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## 13 GRIEVANCE PROCEDURE

### 13.1 INTRODUCTION

The Project Grievance Management Procedure is a key process for receiving and resolving community grievances. It reflects the Project's human rights and stakeholder engagement commitments including to the United Nations Guiding Principles on Business and Human Rights (2011). It ensures that PAPs can access remedy for grievances in line with national legislation and the Project's ESIA and RAP commitments.

To ensure consistency and coherency across the Project, a Project Grievance Management Procedure and associated documentation have been developed and implemented. This is being used to address all types of grievances, including those that relate to all aspects of the land acquisition process and RAP implementation.

The Ugandan Land Acquisition Act Cap 226 states that disputes regarding compensation will be determined by Government (in practice the Chief Government Valuer). In addition, any person who has an interest or right over the property being acquired compulsorily has a right of access to a court of law.

The EIA Guidelines for the Energy Sector makes provision for a grievance committee "at the lowest level of activity (Section 10.11 of EIA Guidelines for the Energy Sector, 2004)

In addition, IFC Performance Standard 1 (PS1) requires projects to establish a grievance mechanism to receive and facilitate resolution of Project Affected Communities' concerns and grievances about a project's environmental and social performance. The grievance procedure should enable the rapid resolution of grievances, using an understandable and transparent consultative process that is culturally appropriate and readily accessible, at no cost and without retribution. The mechanism should not impede access to judicial or administrative remedies. The Project should inform affected communities about the existence of the mechanism and how to access it through stakeholder engagement processes.

IFC PS5 also states that a grievance mechanism should enable projects to receive and address specific concerns about compensation and relocation raised by affected persons in a timely fashion, including a recourse mechanism designed to resolve disputes in an impartial manner.

The United Nations Guiding Principles on Business and Human Rights (2011) requires businesses to ensure that anyone negatively impacted by an enterprise's operations has access to channels for making a complaint and for negative impacts to be remediated. The Guiding Principles identify effectiveness criteria that a Company led operational grievance mechanism should meet, it should be: legitimate, accessible, predictable, equitable, transparent, rights compatible, a source of continuous learning and based on engagement and dialogue.

### 13.2 PRINCIPLES AND OBJECTIVES

Reflecting the requirements outlined above, EACOP's Grievance Management Procedure is underpinned by the following principles:

- **Proportionality:** the procedure should be scaled in line with the level of risk and adverse impacts on affected communities and stakeholders;
- **Community appropriateness:** taking into account culturally appropriate ways of handling community concerns;
- **Accessibility:** providing a clear and understandable mechanism that is accessible to all segments of the affected communities and stakeholders at no cost;
- **Transparency and accountability:** to Project affected stakeholders at field (operational) level;
- **Appropriate protection:** prevents retribution and does not impede access to other remedies.

The objectives of the EACOP Grievance Management Procedure are to:

- Provide an equitable and context-specific process for treating complainants with dignity and seriousness, which respects the confidentiality of all parties, protects all parties from retaliation and builds trust as an integral component of broader stakeholder relations activities;
- Provide a prompt, consistent, accessible, transparent, and legitimate process to all parties, resulting in outcomes that are seen as fair, rights compatible effective, and lasting;
- Enable systematic identification of emerging issues and trends, facilitating corrective action and pro-active engagement and contributes to continuous improvement in performance.
- Ensure proper documentation of Complaints and any corrective actions taken.

All efforts will be made to resolve project-related grievances amicably, at the lowest appropriate level and as quickly as possible.

All engagements with complainants, starting from registration of a grievance to its close out, will be tracked through the Project grievance tracking database.

The Procedure specifies time frames for responses to complainants and allows for urgent escalation in the cases of complaints of a critical nature.

### **13.3 GRIEVANCE MANAGEMENT PROCEDURE**

Grievances / complaints can be reported through the following channels:

- Project stakeholder engagement team or Grievance Administrator;
- Project toll free phone line – 0800 216000;
- Project office in Kampala;
- Project staff and contractors in the field – with contractors required to pass grievances on immediately to Project staff; and
- Local leaders and District and local Resettlement Committees.

