

Equality and Human Rights Commission

Business and human rights:

Getting the right process
and remedy in place for
community complaints

What is the aim of this publication?

This publication is for operational managers in medium to large companies operating in England, Scotland and Wales. It is particularly relevant to those who deal with communities across the business and the supply chain. It is part of the Equality and Human Rights Commission guidance on handling and resolving human rights complaints about your business, which also covers complaints from workers and customers about human rights issues.¹

We are grateful to everyone who contributed their expertise to the development of this guide, including Ergon Associates who facilitated its development.

1. EHRC. Business and Human Rights resources: www.equalityhumanrights.com/en/advice-and-guidance/human-rights-and-business

Introduction

A company can have a harmful effect on the human rights of communities it operates in.

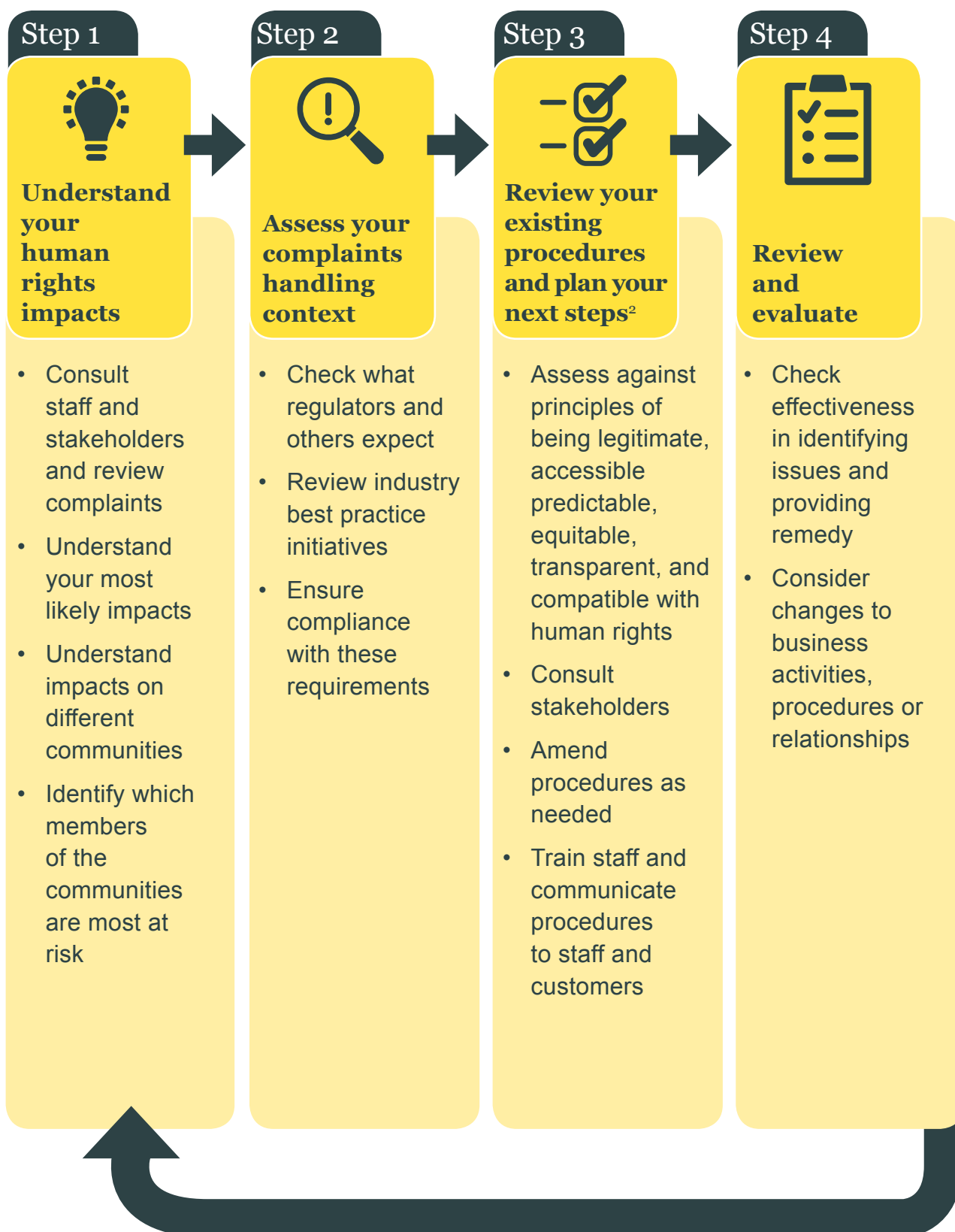
For example:

- Security staff, who act with undue violence, may pose a risk to the **safety and security** of individuals in the surrounding community
- Its workers may sexually harass passers-by resulting in **discrimination** against community members
- Intimidation and threats against activists campaigning outside the company's premises may violate **freedom of expression and assembly**
- Extreme environmental incidents such as a toxic industrial waste contaminating groundwater, may **threaten people's health**.

