



OECD GUIDELINES
FOR MULTINATIONAL
ENTERPRISES

NATIONAL CONTACT POINT
FOR RESPONSIBLE BUSINESS
CONDUCT THE NETHERLANDS

Shift



International
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SEER

9 november 2020

Access to Remedy

Putting Access to Remedy into practice in RBC Agreements





Access to remedy in practice

A successful case of engagement between different stakeholders (in the Netherlands and Cambodia) to protect the rights of garment workers to strike in Cambodia



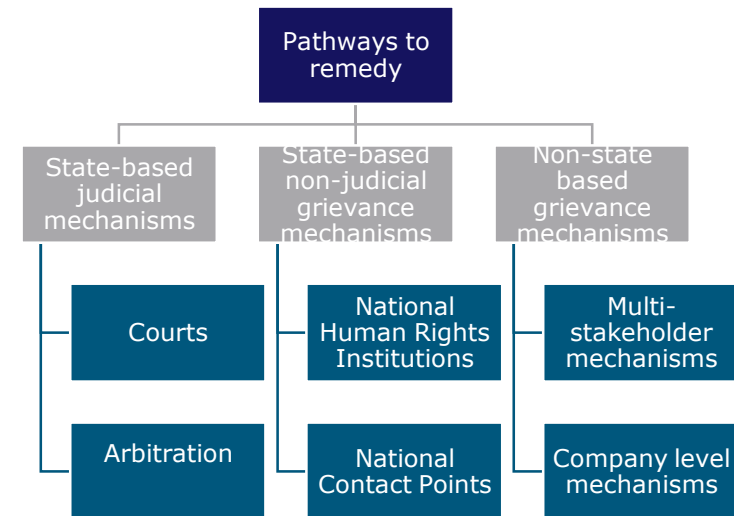
'We have more influence on the working conditions and labor rights here in Cambodia, because of the agreements made in the Netherlands with Dutch garment brands. Through our partner organization CNV Internationaal, we can give a signal to Dutch brands if they buy products from a factory that is not complying with the labor law or that work with infeasible piece rates.'

Ath Thorn, president of garment federation C.CAWDU from Cambodia, 2018



Access to remedy: the essentials

- Expectation from the UN Guiding Principles on Business and Human Rights, (Pillar III)
- Why might remedy be important to value chain partners?
 - **Risk Management / Business Continuity:** address impacts before they escalate into larger impacts
 - **Reputational:** We have all seen potential reputational impact from high-profile issues
 - **Normative:** We don't want to be connected to negative impacts
- What are the possible results of remediation? Apologies; Restitution; Rehabilitation; Financial and non financial compensation; Punitive sanctions; Prevention of harm etc.





Re-Thinking Remedy

So how do we enhance access to effective remedy when other parties we are connected to are the ones causing the harm?

