

EASTERN PRODUCE KENYA INDEPENDENT MONITOR REPORT

This is the second report from the Independent Monitor regarding the Operational Level Grievance Mechanism (“OGM”) at Eastern Produce Kenya

Kenya Ltd. (“EPK”). The OGM is called TWEGUU AKASE, which translates to “Talk to me, I am listening” in Nandi. Pursuant to the structure of the OGM, under the current Terms of Reference, the Independent Monitor is to provide annual reports regarding the implementation of the OGM.

We note at the outset that the Independent Monitor has received excellent cooperation in preparing this assessment, and a welcome embrace of suggestions made during the course of it. The OGM has been in full operation since May 2023, and is organized with two tiers. Tier 1 is managed by EPK and addresses operational grievances occurring during normal business operations. Tier 2 of the OGM is an independent process for grievances involving allegations of severe human rights impacts that have been caused by, contributed to, or are directly linked with EPK.

We refer to our April 2024 report for background on the OGM, our assessment methodology, the various effectiveness criteria within UNGP 31, and the indicators we use for purposes of our assessment. Nor do we include all of the attachments from our prior reports. As this is a follow-up report to our 2024 report, we focus primarily on those issues that have changed.

This report is based on an extensive review of documentary materials, a site visit during October 2025, and interviews relevant stakeholders, including a variety of Tier 1 and Tier claimants.

I. Executive Summary

The TWEGUU AKASE OGM, which has now been in place for some 18 months, continues to mature and progress. It is highly supported by senior personnel, sufficiently resourced, well-known to employees, and increasingly well-known to external stakeholders in surrounding communities. The OGM continues to receive a steady stream of grievances at both levels, although only a few of the pathways for reporting are really used in practice. Grievances generally are progressed consistent with the OGM’s protocols in a manner largely consistent with indicative timelines, and tracked with a detailed filing system and a comprehensive use of forms to help drive consistency. Although the OGM rarely provides compensation, it provides non-monetary remedies frequently, and there is a high level of satisfaction regarding the process and outcomes – particularly at Tier 2.

Of particular note, the OGM is actively being used as a due diligence and stakeholder engagement tool in a manner consistent with the vision of UNGP 31. The issues it identifies are helping educate and refine community programs, which have included a gender based violence wing at the local police station, a gender based violence hospital wing that is under construction, and a safe house that is planned. Further, concerns regarding defilement, prevalent among last year's OGM cases, have substantially dissipated as a result of focused socialization efforts and other steps the OGM and EPK have taken. The OGM now is turning its attention to teen pregnancy, based on the reports that are being made to it.

Over the past year, there have been several personnel additions to Tier 2, including an investigator and psychologist, both of whom are viewed positively by the claimants we engaged. Indeed, all of the personnel associated with the OGM are professional, dedicated and universally praised by claimants for their respect, professionalism and attention.

The reach and impact of the OGM also has expanded with the addition of a human rights champion program, suggested and implemented by senior EPK management. There are 2 champions in each estate, one male and one female, who help raise awareness about the OGM, answer questions, provide advice on advancing grievances, and deter retaliation. While their official mandate has a limited scope, and we have some suggestions regarding enhancement of the champion program, the initiative reflects best practice among OGMs.

Socialization also remains highly active. There have been OGM presentations at trade fairs, local community meetings, meetings focusing on gender based violence, schools, and other locations. Employees receive OGM training at induction, and posters and grievance boxes are spread throughout EPK's estate. In most quarters, hundreds of people, and sometimes thousands, receive OGM sensitization. The OGM also is engaging with a variety of other organizations, including FASI and IRDO (both Red Cross funded), Devorah Sisters, and others.

There are several notable areas where enhancements would be appropriate, however. At Tier 1, there are also ongoing questions related to retaliation and buy-in from general managers and supervisors, and lower levels of reported satisfaction with the process and outcomes. We also note the limited amount of transparency associated with the OGM. The investigative process at Tier 1 also can be enhanced to improve confidence in fact-finding and overall consistency. Each of these areas, and others referenced below, warrants further focus.

In all, the OGM is functioning in a manner aligned with the multiple rationales for grievance mechanisms outlined in the UNGPs – addressing and remediating impacts, as a tool to understand issues and concerns among stakeholders, and to identify patterns and trends for potential improvement. Normally, OGMs reach full maturity over a 2-3 year period, and this OGM is on or ahead of that pace.

OGM Cases: The OGM continues to actively be utilized. There have been roughly 1500 grievances registered in the past 18 months, mostly at Tier 1. There have been roughly 140 Tier 2 cases, with most of those arising in 2024. The cases span a variety of issues, including at Tier 1 employment, health and safety, and other areas. For Tier 2, cases involve assaults, family maintenance, domestic violence and other complex areas. As we have previously noted, the

single most important sign regarding the trust of an OGM under UNGP 31(a) is that it is actively being used, which this OGM quite clearly is.

All of the Tier 2 cases from 2024 have been closed, though 7 are in the judicial system, being actively tracked by the OGM. Nearly all of the 2025 Tier 2 cases have been closed, with 19 cases open at present, most of which do not directly involve EPK (such as domestic violence, or personal assault cases). Many have been referred to local chiefs, and others are in the judicial system. Some are awaiting discipline from EPK. While target resolution dates, generated consistent timelines, have been extended in a number of cases, cases typically are resolved within indicative timelines. *See UNGP 31(c)*. Resolutions and remedy are highly varied, and include counseling and similar support, legal support, relocation, mediation and discipline and warnings for perpetrators. *See UNGP 31(f)*. They are generated through individual dialogue with the claimants. *See UNGP 31(h)*.

