



Stakeholder Engagement Report 2022-2023 incl.  
identification of salient human rights issues

Eastern Produce Kenya  
Operational Grievance Mechanism

January 2023

*TRA is a collective of social performance and human rights experts that supports companies in their efforts to reduce human rights risk and ensure positive relations with local communities, civil society organizations, and government stakeholders. We want to see business deliver on its promise to drive respect for human rights and have a net positive impact on society.*

*Our human rights practice and our social performance practice work in tandem to achieve these goals. We have deep experience in working on human rights and social issues at the site-level in Africa (and elsewhere around the world), including in the assessment, design and support for operational grievance mechanisms for natural resource companies.*

## 1. Background

In 2022-2023 Eastern Produce Kenya (EPK) developed an Operational Grievance Mechanism (OGM) covering its estates in Nandi Hills, Kenya. As part of this process, Triple R Alliance (TRA), an internationally recognized social performance and human rights consultancy, was engaged to work with EPK's internal and external stakeholders to design the mechanism, build capacity among those involved in its coordination, management and implementation, and gain insights from potential users of the system.

Engagement with EPK's stakeholders was considered a core activity in all phases of developing the OGM. It was central to aligning the OGM with effectiveness criteria outlined in the UN Guiding Principles on Business and Human Rights (UNGPs).

Between September 2021 and January 2023, TRA engaged with more than 1,000 internal and external stakeholders on the OGM design process. EPK has also reached out to more than 2,000 stakeholders directly through training and information-sharing sessions. Through this process, EPK management has ensured that 100% of its managers have been trained on (a) the UNGPs; and (b) managers' roles and responsibilities in putting these principles into practice; for example, by ensuring that, in the process of resolving grievances, safeguards are in place for users. Parallel to these training efforts, multiple public awareness sessions were organized. These sessions informed employee<sup>1</sup> representatives (shop stewards), community representatives (chiefs), and representatives from communities located on the estates (members of EPK's Village Environment committees) about EPK's grievance resolution processes, scope, timeframes, and safeguards available to complainants. Particular effort was made during these sessions to be inclusive of the most vulnerable groups of employees from a human rights perspective, such as the domestic staff working in the various bungalows.

This report provides an overview of the approach and activities undertaken by EPK management and TRA between September 2021 and January 2023 to include stakeholder perspectives in developing the grievance mechanism as well as to identify high level salient issues. EPK launched its OGM in October 2022.

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<sup>1</sup> EPK refers to all its working staff as 'employees'. Employees include Fixed Term Contracts (FTC) employees - both short term contracts and long-term contracts, Graded and Non-Graded employees, Interns and Attachés.

## 2. Objective of the Grievance Mechanism

The aim of the EPK OGM is to demonstrate the company's commitment to respecting human rights by providing an avenue for affected stakeholders to have access to remedy. It includes processes for receiving complaints, assessing them, fact-finding, and providing mutually agreed resolutions (where applicable) to grievances about adverse impacts caused by, contributed to, or directly linked with the operations or behavior of EPK, EPK Managed Clients, or (sub)contractors.

The local, Nandi-language name for the OGM is *Tweguu Akase*, which means "Talk to me, I am listening."

## 3. Alignment with Kenyan Law and International Human Rights Standards

The design of the OGM recognizes the role of the Government of Kenya in providing access to remedy through judicial and non-judicial mechanisms. The OGM does not substitute for State-based mechanisms but is complementary to such mechanisms. At any point, complainants are free to present their grievance to any available State-based mechanism, even after any remedy has been received through the OGM. The OGM respects the laws of Kenya and seeks to contribute to the wider dialogue about strengthening access to remedy as outlined in the National Action Plan on Business and Human Rights in Kenya.

