

KAKUZI 2025 INDEPENDENT MONITOR REPORT REGARDING IMPLEMENTATION

This is the third report from the Independent Monitor during the implementation phase of the Operational Level Grievance Mechanism (“OGM”) at Kakuzi Plc (“Kakuzi”), called SIKIKA. As in prior years, we have produced this public summary, and a more fulsome report for Kakuzi.

The Independent Monitor has received excellent cooperation in preparing this assessment, and the OGM has embraced and actively sought suggestions made during the course of it. As described in prior reports, the OGM operates according to two tiers: Tier 1 is managed by Kakuzi and addresses operational grievances occurring during normal business operations, and Tier 2 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 Kakuzi and/or its business partners. Triple R Alliance (“TRA”) assisted in the design of the structure. We refer to our prior reports 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. As this is a follow-up report to our 2024 report, we focus primarily on those issues that have changed since our last assessment.

This report is based on an extensive review of documentary materials, a site visit during October 2025 and interviews with a wide range of relevant stakeholders, including Tier 1 and Tier 2 claimants, OGM personnel, personnel at Kakuzi, union representatives, and others. That information was considered against a template consisting of 36 indicators and 84 sub-indicators, which seek to translate UNGPs 22, 29 and 31 into an assessment framework (Appendix 1). Our evaluations of both tiers, and our recommendations, are detailed below.

I. Summary

The OGM continues to operate against a complex set of local dynamics. That includes most prominently disputes regarding historical land ownership, which fall outside the scope of the OGM but create tensions with certain segments of surrounding communities, and alleged historical evictions from several decades ago that fall within the scope of the OGM. It also includes the continued effect of a UK legal settlement following a security incident in 2014, that led to the submission of numerous claims for compensation by others stating they were injured. It has taken several years to work through those claims, and not all of the claims are yet resolved, despite the efforts of the OGM staff.

However, the OGM continues to be well-resourced, with a highly active and expert team, supported by a range of domestic and international experts, as well as company management. It is openly praised by a range of stakeholders as helping ease the historical tensions that have existed between Kakuzi and the surrounding communities. There are numerous access points, and awareness of the OGM is high among workers and community members. The dedicated

investigations team for Tier 2 are commended by claimants, and the investigations are thorough, meticulous and detailed. The OGM's files are highly organized and complete, documenting the process undertaken. Both Tiers continue to receive a steady stream of grievances, and are processing their cases according to the detailed OGM protocol that has been created. The OGM provides public reports that contain key metrics for Tier 2, and there have been substantial socialization efforts with the workforce and local communities, including in areas remote from the OGM office. The OGM has implemented most of the suggestions from the Independent Monitor from the report last year and prior years. We continue to believe the OGM is being implemented in good faith, is learning from its experience, and is providing the range of benefits envisioned by the UNGPs regarding OGMs.

There are discrete areas where enhancement is appropriate. Tier 2 continues to be beset by significant delays, which can erode an OGM's trust and confidence, and to some extent are the product of thorough investigations where evidence takes time to gather, witnesses and claimants may not appear, court and police records may be poorly kept, and other factors. Nonetheless, managing claimant expectations regarding the amount of time needed to address claims is warranted. Further, continued efforts to address fear of workplace retaliation for reporting grievances remains appropriate, particularly for contract workers, who have concerns that reporting claims will lead to non-renewal of their contracts. Increased efforts at buy-in among supervisors and managers also is recommended, along with a review of the appeals process for Tier 1. Other recommendations and analyses are below.