Effective complaints procedures can help you avoid lengthy and potentially costly disputes and provide early warning of emerging risks to your business. Good community relations can also improve your business' reputation, and strengthen your social license to operate, with communities, customers, and investors.

You can develop and implement an effective complaints process for communities affected by your operations that includes human rights issues by following four steps. You can find out more about what companies have done in the case studies at the end of this guide.

Four step guide to getting the right process and remedy in place for community complaints



2. Principles referenced in Step 3 are from The UN Guiding Principles on Business and Human Rights. Principle 31. See OHCHR. 2011. Guiding Principles on Business and Human Rights. Page 34. www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Step 1

Understand your human rights impacts



Your first step is to understand how your business potentially affects the human rights of the communities you operate in. You can gather information by:

- Reviewing findings of human rights due diligence carried out by your company
- Reviewing past complaints from local communities and consulting with staff responsible for community relations, at headquarters and at local sites
- Getting involved with industry initiatives to identify typical risks for your sector to complement your own review
- Consulting relevant regulators, local authorities or other public bodies about likely risks
- Talking to local community organisations or holding community meetings or open days to understand community concerns
- Scanning media, social media, or online forums for indicators of public concern.

Human rights impacts may relate to temporary or permanent activities, across the company or only at specific sites. Some impacts may be more serious due to the vulnerability of the people affected. Understanding these should inform the way you respond to community grievances. For example, pollution or dust emissions from your site may pose a serious health risk to children, older or sick people. Understanding the views of a local school, care home or hospital, may help inform your assessment.

Whistleblowers and other third parties

Most complaints procedures provide remedy for the individuals directly affected by the issue. Third parties, who may not be directly affected by an issue, can also alert you to human right risks you may not have identified yourself because of their particular role or expertise. For example, a religious or community leader may present issues raised by the local community; or a charity might report concerns raised by members of the public about the safety of your business' operations or manufacturing processes.

Step 2

Assess your complaints handling context



Your complaints procedure must take account of any laws, regulations and standards designed to protect the public from harm, including human rights harms. People in local communities may complain about the effect of your company's activities through local authorities, the police or the courts if they think that your business is failing to meet those requirements. For example, they may report water or land pollution at your site to the Environment Agency; or they may report pests, such as rats on your business' site, to their local authority. People may also make complaints through industry initiatives, such as the Considerate Constructors Scheme which raises standards in the building industry by allowing the public to make complaints about the safety, appearance and environment of a construction site.

Step 3

Review your existing procedures and plan your next steps



Using the information you gathered in Steps 1 and 2, review how well your company identifies and handles community complaints relating to human rights, particularly in relation to community members whom you identified as being most at risk of human rights harms.

In most cases, you will want to adapt your existing complaints procedures but you may want to set up a separate human rights procedure when you face exceptionally high risks of negative human rights impacts. For example, you may want to set up a formal complaints procedure to handle and monitor specific complaints about land ownership arising from a project.

Consider if you need to make improvements to your complaints procedure to improve its transparency, legitimacy, predictability and to increase community trust in the overall process. For example:

- Does your procedure give an indicative timeframe for each stage of handling a complaint?
- Is the procedure handled by staff with the appropriate seniority, knowledge of human rights and of your complaints procedure?
- Do staff know when and how to escalate grievances and follow up action taken?
- Is your procedure applied consistently across your business?
- Are the likely outcomes of your procedure made clear to community members?
- Are the community or their representatives kept informed of the progress of a complaint?

When reviewing whether your existing complaints procedure is accessible and fair, you should consider if:

- Your complaints procedures are accessible to community members
- Your procedures assure community members that they will not be victimised when they make a complaint or face discrimination because they have a characteristic protected in UK law, such as their gender, race, nationality, age, disability, sexual orientation or a range of other protected characteristics
- Customer service staff need training so that they can identify human rights issues, and vulnerable people, in the complaints you receive, and
- Your procedures allow third parties to raise complaints on behalf of communities.

