and offers information on how they are designed and implemented. At this time, the Project does not offer any type of analysis of the effectiveness of company grievance mechanisms, but rather provides the data for others to draw such conclusions. Furthermore, it does not include any field work to verify the information provided by companies nor the experience of individuals and communities using grievance mechanisms.

The OGM Research Project adopts the general definition of OGMs provided for by the UNGPs, viewing them as formalized company procedures that process complaints submitted by affected stakeholders regarding company impacts, including human rights harms. These individuals or communities may be seeking a resolution to a specific problem or an ongoing issue, and often seek reparations as well as other measures.

Since its founding, the OGM Research Project has continued to grow and further develop its scope of study, with significant development in research questions, research team, and quantity

¹ United Nations Guiding Principles, Principles 28 and 29: Non-State Based Grievance Mechanisms.

² The Special Representative of the Secretary-General, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, pg. 24-25, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011).

³ *Id.* at 25.

of comparable data. In light of this growing body of information, this inaugural report starts a new series of periodic reports in which we offer a general view of trends and general practices as observed through the collection of data. The OGM Research Project will periodically publish such reports to contribute to the global conversation about grievance mechanisms available to resolve human rights complaints with the aim of contributing to a growing knowledge of how they operate. Ultimately, the data may go towards also providing information for gleaning lessons learned and good practices.

II. RESEARCH METHODOLOGY

The OGM Research Project first drew companies from a variety of sources beginning with those listed in the Business and Human Rights Resource Centre as well as other benchmark initiatives.⁴ As of 2019, the Project began to select companies from the Fortune 500 list.

Researchers utilize a two-tier system to find, assign, research, and review company OGMs. Senior researchers start by identifying companies suitable for research based on whether they have adopted any type of commitment to human rights, namely through a human rights policy. Included are human rights policies that are integrated into other corporate policies, such as a Code of Ethics or a Code of Conduct, as well as standalone policies. In the view of the OGM Research Project, a human rights policy indicates that the corporation is aware of international guidance regarding the manner in which companies can prevent, process, and remedy human rights claims. The adoption of such policies also signals a general commitment to the UNGPs or at least human rights in general, and thus may be more likely to also have developed an OGM. At the same time, in view of this general commitment, the absence of an OGM also signals only partial compliance with the UNGPs. Those companies that have not yet adopted a human rights policy are still subject to monitoring for future developments towards compliance with human rights and may be added to the database in future years. Each company that does get added to the database is also reviewed in future years.

Once screened, companies are researched by a corps of trained researchers who seek to answer a series of questions designed to provide an in-depth study of grievance mechanisms which are available to receive human rights related claims. The approach to research is uniform after the initial vetting that identifies whether the company has a human rights policy to facilitate the identification of notable trends in current practice.

This Project relies entirely on desktop research, including but not limited to company websites and search engine results. This approach also provides insight into what information is available to an external stakeholder, but also limits research to only OGMs that are shared publicly with external audiences. Given that websites change regularly, and documents frequently become

⁴ Previously used lists include the Corporate Human Rights Benchmark, the UN Global Compact, the UNGP Reporting Framework, and Global Reporting Initiative.

unavailable, the Project strives to make a record of anything found to preserve in the database. Thus, the research is a snapshot in time – showing only what information is publicly available on the date of research. At the same time, it seeks to track developments over time to study how companies initiate and continue to develop their OGMs.

Considering that the world of OGMs is still developing, so is the Project’s methodology. The research team continues to learn about new issues, concepts, and questions to ask resulting in periodic updating of the research logs as well as angles of its research and reporting. In light of this innovation, the Project revisits companies to assure that they also are subject to these new inquiries. Even without such developments, all companies are periodically reviewed every two years to track any changes and advances. This allows us to use our updated methodology to gather information and to track changes in not only individual company process but also the field overall.

The Project hopes to gather enough information to discern approaches to how claims related to human rights are received, processed, and eventually resolved. Of particular interest are the types of procedures provided to claimants, the level of transparency, lessons learned, and whether these mechanisms actually result in concrete remedies. Notably, while the OGM Project does not set out to fully assess the applicability of the criteria outlined in UNGP 31, it does recognize that some of this data can be used to begin to apply those benchmarks. Some key areas that the OGM Project tracks include:

- Information about the complaint process to gather a picture as to how a corporation reviews grievances from stakeholders – how claims are submitted, whether a third party or the company reviews a claim, and what types of alternative dispute resolution tools are used. This information can serve as a source of options for companies looking to update or develop a grievance mechanism.
- Indications of how available the information is to an outside user, thus contributing to the benchmark of transparency. Certainly, the OGM Research Project research depends on information being transparent, but more importantly, so do stakeholders. If a community member wants to submit a grievance, the OGM should ideally be accessible and provide clear instructions.
- Evidence of companies dedicated to learning lessons, such as through analyzing the types of claims filed and their outcomes in order to integrate these findings towards future improvements. Identifying evidence of lessons learned indicates when a company is truly listening to the feedback provided by both their employees and the community where they operate. While a lack of evidence is not entirely indicative that a company completely fails to complete this step, the transparency of this information is particularly indicative of a company’s commitment to resolving disputes that may involve human rights harms.

- Details related to any possible outcome or evidence of reparations and other remedies arising out of claims as well as any information on what types of remedies corporations are willing to provide with the assumption that claimants are looking for a tangible outcome.