OGM Cases: Tier 1 now receives between 223 and 251 grievances each year, with 1,160 total since its inception. The Tier 1 cases cover a range of issues, from operational and social concerns, to health and safety, to labor and employment, to human rights. Nearly all of these claims were resolved (957), with some transferred to Tier 2 (192) and others to company lawyers. The overwhelming number of grievances were filed by men in 2024 and 2025, as in past years (eg, about 75%). The cases are fairly consistent throughout the year, generally between 20 and 25 each month. About 1/3 of the claims come from the community, while the rest are from the workforce. The workforce claims are spread across estates and divisions, largely along lines of workforce population (eg, the fewest claims are from blueberry, but it also has the smallest workforce). The Tier 1 cases now, however, include quite a few contracting and invoicing cases. There are significantly fewer employment cases than in years past – now at about 16% - but only a small number of anonymous cases (7%). In terms of reporting channels, most claims are reported to the grievance officer, demonstrating a high level of trust. 18 cases last year were made through managers.

The Tier 1 claims are processed consistent with the protocol, and 93% are within the indicative timeline (an average resolution time of 5 days). There are also high levels of satisfaction reported – 87% reportedly are satisfied with the with the grievance process and outcome – and there are very few appeals (3% of cases).

Tier 2 also continues to be actively used. In 2024, there were 110 claims registered, 7 of which were referrals from Tier 1. 103 of the 110 have had statements recorded and evidence collected, with the other 7 becoming unreachable or unavailable. We note that many of the claims in 2024 and 2025 came from communities more remote from the OGM office, the result of socialization and registration efforts targeting those locations (consistent with our prior recommendations).

The recent cases include a variety of claims, including several related to a forced eviction. We note that land cases are outside the scope of the OGM, and there is an alternative national land commission process mandated to investigate historical land injustice claims, but the OGM will consider other harms that might occur during forced evictions and land-related matters. Outside of land cases, most claims alleged assault (22), with other claims including several gender based violence cases (7), as well as work injuries (19) and labor disputes (7), defilements, harassment, false charges, and other claims of serious harm. A much greater percentage of recent cases have come from current and former employees, no doubt due to the reduction of historical claims related to the 2014 incident. In fact, in a clear sign of maturity for this OGM, most cases in 2024 and 2025 relate to recent events, and not historical harms, signaling that the OGM is moving past the 2014 incident. Similar to Tier 1, 75% of the claimants are male, though we did not identify specific barriers to women reporting concerns. Nonetheless, the pattern of reporting remains worth examining.

Over the past year, more than 30 claims were referred to the independent medical expert for assessment of injuries consistent with claims. While most claims submitted for independent medical examination were found to be false, several examinations confirmed the injuries alleged. Claims also undergo substantial non-medical verification, which include engagements with courts, the police, witnesses and others. Similar to the medical examinations, these non-medical verifications revealed a mix of outcomes, however, they are thorough and complete and consider a wide range of information in seeking to establish the veracity of claims. Claimants reported satisfaction with the thoroughness and integrity of the investigative process. In total, 16 claimants have received monetary compensation, with several files likely to receive compensation still pending finalization.

Analysis: At a high level, both tiers of the OGM continue to operate with integrity, dedication, and a seriousness of purpose. Consistent with the objectives of OGMs, as with last year, both tiers of the OGMs seem well known to employees and in local communities, grievances are relatively easy to lodge, the OGM is being utilized, affected stakeholders still generally appear comfortable lodging grievances, those grievances generally are addressed by the OGM in a constructive manner, and negative impacts that are identified generally are remediated through a human rights-compatible approach.

A summary of our specific observations this year and further recommendations are below.

- **UNGP 22¹:**
 - **Observations:** The OGM continues to operate as one pathway in a larger ecosystem of remedy, without any substantive limitations. Both tiers continue to receive a wide variety of grievances. Remedy continues to include referrals to doctors, engagement with state agencies, changes to policies, repayment of wages, moving workers, time off, and similar steps; for Tier 2, it has included compensation, medical fees, and engagement with the state. While stakeholder feedback remains mixed overall, many claimants and community members remarked that SIKIKA was a very positive

¹ UNGP 22 provides that where businesses “have caused or contributed to adverse impacts,” they should provide for or cooperate in their remediation

development (“by a very big percentage”) and signaled an important avenue to engage with the company.

