



## Grievance Management Process

Approved by the BCI Council –with revisions approved on 8 December 2010, and 29 June 2012

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### Orientation

In accordance with Article 12 of the [Statutes of the Association](#), the BCI Council establishes the following grievance management process, including the establishment of the Grievance Management Committee, for the Better Cotton Initiative.

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## Objectives

The BCI grievance management process aims at providing:

- a clear focal point for grievances raised by BCI members;
- a transparent and impartial process and mediation to address grievances, with respect for sensitive information;
- a credible, efficient and solution-oriented arbitration.

## Potential complainants

The grievance management process is open only to:

- members of the Association; and
- those stakeholders formally involved with the Association.

## Areas of grievance

The grievance management process shall apply only to grievances between:

- Members of the Association; or
- Members of the Association and formally involved stakeholders; or
- Formally involved stakeholders;
- Member(s) of the Association or formally involved stakeholders and organ(s) of the Association; or
- Organ(s) of the Association.

For this grievance management process to apply, a grievance must be directly relevant to the processes explained in one or more of the following BCI documents:

- Statutes;
- By-Laws;
- Principles of Participation for Membership and related policies;
- Global Principles and Criteria
- The Better Cotton Assurance Programme
- Standard Setting and Revision Procedure

Any grievance outside of the scope of the processes explained in the above documents, or not involving the parties listed above, shall not be considered by this grievance management process.

BCI members are expected to have their own grievance mechanisms to resolve grievances that do not fall in the areas of grievance addressed by the BCI grievance management process.

## Informal resolution

BCI encourages its members and stakeholders to seek, prior to invoking the grievance management process, an amicable settlement to any grievance directly with the person, entity or organ of the Association whose action or decision is the subject of the grievance. In the course of this attempt at informal resolution, the complainant can seek support from the Chair of the Council, or the chair of the Grievance Management Committee, to serve as a mediator.

If no satisfactory settlement can be agreed between the parties, the complainant may formally file a grievance as indicated below. Evidence of an attempt of informal resolution shall be required by the Secretary of the Association before any formal grievance may be filed by a complainant.

## Filing requirements

As required by Article 12 of the Statutes, the submission of a grievance shall

- be in writing;
- be lodged with the Secretary of the Association; and
- document as appropriate the nature of the grievance.



The written grievance should also include the relevant contact details for the sending of notifications and information concerning the grievance management process, as well as any relevant information on a prior attempt of informal resolution of the grievance.

## **Grievance Management Committee**

### **Role**

The Grievance Management Committee (GMC) serves as:

- 1) the appellate organ of last resort for decisions arising from the grievance management process;
- 2) the reviewing organ when the Council is one of the parties involved in a grievance process.

### **Composition**

The GMC is composed of 1 member from each of the 5 membership categories, appointed by the Council, from amongst a list of voluntary members, for four years renewable twice consecutively. The Secretary of the Association shall call for voluntary members in a timely manner.

### **Ombudsman**

The GMC shall elect a chair to steer its activity. The chair of the Grievance Management Committee shall be referred to as the Ombudsman in order to distinguish the role from the Chair of the Council.

### **Attendance**

The Ombudsman shall ensure that the process to manage grievances as in points 5 and 10 below permits the participation of the GMC members.

GMC members who are unable to participate in a grievance management process shall notify the Ombudsman as soon as they are aware that they will not be able to participate.

A prolonged and/or repetitive inability to participate in the GMC work, as well as the failure to inform the Ombudsman of the inability to participate in the GMC work, shall be considered as a vacancy.

### **Vacancy**

In case of vacancy of one or more seat(s) on the GMC, due either to a casual vacancy, or a temporary vacancy due to a conflict of interest, the Chair of the Association, at the Ombudsman request or the Executive Director request, shall appoint a member from the relevant category to sit on the GMC. Decision making.

### **Decision Making**

The GMC shall make decision by consensus (absence of sustained opposition).

### **Quorum**

No decision shall be made by the GMC unless a quorum is present. The quorum of the GMC is constituted when 4 members of the GMC participate in a Grievance Management Process, as deemed necessary by the Ombudsman.

## **Conflict of interest**

In accordance with Article 3.2 of the By-Laws of the Association, “a member of the Council shall not take part in the discussion and decision-making related to a grievance in which this member is involved”. The same applies to members of the Grievance Management Committee.

In the case where one member of the Council or GMC has a potential or actual conflict of interest in participating in the grievance management process, this member or one of its colleagues on the Council or GMC, shall inform the chair of the relevant organ (i.e. the Chair of the Association or the Ombudsman) as soon as they become aware of this conflict of interest. The chair of the relevant organ shall then suspend the



member for the time of the grievance management process. A final decision as to whether a member of the Council or GMC has a conflict of interest shall be made by the other members of the Council or GMC.

If the Council itself is a party to the grievance, the GMC shall be the reviewing organ in the grievance management process, noting therefore that:

- there is no right of appeal against a decision to not formally consider a grievance per clause 4 c. (see page 3);
- any dissatisfaction regarding a decision of the GMC following a formal consideration of the grievance may only be reviewed in General Assembly.