III. COMPANY BREAKDOWN

The OGM Research Project evaluates companies from a wide variety of industries allowing for a broader comparison of information. As of December 2020, the Project has completed research related to 256 companies across 22 industries. This diversity allows for comparison within industries and between industries.⁵ Of these, 238 companies (93% of companies researched) operate on a multinational scale. Table 1 lists the industries which have been researched.

TABLE 1: Industries Researched

Industry	Number of Companies
Agriculture	6
Airline	1
Automotive	4
Banking and Finance	30
Chemical Companies	4
Clothing Retail	6
Consulting	1
Delivery	5
Food and Beverage Retail	14
Gas, Oil, Energy	28
General Retailer	9
Healthcare & Pharmaceutical	14
Hospitality	3
Information Technology	11
Infrastructure and Construction	9
Law Firm	4
Management	1
Manufacturing and Distribution	46
Media & Entertainment	5
Mining	29
Miscellaneous	10
Telecommunications	16

⁵ A breakdown of researched companies and their industry is included in Appendix A.

The most reviewed industries include Manufacturing and Distribution, Banking and Finance, Mining, and Gas, Oil, and Energy. Many of these corporations are multinational with significant reported annual revenue which have placed them on the lists the Project uses during the screening process.⁶

IV. HUMAN RIGHTS POLICY

The first step in the Project’s review of companies is screening for a human rights policy. By endorsing a human rights policy, a company indicates that it is taking steps to meet international standards relating to the protection and prevention of human rights issues. Breaking down a human rights policy provides further information about what guidelines and standards a company might be using. The Project looks for language connecting the company’s human rights policy to international human rights instruments or the UNGPs.

Depending on the referenced instrument, the interpretation and implementation of its standards might lend itself to developing an OGM that is designed to also receive human rights claims. A company selected for this research may or may not have explicitly committed itself to the UNGPs, however the Project deems any reference to the UNGPs as a strong indication that it may be implementing other aspects of the Guiding Principles including an OGM.

Table 2 identifies the breakdown of how the companies researched indicate a commitment to human rights in their human rights policy, whether it be mentioning the UNGPs (UNGP); only upholding international human rights instruments (HRI); upholding both the UNGPs and international human rights instruments (UNGP & HRI); or does not commit to either the UNGPs or international human rights instruments (NONE).

TABLE 2: Human Right Policies

	Number of Companies	Percentage of Total Companies Researched
UNGP	37	14%
HRI	54	21%
UNGP & HRI	122	48%
NONE	43	17%

⁶ Many other significant projects are also curious about these issues and provide a more specific set of information; if you are looking for additional information, a list of research projects is included in Appendix B.

Almost half of the researched companies have a human rights policy which commits to upholding both the UNGPs and international human rights instruments. The most referenced international human rights instruments are: The Universal Declaration of Human Rights, The International Labor Organization’s core conventions, The United Nations Global Compact, and The International Labor Organization Declaration on the Fundamental Principles and Rights at Work. Sixty-two percent of companies (159 companies) commit to upholding the UNGPs, or, at least, reference the UNGPs as their model for corporate responsibility.

V. HUMAN RIGHTS CLAIMS

The OGM Research Project aims to provide information regarding a company’s ability and willingness to respond to human rights-based claims. While a company might have an identifiable grievance mechanism, the Project specifically looks for indications that the mechanism is available, and perhaps even designed, to accept claims based on allegations that amount to human rights issues.

As of now, only one company, Hitachi, includes the term “human rights” in the title of their OGM system.⁷ As such, the Project has identified five different indicators to help identify when a company grievance mechanism can be considered a “human rights grievance mechanism” absent such explicit labels:

- 1) **Explicit reference to human rights claims:** the grievance mechanism references the term “human rights” in its description of types of claims accepted.
- 2) **Reference to human rights policy:** the grievance mechanism specifically references the company’s human rights policy and indicates that it accepts claims relating to how the company frames the issue of human rights.
- 3) **Allegations amounting to human rights claims:** the description of the types of claims accepted by an OGM lists categories of types of problems that raise human rights issues, such as discrimination, health and safety issues, freedom of association, and other recognized rights as found in human rights treaties.
- 4) **Reference to Ethics or Code of Conduct Policy:** the grievance mechanism mentions that it accepts claims that relate to its ethics code or code of conduct which includes reference(s) to human rights specifically or a human rights policy.
- 5) **Open-ended grievances:** the grievance mechanism indicates that it accepts any type of claim and does not limit possible claims to a specific category of issues, thus suggesting a human rights claim could be brought to it.

Table 3 identifies the number of companies that are in each category.

⁷ *Human Rights*, Hitachi Group, <https://www.hitachi.com/sustainability/social/human-rights/index.html> (last visited June 16, 2021).

TABLE 3: Indicators of human rights grievance mechanisms

	Number of Companies	Percentage of Total Companies Researched
Explicit reference to human rights claims	36	14%
Reference to human rights policy	16	6%
Allegations amounting to human rights claims	45	18%
Reference to Ethics or Code of Conduct Policy	78	31%
Open-ended grievances	39	15%
No Information Available	42	16%

Significantly, 84% of all companies studied offered some type of internal mechanism to resolve claims that could implicate human rights issues. Forty-Two (42) companies lacked an identifiable OGM and were unable to be evaluated. The most common form of human rights indicator is by referencing the ethics/code of conduct company policy. These OGMs commonly describe their function as responding to “unlawful or unethical” actions as outlined by state laws and the company’s ethics policy.