- We also note that certain initiatives driven with the participation of the OGM, such as local defilement cases, have yielded highly positive outcomes. Stakeholders report heightened awareness of defilement-related issues and a sharp reduction in cases.

- **UNGP 29:**

- Observations:
 - The observations in last year’s report have not changed, including access to the OGM without first exhausting other avenues, not precluding access to alternative state-based processes, and for Tier 2, tying the quantum of financial compensation to amounts consistent with damages that could be obtained before Kenyan courts, with reference to a detailed and well-supported matrix. The matrix might be refreshed, however, to account for legal developments and OGM learnings.
 - The OGM continues to find that most lack sufficient supporting evidence to satisfy the burden of proof for compensation, although Tier 2 undertakes an expansive view of evidence. As with last year, medical examinations have not supported the claims being advanced, as most independent medical exams determine that the claims presented are false. Nonetheless, 16 claims have proceeded to compensation, with more likely to come shortly.
- Recommendations²: We recommend: update the compensation matrix in light of any new precedents, experience in administering the OGM and feedback from claimants and the retired judge who handles appeals.

- **UNGP 31(a): Legitimate**

- Observations: The observations in last year’s report have not materially changed.
 - There have been more than 3,000 grievances filed across both tiers since operationalization, signifying a level of trust in the mechanism. The OGM has progressed collective grievances and group claims, a prior recommendation from the Independent Monitor. Men overwhelmingly access both tiers now, for reasons that are not fully clear but should be better understood.
 - There are elements of independence and accountability built into the OGM’s procedures, and they are respected in practice, with the caveat that Tier 1 – being operationally focused – is not independent.
 - Tier 1 reports that most claimants who go through the process are satisfied with the process, which aligns with stakeholder interviews. However, claimants and other stakeholders indicated an ongoing concern with the perceived fairness of Tier 1. In particular, fact-finding is not participatory, and greater use of shop stewards and union personnel in the fact gathering process may be appropriate. In addition, appeals often are determined by the same individuals evaluating initial grievances, and Tier 1 appeals

² While some recommendations may be applicable to multiple indicators, we seek to limit duplication in the recommendations in this summary.

rarely lead to differing outcomes. Stakeholders also report a perception that managers are “never” disciplined, leading to a reluctance to continue reporting and fairness concerns.

- For Tier 2, all claimants praise the OGM staff. While some claimants believe that the OGM was responsive to their concerns, evaluated their claims, conducted thorough and credible investigations, and approached remediation in a collaborative manner, other claimants were disappointed that their evidence (particularly from years past) was not credited. Medical evidence generally refutes claimant evidence, as does non-medical verification processes. Non-financial remedies are often provided, such as counseling or training, regardless of whether the Head of the Independent Human Rights Mechanism (“IHRM”) is satisfied that the evidentiary burden of proof is met.
 - Tier 2 appeals yield lengthy and considered decisions, though are not often utilized. The Tier 1 appeals process is viewed more skeptically, and greater efforts should be taken to increase confidence in it, including the greater participation of union personnel in the process.
 - The OGM is attentive to physical safety concerns for claimants and witnesses, and takes active steps in that regard.
- *Recommendations:* We recommend: evaluate the degree of confidence and trust in the Tier 1 appeals process; consider means of improving confidence in fact-finding for Tier 1, such as through participatory fact-finding or the greater use of shop stewards and union personnel; consider the governance for appeals so individuals involved in the initial determination are not also reviewing Tier 1 appeals; review claims against managers to ensure that there is no bias in outcomes for claims involving them; continue to view evidence in submitted claims liberally and enhance transparency surrounding the evaluation of evidence; continue to consider expansive approaches to claims where some supporting evidence exists, although perhaps not sufficient evidence to meet the burden of proof; consider whether there are gender-based reasons for reporting or not reporting claims, at both tiers.