Worthy of note are especially complex Tier 2 issues like domestic violence and family matters. The OGM works closely with local chiefs, the police, medical providers and others on these cases. Sometimes, where it involves an EPK employee or occurs on EPK property, there is discipline. Often, in domestic violence cases in particular, couples will reconcile. However, the reports have helped inform EPK about its community-related initiatives, such as the new gender based violence hospital wing (under construction) and a local safe house (planned). *See UNGP 31(g)*.

Tier 1 cases have been submitted through a number of different access points, including grievance boxes, the toll free line or in-person to the grievance officer. *See UNGP 31(b)*. Claims focus on employment-related matters of various types, including assignments, housing levy charges, unfair treatment of sick employees, transfers, and similar matters. More than 80% of cases are closed according to the indicative timeline – the average duration to closure is 27 days, against a target of 30 days - and are processed in a manner consistent with the OGM Protocol. *See UNGP 31(c)*.

Resolutions are varied, and can include mediation, sensitizations, discipline, shift changes and other steps. More than half of the claimants state that they are satisfied with the process (although a fair number do not answer), and only a limited number state that they are dissatisfied with the outcome, with many declining to respond.

Observations and Suggestions: At a high level, both tiers of the OGM are operating with integrity, dedication, and a seriousness of purpose. While we have suggestions for improvements, they should not be construed to imply that either tier of the OGM is ineffective or faulty, particularly at the relatively early stages of their existence. To the contrary, consistent with the objectives of OGMs, both tiers of the OGMs are being actively socialized, grievances are relatively easy to lodge, the OGM is being utilized, affected stakeholders are increasingly comfortable lodging grievances, and grievances are being addressed by the OGM in a thoughtful and rights-compatible manner.

While we believe the OGM is functioning well, we do have several suggestions. Most claimants provide a name, with only about 60 of the roughly 1500 claims being submitted anonymously – a very low anonymity rate. Generally, that would be an indicator that retaliation concerns, a

traditional barrier for OGMs (UNGP 31(b)), are low. However, there have been consistent reports, including in the extensive OGM survey that was conducted, reflecting retaliation concerns. The concern primarily focus on fears that if a report is lodged, the claimant's contract will not be renewed. It thus appears that individuals are not lodging concerns, rather than submitting them anonymously, based on their fear of retaliation. Indeed, in some claimant interviews, the claimants indicated that they did not contact the OGM, but others did on their behalf. On the one hand, that reflects well on the bystander training the OGM provides, informing training recipients that they should report concerns related to themselves and to others. On the other hand, we suggest a focused effort to address ongoing retaliation concerns among the workforce. We note the human rights champions program will assist in that respect, but additional steps are appropriate.

We also note the absence of OGM transparency regarding its operational effectiveness. UNGP 31(e) includes, as part of the effectiveness criteria, "providing sufficient information about the mechanism's performance to build confidence in effectiveness and meet any public interest at stake." The Commentary notes, "Providing transparency about the mechanism's performance to wider stakeholder, through statistics, case studies or more detailed information about the handling of certain cases, can be important to demonstrate its legitimacy and retain broad trust." While retaining confidentiality in individual cases is important, and we defer to the OGM what public information it provides, sharing some of the data it already collects – total number of cases, average number per month, percentage by access point, time to resolution, most common types of cases, examples of remediation – is important to satisfy this criterion. We note that the OGM is tracking this information, and a great deal of other data, and thus our recommendation focuses on disclosing it selectively consistent with the UNGPs.

The investigative approach for Tier 2 is highly praised by claimants. The investigator is well-liked and trusted, and the process is generally viewed as fair. However, Tier 2 investigations are not participatory. Claimants do have access to a variety of resources, consistent with UNGP 31(d), including counselors, lawyers, translators and others. Claimants are not included within the investigative process, and generally receive a report at the end of an investigation. Seeking additional ways to involve claimants in investigations, whether through site visits or similar steps, is recommended. Further, for Tier 1, there are concerns about the independence of investigations. Fact-finding is generally performed by individuals within the estate where the claim is raised, which has raised claimant concerns regarding trustworthiness and reliability, particularly where managers are involved. We suggest considering establishing a cadre of employees, perhaps among the human rights champions, who can engage in fact-finding at other estates. Those employees can receive basic investigative training from the Tier 2 investigator, who can assign employees to conduct fact-finding and report to the Grievance Officer. The investigative cadre can include managers where allegations concern a manager at another estate. By creating a group that can engage in fact-finding independent of the estate where the complaint is lodged, and with personnel who have adequate seniority to review allegations against managers, the trust and professionalism regarding Tier 1 inquiries may increase.

Finally, general OGM survey results indicate concerns regarding a lack of feedback from the OGM, clarity between the two tiers, and longer waiting times in some instances. These comments should be considered and addressed, but we do not believe they are endemic based on our review.

Other recommendations are below.

Summary of Analyses and Recommendations

Below we include a summary of our recommendations from last year, how they have been addressed, new observations, and further recommendations in light of the issues referenced above. As an important caveat, while we provide specific recommendations, it is most important that the OGM consider the issue or gap the recommendations are trying to address. OGM personnel are far better positioned to identify specific solutions, and our suggestions should be considered only as possible approaches to address the underlying circumstance we note.

