



The Federal Government of Somalia
Ministry of Labour and Social Affairs

Shock Responsive Safety Net for Human Capital Project (SNHCP)-Baxnaano

LABOUR GRM PROCEDURES

October 2020

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Abbreviations and Acronyms

CPs	-	Cooperating Parties
FSPs	-	Financial Service Providers
GRM	-	Grievance Redress Mechanism
GBV	-	Gender-based Violence
ID	-	Identification
MoLSA	-	Ministry of Labour and Social Affairs
PIU	-	Project Implementation Unit
SEA	-	Sexual Exploitation and Abuse
SH	-	Sexual Harassment
UNICEF	-	United Nation Children's Fund
WFP	-	World Food Programme

1. Introduction

MoLSA PIU staff, and staff of Cooperating Partners (CPs), individual contractors and Financial Service Providers (FSPs) who are involved in **Baxnaano** project implementation should have a right to have their complaints, issues or grievances addressed expeditiously and justly. A Grievance and Redress Mechanism (GRM), defined, below has been developed for all project workers involved in Baxnaano project implementation. 'Project workers' are, whether fulltime, part-time, temporary or seasonal workers, of the following categories:

- *Direct workers* employed or engaged directly by MoLSA to work specifically in relation to the project;
- *Contract workers* employed or engaged through third parties to perform work related to core functions of the project, regardless of location, and
- *Primary supply workers* employed or engaged by MoLSA's primary suppliers

It is assumed that every organization taking part in Baxnaano project implementation would have internal grievance mechanisms to determine grievances arising within the organization. The labour GRM system described here does not alter in any way the regulatory framework that applies to the organization/companies that are hiring for the project. In case of any conflict, the hiring company/organization's rules, regulations, policies and procedures has precedence.

For grievances regarding terms and conditions of employment, such as reporting hours, sick leave and relationships in the workplace, it is important that employees refer the matter to the grievance redress mechanisms within their organization for a resolution. However, where the organizations do not have appropriate GRM procedures, or an employee is not satisfied with the way the organization has handled his/her grievance, the matter may be referred to the Grievance Redress Mechanism Unit under the Project Implementation Unit (PIU) of the Ministry of Labour and Social Affairs ("the Ministry"). For avoidance of doubt, all employees directly or indirectly involved in project implementation have unrestricted access to the Grievance Redress Unit at the Ministry. WFP and UNICEF employees may use their internal GRM but that should not preclude them from referring the grievance to the GRM unit at the Ministry, if needed. The GRM

under the Ministry shall investigate any grievances received objectively with a view to arriving at a just determination. Any employee, individual or service provider not satisfied with the decision of the GRM at the Ministry may resort to the National Judicial System for a resolution of the grievance. Alternative dispute resolution mechanisms may also be used in lieu of the court system, where the circumstances so demand.

2. Overview of Labour GRM

2.1 Objectives

The objectives of the Labour GRM are:

- (i) To provide stakeholders at different levels with a clear mechanism for channeling grievances;
- (ii) To operationalize MoLSA policy statement on grievance management;
- (iii) To establish and maintain collaborative lines of communication across organizational and institutional boundaries throughout the Project planning, implementation and maintenance;
- (iv) To provide accessible, transparent and efficient complaint procedure for project-based employees;
- (v) To provide and define clear roles and responsibilities of the various parties involved in handling and resolving grievances;
- (vi) To address complaints and grievances and enhance resolution of conflicts arising from and during Baxnaano Project implementation.

2.2 Potential labour-related grievances

Some of the labour-related grievances that may be reported are listed in the table below.