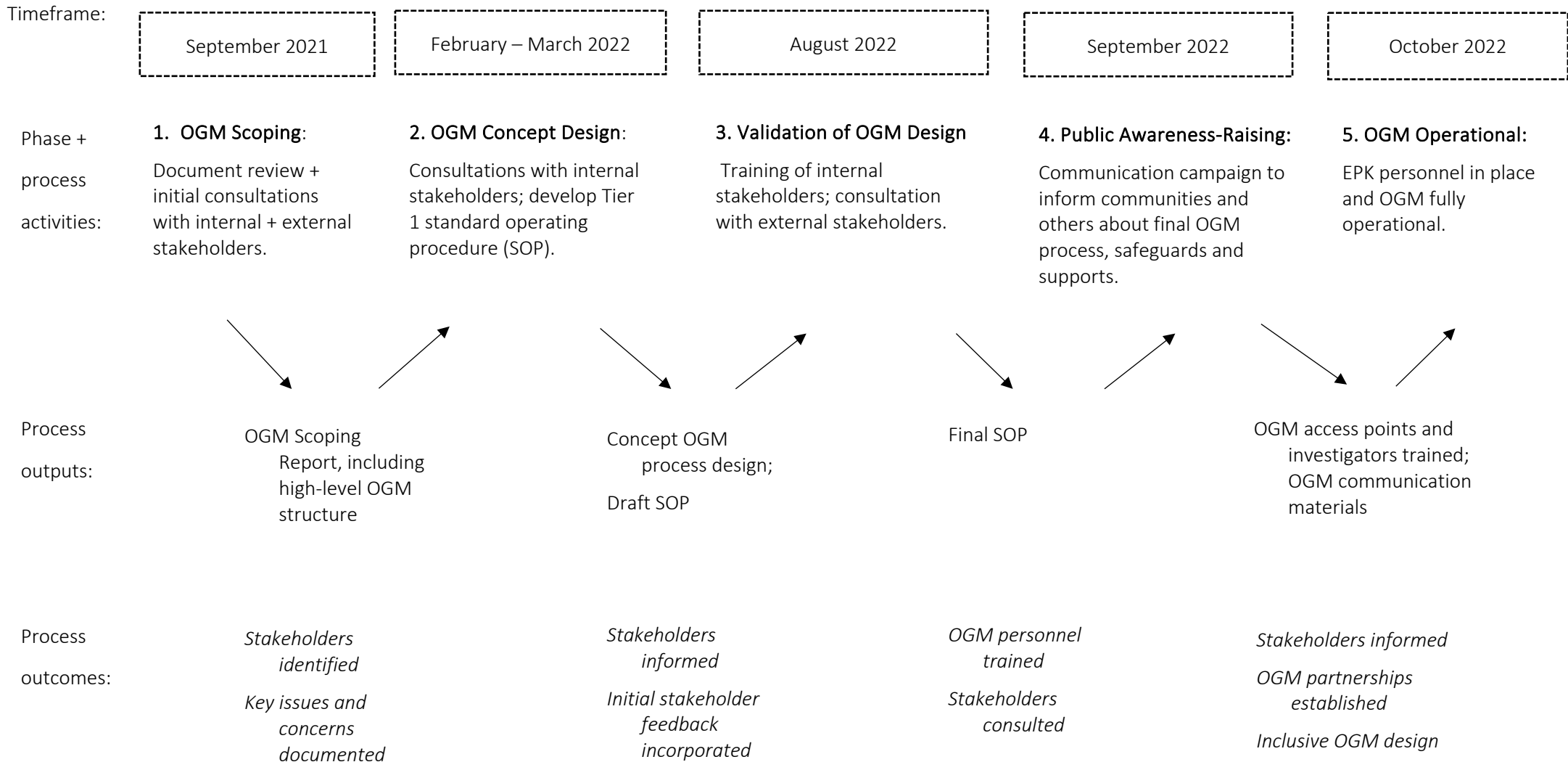
## 4. Engagement Approach

EPK took a participatory design approach to develop its OGM, which meant extensive engagements with the stakeholders for whom the mechanism was designed, during several phases, as depicted in Figure 1. The purpose of the engagement efforts was as follows:

- To build awareness of the UNGPs and the purpose of stakeholder engagement;
- To listen to, and understand stakeholders' perspectives on what a 'suitable' design would look like; e.g., type of access points, expectations about investigations and outcomes;
- To gather feedback about existing estate-based procedures; and
- To assess expectations of an effective grievance mechanism from internal and external stakeholders.

Stakeholder feedback was incorporated into a draft Standard Operating Procedure (SOP) that was iteratively discussed with the user groups and EPK management through face-to-face meetings, phone calls and remote meetings. The draft SOP was thus updated multiple times throughout the development phase, to ensure that stakeholder feedback had been integrated.

**Figure 1: Participatory OGM Design Process, Outputs and Outcomes**



#### 4.1 Scoping Phase

Before commencing OGM design-related engagements under Phase 1, a ten-day scoping study was conducted between August 25 and September 3, 2021. The purpose of the scoping study was two-fold. First, it helped EPK understand the effectiveness of its existing grievance resolution procedures. Second, it assisted in analyzing the gaps between the existing system and the eight effectiveness criteria outlined in the UNGPs. A total of 144 stakeholders were engaged over those 10 days in focus-group discussions and personal interviews. Of the 144, some 83 were internal stakeholders including union representatives and 61 external stakeholders, including community leaders, out-growers and contractors.