Occasionally, regional and district officials receive Project-related grievances directly - in such cases, these are also communicated to the Project to act upon.

The Project Grievance Management Procedure, described below and summarized in Figure 13--1, is open to all stakeholders who regard themselves as affected by the Project's activities, whether affected by the Project directly or by one of its contractors. Roles and responsibilities for grievance management are summarised in Table 13-1.

Within the Project Grievance Management procedure, grievances are managed as follows:

- Grievances may be received directly by Project staff or a variety of other routes, such as via stakeholders, RAP implementation contractors, district officers, local leaders and District and local Resettlement Committee members. Grievances are forwarded by these parties to Project's Grievance Administrator who log them into the Project's grievance management database / grievance register. The Project Grievance Form is shown in Appendix E.
- The Project's Grievance Administrator manages the procedure and coordinates involvement of the appropriate EACOP team members necessary to resolve a grievance.
- All grievances are recorded and managed by the Project according to the Project's Community Grievance Mechanism. Contractors do not have an autonomous role in resolving grievances and any contractor action is requested and monitored by the Project.
- The Contractor plays an important role in handling valuation queries that arise during field work undertaken as part of the RAP planning phase. When a valuation query arises in the field and can be quickly addressed by the Contractor in real time this may not be considered to be a formal grievance. Any valuation related issues that cannot be resolved directly during the field work will be recorded as grievances and Contractor input to resolve this will be agreed with the Project.
- Recorded grievances are categorized so that those related to resettlement / land acquisition / compensation are separated from those dealing with other aspects of the Project (e.g. environmental impacts, contractor conduct, employment, etc.).
- The Project, in association with RAP implementation contractors where the Project considers appropriate, will address any grievances relating to resettlement, land acquisition or compensation that have been recorded in the Project grievance management database.
- Grievances that cannot be readily resolved by project staff and/or RAP contractors are passed to the EACOP Grievance Management Committee, which then seeks to propose resolutions for the grievance. In certain circumstances, this committee may decide that grievances should also be discussed with external stakeholders such as District officers or the District and local Resettlement Committees to gain their inputs to assist resolution.
- If in exceptional circumstances a grievance cannot be resolved by the Grievance Management Committee, it is escalated to the Project's Appeal Committee for further review and resolution.
- The number and nature of grievances and the time taken to resolve them is monitored and reported. This enables ongoing strengthening of RAP implementation processes and informs stakeholder engagement activities to avoid such grievances arising in the first place.
- Where the Project and a complainant cannot resolve a grievance, the complainant is advised of alternative channels they can take in seeking redress, and recourse to Ugandan justice is also available to complainants at any time.

### **13.3.1 Steps in the Grievance Mechanism**

Steps in the Project grievance mechanism are summarized in the figure below:

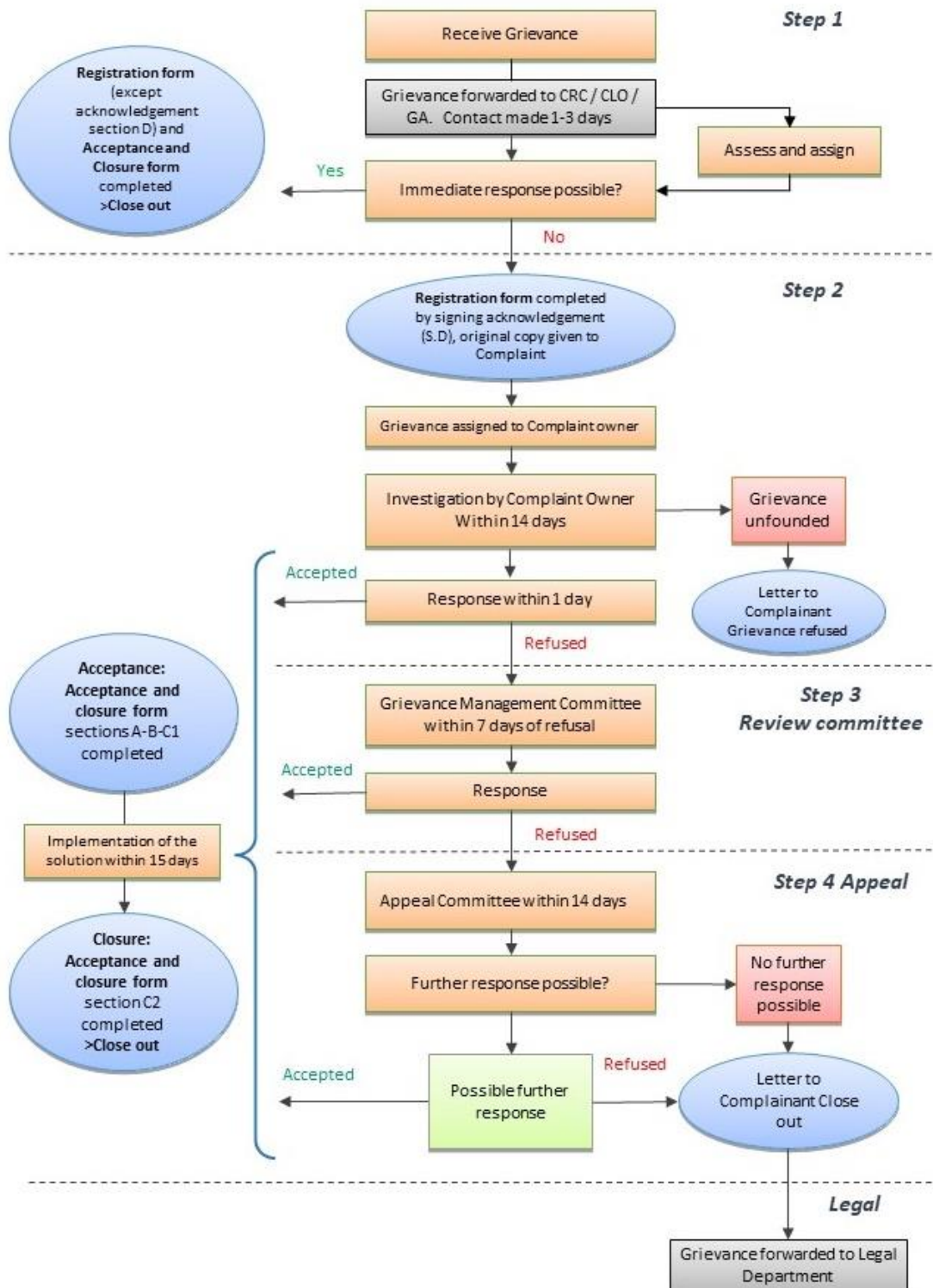


Figure 13-1 Grievance Management Flowchart

### 13.3.2 Grievance Management Forms

EACOP has a series of forms which are used for recording grievances and the actions taken (list below). Recording of grievances is done by CLOs in the presence of the complainant.

- Grievance Registration Form.
- Grievance Acknowledgement Letter.
- Grievance Investigation Form.
- Template letter of refusal of complaint.
- Grievance Acceptance and Closure Form.
- Grievance Close Out Letter.

### 13.3.3 Monitoring and Reporting of Grievances

A key part of EACOP's grievance management system involves ongoing monitoring and reporting of grievances and resolution. Grievance tracker reports are generated from the Grievance Management Database and provided to EACOP management on a monthly basis. The number and time period taken to resolve grievances are included amongst the Key Performance Indicators for RAP implementation monitoring described in Chapter 15. Information from grievance tracker reports relating to respective districts are also shared with external stakeholders such as the District and local Resettlement Committees.

