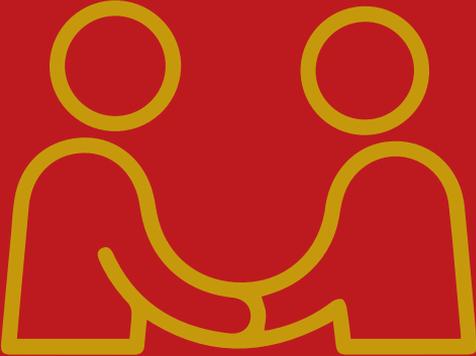




OFFICE OF THE ATTORNEY GENERAL
STATE DEPARTMENT FOR JUSTICE,
HUMAN RIGHTS & CONSTITUTIONAL AFFAIRS



MODEL OPERATIONAL LEVEL GRIEVANCE MECHANISMS

FOR BUSINESSES IN KENYA

Guidelines to businesses on how to establish effective grievance mechanisms

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FOREWORD

The Government of Kenya remains committed to advancing responsible business conduct and safeguarding human rights across all sectors of our economy. As part of this commitment, we are proud to present the Model Operational Level Grievance Mechanism (OGM) for Businesses in Kenya.

This guide is a key policy action under the National Action Plan on Business and Human Rights (NAP). It provides businesses with practical tools to establish credible grievance mechanisms that are consistent with international standards, including the United Nations Guiding Principles on Business and Human Rights (UNGPs). By embedding these mechanisms into their operations, enterprises can ensure that individuals and communities have access to remedy when adverse human rights impacts occur.

The OGM framework is designed to support businesses of all sizes, including Small and Medium Enterprises (SMEs), by offering simplified steps to build trust with stakeholders, strengthen accountability, and prevent disputes before they escalate. It emphasizes inclusivity, transparency, and responsiveness, ensuring that vulnerable groups such as women, persons with disabilities, and indigenous peoples can access remedy without fear of victimization.

This publication is more than a technical guide—it is a call to action. It reflects Kenya’s leadership in embedding human rights into business practice and underscores our collective responsibility to ensure that economic growth is pursued with respect for human dignity.



Hon. Judith Nyirai Ramaita-Pareno

Principal Secretary

State Department of Justice, Human Rights & Constitutional Affairs

PREFACE

The Kenya National Commission on Human Rights (KNCHR) is honoured to collaborate with the State Department of Justice, Human Rights & Constitutional and with the support of The Danish Institute for Human Rights to advance Kenya's commitment to responsible business conduct through the development of this Model Operational-Level Grievance Mechanism (OGM) for Businesses in Kenya.

As Kenya's National Human Rights Institution, KNCHR has consistently promoted the mainstreaming of human rights across governance, policy, and practice. This publication marks an important milestone in our shared endeavour to ensure that business operations not only drive economic growth but also respect, protect, and promote the dignity and rights of all persons.

The OGM framework offers structured and practical guidance to businesses on establishing grievance mechanisms that are legitimate, accessible, predictable, and compatible with human rights standards. It places affected individuals and communities at the centre of the grievance process, ensuring that remedies are fair, transparent, and responsive to their needs. Adoption of these mechanisms will enable businesses to strengthen trust with stakeholders, enhance their social licence to operate, and contribute meaningfully to sustainable development.

This guide serves as both a practical resource and a call to action. It underscores the imperative for businesses to embrace accountability and transparency, and affirms that respect for human rights is integral to long-term sustainability and success. KNCHR commends all partners and contributors whose efforts have made this publication possible and reaffirms its commitment to working with government, civil society, and the private sector to support its effective implementation.



Claris Ogangah

Chairperson,

Kenya National Commission on Human Rights



ACKNOWLEDGEMENT

This publication has been made possible thanks to our development partners - United Nations Development Programme (UNDP), Royal Netherlands Embassy, UN Office of the High Commissioner for Human Rights (OHCHR) and the Danish Institute for Human Rights (DIHR), in support of the implementation of the Kenyan National Action Plan on Business and Human Rights. Responsibility for the content rests entirely with the State Department for Justice, Human Rights & Constitutional Affairs.

This report was compiled by Cyrus Maweu, James Mwenda, Christina Arrumm and Charles Kigotho from the Kenya National Commission on Human Rights (KNCHR), together with Claries Kariuki and Anne Mwathi from the State Department for Justice, Human Rights & Constitutional Affairs. We acknowledge the initial draft prepared by Dr. Steve Ouma Akoth that informed this compiled version.