Area	Potential grievances
General	Discrimination in advertisements, during interviews, on appointment terms and conditions and during the period of employment based on language, race, colour, age, sex/gender, religion, political opinion, national extraction or social origin
Children	Child labour
Terms and conditions	Wages below the minimum, long hours of work without breaks; denial of, or less weekly rest and leave
Freedom of association	Denial of the right to join or form a trade union, or to participate in trade union activities or in collective bargaining in a manner consistent with national law, and general interference with trade union activities
Unfair labour practices	Threatening retaliation, or retaliation against, penalising or dismissal of, those who complain or report grievances; disrespectful, abusive or other unfair treatment
Occupational safety and health	Non-availability or inadequate sitting, or sanitation or storage facilities, space, ventilation, light, water and protective fencing and other protective equipment
Termination of employment	Wrongful or unfair dismissal; non-payment or payment of less terminal dues
Gender	Sexual harassment (SH) and sexual exploitation and abuse (SEA) at the point of or during employment; gender-based violence (GBV); lack of or inadequate

	separate and private sanitation and storage facilities for either gender
Corruption/office-related	Corruption and fraud, abuse of office/power; conflicts of interest, general harassment or abuse/disrespect

2.3 *Process of Receiving Grievances*

A grievance can be submitted either in writing or verbally. It can be submitted at the GRM offices within the MoLSA headquarters, which have a dedicated contact centre that operates a toll-free hotline. Grievances may be submitted through the following channels:

Medium	Contact address
Email address	grm@baxnaano.so
Suggestion box	<i>MoLSA Labour GRM Office located at Jubba Road, Mogadishu, Shangani, Somalia.</i>
Telephone	4477
Toll free-line	4477

Aggrieved parties may choose any of the channels above in sending their complaints and concerns depending on the person's convenience in terms of cost and privacy. The call centres operate in both English and Somali languages so that the handling officers make all efforts necessary to capture all incoming grievances. In case of a language barrier, the matter would be referred to the GRM committee which will ensure the aggrieved person's complaint is heard, received and translated in the GRM official languages. They will discuss the proposed actions using the preferred language of the complainant.

While there is no formal minimum requirement for submitting a grievance, to enable effective review and management, it is required that any complainant who submits a grievance includes, at least, the information required by the form provided, unless the complainant wishes to withhold some or all of the information. Submission of incomplete information about a grievance may result in delay or failure to process the complaint. In situations where call-centre operators submit incomplete information, the GRM office or the respective staff who receives the information should follow up and obtain all necessary information. Whenever possible, grievances should be submitted with supporting documents such as photos, maps, statements of witnesses, or any other

evidence considered important. This eases the investigation and resolution of the grievance.

2.4 Process for Registration of Grievances

All grievances received should be registered and logged. Each entry in the register and log shall have a unique identification code which will assist in tracking and resolving the grievance. Attached to the identification code will be an identifier indicating whether the grievance was submitted physically at the offices; by telephone, or through the online platform.

The complainant should receive an acknowledgment of receipt of the grievance within a prescribed and reasonable timeframe, preferably in writing.

MoLSA will ensure that submitting, registering and logging a grievance does not incur any cost to the complainant. MoLSA further allows for flexibility and ensures that grievances are not dismissed on grounds of an administrative formality and/or procedure.

Complaints should be reviewed as soon as they are received and prioritized for resolution. Regardless of the response and resolution timeframes, there are complaints that may be categorized to require immediate attention such as those involving child abuse, sexual harassment, sexual exploitation and abuse and/or gender-based violence in any form or shape. Guiding timelines are contained in the attached 'Grievance Redress Charter'.

Data such as gender, age and location are recorded to assist in understanding the grievance better. Most importantly, MoLSA recognizes that those who register grievances must be protected and, therefore, handles grievances with the highest level of confidentiality. Complainants are free to remain anonymous and should feel free to give as little personal information as they wish.

A central database has been established to enhance logging, management and monitoring of grievances. However, at the project level, where the establishment of specific databases has not happened, documentation of grievances is done in log books which keep good records and facilitate tracking of issues. The log-books shall be in the

confidential custody of, and kept under lock and key by, the Labour GRM Officer. The log-books will be given to those directly receiving complaints for logging of the necessary information and handed back to the Officer as soon as the logging is closed at the end of the working period. Those conducting the logging must ensure that they keep the log-books confidential and do not give access to any unauthorised persons. The logs will be migrated to the digital platform once this is established. Those in-charge of the online platform shall ensure that the information is secured and access given to authorised persons only at the various levels determined by the Labour GRM Officer.