### 13.3.4 Timescales

For each complaint registered:

- **Acknowledge:** Confirmation of receipt to the complainant within 24 hours if possible and a maximum of three (3) days;
- **Investigate:** Once the Grievance Administrator assigns the Complaint to an internal Complaint Owner, the grievance should be investigated within a maximum of 14 days. If additional time is needed to complete an investigation, the Complaint Owner will notify the Grievance Administrator who will inform the Complainant of the reason for the delay and advise the Complainant of the anticipated closure date.
- **Resolve:** If the Complainant accepts a proposed solution, the resolution should be implemented within 15 days of the Complainant accepting the proposed resolution.
- **First Appeal - Grievance Management Committee:** If a solution cannot be agreed, the Grievance Administrator escalates the case to the Grievance Management Committee. The Grievance Administrator aims to convene a meeting of the Grievance Management Committee within 7 days of refusal of the solution by the Complainant.
- **Second Appeal - Appeal Committee:** If after involvement of the Grievance Management Committee a solution cannot be reached, the Grievance Administrator escalates the complaint to the Appeal Committee and aims to convene the Appeal Committee meeting within 14 days of the refusal of the solution proposed by the Grievance Management Committee.
- **Complaints of a critical nature:** In the case of a complaint being assessed as being of critical nature (decided on a case by case basis), a response should be given to the complainant as soon as possible, and not longer than 3 days of receipt of the complaint.

Table 13-1 Summary of Roles and Responsibilities in Management of Grievances

Organisation		Roles & Responsibilities in Grievance Management
EACOP Project Grievance Administrator		Roles include: receiving and logging grievances in the grievance management database / register; issuing grievance acknowledgment letters; managing the grievance procedure; investigating and resolving grievances; coordinating involvement of appropriate EACOP team members or contractors necessary to resolve a grievance; responding to persons with grievances in line with grievance management procedure timelines; completing forms such as grievance registration form and grievance acceptance and closure form; issuing grievance close out letters; grievance monitoring; and preparation of grievance management tracker reports.
Other EACOP Project staff		Any EACOP Project staff who receives a grievance will pass on the grievance to the EACOP Project Grievance Administrator. Where appropriate, the Grievance Administrator will involve other EACOP Project staff in resolving grievances.
Project RAP Contractors		All Project contractors are required to pass on grievances to the EACOP Project team, notably to the EACOP Project Grievance Administrator. Where appropriate, the Project will involve a contractor in resolving a grievance.
EACOP Grievance Management Committee		The Committee will review and propose resolutions to any grievances that cannot be resolved by the Grievance Administrator, Project staff and/or RAP contractors.
EACOP Project Appeal Committee		If in exceptional circumstances a grievance cannot be resolved by the Grievance Management Committee, it is escalated to the Project's Appeal Committee for further review and resolution.
EACOP Project Management		Review of monthly grievance management tracker reports and KPIs. Including grievance management KPI monitoring data in monitoring reports and updates provided to external stakeholders.
Local Leaders and District and Local Resettlement Committees		Local and district leaders and officers and Resettlement Committees will pass onto the EACOP Project team any grievances that they receive. Where appropriate, the EACOP Grievance Management Committee and Administrator may refer to local leaders/officers and Resettlement Committees for inputs or assistance in resolving grievances. Resettlement Committees will review grievance management KPI monitoring data in monitoring reports and updates provided to them by the Project.
Court of Law		Any person who has an interest or right over the property being acquired compulsorily has a right of access to a Court of Law. A Court will respond to persons in line with national laws.

### 13.4 SUMMARY OF GRIEVANCES

The Grievance Management Procedure has been in place throughout the RAP planning phase. Of the land acquisition and resettlement related grievances that have arisen during RAP planning, 88% of these have been satisfactorily resolved and closed out, with only 38 grievances currently unresolved. Grievances relate to issues such as:

- Land areas missing from strip maps;
- Assets, such as crops and beehives, missing from PAP valuation forms;
- Some graves and shrines which were not clearly visible had not been valued;
- Complaints about low level of compensation for crops damaged during survey work;
- Complaints about no valuation or compensation for seasonal crops;
- PAP not receiving a copy of the valuation and survey form;
- Accidental damage to fences or other property during RAP planning field studies;

- Access routes and parking used by RAP planning field vehicles;
- Job expectations during RAP planning field studies.

Any further grievances arising from RAP planning activities continue to be managed by the Project as described in Section 13.2 above, and resolution is coordinated by the Project Grievance Administrator.