Observations	Recommendations
UNGP 22 As with last year, both Tiers continue to receive a wide variety of grievances. The OGM was established without any substantive limitations, to address instances in which EPK may have caused, contributed to, or been directly linked to negative human rights impacts. It was intentionally established as one pathway in a larger ecosystem of remedy. In practice, Tier 1 has received a wide variety of grievances, including those related to workplace issues, harassment, health and safety, and other areas. Tier 2 is similar, which reflect a variety of different potential severe human rights abuses. Remedy at Tier 1 has included referrals to doctors, engagement with the police, contract renewals, addressing claimed retaliation, workplace adjustments and similar steps. Tier 2 has had a substantial variety of remedies, including engagement with public authorities, compensation, medical assistance and counseling. The OGM also is being used as a stakeholder engagement tool, consistent with good UNGPs practice. Information generated through the OGM is actively considered by EPK, and the existence of the mechanism has improved community relationships and feedback.	
UNGP 29 The OGM continues to receive claims from employees, community members and other third parties directly, without claimants exhausting other avenues. There are multiple avenues for submitting grievances to both Tiers, and several of those avenues are actively used. Nor is there a requirement that claimants exhaust other avenues or take additional steps before lodging a claim. In fact, the OGM actively assists claimants in cases before local courts, keeping them updated on the progress of cases and obtaining counsel for them as appropriate. For Tier 1, remediation approaches vary widely depending on the nature of the grievance. They can include issuing PPE, payment of wages, transportation fees, disciplinary measures, re-engagement, housing, changes to workshifts, and similar items. For Tier 2, although there have been limited cases where compensation was provided, other forms of remedy are	▪Continue to consider steps to enhance the appearance of independence of Tier 2.

regularly provided. Compensation decisions are made consistent with a matrix that was created with reference to Kenyan legal precedents. Tier 2 actively contemplates pursuing remedies in other forums where agreement cannot be reached around a claim. Nor have we seen evidence that claimants have been encouraged to refrain from seeking remedy through other channels.	
UNGP 31(a): Legitimate	
The legitimacy of the OGM is most clearly seen in the number of cases that have been filed since its inception – some 1500. The vast majority are workplace related, with a more limited number of significant human rights cases (assault, sexual harassment, domestic violence, etc.). Every claimant interviewed stated they were satisfied with the process and would use the OGM again. Coupled with survey results – that 86% of employees are satisfied with the OGM – we are confident it is seen as legitimate. We have little concern about the overall comfort of individuals in accessing the OGM. The case files and interviews with OGM personnel also make clear that those complaints are being considered and addressed by the OGM, and in appropriate cases, remediation ultimately is provided. Physical safety associated with reporting continues to be a focus, and we saw no indication of physical threats associated with accessing the OGM. Tier 2 is located off-site, in a commercial building in town with a church and a variety of businesses. For Tier 1, there are a range of access points. No stakeholders expressed concern that individuals were refraining from accessing the mechanism because of safety concerns. While Tier 1 is not independent from the company, Tier 2 is, and continues to operate independently. It has its own office, is located in town, has its own dedicated staff, and is clearly respected in practice. Tier 2 is guided by detailed	▪The OGM should consider the reasons behind the limited use of the review process at either tier. ▪Consider a more independent investigative model for Tier 1 investigations, in consultation with the Tier 2 investigator, such as using investigators from other estates and within sufficient seniority to generate confidence in the process and outcomes.

instructions around information gathering, and our engagement with relevant stakeholders raised no concerns about a perceived lack of independence. As noted above, we do suggest reconsidering the investigative strategy at Tier 1. At present, claims are investigated by personnel within the estate where the incident is reported. That has led to reduced confidence among claimants, concerned that individuals will not adequately investigate their peers and co-workers. There are also concerns about investigating managers. We recommend developing a small cadre of investigators at each estate, that can be overseen by the Tier 2 investigator, and deployed to different estates to avoid perceived conflicts. These investigators also can include at least one manager, for claims that involve other managers. A process like that can assist with actual and perceived fairness in investigative processes. There have been limited use of appeal mechanisms at either tier, and understanding the reasons for that will be useful. Nonetheless, there are accountability measures for both tiers built into the OGM's processes.	
UNGP 31(b): Accessible The OGM continues to be extensively socialized to the workforce and the local community. All workers and managers still receive training at induction, and posters appear frequently in offices, at plantations and in the villages, along with flyers and other reminders. Infographic posters in multiple language identifying the steps to access the OGM predominate. Wristbands with OGM information are also popular, there are community engagement forums, and there is good word of mouth with community members who do not receive socializations. Company surveys regarding the OGM show a high level of awareness, and the close interaction with key community stakeholders – the police, hospitals, schools, dispensaries, villages, churches, chiefs, unions and others – indicates strong awareness of the OGM to stakeholders in proximity to EPK.	▪Consider steps to address confidence in the use of drop boxes. ▪Engage with HR, EPK leadership and others, actively consider the root causes associated with retaliation for reporting concerns, and implement a plan. ▪Develop a plan to enhance the level of engagement and buy-in for the OGM among managers and supervisors, whether through annual performance evaluations or other channels identified as potentially effective. ▪Review the contract tenure for champions to generate continuity and avoid stakeholder perceptions that they may be favoring management to obtain contract renewals.

Access points include the toll free line, which is the most often used mechanism, as well as in-person (the second most used), email, text and drop boxes. The email and text are not used as often, and there are certain trust issues associated with the drop boxes that might be reviewed. That said, we have no concerns regarding potential access points for claims. We also note that the dispensaries will contact the OGM, and recommend that claimants contact the OGM, when they identify appropriate issues. The OGM has identified and consciously addressed several barriers that have been identified. These include illiteracy, transportation, language limitations, the inability to use telephones, and concerns about confidentiality and retaliation. OGM pathways were created to allow claimants can file claims by telephone, in person or by approaching the Grievance Officer, and claimants also can submit anonymous claims. Concerns can be lodged in person, or 24 hours a day electronically. The key OGM staff are female, which also is significant in the context of sexual harassment and gender-based violence claims. Tier 2 also contemplates legal assistance with claims, further addressing potential barriers that may otherwise hinder claimants from seeking remedy. A development since the last assessment includes the creation of human rights champions at every estate. There are 148, with 1 female and 1 male champion at every estate, helping reduce concerns stemming from gender imbalances. They can help explain the OGM and its processes, and identify and progress cases. Although they generally focus on a few areas (sexual harassment, bribery, discrimination), the champions have served as an access point and a reminder regarding the OGM. They are elected by other workers, and based on our engagement, clearly take their positions seriously.	▪Consider updating training for human rights champions, and identifying ways for champions across estates to engage with each other to discuss their experiences (e.g., an annual forum). ▪Work with the Tier 2 investigator to identify means of enhancing confidentiality in Tier 1 investigations.
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The OGM has, since the last assessment, also revised its approach to cases before the courts. Consistent with our recommendation, the OGM will progress and close the grievance, but continue to track police-related matters, advise claimants and sometimes intervene on their behalf. The new investigator, in particular, has good police relationships and is able to keep claimants informed about the progress of cases and nudge the police to progress them.