### Grievance management process

The grievance management process shall take place as follows:

#### Lodgement and assessment of admissibility of the grievance

1. Upon receipt of a grievance lodged in accordance with Article 12 of the Statutes, the Secretary of the Association shall, within 5 days, notify the parties named in the grievance of its lodgement with the Association, and provide them with copies of the documents lodged by the complainant.
2. The parties named in the grievance shall have 21 days from the receipt of the notification to lodge a response to the grievance with the Secretary of the Association.
3. Within 1 business day of the expiry of the time to lodge any response to the grievance, the grievance and any responses shall be forwarded, by the Secretary of the Association, to the Chair of the Council, or, should the grievance include the Council as a party to the grievance, to the Ombudsman.
4. The Council or GMC shall then review the admissibility of the grievance, and notify the parties to the grievance whether they will proceed to formally consider the grievance, within 15 days of initial receipt of the grievance by the Chair Council or the Ombudsman.
  - a. In the case of the grievance being rejected for formal consideration by the Council, the complainant may re-submit the grievance for review by the GMC, provided that the re-submission is made within 5 days of receipt of the notice of rejection for formal consideration. Any request for review of the grievance shall be in writing, and be addressed to the Secretary of the Association.
  - b. The GMC shall review the admissibility of the grievance and notify the parties whether the grievance should proceed for formal consideration or not within 15 days of receipt of the submission for review.
  - c. If the GMC upholds the decision not to formally consider the grievance then the process is taken no further.
  - d. Should the GMC decide that the grievance should be formally considered, the grievance is submitted to the Council for formal consideration, as per step 5.

#### Formal consideration of the grievance

5. Once it has been decided that the grievance should be formally considered, the Council or GMC (whichever is responsible for the initial formal consideration of the grievance) shall, within 60 days of notifying the parties to the grievance that they will formally consider the grievance:
  - a. Organise and receive such written and oral submissions from the parties as deemed necessary to formally consider the grievance.
  - b. Notify the parties of the decision for resolving the grievance, including any corrective actions required for BCI to implement and timeline for remediation
6. Within 30 days of receipt of the decision for resolving the grievance, the parties to the grievance shall agree on the final terms of settlement including a final detailed action plan to implement the decision. The

discussion on the final terms of settlement is facilitated by either the Chair or the Ombudsman, depending on which body considered the grievance.

### **Appeal to the GMC against a decision by the Council**

7. If any party to the grievance is not satisfied with the Council's decision, they may, within 15 days of receipt of the notice of the decision, appeal the decision to the GMC.



8. If any party to the grievance is unable to agree on the final terms of the settlement within 30 days of the Council decision, they may, within 5 days of the expiry of the time to settle the final terms, appeal the decision to the GMC.

9. Any appeal to the GMC shall be in writing, and be addressed to the Secretary of the Association, stating the reasons why the party affected is not satisfied by the decision or cannot agree on the final terms of settlement.

10. The GMC shall, within 30 days of receiving the appeal:

- a. Organize and receive such further written and oral submissions from the parties as deemed necessary by the GMC to formally consider the appeal.
- b. Notify the parties of the GMC's decision, which shall be final.

11. Within 15 days of receipt of the GMC's decision for resolving the grievance, the parties to the grievance shall agree on the final terms of settlement including a final detailed action plan to implement the decision of the GMC. The discussions on the final terms of settlement are facilitated by the Ombudsman.

12. If any party to the grievance is not satisfied with the GMC's decision, or is unable to agree on the final terms of the settlement within 15 days of the GMC's decision:

- a. where the disagreeing party is a member of the Association, the Ombudsman shall refer the matter to the Council for determining the appropriate course of action for the unsatisfied party. The Council may decide to expel the member involved in the grievance according to Article 5.9 of the Statutes;
- b. where the disagreeing party is an organ of the Association, the Ombudsman shall refer the matter to the Council for determining the appropriate course of action for the unsatisfied party.

### **Appeal against a decision by the GMC made in the first instance:**

13. When the Council is a party to the grievance, requiring the GMC to consider the matter in the first instance, and any party to the grievance is not satisfied with the GMC's decision, or one or more of the parties are unable to agree on the final terms of the settlement within 30 days of the GMC's decision, the Ombudsman shall request the Council to call a meeting of the General Assembly to find a satisfactory solution to the grievance.

### **Notice Timelines**

Timelines refer to the number of days after receipt of the document established in the previous step. Documents are taken to be received:

- if emailed to the address either provided to the Association as the contact address for the member or party in question, in the written grievance, or in written response to the grievance: on the next business day following the day the documents were emailed;
- if mailed to the address either provided to the Association as the contact address for the member or party in question, in the written grievance, or in written response to the grievance: on the third business day following the day the documents were posted if posted to an address in Europe, or on the fifth business day following the date the documents were posted if posted elsewhere.

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### Transparency

In order to ensure accountability and transparency, the outcomes of any grievance management process, including any action plans shall be published and reported to the members of the Association within 30 days of the agreement on the final terms of the settlement. The parties to the grievance, by mutual agreement, may decide to disclose more information on the grievance (e.g. the content of the grievance, the intermediary steps of the process) and / or to a wider audience (i.e. general public).



### Confidentiality

The members of the Council and GMC involved in a grievance management process shall be required to keep confidential all information supplied by the parties in the grievance management process.

### Costs

Each party shall bear its own costs of participating in a grievance management process. Direct costs incurred by the BCI for the management of a grievance shall be divided and assigned to the parties involved in the grievance and reimbursed to the BCI Association.

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