We extend our appreciation to all colleagues and partners whose insights and collaboration enriched this work. Their contributions have been invaluable in developing the Model Operational Grievance Mechanism (OGM) for Businesses, which provides practical guidance for enterprises in addressing grievances and advancing respect for human rights.

DEFINITION OF TERMS

Adverse human rights impact: An action or omission that removes or reduces the ability of an individual or community to enjoy their human rights.

Business enterprise: An entity or group of entities that is engaged in commercial activities with a view to creating or adding value and/or generating revenue. It includes state owned enterprises and private corporations such as companies, subsidiaries regardless of their size, sector, location, ownership or structure.

Business relations: Relationships a business enterprise has with business partners/ entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services.

Grievance: A complaint or concern raised by an individual or group alleging that their human rights have been violated, abused, or adversely impacted, and seeking acknowledgment, remedy, or corrective action. For purposes of this Guidelines, grievance and complaint are used interchangeably.

Grievance mechanism: Any available platform where aggrieved persons or communities can lodge a complaint or report violations and seek remedy. In the context of business and human rights, this can be judicial or non-judicial in nature.

Human rights due diligence: A way for businesses to ensure they do no harm to people. It means identifying risks, acting to prevent harm, checking that those efforts are working, and being open about their impact.

Mitigation: The mitigation of human rights risks refers to actions taken to reduce the likelihood of a certain adverse impact occurring.

Remediation: The process of providing remedy for an adverse human rights impact.

Remedy: The substantive outcome of the remediation process that can counteract or make good adverse human rights impacts.

Stakeholder: Any individual or community who may affect or be affected by a business enterprise's operations, products or services, including through business relationships.

NOTE: Definitions adapted from [Access to Remedy in Cases of Business-Related Human Rights Abuse](#), published by the Office of the High Commissioner for Human Rights.



1. INTRODUCTION

1.1 BACKGROUND

The centrality of businesses in the realisation and enjoyment of human rights has been long recognized in international human rights instruments though implicitly. The foundational human rights instrument, the Universal Declaration of Human Rights, was proclaimed by the General Assembly as “... a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society ... shall strive to promote and respect these rights and freedoms....”. While the core structure of the United Nations and international human rights instruments place the duty of protection, respect and fulfilment of human rights on the State, the evolution of human rights has placed key responsibility on businesses to respect human rights. This is on the realisation that businesses significantly contribute to adverse impacts on human rights which diminishes the realisation and enjoyment of human rights and fundamental freedoms.

On the realisation that business have huge impacts on human rights, the United Nations with the agitation of some states and Civil Society Organisations, began a process of ensuring there is regulation of businesses to safeguard human rights. The establishment of mechanisms within the United Nations System to better understand the role of business in human rights and to develop a framework to regulate the conduct of business faced an uphill task from the early 1970s to late 1990s. This was mainly due the resistance of businesses to be regulated and the reluctance of the developed world to regulate their Transnational Corporations (TNCs). However, much progress has been made to the current status where a guiding framework has been developed and general acceptance that businesses have a role to play in human rights as exhibited by the huge membership of the UN Global Compact and other initiatives by businesses and diverse industry players.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) was developed through a consultative process of state and non-stated actors to clarify the roles of states and businesses in human rights. On presentation to the Human Right Council in 2011, they were unanimously adopted and have since become the most authoritative guide on the issue of business and human rights.

The principles are based on a three-pillar framework. These three pillars are:

- The state duty to protect human rights;
- The business responsibility to respect human rights; and
- Access to remedy where human rights infringements have occurred.

These pillars are elaborated through 31 principles, which lay out what each of the two actors should do in order to ensure human rights are upheld in the conduct of business and in the event that infractions occur, remedy is effectively accorded to the victims.

