

11. DISCLOSURE AND GRIEVANCE REDRESSAL

Disclosure of Information and Grievance Redressal are important components of transparency and accountability that a project proponent should maintain with its stakeholders which in turn, would benefit in the improvement of project implementation and strengthen development outcome. World Bank as per its World Bank Environment Assessment Policy (OP 4.01) recognizes that in all Category 'A' projects, the stakeholders are required to consult formally twice with the stakeholders, one, in a meeting held during the screening and scoping stage and second, when a draft EIA has been developed.

11.1 Information Disclosure

The project being categorised as 'Category A', UAEL is required to undertake the requirements as set down by the World Bank Guidelines on Information Disclosure. UAEL has undertaken both the requirements by holding a public hearing within the complex of APSCL, Ashuganj on 22nd March 2014 wherein notices of the public hearing were advertised on 13th March 2014 in two national newspapers, one, The Dhaka Tribune and second, The Daily Samakal. Besides these notices, announcements and information were extended to the local communities residing within the vicinity of the project site, NGOs working in the area, opinion leaders and local governing units via discussions held during the socio-economic survey exercise and focus group discussions.

A total of 27 attendees attended the public hearing held within the premises of ASPCL. Details of the public hearing have been provided in Section 5.4.8 of the report.

The second requirement of formal consultation as per World Bank Guidelines on Information Disclosure relates to the disclosure of the draft EIA report once the report has been produced. This requirement has been partially fulfilled wherein the summary of the draft EIA report and Executive Summary have been translated in the local language (Bangla) and uploaded on UAEL's website for public viewing. In addition, UAEL is required to publicise the report in a public place in Ashuganj (e.g. Ashuganj Union Parishad Office) by translating the report in local language for the common understanding of the local population and submitting a copy of the same to the Union Parishad Office.

The following documentation is required to be made available to the public and NGOs around the project area under Ashuganj Union Parishad and displayed on the website and in hard copies:

- A) Summary of the Project
- B) Summary of the Environmental and Social Management Plan (ESMP)

Besides, these above mentioned documents, a gist of the following plans in local language is also required to be disclosed to the various stakeholders who are directly and indirectly impacted by the project activities whenever a need arises.

- Occupational Health and Safety Plan
- Emergency Response Plan
- Green Belt Development Plan

- Stakeholder Engagement Plan
- Grievance Redressal Mechanism
- Environmental and Social Management Plan

Consequently, once these activities have been undertaken and UAEL formally transfers the EIA Report to the Bank, UAEL is required to provide an endorsement letter to World Bank giving them the permission to post the report on their Info Shop for public disclosure and awareness purposes.

11.2 Grievance Redressal

Grievance Redressal Mechanism (GRM) is an important criterion for development projects wherein ongoing risks and impacts of projects are probable. The GRM provides a way to reduce risks for projects, offer communities and workers an effective avenue for expressing concerns and achieving remedies and promote a mutually constructive relationship.²² It is an important tool through which the affected communities and workers concerns and complaints are registered and addressed. This mechanism is a significant pillar of the stakeholder engagement process as it creates opportunities for the project proponent and communities to identify problems and determine solutions together. The mechanism tends to meet the requirements of stakeholder engagement process, prevent and address community and workers concerns, reduce risk, and assist the processes that create positive social change. A well-functioning grievance mechanism contains the following elements:

- Provides a predictable, transparent, and credible process to all stakeholders, resulting in outcomes that are seen as fair, effective, and lasting;
- Builds trust as an integral component of broader community relations activities and between employees;
- Enables more systematic identification of emerging issues and trends, facilitating corrective action and community engagement.

The GRM prepared by AECOM has been developed with an intention of it being an effective tool for early identification, assessment and resolution of complaints during project implementation. It is a means through which acceptance, assessment and resolution of community and workers complaints concerning the performance or behaviour of the project proponent, its contractors and employees are ascertained and addressed. The GRM prepared should be implemented to the entire life cycle of the project prior to the construction phase. Consultations, communication and disclosure of this plan are mandated by World Bank as per World Bank's Approach to Grievance Redress in Projects (Dispute Resolution and Prevention).

