

## **M&S Grievance Procedure for Clothing, Home and Food Supply Chains Effective Remedy of Human Rights Issues**

We want to have in place effective grievance mechanisms to remedy adverse human rights impacts, but recognise that this is challenging and an area where we and our supply chain have much to learn. All our employees are covered by M&S' own internal grievance channels and all our suppliers covered by our [Global Sourcing Principles \(GSP\)](#) which require them to have their own effective grievance mechanisms in place and we encourage the use of these as a first resort to settle complaints.

Workers and their representatives are ideally placed to raise these issues with management and potentially solve a dispute as it is occurring. In our experience localised solutions tend to be most attuned to local culture, the concerns of those whose rights are impacted, and opportunities for sustainable solutions. External investigations of complaints by brand companies or multi-stakeholder initiatives are however an important and necessary back-stop to individual sites processes but should be used after all local mechanisms have been tried first.

Often the issues raised are complex. This means it takes time to investigate and check facts. In some cases, there is no clear-cut right or wrong answers. In other instances, issues cannot be addressed by M&S in isolation. They may require wider engagement with industry and other stakeholders.

### **What would constitute a complaint under the process?**

A complaint is a report of a violation against our [Global Sourcing Principles](#), [Code of Ethics](#), [Human Rights Policy](#) or [Groceries Supply Code of Practice \(GSCOP\)](#) that has occurred in our Clothing, Home and Food supply chain and has a direct adverse human rights impact. The complaint should be evidence based. This means that the complainant should be able to produce sufficient information to demonstrate the relevance and seriousness of the complaint.

After all local and site based remediation and grievance mechanisms have been exhausted, an individual or organisation can make a complaint so long as either they are directly affected by the issue. If they are a representative organisation they must have a mandate to represent individuals or communities who are directly affected and have access to first-hand knowledge of the circumstances giving rise to the complaint.

### **How do grievances get raised?**

Where we use audit, the 3<sup>rd</sup> party audit companies leave confidential phone number cards with worker and union representatives to allow grievances to be raised after the audit has taken place if the environment does not allow this in situ.

We continue to assess confidential hotlines and new innovations such a mobile technology surveys to allow grievances to be made confidentially and anonymously.

Concerns may also be reported via an independent and external facility. This facility is managed by [Safecall](#) and reporting can be done online in multiple languages via [Safecall's](#) secure web reporting facility: <https://www.safecall.co.uk/report>.

The complaint can be submitted in the individual's or organisation's own language. We endeavour to acknowledge receipt of all emails received into this mailbox within 2 working days (5 working days if in a language other than English).

The [OECD's National Contact Points mechanism](#) can be used in instances where individuals or organisations feel they cannot raise a concern with us directly.

### **Investigating & understanding concerns**

Once concerns have been reported online to Safecall, a unique case number is generated which allows for confidential dialogue to take place between the parties (e.g. should there be any further questions to ask). This includes situations where the party wishes to remain anonymous. It also enables feedback to be provided (e.g. progress status).

All issues and concerns raised via this mechanism are reviewed by a senior manager in the M&S Investigation Team (part of the Corporate Governance team) who will pass it onto either the Food Group Senior Ethical Trade and Human Rights Manager or Head of Ethical Trading Clothing & Home to investigate.

Our goal will always be to assess and then investigate all legitimate complaints and promote their resolution in the quickest possible timeframe. The complaint will be considered to have been resolved at an initial stage if and when the parties agree on a plan for remedial action to address the issue. Complaints vary in scale, complexity and geographical origin so it is not possible to say how long it will take to reach a resolution. The issue may be resolved in a matter of weeks or it could take months or even years. We will, however, always strive to keep all parties regularly informed (in their local language) of the steps that are being taken and the results of the process.

We use a generic framework which is applied depending on the nature of issue and local circumstances, below details our standard process steps with some **example** questions.

1. Initial assessment of the complaint – gather information from all parties in a timely manner with complete information, based on thorough enquiry into the issues. Sample of questions to establish the legitimacy and scale of the alleged problem:
  - Has the complaint occurred in our current supply chain or operations?
  - What is the size of our operation where the complaint has occurred?
  - How many employees, workers, products or services are involved?
  - How has the community been impacted?
  - Is there immediate physical danger?
  - How serious is the breach?
  - Is the grievance being pursued by other means?
  - Is there supporting information or details of where corroborating information can be found?

