




SEMINAR
Good Practice Social
Considerations in
Myanmar

26-27 July, 2017

Session 6
Grievance &
Complaint
Management

NIPPON KOEI CO., LTD.
REEMAN CONSULTING **Social
Clarity**



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Session 6 - Objectives

- Define and discuss the concept of community grievances and complaints and importance of grievance mechanisms
- Explain the key elements of operational grievance mechanisms and what is needed to make them successful
- Use a range of examples to describe the practical implementation of operational grievance mechanisms
- Introduce the concept of international grievance mechanisms
- Describe the Thilawa Phase 1 resettlement program experience of grievance, request, inquiry management

What is a Grievance?

- “Perceived injustice evoking an individual or group’s sense of entitlement, based on law, contract, explicit or implicit promises, customary practice or on general notions of fairness.”

Source: International Association for Impact Assessment
[https://www.iaia.org/uploads/pdf/SIA_Guidance_Document_IAIA.pdf (pp. 84)]

- “Complaints or grievances refer to a specific incident that has been alleged, as well as to any damage, impact or dissatisfaction that allegedly occurred as a result of company or contractor actions, perceived or actual.”

Source: UN Guiding Principles on Business and Human Rights

What is the Difference Between ‘Grievance’, ‘Request’, ‘Inquiry’?

- There is no universal definition that says what is a ‘grievance’ versus a ‘request’ versus an ‘inquiry’
- It is important that grievances are clearly differentiated from requests or inquiries
- Grievances are generally considered to be an incident or event that causes some form of ‘damage’ or ‘harm’ or ‘dissatisfaction’
- Whereas requests or inquiries generally relate to local communities seeking a benefit or some other positive outcome from a project, company, or government

Interactive Discussion

- Are these grievances?

1. Ms A has sent a letter to the General Manager explaining that a lorry knocked down the wall in front of her house. The letter was received three weeks ago.
2. Mr Y is the village tract administrator for one of the host communities of the new railway extension. He says no-one knows how to apply for jobs during construction and the village would like more information.
3. Mr B works for Yangon Road Design, a contractor company managing the road drainage design for an industrial zone. He says that he is paid less for doing the same job than the staff of Myanmar Civil, another contractor. He wants the Company to intervene.
4. Mr C is unable to sleep because lorries are passing beside his house at 05h00 in the morning. He wants this to stop.
5. Mrs M has a sewing business and makes uniforms for local companies. She has applied to make uniforms for the new factory but has not been successful. She has written a letter and wants to know why she has not been successful and what she needs to do to become a supplier.

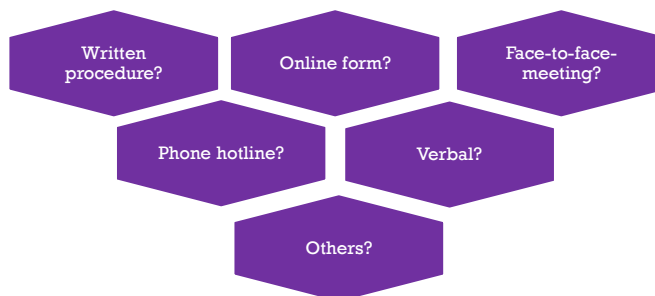
Why Are Grievance Mechanisms Important?

- Allows affected people to have their complaints heard and addressed
- Important component of stakeholder engagement but not a substitute
- Early warning sign for Government /companies – can address issues before they escalate
- Good stakeholder engagement can reduce grievances, grievance management and risk!



What is a Grievance Mechanism?

Many definitions.....but essentially....*a proactive and structured approach to receive, acknowledge, investigate, respond to and resolve complaints and grievances from local stakeholders / affected communities in a planned, timely and respectful manner.*



International Practice: Community Grievance Mechanisms – Process Steps



Source: Adapted from International Finance Corporation (2007), Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets.



What Makes a Good Grievance Procedure?