VI. GRIEVANCE MECHANISM STATUS

Based on the Project’s research, a status is assigned to each company regarding the perceived level of development of their OGM. This categorization is not a rating or evaluation – instead, it is intended to provide a way to differentiate as well as compare grievance mechanisms for review. The four categories include (a) most advanced grievance mechanism, (b) well-developed grievance mechanism, (c) baseline grievance mechanism, and (d) no identifiable grievance mechanism. Criteria for this rating include the following:

- **Most Advanced Grievance Mechanisms:** Companies that fit into this category are identified as having: (1) a publicized grievance mechanism, (2) a grievance mechanism publicly available for use by any stakeholder, (3) published procedural information on how to file a claim and how the mechanism reviews complaints, and (4) identified mediation, dialogue, facilitation, and/or capacity building as part of the complaint review process.
- **Well-Developed Grievance Mechanisms:** Companies in this category are identified as having: (1) a publicized grievance mechanism, (2) made the grievance mechanism publicly available for use by any stakeholder, and (3) published procedural information on how to file a claim and how the mechanism reviews complaints.

- **Baseline Grievance Mechanisms:** Companies belonging to this category are identified as having, at least, an ethics hotline, whether it is a third-party hotline or otherwise. Included are companies that have mentioned their grievance mechanisms but have not published their details. Researchers flag these companies to track development when annual re-research is completed.
- **No Identifiable Grievance Mechanism:** Companies in this category have an identifiable human rights policy but lack an identifiable operational-level grievance mechanism.

In terms of distinguishing between baseline and well-developed grievance mechanisms, the latter features publicly available grievance mechanisms and published procedures - both of which contribute to assuring greater transparency and access. While a significant number of companies have an identifiable grievance mechanism, most are baseline mechanisms, thus raising questions regarding the accessibility of these mechanisms to external stakeholders. The significant difference between well-developed mechanisms and very advanced mechanisms is a reference to alternative dispute resolution and other additional considerations for the process of engaging with stakeholders. This includes mediation, dialogue, facilitation and/or capacity building. Only three (3) companies have provided such information. Table 4 identifies the number of companies that are in each status category.

TABLE 4: Breakdown of categories of grievance mechanisms

	Number of Companies	Percentage of Total Companies Researched
Most Advanced Grievance Mechanism	3	1%
Well-Developed Grievance Mechanism	26	10%
Baseline Grievance Mechanism	185	72%
No Identifiable Grievance Mechanism	42	16%

Overall, the OGM Research Project identified 214 companies, 84% of companies researched, as having an identifiable grievance mechanism. This percentage is significantly higher than the number of companies who committed to upholding the UNGPs within their human rights policy.

The most advanced grievance mechanisms include Lydian International⁸, Marks & Spencer⁹, and Repsol.¹⁰

Of the companies where no grievance mechanism was identified, 18 companies referenced the UNGPs in their human rights policy while 24 companies did not reference the UNGPs in their human rights policy. These 18 companies whose human rights policies referenced the UNGPs, but did not have an identifiable grievance mechanism, are being monitored by the OGM Research Project to detect if, and when, they develop a related OGM.

VII. GRIEVANCE MECHANISM PROCEDURES

The OGM Research Project focuses primarily on understanding what, if any, procedure is provided in accepting and resolving claims that may amount to human rights grievances. It has identified the following key areas to help shed light on the type and extent of process provided for individuals and communities seeking to resolve their claims:

1. Centralized and Decentralized Management: Understanding how exactly a company receives grievances relates to whether procedures are centralized or decentralized. Centralized mechanisms receive all complaints through one location such as a company headquarters, one specific office site, or through one digital platform. Decentralized mechanisms receive complaints at various offices or project sites and respond to each complaint through the office it was received at. Of all the companies studied, 141 mechanisms are centralized, 61 mechanisms are decentralized, and 12 companies did not provide enough information to determine the centrality of the mechanism. While a centralized system might lend itself to higher overall organization efficiency, the question remains about the quality of any review of a complaint if the grievance process is removed from the context of its geographical origin. It also suggests that there may be less interactive process design with the users who would be located locally.
2. Process Management Through Hotlines: Identifying procedural information highlighted two connected themes for whether the company or a third party operates the OGM and what platform is used: ethics hotlines and third-party operators. Of all the companies, 120 companies utilize an ethics hotline process, and 101 companies utilize a third party to manage their OGM. Ethics hotlines are increasingly common grievance mechanisms because of their “all in one” system and mixture of online and telephone reporting systems. A significant

⁸ *Social Policy*, Lydian International, https://www.lydianinternational.co.uk/images/pdf/policies/2018/Social_Policy.pdf (last visited June 16, 2021).

⁹ *Human Rights*, Marks & Spencer, <https://corporate.marksandspencer.com/sustainability/business-wide/human-rights> (last visited June 16, 2021).

