

(Vessel Name)- Grievance Mechanism Procedure: Guidance for Handling Grievances

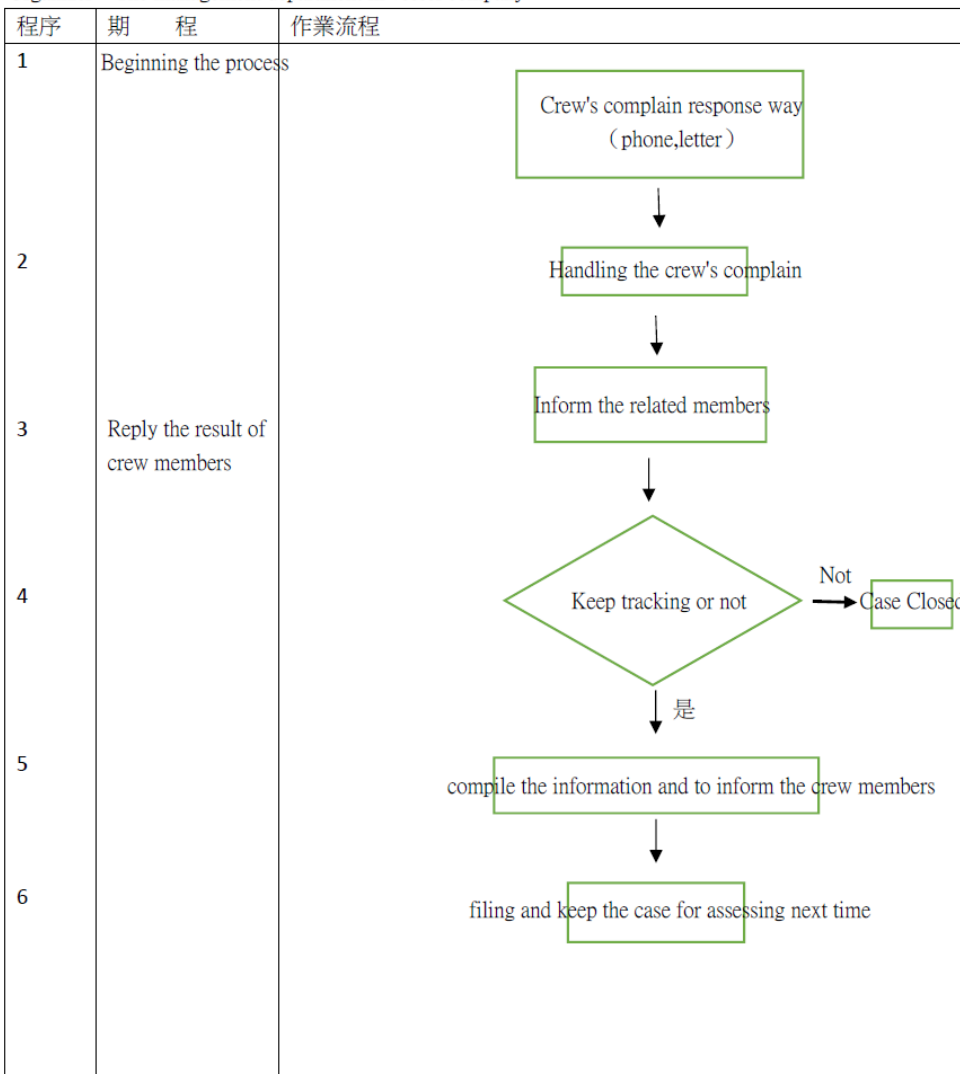
Grievance Procedure

When handling complaints, the ‘ (Vessel Name) – Labor Human Rights Policy - Grievance Procedure’ and the ‘Grievance Mechanism Procedure: Guidance for Handling Grievances on Tuna Fishing Vessels’ shall be followed in all instances to ensure fair, transparent and swift resolution.

Diagram 1: Grievance Procedure process

Grievance Procedure

Organizer : The management department in vessel company



Responsible people for receiving and resolving crew grievances can include:

- Direct supervisors / officers onboard
- The captain
- Fishing company management.

For those responsible for handling crew grievances, the '(Vessel Name) - Grievance Mechanism Procedure: Guidance for Handling Grievances on Tuna Fishing Vessels' document has been developed based on the Seafood Task Force's (STF) Grievance Policy and Procedure.

This document provides relevant information for the personnel responsible for receiving and resolving crew grievances and the procedure within it should be observed in all cases.