- **UNGP 31(b): Accessible**

- Observations:
 - The OGM has undergone, and continues to undergo, extensive promotional efforts. Every member of the workforce is trained on the OGM at induction. There have been numerous community meetings about the OGM, including meetings at churches, community centers, and in communities more distant from the grievance office (leading to a substantial number of new claims from those communities). A SIKIKA “Awareness Week” occurs each year, as well. The OGM has created merchandise, including key chains and t-shirts, and other items to advertise its presence. Stakeholders also reported that they knew how to access the OGM from some of these promotional efforts, including from the posters and the phone numbers for SIKIKA that exist on the back of PPE. There has been limited socialization in schools, which we recommend.

- We also note that the concerted efforts to address defilement in and around Kakuzi have been highly successful, and Kakuzi may wish to expand its efforts to cover juvenile pregnancy.
 - As noted last year, there are numerous channels to lodge grievances, including in person, through a hotline, using email, contacting the Grievance Officer, and contacting a supervisor. While Tier 1 has actively sought claims from the workforce, additional steps can be taken to increase the support of managers and supervisors, in conjunction with Human Resources and the Head of the IHRM. There also has been a redistribution of community liaison officers.
 - Many barriers to claims, such as illiteracy, the lack of telephones, and safety, have been considered and addressed through the presence of the multiple reporting channels and permitting anonymous claims. Tier 2 also is located offsite and generally provides transportation costs to claimants that come to the office. Many of the key staff who can receive claims are women.
 - The OGM is attentive to preventing retaliation. However, there remains a strong concern that claimants are not filing grievances out of a fear of workplace retaliation, including reports about explicit and implicit threats from supervisors in the field. Those concerns are supported by the pattern of complaints, including a reduced number of labor and employment-related claims in past years.
 - While the OGM also has taken steps to address confidentiality, concerns are reported regarding ongoing sexual harassment, which is not being reported because of concerns regarding retaliation. In addition, OGM personnel noted that when investigations are conducted, confidentiality is at risk, particularly for Tier 1.
 - Recommendations: We recommend: consider socialization efforts at area schools; in conjunction with Human Resources and the Head of the IHRM, consider means of addressing sexual harassment among the workforce; in conjunction with Human Resources and the Head of the IHRM, consider how fear of retaliation among the workforce can be addressed, particularly at Tier 1 claims; in conjunction with Human Resources and the Head of the IHRM, consider how Tier 1 investigations may be conducted in a manner to maximize confidentiality.
- **UNGP 31(c): Predictable**
 - Observations:
 - While Tiers 1 and 2 have detailed implementing procedures, most of our suggestions from prior years have been implemented. Both Tiers are supported by an impressive set of forms to drive consistency, which are utilized and followed in practice. There are clear and simple infographic posters for Tier 1 and Tier 2 that have been published widely. In particular, a close review of the case files reveals that for Tier 2, the Head of the IHRM studiously adheres to the stated processes; the claimant files are thorough, complete, and consistent with the OGM's requirements. They demonstrate a high-level of process-related predictability, showing that Tier 2 operates against its design.