¹⁰ *Operational Grievance Mechanisms*, Repsol, <https://www.repsol.com/en/sustainability/human-rights/operational-grievance-mechanisms/index.cshtml> (last visited June 16, 2021).

portion of ethics hotlines are managed by third parties who transcribe the reported grievance and pass the issue on to the assigned corporate team.¹¹

Ethics hotlines also provide a way for the complainant to check the status of their grievance and maintain a platform where complaints can be kept confidential when grievances are relayed to the company. On the other hand, third party ethics hotlines remove grievances from the corporate entity and can be hard to access by external stakeholders – ethics line websites and phone numbers might not be clearly advertised and located within employee documents such as a code of ethics. Many hotlines do not provide details regarding which human rights claims are accepted. The Project has identified common hotline companies including Convercent, ComplianceLine, Whispli, WhistleBlower Security, RiskAdvisory, People Intouch, and NAVEXGlobal. Beyond identifying how to submit a complaint to an ethics hotline, many of these OGMs do not include information about the complaint review process or “next steps.”

3. Intended Users: The OGM Research Project seeks to identify the intended user of an identified OGM. While information about an OGM may be publicly available, procedural details might indicate that the OGM has limited scope by restricting users to employees or customers. Only 92 companies indicate that their OGM is available for use by “anyone” with only nine (9) of these explicitly mentioning that the OGM could be used by “communities.” The Project identified 48 companies that limited access of their OGM to employees only. A further 62 companies limited their OGM to employees and business stakeholders (subcontractors, customers, shareholders, etc.). An additional 12 companies did not indicate any intended users. The OGM Research Project shows that current OGM implementation does not include widespread promotion of community grievances. If anything, the limitation to users suggests that many companies are trying to limit the usage of their OGM to business affiliates and/or employees.
4. Procedure for Reviewing Complaints: Of the information regarding procedure, a particular pattern is common regarding how companies review complaints: (1) receipt of complaints, (2) assessment, and (3) investigation if necessary. Some companies mention an acknowledgement step to confirm that the company has received the complaint and has begun a review process. Few procedures outline how assessments of complaints are processed – although most common procedures include management teams of the appropriate department reviewing the validity of the complaint. Currently, online

¹¹ See *Ethics & Compliance WebLine*, Starbucks, at <https://businessconduct.eaweblines.com/> (last visited June 16, 2021); *Our Credo Integrity Line*, Johnson & Johnson, <https://secure.ethicspoint.com/domain/media/en/gui/28704/index.html> (last visited June 16, 2021); *Mondelez International Integrity Hotline*, Cadbury, www.mdlzethics.com (last visited June 16, 2021).

information does not allow an assessment of whether claims must meet certain admissibility requirements to be heard.

Results are mixed regarding the final step of a procedure – some determine that a conclusion report will be submitted to management while others mention that “appropriate” action steps will be taken. Others mention a follow-up step to alert the complainant (if contact information is not confidential) of the outcome of the investigation. No strong or discernable pattern has been identified regarding steps to close the complaint and follow up with relevant parties.

5. Alternative Dispute Resolution: Six (6) companies that provide information about procedure also mention, in some form, mediation, dialogue, facilitation, or capacity building. Mediation was the most mentioned with four (4) of the processes explicitly mentioning this process. One company mechanism explicitly identifies mediation as a step of the initial grievance procedure (if necessary) while another mechanism mentions mediation as a procedural step of the appeals process. Beyond mediation, one mechanism studied identifies the need to involve external experts or neutral parties if a grievance cannot be resolved. Another mechanism commits itself to facilitating open dialogue and includes a step within the mechanism for generating solutions jointly.
6. Anti-Retaliation Policy: Retaliation is a serious concern when submitting a grievance. Ideally, complainants should be empowered to identify issues related to a company without feeling at risk, or, in the worst-case scenario, actually suffering retaliation of any kind.¹² As such, a clearly identified anti-retaliation policy is an important indicator regarding organizational steps to reduce instances of retaliation. The OGM Research Project identified 86 companies that have an anti-retaliation policy clearly connected to an identified OGM.
7. Available Appeals Process: Evidence of an appeals process is an important indicator regarding the ability for complainants to feel satisfied with an investigation outcome as well as evidence that an OGM is facilitating an open dialogue. The legitimacy of an OGM is based in the perceptions of stakeholders, including an appeals process which may indicate a level of openness and respect that can increase feelings of legitimacy.

The OGM Research Project identified mechanisms which explicitly stated how complainants could appeal the conclusion of an initial investigation if they find it unsatisfactory. Of all the companies researched, 22 grievance mechanisms were identified to have an appeals process, three (3) of which are managed by a third party. No strong pattern is discernable in the

¹² See generally *OHCHR Accountability And Remedy Project III: Enhancing Effectiveness Of Non-State-Based Grievance Mechanisms In Cases Of Business-Related Human Rights Abuse*, United Nations Human Rights Office of the High Commissioner, https://www.ohchr.org/EN/Issues/Business/Pages/ARP_III.aspx (last visited June 16, 2021).

information available online about these appeals processes. Some identify specific ethics or legal offices where a person may submit an appeal while others mention speaking with a supervisor or manager. One process mentions seeking independent legal advice while another mentions submitting a second complaint through the original grievance mechanism. Table 5 provides a list of companies with appeals processes.