- **Legitimate:** Foster trust among stakeholders
- **Accessible:** Be known to all intended stakeholder groups and assist with barriers to access
- **Predictable:** Clear procedure, timeframe and outcomes
- **Equitable:** Ensure parties can engage on fair, informed and respectful terms
- **Transparent:** Keep parties informed of progress
- **Rights-compatible:** Processes and outcomes accord with human rights
- **Continuous learning:** Identify lessons learned to prevent repetition or continuation
- **Based on engagement:** Consult on how to make it most useful

Keep it Simple

Focus on Remedy

“Buy in” from those who can resolve grievances

Source: Adapted from UN Guiding Principles on Business and Human Rights

Examples Resolutions or Remedies

Compensate

Apologise

Repair/rebuild

Replace

Pause or cease the activity or operation

Other agreed resolutions?

Example: Grievance Procedure



● MPRL E&P Myanmar

<http://mprlexp.com/csr/grievance-mechanisms/>

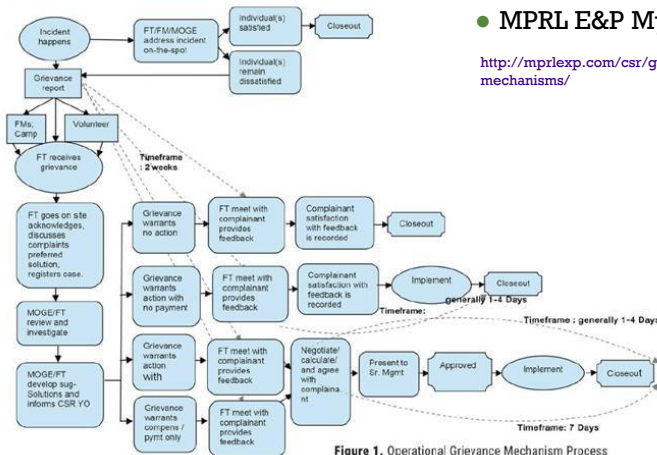
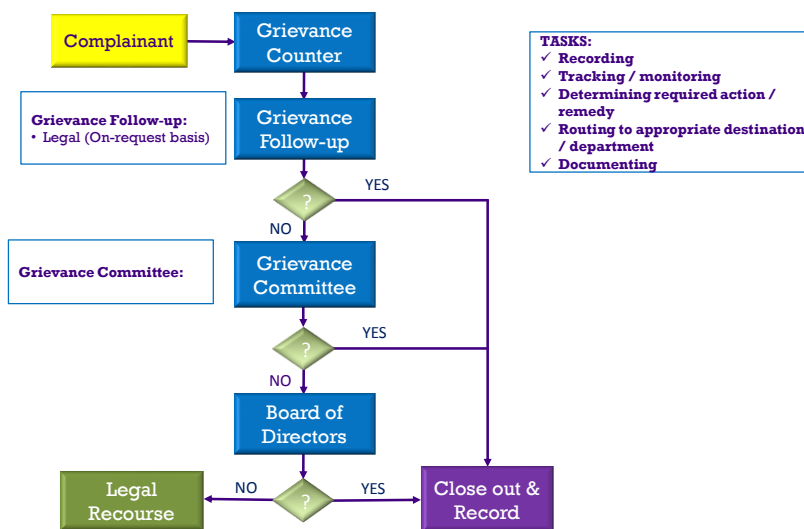


Figure 1. Operational Grievance Mechanism Process

Example: Grievance Procedure



Different Categories of Grievances Require Different Solutions



“A mediator hasn’t worked, so I brought in everyone’s moms.”

Interactive Exercise: Grievance Resolution

- Split into small groups
 - Take 15 mins to list the steps you would take including the resolution for 2 of the grievances
1. Mrs E has a field at the outskirts of the town where she grows vegetables. Last weekend on going to the field she found two bulldozers digging up sand and earth and delivering it to a contractor working at the new industrial site. This disrupted her vegetable growing activities. She is asking for compensation for the crops lost and seeds for the next season.
 2. Mrs D is a lawyer acting for 2 families who say that their gardens have become polluted by an oil company, and they can no longer let their children play in the garden. She is requesting that the families be rehoused by the company and has lodged the claim before a court.
 3. Mr F was fishing from a small boat in the local river when a barge delivering equipment to the riverside port passed by without warning. His boat capsized, he fell into the water, his fishing nets were damaged. In addition he was unable to recover his portable telephone and other equipment. He is very angry as the barge did not stop but luckily he was wearing a life jacket and was able to swim to the shore where a local person helped him.

Where Do Different Parties Fit In to the Grievance Process?