- Both Tiers are well resourced and overseen by highly qualified experts. Tier 1's staff are able to capably address grievances that are filed within the relatively short (30 days) indicative timeframe, and nearly all claims are resolved within that timeframe. Tier 2 has a full staff, although they now are working in shifts to reflect a lower case load. Cases continue to take a significant time to progress and finalize, and interviews suggested that the shift-based schedule is not helping in certain instances. Delays remain a concern, with grievances remaining open for years. While to some extent that is the inevitable product of a thorough investigation process coupled with challenges and delays in accessing evidence and witnesses, making sure claimants are aware of the potential timeline at the time they submit their grievance is quite important to avoid false expectations. Claimants advised that they did not pursue the appeals process because of the delays in addressing the initial claims. We also identified files where progress seems to have stalled in 2025.
 - The OGM's processes are intentionally flexible, and allow for adjustments depending on the needs of claimants and the facts of each case. Indeed, the processes have been adjusted on multiple occasions, including in relation to our recommendations. The OGM also is considering issuing an advisory opinion to Kakuzi on land-related matters; although land issues are outside the scope of the OGM, and land-related disputes may be pending before other bodies, the opinion would essentially memorialize the information the OGM has gathered in the process of evaluating parallel claims.
 - As discussed last year, the OGM closely tracks its cases, including for Tier 1 against the indicative timelines in its processes.
 - Recommendations: We recommend: continue to identify ways to progress claims more efficiently at Tier 2; consider how to enhance managing claimant expectations about the length of time it may take to resolve claims; consider how to encourage claimants to seek appeals, even in cases that may take time to resolve; conduct periodic (eg, quarterly) reviews of all outstanding files to determine potential sticking points and how the cases may be progressed.
- **UNGP 31(d): Equitable**
 - Observations:
 - Fact-finding under Tier 1 is less participative than in prior years, although claimants are apprised of the results rapidly. We do suggest that union representatives can assist claimants to a greater degree, including in regard to understanding outcomes and participatory fact-finding. For Tier 2, each claimant is advised of the relevant investigatory facts.
 - As discussed last year, Tier 2 claimants have been referred to counselors, medical professionals and outside lawyers. Claimants still generally view their experiences with counsel as positive, and the responses from counsel have also indicated smooth working relationships for the most part.

- **UNGP 31(e): Transparent**

- Observations:

- Our observations from prior years in terms of notification remain true for both tiers. Tier 2 provides periodic notifications to claimants regarding the status of their claims, which is important given the overall delays in case processing. Tier 1 claimants are notified quickly about their claims.
 - Both Tiers collect substantial data about the types of cases, the channels being used for filing, where the claimants are from, the dates of the alleged incidents, outcomes, and other factors. Tier 2 publishes lengthy and detailed reports that include such data. Tier 1 still can provide further public information about its cases, as we have previously suggested.
 - As with prior years, for Tier 1, management receives monthly reports on the OGM's progress, including descriptions of each claim filed, along with relevant metrics for the month; the board of directors also receives periodic reporting. For Tier 2, the IHRAC receives detailed monthly written reports containing key data, metrics and trends, and there are quarterly meetings to discuss the OGM. Information about Tier 2 also is shared with the board of Kakuzi. Tier 1 and Tier 2 regularly engage with each other to discuss trends, patterns and issues, and enable changes to policies and practices at Kakuzi.

- Recommendations: We recommend: consider increased reporting regarding Tier 1 metrics and outcomes

- **UNGP 31(f): Rights-compatible**

- Observations:

- The OGM was designed to provide equitable and rights compatible remedies after considering evidence and engaging with claimants. Under both tiers of the OGM, remediation is tailored to the needs of individual claimants, as explained in detail in prior reports.
 - The Head of the IHRM is an expert in her own right, and has access to the IHRAC, which contains further experts who can advise on appropriate remediation. She also has sought guidance from outside counsel in developing a quantum matrix, and the OGM has received extensive input from TRA and others regarding the OGM's policies and procedures.
 - Claimants are advised of alternative pathways to remedy, such as the WIBA process, and have access to a variety of social services, as well as translators and pro bono counsel, as needed.
 - There are mixed responses in terms of perceived fairness. Most Tier 1 participants report being treated fairly. Many stakeholders, believe the process and quantum of remedy for Tier 2 also is fair. Claimants seeking compensation are frustrated that their evidence does not withstand scrutiny, or that the amount of compensation is unduly low – which they construe as unfair.
 - While a list of employees who have committed infractions and are ineligible for reemployment is maintained, the company might consider

allowing employees disciplined minor issues to be reinstated at some point.

- The OGM has adopted a new procedure for receiving consent for juvenile grievances where both parents cannot be found, consistent with our prior recommendations.

