



**NRPB**  
NATIONAL RECOVERY  
PROGRAM BUREAU

National Recovery  
Program Bureau

# Grievance Redress Mechanism

September 21<sup>st</sup>, 2022

## Table of Contents

|           |   |           |
|-----------|---|-----------|
| <b>1</b>  | <b>INTRODUCTION.....</b>  | <b>4</b>  |
| <b>2</b>  | <b>PURPOSE AND OBJECTIVES OF THE GRIEVANCE REDRESS MECHANISM.....</b> | <b>5</b>  |
| <b>3</b>  | <b>SCOPE .....</b>  | <b>6</b>  |
| <b>4</b>  | <b>LEGAL AND POLICY FRAMEWORK FOR GRM .....</b>                       | <b>10</b> |
| <b>5</b>  | <b>GUIDING PRINCIPLES .....</b>                                       | <b>12</b> |
| <b>6</b>  | <b>GRIEVANCE MANAGEMENT IN PROJECTS .....</b>                         | <b>13</b> |
| <b>7</b>  | <b>PROCESSES OF THE GRM .....</b>                                     | <b>14</b> |
| <b>8</b>  | <b>RESPONSIBILITIES AND ROLES.....</b>                                | <b>22</b> |
| <b>9</b>  | <b>LABOUR COMPLAINTS AND GRIEVANCE REDRESS MECHANISM .....</b>        | <b>25</b> |
| <b>10</b> | <b>WORLD BANK GRIEVANCE REDRESS SERVICE .....</b>                     | <b>29</b> |
| <b>11</b> | <b>REPORTING AND MONITORING &amp; EVALUATION .....</b>                | <b>30</b> |
|           | <b>ANNEX 1 COMPLAINT FORM .....</b>                                   | <b>33</b> |
|           | <b>ANNEX 2 ADDITIONAL INFORMATION ON CONFIDENTIALITY .....</b>        | <b>36</b> |
|           | <b>ANNEX 3 CASE MANAGEMENT SYSTEM .....</b>                           | <b>37</b> |
|           | <b>BIBLIOGRAPHY .....</b>   | <b>38</b> |

## DEFINITIONS

|                       |   |
|-----------------------|---|
| Code of Conduct       | A set of conventional principles and expectations that are considered binding on any person who is a member of a particular group or organisation outlining the norms, rules, and responsibilities or proper practices of an individual or an organization, in this case, the NRPB.             |
| Complaint             | A complaint is defined as an issue, concern, problem or claim (perceived or actual) which an individual, group or community wants addressed by the NRPB. Requests for information or services are to be distinguished from complaints.  |
| Contracted worker     | People employed or engaged through third parties to perform work related to core functions of the project, regardless of location   |
| Direct worker         | People employed or engaged directly by the NRPB to work specifically in relation to the project   |
| External stakeholder  | Individuals or community groups who are not directly involved with the implementation of NRPB's projects.   |
| Grievance             | An issue, concern, problem or claim (perceived or actual) which an individual or community group wants addressed by the NRPB in a formal manner. In this document, the term grievance is interchangeable with the term complaint.   |
| Grievance Mechanism   | A formalised way to accept, assess, address or resolve individual - or community complaints concerning the performance or behaviour of the project, its contracted entities or employees or consultants. This includes complaints regarding adverse economic, environmental and social impacts. |
| Internal Stakeholders | Those directly involved in the implementation of the project in the project such as the staff and consultants of NRPB, the World Bank, NRPB's contractors and the Ministries of the Government of Sint Maarten working on implementation of the projects.                                       |
| SEA                   | Sexual exploitation and abuse: any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.                             |
| SH                    | Sexual harassment: any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.   |
| Stakeholder           | An individual, group or organisation who may affect, be affected by or perceive itself to be affected by a decision, activity or outcome of a project. <sup>1</sup>   |
| Uptake                | Channels through which individuals can make complaints regarding project activities.  |

<sup>1</sup> The 'Guidance Note on ESS10: Stakeholder Engagement and Information Disclosure' refers to stakeholders as individuals or groups who: (a) Are affected or likely to be affected by the project (project-affected parties); and (b) May have an interest in the project (other interested parties). For the purpose of this GRM, a broader definition is used, as described in the table.