Guidance for Handling Grievances on Tuna Fishing Vessels

1.1. The goals of this *Grievance Procedure* are to:

- 1.1.1. complement appropriate due diligence* process to ensure that, whenever possible, potential risk is identified at an early stage and to prevent the need for complaint or grievance to be raised;
- 1.1.2. provide an effective process to raise complaint or grievance anonymously, in a language crew members understand, and ensure that confidentiality is maintained at all times to avoid any potential prejudice or retaliation* of any kind;
- 1.1.3. acknowledge and formally record any potential dispute between a vessel owner and crew members or group of crew members who may have been negatively affected by fishing operations;
- 1.1.4. ensure independent investigation * of all relevant formal complaints and grievances in total transparency* for the complainant a process for receiving investigation status and progress update;
- 1.1.5. deliberate objectively and report the results of the investigation;
- 1.1.6. define and implement relevant preventive and/or corrective action plan, whenever required;
- 1.1.7. provide Complainant(s) with the option to appeal and/or escalate their complaint or grievance(s) without being retaliated against;
- 1.1.8. maintain records of all the complaints or grievances received together with evidence of investigation process and resolution within clearly defined timeframe¹;

¹ It is not possible to provide a specific timeframe for a complaint or grievance investigation to be completed, due to the diverse type of issues that may need to be addressed. However, depending on the nature of the complaint or grievance, a good practice is to ensure that any complaint or grievance shall be resolved within a maximum period of three (3) months.

- 1.1.9. Provide a clear framework to resolve grievances between vessel owners and crew members that resolves to work amicably towards solutions through independent and transparent mediation* and ensure fair and effective complaint resolution.

2. Grievance Mechanism principles

- 2.1. Any grievance received shall be treated with procedural fairness and adhere to the following principles:
 - 2.1.1. A grievance mechanism shall be backed-up by an effective due diligence* mechanism that allows vessel owner(s) to identify at an early stage any potential social and human right risk;
 - 2.1.2. all relevant crew member or group of crew members that may need to use a grievance mechanism shall receive appropriate information and training on its use, intent and importance;
 - 2.1.3. a crew member, or group of crew members, who is raising a complaint or grievance shall be offered the opportunity to remain anonymous, if they wish, and to ensure that confidentiality is maintained at all times;
 - 2.1.4. confidentiality shall be maintained at all times when managing complaint received to prevent any risk of potential retaliation against the Complainant. However, confidentiality shall not prevent the complaint or grievance from being fairly and independently investigated;
 - 2.1.5. an individual, group of individual or organisation making a decision on a complaint received shall be unbiased and act in good faith. Therefore decision-makers cannot be directly or indirectly related to one of the Parties to the complaint or grievance or appeal, nor have a direct or indirect interest* in the outcome.
- 2.2 To ensure continuous learning*, the effectiveness of the grievance mechanism shall be monitored and measured for its ability to ensure that it is perceived by stakeholders to be:²
 - legitimate*
 - accessible*
 - equitable*
 - transparent*

3. Formal complaint or grievance initial assessment

- 3.1. Once received a complaint or grievance shall be formally reviewed by the relevant Party having received the complaint or grievance.

Grievance Policy and Procedure for Tuna Fishing Vessel (2022) for the purpose of supporting vessel owners and fisher management in handling crew grievances.

² Based on the Seafood Task Force Auditable Standards and UNGP Principle 31. See explanation in Definition of Terms section

- 3.2. An initial assessment of the complaint or grievance provides an opportunity to ask the Complainant for any additional information or to clarify any issues if the Complainant has agreed to provide their contact details.
- 3.3. The complaint or grievance initial assessment shall be performed within ten (10) working days of a grievance being submitted.
- 3.4. Following this initial assessment, the person assigned to review the complaint or grievance shall decide whether the complaint or grievance shall be rejected or accepted for possible further investigation.
- 3.5. The Complainant shall be informed of the decision to accept or reject the complaint or grievance or shall receive a notification regarding the status of the complaint or grievance.
- 3.6. If the complaint or grievance is rejected, the Complainant shall be notified of rejection reason and in writing and, where needed, verbally explained, and provided with an opportunity to provide additional information and to ask for the complaint or grievance to be assessed again.
- 3.7. If the complaint or grievance is accepted, then the status shall be moved to the investigation phase.