A further prominent and positive feature of the OGM is that it processes and considers community-related grievances that may not directly impact EPK. For instance, the claimant and the victim may not be EPK employees, or the occurrence may not occur on EPK property. Nonetheless, the OGM seeks to assist claimants, providing them with advice, access to resources, and sometimes counseling and other services. While this extends beyond the success criteria of the UNGPs, it nonetheless will help enhance the credibility of the OGM with workers and external stakeholders.

A primary remaining concern regarding Tier 1, however, is a fear of retaliation. To be clear, the OGM Manual addresses retaliation concerns, and there have been a reduction in anonymous cases (roughly 60 overall). When retaliation has been identified, Tier 2 has acted swiftly to address it. There is also bystander reporting (and training) and there have not been concerns identified regarding retaliation against witnesses during investigations. The existence of the human rights champions also has been helpful in deterring retaliation for reporting. Nonetheless, as the workplace survey indicates, concerns related to contract renewal continue to serve as a barrier to reporting, which should be addressed.

In addition, although there is demonstrable support for the OGM from the highest level of EPK, there are also reports of a lack of OGM buy-in from supervisors and managers.

Finally, there are active steps taken to address confidentiality, which is contemplated in the OGM Manual. Nor do we have confidentiality concerns at Tier 2. However, workplace investigations at Tier 1 naturally put pressure on confidentiality being retained in practice. Working with the Tier 2 investigator on how to conduct investigations in a manner to best protect confidentiality will be worthwhile.	
UNGP 31(c): Predictable	
The OGM protocols remain in place and are actively being followed, based on a case file review and interviews with claimants and OGM personnel. The protocols have been revised since the last assessment, reflecting its overall flexibility. The protocols are displayed in detailed infographic posters, and explained to each claimant. The OGM has indicative timelines. They are followed in large part for Tier 2. Most Tier 1 cases also are completed within the timelines, according to the detailed tracking process for both tiers. Tier 2's procedures are supported by an ample body of forms that, generally, are used in each case. The forms all are in English, though we were advised that each was explained to the claimant before they signed. The filing system is clear and organized, with each case file easily retrievable and thorough. The OGM is effective at managing stakeholder expectations, particularly at Tier 2. Although claimants have not received monetary compensation, the claimants we interviewed did not expect it when they submitted their grievances, and all were satisfied in the outcomes of their cases The resources and staffing for both tiers are sufficient to consider and address claims within their indicative timelines, and the addition of the investigator and counselor are welcome	▪The OGM may wish to document in the file when forms have been translated, to avoid later misunderstandings.

enhancements to Tier 2. Both the investigator and counselor receive ample praise from claimants. We have no concerns about the budget, which is robust, and the personnel associated with both tiers are highly qualified and deeply committed. They are able to consider and address the wide range of cases brought to the OGM. Finally, both Tiers actively track their cases, using detailed charts and graphs and extensive spreadsheets. For Tier 2, the OGM closely tracks its cases using 40 different inputs. These include the date of receipt and registration, the group and area of origin, the type of complaint, the access point used, the status of the case, whether a consent form was signed, the target date for closure, any referrals, remedies provided, claimant satisfaction, and a range of other issues. Both Tiers aggregate and report their data monthly. For Tier 2, the monthly reports include charts and graphs identifying claims by gender, by age, per area of origin, per group of origin, and other factors.	
UNGP 31(d): Equitable	
There remains limited participatory fact-finding, although claimants are advised about the results of investigations at their conclusion. Referrals to counselors and medical professionals is a hallmark of the OGM, however. The OGM has provided counseling services on a regular basis, referring claimants and family members to a local psychologist. Claimants uniformly praise the counseling services, stating the sessions have been extremely helpful in addressing often very challenging situations (eg, domestic violence, defilement, etc.). There are few practical alternatives to remedy, however, and claimants generally have not sought them.	▪Consider means of enhancing participatory fact-finding, where appropriate. ▪Consider whether updates should be more frequent for Tier 1.
UNGP 31(e): Transparent	
Engagement with claimants throughout the grievance process generally is viewed positively.	▪Consider how updates to Tier 1 claimants can be enhanced in light of survey results.