2.5 Process for Resolution of Grievances

2.5.1 Eligibility assessment

Having received and registered a complaint, the next step is to establish the eligibility of the complaint. The following criteria should be used to assess and verify eligibility:

- (i) The issue is labour-based, emanates from the project implementation and falls within the scope of the GRM;
- (ii) The complainant is anonymous or identifiable with a name and contact details provided;
- (iii) The grievance is clear;
- (iv) The complainant is an employee with a direct relationship to the project or activity; and
- (v) All the mandatory preliminary information is available.

The purpose of this step is to ensure that the issue being raised is relevant to the GRM's scope and mandate. If the grievance is not eligible, the complainant will immediately be given the reasons. On the other hand, a decision on eligibility is only meant to trigger an initial assessment and response. It is not an admission that the organization has caused an impact, or a commitment to provide the complainant with any specific form of redress. The assessment at this step will also enhance decision-making as to whether the complaint should be directed to a different entity. For instance, complainants alleging economic impact as a result of corrupt practices may require immediate referral to MoLSA's investigation department, or to an external anti-corruption office for purposes of avoiding a potential conflict of interest.

2.5.2 Categorisation

As a result of the assessment, the grievance will be assigned to one of the four categories in the table below: (a) Category 0: Complaints that are not labour-related to the project or project workers; (b) Category 1: Queries, comments, and suggestions; (c) Category 2: Complaints and concerns which require formal inquiry, investigation or intervention by the GRM team at MoLSA (d) Category 3: ‘Severe incidences’.

Category 0: complaints that are not labour-related to the project or project workers

These may be complaints from project beneficiaries or the general public. Call-centre operators are required to register and log these complaints before referring the matter to the appropriate/relevant Partner organisation for relevant response and action. Call-centre operators should note that complaints relating to gender-based violence (GBV), sexual exploitation and abuse (SEA) and sexual harassment (SH) have to be treated discretely and have special referral pathways for redress

Category 1: Queries, comments and suggestions

Call-centre operators should be able to accept and welcome comments from concerned parties, and provide appropriate feedback to queries. If a matter requires confirmation or insight from GRM technical team, the operators should obtain the concerned party’s detail and get back to him/her within 48 hours with the official position

Category 2: Complaints and concerns which require formal referral or inquiry or investigation by GRM/MoLSA

- (a) (i) Employment grievances that should be resolved within the internal GRMs of the Partner organisations should be referred to them by the Call-centre operators. However, the operators should register and log them first and indicate that they have been referred to a particular Partner organisation. (ii) Such complaints may also be submitted by way of appeal, in which case the GRM office will be involved. The GRM relevant staff will contact the employer and try to solve the matter informally**
- (b) Labour grievances from workers other than those directly employed by Partner organizations will be investigated and resolved by the GRM staff. These should, therefore, be fully registered and logged and referred to GRM staff for resolution by the Call-centre operators**

Category 3: ‘Severe incidences’	These are complaints of a serious nature that require prompt notification to the World Bank, and an investigation and corrective action plan.
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2.5.3 Process of Escalation

Investigation and Feedback (Tier One)

Complaints that are straightforward can often be resolved on first contact. If this is not the case, then the complaint may require investigation. The investigation includes the gathering of documents, proof, and facts, as well as clarifying background information in order to verify the circumstances surrounding the grievance.