4. Complaint or grievance investigation

- 4.1. Once accepted a complaint or grievance shall be investigated by a relevant competent person assigned by the vessel owner or appointed independent Mediator.
- 4.2. Since a business enterprise cannot, with legitimacy, both be the subject of complaints and unilaterally determine their outcome, these mechanisms shall focus on reaching agreed solutions through dialogue. Where adjudication is needed, this shall be provided by a legitimate, independent third-party mechanism.
- 4.3. The complaint or grievance investigation may require requesting additional information from the Complainant (if contact details have been provided), consulting with the employer or other employees, performing site visits, checking relevant documents or other monitoring data where necessary.
- 4.4. The organization shall have and communicate a Whistle Blower policy that encourages all employees to report any significant concerns about any aspect of operations, or the conduct of the organisation's directors, managers and employees (or other parties acting on behalf of the organisation) if they reasonably believe:
 - 4.4.1. that a criminal offence has been committed, is being committed or is likely to be committed;
 - 4.4.2. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject to;
 - 4.4.3. that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - 4.4.4. that the health and safety of any individual has been, is being, or

- is likely to be endangered;
- 4.4.5. that the environment has been, is being or is likely to be damaged;
 - 4.4.6. that the business or any associated person has been, is being or is likely to be receiving or offering bribes;
 - 4.4.7. that any foreign official has been, is being or is likely to be bribed or offered facilitation payment by the Company or any associated person.
- 4.5. The Policy shall provide avenues for an employee to raise concerns, receive feedback on the action taken and be guaranteed protection from possible reprisals or victimisation.
 - 4.6. Throughout the investigation phase, the Complainant, if contact details were provided, may be required to provide additional information or evidence.
 - 4.7. Information gathered during the investigation shall be used to assist in determining how the grievance is handled and what steps need to be taken to resolve the grievance.
 - 4.8. Records of meetings, discussions, and activities shall be maintained for a period of three (3) years.

5. Complaint or grievance resolution

- 5.1. Following the complaint or grievance investigation, the investigation findings shall be used to develop a detailed action plan outlining the steps to be taken to address and resolve the complaint or grievance.
- 5.2. Clear activities to satisfactorily address the complaint or grievance, specific deadlines, and repartition of costs, if relevant, shall be defined, presented to the Parties involved and recorded.
- 5.3. Outcomes and remedies shall be in line and comply with internationally recognized human right requirements.
- 5.4. The Parties involved shall confirm their agreement with the proposed corrective action plan, timelines, and repartition of costs (if any).
- 5.5. Once agreement from all Parties involved has been reached, then the final proposed corrective action plan shall be implemented by the Parties within the specified timelines.
- 5.6. In case of anonymous complaint or grievances or if the Complainant cannot be reached, the person in charge of investigating the complaint or grievance and proposing the corrective action plan shall ensure that the interest(s) of the complainant shall be satisfied through the implementation of the agreed corrective action plan.
- 5.7. Shall implementation of the corrective action plan not comply with the agreement, then the Complainant shall be entitled to escalate the complaint or grievance to relevant authorities, designated Mediator or other third party.
- 5.8. In cases where ongoing implementation may be required and may extend over significant periods of time (e.g., Issues related to legal requirements, employment contracts, recruitment, issues related to extraordinary situations like a pandemic, etc) the person in charge of the ongoing monitoring of the case

may choose to change the status of the complaint or grievance to “Pending Completion.”

- 5.9. Upon approval of the implemented corrective actions within agreed timelines, verified by the entity in charge of reviewing the complaint or grievance, the complainant shall be informed of the closure of the complaint or grievance and the complaint or grievance status shall be changed to “Closed”.
- 5.10. Records of complaint or grievance resolution shall be maintained for a period of three (3) years.

6. Appeal Procedure

- 6.1. If either of the Parties feels that the complaint or grievance resolution process failed to meet the requirements established in this procedure (i.e., impartiality, confidentiality, timeliness, investigation, and assessment process), or if they wish to contest the specifics of a Corrective Action Plan, the Party can submit an appeal.
- 6.2. Such appeal shall be submitted to the entity in charge of the complaint or grievance investigation and complaint or grievance management.
- 6.3. An appeal shall be reviewed and assessed with impartiality by an Independent Third Party who has not previously been involved in the case. It may decide that an independent competent and qualified individual, group of individuals or organisation may be assigned with the task to review the appeal.
- 6.4. The Complainant shall be informed of all decisions made in the appeal process in writing and verbally as needed.
- 6.5. Decision and recommendation made following such appeal review process are final and the complaint or grievance shall be closed unless the appeal assessor concludes that the complaint or grievance has not been adequately dealt with and shall be re-opened.
- 6.6. The Parties maintain their right to escalate the complaint or grievance and follow relevant legal proceeding at any time during this process.

7. Monitoring and Measuring Effectiveness

- 7.1. The effectiveness of the grievance mechanism shall be routinely monitored through confidential surveys of employees and adjustments made to ensure continuous improvement as needed.