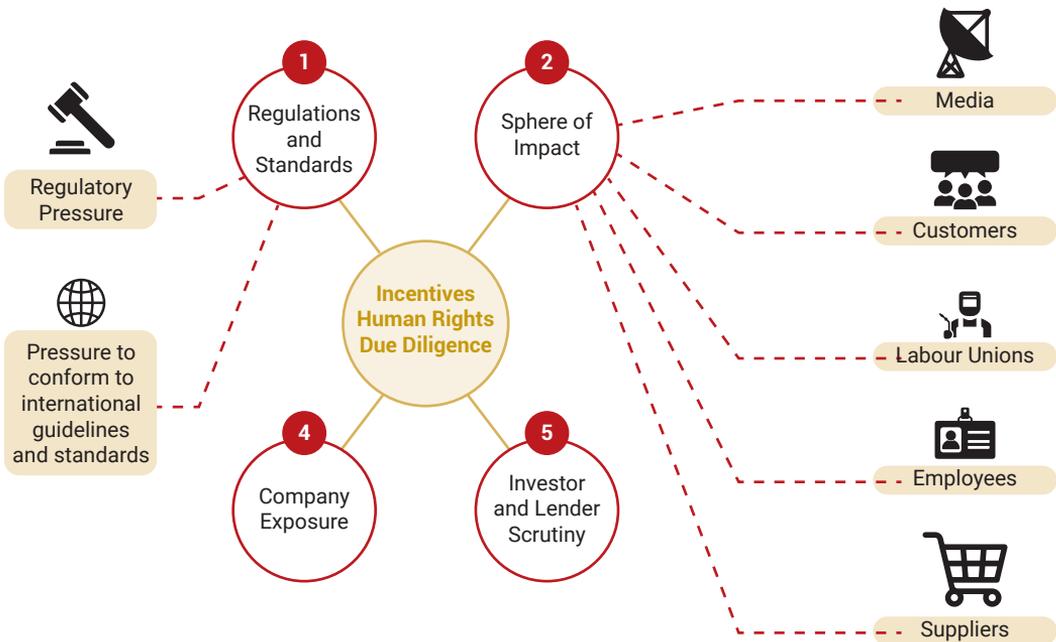
Article 20 of the Constitution of Kenya provides that the Bill of Rights binds all persons, including companies. While the State remains the main duty bearer with the obligation to protect rights, businesses must also respect human rights and can be held accountable when their operations negatively affect people or communities

The case for human rights in business

While the guiding principles have clarified the role of businesses in human rights, it is demonstrable that business that respect human rights enjoy benefits that enhance their business outcomes. Some of the benefits include:

- **Legal requirements:** in most jurisdictions, the law applies to all individuals and organs of society (as stated in the UDHR). For example, in Kenya, Article 20 of the Constitution is explicit that the bill of rights applies to all laws and binds all state organs and all persons. A person in the Constitution is defined to include a company, an association or other body of persons whether incorporated or unincorporated. Further, Kenya has domesticated the UNGPs through the development of the National Action Plan on business and human rights, which spells out policy actions the State will take to protect and promote human rights
- **Social License to operate:** A company that respects human rights enjoys social license to operate within the communities in which it operates
- Promotes business image and brand recognition
- Demands by stakeholders in business e.g. supply chains, investors/shareholders
- Optimal employee output: Businesses that respect the rights of their employees and other internal stakeholders such as trade unions, enjoy better output because of less downtimes due to strikes or staff absenteeism, less internal theft of company property, high staff morale etc.
- Helps business foresee hazards and mitigate adverse impacts.

Why take actions to address human rights?



Regulations and standards: There is increased pressure on businesses to respect human rights in their operations and practices. The increasing number of international guidelines and standards, such as the UN Guiding Principles on Business and Human Rights (UNGPs), OECD Guidelines for Multinational Enterprises and the Global Reporting Initiative sustainability reporting standards, as well as mandatory due diligence laws like the EU Corporate Sustainability Due Diligence Directive (CSDDD), are a powerful catalyst for change. Kenyan regulatory bodies are also increasingly requiring businesses to report on sustainability and social efforts.

Sphere of Impact: Businesses need to identify those who are affected or are likely to be affected by their impact and put in place measures to prevent, mitigate, address and account for any adverse impacts.

Investor and lender scrutiny: Frameworks by financial institutions like the World Bank's Environmental and Social Framework (ESF), the IFC's Performance Standards and the African Development Bank Integrated Safeguards System also make it a requirement to demonstrate respect for rights in projects as a condition for lending. By respecting human rights, businesses are able to ease and attract investors.

Company exposure: Businesses that respect human rights mitigate risk and build consumer loyalty and trust while those whose operations occasion human rights harms face reputational damage which has potential to be very costly.