In general, Category 0 grievances will involve verification that the stakeholder is satisfied with the response. If the grievance involves another project or is an institutional issue, the complainant should be referred there accordingly. Category 1 grievances will involve confirming receipt of the positive feedback and informing the relevant GRM technical staff in MoLSA. Regarding category 2(a) grievances, complaints shall be handled and resolved informally by the immediate manager within the GRM structures of the organization. The GRM Team will communicate to the manager of the complainant on the ground where both parties are heard and the matter resolved internally within the organisation. A grievance which falls in Category 2(b) requires verification, investigation, negotiation, mediation or arbitration, coordination with appropriate authorities, making decisions, proposing resolutions, as well as the implementation of agreed actions and also a thorough assessment and getting back to the complainant for more information in case it is required. The grievance should be logged and escalated to judicial and administrative organs, if the matter so requires. If grievances include more than one issue, the Grievance Officer will make sure that all issues are reviewed and addressed at the same time to avoid any delays.

Arbitration and redress (Tier Two)

Any complainant who may not be satisfied with the outcome of the GRM investigation may resort to arbitration or mediation. Where arbitration or mediation also fails, either

of the two parties may opt for court. MoLSA will not, in anyway, interfere with a matter in courts of law before the final judgment is passed.

2.5.4 Corrective Action, Follow-up and Closing of a Grievance

Corrective action and follow-up

If a grievance is resolved, the complainant will be informed of the outcome. If a grievance is not resolved and is escalated for consideration and resolution at another level, appropriate information will be provided to the complainant, including the date when the case will be passed to a higher level and the date by which the outcome is expected.

Closing a grievance

MoLSA will consider a grievance closed only after an amicable resolution has been reached between the two parties (the complainant and responding party). In certain situations, however, MoLSA may “close” a grievance under special circumstances even if the complainant is not satisfied with the outcome. Such situations may arise if the complainant cannot substantiate the grievance or if there is an obvious speculative or fraudulent attempt. In such situations, all steps in the table above and efforts are taken to investigate the complaint before reaching a conclusion. This information will be documented and communicated to the complainant without putting the lives of those who provided the information in danger.

It is, however, important to note that all MoLSA staff involved in handling grievances should not dismiss any grievance based on a hasty review and closure of an investigation before the complainant has been notified and given an opportunity to provide additional information. Consequently, a decision to close such grievances requires the endorsement of the GRM officer.

3. Guidelines for Call-Centre Operators

The guidelines provided below presuppose that the call-centre operators are familiar with or aware of:

- (i) The Baxnaano project as a whole

- (ii) The various implementing partners and CPs
- (iii) The existence of the project GRM and the GRMs within the implementing partners and the CPs
- (iv) The content of the labour GRM as described above.

The operators should be acutely aware of the fact that:

- (i) Grievances relating to different risk levels may be treated differently
- (ii) Sexual harassment, sexual exploitation and abuse, and gender-based violence, have *special procedures for redress* and require a *high level of sensitivity and confidentiality*.

The charts below summarise the guidelines for the various stages of the GRM process.



**1.
Receiving in-
coming
calls**

- Receive calls promptly; avoid keeping callers waiting unnecessarily
- Be pleasant when receiving calls and make callers feel that you are happy to be of service to them
- Greet callers when you receive calls, introduce yourself and indicate that they have reached the call-centre number 4477 which deals with grievances and complaints within the project
- Request to know how you can be of help to them
- Inform the caller that they may identify themselves BUT that they can also choose not to



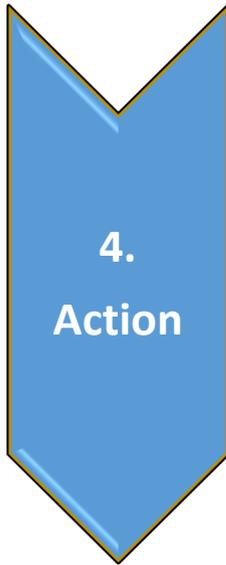
**2.
Receiving report**

- Inform the complainant that (a) everything he or she says will be treated with utmost confidentiality and that (b) the information will be used strictly for the purpose of resolving any grievance or complaint reported
- Inform the claimant that you are recording what he or she will say and that he or she should TRY and speak slowly and clearly to facilitate this
- While recording:
 - (a) listen very keenly and make the complainant feel that you are concentrating on them and not dividing your attention
 - (b) ask the caller/complainant to repeat anything you do not hear well
 - (c) ask the caller to explain anything you do not understand or clarify anything that is not clear
 - (d) avoid expressing any opinion which may suggest that they are not speaking the truth
 - (e) ensure that what you record is substantively as stated or as close as possible to what the complainant states
- In the event that there are electronic recording facilities for call-conversations, the operator should inform the complainant, explain why, and find out if he or she has any objection to the recording. In case of objection, recording must not be done