- Local community
- National government
- Local government
- Township/regional government
- Company/developer
- Construction contractor/lead contractor
- Sub-contractors
- Lenders/investors
- NGOs
- Factories
- Suppliers
- General public
- Others???

Who is “responsible” for the grievance process?

Raising Awareness of Grievance Mechanisms

Using simple random sampling, 420 households in the community were selected from the 14 target communities in Mann Field. According to the survey results,

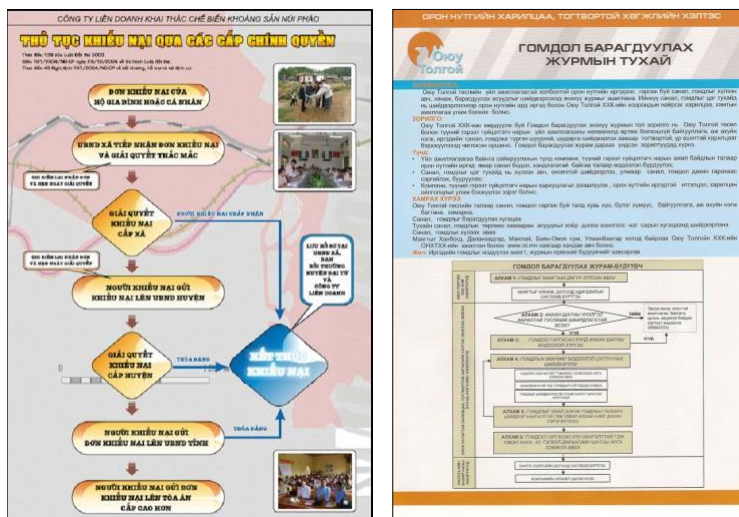
1. 40% had not heard of the OGM,
2. Only 50% knew about the basic functioning of the OGM, and could name at least two primary pieces of information that could be included in the complaint form and at least one method of submitting it.
3. Grievances are generally regarded as
 - (a) Crop damage,
 - (b) Oil or produced water spillage,
 - (c) Soil damage, and
 - (d) Electrical hazard.
4. 10% had low confidence that a complaint would receive a response, or would be effectively resolved.
5. Communities think that posters, pamphlets and notice boards are the best sources of knowledge, while community volunteers come second and village administrators last.

- MPRL E&P Myanmar

<http://mprlexp.com/csr/grievance-mechanisms/>



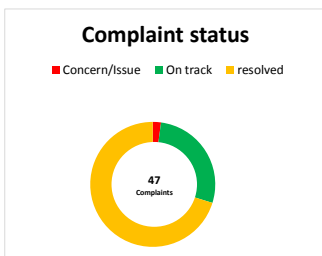
Example: Community Grievance Procedure Leaflets



Grievance Monitoring, Reporting & Disclosure

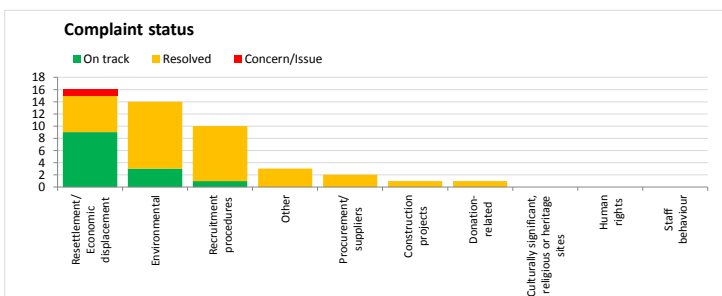
- Periodic internal monitoring & reporting of grievances
 - Sufficient detail to fully track, manage, and reduce grievances
 - To other company or government departments for action/resolution
 - To senior management / other departments
- Number of grievances during reporting period
 - E.g., received, closed, resolved, open, on-track, concern, etc
- Types (“categories”) of grievances during reporting period
 - E.g., noise, compensation, safety, traffic, etc
- Regular disclosure on grievance process and outcomes to local communities and the public

Example: Monitoring & Reporting



● Oyu Tolgoi Mine Mongolia

<http://ot.mn/>



Public Grievance Reporting

MPRL E&P Myanmar

2.2 At-A-Glance: Key Performance Indicators

In March 2015, MPRL E&P began tracking the OGM process's performance against key indicators. Meeting targets for average time to acknowledgement (3 days) and exceeding targets for the level of satisfaction reported by complainants on the OGM process and outcome (50%), there is room for improvement in some other key areas.

