

## **3.41 Remediation and Grievance Policy**

### **Issue 1**

Winterwood Farms Ltd recognises the responsibility that they share with their suppliers to identify grievances and provide remedy for human rights abuses in their operations and their supply chains. We recognise that grievances are likely, if not inevitable, in any organisation and that identifying, addressing and remediating grievances is challenging. Successful remediation is not easy to achieve and requires a victim-led, consultative and multi-stakeholder approach. The policy below is drawn from best practice guidance on remediation and builds on the requirements of ILO Conventions, Protocols, Recommendations and Instruments such as the Declaration on Fundamental Principles and Rights at Work and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the UN Guiding Principles on Business and Human Rights.

#### **Coverage**

The policy applies to Winterwood Farms Ltd.'s own operations, its suppliers and its supply chains.

#### **Responsibility**

Overall responsibility for this policy sits with the Managing Director. It is the responsibility of the Winterwood Farms Ltd Managing Director to ensure effective implementation of the policy within the Winterwood Farms Ltd business with the support of their team. Implementation of the policy within the Winterwood Farms Ltd supply chain rests with the technical department

#### **Basic Principles**

The basic principles of this policy is within the Winterwood Farms Ltd Ethical Code of Conduct. Any breach of the requirements of this Code of Conduct require remedy for workers, regardless of their employment status or length of service. This includes permanent, temporary or casual labour whether directly or indirectly employed.

#### **Grievance Procedures**

A grievance is a report by a worker or other third party of a violation of either national or international laws or of the ETI Base Code that has occurred in the Winterwood Farms Ltd operations or supply chain and has a direct adverse human rights impact. The individual or organisation raising the grievance should be able to produce sufficient information to demonstrate the seriousness of the grievance and how it relates to Winterwood Farms Ltd.'s operations or supply chain.

A grievance procedure or mechanism is a channel for individuals or groups to raise concerns about adverse human rights impacts, whether that be to the factory or farm involved, to the state or to another third party, and to seek remedy. Grievance procedures have the potential to limit dispute escalation, facilitate dispute resolution and contribute to an improved working environment and relations between management and workers. The procedure must be serious and effective and any grievances raised must be well-managed and remediated.

Operational-level grievance mechanisms are accessible directly to individuals and communities who may be adversely impacted by a business enterprise. They are typically administered by enterprises, alone or in collaboration with others, including relevant stakeholders. They may also be provided through recourse to a mutually acceptable external expert or body. They do not require that those bringing a complaint first access other means of recourse. They can engage the business enterprise directly in assessing the issues and seeking remediation of any harm.

Winterwood Farms Ltd has in place grievance procedures for all workers in its own operations. It expects its suppliers, and their suppliers, to have grievance procedures in place for all their workers. All parties should also support state-based judicial and non-judicial grievance procedures and remediation at all times. Workers in our operations and our supply chains should

expect the grievance channels available to them to meet the criteria laid out in Principles 31 of the United Nations Guiding Principles on Business and Human Rights:

We believe that all workers in our operations and our supply chain should have access to multiple, effective grievance channels in the work place which allow them to raise concerns early, openly, on an informed basis and with sufficient protection and respect. These channels may include some or all of the following:

- Trade unions
- Worker management committees
- Worker representation committees
- Access to human resource staff
- Open door policies
- Worker surveys (online or paper-based)
- Suggestion boxes (anonymous or other)
- Worker hotlines (anonymous or other)
- Third-party audit company confidential phone number cards
- Emails or calls directly to the technical department
- OECD National Contact points.

It is essential that we play our role in safeguarding the rights and wellbeing of the individuals or organisations who raise a grievance about our operations or our supply chain. Any individual or organisation who believes they have been the subject of retaliation as a result of registering a complaint should contact the technical department at Winterwood Farms Ltd immediately.

Our expectation is that suppliers will take reasonable steps to establish their own grievance procedures which work in conjunction with state-based grievance processes in their country of operation. The steps required to establish a grievance procedure are summarised below:

1. Create a representative stakeholder body to oversee the creation and implementation of appropriate grievance mechanisms
2. Ensure resources are available to pay for the mechanism/s and for expert or advisory support if required
3. Promote legal mechanisms to workers and avoid undermining these mechanisms through own processes
4. Provide grievance channels that all workers can access easily, including at least one independent channel
5. Publicise these channels and their supporting resources and funding
6. Train and inform potential users of the grievance mechanisms
7. Give overall responsibility for managing grievances to a member of senior management
8. Treat every complaint seriously and do not reject any complaints as long as they relate to the company's activities
9. Ensure the company has in place sufficient, trained staff to handle each grievance respectfully
10. Communicate transparently about the any complaints as it advances, initially to the complainant
11. Allow protection of a complainant's identity where required
12. Carefully identify legitimate parties linked to the grievance
13. Allow for all parties to be accompanied during any dialogue-based process
14. Establish direct dialogue between the company and the complainant, if appropriate
15. Have access to neutral human rights expertise, if required
16. Agree a time period for discussions to take place
17. Be open to any outcome that is acceptable to all parties
18. Agree on provision for implementing agreed outcomes
19. Ensure that the settlements of grievances are documented, confirmed with all parties and recorded
20. Agree and monitor key performance indicators with worker representatives

21. Integrate lessons learned into company systems
22. Revise the mechanism, as appropriate, based on experience.

## **Remediation Procedures**

**If forced labour, child labour or any human rights abuse which puts workers at risk of life and limb is found, it is vital to act quickly and to protect the potential victim.**

### **Step One: Definition of a complaint**

As above, Winterwood Farms Ltd defines a complaint as a report of violation against the Winterwood Farms Ltd Code of Conduct that has occurred within the business or supply chain which has a direct adverse human rights impact. The complainant should be able to produce sufficient information to demonstrate the relevance and seriousness of the complaint.

