

**Lesotho
Improvement
Phase**

**Water
Project:**

**Sector
Second**

Consultancy services to carry out an Environmental and Social Impact Assessment and a Resettlement Action Plan for Zones 2 and 3 of the Lesotho Lowlands Bulk Water Supply Scheme

GRIEVANCE REDRESS MECHANISM

Lesotho Water Commission, Ministry of Water

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1 Introduction

Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts, or perceived impacts. The IFC standards require Grievance Mechanisms to provide a structured way of receiving and resolving grievances. Complaints should be addressed promptly using an understandable and transparent process that is culturally appropriate and readily acceptable to all segments of affected communities and is at no cost and without retribution. The mechanism should be appropriate to the scale of impacts and risks presented by a project and beneficial for both the company and stakeholders. The mechanism must not impede access to other judicial or administrative remedies.

A grievance is a concern or complaint raised by an individual or a group within communities affected by the project operations. Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts or perceived impacts. Based on the understanding of the project area and the stakeholders, an indicative list of the types of grievances have been identified for the project, as can be seen below:

- Concerns over the impact on local cultures and customs;
- Compensation for loss of assets;
- Record errors made during surveys as well as inadequate valuation of properties;
- Delayed commencement of sub-project activities
- Property ownership disputes within families or relatives;
- Disagreements on portions of land surveyed
- Further losses to community forest;
- Issues related to transportation;
- Construction phase-related grievances: damage of trees and property during construction phase; traffic safety, restricted access to homes, dust, noise, etc.
- Operations phase-related grievances: system operator interactions with community, traffic, safety around electrical facilities, etc.

The project stakeholders will have the opportunity to access the list of grievances including the resettlement and compensation grievances that may arise during the projects construction and operation phases. Registered concerns will have a speedy, just and fair resolution process. The list of grievances will be regularly updated as and when the new one arises.

This section represents details of the Grievance Procedure and accompanies the Resettlement Action Plan. The Procedure follows that recommended by the International Finance Corporation (IFC) in Performance Standard 1 (IFC, 2012) and in the handbook Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets (IFC, 2007).

2 Principles

The grievance mechanism should be based on the following principles:

- Transparency and fairness;
- Accessibility and cultural appropriateness;
- Openness and communication regularity;
- Written records;
- Dialogue and site visits; and
- Timely resolution.

2.1 Transparency and fairness

The grievance redress mechanism will be a platform for stakeholders to record their concerns, comments and suggestions. In order to ensure transparency in handling and processing of grievances, all project stakeholders, especially complainants will be kept informed about progress of their grievances in a timely manner. The process will enable trust and fair conduct of grievance process.

2.2 Accessibility and cultural appropriateness

Community members or groups impacted by the project should have access to the grievance process. Directly or indirectly affected individuals or groups may either positively or negatively raise a grievance. The stakeholders will have the opportunity to participate in the grievance process in the language preferred by the community.

2.3 Openness and communication regularity

There are multiple channels available for individuals and groups to choose their preferred method of lodging grievances. i.e. stakeholders may complete a complaint form through community committee members, contacting the project by telephone to log on their grievance.

2.4 Written records

Once a grievance has been raised formally, it is important that proper written records are kept, to aid transparency and allow for any review of the process or decision to be undertaken. If possible, the original complaint should be in writing. The Contractor's response should also be recorded. Any actions taken along with reasons should also be recorded, for example, a grievance hearing and finding.

2.5 Dialogue and site visits

All grievances are measured to discussions with the complainant and a site visit, if required, to gain a first-hand understanding of the nature of the concern. The purpose of the visit is to confirm the validity and severity of the grievance.

2.6 Timely resolution

All grievances, regardless of their nature and size shall be considered and corrective actions taken within reasonable time. The channel of communication is to be kept open throughout the process of addressing each grievance, and an acknowledgement of receipts to be signed by the complainant ensuring that the complaint was resolved amicably for both the project and the stakeholder. All possible efforts will be made to complete the process within the shortest possible time.