- Recommendations: We recommend: Consider whether there are instances in which employees, previously listed as not fit for reemployment, may be reconsidered for employment in less egregious cases.

- **UNGP 31(g): Source of Continuous Learning**

- Observations:

- Our observations have not materially changed from prior reports. Both tiers of the OGM actively engage with claimants during and at the end of their engagements. In particular, Tier 2 keeps claimants apprised of their claims, and seeks feedback, recorded in a “feedback diary.” Based on the feedback, Tier 2 has changed several steps in the process. Meetings with external stakeholders, such as community leaders and chiefs, also continues to occur. The OGM has participated in external engagements with other groups, such as grievance handling workshop series organized by DanChurchAid Kenya, an EU-funded project, and presented at regional meetings regarding grievance mechanisms in Zambia.
- As with last year, both Tiers actively consider a range of different patterns in the claims that are being filed, which has led to Kakuzi policy and OGM changes.
- Both Tiers track numerous metrics and KPIs, as with last year, honing them to identify information sources that can help benefit the OGM.

- **UNGP 31(h): Based on Engagement and Dialogue**

- Observations:

- As with last year, feedback is actively sought from claimants and external stakeholders, and the OGM was developed following consultation with numerous community members, chiefs, claimant representatives, and others. This past year, the OGM has engaged extensively with claimants about its processes and steps for improvement, and there has been engagement with a variety of stakeholders, including international organizations. Tier 2 has engaged in public barazas with local chiefs, conducted church visits, and performed numerous socialization and registration visits to areas remote from its office.
- Tier 1 continues to resolve disputes through dialogue, though both Tiers still play a largely adjudicative role. Tier 2 identifies potential remedies that claimants and their counsel can consider, and provided non-financial remedies to try to avoid the “all or nothing” approach discussed in the report last year.

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,³ Shift's Doing Business with Respect for Human Rights Guide,⁴ CSR Europe's Management of Complaints Assessment Results,⁵ the International Commission of Jurist's Effective Operational-level Grievance Mechanisms,⁶ assessment resources associated with leading multi-stakeholder initiatives,⁷ 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-judicial grievance mechanism" in an organized and coherent manner, and thus facilitate the kind of benchmarking that the Commentary to UNGP 31 expressly contemplates.

³ [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.)

⁴ <https://shiftproject.org/resource/doing-business-with-respect-for-human-rights/>

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

⁶ <https://www.icj.org/wp-content/uploads/2019/11/Universal-Grievance-Mechanisms-Publications-Reports-Thematic-reports-2019-ENG.pdf>

⁷ 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/>.

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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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,⁸ 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.	<ul style="list-style-type: none"> • 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. • 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. 	<ul style="list-style-type: none"> • 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.
The OGM is designed to directly address remediation	<ul style="list-style-type: none"> • The OGM has clear procedures through which it systematically considers how it 	<ul style="list-style-type: none"> • Review OGM procedures for claim consideration to identify whether its

⁸ 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.

for any harms caused or contributed to by the company.	<p>may provide, contribute to or otherwise enable remediation for individuals who have been harmed by the company's actions or decisions.</p> <ul style="list-style-type: none"> • There is evidence that OGM remediation efforts have been or are being implemented. 	<p>processes clearly set forth how it will (i) receive, (ii) evaluate, and (iii) remediate claims.</p> <ul style="list-style-type: none"> • 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).	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • OGM procedures specifically address accountability and independence, including conflicts of interest. • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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 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. 	<ul style="list-style-type: none"> • 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. • 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,