11.2.1 Grievance Mechanism Principles

Grievance Mechanisms will respond to the project needs if they are developed early in the project cycle as a measure to anticipate rather than respond to the rise of apprehension with surrounding communities. As per WBG's Good Practice Note on Addressing Grievances from Project-Affected

²² A Guide to Designing and Implementing Grievance Mechanisms for Development Projects by The Office of the Compliance Advisor/ Ombudsman for IFC and MIGA, 2008.

Communities, September 2009, five principles have been recommended to ensure that the mechanism becomes acceptable to the communities. The five principles relate to:

- Proportionality: Scaled to risk and adverse impact on affected communities
- Cultural Appropriateness: Designed taking into account culturally appropriate ways of handling community concerns
- Accessibility: Clear and understandable mechanism that is accessible to all segments of the affected communities at no cost
- Transparency and Accountability: To all stakeholders
- Appropriate Protection: A mechanism that prevents retribution and does not impede access to other remedies

11.2.2 Approach to Grievance Redress

World Bank in its “Approach to Grievance Redress in Projects” has proposed three interlinked steps of Grievance Redress. The steps are provided in the following:

- A risk-based assessment of potential grievances, disputes or conflicts that may arise during project preparation and implementation
- Identification of the client’s existing capacity for grievance redress
- An Action Plan that identifies priority area for strengthening grievance capacity, or if necessary, establishing new mechanisms at the project level.

11.2.3 Process involved in an Effective Grievance Management

An effective grievance management encompasses a step by step process which is necessary along with competent personnel for proper completion of grievances handled. WBG’s Good Practice Note on ‘Addressing Grievances from Project Affected Communities’ highlights five steps which should be considered in implementing an effective grievance mechanism. The five process steps have been detailed in the following,

- Publicizing Grievance Management Procedures: An effective grievance mechanism can be determined by how popular and accessible it is to the stakeholders. By publicising the grievance mechanism in line with the cultural characteristics and accessibility factor, the success of its acceptability can be determined among the stakeholders.
- Receiving and Keeping Track of Grievances: Once publicising of the grievances mechanism is undertaken the project proponent should have the capacity of collecting grievances, recording, registering and tracking them throughout the processing cycle to reflect their status and important details.
- Reviewing and Investigating Grievances: A successful grievance mechanism reflects the transparency and speed by which it records, registers and addresses the grievances.
- Developing Resolution Options and Preparing a Response: Once acknowledgment and understanding of the grievances is done, resolution options to commensurate with the nature of grievances by considering community preferences, project policy, past experiences, current issues and potential outcomes is to be developed.

- Monitoring, Reporting and Evaluating a Grievance Mechanism: The tools of monitoring and reporting are important components for measuring the effectiveness of the grievance mechanism. Monitoring helps identify common or recurrent claims that may require structural solutions or a policy change, and it enables the project proponent to capture any lessons learned in the resolution of grievances.

11.2.4 Steps for Developing a Grievance Mechanism

UAEL while developing the Grievance Mechanism is required to adhere to the following steps:

- Development of Procedures: UAEL should ensure that procedures for lodging and registering of grievances are in place before the plan is implemented at the site level. The procedures of Grievance Mechanism should comprise of identifying the personnel (Chief Grievance Officer at Corporate level and Grievance Officer at Site level) who will be responsible for receiving and addressing the grievances at the site level and handle the cases at the escalation level. The procedures to be developed should include assessment procedures, procedure to determine the appropriate resolution process, procedures for making decisions on proposed settlements, appropriate time frames for each step in the grievance resolution process and notification procedure to the complainant about eligibility, assessment results, proposed settlements and the like.
- Develop Resolution Options and Response: Once UAEL has developed procedures, formal and informal resolution options should be developed along with preparation of formulating a response. General approaches to grievance resolution many include proposing a solution, reaching a resolution through discussion or negotiation, using a third party to either informally or formally resolve the matter through mediation and through traditional and customary practices.
- Publicise the Grievance Mechanism: Once the procedures for Grievance Mechanism has been developed by UAEL, it has to be publicised through various stakeholder engagement activities as detailed out in the Stakeholder Engagement Plan. UAEL should inform the local community in the first instance and then on remind them of this mechanism on a regular basis during the project construction and operation phases. In addition, information on the GRM should also be disseminated to the direct and indirect workers on a regular basis. Various communicative methods can be adopted in disseminating the information like printed materials, displays, face to face meetings and website updation.
- Training/ Workshops on Grievance Redressal Mechanism: A separate training/ workshop should be undertaken by UAEL at the community and worker level to discuss the process of how a grievance gets registered, the local contact person's/grievance officer details of receiving grievances, the significance of grievance boxes, the timelines for addressing the grievances and the personnel involved in the redressal process. These trainings should be held every half yearly and feedback/suggestions from the community and workers should be acknowledged and changes to the GRM should accordingly be undertaken to make it more user friendly.
- Recording of Grievances: Once the stakeholders are aware of the mechanism and access it to raise grievances, UAEL is required to acknowledge the same and keep the complainant's identity anonymous. Consequently, UAEL is required to collect grievances by checking the grievance boxes once every fifteen days, record and register the grievances that have come in as per the

identified formats and track them throughout the redressal process to reflect on their status and important details. A Grievance Log or database emphasising the records and status of the grievance is to be maintained by the identified Grievance Officer at the site level. The Grievance Log can be used to analyze information about grievance and conflict trends, community issues and project operations to anticipate the kinds of conflicts that the project proponents might expect in the future both to ensure that the grievance mechanism is set up to handle such issues and to propose organizational or operational changes.²³

- **Appeal:** If the grievance redressal solution is not acceptable or agreed by the project proponent, the complainant should be offered to an appeal process. Circumstance revolving around when an appeal can be made should be set by UAEL so that social accountability and transparency is promoted by them in every step. National Court or convening of a senior and independent panel of individuals to seek appropriate resolution of the case with representation from both government and civil society is often encouraged. This panel may also play the role of providing strategic oversight and assurance of the mechanism through review monitoring and tracking data.
- **Resolve and Follow Up:** Once the corrective action has been agreed upon, a good practice is to collect proof of those actions in terms of taking photographs, documentary evidence, getting confirmation from the complainant and filing the same within the case documentation. In addition, monitoring and follow up on the resolution agreed upon should be conducted once to close the case accordingly. UAEL is required to provide regular (quarterly) reports to the public and workers that track the number of complaints received, resolved, not resolved and referred to a third party. In addition, the funding agencies also need to be constantly apprised of the quarterly reports in order to support UAEL in early identification of developing risks.

11.2.5 Proposed Grievance Redressal Mechanism for UAEL

UAEL in order to implement the Grievance Redressal Mechanism is required to identify the contact person/ grievance officer involved at the site level for registering the grievances, the process of registering and action taken thereon for the resolution of the grievance, the timeline required in each step and criteria in escalation of the case to the higher level.

A two level approach is proposed to be developed for all cases of grievances. As per the severity of each case, resolution of the grievances can be undertaken at each level. The steps of grievance redressal for UAEL have been provided below:

Receive and Register a Complaint

- Any worker/ stakeholder with concerns pertaining to onsite work such as occupational health and safety, terms of employment, wages paid, issues with community or among co-workers, management etc. may register their complaint in writing to the nominated person/grievance officer at site (Level-I);
- Secured grievance boxes shall be placed at various identified location within the site area, site office and community level ;

²³A Guide to Designing and Implementing Grievance Mechanisms for Development Projects by The Office of the Compliance Advisor/ Ombudsman for IFC and MIGA, 2008.