✓ **Shifting the conversation:**

From *providing* remedy → To **enabling** remedy

✓ **Expanding the focus:**

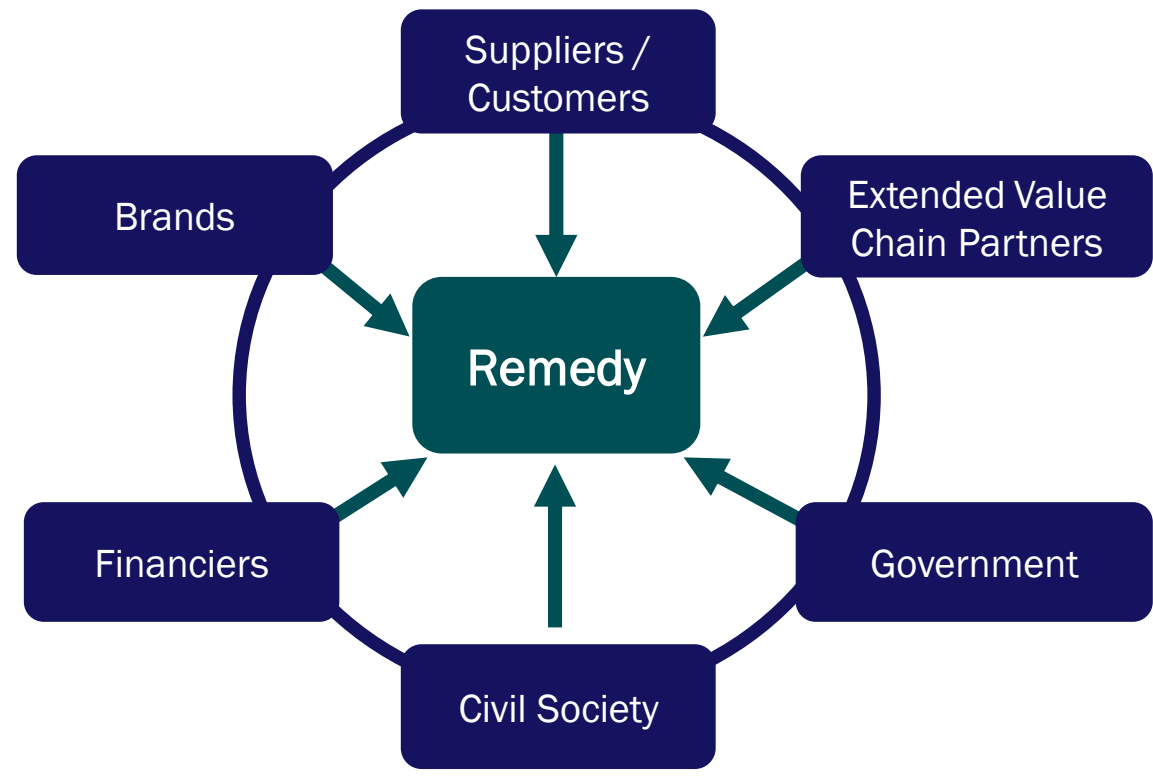
From a *grievance mechanism* → To a **remedy eco-system**

✓ **Recognizing our role:**

From *not our responsibility* → To **leverage** for remedy

A Remedy Eco-System

- A** Many actors are necessary for remedy in practice
- B** Remedy is relevant for each actor
- C** Each actor has different, complementary roles to play





Activity		Contributors		
Welcome and scene setting		Alexandra van Selm (SER)		
Parallel break-out workshops	Garment & Textiles sector	Dieuwertje Heyl (Arisa) Margreet Vrieling (Fair Wear foundation) Faye Donker (WE Fashion) Moderator Jef Wintermans (SER)		
	Extractives sector	Joseph Wilde (SOMO) Vittoria Franchini (Kumi Consulting) Tirza Voss (Fairphone) Moderator Manuella Appiah (SER)		
	Finacial sector	Stina Nilsson (Sustainalytics) Thijs van Brussel (Pax) Moderator David Kovick (SHIFT)		
	Agrofood sector		Rashida Nakabu (Rainforest Alliance) Paul Schoenmakers (Tony's Chocolonely) Marieke de Vries den Hollander (CNV)	Marco Dubbelt (Global March) Tytti Nahi (Fair Trade) Lea Esterhuizen (&Wider) Kunera Moore (Rainforest Alliance)
			Moderator Ruud van Soelen (SER)	
Reporting back, outstanding questions, reflections & next steps		Maartje van Putten (Dutch NCP) David Kovick (SHIFT) Alexandra van Selm (SER)		



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Access to remedy webinar

Break-out workshops





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Reporting back; reflections; outstanding questions & next steps

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Reporting per workshop



Garments and
textile



Banking



Gold



TruStone



Food Products



Insurance



Pension Funds



Metals



Floriculture



Sustainable Forestry



Wind Energy



In development

Agricultural sector

I still have an outstanding questions concerning how to apply the access to remedy concept, namely:

None for the moment

How to start with AtR (after completing dd steps 1-5). A step-by-step guide would be helpful.

How to best facilitate cooperation among brands that source at the same location

Is there support in local language

Can we do this together for all sector agreements

How to apply it practically, who to involve, how to pay for it?