#### 4.2 Development Phase

Based on information obtained during the scoping phase, the TRA and EPK team began the OGM development phase in February 2022. It was completed in September 2022. During this phase, 2,448 internal and external stakeholder representatives were directly engaged through three types of meetings:

- a) Various consultative meetings aimed at gaining stakeholder perspectives and input on the design of the mechanism;
- b) Subsequent validation and awareness sessions, when the draft of the procedure was presented to stakeholders, who provided further input;
- c) Training sessions of (mostly) EPK staff to prepare them for the implementation phase.

In total, TRA conducted 172 engagement and training sessions during two rounds. The first round took place from February 17 to March 2, 2022. The second round took place August 15 to September 10, 2022. In addition, discussions with local human rights defenders were conducted in January 2023.

Key features of engagements with stakeholders	
✓	Discussions were mostly conducted in Kiswahili.
✓	Meetings and trainings were organized at locations close to participants' work or residences, to facilitate participation.
✓	Discussions related to OGM design were conducted in the absence of superiors, and details were kept confidential.
✓	Participants were grouped by their work area (field/factory, bungalows), by departments (security, clerks, drivers, tea infusers), by gender, and by region.
✓	Participation in Focus Group Discussions (FGD) was maintained at 5-20 people, depending on the type of group engaged.
✓	Engagements were kept semi-structured, and open-ended questions such as, 'What are the activities you do for EPK?' and 'What would you do if you had a grievance?' were used to help build a contextual understanding of the purpose of engagements.

The following types of engagement took place:

**a) Initial dialogue with EPK staff (February 2022)**

To ensure the OGM design would be sensitive to any employee concern, TRA and EPK staff held several meetings with a broad cross-section of staff. A total of 104 employees were reached during these initial dialogue meetings.

**b) Face-to-face feedback sessions with EPK staff in smaller groups (February 2022)**

During a concerted engagement effort, TRA staff organized a series of extensive consultation sessions with EPK staff from all parts of the organization to present the provisional design for the grievance mechanism and to solicit feedback. A total of 271 staff were involved in 74 consultation meetings.

In addition to providing recommendations related to the design of the grievance mechanism, the discussions with staff members yielded several findings with regard to concerns they hoped the grievance mechanism would address. These concerns mostly related to being able to access the mechanism without having to go through line management, provisions to deal with allegations of retaliation, clear guidance related to allegations of sexual harassment, and transparency as to the possible types of remedy the mechanism could provide.

Internal stakeholder groups consulted			
<ul style="list-style-type: none"> <li>• pluckers</li> <li>• drivers</li> <li>• turn-men<sup>2</sup></li> <li>• factory employees</li> </ul>	<ul style="list-style-type: none"> <li>• security guards</li> <li>• electrical engineering staff</li> <li>• administrative staff</li> <li>• dispensary staff</li> </ul>	<ul style="list-style-type: none"> <li>• house-helps</li> <li>• gardeners</li> <li>• extension officers</li> <li>• village headmen</li> <li>• field educators</li> </ul>	<ul style="list-style-type: none"> <li>• supervisors (field and factory)</li> <li>• divisional and line managers</li> <li>• union officials, shop stewards</li> </ul>

**c) Face-to-face feedback sessions with external stakeholders in smaller groups (February 2022)**

Similar to the smaller engagement sessions with internal stakeholders, TRA facilitated a series of 42 meetings. A total of 102 external stakeholders were involved in these consultations during 19 separate meetings.

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<sup>2</sup> Turn-men is used instead of the more common turnboy, a term that may be perceived as derogatory or offensive.

External stakeholder groups consulted			
<ul style="list-style-type: none"> <li>• out-growers</li> <li>• shed chairmen</li> <li>• cooperative chairmen</li> </ul>	<ul style="list-style-type: none"> <li>• out-grower pluckers</li> <li>• out-grower drivers</li> <li>• out-grower turn-men</li> <li>• contractors</li> </ul>	<ul style="list-style-type: none"> <li>• contractor truck drivers</li> <li>• local casual laborers</li> <li>• public service providers</li> </ul>	<ul style="list-style-type: none"> <li>• business service providers</li> <li>• schoolteachers</li> <li>• union officials</li> <li>• boda-boda chairman</li> </ul>

### 4.3 Validation Phase

The validation phase began in August 2022, after the appointment of EPK’s site-based Human Resources and Administration Manager and the Grievance Officer. The overall objectives for the validation phase were to finalize the draft SOP and prepare the organization for the launch of the OGM through a series of training and awareness programs. The following activities were conducted during the validation phase:

- Revisit the draft OGM with the stakeholders to obtain any additional feedback;
- Provide technical training to the staff engaged in the grievance resolution process; and
- Raise awareness about the final OGM process, communicate safeguards and manage expectations of the user groups.

During a targeted awareness and training campaign over a period of four weeks, more than 2000 potential users of the OGM were reached through the following activities:

#### ***a) Specific engagement with higher-risk groups (August 2022)***

Engagement with internal stakeholders in March 2022 identified several higher-risk groups who are at particular risk of retaliation or harassment. These include: a) bungalow employees; b) security staff; c) tea infusion employees; d) estate secretaries; e) accounts clerks; and f) van drivers. They were identified as higher-risk as many work as individuals (as opposed to being part of a team) and do not have ready access to worker representatives. A specific series of engagements was organized to explain the grievance mechanism to these groups, including its proposed safeguards. The awareness-raising program included two hours of face-to-face discussion with each subgroup to clarify the OGM’s purpose, function and access points, and safeguards available. About 653 employees were engaged during these sessions.

#### ***b) Awareness sessions for pluckers (August 2022)***

EPK raised awareness about the OGM on an ongoing basis through materials in Kiswahili (e.g., posters and leaflets) that explained access points and timelines and responded to some frequently asked questions. Posters were widely placed in worker areas and community social halls, and leaflets were distributed as knowledge material. Multiple awareness sessions included 380 male and female pluckers.

***c) Training for EPK Managers and Directors (August 2022)***

The training sessions were organized across all three regions, covering all managerial staff in the 14 estates of EPK. The sessions were used to engage managers in their understanding of the final grievance mechanism. The training also allowed managers to interact, engage, and seek clarifications on the procedure. The six trainings were conducted using a PowerPoint presentation, with the participation of 100% of the company's management, including managers, general managers and directors.

***d) Training of the EPK staff involved in grievance resolution (September 2022)***

Extensive discussions and training was conducted for the Grievance Officer and HR Manager to build their capacity as custodians of the OGM. These training sessions focused on the technical aspects such as grievance recording and analysis; soft skills such as listening skills, organization skills and people skills; and global best practices (e.g. UNGPs, best practices followed by companies, Rain Forest Alliance standards). The HR Manager and Grievance Officer also coordinated and attended all other training, to witness the feedback received on the OGM SOP and to understand the perspectives of various groups.

All fact-finding officers were trained on the approach and principles of fact-finding and recording methods, using a combination of PowerPoint presentations and case studies. Those fact-finders were provided with specific training to distinguish between the OGM 'fact-finding' and 'disciplinary' investigation processes.

***e) Training for stakeholder representatives (September 2022)***

Elected representatives of EPK employees, out-grower employees and village residents attended multiple sessions to learn about access points, the grievance procedure and timeframes, safeguards, and potential outcomes of the mechanism. They were encouraged to assist the Grievance Officer by becoming ears on the ground and to direct complainants to access points and assist them in the process of lodging a grievance. The trainees included shop stewards, field extension officers, members of Village Environment committees, and Shed Chairpersons.

***f) Engagement with local human rights defenders (January 2023)***

As part of the validation phase, a discussion was held with the Human Rights and Mediation Centre in Kapsabet, Nandi County. The meeting highlighted the role of this local NGO in receiving community grievances, including those related to EPK, and the need for EPK to have a mechanism in place to address community and worker concerns effectively.



## 5. Findings

Engagement with EPK stakeholders during the design process took place in two rounds, the first being in February/March 2022, followed by the second round in August/September, again in 2022. The purpose of the first round was to gain stakeholder insights with regard to the grievance mechanism and to solicit feedback regarding potential grievances that stakeholders would like to see addressed. Following the first round of engagement, EPK hired a Human Resources Manager as well as a Grievance Officer. As well, EPK management took a number of steps declaring its intent to implement a grievance mechanism. The second round of engagement came on the heels of these measures and provided an opportunity to present a proposed grievance procedure based on feedback received during February/March 2022. Equally important, the second round of engagement also provided an opportunity to take stock of the degree to which perspectives among the employees, managers and external stakeholders had changed, now that grievance management had been a topic of discussion for the past six months.

One might have assumed that stakeholder perspectives had remained more or less the same, as the grievance mechanism had yet to go ‘live.’ However, comparing stakeholder feedback from round 1 and round 2 showed significant changes in behavior and perspective.

### 5.1 Findings February/March 2022 Engagement Sessions

Findings from these sessions are divided into two categories:

- a) Feedback regarding design criteria for the grievance mechanism; and
- b) Stakeholder complaints currently not addressed.

#### Feedback regarding design criteria for the grievance mechanism

Consultation took place with each stakeholder group (managers, pluckers, domestic staff working in bungalows, etc.) which allowed for feedback to be disaggregated by groups. Table 1 provides an overview of feedback related to OGM design.