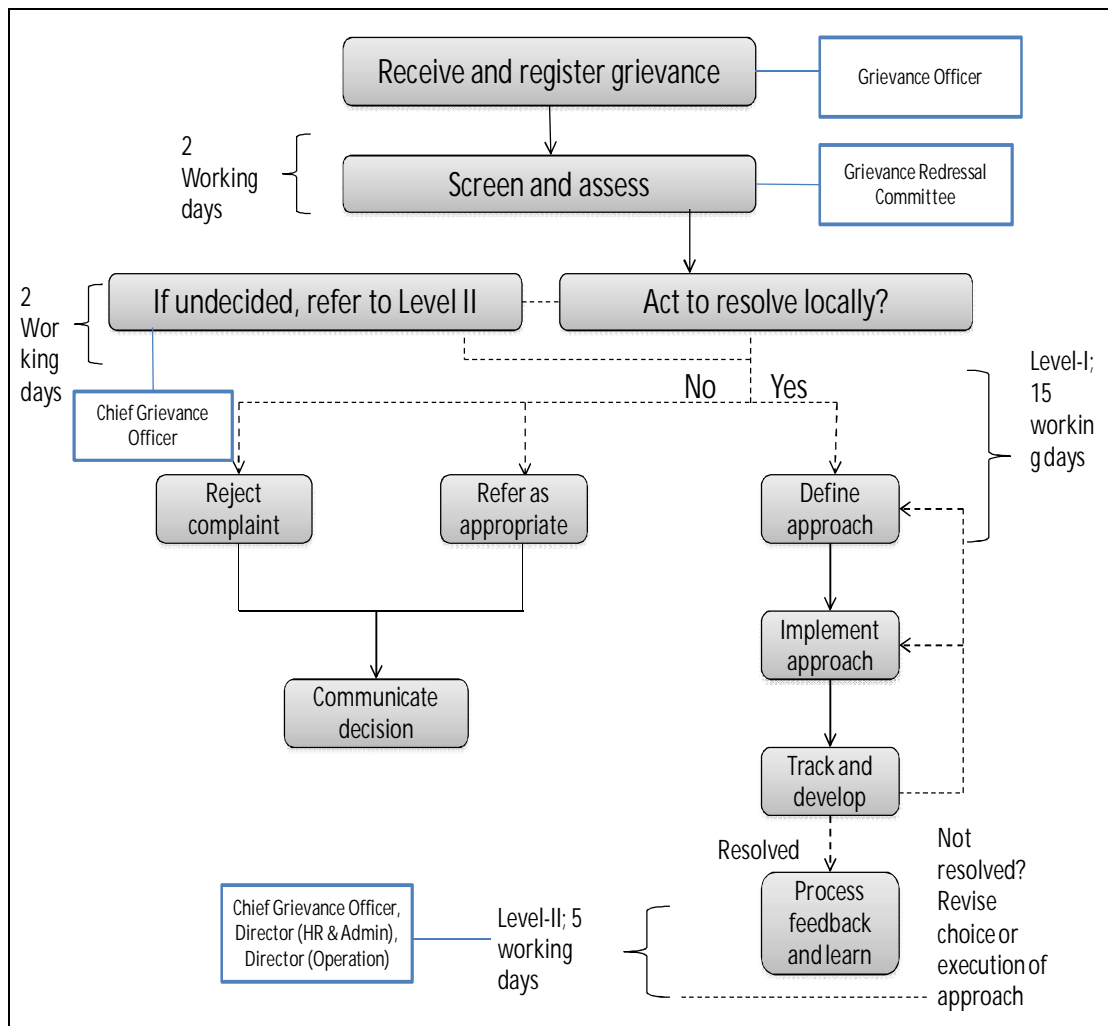
- If the complainant wishes to remain anonymous, he/she can write down the grievances and drop in the available complaint boxes;
- Once a complaint has been received it shall be recorded in the grievance log register or data system and an acknowledgement slip is provided to the complainant;