Number of cases filed	74
Number of cases addressed	72
Average time to acknowledgement (days)	1
Target 1-3 days	▲
Average time to feedback (days)	8
Target 1-4 days	▲
Average duration to closure (days)	24
Target 30 days	▲
Average time to compensation (days)	9
Target 7 days	▲
% satisfied with process	98
Target 50%	▲
% satisfied with outcome	94
Target 50%	▲

Table 1. Key Performance Indicators

● MPRL E&P Myanmar

<http://mprlexp.com/csr/grievance-mechanisms/>

Disclosure to the Community

Орон нутгаас ирсэн санал, хүсэлт, гомдол 2015 оны 2-р сар (Хайбогд, Баян-Овоо, Манлай, Даланзадгад сум)

Орон нутгаас ирсэн санал, хүсэлт, гомдолыг иргэдийн тусгай зөвлөхөд мэдэгдсэн сурталчилгааг 2015 оны 1 дугаар сарын 23-нд ТНМ-ийн харьяат сумуудад тус тус Оюу толгойн үйлдвэр дэвсгэрийн талаарх мэдээллийг хүлээн авч, түүнийг үнэмлэхүйгээр хүлээн авсан дагуу үнэмцэлийг баталсан системийн үйлчилгээг байгуулж, үйлдвэрлэлийн үйлдвэрлэл эхлэхэд хүргэхэд зориулж өргөтгөл өргүүлж байна.

Гэнэд үйлдвэрлэл эхлэхэд орон нутгаас байгаль оргойн аюулгүй байдлыг хангах үйлдвэрлэл, түүнийг хийхээр зориулж байгаа, орон нутгаас ирсэн санал, хүсэлт, гомдолыг үнэмлэхүйгээр хүлээн авч, түүнийг үнэмлэхүйгээр хүлээн авсан дагуу үнэмцэлийг баталсан системийн үйлчилгээг байгуулж, үйлдвэрлэлийн үйлдвэрлэл эхлэхэд хүргэхэд зориулж өргөтгөл өргүүлж байна.

Хүснэгт Ан судын мэдээллийг байгуулж, иргэдийн тусгай зөвлөхөд мэдэгдсэн сурталчилгааг 2015 оны 1 дугаар сарын 23-нд ТНМ-ийн харьяат сумуудад тус тус Оюу толгойн үйлдвэр дэвсгэрийн талаарх мэдээллийг хүлээн авч, түүнийг үнэмлэхүйгээр хүлээн авсан дагуу үнэмцэлийг баталсан системийн үйлчилгээг байгуулж, үйлдвэрлэлийн үйлдвэрлэл эхлэхэд хүргэхэд зориулж өргөтгөл өргүүлж байна.

“Оюу толгой” хязгаарлагдсан хариуцаж байгаа ажиллагааны үйлдвэрлэл эхлэхэд зориулж өргөтгөл өргүүлж байна. 9902 4732 (Оюу толгойн үйлдвэр), 9902 0291 (Хайбогд сумын оффис), 9902 8438 (Даланзадгад сумын оффис) дээр холбогдох үйлдвэрлэлийн үйлдвэрлэл эхлэхэд зориулж өргөтгөл өргүүлж байна.



February, 2015

Transition: We have been seeking for opportunities for improvements using the recommendations from the training of revised Community Complaints & Feedback Management procedure for Social Performance team which took place on 13 January, 2015, and expected changes of internal recording system.

In February, we have received one complaint from local community related to environment and we have been liaising with environment team to resolve it.

Орон нутгаас ирсэн санал, хүсэлт, гомдол 2015 оны 3-р сар (Хайбогд, Баян-Овоо, Манлай, Даланзадгад сум)

Оюу толгойн үйлдвэрлэл эхлэхэд орон нутгаас ирсэн санал, хүсэлт, гомдолыг иргэдийн тусгай зөвлөхөд мэдэгдсэн сурталчилгааг 2015 оны 2-р сарын 23-нд ТНМ-ийн харьяат сумуудад тус тус Оюу толгойн үйлдвэр дэвсгэрийн талаарх мэдээллийг хүлээн авч, түүнийг үнэмлэхүйгээр хүлээн авсан дагуу үнэмцэлийг баталсан системийн үйлчилгээг байгуулж, үйлдвэрлэлийн үйлдвэрлэл эхлэхэд хүргэхэд зориулж өргөтгөл өргүүлж байна.