**Table 1** - Feedback relevant to OGM design and implementation

Subject	Responses by Category	Comment/Explanations
Access points	Higher-risk groups (domestic staff, security staff, drivers, tea infusion employees; clerks)	Many expressed concerns about access points that would require complaints to be made to line management (such as residents of bungalows) or via grievance boxes opened by managers. In particular, domestic staff, drivers and other higher-risk groups felt they effectively had no access to a grievance mechanism that provided them with a fair process and was not intimidating.

<b>Investigation process</b>	Higher-risk groups	Concerns focused on the need for a fair process that includes listening to all sides, review of evidence, consultation with witnesses, etc. Stakeholders perceived that such aspects of fair process had not always been applied by the line managers responsible for addressing grievances.
<b>Grievance Committee</b>	Higher-risk groups	The concept of the central grievance committee (as opposed to a committee for each Estate) was introduced. Stakeholders mostly were keen to learn what this would mean in practice.  Some managers and supervisors expressed some discomfort about giving employees the option to lodge a grievance directly with the Grievance Officer, as this might upset the way things grievances are normally handled.
<b>Retaliation / victimization</b>	Higher-risk groups	Interviewees explained that they were reluctant to lodge a grievance out of concern that they would be seen as ‘difficult’ and that this action would backfire on them, resulting in being penalized by their supervisor or being given a cold shoulder by other employees.  Security staff in particular wanted to be reassured that if they were to speak up, their job would be assured.  A key point of feedback was that the old grievance management process was linked to the disciplinary procedure and was focused on the wrongdoer rather than the victim. Hence, the result often was that the wrongdoer was penalized but little attention was given to the needs of the complainant.
<b>OGM interface with existing mechanisms</b>	Managers and supervisors	Managers and supervisors wanted to better understand the interface between the existing mechanism/systems and the proposed OGM.
<b>OGM interface with disciplinary procedure</b>	Managers and supervisors	Since the old grievance mechanism was intertwined with the disciplinary procedure, managers and supervisors expressed concern that a ‘new’ OGM would also create more cases of disciplinary action.
<b>Confidentiality</b>	Higher-risk groups	Respondents were of the opinion that the proposed OGM process would work provided there was improved confidentiality, which the current mechanism sometimes lacked.
<b>Sexual harassment</b>	Female bungalow employees, secretaries, security, and clerical staff	There were fears that sexual harassment in the workplace would continue even with the anti-sexual harassment programs being in place. These fears were due to the following: <ul style="list-style-type: none"> <li>a) Fear of retaliation would prevent women from lodging a grievance; and</li> <li>b) The need for economic benefits (work, cash, presents, promotion)</li> </ul>

<b>Information sharing, requests &amp; training</b>	Unions, community, out-grower farmers + seasonal employees	Many shareholders expressed a lack of information regarding employment policies, lodging a case, etc. This was mentioned as a main obstacle to lodging a grievance.
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Stakeholders complaints currently not addressed

When stakeholders were asked, “What is the biggest grievance you are currently experiencing?” the main feedback was as described below, ranked in order of frequency.

**Table 2** - Recurring feedback on potential grievances, issues, and requests.

	<b>Biggest grievance</b>	<b>Responses by Work Category</b>
#1	<b>Equal pay for equal work</b> – The most prevalent grievance related to the sense that some people are asked to do more than others in similar positions or in similar pay grades.	Pluckers, factory employees, security, drivers
#2	<b>Discrepancy between contract and work reality</b> – The second most frequently noted grievance related to a concern that employees are expected to do work that does not reflect the contract they signed. Many complained they do work that typically should be done by people in higher pay grades, for lower compensation.	Pluckers, factory employees, drivers, turn-men, security, clerks and secretaries, supervisors
#3	A common complaint across all stakeholder groups is that <b>employees and supervisors do not properly understand human resources policies</b> (“how stuff works”), such as criteria for promotion, job grading, what details are supposed to be on the pay slip, etc.. Reportedly, this leads to a lot of frustration and disagreements.	General response across the cohorts
#4	<b>Overtime-related complaints</b> comprising <ul style="list-style-type: none"> <li>a) forced overtime that cannot be refused; and</li> <li>b) overtime that is not logged and, thus, is not compensated.</li> </ul>	Drivers, turn-men, security, factory employees, bungalow employees, secretaries and clerks

	Biggest grievance	Responses by Work Category
#5	<b>Work conditions, uncomfortable demands and sexual harassment.</b> This concern came up repeatedly and is linked to a clause in the contract of some employees that states employees are ‘required to perform any other tasks as requested by your supervisor.’ Interviewees explained that this clause is abused by some managers, as it is not clear as to what can, and cannot, be reasonably expected from employees.	Female bungalow, security, factory, admin workers
#6	<b>Clan, tribe, family bias</b> – This concern is related to allegations that hiring and promotion decisions are still influenced by ethnic background, clan and family relations.	Supervisors, middle managers, secretaries
#7	<b>People management skills</b> – Several managers expressed a concern that if staff members have access to the grievance mechanism without involvement of their superiors, they will become more assertive and ask the managers more ‘difficult’ questions. Several managers requested EPK to provide managers with training on soft skills to be better listeners, and to engage rather than instruct, etc.	Line managers, middle managers, supervisors

## 5.2 August/September 2022 Engagement Sessions

The August/September round of engagement presented the grievance procedure and involved training sessions on the proposed OGM. People who were deemed to be ‘information points’ (stakeholder representatives who provide OGM-related information to potential users of the mechanism) were made aware of how to help a fellow employee use the mechanism and how to access additional information directly from the grievance office regarding issues such as information confidentiality, the process of resolving grievances, and the roles and responsibilities of various positions in the grievance resolution process. The following provides an overview of the feedback from each stakeholder group.

**Table 3: Engagement Feedback during the August/September 2022 sessions**

Category	Engagement Feedback
Pluckers (EPK & out-grower)	<ul style="list-style-type: none"> <li>Concern remained about bias and influence in the selection process for seasonal employment. Pluckers urged EPK to come up with a solution that would resolve such concerns.</li> </ul>

Category	Engagement Feedback
	<ul style="list-style-type: none"> <li>▪ Pluckers responded very positively to the OGM, as it provides them with access without having to work through the ranks. “With OGM, we now have a right to present grievances.”</li> <li>▪ Pluckers had <i>already</i> seen a change in the behaviour of decision-making bodies such as the Village Environment Committee, the headman and Estate management. Pluckers attributed this to the training on the OGM; decision-makers now are aware of the need to talk to witnesses and follow due process even during informal grievance resolution mechanisms. They are aware that if such informal mechanisms are not rigorously applied, complainants can access the grievance mechanism.</li> </ul>
Drivers & turn-men (mainly out-grower)	<ul style="list-style-type: none"> <li>▪ Drivers and turn-men mentioned a concern about working conditions, mostly related to overtime, and alleged that drivers and turn-men have to perform the same amount of work but with fewer people. “EPK should speak to our bosses.”</li> </ul>
Factory employees	<ul style="list-style-type: none"> <li>▪ Factory employees also responded positively to the proposed grievance procedure and cited the arbitrariness with which grievances had been addressed to date. They mentioned that speaking out had been frowned upon and those who did ‘had a spotlight on them.’</li> <li>▪ Many hoped that the new mechanism ensures that unfair treatment, for example the need to offer bribes for work or promotion, the labeling of complainants, etc., will become a thing of the past.</li> </ul>
Out-grower farmers	<ul style="list-style-type: none"> <li>▪ Out-growers mentioned that late payment is still a concern and noted that the flow of information and communications between the company and the out-growers is not working. Outgrowers wanted the communication role of the shed chairman, as well as the role of the chiefs (some of whom are out-growers themselves), to be addressed by EPK.</li> </ul>
Secretaries & clerks (field, admin. & finance)	<ul style="list-style-type: none"> <li>▪ Clerks in particular noted the stressful job they have when dealing with issues such as a variance in weight or when assessing the quality of leaf. Some clerks noted they are sometimes overruled by their bosses when they do not accept the quality of tea from bigger out-growers: “Managers listen too much to some farmers.”</li> <li>▪ This stakeholder group was positive about the OGM but wished to see it work in practice, as concerns about retaliation persisted. “Are you sure retaliation will now not be there?”</li> </ul>
Security (female & male)	<ul style="list-style-type: none"> <li>▪ Security staff were looking forward to implementation of the OGM, provided that an increase in complaints did not also mean more disciplinary actions.</li> <li>▪ The female security officers in particular noted that it is almost impossible to avoid first going through the internal security grievance investigation process. This process is hard to deal with, notably for women, as female guards said the</li> </ul>