TABLE 5: Companies with Appeals Processes

Company Name	Nature of the Appeals Process	Is the appeals process managed by a third party?
ABN AMRO	The company explains that unsatisfied complainants can engage an alternative dispute resolution in their country to reassess a complaint.	No
Adidas	The company explains that unsatisfied complainants can “raise [their] issue with the SEA department. SEA will review the case and communicate the information to adidas’s General Counsel for a final decision.”	No
Aldi South	The company explains that unsatisfied complainants can appeal to the next level of management.	No
Anglo American PLC	The company explains that unsatisfied complainants can appeal to the Complaint Appeal Panel for further review.	No
ASML	The company explains that unsatisfied complainants can report their concern to the Corporate Ethics Officer or the chairperson of the Ethics Board.	No
Atlas Copco	The company explains that unsatisfied complainants can engage in mediation at the Stockholm Chamber of Commerce Arbitration Institute.	Yes
Bank of Montreal	The company explains that unsatisfied complainants can follow up with the BMO Ombudsman or through Speak Up for further review.	Yes
Cerrejon	The company explains that unsatisfied complainants can appeal and a new investigator will be assigned to the complaint.	No

Chevron	The company explains that unsatisfied complainants can have their issue reviewed by the Appeals Committee to determine if additional action is possible.	No
GoldCorp	The company explains that unsatisfied complainants can have investigation results reviewed by a research team and submitted for a third review by a panel and scored to see if they have met the needs of the complainant.	No
Humana	Company identified that an appeals process was available but provided no specific information regarding the nature of the process.	No information available
Kroger	The company explains that unsatisfied complainants can write to the Compliance Officer within 15 days of receiving the investigation decision. The Chief Ethics and Compliance Officer shall then issue a written response to the appeal within 30 days.	No
Lantmannen	The company explains that unsatisfied complainants can alert the Corporate Code Committee and identify and substantiate any issues which the individual considers to be insufficiently addressed. The Corporate Code Committee may decide to take the following actions: (1) invite the submitter to further substantiate their complaints about the outcome of the investigation; (2) request that the submitter answer any relevant questions in this respect; and/or (3) assess any other options to resolve or more adequately address the Concern.	
Marks and Spencer	The company explains that unsatisfied complainants can “raise the issue with the Corporate Head of Human Rights who will review the case with the independent human rights stakeholder advisory group for a final decision. If the party is still dissatisfied with the outcome and the actions taken by M&S then they can refer the issue or complaint to the relevant National Contact Point.”	Yes
McKesson	The company explains that unsatisfied complainants (employees) can bring up concerns with a supervisor or manager.	No

Nidera	The company explains that unsatisfied complainants can contact the Corporate Code Committee.	No
OMV	The company explains that unsatisfied complainants can appeal and the grievance will be re-evaluated by alternate investigators.	No
Sakhalin Energy Investment Company LTD	Company identified that an appeals process was available, but provided no specific information regarding the nature of the process	No information available
Samsung	The company explains that unsatisfied complainants can file an objection within five days after receiving notice of the result.	No
Sodexo	The company explains that unsatisfied complainants can inform the Group Ethics Officer if belief that a claim was not handled appropriately.	No
Torres*	The company explains that unsatisfied complainants can submit appeal within 5 days followed by a hearing.	No
Wilmar International Limited	The company explains that unsatisfied complainants can speak with the Grievance Unit which can provide a direct explanation of investigation results, cross-verify facts, discuss other options, and involve external independent observers.	No

VIII. REMEDIAL RESULTS AND OUTCOMES

Some procedures recognize that a claimant may receive some form of remedy, although few companies provide specifics of what types of reparations might be available when publicizing their grievance procedure. Publishing possible remedies or previously provided remedies contributes to the predictability and transparency elements of an efficient OGM. The OGM Research Project identified 16 companies which published previous or potential remedies. Common examples include termination of employment, increased trainings, and internal “disciplinary actions.” Most notably, no company states that money compensation could be a potential remedy through their grievance mechanism. The Project found two (2) companies that have reported reparations packages from their grievance mechanism.

- **Barrick Hemlo:** Some specific cases have been highlighted by the company under their Porgera Remedy Framework – a grievance mechanism that operated between October 2012 and May 2013 to address human rights issues stemming from operations at the Porgera Mine in Papua New Guinea. Of the 119 claims brought by women in the mining

community, each received a total cash compensation of 50,000 kina (\$20,000 at the time) and failed to receive promised services such as medical care, counseling, and school fees.

- **Marks & Spencer:** The 2017 Human Rights Report highlights a few cases where remedial action was taken to address workplace issues. These examples include remedy in form of new employment contracts and clarification of overtime policy, providing legal work to refugees as one response to issues of modern slavery in clothing factories, and work to reduce recruitment fees.

IX. LESSONS LEARNED

Lessons learned provide direct feedback to the corporation to prevent future harm and provide a more efficient OGM process. Lessons learned also demonstrate that the company takes grievances seriously and is invested in improving their corporate processes to further respect internal and external stakeholders. This can increase trust from communities regarding the operations of the company and increase legitimacy of the OGM.

The Project found 44 companies which demonstrated that lessons learned are utilized to further develop their OGM or due diligence procedures. Lessons learned tend to be presented within human rights or sustainability reports as overarching lessons rather than lessons tied to a particular claim or project. Many lessons learned also include information from corresponding due diligence procedures alongside the grievance mechanism. Some companies identify that they utilize lessons learned but do not provide further explanation. Table 6 provides examples of some of these companies.