3 Grievance terminology

For the purpose of the grievance mechanism, the following terminology is relevant:

Term	Definition
Complainant	An individual, group or organisation that submits a Complaint to the project.
Complaint	An expression of dissatisfaction with the project, typically referring to a specific source of concern and/or seeking a specific solution. For the purposes of the Grievance Mechanism, a question or request may also be treated as a Complaint.
Complaint Log	A database for maintaining information about Complaints received.
Contractor	An individual or firm that has entered into a contract to provide goods or services to the Project. The term covers parties directly contracted by the Project and those contracted by a Contractor company, also referred to as subcontractors.
Registration Form	A form used to capture information about an incoming Complaint.

5 Roles and responsibilities

Role	Responsibility
Project/Asset Manager	Accountable for the implementation of the grievance mechanism.
Stakeholder Relations Manager (This person would be someone from the Water Commission responsible for looking after community relations)	Responsible for the overall implementation of the grievance mechanism. This includes serving as custodian of the complaints process, monitoring the handling of complaints, and suggesting changes to policies or practices based on lessons learned.
Community Liaison Officer (CLO)	Responsible for co-ordinating the response to a Complaint and serving as the main point of contact with the Complainant. This includes receiving and reporting Complaints, maintaining the Complaints Log, supporting the resolution of Complaints; and liaison with the Complainant.
Complaint Owner	Responsible for investigating and resolving a Complaint. This includes conducting investigations, proposing resolutions, implementing corrective actions and co-ordinating with the CLO and other parties.
Appeals Committee	Responsible for reviewing escalated Complaints and authorising additional actions to be taken. This includes reviewing overdue or escalated Complaints, authorising additional actions, and approving the close out of Complaints where it is not reasonably possible to reach an agreed resolution with the Complainant.

6 Value of grievance mechanism

Despite good planning, mitigation measures and procedures to avoid or reduce environmental and social risks, accidental or new negative impacts may come to light during project operations. Some of these negative impacts may cause *damage* to the company's external stakeholders - third parties - and in particular neighbouring communities.

Good international practice requires that negative impacts be mitigated. The Grievance Procedure is a tool to mitigate negative impacts in the form of damage to third parties. It is in fact a final check and balance to manage negative effects on project affected stakeholders.

7 Objective of grievance mechanism

The objective of the Procedure is to receive, respond to, consider and resolve as quickly as possible any grievances as a result of the Project, including grievances towards the Company's activities, personnel, contractors and subcontractors.

The procedure will also help to improve the Project's social, environmental and health and safety performance as the number and nature of grievances received is one of the indicators of the Project's employee conduct and behaviour.

The specific objectives are to:

- Establish a mechanism for responding to grievances in an understanding, transparent, confidential and culturally-appropriate way;
- Develop an easy-access, no-cost and efficient grievance procedure for the local populations involved in and/or impacted by the Project;
- Implement effective dialogue and open lines of communication with affected people or people that perceive that they have been affected;
- Help to manage unrealistic expectations and/or negative perceptions from the local populations towards the Project;
- Establish a system of investigation, response and quick grievance resolution;
- Reduce gradually the number of grievances regarding the Project; and
- Improve social and environmental and health and safety performance through the analysis of grievances.

7.1 Publicizing the grievance mechanism

A project's grievance procedures should be put in writing and explained to relevant stakeholders. People should know where to go and whom to talk to if they have a complaint and understand what the process will be for the handling of a grievance. The format and language should be readily understandable by the local population and communicated orally in areas where literacy is low.

A good process can enhance outcomes and give people satisfaction that their complaints have been heard, even if the outcome is less than optimal.

*Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets.
International Finance Corporation 2007.*

7.2 Use of Third Parties

Ensuring fairness of process for affected individuals sometimes requires certain measures to level the playing field of perceived power. Companies may wish to reach out to other partners to assist in the process e.g. an NGO might be brought in to assist local communities and academic institutions may be sought out to act as mediator between the company and stakeholder groups should this become necessary.