**3.
Recording
information**

- Ensure that you record all the necessary information
- Where the claimant indicates that he or she needs to refer to something or somebody, give him or her reasonable time to do so
- Where the claimant indicates that he or she is thinking about something or trying to remember something, give him or her reasonable time to do so
- Where a claimant indicates that they do not have the information but can get it later, arrange for this after the session
- Record all the necessary personal information that the claimant *agrees* to give, but ensure that you get information that can facilitate a request for more information or feedback
- Personal:
 - (a) Name and ID number (both optional), contacts (telephone number, post office box number, e-mail address, geographical location)
 - (b) Whether the claimant wishes that his or her identity is kept confidential
 - (c) Activity
 - (d) Relevant CP
 - (e) Most appropriate feedback mechanism
- Grievance:
 - Nature of grievance: get as full a description as possible
 - Parties involved
 - Place/location, date and time of occurrence
 - Whether a one-off or recurring occurrence
 - Consequences and any suggested actions



**4.
Action**

- If the claimant simply requires information or advice and:
 - (a) You have it or can advice, provide it to him or her in the clearest possible manner
 - (b) You do not have it and cannot get it immediately, or you cannot give advice, inform the claimant of the fact and the reasons
 - (c) You need to refer to anyone else, do so efficiently without inconveniencing the claimant
- Think through the category that the grievance or complaint falls in and the possible courses of action
- Inform the claimant of the available courses of action with respect to the grievance or complaint
- Inform the claimant of the fact that you will give feedback and of the timeframe for both the action and the feedback
- Ensure that you record the information in the log
- Submit the grievance or complaint to the relevant officer and clearly indicate the timeline for feedback

Annex 1 – Labour GRM Grievance Reporting Form

<https://baxnaano.so/labour-grievance-form/>



**MoLSA-BAXNAANO PROJECT
LABOUR GRIEVANCE FORM**

REFERENCE NO: _____ CALL CENTRE WALK IN ONLINE FORM.

<p>Note: you can remain anonymous if you prefer or request not to disclose your identity to the third parties without your consent</p>	<p>Full name: _____</p> <p><input type="checkbox"/> I wish to raise my grievance anonymously</p> <p><input type="checkbox"/> I request not to disclose my identity without my consent</p>
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<p>Contact Information</p> <p>Please tick how you wish to be contacted: - <input type="checkbox"/> E-mail, <input type="checkbox"/> Telephone, <input type="checkbox"/> in Person</p>
--

By Mail: Please provide mailing address: _____

By Telephone: _____

By E-mail _____

Preferred Communication: Maay, Maxaa tiri, English

- One time incident/grievance Date ____/____/2020
- Happened more than once (how many times) _____
- On-going (currently experiencing problem)

Description of Incident or Grievance:

<p>What happened? Where did it happen? Who did it happen to? What is the result of the problem?</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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What would you like to see happen to resolve the problem?

<p>_____</p> <p>_____</p> <p>_____</p>
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Signature: _____ Date: _____

Annex 2 – Grievance Redress Charter

This Charter provides timelines by which each GRM tier should have addressed or escalated the complaint, based on the information on the Labour GRM Grievance Report Form and documents submitted.