Scope of the guide

This guide focuses on business led grievance handling mechanism in which individuals, communities and other stakeholders can lodge their complaints and seek remedy for human rights abuses.

Access to remedy

Right from foundational Principle 1 of the UNGPs, access to remedy is implied as a key pillar of the state duty to protect against human rights abuses by businesses. States are called upon to have in place effective policies, legislation, regulations and adjudication processes to redress abuses when they occur. Foundational principle 25 requires of states that when abuses occur within their territory or jurisdiction, those affected should have access to effective remedy.

The National Action Plan on Business and Human Rights commits to develop and disseminate guidance for businesses to establish credible operational level grievance mechanisms that are consistent with international standards- which includes being responsive to the needs and the rights of vulnerable groups such as women, persons with disability and Indigenous peoples. Effective remedy is elaborated through the "Accountability and Remedy Project (ARP)" of the Working Group on Business and Human Rights. It is important to note that the victims of human rights harm should be central to the grievance mechanism for it to be human rights responsive and offer effective remedy. The effectiveness criteria is outlined in principle 31 of the UNGPs. These include putting the interests, opinions and perspectives of the victims into consideration when developing an OGM, ensuring accessibility and affordability in using the mechanism and that the victims of human rights violations can approach the OGM without fear of victimisation or fear of unfair outcomes of the process.

2. OPERATIONAL LEVEL GRIEVANCE MECHANISM

What is OGM?

An Operational Level Grievance Mechanism is a formalized non judicial means established by a business and through which individuals, groups or communities can raise concerns about the impact a business has on their human rights and can seek remedy. It provides a way to address issues and seek solutions fairly and transparently.

OGMs can be established by a business either independently or in collaboration with mutually acceptable bodies or experts. This approach ensures that the mechanisms are effective, credible, and trusted by all stakeholders involved, ultimately fostering a fair and transparent process for addressing and resolving grievances.

OPERATIONAL GRIEVANCE MECHANISM	WHAT IT IS	WHAT IT IS NOT
Purpose	A formal process for stakeholders to raise concerns or complaints related to business operations.	A substitute for legal or regulatory enforcement mechanisms.
Scope	Addresses human rights impacts, workplace issues, environmental concerns, and other operational grievances.	A general feedback or suggestion box
Approach	Fair, transparent, and accessible to all affected parties.	Secretive or inaccessible to certain stakeholders
Management	Managed by the business alone or in collaboration with external experts or organizations.	Completely outsourced without business involvement
Responsiveness	Provides timely and effective resolution of complaints.	Delayed or ignored response to grievances
Continuous Improvement	Part of a continuous improvement process for business practices	A one-time fix without follow-up or improvement
Stakeholder Engagement	Involves stakeholders in the design and implementation process to ensure trust and effectiveness.	Designed and implemented without stakeholder input
Accountability	Ensures accountability and transparency in handling grievances.	Lacks accountability and Transparency
Outcome	Aimed at providing remedy and preventing future issues.	Only reactive without addressing root causes

Why does a business need it?

The participation of business enterprises in legitimate remediation processes when they cause negative impacts on people, is a standard of responsible business conduct recommended by the Guiding Principles on Business and Human Rights (UNGP), ILO Recommendation 130 and other international instruments.

An OGM is essential for fostering a healthy and transparent relationship between a business and the community it operates within. By providing a formal avenue for community members to raise concerns and grievances, an OGM ensures that issues are addressed promptly and effectively, promoting trust and cooperation. This mechanism helps to prevent misunderstandings and conflicts, supports the community's well-being, and demonstrates the business's commitment to ethical practices and social responsibility. Ultimately, an OGM strengthens the social fabric, enhances the business's reputation, and contributes to a harmonious and sustainable community-business relationship.

A business needs an OGM:

- (a) For legitimacy and acceptance in the community cementing the social license to operate;
- (b) To help in identification of human rights risks and negative social impact that can affect the reputation of the business;
- (c) As a tool for the business to contribute to the well-being and realization of human rights in its own immediate environs;
- (d) To highlight where there may be weaknesses in the business' policies, procedures or practices – this can contribute to continuous improvement.

When can one use an operational grievance mechanism?