Assessment and Addressal of Complaint

- The identified Grievance Officer at Level I will open the complaint boxes every fifteen (15) days and forward the grievances to the Plant Manager for further action. In addition, in turn of physical receipt of complaint, the same will be forwarded to the Plant Manager;
- The grievance will be assessed to determine if the issues raised by the complaint fall within the mandate of the grievance mechanism or not;
- During the assessment of complaints, the team at Level I comprising the Grievance Redressal Committee (in cases concerning Contract Workers then Contractor Site Supervisor would also be involved) will gather information about the key issues and concerns and helps determine whether and how the complaint might be resolved. The GRC will comprise of the Chairman of Ashuganj Union Parishad, Project Manager- UAEL, Plant Manager – UAEL, Plant Manager – UAEL, Electrical Engineer – UAEL and Safety Officer – UAEL.
- If no decision is made within 2 days by the Committee at Level I, the issue will be forwarded to the Chief Grievance Officer based at the Corporate Office (Level II) to screen and assess the grievance. If the complaint seems to require intervention then it will be considered for further action, otherwise it will be rejected and the same will be communicated to the concerned complainant by the Grievance Officer based at the site level within 2 working days;
- The grievances will be addressed at the Level-I by the GRC and Contractor Supervisor (in cases involving contract workers) within 15 working days;
- If the grievance fails to be addressed at Level-I within stipulated time period or to the satisfaction of complainant, the grievance will be referred to the Chief Grievance Officer (Level – II) to take the final decision pertaining to the complaint;
- At this level, the Chief Grievance Officer (identified by the Company) will discuss the issue with the Director (Human Resource & Administration) and Director (Operation) and try to address the grievance. The Chief Grievance Officer shall provide support in terms of decision making. If necessary, meetings will be conducted with the complainant and evidence will be examined. The grievance will be closed within 5 working days of referral;
- The worker/ complainant will have the opportunity to be present at the committee meetings and discuss the grievance at both the levels if the grievance remains unresolved even after going through both the levels, the complainant will have the option to approach the appropriate court of laws for redress.

The Grievance Mechanism proposed for UAEL to consider and implement have been provided in Figure 11-1.

Figure 11-1: Proposed Grievance Mechanism Structure for UAEL



Source: Adapted from CAO's Guide to Designing and Implementing Grievance Mechanisms for Development Projects

11.2.6 Resources required for Grievance Mechanism Implementation

A Grievance Mechanism becomes successful if adequate resources are assigned in its implementation. Adequate resources here refer to people, systems and processes and associated financial resources. In order to incorporate the responsibility of designing, implementing and monitoring the grievance mechanism, the senior management at the corporate level of UAEL should be involved in executing the various tasks.

Responsibility

For a grievance mechanism to function effectively, it is important to establish a governance structure and assign responsibilities for the mechanism's implementation. The following roles and responsibilities have been identified for grievance mechanism implementation:

Chief Grievance Officer (Corporate Level/ Level II): A Chief Grievance Officer is to be nominated at the corporate level. The incumbent is to have some knowledge in Social Sciences and have more than 13-15 years of experience working including possessing prior knowledge of Grievance Redressal

Mechanism and its Management. He is to report directly to the Managing Director of UAEL and work in tandem with Director of Human Resource & Administration and Director of Operation based at the corporate office.

Grievance Officer (Site Level/ Level I): A Grievance Officer is to be nominated at the site level. The incumbent is to have prior knowledge of handling grievance cases. He is to report directly to the Chief Grievance Officer based at the Corporate Level as well as the Plant Manager at the Site Level. The Grievance Officer is to work in tandem with the Electrical Engineer. They cumulatively (along with the Chairman, Ashuganj Union Parishad) form the Grievance Redressal Committee at the site level. In cases of grievances from contract workers, the Contractor Supervisor will also join the Grievance Committee and take part in the discussion and resolution of grievances.