CATEGORY	ACTION REQUIRED	CALL-CENTRE OPERATOR/H ELP-DESK/ONLINE PLATFORM	GRM STAFF
Category 0	<ul style="list-style-type: none"> • Registering and logging • Acknowledgement to complainant 	<ul style="list-style-type: none"> • Immediately 	
Category 1	<ul style="list-style-type: none"> • Accept and welcome comments from concerned parties • Registering and logging and appropriate feedback to queries • Where the matter requires confirmation or insight from GRM technical team, Consultation with GRM staff • Referral to Partner organization • Feedback to complainant • Follow-up 	<ul style="list-style-type: none"> • Immediately • Immediately • Immediately • 48 hours • 48 hours • 72 hours • 1 week 	<ul style="list-style-type: none"> • 48 hours • 48 hours • 72 hours • 1 week
Category 2(a) (i)	<ul style="list-style-type: none"> • Registering and logging • Acknowledgement to complainant • Referral to Partner organization • Feedback to complainant • Follow-up 	<ul style="list-style-type: none"> • Immediately • Immediately • 48 hours • 72 hours • 1 week 	<ul style="list-style-type: none"> • 48 hours • 72 hours • 1 week
Category 2(a)(ii)	<ul style="list-style-type: none"> • Registering and logging 	<ul style="list-style-type: none"> • Immediately • Immediately 	

	<ul style="list-style-type: none"> • Acknowledgement to complainant • Consultations with Partner organization and appellant • Resolution of appeal • Feedback to appellant 		<ul style="list-style-type: none"> • 72 hours • 1 week • 1 week
Category 2(b)	<ul style="list-style-type: none"> • Registering and logging • Acknowledgement to complainant • Inquiry/investigation/analysis • Feedback to complainant 	<ul style="list-style-type: none"> • Immediately • Immediately 	<ul style="list-style-type: none"> • 1 week • 1 week
Category 3	<ul style="list-style-type: none"> • Registering and logging • Acknowledgement to complainant • Reporting to the World Bank • Resolution plan • Inquiry/investigation/analysis and resolution • Feedback to complainant 	<ul style="list-style-type: none"> • Immediately • Immediately 	<ul style="list-style-type: none"> • Immediately • Immediately • 1 week • 1 week
GBV/SEA/SH	<ul style="list-style-type: none"> • Registering and logging (the most necessary details) • Referral to service providers • Feedback to complainant • Follow-up 	<ul style="list-style-type: none"> • Immediately 	<ul style="list-style-type: none"> • Immediately • Immediately • 1 week

Annex 3 – Frequently Asked Questions (FAQs)

1. Where are your offices located?
2. Where are the offices of WFP/UNICEF located?
3. What are your e-mail/postal addresses?
4. What are the telephone numbers/e-mail/postal addresses of WFP/UNICEF?
5. Beneficiaries:
 - (a) I have not been selected as a beneficiary: where can I get assistance?
 - (b) How much money are we supposed to get as assistance?
 - (c) Where can I go for assistance if my payment is less than I expect?
 - (d) When should I expect my payment?
 - (e) Are the project workers supposed to be paid by beneficiaries?
 - (f) What do I do when a project worker asks for personal or sexual favours in return for providing us services or is rude or mistreats me or others I know?
 - (g) Where do I report people who claim to be project workers but are not, and make false promises or attempt to extort money from us?
 - (h) Can I complain anonymously?
 - (i) What evidence do I need to provide when I submit a complaint?
6. Contractors' workers:
 - (a) Am I entitled to protection under the Somalia laws and regulations?
 - (b) Where do I go when I have a complaint regarding my employment?
 - (c) What documents do I need to submit with the complaint?
 - (d) Can I complain anonymously?
 - (e) What avenues of appeal do I have if I am not satisfied with the decision?
 - (f) Am I entitled to go to court directly if I do not want to use the GRMs?
7. WFP/UNICEF workers:
 - (a) Am I entitled to protection under the Somalia laws and regulations?

- (b) Am I entitled to go to court directly if I do not want to use the internal GRM?
- (c) What avenues of appeal do I have if I am not satisfied with the decision made by the internal GRM?