What can remedy bring to a complainant?

Who do you think should pay for remediation?

How can we take a strong industry collaborative approach in the remedy process (amongst companies but also ngo's, organizations etc.)

I still have an outstanding questions concerning how to apply the access to remedy concept, namely:

How to remediate systemic issues like low standard of living among supply chain workers or suppliers like farmers?

Practical guidance on expectations companies

Do you have any best practices from (other) multi stakeholder partnerships?

I would like to see case studies

What do different models cost? And what existing collaborations can we draw on to sort out reporting, AND protection and remediation?

Be more concrete about what a grievance mechanism looks like, and what a strategy to address grievances looks like.

What are minimum Steps to take if you have to start setting up a grievance mechanism, and what type of mechanisms are available

Willingness and understanding. Exchange of information is important.

I would like more cooperation between the different agreements

I still have an outstanding questions concerning how to apply the access to remedy concept, namely:

For next time it would be good to mix financials institutions with specific sectors!

Can we set up a cross sectoral working group and work on real case Fe banking and textile

How to make remedy accessible for children.

How to finance?

Case Studies - different sectors, applying Leverage

How to take away 'fear' with companies to 'just start.' What are the risks for companies?

How can the proposed EU due diligence legislation help specifically with access to remedy?

A session on Roles & responsibilities for different actors in access to remedy might be useful. To share good practices.

What could governments - both in production countries as well as in buying countries - do to improve accessibility of remedy systems?

I still have an outstanding questions concerning how to apply the access to remedy concept, namely:

I felt this was quite a theoretical "workshop". Could we have a really interactive workshop, with a more practical approach?

How can companies best invest in enabling access to remedy?



Training suppliers and workers on human rights (including labour rights)



Setting up a company level grievance mechanism

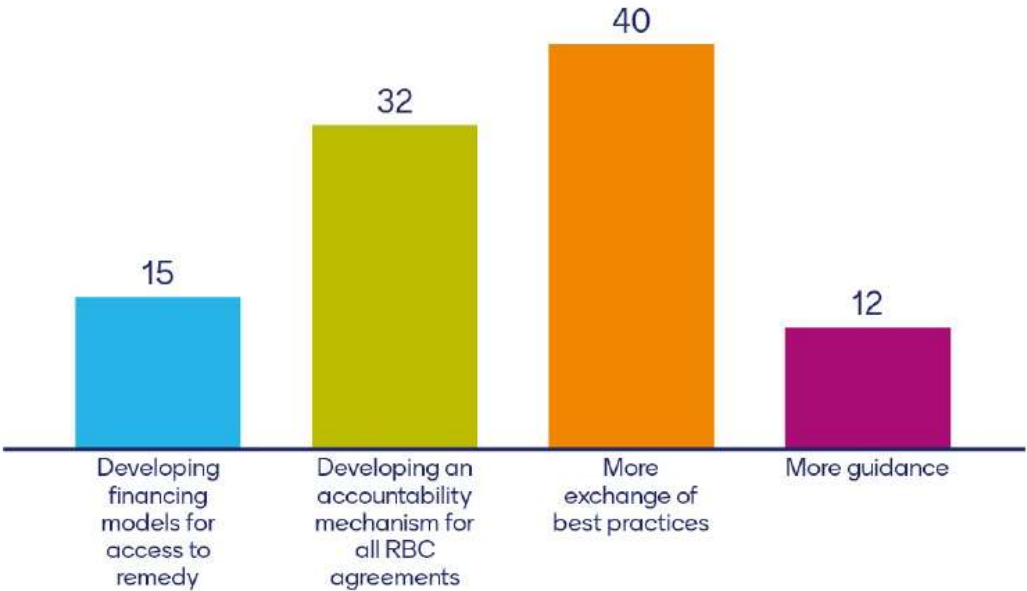


Participating in multi-stakeholder RBC Agreements for collective action



Investing in positive impact projects

What would be the ideal follow-up action of the webinar?



Evaluation: The webinar has helped me gain a better understanding of (how to apply) the access to remedy concept?





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Thank you

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