## ABBREVIATIONS AND ACRONYMS

|        |   |
|--------|---|
| ESHS   | Environmental, Social, Health and Safety              |
| ESS    | Environmental and Social Standards                    |
| C-ESMP | Contractor's Environmental and Social Management Plan |
| CSO    | Civil Society Organizations                           |
| GA     | Grant Agreement                                       |
| GoSM   | Government of St. Maarten                             |
| GBV    | Gender Based Violence                                 |
| GRM    | Grievance Redress Mechanism                           |
| GRS    | Grievance Redress System                              |
| LMP    | Labor Management Plan                                 |
| NRPB   | National Recovery Program Bureau                      |
| OHS    | Occupational health and safety                        |
| OP     | Operation Policy                                      |
| POM    | Project Operations Manual                             |
| RPF    | Resettlement Policy Framework                         |
| SEA    | Sexual Exploitation and Abuse                         |
| SH     | Sexual harassment                                     |
| SEP    | Stakeholder Engagement Plan                           |

# 1 Introduction

The National Recovery Program Bureau (hereafter: NRPB) values complaints as an important source of feedback and a key tool for organizational development. Such feedback enables the NRPB to understand its shortcomings, making it possible to undertake measures to increase the satisfaction of stakeholders and to improve the overall performance of the staff and products of the NRPB.

The Government of Sint Maarten (GoSM), in cooperation with the World Bank, adopted a Grievance Redress Mechanism (GRM) in July 2018 to handle complaints on Trust Fund projects fairly, efficiently and effectively. With NRPB's establishment in early 2019, the organisation became responsible for the implementation and management of this GRM<sup>2</sup>. This procedure is applicable for all projects that are implemented by the NRPB.

Since the implementation of the GRM from July 2018 to date, several high-level observations were made: a clear description of the internal processes of complaint handling as used in practice by the NRPB, was required and further details on the National and World Bank's Guiding Principles upon which the mechanism was developed were needed.

The World Bank's Guidance Notes for GRMs state that "GRMs are intended to be accessible" to stakeholders. However, an important observation made about the previous GRM is that it was lacking in this important feature. Additionally, the record-keeping elements of the system needed to be further developed and resources for its management needed to be increased.

Based on these observations and the experience of the first three years of complaint handling, the NRPB has taken the initiative to review and update the GRM, as originally adopted in July 2018.

---

<sup>2</sup> Other Trust Fund Projects not implemented by the NRPB: Airport Terminal Reconstruction Project, Hospital Resiliency and Preparedness Project, Red Cross Roof Repair Project, Civil Society Partnership Facility For Resilience Project, Child Protection and Development Project.

## 2 Purpose and Objectives of the Grievance Redress Mechanism

The NRPB strives to prevent and resolve concerns in an early stage through continued stakeholder engagement. The Grievance Redress Mechanism acts as a recourse for situations in which, despite stakeholder engagement and consultations, individuals or groups have one or more concerns about the (potential) impact of projects which are prepared or implemented by the NRPB. The NRPB welcomes grievances because it recognizes the right of the community to express concerns and appreciates the value of grievances for continuous learning and improvement.

In order to achieve greater accountability, it is important to establish a grievance mechanism that allows the community to share concerns regarding the performance of the project. The NRPB is committed to enhancing opportunities for grievance redress, collaborative problem solving and dispute resolution. This Grievance Redress Mechanism serves as a tool for early identification, assessment, and resolution of complaints on projects. It will facilitate the collection of information that can be used to improve project performance and enhance the legitimacy of the project among the stakeholders and beneficiaries. This GRM also serves as the mechanism for labor complaints, as required under the Environmental and Social Standard 2.

