

Request for Proposal:

Access to Remedy: Landscape Mapping and Situational Analysis of Grievance Redressal Mechanisms in the Context of Indian Garment Sector

Submission Deadline: 16 September 2022 (17.00 IST)

1. Introduction and Background

The Ethical Trading Initiative (ETI) is a leading alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the globe. Our vision is a world where all workers are free from exploitation and discrimination, and enjoy conditions of freedom, security and equity. Global supply chains are highly complex and challenging for companies committed to trading ethically.

The UN Guiding Principles on the Business and Human Rights (UNGPs) elucidate the duties and responsibilities of State and businesses in addressing adverse related human rights impacts. Spread across 31 foundational and operational principles.

Access to effective remedy is a core component of the UNGPs. The UNGPs envisage the following three types of mechanisms to provide access to effective remedy in business-related human rights abuses: state-based judicial mechanisms, state-based non-judicial grievance mechanisms, and non-state-based grievance mechanisms. The State is expected to review judicial mechanisms and policy framework to better facilitate access to remedy for victims of business harm. Ensuring accountability of businesses and access to effective remedy for those affected is a vital part of a State's duty to protect against business-related human rights abuse. The UNGPs also expect businesses to create operational and effective grievance mechanisms to provide platform for early redressal of complaints. Research, however, demonstrates that grievance redressal is the weakest link when it comes to securing, protecting and respecting the human rights.

Grievance mechanisms should complement and support freedom of association and collective bargaining, and where unions face significant challenges to carry out their legitimate activity and FoA is restricted, grievance mechanisms aim to give workers an instrument whereby concerns can be raised in confidence. Commentary on the UN Guiding Principles points out that 'Operational-level grievance mechanisms can be important complements to wider stakeholder engagement and collective bargaining processes, but cannot substitute for either. They should not be used to undermine the role of legitimate trade unions in addressing labour-related disputes, nor to preclude access to judicial or other nonjudicial grievance mechanisms. Operational grievance mechanisms in workplaces where there is a recognised trade union operating ought to be designed in a way which complements the existing collective labour relations structure, be communicated through the trade union and should include collaborative efforts to include information about the mechanism and its use through the union's own communications with its members.

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for better business**

In its 2017 report to the UN General Assembly, the Working Group unpacked the concept of access to effective remedies under the UNGPs and stressed that on symbiotic relationship between effective and accessible remedy mechanisms and corporate accountability. It states that access to remedy is a critical component of Pillar I and Pillar II, and therefore recommends that steps be taken by States and businesses to ensure that remedies for business-related human rights abuses are located in diverse settings. It stressed on centrality of rights holders in the narratives and implementation of remedy mechanisms, with the aim of providing affected persons with a menu or "bouquet" of remedial options.

The structure of the Indian textile and garment industry is full of complexity and variability having the players at every level of their supply chain with lot of structural, operational and performance differences. The complexity and variability, further adds to the opaqueness of the sector and its value chain, impacting effective accounting of human rights violations. As women make up the majority of workers employed by the garment industry and who are more vulnerable to exploitation and sexual abuse, there is a need to study the efficacy of existing grievance redressal mechanisms and analyse the gaps so that robust grievance redressal systems that addresses multiple issues, including sexual harassment, are accessible and effectively applied in the garment sector.

The Sustainable Textile Initiative: Together for Change (STITCH) project aims to work collectively to influence the policies and practices of key actor groups of the garment industry. One of major component of the programme is to strengthen existing and initiate new systems of grievance redressal mechanism, which supports the work towards upholding workers' rights and dignity in the garment sector.

2. Scope and Objective

The broader scope of this workstream is to develop a framework with the reference to Pillar 3 based on the UNGPs and insights from the NAP (if released) in Indian garment industry context. The primary activity entails mapping various approaches and ideas around establishing grievance mechanisms for the garment sector and explore further on the way ahead to realise an industry level, functional, effective grievance system in participatory and consultative manner. The outcome of this activity is expected to feed into creating a sectoral guideline on access to remedy in Indian context.

The process will include a study and a series of consultation with different stakeholders' groups, subject matter experts and relevant actors from the industry.

- a) Conduct a landscape mapping study on grievance redressal mechanisms and situational analysis to determine the gaps in the existing systems (emphasising more on state-based non-judicial grievance mechanisms, and non-state-based grievance mechanisms). Explore and capture details of innovative mechanisms and other successful initiatives that been implemented towards access to remedy (other sectors included).
- b) Organise stakeholder consultations

3. Deliverables

- I. Methodology for landscape mapping and situational analysis on grievance redressal mechanisms
- II. Landscape mapping report and situational analysis report

- III. Description on the stakeholder engagement process
- IV. Organize 3 stakeholder consultations
- V. Provide recommendation for a sectoral guideline or framework in access to remedy

4. The Implementing Partner

We would like to execute the workstream through an Implementing Partner. The successful Partner is expected to have robust knowledge on human rights issues in Indian garment sector and broad understanding of international labour rights.

The Implementing Partner should specify how it intends to deliver the range of tasks requested and whether this will be delivered by single or multiple organisations. The partner will implement this assessment under the auspices of ETI, with progress up-dates to be agreed with the Senior Manager, ETI.

Selection will be based on the following criteria:

- Professional competence, including track record of success in a similar field of work (examples will be requested)
- Methodology proposed to deliver required outcomes
- Quality of submission, including overall understanding of the ask, issues that might affect the outcome and the added value that the Implementing Partner brings

5. Delivery and Deadlines

Organizations are requested to submit an expression of interest (not more than 5 pages), which is to include: brief outline of the proposed methodology, work plan with timeline, project team composition and proposed budget. EoI submission Deadline is **16th September 2022**. Please send the proposal (in PDF format) to pranjal@eti.org.uk with a subject line "**Proposal on Access to Remedy**".

The work should start by end-September or early October, 2022 and ideally be completed by March 31, 2023.

6. Ways of working

- a. The ETI India Team will be involved and consulted at critical junctures
- b. There will be fortnightly calls to ensure alignment, exchange and progress
- c. The Implementing Partner will prepare and submit monthly progress report
- d. The Implementing partner will organize review meeting with ETI

7. Payment Schedule

Payments will be made in two equal instalments

- One instalment will be paid while signing the contract
- The other one by completion of the work (March 31, 2023)