### **Step Two: Designing a remediation procedure**

Winterwood Farms Ltd recognises that it is important to identify and establish a remediation team in order to develop the business's remediation procedure. This should be made up of representatives from the workforce, managers, trade unions (if active in the workplace) and local NGOs with expertise in human rights abuses where available. If there is an existing government or civil-society backed organisation, process or project providing remedy for victims of modern slavery these should be identified and involved in the development of the remediation procedure for forced labour and child labour issues.

Protecting the individuals affected must be the first priority of the remediation programme. The remediation team must understand the specific needs, circumstances and aspirations of these individuals and the root causes which have led human rights abuses to occur.

Winterwood Farms Ltd will take the following steps in designing its remediation procedure:

1. Identify a remediation team, including local experts where available
2. Define roles and responsibilities of each party
3. Decide who will be funding the remediation programme
4. Document what would constitute a grievance and what information the complainant should be able to provide to demonstrate the relevance and seriousness of the complaint
5. Document what channels are available to workers and relevant third parties for raising grievances
6. Ensure that workers, suppliers and relevant third parties are aware of all of these channels
7. Document how the company will address issues of varying severity in their own business, including how investigations should be carried out if potential incidents of forced labour or child labour are identified
8. Document how the company will address issues in their supply chain, including how investigations should be carried out if potential incidents of forced labour or child labour are identified
9. Identify and document what remedy the business will offer to victims of forced labour and child labour in their own business and supply chains including restitution (restoring victim to original situation before abuses occurred), compensation (financial or otherwise), rehabilitation (medical, physiological or psychological care) and satisfaction and guarantee of non-repetition
10. Identify and document relevant government and/ or civil-society backed support mechanisms to support potential victims of forced or child labour
11. Ensure the procedure acknowledges that potential victims of forced and child labour have the right to pursue other forms of remedial action at any stage beyond internal remedy mechanisms
12. Decide and document how the business will contribute to programmes to assist victims of modern slavery e.g. through vocational training or other appropriate measures

13. Identify and document what remedy the business will implement if other human rights issues are identified in their own operations
14. Identify and document what remedy the business will implement if other human rights issues are identified in their supply chains
15. Decide and document how the outcomes of any investigation will be communicated, bearing in mind the need to protect victims
16. Establish a review procedure to ensure the remediation policy is effective and to review the root causes of any issues.
17. Share the remediation procedure with all workers in their own operations, with suppliers and with workers in their supply chain.

### **Step Three: Dealing with potential victims of human rights abuses**

**Protecting victims is the most fundamental principle of any remediation policy.** Winterwood Farms Ltd acknowledges that once an allegation of forced labour or child labour is made victims should be:

- Taken to a place of safety, out of view
- Supported by a colleague or trade union representative if possible
- Provided with reassurance and welfare (food, drink, medical assistance)
- Informed of the business's remediation procedure and the support that is available to them
- Asked what remediation they are looking for e.g. financial, psychological support.
- Given access to relevant government or third-party remediation services

At all stages, Winterwood Farms Ltd will take steps to protect confidentiality and collect evidence including:

- Ensuring that suitable managers are responsible for running the investigation without links to the allegations
- Recording what the victim says and making full notes of all the circumstances
- Keeping multiple victims separate, speaking to them individually and noting signs of suspects trying to make contact.
- Having an independent/ telephone interpreting ready to use.

Winterwood Farms Ltd.'s process for responding to violations will be to:

1. Conduct an initial assessment of the allegations to ensure there is sufficient information to understand the exploitation discovered and remedy it
2. If allegation relates to the business's supply chain, ascertain if a supplier or labour provider is implicated
3. If severe allegations are identified, report the allegations to relevant authorities
4. Capture evidence about the violations, using an independent third party if necessary
5. Gather information from those affected
6. Take steps to correct the situation for the worker/s
7. If forced labour is identified, contribute to programmes and projects to assist the victims
8. Work with local authorities and competent local organisations to provide assistance, if necessary
9. Review progress over a suitable time period and verify that root causes have been identified and resolved
10. Document remedial steps taken
11. Build learnings into remediation procedures and operational procedures to prevent re-occurrence.

### **Step Four: Ongoing support and monitoring**

It is important to monitor the progress of the remediation programme and to provide ongoing support. Monitoring will include the following steps:

- Monitoring the progress of victims of forced labour if they have been referred to a government or civil-society managed referral mechanism or similar
- Evaluating how effective the remediation procedure was and amending it accordingly
- Reviewing internal policies and procedures to determine what needs to change to prevent slavery from re-occurring.

Ongoing support required should be determined with the victim. It may take the form of a financial stipend whilst the victim is not working.

### **Monitoring and evaluating**

Winterwood Farms Ltd believes that a number of key indicators should be monitored in order to determine whether or not a site's grievance and remedy procedures are effective. These can include:

- **Trends in the number of grievances raised** – initially a site may look for an increase in the number of grievances raised to show awareness of the grievance channels and confidence that they are credible. Over time, the number of grievances may decline as a result of improvements in working conditions
- **Reduction in the number of audit non-compliances** – indicating that the grievance processes are contributing to the identification and remediation of workplace issues
- **Awareness and perception of grievance mechanisms** – high and increasing awareness of the mechanism's existence and high and increasing perception that it provides a credible, worthwhile process.