*The objectives of the Grievance Redress Mechanism are:*

- (I) to offer a complaint process and redress, where possible, for project affected persons and communities*
- (II) to offer a complaints process and redress, where possible, for project workers working on Trust Fund Projects*
- (III) to provide processes for the NRPB to handle complaints fairly, efficiently and effectively*
- (IV) to facilitate quick and effective resolution, to concerns and complaints as well as timely communication thereof*
- (V) to provide transparency on how grievances will be managed internally at the NRPB*

## 3 Scope

### 3.1 Definition of Complaint

*A complaint is an issue, concern, problem (perceived or actual) which an individual, group or community wants addressed by the NRPB.*

This Grievance Redress Mechanism applies to complaints or grievances filed about services, products, impacts, or about employees and consultants at all levels within the Bureau. Note that this is limited to projects implemented by the NRPB. In case of doubt, the Complaints Officer will contact the complainant to clarify the merits of the request, report or complaint.

Complaints are to be distinguished from queries, requests for information and service, comments and suggestions. These will be referred to the appropriate internal or external partner. In this document, the term grievance is interchangeable with the term complaint.

### 3.2 Who can submit a complaint?

Complaints can be submitted by any member of the public, including individual or collective community members, project-workers, NRPB-staff and consultants. In accordance with the World Bank's Environmental and Social Standard 2, on labour management, this GRM functions as a GRM for labour related complaints for direct workers and workers from contracted third-parties.

It is preferred that persons submitting a complaint provide the following information:

- Personal and contact information: name, address (when applicable), phone number, email address. When the complaint is submitted anonymously (see below), this information does not need to be provided.
- Date the complaint is being submitted
- Date of the occurrence that led to the complaint or date the complaint was discovered
- Nature of the complaint: what happened, when it happened, who was involved
- The consequences of the occurrence: damage, or other grievance

Suggestions regarding the proposed resolution or the assistance requested from the GRM are not required, but welcomed

Complaints can be submitted via the following means:

- (I) NRPB's website
  - [Complaints Procedure – National Recovery Program Bureau \(nrpbxm.org\)](http://nrpbxm.org)
- (II) Telephone
  - +1(721) 542-8886/7

- The complaint form will be provided for completion, in order to further process the complaint, or completed for the complainant during the phone call
- (III) E-mail
- Download and complete the complaint form at the link below:  
[https://docs.google.com/forms/d/e/1FAIpQLScp07AeJ53-M\\_Piuf12i4owx\\_4d6m-MRO8BQCMDk06AfBI6g/viewform](https://docs.google.com/forms/d/e/1FAIpQLScp07AeJ53-M_Piuf12i4owx_4d6m-MRO8BQCMDk06AfBI6g/viewform)
  - E-mail the completed form to [complaints@nrpbsxm.org](mailto:complaints@nrpbsxm.org) with "Complaint [insert Project name] " in the title of the e-mail. For example, "complaint Emergency Recovery Project I".
- (IV) Social Media – messages on the NRPB’s Facebook and LinkedIn Pages, respectively
- [SXM National Recovery Program Bureau \(facebook.com\)](https://www.facebook.com/SXMNationalRecoveryProgramBureau)
  - <https://www.linkedin.com/company/sxmnationalrecovery/mycompany/>
- (V) By visiting the office during office hours
- National Recovery Program Bureau  
#57 Walter A. Nisbeth Road  
Philipsburg  
Sint Maarten
  - The complaint form will be provided for completion, for further processing of the complaint

Complaints can be submitted in the country’s official languages: English and Dutch, as well as in Spanish and French. Filing a complaint is free of charge.

The NRPB will provide the necessary assistance in cases whereby complainants experience difficulty submitting a complaint. This could be, but is not limited to, recording the complaint (completing the form) for the individual.