Claimants generally are provided updates, although survey results have reflected some concerns regarding Tier 1 as to updates during the grievance process. For Tier 2, the OGM communicates actively and well, including keeping claimants updated while cases are pending before the courts and police (consistent with our recommendation from our prior assessment). There remains a high level of internal reporting to management and the board, including formal reports provided on a monthly and quarterly basis with details about cases, trends, patterns socialization efforts and additional data. There are also regular informal engagement with EPK leadership. The absence of public reporting of any sort, even basic metrics to show the OGM is active and addressing cases, is notable. We recommend that is revisited.	▪Increase the public transparency about the OGM, even in a basic way (e.g., total number of grievances, the kinds of issues that have been raised, the total staff associated with the OGM (and their expertise), total number of socializations, etc.), to generate external stakeholder confidence that the OGM is fully functioning.
UNGP 31(f): Rights-compatible	
The OGM was designed by leading international experts, and retains access to expert advisors. Under both tiers of the OGM, remediation is tailored to the needs of individual claimants. For Tier 1, it has included steps to prevent recurrence through trainings, policy adjustments, employment actions and other such activities, as well as monetary reimbursements. Tier 2 contemplates a similar array of measures, and have included counseling, medical assistance, court and police assistance, and in a few cases compensation. By all accounts, the OGM treats claimants fairly and respectfully, and most claimants have expressed satisfaction with the process. There have been no negative NGO reports and engagement with local civil society organizations has been highly constructive with the potential for further collaboration. There also have been extensive engagement with local counsellors and mental health experts. The construction of a gender based violence wing at the hospital also will help potential claimants. We do believe there can potentially be greater engagement with local NGO.	▪Continue efforts to engage with local civil society around improving the OGM, including access and in relation to remedy. ▪Consider whether further engagements with local NGOs may be beneficial to the OGM in terms of socialization, expert advice, and otherwise.

UNGP 31(g): Source of Continuous Learning	
There is active engagement with claimants during and at the end of their engagements, with feedback provided - though the files do not always reflect that feedback. Feedback also is obtained from a variety of external stakeholders in the community. Both tiers actively consider patterns associated with reporting, and those trends are actively considered in EPK policies and community projects. Indeed, the focused and successful effort to address defilement came from OGM reporting. Further, in part because of reports to the OGM, the company has supported a range of gender based projects in the area, including the wing of the police station and hospital, and a new safe house that is anticipated. Reports related to juvenile pregnancy are leading the OGM and EPK to address that issue, as well. That said, we do believe the data received can be scrutinized on a more granular basis, including the number of reports from each estate, whether reports generally (or certain types) are more prevalent certain times of year, and other indicators that may help drive responsive actions. While there are KPIs tracked, it is not immediately clear how they are considered internally regarding the OGM's goals.	▪Consider documenting feedback in the files and how feedback has improved the OGM. ▪Generate and consider data gathered more closely for potential responsive action. ▪Consider how KPIs may be used, and potentially reported publicly, to demonstrate the OGM meeting its periodic or annual goals.
UNGP 31(h): Based on Engagement and Dialogue	
As with last year, the OGM continues to engage with claimants around their experiences. This is done individually, at the conclusion of a claim, and through workplace surveys. The feedback is sometimes referenced in the files, as well. In addition, Tier 2 continues with a robust outreach plan, including engagement with churches, the hospital, schools, the police, chiefs, dispensaries, and others, which are referenced in Board reports. We also note that claims are resolved through dialogue and consensus, with remedies discussed following engagement with claimants. Compensation has not often been provided, but	▪Document (and report to the Board, and perhaps publicly) how the OGM has changed based on claimant and community feedback.

claimants interviewed all reported being happy with the results of their claims.	
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November 2025

APPENDIX 1

Assessment Template: Indicators, Tests and Evidence

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

Introduction

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

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

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

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

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

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

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

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

judicial grievance mechanism” in an organized and coherent manner, and thus facilitate the kind of benchmarking that the Commentary to UNGP 31 expressly contemplates.

Appendix 1

Assessment Template: Indicators, Tests and Evidence

GUIDING PRINCIPLE 22		
Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.		
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was established by the company as one pathway to remediate adverse human rights impacts which it has caused or to which it has contributed.	• The OGM's formation documents, or other information, identifies that the company established the OGM to remediate negative human rights impacts to which the company is connected. • Where individuals have been harmed at least in part due to actions, decisions or omissions of the company, there is evidence that the OGM has provided, contributed to or otherwise assisted in enabling remediation.	• Review the OGM's formation documents or other materials consistent with its formation to identify the purposes for which it was created. • Review 5 or more grievance files to identify intake forms and investigative reports to determine (i) whether the company reasonably determined that it did or did not cause or contribute to negative impact,⁶ and (ii) if so, how remediation was determined. • Interview (a) OGM personnel and (b) 3 or more claimants in which remedy was provided to confirm: (i) that the OGM in fact evaluated grievances, (ii) that there was a negative impact and the company reasonably caused or contributed to it, (iii) the OGM discussed remediation approaches with claimants, and (iv) that remediation was provided.
GUIDING PRINCIPLE 29		
To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.		
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
Individuals who believe they have been adversely impacted by the company are able to access the OGM directly to raise their concerns, without first seeking other means of recourse.	• OGM procedures allow access to any individual or group potentially adversely impacted by the company's actions, decisions or omissions. • There is no evidence that the OGM requires that groups directly at risk of human rights impacts due to the company's actions, decisions or omissions ("affected individuals") file grievances through third parties or alternative processes.	• Confirm the total number of grievances filed, to validate usage of the OGM. • Review the OGM terms of reference to confirm that they allow any individual or group to file claims without first seeking other means of recourse. • Interview (a) OGM personnel and (b) 3 or more claimants to confirm that claims have been filed immediately and directly without first seeking other means of recourse.