Declaration of understanding

[To be signed by all personnel involved in receiving and / or resolving crew grievances]

By signing below, I confirm that I have read the '(Vessel Name)– Labor Human Rights Policy - Grievance Procedure' and the ' - Grievance Mechanism Procedure: Guidance for Handling Grievances on Tuna Fishing Vessels', understood the expectations for my role in receiving and managing grievances, and commit to follow the policy to the fullest extent

I understand the channels crew have for lodging complaints / grievances and how to manage these complaints/grievances.

I understand my role in ensuring that all crew are fully informed of the -(Vessel Name) Grievance Mechanism policy, understand the content of it, it is available in a language that crew understand, and that crew have access to report complaints / grievances.

I shall handle complaints/grievances with confidentiality at all times and to prevent potential retaliation against the crew member.

I understand that it is strictly prohibited to punish, discriminate, or retaliate against crew members who lodge complaints.

I am aware that by not observing and following the grievance policies and procedures, I may be subject to appropriate disciplinary action.

Vessel Name	Role	Name	Signed

Template: Confidential Grievance Report Investigation Form

Confidential – Grievance Report Investigation Form			
1. Information			
Vessel name:			
Issue summary:			
Complainant Name <i>(if appropriate)</i>		Complainant Nationality	
		Job title	
Grievance Investigator Name		Job title	
2. Reported grievance			
<ul style="list-style-type: none"> - Provide detail on the grievance that has been reported. - Include date grievance was first raised. 			
3. Grievance investigation			
<ul style="list-style-type: none"> - Provide detail on how the issue developed, any interviews or information-gathering conducted, and any actions taken to resolve the grievance prior to formal reporting. - Include date(s) of any investigation activities. 			
4. Propose resolutions			
<ul style="list-style-type: none"> - Detail resolutions proposed to address the grievance. - Any proposed resolutions must be discussed with the Complainant for their agreement and acceptance. - Include dates() of resolution discussion with crew member. 			
Proposed resolution accepted?	Yes	No	
If yes:			
5. Agreed Corrective Actions		Status of implementation	
1.		<i>(Ongoing / Closed)</i>	
2.		<i>(Ongoing / Closed)</i>	
3.		<i>(Ongoing / Closed)</i>	
I confirm that the proposed resolution has been freely accepted by the Complainant, that the Agreed Corrective Actions have been implemented, and that the Complainant has agreed that the grievance has been resolved. No further action is required.			
Signed		Date	
If no:			
I confirm that the proposed resolution has not been accepted by the Complainant or they wish to appeal the decision and the grievance has been escalated to _____(NAME)_____ who will be responsible for handling the grievance going forward and the Complainant has been informed of this.			
Signed		Date	

DEFINITION OF TERMS

Compliant vs grievance

Both a complaint and a grievance can be any accusation, charge or allegation, either oral or written. A complaint is generally considered to be less formal than a grievance, however, a complain may also be made formally. For the purposes of this document, the terms are used interchangeably.

Retaliation

“Retaliation” and “retaliatory action” may take different forms but is defined by the International Labour Organization as: “any direct or indirect detrimental action that adversely affects the employment or working conditions of an employee, where such action has been threatened or taken for the purpose of punishing, intimidating or injuring an individual because that individual engaged in a protected activity.” For the purposes of this document, the protected activity is reporting a complaint or grievance.

Independent Investigation

Independent investigation signifies that the investigator(s) are neither the subject of the complaint nor compromised in their impartiality by the reporting structure of the operation or undue influence of the employer.

Independent Mediator/Mediation

For the purposes of this document, the Independent Mediator is an Independent Third Party, typically an NGO, that is known to be competent, objective and trusted by the complainant(s).

Independent Third Party

Besides an NGO or other worker organization, an Independent Third Party may also be a local authority, embassy, or court.

Due diligence

For the purposes of this document, due diligence refers to the steps companies shall take to identify and address actual or potential legal and human rights risks in order to prevent or lessen negative impacts on their employees.

The definitions below are criteria for the effectiveness of a grievance mechanism³.

Legitimate

Enabling trust (i.e., feel safe and free from potential retaliation) from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes.

³ Based on the Seafood Task Force Auditable Standards and UNGP Principle 31

Accessible

Being known and understood (i.e., how to use) to all stakeholder groups for whose use they are intended and providing adequate assistance for those who may face particular barriers to access.

Equitable

Seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms. This is one of the roles of the Independent Third Party.

Transparent

Keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness.