

FISHERYPROGRESS.ORG

Human Rights and Social Responsibility Policy Requirement 1.4 Grievance Mechanism Guidance on the Initial Deadline

Version 1.0, April 2022

Introduction

In May 2021, FishChoice released the [FisheryProgress Human Rights and Social Responsibility Policy](#) (HRSR Policy) along with a new set of features on the FisheryProgress website to allow fishery improvement projects (FIPs) to publicly report on social performance. One of the requirements (1.4) is that FIPs demonstrate there is a grievance mechanism available to all fishers in the FIP. A grievance mechanism provides a means for fishers to raise grievances¹ or concerns or make comments, recommendations, reports, or complaints concerning employment and working conditions through which remedy can be sought. It is a critical component of an effective human rights due diligence system.

Per the phased implementation timeline, requirement 1.4 is effective as of May 1, 2022. To demonstrate they have met this requirement, FIPs must submit certain information to FisheryProgress, which they do as part of their regular reporting schedule. That means the initial deadline for each FIP varies according to their unique reporting schedule and when they were first listed as active on FisheryProgress. Once they have met the initial deadline, FIPs report on this requirement every 12 months during their annual report, beginning with the first annual report after they have met the initial deadline for requirement 1.4. Please see "[Guidance on FIP Reporting Schedules](#)" for additional information.

Example: Initial and reporting deadlines for requirement 1.4

For example, if a FIP has a six-month/annual reporting cycle of June/December, its initial deadline for requirement 1.4 is June 2022. Failure to meet that *initial* deadline will render the FIP inactive. The FIP's first reporting deadline for requirement 1.4 is December 2022, six months after initially meeting the requirement, when it submits its annual report. Thereafter, the FIP must report on requirement 1.4 every 12 months as part of its annual report due every December. Failure to meet the *reporting* deadline leads to the report being marked as missed. Per the [FIP Review Guidelines](#), two consecutive missed reports (including a report that the FIP missed and then submitted later) will render the FIP inactive.

In the absence of an existing grievance mechanism, or in the case that the existing grievance mechanism only partially complies with the criteria outlined in the "Grievance Mechanism Reporting Checklist" (see below), FIPs have the option to request a one-time 12-month exemption to this requirement. The [exemption request form](#) must be filled out in its entirety and be submitted by the FIP's progress reporting deadline.

¹ "A grievance is understood to be a perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities" (source: United Nations (2011). Guiding Principles on Business and Human Rights).

Purpose

The purpose of this document is to help FIPs better understand how to meet the initial deadline for the grievance mechanism requirement (1.4) by providing guidance, a checklist, and additional information.

NB: FisheryProgress does not require FIPs to complete the below checklist. This checklist is a supporting document only. If there are any discrepancies between the HRSR Policy and this document, please refer to the HRSR Policy for the binding language.

Key Terms and Definitions

The following terms and definitions, cited from the FisheryProgress [Glossary](#), are key concepts that help the reader understand the guidance provided in this document:

Fisher

Any person of any age or gender employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel, and fisheries observers.

Grievance mechanism

A formal, legal or nonlegal complaint and remediation process that can be used by fishers who are being negatively affected by certain business activities and operations.

Remediation

The process of providing remedy for a human rights abuse and the substantive outcomes that can counteract, or make good, the negative impact of the abuse. See Remedy. (Source: Based on [Shift/Mazars LLP](#)).

Remedy

Actions taken to resolve and prevent future negative human rights consequences resulting from business activities and operations. Actions may take a range of forms such as apologies, restitution, rehabilitation, financial or nonfinancial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non repetition.

Reporting Guidance

FIPs are required to provide a document that describes the grievance mechanism or equivalent process for collecting and remedying grievances. They provide the document by uploading it to the Social Performance tab of their profile. This document serves as the main source of information for FisheryProgress to verify whether each FIP has met requirement 1.4. In case the document does not provide enough information, the FIP must provide additional information via the “Details” field where the document is uploaded.

All information each FIP provides is published to the FIP’s public FisheryProgress profile.

The review criteria that the FisheryProgress team uses to determine whether the FIP has met the requirement are detailed in [FIP Social Review Guidelines](#). Those criteria have been translated into a “Grievance Mechanism Reporting Checklist” (see below). While most of the

information provided below focuses on the review criteria, additional information (examples, best practice, and recommendations) has been provided to improve understanding. For the grievance mechanism to be accepted and fulfill requirement 1.4 of the HRSR Policy, the FIP must meet all of the review criteria points denoted by the checklist. Examples, best practice, and recommendations are designated with the use of “should.”

Reporting Checklist

- Each grievance mechanism is documented in an electronic copy (e.g., .pdf, .docx) that has been uploaded to the profile.

- There is at least one grievance mechanism available to all fishers in the FIP. The FisheryProgress review team can verify that based on:
 - Information provided in the grievance mechanism document.
 - Information provided in the details field where the document is uploaded.

Example: Available to all fishers

Examples of how to show that a grievance mechanism is available to all fishers:

- All supply chain participants submit their own grievance mechanism, and the description provided in the details field includes information on which grievance mechanism(s) applies to which fishers.
- The FIP submits a single grievance mechanism independently operated by a third party. The grievance mechanism document clearly articulates that it is available for use by fishers that all fall within the FIP’s scope.

- Each grievance mechanism provides a way for fishers to report complaints at least once every 24 hours, including at sea during trips longer than 24 hours and when docked in ports outside of their home communities. The FisheryProgress review team can verify that based on:
 - Information provided in the grievance mechanism document.
 - Information provided in the details field where the document is uploaded.

Example: At least once every 24 hours

Regardless of where fishers are physically located – at sea, in their home port, or at a foreign port – they must have a way to report complaints while fishing for FIP products.

For fishing trips that do not exceed 24 hours, examples of communication channels include, but are not limited to:

- Suggestion box placed at the main landing site.
- Worker grievance hotline.
- Third-party grievance committee.

For fishing trips that exceed 24 hours, examples of communication channels include, but are not limited to:

- Digital communication channel (hotline, texting service) for which internet access or cell service is available.
- Designated onboard responsible party to receive and process complaints.

For fishing trips exceeding 24 hours, any communication channel that is only available if the fisher is physically present at the main landing site would not be adequate because fishers could not access it while at sea or landing catch at another location.

- Each grievance mechanism outlines the full grievance and remedy process, meaning it details the communication channels available to fishers to report complaints to a responsible party who can review and escalate complaints for remedy as needed. The FisheryProgress review team can verify that based on (see best practice box below for more guidance on what the document should detail):
 - Information provided in the grievance mechanism document.
 - Information provided in the details field where the document is uploaded.

Example: Communication channels

Examples of communication channels include, but are not limited to, the following: 1) a workers' or labor union representative, 2) a specifically designated grievance committee, 3) a grievance log, 4) suggestion box, 5) phone or text hotline (can be anonymous), among others. For fishers where the only access to communication channels is through the skipper and/or immediate supervisor, there should be a detailed process for how fishers can safely and transparently access the grievance mechanism to report abuses. The communication channels should involve third parties so as to avoid having to report to immediate supervisors and to ensure the reporting channel remains confidential, independent and non retaliatory.

Best Practice

The complaint and remedy process should include:

- ✓ Ownership of the mechanism: This is the individual or party(ies) responsible for maintaining and managing the grievance mechanism process. Including information on ownership is helpful for the FisheryProgress review team to clarify the scope of the mechanism and to ensure that it is applicable to all fishers in the FIP.
- ✓ Implementation responsibility: This is a list of the responsible party(ies) and their roles for implementing the mechanism, i.e., handling and resolving grievances and complaints.
- ✓ Scope of the mechanism: The mechanism should state which parties are eligible to make a complaint/grievance (i.e., to whom the mechanism is available). It also should include types of grievances permitted under the mechanism.
- ✓ Grievance review and remedy process: This is an outline of the steps for reviewing, as needed, and remedying grievances (e.g., assessing the complaint's eligibility, developing an action plan and an appropriate timeframe to investigate and resolve the issues identified, providing documentation to both parties stating the resolutions reached for the complaint or grievance, etc.).
- ✓ Grievance monitoring and recordkeeping: For example, this may include summary reports of complaints raised, actions taken, and conclusions reached, with any follow-up time-bound action plans for resolving complaints as appropriate/applicable and details on how copies of all files and communications regarding complaints/grievances are or will be maintained.

Additional Information

FisheryProgress encourages FIPs to work with local worker representatives to identify and establish effective grievance mechanisms. In addition to seeking their advice, the below

resources can support FIP leads, their participants, and partners to better understand and make progress in implementing and operating grievance mechanisms.

Roadmap for Improving Seafood Ethics (RISE)

The Roadmap for Improving Seafood Ethics (RISE), a FishWise project, is a free resource tailored to meet seafood companies' needs. It provides industry-relevant information and tools, coupled with connections to human rights experts and leading practitioners to support implementation. The RISE guidance on [worker engagement](#) includes information on grievance mechanisms.

Other Helpful Resources

- United Nations: [Guiding Principles for Business and Human Rights](#), Principles 25-31
- International Labour Office: [Factsheet on Grievance handling](#)
- Global Compact Network Netherlands, Oxfam and Shift: [Remediation and grievance mechanisms 'Early warning, effective solutions'](#)
- ELEVATE: Webinar on Accessing Effective Grievance Mechanisms ([Webinar/PDF](#))
- Verite: [Fair Hiring Toolkit - Step 6. Establishing Effective Grievance Mechanisms](#)
- Centre for Research on Multinational Corporations: [Human Rights & Grievance Mechanisms](#)
- Global Seafood Assurances: [Worker Voice on Fishing Vessels](#), White Paper (2020)