An OGM can be used in the following situations:

- When there is actual impact
- When there is risk of actual harm
- When impacts arise from business relationships
- When judicial or state remedies may not be accessible or appropriate
- When affected persons want a non-adversarial, dialogue-based solution

The OGM should deal with a broad range of subject matter giving rise concerns or complaints, not only those formulated as "human rights abuses". Concerns formulated in general terms, if unaddressed, can escalate to full-fledged disputes or may hide other deeper concerns. OGMs may function here as early warning mechanisms that help prevent potentially more serious disputes.

They are designed to identify and address a wide range of concerns raised by stakeholders. However, in cases where the OGM identifies serious criminal offenses, such as fraud or violence, it is imperative that these issues are referred to the appropriate legal or regulatory authorities for proper investigation and resolution. While the OGM plays a crucial role in addressing operational grievances, it is not equipped to handle or adjudicate criminal matters which require specialized legal intervention.

CAN ADDRESS

Human Rights Concerns: Issues like labour rights violations, discrimination, harassment, and other breaches of human rights.

Environmental Impacts: Complaints about pollution, resource depletion, and other negative environmental effects caused by business activities.

Health and Safety: Concerns about workplace safety, health hazards, and incidents affecting employee well-being.

Community Relations: Grievances from local communities regarding land use, displacement, and other impacts on their lives and livelihoods.

Product and Service Issues: Customer complaints about product quality, safety, and service delivery.

Employee Relations: Internal issues such as unfair treatment, wage disputes, and conflicts within the workplace.

Supply Chain Practices: Concerns about labor practices, environmental impacts, and ethical issues in the supply chain.

Corruption and Fraud: Reports of unethical behavior, bribery, and corruption involving business

CANNOT ADDRESS

Criminal Matters: such as Murder, Sexual offences etc.

Large-scale and/or gross human rights abuses, which because of their magnitude, gravity and complexity more properly remain within the jurisdiction of State authorities

Where is an OGM used?

Corporate operations: Within businesses, to address employee concerns, workplace issues, and internal conflicts.

Supply chains: Among suppliers and subcontractors, to manage grievances related to labor practices, environmental impact, and ethical issues.

Community engagement: In interactions with local communities affected by business activities, such as land use, environmental impact, and social displacement.

Customer relations: To handle customer complaints about products, services, and business practices.

Project development: In large-scale projects, such as construction, mining, and infrastructure, to address grievances

Who can use it?

By all stakeholders along the value chain including:

- Community members and groups
- Suppliers
- Sub-contractors
- Employees
- Human rights defenders

How can an effective OGM be established?

An effective Operational-Level Grievance Mechanism (OGM) is essential for businesses to uphold human rights and ensure responsible operations. By adhering to the UN Guiding Principles on Business and Human Rights, businesses can establish mechanisms that respect human rights, mitigate risks, and enhance their reputation. A well-designed OGM can help business avoid costly legal battles, reputational damage, and operational disruptions.

As outlined in Principle 31 of the UN Guiding Principles on Business and Human Rights, an effective OGM should adhere to the following principles:

1. **Legitimacy:** The mechanism should be perceived as credible and impartial by all stakeholders. It must hold those responsible for its implementation accountable for its effectiveness.
2. **Accessibility:** The mechanism should be easily accessible to all stakeholders, including marginalized or vulnerable groups as well as those with disabilities or language barriers. Multiple channels for submitting grievances should be available, such as in-person, written, phone, email, or online portals. Clear and concise procedures, along with language support if needed, should be provided. Timely acknowledgment and response to grievances are essential to fostering trust.
3. **Predictability:** The grievance process should be transparent and predictable, with clear procedures, reasonable timeframes, and informed expectations about potential outcomes.
4. **Equity:** All parties should have an equal opportunity to present their case. All grievances should be treated fairly, regardless of the complainant's status or background. Access to legal or other expert advice should be provided, affording aggrieved persons with necessary support to effectively participate in the process, if necessary.
5. **Transparency:** The mechanism should be transparent about its processes and outcomes. Regular updates on the progress of grievances and reports on the OGM's overall performance should be provided.
6. **Rights-Compatibility:** The OGM should be consistent with the rights of the complainant and align with international human rights standards.
7. **Continuous Improvement:** The OGM should be viewed as an opportunity for continuous learning and improvement. By analyzing grievances, businesses can identify systemic issues, implement corrective actions, and prevent future harm.
8. **Stakeholder Engagement:** Stakeholders should be involved in the design and implementation of the OGM to foster open communication and ensure the mechanism is responsive to the needs of those it serves.

