
ACCESS TO REMEDY AND BUSINESS GRIEVANCE MECHANISMS

INTRODUCTION

The purpose of this tool is to provide practical guidance for the hotel industry on providing access to remedy to migrant workers when harm has occurred.

Read alongside: Guidance Note C: Working with civil society and including migrant worker voice.

It consists of four sections:

1. Key Messages
2. Grievance Mechanisms
3. Remediation
4. Grievance Mechanism Checklist

This tool is underpinned by the [UN Guiding Principles on Business and Human Rights](#), which outlines two separate, but interrelated, expectations for business enterprises in relation to remedy:

1. Business enterprises have a grievance mechanism in place
2. Business enterprises provide for, or cooperate in, remediation if they cause, or contribute to, an adverse human rights impact

This tool is relevant for both policymakers at the hotel brand level, as well as individual hotels and corporate offices that employ migrant workers.

KEY MESSAGES

MIGRANT WORKERS MAY BE RELUCTANT TO RAISE CONCERNS

While many migrant workers have positive migration and employment experiences, they can be vulnerable to abuse and exploitation. Some of the key risks to migrant workers include:

- Charging recruitment fees and costs that can potentially lead to debt bondage
- Withholding identity documents
- Employment contracts being substituted for contracts with worse terms and conditions
- Discrimination and (sexual) harassment
- Poor/substandard accommodation
- Restrictions to their movement, including their ability to leave their employment
- Poor working conditions and excessive overtime, including in extreme cases, akin to forced labour

Despite these risks, migrant workers are often reluctant to speak up, and even when they do, they sometimes only disclose minor complaints. It can take some time for migrant workers to feel comfortable to share what is really going on, even to third parties such as civil society organizations. This can be attributed to a fear of retaliation, including the loss of employment and deportation. In some cases, migrant workers may be unaware of their legal rights and protections and the fact that they have been exploited.

ESTABLISH PARTNERSHIPS WITH CIVIL SOCIETY ORGANIZATIONS

The most effective business grievance mechanisms and remediation programmes for migrant workers are run in partnership with trusted civil society organizations, including trade unions.

- **WHY:** Civil society organizations understand the realities facing migrant workers on the ground – both in countries of origin and destination. Their staff are often highly trained and have many years of experience working with vulnerable migrant workers. Finally, civil society organizations often have vast networks and can connect migrant workers to other support services.
- **TO DO WHAT:** There is not a set way to engage civil society organizations. Any potential partnership will be influenced by the needs of the specific hotel or corporate office and civil society organization involved. Possible areas of collaboration can include:
 - Seeking feedback on the hotel or corporate office's grievance mechanism from one or more civil society organizations. This will help identify any gaps in the current mechanism and ensure the needs of migrant workers are considered.
 - Seeking the assistance of civil society organizations to support migrant workers in navigating the remediation process. This includes supporting migrant workers who file grievances through the hotel or corporate offices' grievance mechanism, as well as supporting migrant workers who need to pursue other remediation options, outside the business grievance mechanism. This includes the provision of legal advice about the different remediation options, and how this may impact a migrant worker's migration status.
 - Seeking the assistance of specialized civil society organizations to act as an independent adjudicator for complex or sensitive grievances. This can help mitigate the power imbalance between the hotel or corporate office and the affected migrant workers.
 - Partnering with a civil society organization to manage the implementation of the hotel or corporate office's grievance mechanism.
- **HOW:** Establishing partnerships with civil society organizations can be a daunting task for many hotels and corporate offices. It takes time to connect and establish trust between the two parties. However, once a partner has been found, it is important to develop mutually agreed-upon terms of engagement and cooperation, and where possible, formalize the relationship through a written agreement and as relevant, through financial compensation for services.

Hotels and corporate offices seeking more information about how to connect with civil society organizations are encouraged to contact their local IOM office.

FOCUS ON ACHIEVING THE BEST OUTCOMES FOR MIGRANT WORKERS

When harm has occurred, migrant workers must receive fair and effective remedy. While remedies can take many forms, such as apologies, financial compensation, or punitive sanctions, they must be appropriate and proportional to the severity of the violation and adapted to the circumstances of each case.

For some issues, hotel or corporate offices will be able to provide effective remediation. However, for other issues, especially those relating to serious human rights violations, then hotels and corporate offices will need to refer migrant workers to external support services and grievance mechanisms, such as civil society organizations and State-led mechanisms.