### **Anonymous complaints**

Submitting anonymous complaints is possible. All complaints are handled in a confidential manner, including anonymous ones, meaning that the text of the complaint itself and the documentation relating to the complaint, is only accessible to the Complaints Officer and designated staff members that need to have access in order to address the complaint properly. Naturally, NRPB’s abilities to inform complainant of the follow up, and to ensure the resolution is satisfactory, is limited if the complainant does not provide a name and contact details. Details of any complaint may be made available to the World Bank upon their request, if anonymity has been requested by the complainant then this will be maintained by the NRPB.



### 3.3 When A Complaint is admissible

A complaint **will be admissible** if:

1. Complainant is impacted by a project or anticipates that they will be impacted by a project; there is an indication that the project has caused a negative economic, social, health or environmental impact on the complainant, their immediate surroundings or has the potential to cause such an impact.
2. The project is in preparation, under implementation, or has been closed no longer than 12 months.

A complaint **is not admissible** at the NRPB if:

1. complainant already filed a complaint about the same service, product or staff at the NRPB, which is at the time of re-submission, still being processed. Complainants will be provided with a status update of the complaint which was initially submitted. Follow-up complaints related to existing ones do not fall within this category.
2. the related event occurred, or concern arose, more than 12 months after the respective project was closed.
3. the complaint should be addressed to a different entity within government. In such an instance, the NRPB will receive the complaint and subsequently refer it to the right entity. Where necessary, the NRPB will monitor the addressal of the complaint and mediate where necessary, in order to ensure the complaint is being addressed.
4. the complaint is not about NRPB products, services, or conduct by staff or consultants of the NRPB; but the complaint is about personal and general conduct of one of the staff or consultants of the NRPB which occurred outside of the execution of their duties as staff or consultant of the NRPB. Reference is made to Chapter 4 paragraph 4.2 for a description of the relation between admissibility at the NRPB's GRM and local complaint mechanisms, such as the Ombudsman and the Court.

The following grievances will generally fall outside of the scope of the GRM and will be referred to the dedicated channels and addressed accordingly.

- **Procurement:** any complaints regarding a procurement procedure fall outside of the scope of the GRM. The process by which complaints regarding procurement are handled, is described in the relevant bidding documents.

In the event a complaint regarding procurement is received through the GRM, it will be promptly forwarded and referred to the Procurement Department, at [procurement@nrpbsxm.org](mailto:procurement@nrpbsxm.org), for it to be addressed in line with the relevant provisions of the procurement framework.

Admissible grievances generally contain complaints about:

- **Communications:** information or consultation related issues

- **Conduct** of persons involved in the project, including SH/SEA during the execution of their duties as staff or consultant of the NRPB. These can be NRPB-staff, consultants, staff or consultants or project-workers (hired by a (sub-)contractor)
- **Project performance and impacts**
  - Any grievance related to the **project** description, for example the design or scope of the project
  - **Environmental, social, health and safety** concerns or harms generated by the project activities
  - **Products** provided by the project
  - Reported **defects** on any works carried out under the projects: any complaints regarding observed defects during the defects liability period will generally be handled by the project team, as these situations are foreseen in the works contract. In the event a complaint regarding a defect is received through the GRM, it will be promptly forwarded and referred to the respective project team, for it to be addressed in line with the relevant provisions of the contract. The complaint officer will monitor the progress and ensure that the complaint is being addressed.
  - Any grievance related to an alleged **violation** of the (local) legislation by the project or its personnel.

### 3.4 Levels of Complaints

Incoming complaints are categorized in three levels. As mentioned previously, requests for information and services, comments, suggestions and queries fall outside the scope of the GRM and are therefore not categorized.

The grievance levels are based on severity of the following criteria:

- Scale of the impact on the well-being of an individual or group and/or potential impact on the project, to include health and safety impacts
- Scope and irremediable character<sup>3</sup>
- Impact on the environment and natural and cultural heritage
- Violations of the national legislation and applicable treaties
- Non-performance of contractual obligations

The table below provides an overview of the three levels of grievances, accompanied by a description of the internal response and the staff member(s) responsible for the management of the complaint.