By adhering to these principles, businesses can establish effective grievance mechanisms that demonstrate their commitment to upholding human rights within their operations.



3. ESTABLISHING AN OGM: A STEP-BY-STEP GUIDE

For businesses that are just starting to focus on processes to remediate adverse human rights impacts or to develop operational-level grievance mechanisms, the following are some preliminary steps to consider.

1. Identifying potential or actual human rights abuses

This will help to understand the types of grievances the mechanism will address.

- (a) Conduct a human rights risk assessment
- (b) Engage with internal and external data such as, audit reports, industry specific reports, research and articles by stakeholders like national human rights institutions and civil society, to identify trends and patterns.
- (c) Define the abuses so that the grievance mechanism is able to adequately address the specific issues.
- (d) Engage stakeholders such as human rights experts and communities likely to be adversely impacted to appreciate the issues.

2. Stakeholder mapping

This will help to inform the design of the mechanism, to ensure it is one stakeholders' trust and that can effectively address stakeholder concerns.

- (a) Identify key internal and external stakeholders likely to be impacted or affected by the operations of the business. While there are many stakeholders, including government, suppliers, customers and investors, those most commonly affected by business operations are employees and communities.
- (b) Analyze specific interests and concerns of stakeholders with regards to the operations of the business. This will help to prioritize engagement and inform the design of the grievance mechanism.
- (c) Establish accessible and trusted communication channels for each category of stakeholder.

ENGAGEMENT WITH STAKEHOLDERS	
GETTING IT WRONG	GETTING IT RIGHT
Meeting when there is immediate crisis or demand (reactive), and only meeting for negotiations	Meeting on an ongoing basis, including informal meetings and consultations
Parties sit 'on opposite sides of the table'	Parties agree on shared goals
Focus on stakeholder' short term demands (e.g. jobs, contracts)	Focus on addressing long term goals, achieved by strengthening the personal capacity of workers and communities
Business provides limited information (based on the assumption that it will be used against it)	Business share information (based on the assumption that parties need to work together)
Focus on outcomes	Focus on process with the expectation that it leads to a good outcome
Budget- driven (What can be done with limited time and resources?)	Needs driven (What is needed to reach our objectives)
Meeting every time with different representatives	Representatives on both sides are the same individual(s) or representatives who are well appraised

3. Assign responsibility for grievance handling

To ensure credibility and transparency of the grievance mechanism, assign responsibility to designated personnel or teams with relevant experience and expertise. Pre-existing remediation processes may also help shape an operational-level grievance mechanism. They may illustrate local communities' preferred approaches to resolving grievances and defining remedy, which can inform the design of the operational-level mechanism.

- (a) Identify individuals or departments responsible for managing different stages of the grievance process and properly define their roles and responsibilities. Be mindful of gender and cultural dynamics. A business can also appoint a grievance committee comprising representatives of different divisions, representative(s) of the community and other external stakeholders, to promote fairness and accountability.
- (b) Provide necessary training for grievance handling officer(s) to ensure grievances are handled with the professionalism and sensitivity they require.
- (c) Have a clearly defined appeal process for complex or unresolved grievances. This could be internal or external. In some instances, a business may find it useful to build recourse to state-based grievance mechanisms into their own processes for handling grievances.
- (d) Participate in mutually acceptable external grievance mechanisms whenever relevant. These could be provided by trade associations, industry bodies and other multistakeholder initiatives with properly established grievance mechanisms.

4. Publicize the grievance mechanism

For a grievance mechanism to be effective, stakeholders need to know it exists and understand how to access it.

- (a) Develop accessible communication materials explaining the grievance mechanism. These should be easy to understand and if possible, translated to the local languages of the communities within which the business operates.
- (b) Use multiple channels for publicization to reach a wide range of stakeholders including persons with disabilities, women, children and other vulnerable groups. Options could include business website, community meetings, social media, and printed materials at business locations and community centers.
- (c) Make the contact details visible and accessible. Ensure there is a dedicated platform that is secure, convenient and confidential, to instill confidence in the process and to avoid losing out on reported grievances.
- (d) Conduct workshops and events to sensitize stakeholders on the grievance mechanism and how it operates.
- (e) Emphasize commitment to transparency and confidentiality of the mechanism to assure stakeholders who may fear retaliation or stigma.