A Grievance Redressal Committee has been formed at the Site Level. It is imperative to mention here that to maintain ultimate transparency and accountability for the grievance mechanism process third parties which are neutral and independent have also been included within the structure. To realize these criteria, one member from the local administration and public representative side has been identified by UAEL to be a part of the GRC, namely, the Chairman of Ashuganj Union Parishad. He has been nominated as the Chair Person of the GRC and he is responsible in chairing the meetings whenever any grievances come to the notice at Site Level.

The list of members to be included within the GRC has been provided in (Table 11-1).

Table 11-1: List of Members of Grievance Redressal Committee

S.No.	Members	Role
1	Md. Mubarak Hossen, Chairman of Ashuganj Union Parishad	Chair Person & Head of the Grievance Redressal Committee
2	Md. Jamirul Karim, Project Manager, UAEL	Member Secretary
3	Tareque Uddin Ahmed, Plant Manager, UAEL	Chief Grievance Officer of UAEL
4	Md. Dewan Alam, Electrical Engineer, UAEL	Member
5	Kamrul Ahsan, Safety Officer, UAEL	Member

Source: ESIA Report submitted by Adroit Environment Consultants Ltd (AECL)

11.2.7 Levels of Grievance Redressal

A two tier approach has been proposed in the redressal of grievances. All grievances are to be resolved within these two levels depending upon the severity and gravity of the grievances. The representatives proposed at different levels of grievance committees are provided in Figure 11-2.

11.2.8 Engagement of Third Party

To maintain ultimate transparency and accountability for the grievance mechanism process, third parties such as non-governmental organizations (NGOs), local community etc. can at times be involved in the grievance redressal process. These parties can serve as process organizers, places to

bring a complaint to be passed on to the company or as facilitators, witnesses, advisors or mediators. Third parties can assist in enhancing the trust level from communities as well as overcome limitations of project-level mechanism.

Figure 11-2: Two Level Approach of Grievance Committee



Through the involvement of third parties as facilitators, the community’s confidence in project level grievance mechanism can be increased and the project proponent can gain a better reputation with and greater trust from stakeholders. In addition, cost-efficiency and supplement of internal resources can also be achieved if this step is contemplated upon.

Engagement of Third Parties in UAEL’s GRM: To maintain transparency and accountability, UAEL has included the Chairman, Ashuganj Union Parishad as the Chair Person of the GRC. This will no doubt, help build the trust of the community members and the effectiveness of the project proponent’s grievance mechanism will be strengthened.

11.2.9 Monitoring and Reporting

Monitoring and reporting are requisite tools of measuring the effectiveness of the grievance mechanism, the efficient use of resources, determining broad trends and acknowledging recurring problems so that they can be resolved before they reach a higher level of contention. They also create a base level of information that can be used by the project proponent to report back to the stakeholders.²⁴

²⁴ IFC’s Good Practice Note on Addressing Grievances from Project-Affected Communities

Monitoring: Depending on the extent of project impacts and the volume of grievances, monitoring measures like internal and external audits every six months based on the complexity of the nature of grievances can be adopted by UAE. Grievance records maintained should provide the background information for these regular monitoring exercises. Through the review of each grievance and analysis of its effectiveness and efficiency, UAE can draw on the complaints to evaluate systematic deficiencies. In addition, monitoring of the grievance mechanism helps to ensure that the design and implementation of the mechanism is adequately responding to stakeholder's comments in a cost effective manner.

Reporting: All grievances registered have to be recorded and regularly updated. The site management or Grievance Officer is responsible in discharging this responsibility and he should be able to produce this document whenever any audits take place. In addition, a monthly reporting system should be introduced wherein the Grievance Officer is required to submit a Grievance Report to the Chief Grievance Officer even if 'nil' grievances are recorded at the site level. All minutes of meetings with stakeholders, complainants and Grievance Redressal Committee are to be recorded and documented regularly for reference purposes. In addition, through the process of monitoring and the reports produced thereafter, assurance of continual improvement of the company's operations is guaranteed. The company can also use these monitoring reports to report back to the community on its implementation of the mechanism and the modification/ changes proposed to make it more user-friendly.