---

<sup>3</sup> Based on the UN Guiding Principles on Business and Human Rights. Webpage, last accessed on April 11<sup>th</sup>, 2021: [guidingprinciplesbusinessshr\\_en.pdf \(ohchr.org\)](https://www.ohchr.org/documents/e/hqhrdoc/doc/guidingprinciplesbusinessshr_en.pdf)

**Table 1 Complaint Levels**

| Level | Description   | Internal Response  | Responsibility for co-ordination                         |
|-------|---|--|--|
| 1     | The scale and scope are minor. Often related to minor non-performance of project obligations. The complaint is quickly remediable. When an answer can be provided immediately and/or NRPB is already working on a resolution.   | Respond immediately to complainant. Record and report as part of overall reporting process. Does not require internal consultation | Complaints Officer                                       |
| 2     | The scale and scope are medium. Complaint may be related to gross non-performance of project obligations or minor violations of the law. One-off grievance that requires considered response and actions/commitments to resolve complaint. The complaint is remediable but requires planned efforts.          | Needs consultation or input from Project Team and/or Safeguards Specialists and/or Management Team                                 | Complaints Officer                                       |
| 3     | The scale and scope are medium to major. High risk of the complaint being of an irremediable character, e.g. severe health and safety issue and/or law violations. Complaint may be of repeated nature and/or affecting an extensive area or group of persons. May require significant, comprehensive action. | Needs extensive internal consultation and needs input from relevant ministries and/or external partners, including the WB          | Executive level - NRPB Management Team/Relevant Ministry |

## 4 Legal and Policy Framework for GRM

The NRPB's GRM operates within the broader context of national legislation and World Bank policies. Therefore, the complaint procedure is in accordance with relevant legal provisions of national legislation, such as described in chapter 4.1, and World Bank standards on stakeholder engagement, as described in chapter 4.2.

### 4.1 National Legislation relevant to the GRM

The NRPB is established, and primarily governed, by the Temporary National Ordinance on the National Recovery Program Bureau.<sup>4</sup>

The NRPB, as an independent administrative governmental agency, falls within the scope of the civil service. Therefore, the National Ordinance on Civil Service Law<sup>5</sup> is applicable to the NRPB, as well as the National Ordinance on Administrative Law<sup>6</sup>.

As such, NRPB's decisions may constitute a governmental decision in the sense of the latter National Ordinance and, therefore, may be subject to objection. Administrative objections

<sup>4</sup> Original text in Dutch: Tijdelijke Landsverordening Nationaal Programmabureau Wederopbouw, 06-09-2018, AB 2018, no. 33.

<sup>5</sup> Original text in Dutch: "Landsverordening materieel ambtenarenrecht", 20-12-2010, AB 2010, GT no. 25.

<sup>6</sup> Original text in Dutch: Landsverordening administratieve rechtspraak, 21-07-2010, A.B. 2010, GT no. 1 en A.B. 2010, GT no. 30.

submitted by affected persons are dealt with by the relevant governmental department, after which an appeal may be lodged at the administrative court.

Furthermore, governmental performance may be subject to review by the National Ombudsman. Based on the National Ordinance on the Ombudsman<sup>7</sup>, complaints may be submitted at the Ombudsman.

As such, the NRPB needs to act in accordance with applicable legislation, including when operating the GRM. Therefore, this chapter describes the legal framework in which it operates.

## **4.2 The spectrum of response mechanisms**

The response mechanisms available for project affected persons range from non-judicial to judicial mechanisms. NRPB's GRM does not prevent project affected individuals or groups from seeking redress through an existing local complaint mechanism or the World Bank's Grievance Redress Service (GRS). Existing local complaint mechanisms include administrative procedures at Government, the local court and the National Ombudsman.