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

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

	handling of claims, (c) the steps taken to resolve grievances, or (d) its outcomes. • There is no evidence that affected individuals believe the OGM will fail to engage with them respectfully while handling complaints. • Mindful of concerns regarding individuals who may not have received the remedy they had hoped for, confirm there is no evidence that affected individuals reasonably believe the OGM is unfair or illegitimate regarding (a) its independence, (b) its handling of claims, (c) the steps taken to resolve grievances, or (d) its outcomes. • There is no evidence that affected individuals believe the OGM will fail to engage with them respectfully while handling complaints. • There is evidence that affected individuals feel OGM is (a) free of bias, (b) free of discrimination, (c) culturally appropriate for the groups concerns, and (d) able to provide meaningful remediation in light of the perceived harms suffered. • There is evidence that feedback from potentially affected stakeholders was integrated into the OGM's framework.	• Interview OGM personnel and at least (a) 3 or more claimants, (b) 3 or more non-claimant community members, and (c) 3 or more members of local vulnerable populations to determine the views of affected individuals regarding the OGM's fairness, respect and effectiveness, including specifically: its perceived (i) independence, (ii) treatment of claimants with fairness and respect, (iii) handling of claims, (iv) steps to resolve claims, (v) outcomes, (vi) bias, (vii) local cultural expertise, (viii) freedom from discrimination, and (ix) ability to deliver meaningful remediation.
Reasonable efforts are taken to ensure the safety and security of individuals who access the mechanism.	• OGM procedures specifically address or consider the physical security of individuals who seek to access it. • There is no evidence that individuals who have accessed the OGM have been subjected to physical threats or violence. • There is no evidence that individuals have refrained from accessing the OGM out of fear of retribution.	• Review the OGM procedures and other relevant documentation to confirm that the physical security concerns of claimants are addressed. • Interview OGM personnel, and at least (a) 3 or more claimants, (b) 3 or more non-claimant community members, and (c) 3 or more members of local vulnerable populations to confirm that they are not aware of (i) threats of retaliation from the company, employees or community members, or (ii) individuals declining to access the OGM out of fear for their safety.
GUIDING PRINCIPLE 31(B)	Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM has been promoted to individuals and communities where affected individuals are likely to learn of it, in a manner that accounts for local culture, literacy, language and need, with information sufficiently widely disseminated to reach materially all potential	• There is a plan to promote the OGM to individuals or communities who may be negatively impacted by company decisions, actions or omissions. • There is evidence of OGM promotion and consultations in all local communities where affected individuals are believed to reside or work, or other locations	• Review any promotion or consultation plans developed for the OGM. • Review promotional materials developed for the OGM, such as flyers, posters, advertisements, and similar materials, and where and how they have been placed and/or disseminated.

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

		populations to confirm that they are unaware of affected individuals being unable or deterred from accessing the OGM because of its location or hours.
The OGM has a process to provide reasonable assistance for affected individuals to effectively access the OGM, if needed.	• OGM procedures contain identified steps to provide assistance to affected individuals who may face barriers, and a process through which affected individuals may request assistance.	• Review the OGM procedures to identify how (i) barriers to access are anticipated and addressed, and (ii) affected individuals may request assistance. • Interview OGM participants to confirm how barriers to access have been addressed in practice, including any specific instances in which – despite the OGM's design - barriers still had to be addressed.
GUIDING PRINCIPLE 31(C)	Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was designed with clear steps for each material stage in the process, as well as safeguards specific to serious or sensitive grievances, with relevant timeframes.	• OGM procedures are written in simple and plain language and: (a) address how complaints will be processed, (b) allocate responsibilities and accountabilities for handling complaints, (c) provide reasonable timeframes for addressing complaints, and (d) are designed to enable transparency for claimants about how their complaints are being handled. • OGM procedures provide for: (a) engagement with the claimant in a manner that enables a fair and respectful process, (b) support to the claimant whenever necessary to enable a fair and respectful process, and (c) steps to address issues that raise severe human rights impacts or represent significant disputes. • There is evidence that (a) these procedures have been implemented, (b) complaints typically are processed within prescribed time limits, (c) proposed solutions have been shared with claimants, and (d) solutions are compatible with human rights standards.	• Review the OGM procedures to confirm they are written in simple and plain language, and identify (i) how complaints will be processed, (ii) how responsibilities and accountabilities for handling complaints are assigned, (iii) the contemplated timelines associated with each OGM step, and (iv) how claimants will be informed of the progress of their claims. • Review the OGM procedures to confirm that they address (i) fair and respectful treatment of claimants, (ii) support for claimants when appropriate to enable a fair process, and (iii) how severe human rights impacts or significant disputes will be treated in the OGM. • Interview (a) OGM personnel and (b) 3 or more claimants to establish their views on whether: (i) claimants have been treated with respect, (ii) support has been provided where necessary, (iii) severe human rights impacts or significant disputes are addressed as contemplated in the procedures, (iv) the indicative timelines are generally followed, (v) claimants are regularly informed of the progress of their claims, (vi) proposed remediation is developed through engagement and collaboration with claimants, and (vii) remediation is compatible with human rights standards.
The material steps in accessing and seeking remedy under the OGM, as well as potential outcomes and indicative time frames, have been communicated to affected individuals in a	• There is a process to communicate to claimants the material steps in accessing and seeking remedy under the OGM, including potential outcomes and indicative time frames, which is followed in practice.	• (a) Review the OGM procedures addressing communication about (i) the OGM's material steps, (ii) potential outcomes, and (iii) indicative time frames to stakeholders, and confirm those procedures are followed in