GRIEVANCE MECHANISMS

A grievance mechanism is a useful tool for business enterprises to receive and respond to complaints from workers and other stakeholders that may be negatively impacted by its business operations. In the context of the hotel industry, many hotel brands operate global hotlines and/or online platforms for this purpose and have developed strong policy commitments regarding non-retaliation and respect for confidentiality. In addition to these global measures, individual hotels and corporate offices often have their own processes in place to respond to complaints and workplace disputes.

Despite these efforts, migrant workers often remain reluctant to raise recruitment and employment related grievances through these business mechanisms. This can be attributed to a range of factors, including those set out in the key messages. However, it is important to note that many business grievance mechanisms are not set up to receive and respond to complaints from migrant workers.

Common challenges include:



- A lack of understanding about the risks facing migrant workers during their recruitment, deployment (travel), employment and return travel home or onward migration.
- A lack of clear policies and procedures for responding to complaints from migrant workers.
- A lack of knowledge or understanding of State-led grievance mechanisms.
- Hotel and corporate office staff lack the skills and training to respond to migrant worker complaints.
- Migrant workers do not trust the hotel or corporate offices' grievance mechanism.
- Migrant workers do not know how to access the grievance mechanism, or are prevented from accessing the mechanism, due to language, literacy, or cultural barriers.
- Inherent power imbalances between the hotel or corporate office and migrant workers.

HOW TO STRENGTHEN BUSINESS GRIEVANCE MECHANISMS

1. Ensure business grievance mechanisms align with the UNGP effectiveness criteria and are legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and based on engagement and dialogue. See the Grievance Mechanism Checklist below.
2. Run business grievance mechanisms in partnership with civil society organizations, including trade unions. Ensure that business mechanisms consist of clear policies and procedures, including: the scope for complaints and remediation, required languages, timelines and staff focal point. Provide training to staff focal points to screen and handle complaints from migrant workers.
3. Ensure grievance mechanisms are easily accessible to migrant workers during their recruitment, deployment, employment and after their return home or onward migration. Hotels and corporate offices should share information about their mechanism with labour recruiters, employment agencies, suppliers, and civil society organizations. In addition, information should be included in migrant workers' orientation and training sessions, employee handbooks, as well as displayed within hotel and corporate office's premises and migrant workers' accommodation.
4. Provide multiple channels for migrant workers to learn about the grievance mechanism and lodge complaints in a language they understand. Typical grievance channels include direct communications with supervisors and human resources, hotlines, SMS messaging, emails and online platforms.
5. Take steps to understand and connect migrant workers to other grievance mechanisms, including those run by labour recruiters, trade unions, civil society organizations and governments. Do not prevent migrant workers from accessing alternative grievance mechanisms, such as State-led mechanisms and do not engage in retaliatory practices.

THE BENEFITS AND LIMITATIONS OF A GOOD BUSINESS GRIEVANCE MECHANISM

BENEFITS	LIMITATIONS
<ul style="list-style-type: none"> • Can act as an early warning system for risks. • Provides a means to resolve minor grievances before they turn into large issues. • Provides a reliable source of information about what is happening in the hotel/corporate office. • Provides a pathway to provide remediation when harm has occurred. • Can be an effective way to build the trust of the workforce, including migrant workers. 	<ul style="list-style-type: none"> • Not suitable for all types of grievances, especially human rights abuses. • May prevent the discovery of human rights abuses. • May prevent migrant workers from seeking remediation elsewhere, including through State-led mechanisms. • Hotel and corporate office staff may lack the skills, training and resources to provide support to migrant workers.

REMEDIATION

Hotels and corporate offices have a responsibility to provide, or cooperate in, remediation when they have caused or contributed to the harm of migrant workers. Remediation should be appropriate and proportional to the severity of the violation and adapted to the circumstances of each case.

When hotels and corporate offices have not caused or contributed to the harm of migrant workers but are linked to harm through the practices of their business partners, then they are encouraged to play a role in remediation, when appropriate. For example, a hotel or corporate office may seek to support or influence a supplier to provide remediation when the supplier has caused or contributed to the harm of migrant workers.

When hotels, corporate offices or business partners provide remediation to migrant workers, it should not prevent migrant workers from accessing other available regular judicial or labour administrative grievance mechanisms. The focus of remediation should always be on obtaining the best outcomes for migrant workers.