Category	Engagement Feedback
	<p>culture of security functions does not allow women to question their bosses. Also, during the investigation process, women have been asked very pointed and uncomfortable questions that make some of them feel doubly victimized, especially when the situation concerns serious sexual harassment.</p> <ul style="list-style-type: none"> <li>▪ Hence, many female guards wondered what right (and energy) they will have to use the OGM if they just came out of a (energy draining) internal investigation by the security department.</li> </ul>
Supervisors	<ul style="list-style-type: none"> <li>▪ Supervisors as well welcomed the OGM. They stated that, to date, complaints have tended to shine a spotlight on those lodging the complaint; they are seen as troublemakers, which makes it more difficult to be promoted. “We also want to become managers in future.”</li> <li>▪ Supervisors noted the change in corporate culture that the OGM will generate. They noted that making ‘threats’ and singling out complainants will now be replaced with a process based on dialogue and fairness. “Making threats to make the problem go away will no longer work.”</li> </ul>
Support staff (VEC, field educators)	<ul style="list-style-type: none"> <li>▪ Support staff had already seen a change in culture, namely that managers had begun to be more active in allowing grievances to escalate to the OGM. The support staff saw this as a very positive development.</li> </ul>
Estate Line & Admin managers	<ul style="list-style-type: none"> <li>▪ Some Estate managers recognized that their management style would have to change from a “aggressive” and authoritarian one into a leadership style based on dialogue and respect. Some asked, “How do we deal with employees now?”</li> <li>▪ Others noted that the past tactics and approaches may have caused resentment, and they recognized there is a risk for some malicious complaints now that all employees have access to the grievance office.</li> <li>▪ Against that background, some unease still existed among Estate managers, who would like to see the OGM modified to meet Estate requirements but found it a challenge to articulate what that might look like.</li> </ul>
Bungalow employees	<ul style="list-style-type: none"> <li>▪ To bungalow employees, the OGM was a recognition that they were entitled to complain; that working conditions such as overtime would now have to be agreed upon and paid as stipulated. The employees felt a sense of empowerment.</li> <li>▪ Also, the OGM training increased their human rights awareness, including a right to say no to a request for a relationship with their bosses without the fear of losing their job.</li> </ul>

## 6. Integration of stakeholder feedback into the OGM design

The feedback and ideas suggested during discussions with hundreds of internal and external stakeholders have been incorporated into the design of the OGM in several ways. The following is a summary (non-exhaustive) of the comments and suggestions and how they have been incorporated:

- **Broad range of access points.** Recognizing that different stakeholders prefer different ways of lodging a complaint, the OGM offers a broad range of access points to both internal and external stakeholders. Furthermore, the importance of neutrality and confidentiality of access points was emphasized by the stakeholders. As a result of this feedback and to protect confidentiality, all access points (phone call, email, text message, grievance boxes, face-to-face) are directed to the Grievance Officer only.
- **Importance of access points for anonymous grievances.** Various internal stakeholders stressed the importance of maintaining grievance boxes as potential access points, as a way to submit anonymous grievances. Despite the practical challenge that anonymous grievances pose to investigations, the OGM accepts them. The expectation is that, as the OGM gains credibility and users learn to trust the mechanism, the need for anonymous grievances will diminish over time.
- **Need for ‘neutral’ coordinator/overseer of the mechanism.** From the outset, employees noted the importance of involving a neutral party, other than line management, in the process for resolving grievances. EPK took this advice seriously and employed a Human Resources Manager as well as a Grievance Officer to coordinate and oversee effective implementation of the procedure. Both individuals are female, which addresses the request to ensure gender sensitivity in the resolution of grievances.
- **Importance of safeguards.** In response to comments and questions from various employees and community members, the OGM process includes several measures to protect and respect confidentiality about the identity of individuals and information shared. Employees also highlighted the need for protocols for dealing with potential retaliation when lodging a grievance. In response, the OGM integrated a series of safeguards to ensure this risk is minimized. For example, it provided an explicit protocol for handling allegations of retaliation.

## 7. Analysis

The two rounds of stakeholder feedback allowed stakeholder groups to better understand the implications of the OGM, which yielded a number of insights.

- I. Overall, the engagement showed resounding support for the OGM

Although many participants still found it a novel experience to disagree with a higher company authority openly if they had a different position on the same matter, they were looking forward to the mechanism going live.

A main point of attention for EPK with regards to enthusiasm for the new mechanism is that employees might consider the OGM to be a one-stop-solution for all their concerns. In this respect, it will be important to manage expectations and explain what the mechanism can do, and what it cannot.

## II. From a focus on wrong-doers to a focus on 'victims'

The big eye-opener for most employees has been the shift from a focus on the wrong-doer to a focus on the needs of the complainant or victim. This is of particular importance to higher-risk groups, who felt they had no access to any type of remedy and therefore were hesitant to disclose their grievances.

When asked why such groups would not use the anti-sexual harassment hotline, many responded that this hotline was a black box to them; people claimed they did not know what to expect once they had reported a case.

The OGM is perceived as different in that the people designated as 'information points' will be there to support a complainant. This could be the clinic, the Union, colleagues, village educators or others. "With the anti-sexual harassment hotline, there was no collegial support. You were on your own. Now, with information points, you have help from your colleagues. We are no longer alone."