Гэнэд үйлдвэрлэл эхлэхэд орон нутгаас байгаль оргойн аюулгүй байдлыг хангах үйлдвэрлэл, түүнийг хийхээр зориулж байгаа, орон нутгаас ирсэн санал, хүсэлт, гомдолыг үнэмлэхүйгээр хүлээн авч, түүнийг үнэмлэхүйгээр хүлээн авсан дагуу үнэмцэлийг баталсан системийн үйлчилгээг байгуулж, үйлдвэрлэлийн үйлдвэрлэл эхлэхэд хүргэхэд зориулж өргөтгөл өргүүлж байна.

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March, 2015

Transition: Two complaints have been received in March, one was about security and the other one was about human resource/recruitment. We resolved the complaint about security as a result of clarification from the relevant departments and staff. The other human resource complaint is submitted to HR department, and we are following up actions for resolving.

Although we received one HR request in January and six in February, we decided to record them as complaints in February and taking actions to resolve them according to the Community Complaints & Feedback management procedure.

● Oyu Tolgoi Mine Mongolia

<http://ot.mn/>

International Grievance Mechanisms



GRIEVANCE REDRESS SERVICE (GRS)
World Bank Group



COMPLIANCE ADVISOR OMBUDSMAN (CAO)
International Finance Corporation
Multilateral Investment Guarantee Agency



OBJECTION PROCEDURES
JICA Guidelines for Environmental and Social Considerations



ACCOUNTABILITY MECHANISM
Environmental and Social Safeguards

OTHERS (E.g., OECD Guidelines, Voluntary Principles, Other Finance Institutions, UN Global Compact)

Who Can Use International Grievance Mechanisms?

IFC/MIGA - Compliance Advisor Ombudsman	IFC financed projects in Myanmar
ADB - Accountability Mechanism	ADB financed projects in Myanmar
JICA - Objection Procedures	JICA financed projects in Myanmar
OECD Guidelines – National Contact Point	OECD based companies operating in Myanmar
WBG – Grievance Redress Service	World Bank funded projects in Myanmar

Some examples already exist in Myanmar of international grievance mechanisms being used, e.g., JICA/Thilawa SEZ; OECD Guidelines (Korea)/Daewoo

Operational Versus International Grievance Redress

Operational-level mechanisms:

- Should generally be the first step in the remedy process.....
- But, they are not going to be appropriate for all grievances (e.g., criminal activity, fatalities, serious injury, gross human rights violations)
- To be legitimate, must address the power imbalance between companies, government and complainants

International-level mechanisms:

- Some mechanisms are stronger than others (in terms of results)
- Some are more 'tested' with more proven resolutions/remedies
- Using these mechanisms often implies an effective outcome.....
- But, they do not always resolve affected persons' grievances or reduce ongoing risks for companies or governments

Case Study: Thilawa SEZ Phase 1 Resettlement Program

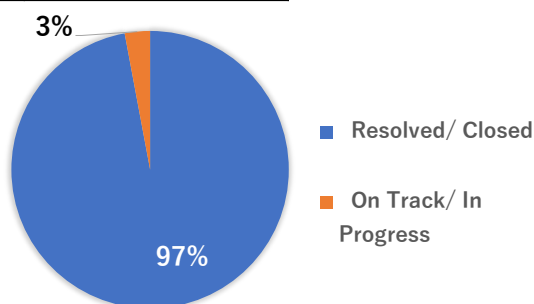
- Example of grievance mechanism implementation with residents resettled by Thilawa SEZ

Complaints, Requests, Enquiries Status (Mar 2015 - July 2017)