RECOMMENDATIONS FOR HOTELS AND CORPORATE OFFICES

1. Investigate allegations and respect the confidentiality of migrant workers, including those who wish to remain anonymous. This is especially relevant in relation to sensitive issues such as gender-based violence, sexual harassment and women's reproductive health.
2. Where the hotel or corporate office finds that harm has occurred, provide migrant workers with remediation that is commensurate to the violation. Such remediation can include apologies, restitution, rehabilitation, financial or non-financial compensation, punitive sanctions against the employer, as well as the prevention of harm through, for example, injunctions

or guarantees of non-repetition. Typical remediation provided to migrant workers by employers may include but is not limited to:

- Repaying all recruitment fees and related costs that were wrongfully charged to migrant workers.
 - Returning seized passports and other personal property to migrant workers.
 - Organizing and paying for the safe return of the worker (including the payment of all outstanding wages and benefits) to their country of origin or supporting a change of employment where migrant workers wish to terminate their employment.
3. Consult affected migrant workers and their representatives to determine the remedy and give the possibility to appeal the outcome. Where disputes remain unresolved, or where sufficient remediation cannot be provided, use a legitimate, independent third-party mechanism, such as a labour court or alternative dispute resolution mechanism.
 4. Confirm with the migrant workers when the remedy has been fully provided and if there have been any positive or negative outcomes (for example, better treatment or retaliatory treatment, adequate or inadequate health care or stigma). If negative outcomes are confirmed, take additional actions to address the remaining issues before the incident can be closed.
 5. Document the grievance handling process and close the incident. The final documentation respects privacy principles and includes the receipt of grievance, investigation and resolution, and a record of acknowledgment about the established outcome signed by the affected migrant worker.
 6. Conduct regular reviews to identify areas for improvement for the business grievance mechanism and overall management system to prevent future grievances and harm. This should include the feedback from migrant workers, civil society, trade unions, business partners and other involved stakeholders.

ADDITIONAL RESOURCES

- [UN Guiding Principles on Business and Human Rights](#)
- [IOM Operational Guidelines for Businesses on Remediation of Migrant Workers Grievance](#)
- [Shift Remediation, Grievance Mechanisms and the Corporate Responsibility to Respect Human Rights](#)
- [ETI Access to remedy - practical guidance for companies](#)
- [Impactt Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs](#)
- [IOM Human Resource Guidebook on Employer Obligations and Cultural Sensitivity](#)
- [IOM Migrant Workers Guidelines](#)

PUB2023/011/R



This resource was
generously funded by the
U.S. Bureau of Population,
Refugees and Migration



GRIEVANCE MECHANISM CHECKLIST

This checklist is designed to help hotels and corporate offices evaluate their current grievance mechanisms against the UNGP Effectiveness Criteria and identify gaps in relation to the needs of migrant workers.

1. LEGITIMATE: ENABLING TRUST AND ACCOUNTABILITY		✓
1.1	The hotel/corporate office understands the risks facing migrant workers during their recruitment, deployment (travel), employment and return travel to the country of origin.	<input type="checkbox"/>
1.2	The business grievance mechanism is set up to receive and respond to complaints from migrant workers. This includes migrant worker employees and employment agency workers.	<input type="checkbox"/>
1.3	The hotel/corporate office is committed to hearing complaints from migrant workers and addressing them fairly through its business grievance mechanism.	<input type="checkbox"/>
1.4	The hotel/corporate office engages civil society organizations, trade unions and relevant community groups in the development and, where appropriate, implementation of the business mechanism.	<input type="checkbox"/>
1.5	The hotel/corporate office respects the privacy of migrant workers and allows migrant workers to make anonymous complaints.	<input type="checkbox"/>
1.6	The hotel/corporate office implements a no retaliation policy.	<input type="checkbox"/>
2. ACCESSIBLE: BEING KNOWN TO ALL AND OFFERING ADEQUATE ASSISTANCE		✓
2.1	Migrant workers (and their families/communities) can make complaints through various channels during their recruitment, deployment (travel), employment and after their return home. This includes hotlines, websites, emails, migrant voice apps and with the support of civil society organizations, including trade unions.	<input type="checkbox"/>
2.2	The business grievance mechanism is accessible in the migrant workers' language.	<input type="checkbox"/>
2.3	The hotel/corporate office proactively informs migrant workers about the mechanism by: <ul style="list-style-type: none"> • Working with labour recruiters and employment agencies to share information about the mechanism during the recruitment process • Providing information to migrant workers during their post-arrival orientation, training and onboarding process • Including information about the mechanism in the employee handbook • Displaying information about the mechanism within the hotel/corporate offices premises and migrant workers accommodation. 	<input type="checkbox"/>
2.4	The hotel/corporate office asks migrant workers if they know how to access the business grievance mechanism (as well as other mechanisms, including State-based).	<input type="checkbox"/>
3. PREDICTABLE: PROVIDING CLARITY ON THE TYPES OF PROCESSES AND OUTCOMES		✓
3.1	The hotel/corporate office has clear procedures for receiving and addressing complaints from migrant workers.	<input type="checkbox"/>
3.2	The hotel/corporate office educates migrant workers on the types of complaints they can make, the time frames involved in reviewing a complaint and the types of remediation that are available.	<input type="checkbox"/>
3.3	The hotel/corporate office develops visual aids, diagrams, or animations to support migrant workers' understanding of the process and possible outcomes.	<input type="checkbox"/>
3.4	The hotel/corporate office allows migrant workers to be supported by translators and/or third-party representatives (such as civil society organizations, including trade unions).	<input type="checkbox"/>
3.5	The hotel/corporate office monitors the implementation of remediation plans.	<input type="checkbox"/>