5. Grievance/ complaints processing

Pillar 3 of the UNGPs is on access to effective remedy where a breach has occurred. In order to give effect to this pillar, business enterprises should establish an efficient, effective and reliable operational level grievance mechanism to address warranting internal and external grievances.

The business enterprise should establish a complaints processing department/function that seeks to receive, investigate complaints and make appropriate findings as well as recommendations on the appropriate remedies/resolution measures.

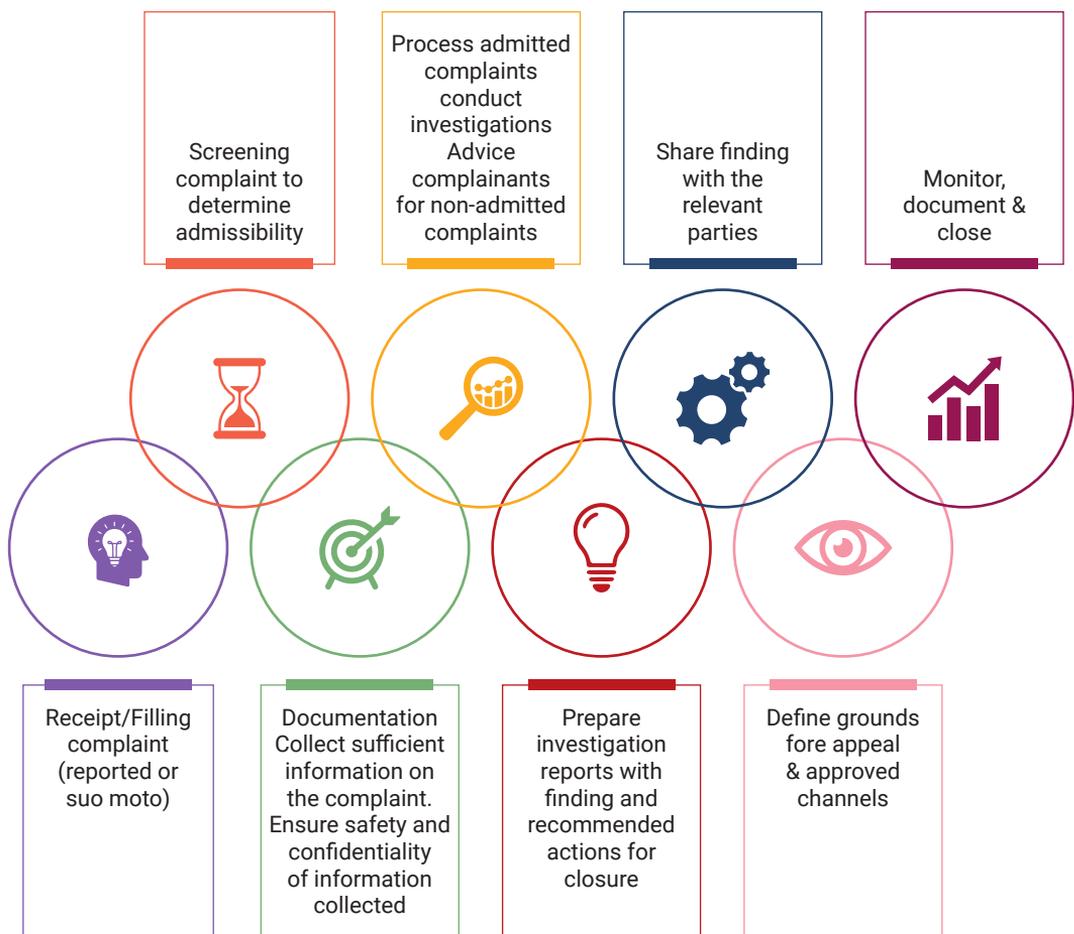
An effective complaints processing function should entail among others, the following elements:

- (a) Explain in clear terms, the enterprise's complaints handling process (steps from screening to conclusion of an investigation), its objectives, scope and the desired outputs of the complaints processing;
- (b) Have a clear Admissibility Criteria defining which cases are admissible and not;
- (c) Compliance with the fundamental principles in complaints processing including: professionalism, guarding confidentiality and privacy of information, rules of interviewing process, do no harm, managing expectations, observing legal mandate and limitations, special measures while handling persons with special needs etc.