TABLE 6: Companies with Lessons Learned

Company	Evidence of Lessons Learned
Ford Motor Company	The company explains its commitment to upholding human rights and making changes to reconcile issues pointed out in third party assessments.
ING	The company explained in its 2019 Human Rights Report lessons learned from the previous year and next steps. These include limited consistency in disclosure approaches which highlighted gaps in risk management, the importance of adding Free Prior and Informed Consent to the agenda of clients by using the company’s leverage proactively, and the development of a new process to enhance meaningful engagement with clients on the topic of human rights.
Marks & Spencer	The company explained in its 2017 Human Rights Report many lessons learned and next steps. Some examples include goals to

	engage directly with affected stakeholders, to think more like a social organization to better identify where M&S can achieve more systematic change and develop a better way to measure which efforts to reduce human rights abuses are succeeding.
Samsung	The company explains through various human rights reports published on their website an increase in trainings to prevent future human rights related issues.

X. CONCLUSION

The OGM Research Project aims to offer an objective overview of current trends with relation to the development of OGM processes throughout the world and across industries that include a human rights focus. At this time, the Project is not offering any type of assessment or ranking of individual companies but rather strives to track recent trends and developments that help to identify important issues deserving future research and discussion among other stakeholders in the business and human rights field, especially scholars and practitioners.

Certainly, based on this recent summary, it seems clear that while there is a steady rise of non-state, non-judicial systems in handling human rights grievances, companies still have work ahead of them to transform baseline OGMs into a more robust and responsive grievance mechanism. Moreover, it is still unclear whether appropriate procedures are being developed to provide effective and satisfactory outcomes to these processes.

The OGM Project team will continue to research new companies, return to previously researched companies, and produce reports to contribute to the international conversation about company OGMs. For more information about this Project or for access to the database to learn about specific company profiles, please email the Project Director at llaplante@nesl.edu.

APPENDIX A

Company researched by the OGM Project and their industry sorted alphabetically:

Company Name	Industry
Aalberts Industries NV	Information Technology
Aareal Bank AG	Banking and Finance
AB Electrolux	Manufacturing and Distribution
AB Panevezio Statysbos Trestas	Infrastructure and Construction
AB SKF	Manufacturing and Distribution
AB Volvo	Automotive
Abanka DD	Banking and Finance
ABB	Infrastructure and Construction
Abbott	Healthcare & Pharmaceutical
Abbvie	Healthcare & Pharmaceutical
ABN AMRO	Banking and Finance
Acacia Mining	Mining
Accell Group	Manufacturing and Distribution
Acciona	Infrastructure and Construction
Actividades de Construcción y Servicios (Grupo ACS)	Infrastructure and Construction
Adaro Energy	Mining
Adidas	Clothing Retail
Aegon	Banking and Finance
Agrium (NUTRIEN)	Agriculture
Ahold Delhaize	Food and Beverage Retail
Aker Solutions	Gas, Oil, Energy
AKZO Nobel	Chemical Companies
Alcoa	Mining
Aldi North	Food and Beverage Retail
Aldi South	Food and Beverage Retail
Allen and Overy	Law Firm
Alstom	Infrastructure and Construction
Amazon	General Retailer
America Movil	Telecommunications
American Eagle Outfitters	Clothing Retail
American Express	Banking and Finance
AmerisourceBergen	Healthcare & Pharmaceutical
ANA	Airline
Aneka Tambang	Mining
Anglo American PLC	Mining
AngloGold Ashanti	Mining
ANTAM	Mining

Apple	Telecommunications
Aramex	Delivery
Arcelor Mittal	Mining
Archer Daniels Midland Company	Agriculture
AREVA	Mining
Arla	Manufacturing and Distribution
ASML	Manufacturing and Distribution
ASOS	Clothing Retail
Associated British Foods	Food and Beverage Retail
AT&T	Telecommunications
Atlas Copco	Manufacturing and Distribution
ATOS	Information Technology
Australia and New Zeland Banking Group	Banking and Finance
AVIVA	Miscellaneous
Axfood	Food and Beverage Retail
Bank of Montreal	Banking and Finance
Barclays	Banking and Finance
Barrick Hemlo	Mining
BASF	Chemical Companies
Bayer	Healthcare & Pharmaceutical
Beatty	Infrastructure and Construction
Bharti Aittel	Telecommunications
BHP Billiton	Mining
BMW Group	Manufacturing and Distribution
BNP Paribas	Banking and Finance
BNY Mellon	Banking and Finance
Boeing	Manufacturing and Distribution
Boliden	Mining
Bouygues	Miscellaneous
BP	Gas, Oil, Energy
Brambles	Manufacturing and Distribution
Bravida	Miscellaneous
British American Tobacco	Manufacturing and Distribution
BT PLC	Telecommunications
Cadbury	Food and Beverage Retail
Canadian Natural Resources	Gas, Oil, Energy
Cardinal Health	Healthcare & Pharmaceutical
Carrefour	Manufacturing and Distribution
Casino Global Sourcing	Manufacturing and Distribution
Casio Group	Manufacturing and Distribution
Caterpillar	Manufacturing and Distribution
Cemex	Manufacturing and Distribution