	Number of Complaints, Requests and Enquiries			Complaint Resolution / Request Closed Status		
	Complaints /Consultation	Requests/ Enquiries	Total	Resolved / Closed	On Track	Under Consideration
Mar 2015	4	3	7	4+3=7	0	0
Apr	2	24	26	2+24=26	0	0
May	1	7	8	1+7=8	0	0
Jun	0	16	16	16	0	0
Jul	5	21	26	5+21=26	0	0
Aug	0	29	29	29	0	0
Sep	1	13	14	14	0	0
Oct	2	10	12	2+10=12	0	0
Nov	2	7	9	2+7=9	0	0
Dec	1	0	1	1	0	0
Jan 2016	1	5	6	1+5=6	0	0
Feb	1	2	3	1+2=3	0	0
Mar	0	0	0	0	0	0
Apr	0	2	2	2	0	0
May	1	9	10	9	1	0
Jun	1	1	2	1+1=2	0	0
Jul	1	3	4	1+3=4	0	0
Aug	1	2	3	1+2=3	0	0
Sep	1	0	1	1	0	0
Oct	1	1	2	1+1=2	0	0
Nov	1	1	2	1+1=2	0	0
Dec	1	1	2	1+1=2	0	0
Jan 2017	0	9	9	9	0	0
Feb	1	15	16	1+14=15	1	0
Mar	0	11	11	11	0	0
Apr	1	9	10	1+9=10	0	0
May	1	8	9	8	1	0
Jun	0	7	7	7	0	0
Jul	3	6	9	3+6=9	0	0
Total	34	222	256	253	3	0

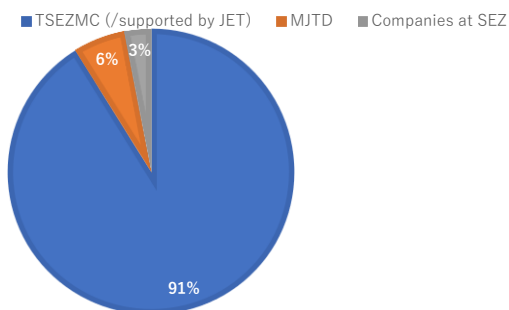
Complaint Resolution (Mar 2015 - July 2017)

Status	No.
Resolved/ Closed	32
On Track/ In Progress	2
Under consideration	0
TOTAL	34



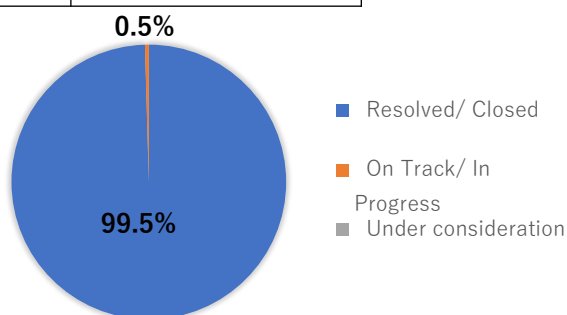
Owners of Complaint (Mar 2015 - July 2017)

Owner (Resolved/ Closed by)	No.
TSEZMC (/supported by JET)	31
MJTD	2
Companies at SEZ	1
Total	34



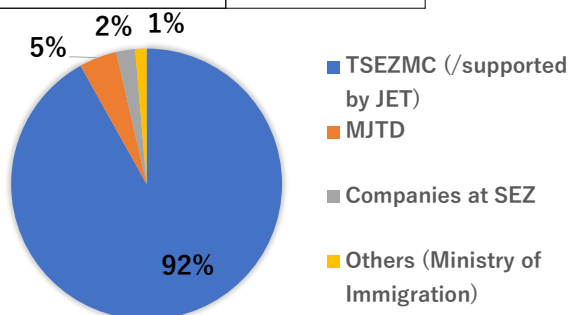
Request Closed Status (Mar 2015 – Jul 2017)