7.3 Accessibility of the process

Projects that make it easy for people to raise concerns and feel that they will be heard can reap the benefits of both a good reputation and better community relations. Methodologies to achieve this are as follows:

- Localize your point of contact
- Hire people with the right skills to act as CLOs
- Maintain a regular presence in local communities. Talking with a familiar face who comes to the village regularly creates an informal atmosphere in which grievances can often be aired and sorted out without having to move up the chain of command.

7.4 Response time

Developers should commit to a certain time frame in which all recorded complaints will be responded to. This helps allay frustration by letting people know when they can expect a response to their complaint. These guidelines have been implemented in the design of the forms that will be utilized in this Grievance Procedure.

7.5 Transparency

Enabling stakeholders to understand how decisions are reached, inspires confidence in the system. It is important to have an immediate response to time-sensitive complaints, such as a fence being knocked down and livestock getting out. CLOs should also have the authority to resolve basic complaints themselves, as well as a direct reporting line to senior managers if the issue is more serious or costly to address.

7.6 Record keeping and reporting

Keeping a written record of all complaints is critical for effective grievance management. This needs not be a sophisticated software programme and can be as simple as a log book. Templates have been designed for this purpose (See Appendices A to H).

Apart from informing the complainant of the outcome, it is also good practice to report back periodically to communities and other stakeholder groups as to how the company has been responding to the grievances it has received.

7.7 Legal recourse

If the project is unable to resolve a complaint, it may be appropriate to enable complainants to have recourse to external experts. Companies should be familiar with the judicial and administrative channels for dispute resolution available in the country of operation and should not impede access to these mechanisms.

8 In-country regulatory requirements

In-country regulatory requirements differ from country to country where developers operate. Proponents should consult at least in country environmental, water, land and related laws and regulations.

It is important to note that most African countries hold their communities in high regard and the tarnishing of relations with the government of the country by ignoring community complaints or perceptions, can cause project delays and unnecessary regulatory red-tape imposed on projects.

9 The process

The perception of transparency and “fairness of process” is important. Grievance procedures have to take into account the level of understanding of local populations, their accessibility to a grievance process and whether the process is culturally appropriate. The entire process - from how a complaint is received and reviewed, through to how decisions are made and what possibilities may exist for appeal - should be made as transparent as possible through good communication. The grievance mechanism process involves eight stages:

1. Receiving and recording the grievance;
2. Assess and assign the grievance;
3. Acknowledge the grievance;
4. Investigate the grievance;
5. Respond to the grievance;
6. Resolution
7. Appeal
8. Close out

9.1 Receive and recording the grievance

The Procedure is initiated when a staff member or contractor receive a complaint and referred to the CLO. If the complaint is readily resolvable and can be dealt with immediately, the CLO takes action to address the issue directly and records the details in the **Grievance Tracking Sheet (2)**.

If the complaint is not readily resolvable, the CLO will ask the complainant to complete the **Grievance Report Form (1)**. If the complainant is unable to complete the form, the CLO will fill it out and read the contents back to verify accuracy. This method of completion will be noted on the form. If the complainant refuses to complete the grievance form, he or she will be offered the option to have the complaint treated on an anonymous basis. The CLO creates a record of the complaint in the **Grievance Tracking Register (4)**.

9.2 Assess and Assign the grievance

The CLO makes an initial assessment of severity and assigns the complaint to a Complaint Owner. The CLO and the Complaint Owner agree the timelines for an investigation and any follow up actions. The CLO provides access of all relevant documentation to the Complaint Owner.

For complaints regarding issues for which a more appropriate company process already exists, the CLO shall refer the matter to the appropriate process owner for further action. This will typically be the case for complaints related to contractual or commercial issues; industrial relations and employee relations; business integrity or criminal matters; and issues subject to current or pending litigation. The CLO updates the **Grievance Tracking Register (4)** as appropriate.