manner they could easily understand.	• There is evidence that affected individuals (a) know how to submit a complaint should they wish to do so, (b) are able to access at least one channel to submit a grievance given their language, literacy, geographical and cultural needs, (c) do not perceive any barriers to raising complaints should they wish to do so, (d) understand how complaints will be addressed, and (e) understand any limitations on the remedy that the process can provide.	interviews with (b) OGM personnel and (b) 3 or more claimants. • Interview 3 or more claimants to confirm they (i) understood how to submit a claim, (ii) could effectively access a complaint channel, (iii) did not perceive barriers to filing a claim, (iv) understood the process to submit claims, and (v) understood at the outset the potential outcomes (including limitations on the nature, form or quantum of remedy).
The OGM is sufficiently resourced to address the volume of concerns consistent with the indicative timeframes, and with sufficient internal expertise to address the range of grievances anticipated.	• The company has provided sufficient resources to enable the effective operation of the OGM, given its nature and volume of its cases. • There is no evidence that the OGM has (a) materially failed to meet its indicative time-frames, (b) altered its published processes because of resource constraints, or (c) altered the remedy it has provided because of budgetary concerns. • The funding of the OGM has sufficient indicators of independence to avoid the (a) risk and (b) perception that the grievance process and outcomes are influenced by its funders. • The OGM is managed by individuals with appropriate training in (a) engaging with victims and vulnerable individuals, (b) handling sensitive complaints, (c) the specific types of complaints likely to arise, and (d) data protection.	• Review OGM procedures to identify indicative timeframes. • Review the OGM operating budget to determine its reasonableness in light of the scope of its contemplated operations. • Review (a) any terms of reference associated with OGM funding to identify steps to promote OGM independence, and (b) any indicators or steps supporting that independence. • Review (a) any information made public to try to generate confidence about the OGM's independence, and (b) documents reflecting how that information has been disclosed to claimants and affected individuals. • Interview 3 or more claimants to evaluate the extent to which they believe the OGM is independent of its funder. • (a) Review any changes to OGM procedures, and (b) interview OGM personnel to understand the rationale for the changes and confirm they were not made because of budgetary reasons. • (a) Review the OGM procedures related to how the nature and quantum of remedy is determined, and then (b) review 5 or more case files and (c) interview OGM personnel to: confirm that remedy was (i) provided consistent with the contemplated processes and (ii) not limited or adjusted because of budgetary concerns. • Review (i) the total caseload of the OGM, (ii) the number of dedicated personnel, (iii) the average length of time a case takes to progress as measured against the indicative timelines, (iv) the number of cases that fell within and outside the indicative timelines, (v) the cases that have taken the longest and shortest to resolve and the reasons, (vi) and the thoroughness of fact-finding and review.

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

	• There is evidence that the OGM provides potential claimants with information about other pathways inside or outside the company.	• Review OGM procedures and documentation to confirm that claimants receive information about alternative remedy pathways.
The OGM (Tier 2) will provide claimants access to independent expert advice as required (including in relation to severe impacts and in connection with settlement agreements).	• There is evidence that any advisors the OGM provides (a) act independently of the OGM or the company and in the best interests of the claimant, and (b) can be chosen by and are acceptable to the individuals they are supporting. • There is evidence that affected individuals (a) are aware of the availability of any resources that the OGM, the company or third parties may offer them in connection with their grievance, (b) have confidence that any advisors will act (and have acted, where relevant) independently of the company and in their interests, and (c) have felt that advisors (where used) helped them in the process.	• Review the OGM procedures for providing independent assistance, including (i) when it may be required, (ii) how individuals are selected to provide the assistance, (iii) the role of the claimant in selecting an advisor, and (iv) how the independence of any external advisor is maintained. • Review (a) 5 or more case files, (b) any agreements with independent advisors, and (c) interview OGM personnel, 3 or more claimants and one or more independent advisor to: (i) identify the extent to which independent assistance has been provided to claimants in connection with their claims, (ii) confirm that any contracts or agreements with providers include clauses reflecting their independence and duty to the claimant, (iii) confirm advisors consider themselves to owe a duty to the claimants, (iv) verify that any advisors were acceptable to the claimants, (v) verify that the claimants considered any advisors to be independent, and (vi) verify the claimants believed the advisors were helpful in understanding or advancing their claims.
The OGM includes independent processes to mitigate perceived power imbalances, and has the flexibility to implement additional measures if a perceived power imbalance exists.	• There is evidence that the design of the OGM considered how local power imbalances might take place, and that processes specifically address those potential imbalances. • The OGM has sufficiently flexibility in its design to address “real time” perceived power imbalances that were not originally contemplated.	• Interview individuals associated with the design of the OGM to understand the potential local power imbalances identified, and how they were addressed. • Review the OGM procedures to confirm that (i) steps to address local power imbalances have been integrated, (ii) the OGM has flexibility to adapt to address those imbalances, and (iii) OGM personnel are aware of the potential imbalances and authorized to react as needed.
GUIDING PRINCIPLE 31(E)	Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was designed to provide, and provides in practice, regular updates to claimants about the status and progress of their claims.	• A process exists to provide claimants with periodic updates regarding their claims from the time of their submission until resolution. • There is evidence that the process is followed in practice.	• Review the OGM procedures to identify how they contemplate providing claimants with updates about their claims, throughout the process. • Interview (a) OGM personnel and (b) 3 or more claimants to confirm that the OGM’s stated process regarding claimant notification is followed in practice.

