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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

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## 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.<sup>1</sup> 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 harms<sup>2</sup> and UNGP 29 calls on the private sector to establish OGMs to provide for early remediation of harm.<sup>3</sup>

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

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

<sup>2</sup> 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).

<sup>3</sup> *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.<sup>4</sup> 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

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<sup>4</sup> 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.<sup>5</sup> Of these, 238 companies (93% of companies researched) operate on a national scale. Table 1 lists the industries which have been researched.

**TABLE 1: Industries Researched**

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

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<sup>5</sup> 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.<sup>6</sup>

**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**

	<b>Number of Companies</b>	<b>Percentage of Total Companies Researched</b>
<b>UNGP</b>	37	14%
<b>HRI</b>	54	21%
<b>UNGP &amp; HRI</b>	122	48%
<b>NONE</b>	43	17%

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<sup>6</sup> 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.<sup>7</sup> 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.

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<sup>7</sup> *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**

	<b>Number of Companies</b>	<b>Percentage of Total Companies Researched</b>
<b>Explicit reference to human rights claims</b>	37	14%
<b>Reference to human rights policy</b>	15	6%
<b>Allegations amounting to human rights claims</b>	45	18%
<b>Reference to Ethics or Code of Conduct Policy</b>	78	30%
<b>Open-ended grievances</b>	39	15%

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**

	<b>Number of Companies</b>	<b>Percentage of Total Companies Researched</b>
<b>Most Advanced Grievance Mechanism</b>	3	1%
<b>Well-Developed Grievance Mechanism</b>	26	10%
<b>Baseline Grievance Mechanism</b>	185	72%
<b>No Identifiable Grievance Mechanism</b>	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 International<sup>8</sup>, Marks & Spencer<sup>9</sup>, and Repsol.<sup>10</sup>

<sup>8</sup> *Social Policy*, Lydian International, [https://www.lydianinternational.co.uk/images/pdf/policies/2018/Social\\_Policy.pdf](https://www.lydianinternational.co.uk/images/pdf/policies/2018/Social_Policy.pdf) (last visited June 16, 2021).

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

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

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

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<sup>11</sup> See *Ethics & Compliance WebLine*, Starbucks, at <https://businessconduct.eaweblne.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](http://www.mdlzethics.com) (last visited June 16, 2021).

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 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.<sup>12</sup> 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 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.

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<sup>12</sup> 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](https://www.ohchr.org/EN/Issues/Business/Pages/ARP_III.aspx) (last visited June 16, 2021).

**TABLE 5: Companies with Appeals Processes**

<b>Company Name</b>	<b>Nature of the Appeals Process</b>	<b>Is the appeals process managed by a third party?</b>
<b>ABN AMRO</b>	The company explains that unsatisfied complainants can engage an alternative dispute resolution in their country to reassess a complaint.	No
<b>Adidas</b>	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
<b>Aldi South</b>	The company explains that unsatisfied complainants can appeal to the next level of management.	No
<b>Anglo American PLC</b>	The company explains that unsatisfied complainants can appeal to the Complaint Appeal Panel for further review.	No
<b>ASML</b>	The company explains that unsatisfied complainants can report their concern to the Corporate Ethics Officer or the chairperson of the Ethics Board.	No
<b>Atlas Copco</b>	The company explains that unsatisfied complainants can engage in mediation at the Stockholm Chamber of Commerce Arbitration Institute.	Yes
<b>Bank of Montreal</b>	The company explains that unsatisfied complainants can follow up with the BMO Ombudsman or through Speak Up for further review.	Yes
<b>Cerrejon</b>	The company explains that unsatisfied complainants can appeal and a new investigator will be assigned to the complaint.	No
<b>Chevron</b>	The company explains that unsatisfied complainants can have their issue reviewed by the Appeals Committee to determine if additional action is possible.	No
<b>GoldCorp</b>	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

<b>Humana</b>	Company identified that an appeals process was available but provided no specific information regarding the nature of the process.	No information available
<b>Kroger</b>	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
<b>Lantmannen</b>	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.	
<b>Marks and Spencer</b>	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
<b>McKesson</b>	The company explains that unsatisfied complainants (employees) can bring up concerns with a supervisor or manager.	No
<b>Nidera</b>	The company explains that unsatisfied complainants can contact the Corporate Code Committee.	No
<b>OMV</b>	The company explains that unsatisfied complainants can appeal and the grievance will be re-evaluated by alternate investigators.	No
<b>Sakhalin Energy Investment Company LTD</b>	Company identified that an appeals process was available, but provided no specific information regarding the nature of the process	No information available

<b>Samsung</b>	The company explains that unsatisfied complainants can file an objection within five days after receiving notice of the result.	No
<b>Sodexo</b>	The company explains that unsatisfied complainants can inform the Group Ethics Officer if belief that a claim was not handled appropriately.	No
<b>Torres*</b>	The company explains that unsatisfied complainants can submit appeal within 5 days followed by a hearing.	No
<b>Wilmar International Limited</b>	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**

<b>Company</b>	<b>Evidence of Lessons Learned</b>
<b>Ford Motor Company</b>	The company explains its commitment to upholding human rights and making changes to reconcile issues pointed out in third party assessments.
<b>ING</b>	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.
<b>Marks &amp; Spencer</b>	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.
<b>Samsung</b>	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](mailto:llaplante@nesl.edu).

## APPENDIX A

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

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

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

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

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

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

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

<b>United Postal Service</b>	Delivery
<b>Vale</b>	Mining
<b>Verizon Media</b>	Telecommunications
<b>Vodafone</b>	Telecommunications
<b>Walgreens Boots Alliance</b>	General Retailer
<b>Walmart</b>	General Retailer
<b>Walt Disney</b>	Media & Entertainment
<b>Wells Fargo</b>	Banking and Finance
<b>Wilmar International Limited</b>	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.<sup>13</sup>
- **The Business and Human Rights Resource Center (BHRRC)** is a database that tracks human rights and abuse within and by companies.<sup>14</sup> 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.<sup>15</sup>
- **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.<sup>16</sup>

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

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

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

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



- **The UN Global Compact** is the world’s largest corporate sustainability initiative based on CEO commitments to implement universal sustainability principles.<sup>17</sup> The initiative has over 12,000 signatories in over 160 countries.
- **The Global Reporting Initiative** provides a global standard for sustainability reporting by creating a global common language for organizations to report their impacts.<sup>18</sup> The initiative currently includes reports from over 15,000 organizations.<sup>19</sup>
- **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).<sup>20</sup>
- **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.<sup>21</sup>

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

	<b>Number of companies</b>	<b>Percentage of Total Companies Researched</b>
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%

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

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

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

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

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

UNGP Reporting	40	14%
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