9.3 Acknowledge the grievance

Once a complaint has been assessed and a Complaint Owner assigned, the CLO sends a written acknowledgement to the Complainant. The **Acknowledgement of Receipt Form (3)** should normally be sent within seven days of receiving the Complaint. The CLO documents the acknowledgement in the **Grievance Tracking Register (4)**.

9.4 Investigate the grievance

The Complaint Owner investigates the factual basis for the complaint and proposes options to resolve the issue. The Complaint Owner may involve third parties in the fact-finding process as required. The identity of the Complainant should only be disclosed to the extent necessary to resolve the issue or as required by law.

If the Complainant has specifically requested that his or her identity not be disclosed, their personal information may not be shared with third parties unless required by law. The Water Commission should generally seek to

resolve complaints within 30 days. The maximum resolution period should not normally exceed 30 days. The CLO is responsible for providing regular progress reports to the Complainant, including a verbal update every 7 days and a written update after 14 days. If additional time is needed to complete an investigation, the Complaint Owner will notify the CLO, who will inform the Complainant of the reason for the delay.

When the investigation is complete, the Complaint Owner documents the findings and proposes options for resolving the complaint as appropriate.

9.5 Response to the grievance

The Complaint Owner and CLO agree on a response to the Complainant (**Outcome of Grievance Form (5)**). The response should communicate the findings of the investigation, set out the proposed solution and timelines, and seek feedback from the Complainant (**Acknowledgement of Outcome Form (6)**).

The Complaint Owner and CLO determine next steps based on feedback from the Complainant. If the Complainant accepts the resolution, the Company will proceed to implement. If the Complainant does not accept the resolution, the Complaint will be escalated to the Appeals Committee. The Complainant's response will be documented in the **Appeals Tracking Register (7)**.

9.6 Resolution

If the Complainant accepts the proposed resolution, the agreed actions are implemented.

The Complaint Owner is responsible for assigning action parties, actions and deadlines to implement the resolution. These are recorded in the Complaint Log with any supporting documentation. Monitoring arrangements may need to be put in place to verify implementation.

The Complaint Owner informs the CLO once the resolution has been implemented. The CLO then asks the Complainant to sign the **Confirmation Form (8)**. If the Complainant agrees to sign, the Complaint is closed out as resolved. If the Complainant refuses to sign, or has failed to sign within the timeframe allowed, the Complaint is referred to the Appeals Committee.

9.7 Appeal

The Water Commission will seek to reach a resolution with the Complainant that is satisfactory to both sides. If the Project and the Complainant are unable to agree on a solution, the Complaint may be escalated to the Appeals Committee for review and final decision.

The Appeals Committee reviews the case and determines if further reasonable action is possible. If no reasonable action is possible, the Appeals Committee authorises the close out of the complaint. A close out letter will be sent to the Complainant explaining the company's position.

Cases where the Complainant disputes or declines to acknowledge the implementation of a previously agreed resolution may also be referred to the Appeals Committee for review.

9.8 Close Out

A complaint is closed out when no further action can be or needs to be taken. Closure status will be classified in the **Grievance Tracking Register (4)** as follows:

- Resolved. Complaints where a resolution has been agreed and implemented and the Complainant has signed the Confirmation Form.
- Unresolved. Complaints where it has not been possible to reach an agreed resolution and the case has been authorised for close out by the Appeals Committee.
- Abandoned. Complaints where the Complainant is not contactable after one month following receipt of a Complaint and efforts to trace his or her whereabouts have been unsuccessful.

The CLO is responsible for updating the **Grievance Tracking Register (4)** and the logistics associated with closing out the case.

At the end of a case, regardless of whether agreement was achieved, the CLO will seek feedback from the Complainant on their level of satisfaction with the complaint handling process and its outcome.

The Grievance Mechanism should be communicated to all stakeholders. There need to be an institutional base to implement and manage the grievance mechanism. It is therefore recommended that the Water Commission must appoint a member of staff as Grievance Officer to coordinate all grievances received. The Grievance officer must work closely with the Community Liaison Officers.