- Has a formal grievance with the employer been lodged, or a court case been filed?
  - Has the issue been raised before?
  - What is the preferred solution: what do the complainants want to happen to remedy the situation?
  - Are there other organisations that might have useful information directly relevant to the complaint together with their contact details?
  - Are there local complexities: for example, ethnic, cultural or political issues that will have a bearing on the alleged violation and how it can be investigated?
2. Internal investigation which may involve independent 3<sup>rd</sup> party:
- Assess evidence that confirms that the complaints are founded.
  - Interview relevant parties.
  - Identify if the issues were still current or if effective corrective actions had occurred.
  - Check if the governance and due diligence processes are effective at identifying these issues.
  - Understand if all local and site based remediation and grievance mechanisms have been exhausted already. If not complainant should follow these before invoking this process.
3. Consultation and mediation – following receipt of information from all parties, M&S where appropriate will seek to promote discussion and dialogue between the relevant parties, using the criteria below:
- Ideally all appropriate parties should meet in person or by teleconference to talk about the issues, rather than communicating by email, to ensure a more successful outcome. This should be conducted as near as possible to the location of the complainant.
  - All relevant information should be shared, including the prioritisation of the issues, with all parties prior to mediation so all sides are fully briefed.
  - Ground rules about confidentiality of information and disclosures to the media should be agreed at the start of the mediation process. Encourage all parties to be open-minded and flexible on what constitutes an acceptable outcome to a complaint.
  - During meditation we try to maintain momentum by identifying the issues on which all parties can agree and to focus the discussion only on the issues where there is disagreement.
  - Once communication channels are open and a degree of trust established, some issues are best addressed though bilateral dialogue between parties, rather than requiring M&S's involvement.
  - All parties should be encouraged to put forward practical solutions rather than simply registering complaints or stating their position.
  - A time period and monitoring plan must be assigned to all corrective actions and other outcomes, including responsibility for monitoring.
  - In some cases a 3<sup>rd</sup> party can be used for support with monitoring the implementation of corrective action plans.

4. If no agreement is forthcoming within a reasonable period of time and the investigation has been thorough and all available options have been exhausted, M&S reserves the right to decide on its actions in relation to the complaint. We will do this in consultation with the Corporate Head of Human Rights, the relevant Business Unit Director (e.g. Foods or Clothing & Home) and other senior directors (as appropriate).

In certain issues, which may be outside our influence we may seek to achieve the following:

- Look to engage on an advocacy, legislative level;
  - Support greater transparency of the wider systemic cultural issue through relevant stakeholders and reporting;
  - Where appropriate identify other customers that have similar standards and share information with them insofar as commercial sensitivity and confidentiality allows, in order to build broader leverage and communicate a shared set of expectations.
5. If a party is unhappy with the outcome they would be invited to raise the issue with the Corporate Head of Human Rights who will review the case with the [independent Human Rights Stakeholder Advisory Group](#) for a final decision. If the party is still dissatisfied with the outcome and the actions taken by M&S then they can refer the issue or complaint to the relevant [National Contact Point](#).

### **Anti-retaliation**

Within our grievance framework, our primary concern will always be to safeguard the rights and wellbeing of any person who has raised the grievance.

M&S has a strict anti-retaliation policy. If a person or organisation believes that they have been subject of retaliation because of registering a complaint with M&S directly or via one of our suppliers, they should contact us immediately and provide the specific details of what has occurred.

We will investigate and if there is clear evidence of retaliation against them, we will take action to remedy the situation. This may require, for example, the issuing of a warning letter to a business partner, if it is found that they have retaliated against a worker, or a worker representative, for disclosing workplace issues, or it may demand the intervention of government, when a legal or administrative remedy is required. As retaliation can take many forms (loss of job, demotion, involuntary transfer, harassment, intimidation, etc.) we will deal with each incidence on a case-by-case basis and look for relevant solutions.

**Updated August 2018**