Centrica	Gas, Oil, Energy
Cerrejon	Mining
Chevron	Gas, Oil, Energy
Chiquita	Miscellaneous
Chubu	Miscellaneous
Cigna	Healthcare & Pharmaceutical
Cisco Systems	Information Technology
Citigroup	Banking and Finance
Clifford Chance	Law Firm
Coca-Cola	Food and Beverage Retail
Colgate Palmolive	Manufacturing and Distribution
Comcast	Telecommunications
Commercial International Bank	Banking and Finance
Commerz Bank	Banking and Finance
Compass Group	Food and Beverage Retail
Conoco Philips	Gas, Oil, Energy
Continental Corporation	Manufacturing and Distribution
Corporacion Dinant	Agriculture
Cosmo Energy Holdings	Gas, Oil, Energy
Costco Wholesale	General Retailer
Credit Agricole	Banking and Finance
Credit Suisse	Banking and Finance
CVS Health	Healthcare & Pharmaceutical
Daimler	Automotive
Dell	Information Technology
Delta Airlines	Manufacturing and Distribution
Deutsche Bahn	Miscellaneous
Deutsche Post DHL Group	Delivery
Deutsche Telekom AG	Telecommunications
Diageo	Food and Beverage Retail
DnB Not	Banking and Finance
Dollar General	General Retailer
Dow Chemicals	Chemical Companies
DTEK	Gas, Oil, Energy
Dupont	Manufacturing and Distribution
E. On	Gas, Oil, Energy
Eads Distribution	Manufacturing and Distribution
Enagas	Gas, Oil, Energy
Enbridge	Gas, Oil, Energy
Environmental Resource Management	Consulting
Ericsson	Information Technology
Exxon Mobil	Gas, Oil, Energy

Fannie Mae	Banking and Finance
Ferrovial	Food and Beverage Retail
First Quantum Minerals	Mining
Ford	Automotive
Freddie Mac	Banking and Finance
Freeport McMoRan Copper & Gold Inc.	Mining
Fujifilm	Manufacturing and Distribution
General Motors	Automotive
GeoTeam	Mining
GlaxoSmithKline	Healthcare & Pharmaceutical
Glencore	Mining
Gold Fields	Mining
GoldCorp	Media & Entertainment
Goldman Sachs	Banking and Finance
GoodYear	Manufacturing and Distribution
Google	Information Technology
Gucci	Clothing Retail
H&M	Clothing Retail
Halliburton	Gas, Oil, Energy
Heineken	Food and Beverage Retail
Herbert Smith Freehills	Law Firm
Hess	Gas, Oil, Energy
Hewlett Packard	Information Technology
Hilton	Hospitality
Hitachi	Infrastructure and Construction
HSBC	Banking and Finance
Humana	Healthcare & Pharmaceutical
Hydro	Manufacturing and Distribution
Iberdrola	Gas, Oil, Energy
IKEA	Manufacturing and Distribution
Imperial Tobacco	Manufacturing and Distribution
Implats	Mining
India Oil	Gas, Oil, Energy
ING	Banking and Finance
Ingersoll Rand	Manufacturing and Distribution
Inmet	Manufacturing and Distribution
Intel	Information Technology
Intercontinental Hotels	Hospitality
IPIECIA	Gas, Oil, Energy
ISAGEN	Gas, Oil, Energy
ISS (Denmark)	Management
ITC	Manufacturing and Distribution

Johnson & Johnson	Healthcare & Pharmaceutical
Johnson Controls	Manufacturing and Distribution
JPMorgan Chase	Banking and Finance
KBZ Group	Miscellaneous
Kering	Manufacturing and Distribution
KfW	Banking and Finance
Kimberly-Clark	Manufacturing and Distribution
Kinross	Mining
Kosmos Energy	Gas, Oil, Energy
KPMG	Banking and Finance
KPN	Telecommunications
Kroger	General Retailer
Kumba Iron Ore	Mining
Lafarge Holcim	Manufacturing and Distribution
Lagardere	Media & Entertainment
Lantmannen	Agriculture
Lego	Manufacturing and Distribution
Levi Strauss	Clothing Retail
Lihir Gold	Mining
Linde Group	Chemical Companies
Linklaters	Law Firm
Lockheed Martin	Information Technology
Macobre S.A.C.	Mining
Mail.Ru	Telecommunications
Marathon Oil	Gas, Oil, Energy
Marathon Petroleum	Gas, Oil, Energy
Marks and Spencer	General Retailer
Marubeni	Manufacturing and Distribution
McDonalds	Food and Beverage Retail
McKesson	Healthcare & Pharmaceutical
Microsoft	Information Technology
Mitsubishi	Manufacturing and Distribution
Mizuho Financial Group	Banking and Finance
Mondi	Manufacturing and Distribution
Morgan Stanley	Banking and Finance
Motorola	Telecommunications
Naouri Group	Delivery
Nedbank	Banking and Finance
Neste Oil	Gas, Oil, Energy
Nestle	Manufacturing and Distribution
Newmont Mining	Mining
Nidera	Agriculture