NOTE:

- Complaints from groups at heightened risk of vulnerability (women, children, persons with disability, minority groups) including survivors of sexual and gender-based violence should be handled with sensitivity and confidentiality, to avoid further disempowerment and marginalization.
- Consider issues of gender by ensuring presence of both male and female officers to manage and handle complaints.
- Children may require a friendly access point and this should be factored into the design.

- (d) Existence of standard complaints processing tools – Screening forms/information collection forms, statement forms, consent forms, referral forms etc.
- (e) A Complaints Management System-preferably an electronic system capable of storing and processing data that can be used to generate reports and inform corrective actions;
- (f) Define the scope of enterprise's complaints processing mandate – Understand the legal limitations that may bar you from handling certain complaints. Complaints processing is internal, voluntary and subject/subservient to the existing Laws and Judicial processes;
- (g) Employ staff with adequate capacity and right attitude for effective complaints processing;
- (h) Develop a Service Charter defining the timelines for each action in the complaints processing;
- (i) Develop other Policy documents such as SOPs/manual on complaints processing, where necessary and ensure observance.
- (j) Ensure expeditious processing of complaints, transparency and timely communication of feedback to the concerned parties at every step.



6. Monitor, evaluate and report

The business enterprise should create an M&E and audit division to regularly assess the effectiveness of the existing OGM. The division should identify gaps, institutional weaknesses, and benchmark standards, and recommends corrective measures.

Clear guidelines should be in place on reporting levels and responsibility for recommended actions.

Conclusion

Implementing a robust Operational Level Grievance Mechanism (OGM) is essential for ensuring that businesses uphold their human rights responsibilities and provide effective remedies for affected individuals and communities. By following these guidelines, businesses can build trust with stakeholders, enhance transparency, and demonstrate their commitment to respecting human rights. A well-designed OGM not only helps mitigate potential human rights impacts but also contributes to continuous improvement in the respect for human rights. It is through these mechanisms that businesses can create a more just, equitable, and responsible operational environment, ultimately fostering sustainable and ethical growth.

4. ANNEXURES

Annex 1: Example of Typical Grievance Mechanisms and Processes in Business

Level	Accessible to	Access Point	Example of Issue(s)
Business (internal)	All employees	Hotline or whistle blower, online platforms, grievance committee, trade union representatives	Labour (working conditions, labour practices, occupational safety and health, forced labour etc.), unethical practices and corruption, harassment
Business relationships (third party)	Suppliers, contractors, customers/ consumers	Customer Support desks, online platforms	Complaints related to products, services, payment, warranty
Community	Community members including vulnerable and marginalized groups, Human rights defenders, Civil society	Community liaisons, townhall meetings (barazas), local administration, hotlines, online platforms	Environmental concerns, benefit sharing, conflict related concerns, safety and security, land (displacement, use, compensation), culture and heritage, access to infrastructure and amenities

Annex 2: Sample Complaint Form



Complaint Form

Section A: Complainant Details

Note: You may choose to remain anonymous. However, if you wish to receive feedback or follow-up, please include your contact details.

Full Name: _____

Phone Number / Email: _____

Gender (Optional): Male Female Prefer not to say

Relationship to the Company:

- Employee
- Contractor
- Supplier
- Community Member
- Other (please specify): _____

Section B: Description of Complaint Date of Incident

Recurrence of the problem:

- On-going (currently experiencing problem)
- One time incident/complaint
- Happened more than once

Location of Incident: _____

Persons Involved (if known): _____

Describe the issue or concern:

(Please provide as much detail as possible, including what happened, who was involved, and how it affected you or others)

Have you raised this issue before? Yes No

If yes, to whom and when? _____

Do you have any documents to support your report? _____

Section C: Desired Outcome or Remedy

What action or resolution would you like to see?

Section D: Confidentiality and Consent Do you wish to remain anonymous?

Yes

No (but please keep my information confidential)

Do you give consent to use the information provided in this form to investigate the matter internally?

Yes

No

Section E: For Official Use Only Date Received:

Receiving Officer (Name & Position): _____

Case Reference Number: _____

Action Taken / Referred to: _____

Follow-Up Status:

Pending

In Progress

Resolved

Date of Resolution: _____