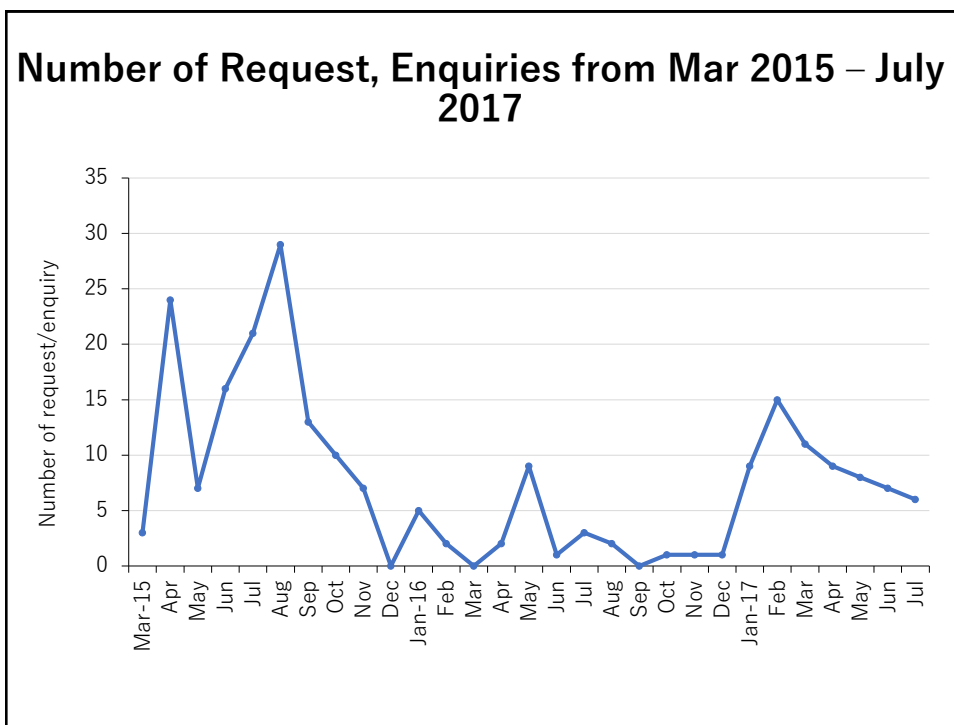
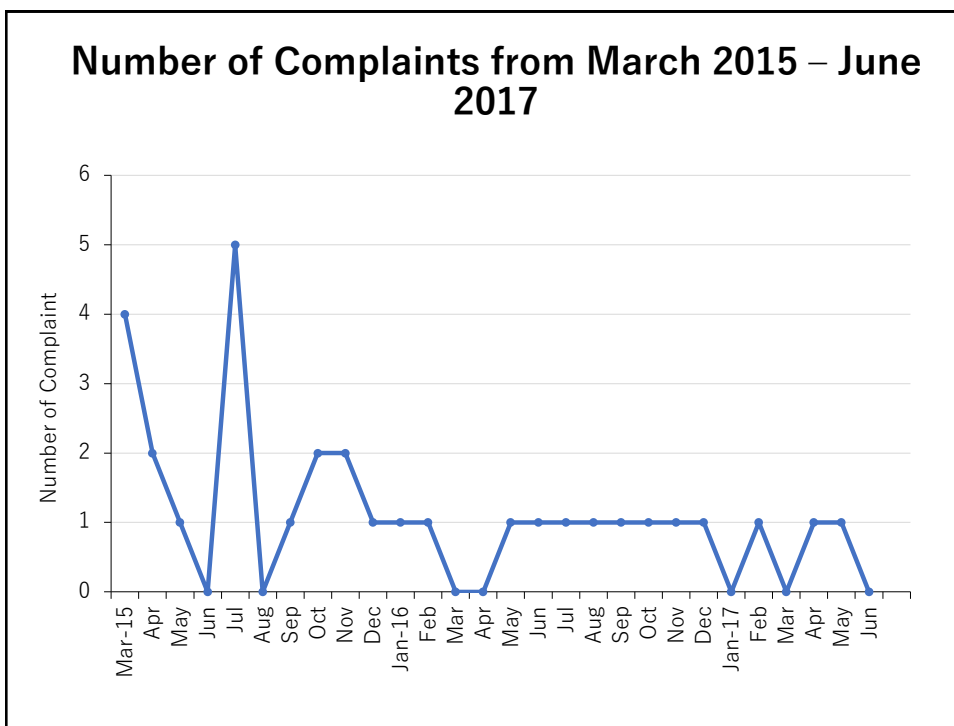
Status	No.
Resolved/ Closed	221
On Track/ In Progress	1
Under consideration	0
TOTAL	222



Owners of Request, Enquires (Mar 2015 - July 2017)

Owner (Resolved/ Closed by)	No.
TSEZMC (/supported by JET)	204
MJTD	10
Companies at SEZ	5
Others (Ministry of Immigration)	3
Total	222





Category of Complaints ,Request, Enquiries (March 2015 – July 2017)

