

ICoC Working Group #2 Meeting : 21 June 2011 via teleconference

Attending :

- Andy Orsmond, Human Rights First (USA) – Acting Chair
- Tara Lee, DLA Piper (USA)
- Ian Ralby, ADS Security in Complex Environments Group (UK)
- Michael Littlejohn, SOC LLC (USA)
- Patricia Feeney, Rights and Accountability in Development (UK)
- John Lea, UK Ministry of Defense (UK)
- Margaret Belof, UK FCO (UK)
- Ian McKay, US Department of State (USA)
- Anne-Marie Buzatu, DCAF (Switzerland)
- André du Plessis, DCAF (Switzerland)
- Michelle Hess, DCAF (Switzerland)

BEGIN 9:00 DC / 14:00 UK / 15:00 GENEVA

Recap of Briefing by Rachel Davis on Monday 20 June:

- Rachel Davis had introduced the newly-endorsed Guiding Principles on Business & Human Rights, specifically pointing-out 7 criteria that have been identified as benchmarks for non-judicial grievance mechanism to meet:
 - Legitimate, Accessible, Predictable, Equitable, Transparent, Rights-Compatible, a source of Continuous Learning (refer to minutes of briefing on 20 June 2011 for further details)
- She had highlighted the distinction between internal company grievance procedures and multistakeholder grievance procedures:
 - Both can play an effective role
 - Related but different criteria apply to each

Decision of Industry representative co-chair

- It was agreed that Tara Lee would serve as the Industry co-chair together with Andy Orsmond
- There was a decision to schedule next call for same time next Tuesday, while also asking attendees and those not on the call to inform if this time of the week is not convenient

The Functions of the Grievance Mechanism

- The chair opened discussion on the questions set-out in the concept paper, including asking how to approach the 6 questions
- There was a proposal to rather first identify the function that any complaints mechanism would perform, suggesting that question 5 might be the appropriate question to start with because it addresses what this mechanism will really do

General Discussion

- There was discussion on the wording in the ICoC that talked about complaints/grievance mechanisms
- Reference was made to paragraph 7(b) of the ICoC where the signatory companies undertake to *“work with ... relevant stakeholders to establish external independent mechanisms for effective governance and oversight, which will include ... execution of a mechanism to address alleged violations of the Code’s principles or the standards derived from the Code ...”*
- It was noted that paragraph 7(b) can be considered the source of the Steering Committee’s mandate for a Complaints Mechanism.
- There was discussion on the nature of the Concept Paper and how it both built on paragraph 7(b) and also proposed questions to the various Working Groups based on Steering Committee discussions.
- There was discussion on industry’s awareness on what was being discussed by the Steering Committee and on this Working Group in respect of grievance procedures. It was noted that the Working Groups have the discretion to part from the questions in the Concept Paper if they felt it was not helpful for their work

Next Meeting

- Focus of next call: analysis of question 5
- Tara and Andy will come up with a more structured agenda regarding how to approach the question and will confirm the times of the call

END 9:50 DC / 14:50 UK / 15:50 GENEVA