

# HIGH CARBON STOCK APPROACH

## HCSA GRIEVANCE MECHANISM

Terms of Reference of the ad hoc Grievance Panel

## 1. Roles & Responsibilities (Annex to contract agreement)

Members of the Grievance Panel shall work cooperatively with other members of the Grievance Panel and the Grievance Unit to resolve the complaint according to the responsibilities and procedures described in the HCSA Grievance Mechanism.

The precise roles and responsibilities of the Grievance Panel are outlined in Section B.15 of the HCSA Grievance Mechanism:

*Consistent with the HCSA GM Principles, a Grievance Panel will exercise the following authorities, duties, and functions listed below and as otherwise specified throughout these Procedures.*

- a. Instruct and oversee the Grievance Unit.*
- b. Guarantee the processing of the Complaint in accordance with these Procedures.*
- c. Take all decisions, procedural or otherwise by consensus (including the Final Decision), and where not possible, based on the majority of the Panel members.*
- d. Convene regularly, at a minimum in monthly sessions, to discuss the status of Complaints and implementation of Interim Measures, Final Decisions and Facilitated Settlement Agreements (FSA), and provide for extraordinary sessions where deemed necessary. Arrange for additional meetings as needed commensurate with the Panel's workload and provide for remote/virtual meetings whenever the work so permits.*
- e. Identify, during the processing of the Complaint, additional breaches of Member Requirement not designated in the Complaint if the facts and circumstances so warrant.*
- f. Ensure that HCSA GM outcomes are compatible with internationally recognized human right.*
- g. Take decisions to accelerate Complaints, issue Interim Measures, and resolve a Complaint through a Final Decision (terms defined below).*
- h. Direct the Grievance Unit to procure of one or more third party experts, while reserving for itself the right to draft their respective terms of reference.*
- i. Save in exceptional circumstances (i.e., illness, loss of Panel member), extend any timelines indicated in this Procedure for not more than a cumulative maximum of thirty (30) days, informing all Parties accordingly (greater extensions require agreement by all Parties).*
- j. Decide on its own, or at the request of a Party, to solicit information from the Parties, third parties named as sources of information in the Complaint, or other willing stakeholders likely to have information relevant to the Complaint and its resolution.*
- k. As appropriate, suggest to the Parties that another HCSA Member within the same supply chain also be joined in the action where conflict resolution and the design and implementation of a time-bound Remediation Plan can be better achieved (joining will require the consent of both Parties);*
- l. Consolidate and investigate simultaneously two or more Complaints against the Respondent that involve the same allegations of fact and/or issues.*
- m. Close investigations and Complaints.*

- n. Coordinate and communicate as necessary with the GMs of other international organisations;*
- o. Make adverse inferences against any Party that impedes the investigations or unreasonably refuses to cooperate with it.*
- p. Warn, suspend, or terminate HCSA membership or take another urgent action through Interim Measures against a Respondent who, with the purpose of influencing the outcome of the Complaint, engages in any form of retaliation, reprisal, violence, threats, adverse discrimination against or applies undue pressure upon the Grievance Raiser, others adversely affected, or their spokespersons or whistle-blowers.*
- q. Carry out other authorities granted to it by this GM.*

## 2. Desired skills and experience

As per the HCSA Grievance Mechanism, Grievance Panel members will be persons respected by their peers, of impeccable integrity, with great interpersonal skills, empathy, and sound judgment. The following qualifications are desirable:

- a successful record of dealing with a broad range of civil society, affected communities and NGOs, and representatives of the private sectors through negotiation, participation, and consultation;
- knowledge and experience with HCSA toolkit and/or the environmental and social issues addressed by the HCSA; and
- a solid academic and professional background.

When convening a Grievance Panel (See section 3), the Grievance Unit shall consider the expertise and experience in the issues and processes that may arise in the resolution of the Complaint under review, including:

- Natural resource management and environmental issues;
- Human rights and labour issues;
- Conflict Resolution/Alternative Dispute Resolution/Mediation/Facilitation; and
- Knowledge of the HCSA methodology, Member Requirements, and associated/key documents.
- Location(s) and context relevant to the complaint.

It is to be noted that English will be used as the working language in the resolution process of the Complaint under review under the HCSA Grievance Mechanism. While English is the working language of the GP, working knowledge in other language is also useful.

### 3. Recruitment process

#### Submission of expression of interest

Interested experts are asked to send a letter of interest to the HCSA Secretariat ([qa@highcarbonstock.org](mailto:qa@highcarbonstock.org)) detailing relevant skills and experience as described in Section 2 and relevant to the roles and responsibilities of the Grievance Panel.

#### Selection of experts for the pool of experts

The HCSA Secretariat will review the applications to judge whether each applicant possesses at least some of the experience and qualifications desired, before presenting the applications to the HCSA Executive Committee with a recommendation on a final decision for each.

The HCSA Executive Committee shall make the final decision on admitting all candidates to the pool of experts and the HCSA Secretariat shall inform the applicants accordingly.

The Grievance Unit (managed by the HCSA Secretariat) shall compile a simple database of the members of the pool of experts.

#### Convenance of a Grievance Panel

Upon making a decision to accept a complaint, the Grievance Unit shall contact all members of the pool of experts to request a confirmation of whether they are available and willing to take on the role of Grievance panel member for the case.

The decision to accept the complaint and a copy of the complaint will be included with the request so that potential conflict of interest and experience needed can already be considered by members of the pool of experts.

The Grievance Unit shall consider the expertise and experience in the issues and processes that may arise in the resolution of the Complaint under review.

The Grievance Unit shall evaluate the coverage of these topics of individual experts that have indicated availability and shall present details of all available experts and a recommendation on the final selection of the Grievance Panel to the Executive Committee for final approval.

The Grievance Unit will enter into a contract with each Grievance Panel member for the purpose of the work.