Discuss your proposed changes with your communities, customer services representatives and relevant advocacy groups to ensure your complaints procedures are fair, accessible and fit for purpose and to increase trust and transparency in your procedures. For example, you could invite communities or their representatives to discuss any proposed changes to gauge their views. Consider how you will tell relevant parties about your changes, including those most at risk of human rights harms.

Step 4

Review and evaluate your changes



Once you have made changes to the way you handle community complaints, you should review your procedure regularly to check it serves the needs of communities and your business and provides suitable remedy. For example, you could talk to or survey staff who handle community complaints, and talk to community members to see whether the changes you made have been effective. Remedies can range from an apology and action to stop the problem happening again, to financial compensation, or internal penalties. Consider what those affected might regard as an effective remedy as well as what you think is appropriate, and ask them if possible.

If there are any changes to your business activities, procedures or relationships, or your human rights impacts on the community, you should consider whether this affects your complaints procedure and whether you need to make any changes.

Good practice

Assess your complaints handling context

An industry response to considering business impact on communities

The construction industry set up the Considerate Constructors Scheme, a non-profit, independent organisation, to improve its image. Construction sites, companies and suppliers voluntarily register with the Scheme and agree to abide by its Code of Considerate Practice, which encourages best practice beyond statutory requirements. The Scheme covers any area of construction activity that may have an impact on the general public, the workforce and the environment. All sites which have signed up have to display a freephone number so that people can report any concerns about construction works to a specially trained Public Liaison Team. Depending on the nature of the complaint, and in consultation with the complainant, the Team will refer the case to the site and mediate between the complainant and the site, as appropriate. The Scheme stays in contact with the complainant until the Scheme is satisfied that the site is adhering to the Code of Considerate Practice.

Review your existing procedures

Continuous engagement with communities and showing the actions the company has taken

Aggregate Industries, a supplier of construction materials, created several channels to engage with neighbouring communities and receive complaints. It regularly facilitates community liaison groups for all of its major sites. It registers and reviews all community complaints. It publishes annual information on the number and type of community complaints in the company's sustainability report. It also has case studies on its website which show how the company responded to and resolved community complaints.

Plan your next steps

Offering choice for communities

Crossrail offers several ways for people to make complaints about infrastructure and construction works. It provides information on the complaints procedure in several languages, in Braille, large print, easy read or as audio record. It has a 24-hour helpdesk hotline which initiates a response to complaints, including immediate action to stop or change work. Crossrail also organises meetings at major construction sites to keep residents informed and to collect feedback and complaints. If Crossrail is not successful in resolving a complaint, people may ask the Crossrail Complaints Commissioner to investigate their case. The Commissioner was appointed by the Secretary of State for Transport to act as an independent mediator and can make recommendations to help resolve complaints or avoid future complaints.

Identifying and escalating concerns about vulnerable people in the community

A construction company registered with the Considerate Constructors Scheme introduced a 'Child and Vulnerable Adult Policy' which sets behavioural standards when works take place around children or vulnerable community members. Staff must record immediately any incidents involving children or vulnerable adults and report these to the contracts manager, while keeping the complainant informed about how their grievance is being dealt with. The contracts manager decides how to investigate the report, or refers it to the competent authority. The policy recognises that vulnerable people may be afraid of reporting abuse, and explains to workers receiving complaints how to respond sensitively and appropriately.

Identifying concerns and taking action on community impacts

A member of a local community made a complaint to the Considerate Constructors Scheme about on-site workers repeatedly whistling at young women and shouting inappropriate sexual remarks. The Scheme referred the complaint to the company, which removed the offenders from its site and now trains workers at induction to prevent similar behaviour in the future. The company also apologised to the complainant. The Scheme also followed up with her to confirm that the harassment had not reoccurred.

Contacts

This publication and related equality and human rights resources are available from the Commission's website: www.equalityhumanrights.com.

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website **www.equalityadvisoryservice.com**

Telephone **0808 800 0082**

Textphone **0808 800 0084**

Hours **09:00 to 19:00 (Monday to Friday)**

10:00 to 14:00 (Saturday)

Post **FREEPOST Equality Advisory Support Service FPN4431**

Questions and comments regarding this publication may be addressed to: **correspondence@equalityhumanrights.com**.

The Commission welcomes your feedback.

Alternative formats

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