4. EQUITABLE: OFFERING REASONABLE ACCESS TO SOURCES OF INFORMATION, ADVICE AND EXPERTISE		✓
4.1	The hotel/corporate office understands the specific vulnerabilities of migrant workers (e.g. language and cultural barriers, fear of retaliation and deportation).	<input type="checkbox"/>
4.2	The hotel/corporate office takes steps to address the power imbalance between the business and migrant workers. This includes, providing migrant workers with the option of being supported by a representative from a civil society organization or trade union.	<input type="checkbox"/>
4.3	The hotel/corporate office uses an independent third-party moderator to mitigate imbalances of power and/or assist when resolving complex and sensitive grievances.	<input type="checkbox"/>
5. TRANSPARENT: KEEPING PARTIES INFORMED ABOUT THE PROGRESS OF THE MECHANISM		✓
5.1	The hotel/corporate office is open with migrant workers about the types of complaints they can make, the timeframes involved and the types of remediation that are available.	<input type="checkbox"/>
5.2	The hotel/corporate office keeps migrant workers informed about the status of active complaints.	<input type="checkbox"/>
5.3	The hotel brand publicly discloses trends in complaints and underlying systemic issues relating to migrant workers (for example, through annual Modern Slavery Reporting).	<input type="checkbox"/>
6. RIGHTS COMPATIBLE: PROMOTING THE CREDIBILITY OF THE MECHANISM AND POSITIVE EMPLOYMENT RELATIONSHIPS		✓
6.1	The hotel brand/hotel/corporate office consults human rights and migration experts as well as migrant workers (and/or their representatives) in the development of the mechanism.	<input type="checkbox"/>
6.2	The hotel/corporate office establishes safeguards to protect migrant workers who make complaints against retaliation.	<input type="checkbox"/>
6.3	The hotel/corporate office develops additional procedures to protect vulnerable groups, such as women migrant workers and outsourced migrant workers (agency workers).	<input type="checkbox"/>
6.4	The hotel/corporate office provides remediation to the highest standard possible. This includes when there is inconsistency between national laws, international standards and the hotel brand's policy.	<input type="checkbox"/>
7. SOURCE OF CONTINUOUS LEARNING: REVIEWING GRIEVANCE OUTCOMES AND RECOMMENDING POTENTIAL CHANGES TO THE MECHANISM		✓
7.1	The hotel/corporate office maintains a record of grievances, processing procedures and outcomes relating to migrant workers.	<input type="checkbox"/>
7.2	The hotel/corporate office seeks feedback from migrant workers (and/or their representatives) about the effectiveness of the mechanism.	<input type="checkbox"/>
7.3	The hotel/corporate office incorporates lessons from internal reviews, migrant worker feedback and latest research to improve its mechanism and internal policies, processes and procedures.	<input type="checkbox"/>
8. BASED ON ENGAGEMENT AND DIALOGUE: ENCOURAGING OPEN COMMUNICATIONS AND INCORPORATING THE PREFERENCES OF ITS STAKEHOLDERS, INCLUDING WORKERS		✓
8.1	The hotel/corporate office consults migrant workers (and/or their representatives) on the grievance mechanism and possible outcomes.	<input type="checkbox"/>
8.2	The hotel/corporate office seeks to build relationships with civil society organizations, trade unions, consulates, labour attaches, labour recruiters and employment agencies (including in countries of origin, where possible).	<input type="checkbox"/>