Nippon Express	Delivery
Nokia	Telecommunications
Novartis*	Healthcare & Pharmaceutical
O2	Telecommunications
Obayashi	Infrastructure and Construction
Occidental Petrolian	Gas, Oil, Energy
Oceana Gold	Mining
OMV	Gas, Oil, Energy
Outokumpu	Manufacturing and Distribution
Pentland	Miscellaneous
PepsiCo	Food and Beverage Retail
Petrobas	Gas, Oil, Energy
Pfizer	Healthcare & Pharmaceutical
Phillips 66	Gas, Oil, Energy
Posco Daewoo	Banking and Finance
Proctor and Gamble	Manufacturing and Distribution
RaboBank	Banking and Finance
Repsol	Gas, Oil, Energy
Rickitt Benckiser	Manufacturing and Distribution
Ricoh	Manufacturing and Distribution
Rio Tinto	Mining
Roche	Healthcare & Pharmaceutical
Royal Caribbean	Media & Entertainment
Sakhalin Energy Investment Company LTD	Gas, Oil, Energy
Samsung	Manufacturing and Distribution
Sibanye Stillwater (previously Lonmin)	Mining
Siemens	Manufacturing and Distribution
Sodexo	Hospitality
Sodexo UK	Miscellaneous
Sompo Insurance	Miscellaneous
Sony	Manufacturing and Distribution
Starbucks	Food and Beverage Retail
Sysco	Manufacturing and Distribution
Target	General Retailer
Telefonica	Telecommunications
Telenor	Telecommunications
Tesco PLC	General Retailer
Torres*	Information Technology
Toshiba	Manufacturing and Distribution
Trans Adriatic Pipeline AG	Infrastructure and Construction
TVI Resource Development	Mining
Twitter	Media & Entertainment

United Postal Service	Delivery
Vale	Mining
Verizon Media	Telecommunications
Vodafone	Telecommunications
Walgreens Boots Alliance	General Retailer
Walmart	General Retailer
Walt Disney	Media & Entertainment
Wells Fargo	Banking and Finance
Wilmar International Limited	Agriculture

APPENDIX B

I. Similar Resources: Does Our Information Supplement Any Similar Database?

There are multiple databases that explore different facets of human rights measures within companies. While our database tracks the development of grievance mechanisms, the Project began by researching companies that appeared in the following human rights indexes:

- **The Corporate Human Rights Benchmark (CHRB)** is a database that focuses on tracking governance and policy commitments, embedding respect and human rights due diligence, remedies, and grievance mechanisms, performance of company human rights practices, performance of responses to serious allegations, and transparency. CHRB is a collaboration led by investors and civil society organizations dedicated to creating the first open and public benchmark of corporate human rights performance.¹³
- **The Business and Human Rights Resource Center (BHRRC)** is a database that tracks human rights and abuse within and by companies.¹⁴ It is a platform for filing complaints against companies and has created an opportunity for those companies to respond. The CILP OGM database includes 149 companies that are also featured on the BHRRC platform. Some companies are available in both the CHRB database and the Business and Human Rights Resource Center.
- **The Ranking Digital Rights (RDR)** is an index of twenty-four (24) companies ranked based on their disclosed commitments, policies, and practices affecting the freedom of expression and privacy of internet users across the world.¹⁵
- **The Alliance for Corporate Transparency (ACT)** is a project that has assessed how 1,000 European companies disclose information on their environmental and societal risks and impacts.¹⁶
- **The UN Global Compact** is the world's largest corporate sustainability initiative based on CEO commitments to implement universal sustainability principles.¹⁷ The initiative has over 12,000 signatories in over 160 countries.

¹³ *Who We Are*, Corporate Human Rights Benchmark, <https://www.corporatebenchmark.org/who-we-are> (last visited June 16, 2021).

¹⁴ Business & Human Rights Resource Center, <https://www.business-humanrights.org> (last visited June 16, 2021).

¹⁵ Ranking Digital Rights, <https://rankingdigitalrights.org> (last visited June 16, 2021).

¹⁶ *The Future of Corporate Sustainability Reporting*, Alliance for Corporate Transparency, <https://www.allianceforcorporatetransparency.org> (last visited June 16, 2021).

¹⁷ United Nations Global Compact, <https://www.unglobalcompact.org/about> (last visited June 16, 2021).

- **The Global Reporting Initiative** provides a global standard for sustainability reporting by creating a global common language for organizations to report their impacts.¹⁸ The initiative currently includes reports from over 15,000 organizations.¹⁹
- **The UNGP Reporting Framework** is a comprehensive guide for companies to report on how they respect human rights and was developed through the Human Rights Reporting and Assurance Framework Initiative (RAFI).²⁰
- **The World Benchmarking Alliance** is a global organization focused on creating a sustainable path towards achieving the UN Sustainable Development Goals. The Alliance develops a series of benchmarks ranking 2,000 of the world’s most influential companies on their contributions to the UN Sustainable Development Goals.²¹

Below outlines the number of companies in our database that also appear on the corresponding list.

	Number of companies	Percentage of Total Companies Researched
Business and Human Rights Resource Center (BHRRC)	122	43%
Corporate Human Rights Benchmark (CHRB)	49	17%
Ranking Digital Rights (RDR)	19	7%
Alliance for Corporate Transparency (ACT)	46	16%
UN Global Compact	130	46%
Global Reporting Initiative	216	77%
World Benchmarking Alliance	160	57%
Fortune 500 List	69	25%
UNGP Reporting	40	14%

¹⁸ *Our Mission and History*, Global Reporting Index, <https://www.globalreporting.org/about-gri/mission-history/> (last visited June 16, 2021).

¹⁹ *Sustainability Disclosure Database*, Global Reporting Index, <https://database.globalreporting.org/> (last visited June 16, 2021).

²⁰ *About Us*, UN Guiding Principles Reporting Framework, <https://www.ungpreporting.org/about-us/> (last visited June 16, 2021).

²¹ *Mission and Vision*, World Benchmarking Alliance, <https://www.worldbenchmarkingalliance.org/mission/> (last visited June 16, 2021).