10 Grievance mechanism steps

This section outlines the steps that will be utilised in the RAP Grievance Procedure

10.1 How grievances may be submitted

- The complainant completes **Grievance Form (1)** which should be made readily available in the host communities. (See Appendix A)
- Complainant places the form in a post box provided in the project area or hands **Grievance Form (1)** to the CLO in the area.

- In cases of illiteracy, the CLO needs to assist a complainant to complete **Grievance Form (1)**. If a grievance is of such a nature that it poses potential harm, injury or damage to any member of the public, a telephone number should be provided to all communities to ensure that such grievance receives immediate attention.
- If a grievance is communicated via telephone to a company employee or CLO, this person needs to complete **Grievance Form (1)** on behalf of the complainant.

10.2 Capturing the grievance

The Responsible Person (RP) or CLO is responsible for the following steps:

- Immediately completes the **Grievance Tracking Sheet (2)** (Appendix B).
- Assigns a reference number from **Grievance Tracking Register (4)** (Appendix D).
- Sends Acknowledgement of **Acknowledgement of Receipt Form (3)** to complainant (Appendix C).
- Determines the severity of the grievance.
- Sends **Grievance Form (1)** together with **Grievance Tracking Sheet (2)** to person assigned to resolve complaint.
- Captures the exact nature of the grievance on **Grievance Tracking Register (4)**.

10.3 Processing the complaint

- Relevant department conducts an investigation within 7 days and completes **Grievance Tracking Sheet (2)**.
- Sends completed **Grievance Tracking Sheet (2)** to CLO/Responsible Person.
- RP/CLO to follow up with the relevant department if **Grievance Tracking Sheet (2)** is not received within 7 days.
- RP/CLO updates **Grievance Tracking Register (4)** outlining outcome of complaint.
- RP/CLO completes **Grievance Report Back Form (5)** and forwards to complainant.

10.4 Resolution of grievance

- The complainant completes Acknowledgement portion of **Acknowledge Grievance Report Back Form (6)** either indicating acceptance of outcome or notification of intent to appeal.
- Complainant provides completed **Grievance Report Back Form (5)** to the CLO/RP.
- RP/CLO closes out the complaint on **Grievance Tracking Register (4)**.
- In case of appeal, RP/CLO completes **Appeals Tracking Register (7)**.

- RP/CLO forwards **Acknowledge Grievance Report Back Form (6)** to Managing Director or relevant Head of Department (HoD). Relevant HoD makes contact with complainant and agrees on a mutually acceptable date for appeal hearing.
- If no acceptable outcome of the appeal, relevant HoD consults legal department for way forward.
- Relevant HoD informs CLO of outcome and way forward.
- CLO closes out engagement on **Appeals Tracking Register (7)** and **Confirmation Form (8)**.

11 Performance indicators

The following performance indicators will be used to assess the Grievance Procedure on an annual basis:

- **Participation:** The target is to channel 100% of grievances (except those related to worker issues) through this procedure, before grievances reach the media or the courts.
- **Resolution:** The target is to resolve 75% of grievances (from the Project's perspective) within 30 days, dealing directly with the person raising the grievance.
- **Recurrence reduction:** Categorise the number of grievances by categories - compensation, land, environmental, accidental impacts (property, livelihood and wellbeing), health, safety and security, business opportunities and community investments, recruitment of trainees and employees, misinformation or lack of information, and behaviour of Project or Contractor personnel. The intention is to learn from grievances and respond to them qualitatively in a manner that, over time, reduces their rate of occurrence.

The assessment should lead to policy changes and continuous improvement of the grievance process throughout the life of the Project.



Grievance Form (1)

This form is for the use of community members, landowners, key stakeholders and interested and affected parties living next to or in close proximity to the Project, to record any engagement (complaints, grievances, issues, comments, requests or opportunities) they have with regard to the operations of the project.

..... (name of project) shall, within **7 days** of having received and recorded the communication in the register, acknowledge receipt thereof.

Please submit the request within 7 days of an incident. The request shall be referred to the competent person within the organisation who will assess the grievance and respond to the affected person with a letter outlining the outcome. The process of each grievance shall be recorded in the register. Please provide as much supporting information as you can to motivate your issue.