	• There is no evidence that claimants feel uninformed about the status and progress of their claims.	• Interview 3 or more claimants to confirm they have felt reasonably informed about the status of their claims throughout the process.
The OGM was designed to provide, and regularly provides, public reports of its performance (whether through KPIs and metrics, case studies, and/or handling certain cases), while respecting claimant confidentiality.	• A process exists to support the collection and publication of meaningful data, metrics or performance against KPIs regarding the OGM's performance. • (a) Evidence exists that the process to provide public information about the OGM is being followed, (b) reported examples of actions taken by the company to provide or enable remedy for actual human rights impacts are accurately represented, including with regard to any context that is relevant to understand the actions taken, (c) examples of remedy for any particularly severe impacts with which the company has been involved are included (subject to legitimate legal or other constraints as recognized under Reporting Principle G of the UN Guiding Principles Reporting Framework), and (d) the examples provided are balanced and broadly representative of the company's performance. • (a) Assessments of the OGM, including by the Independent Monitor, are made public in a form that fairly represents the findings, and (b) any lessons or recommendations from the review have been or are being implemented, or the decision not to implement them has been clearly explained.	• Identify a process used to collect information to evaluate and publicize the OGM's performance, which may include data, metrics, or performance against KPIs. • (a) Interview OGM personnel to confirm that the process to collect and publicize information about the OGM is being implemented, (b) review the data, metrics or information collected under this process and confirm (i) it is meaningful to evaluate the OGM's implementation and (ii) it is used as part of public reporting. • (a) Review any publicly reported cases or anecdotes about the OGM, (b) review data and (c) conduct interviews of OGM personnel (and relevant claimants if needed) to confirm: (i) the accuracy of OGM disclosures, and (ii) that they are representative of the cases or issues before the OGM and/or the OGM's performance. • Cases of severe negative impacts are disclosed consistent with Reporting Principle G of the UN Guiding Principles reporting Framework and are accurate, subject to reasonable constraints. • The OGM makes public (i) its metrics and KPIs, along with (ii) relevant substantive information, (iii) as well as lessons learned and how they have been integrated, in order to allow stakeholders to evaluate the performance of the OGM.
The OGM provides internal reporting consistent with relevant international reporting standards under the UNGPs.	• There is (a) regular internal reporting to key internal individuals, including OGM administrators, the company and others connected to or overseeing the OGM, (b) that includes relevant metrics, as well as substantive information (such as case studies, survey results, and stakeholder reports), sufficient to evaluate the OGM against UNGP 31 in its implementation.	• Review documentation confirming the regular internal reporting of information about the OGM's operations to individuals overseeing the OGM, which includes relevant metrics and data relevant to OGM KPIs, as well as substantive issues, concerns, or patterns, which permits effective oversight of the OGM.
GUIDING PRINCIPLE 31(F)	Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
The OGM was designed to provide, and does provide, outcomes and remedies consistent with international norms, as appropriately applied in the local context.	• There is evidence that the OGM was designed to provide (and does provide) remedies aimed at restoring affected individuals to the status preceding the harm that was done, through restitution,	• Review the design of the OGM to identify contemplated remedies, and validate that the design is consistent with restoration, through restitution, compensation, rehabilitation, satisfaction, and/or guarantees of non-repetition.

	compensation, rehabilitation, satisfaction, and/or guarantees of non-repetition. ⁷	Review 5 or more case files to identify the nature of remedy provided, and evaluate that remedy against international human rights standards.
The OGM has access to experts in international human rights and local culture in considering appropriate outcomes and remedies.	Experts have been identified and engaged to provide advice, if requested, on appropriate outcomes.	Review the experts who have been or may be consulted to provide advice on appropriate outcomes, and understand why they have or have not been contacted in the context of evaluating outcomes and remedies.
Claimants believe that the outcomes and remedies they received are equitable and proportionate in light of the specific harms as reflected in their claims.	- There is evidence that recipients of remedy consider that the remedy provided was equitable. - There is evidence in instances where claimants/recipients do not consider the remedy acceptable or effective, that they found the process itself to be fair and respectful. - There are no legal disputes, campaigns, credible media or other reports indicating that recipients consider remedy to have been substantially inadequate.	- Review 5 or more case files to (a) confirm that where remedy was provided it was reasonably proportionate to the harm and the evidence, and (b) identify documentation verifying that claimants at the time of remedy were content with it. - Interview 3 or more claimants to confirm that they believed the remedy they received was (i) fair, and/or (ii) that the process was fair regardless of the remedy provided. - Review media reports, legal claims, NGO reports and other public source material to identify whether recipients have expressed concerns regarding the remedy provided.
The OGM does not impair the rights of claimants to seek accountability through other mechanisms.	- The OGM contains processes that specifically do not inhibit individuals from pursuing claims through other channels, should they so choose - Claimants are made aware, through written documentation and oral explanations, of their right to pursue claims through other channels.	- Review the OGM procedures to confirm that individuals may, at any time, pursue claims through other channels and the OGM places no restrictions on seeking remedy through other pathways. - Review OGM-related documentation regarding information provided to claimants, and interview (a) OGM personnel and (b) 3 or more claimants, to confirm that claimants are advised of their right to pursue claims through other channels.
GUIDING PRINCIPLE 31(G)	A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.	
INDICATOR	EVIDENCE RELATED TO INDICATOR	EVIDENCE REVIEWED
Feedback on experience with the OGM is solicited from users on an ongoing basis,	There is evidence that the OGM engages with claimants, including those with finalized claims, to gain insights into their	Interview (a) OGM personnel and (b) 3 or more claimants to discuss claimant engagement with the OGM in relation to the

⁷ **Restitution** is intended to restore, to the extent possible, whatever has been lost (position in the community, property, liberty, etc.), and restore the victim to the state preceding the harm that took place. **Compensation** is appropriate in those cases where damage can be economically assessed. These cases include: "(a) Physical or mental harm; (b) Lost opportunities, including employment, education, and social benefits; (c) Material damages and loss of earnings, including loss of earning potential; (d) Moral damage; and (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services." Compensation can take the form of money or other fungible trade-offs. **Rehabilitation** covers medical or psychological care and social or legal services needed to restore the victim. **Satisfaction** includes such measures as a cessation of the violations; an acknowledgment of the harm done, including verification of the facts and public disclosure of the truth; public apologies from those responsible, including acceptance of responsibility; and sanctions against those responsible for the harm. **Guarantees of non-repetition** include a number of measures to prevent further abuses. These include investigation into crimes that result in human rights violations, and prosecution for those responsible for causing harm, while respecting the right to a fair trial. Changes in policies, procedures, laws, and oversight may also be necessary to ensure non-repetition.

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

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