## III. The mechanism was perceived to be very empowering, in particular for higher-risk groups

Related to the above, the notion that everyone has equal access to the OGM is a big change, as previously people had to go through the chain of command, which could feel intimidating. Also, the OGM training encouraged employees to ask questions and to assert their rights.

## IV. Corporate Culture: Changes in behaviour are already happening

It was encouraging to hear from employees that they had already observed a change in behaviour among members of the Village Executive Committee (VEC), supervisors and managers. The awareness that the grievance mechanism serves as an equalizer and allows anyone to directly access the Grievance Officer means that the formerly informal way to address complaints and avoid a formal grievance has been transformed into something more rigorous and already has led to managers behaving in a manner that reportedly is more accountable.

## V. Still, many employees remained on the fence, hoping EPK will follow through



Despite high expectations, many employees were still wary and wished to see ‘evidence’ that the company had changed before they would fully embrace the mechanism. For many, such evidence would relate to visible behavior aligned with the safeguards (e.g., confidentiality, no retaliation). Many employees stressed the need for senior management to remain vigilant to ensure their ideas are translated into real action. Many employees were concerned about the gap between the rhetoric of senior management and the likelihood that Estate management continuous to carry on business as usual, for example when recruiting employees.

Consultation identified that the fear of retaliation was genuine. Many employees believed that the power of line managers at the estate to make decisions has been overly broad, and that this power has been occasionally abused. Hence, employees said they needed significant evidence to be convinced that change is taking place, as the OGM upsets the status quo.

#### VI. The roll-out phase of the OGM will be critical for its legitimacy

Against this background, interviewees noted that the first months of active application of the grievance mechanism would be important to demonstrate that the promised safeguards and fair procedure are becoming a reality. In this respect, efforts to build awareness about measures taken to ensure that the mechanism is ‘safe’ need to be ongoing and involve people seen as champions of the OGM, such as the CSR manager, the Human Resources Manager, the Grievance Officer and fact-finders.

In particular, engagement with higher-risk groups (female security officers included) needs to continue to assess the effectiveness of the mechanism, as well as to demonstrate that the company is serious. The need for safe places to speak out was identified by employees as very important.

#### VII. Follow up on earlier allegations of relationship between superior and subordinates

During the February/March engagement, a consistent theme was that of relationships between employees and bosses. Employees complained of favoritism that resulted from these relationships. Since then, EPK has taken action to clarify that such relationships need to be shared with the Human Resources function, so that superiors or subordinates can be moved to other departments to avoid the complications of power dynamics.

Feedback received from employees during the August/September sessions show that most or all employees now are aware that workplace relationships where a power dynamic exists need to be disclosed. A substantial number of employees rationalized such behaviour when the relationship was consensual. There are two reasons for this. First, from a transactional perspective, people perceived that the (economic) benefits of being in a relationship are greater than the ‘benefits’ of reporting such a relationship to the anti-sexual harassment hotline if the superior initiated the affair. Secondly, from a cultural perspective, it is reportedly acceptable for a man to have girlfriends as long as he looks after them economically. Hence, if

the girlfriend gets money or promotions as a result, others do not always find such behavior problematic. In fact, employees went so far as to publicly defend the perpetrators.

Such sentiments present a risk to anyone who wants to complain, as the woman involved stands to lose both economically and socially. Any 'solution' developed by EPK would likely have to take the economic benefits derived from having a relationship with a superior into consideration. As well, superiors are concerned about the risk that the new policy could be used by (ex) girlfriends to extract more benefits, for example by blackmailing their superiors. These dynamics need to be taken into consideration moving forward.

## 8. Identification of broader salient human rights

While the engagement with a wide range of stakeholders focused on the design and implementation of the OGM, feedback during these discussions also identified a number of broader salient human rights issues that EPK should consider. In particular:

- I. **Fair employment practices.** This includes effective access to remedy (e.g. through the OGM) but also relates to overtime payments, allegations of potential harassment, discrimination and other related working conditions.
- II. **Gender-based violence and sexual harassment.** Anecdotal evidence shows the risk of gender-related human rights impacts. These violations can occur in the village located on the EPK premises between community members. Sexual harassment also can occur as pressure for a 'favor' to obtain or maintain jobs. In other cases, interviewees spoke about relationships between superiors and subordinates. EPK is aware of this salient issue and already has an anti-sexual harassment program in place, which will be expanded, including the development of an independent Human Rights Grievance Mechanism.
- III. **Security and Human Rights.** EPK has its internal security department and, thus, has control over the security approach it pursues, for example, related to the theft of produce, firewood, trees, or other things. At the same time, there may be occasions when the company needs to rely on public security providers over which it has limited control. The potential human rights risks of involving public security providers must be carefully managed to avoid security-related human rights impacts.