Please leave this form in the post box provided or give this form to your CLO (name of CLO) who will complete this form on your behalf. If any grievance is communicated via e-mail or telephone to an employee of the project, that employee will complete this form and forward it to the relevant department.

If a Complaint is of such a nature that it poses potential harm, injury or danger to an employee or any member of the public, contact: Tel.

Full name:		Address:	
Home number:		Email:	
Cell number:			
Grievance (complaints, grievances, issues, comments, requests or opportunities):			
<hr/>			
<hr/>			
<hr/>			
<hr/>			
<hr/>			
<hr/>			
<hr/>			
Signature of complainant:		Date submitted	



Grievance Tracking Sheet (2)

Date received:	Received via (circle): <i>SMS Form Letter E-mail Phone</i>	Reference number assigned:
Date acknowledged:	Acknowledgement provided via (circle): <i>SMS Form Letter E-mail Phone</i>	Name of processing official:
Comment / Request received (circle) <i>Water: Quality / Other</i> <i>Air: Dust / Noise / Other</i> <i>Land: Crop damage/ Grazing / Other</i> <i>Other (specify)</i>		
Referred to:		Date referred:
Effect of incident on affected party/Possibility to assist with request:		
Corrective steps recommended by company official: Opportunity for a constructive relationship:		
Way forward:		
Date complainant was advised of outcome of engagement:		Signature of the competent official:

GRIEVANCE TRACKING SHEET (Office use only)

Acknowledgement of Receipt Form (3)



Complainant Name and address:	Responsible Officer: Department:
Date received:	Reference number:
Summary of incident:	

Dear _____

Thank you very much for your communication outlining the abovementioned incident.

..... (name of Company) appreciates that you approached us to resolve this matter.

The communication regarding the incident was referred to the competent department who will give you feedback within 7 days of receipt of this communication.

For any enquiries, please use the above reference number.

Yours sincerely

Signed
Community Liaison Officer

Grievance Tracking Register (4)



This register is for (name of Company) to record grievances (complaints, issues, comments, requests or opportunities) received from community members, landowners and affected parties living next to or in close proximity to the client, for any incidents they may have experienced as a result of any aspect of the activities during operations at the site. The company shall, within 7 days of having received and recorded the grievance in the register, acknowledge receipt of the engagement. The request shall be referred to the competent person within the company who will assess the request and respond to the affected person with a letter outlining a possible solution. The process of each incident should be recorded in the register. Diarise each incident with the due dates.

Ref Nr	Complainant	Date received	Date Acknowledged	Referred to	Date replied	Date resolved	Status: <i>Resolved / Unresolved / Abandoned</i>
01/2018							
02/2018							
03/2018							
04/2018							
05/2018							
06/2018							
07/2018							

Acknowledge Grievance Report Back Form (6)



This form is for the use of all complainants to acknowledge receipt of the Company report back after a grievance has been lodged and investigated/resolved.

Full Name:	Address:
Reference Number:	Date:

Thank you very much for the report giving feedback on the incident I lodged with
..... (name of Company). I am satisfied with the outcome of the complaint.

Yes	No
-----	----

I would like to lodge an appeal on the following grounds: _____

Yours sincerely

Signed _____

Name _____

Appeals Tracking Register (7)



This register is for (name of Company) to record appeals received from complainants after feedback was given on an engagement that had been lodged. An appeal should be recorded and diarised in the register.

Ref Nr	Complainant	Date received	Referred to	Date replied	Date resolved
A01/2018					
A02/2018					
A03/2018					
A04/2018					

Confirmation Form (8)



This form is for the use of all complainants to confirm that resolution has been implemented.

Full Name:	Address:
Reference Number:	Date:

Thank you very much for the report giving feedback on the incident I lodged with
..... (name of Company). I am satisfied with the outcome of the complaint; the
grievance resolution has been implemented and the Complaint is closed out.

Yours sincerely

Signed _____

Name _____