	<ul style="list-style-type: none"> • 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. 	(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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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 adversely impacted stakeholders.	<ul style="list-style-type: none"> • 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 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 	<ul style="list-style-type: none"> • 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. • 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

	that affected individuals would understand the information conveyed.	<p>attended, and (v) any presentations or scripts.</p> <ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • (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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • OGM procedures contain identified steps to provide assistance to affected 	<ul style="list-style-type: none"> • Review the OGM procedures to identify how (i) barriers to access are anticipated and

for affected individuals to effectively access the OGM, if needed.	individuals who may face barriers, and a process through which affected individuals may request assistance.	addressed, and (ii) affected individuals may request assistance. <ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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, (c) steps to address issues that raise severe human rights impacts or represent significant disputes, and (d) recorded outcomes reflecting the reasoning, information or evidence relied upon, and remedy provided. 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. There is evidence of consistency in outcomes in cases with significant similarities, and a lack of arbitrariness in decisions and outcomes. 	<ul style="list-style-type: none"> 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, (iii) how severe human rights impacts or significant disputes will be treated in the OGM, and (iv) the memorialization of decisions. 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 and outcomes, (vi) proposed remediation is developed through engagement and collaboration with claimants, and (vii) remediation is compatible with human rights standards. Review 3 or more case files to identify the process that was filed and the outcomes, and consistency with OGM procedures. Review 3 or more case files with similar allegations to identify outcome consistencies or inconsistencies.
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	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> (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 interviews with (b) OGM personnel and (b) 3 or more claimants.

<p>manner they could easily understand.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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).
<p>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.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.

		<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • (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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • (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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • (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.

	<ul style="list-style-type: none"> • There is evidence that the OGM provides potential claimants with information about other pathways inside or outside the company. 	<ul style="list-style-type: none"> • 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).	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. • There is evidence that claimants are advised that they can challenge outcomes with which they disagree. 	<ul style="list-style-type: none"> • Interview individuals associated with the design of the OGM to understand the potential local power imbalances identified, understand how they were addressed, and confirm that claimants were advised they could challenge OGM decisions. • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> • There is no evidence that claimants feel uninformed about the status and progress of their claims. 	<p>stated process regarding claimant notification is followed in practice.</p> <ul style="list-style-type: none"> • Interview 3 or more claimants to confirm they have felt reasonably informed about the status of their claims throughout the process.
<p>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.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.
<p>The OGM provides internal reporting consistent with relevant international reporting standards under the UNGPs.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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
<p>The OGM was designed to provide, and does provide, outcomes and remedies consistent with international</p>	<ul style="list-style-type: none"> • There is evidence that the OGM was designed to provide (and does provide) remedies aimed at restoring affected individuals to the status preceding the 	<ul style="list-style-type: none"> • Review the design of the OGM to identify contemplated remedies, and validate that the design is consistent with restoration, through restitution, compensation, rehabilitation,

norms, as appropriately applied in the local context.	harm that was done, through restitution, compensation, rehabilitation, satisfaction, and/or guarantees of non-repetition. ⁹	satisfaction, and/or guarantees of non-repetition. <ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> Experts have been identified and engaged to provide advice, if requested, on appropriate outcomes. 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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

⁹ **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.

Feedback on experience with the OGM is solicited from users on an ongoing basis, including in regard to predictability, accessibility, transparency, equitability, and remedy, with responses considered for potential adjustments.	<ul style="list-style-type: none"> • There is evidence that the OGM engages with claimants, including those with finalized claims, to gain insights into their 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. 	<ul style="list-style-type: none"> • Interview (a) OGM personnel and (b) 3 or more claimants to discuss claimant engagement with the OGM in relation to the 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • The OGM has established and tracks performance against KPIs to demonstrate its robustness and effectiveness. 	<ul style="list-style-type: none"> • (a) Interview OGM personnel to identify how the OGM's KPIs were developed, and (b) review the OGM's KPIs, to: confirm that they

	<ul style="list-style-type: none"> The KPIs established by the OGM are meaningful in light of its goals and ambitions, its operating context, and international human rights norms. 	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 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.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> The OGM has procedures for ongoing engagement with stakeholders, and there is evidence that such engagement occurs. 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.