Existing local complaint mechanisms and the World Bank's GRS remain accessible for project affected persons. As such, NRPB does not decline new complaints or close existing complaints for the sole reason that that same complaint is submitted at an administrative body, at court or at the Ombudsman. NRPB intends to continue resolving the complaint which is subject to a parallel review by one of the aforementioned alternative institutions. NRPB can take the procedures previously mentioned into account when addressing the complaint. If it is necessary to await the outcome of such an alternative process, the NRPB may pause the GRM process, in coordination and agreement with the complainant. NRPB will communicate with the complainant accordingly, to determine the next steps in the review and resolution of the complaint.

For the purpose of managing complaints, NRPB's GRM may receive personal data. Personal data will be kept confidential in accordance with the required data protection measures, as stipulated in the National Ordinance on Data Protection<sup>8</sup>.

## **4.3 World Bank's Policies**

NRPB's portfolio is governed by the Grant Agreement for the Trust Fund and by project Grant Agreements, as well as two systems of World Bank policies: the Operational Policies (safeguards) and the Environmental and Social Framework (ESF), on the basis of which environmental and social instruments may be prepared for the respective projects.

### **➤ Grant Agreement (GA)**

---

<sup>7</sup> Original text in Dutch: Landsverordening Ombudsman, 20-12-2010, AB 2010, GT. no. 20.

<sup>8</sup> Original text in Dutch: "Landsverordening Bescherming Persoonsgegevens", 20-12-2012, AB 2010, GT no. 2.

The GA for each respective project outlines the requirements for Safeguards/OP's/ESF compliance to be included in the Project Operations Manual (POM), including the arrangements for a GRM for the particular project. The GA's specifically state that *“the recipient shall establish, maintain and publicize throughout project implementation, a project feedback and Grievance Redress Mechanism, in form and substance satisfactory to the WB, to hear and determine fairly and in good faith all feedback and complaints raised in relation to the project, and take all measures necessary to implement the determinations made by said feedback and Grievance Redress Mechanism, in a manner satisfactory to the World Bank”*.

➤ **Environmental & Social Framework (ESF) and Operational Policies (OP) and relevant guidance**

The projects are governed by the World Bank's ESF or OP's, which guide the design of the required safeguards instruments. This includes Environmental and Social Commitment Plans, Stakeholder Engagement Plans, Environmental and Social Management Plans and Labor Management Plans and the Good Practice Note on Sexual Exploitation and Abuse and Sexual Harassment in Investment Project Financing involving Major Civil Works. Additional World Bank guidance on grievance redress is provided in various resources<sup>9</sup>, which are taken into account in NRPB's GRM.

➤ **World Bank's Anti-Corruption Guidelines.<sup>10</sup>**

The Anti-Corruption Guidelines spell out the actions that the World Bank can take against firms and individuals that engage in sanctionable offenses in a Bank-financed Project. The guidelines provide firms and individuals a process through which they can respond to allegations of wrongdoing. NRPB projects follow the principles outlined in the Guidelines to manage issues related to corruption. Based on applicable national legislation, NRPB may report complaints regarding corruption to the authorities.

## 5 Guiding principles

The guiding principles of the GRM are accessibility, transparency, fairness, efficiency, collaboration and confidentiality.<sup>11</sup>

- **Accessibility**: the NRPB strives for an easily accessible mechanism for all stakeholders, which allows for multiple channels of uptake (see chapter 3).
- **Transparency**: the system will be publicized to a broad audience (e.g. beneficiaries, general public, CSOs, the media, government officials) to ensure all stakeholders are aware of the

---

<sup>9</sup> See bibliography.

<sup>11</sup> Derived from international best practices, described in *the World Bank How-to-Notes, Feedback matters: Designing effective grievance redress mechanisms for Bank-Financed Projects*, the *UNDP Supplemental Guidance: Grievance Redress Mechanisms* (October 2017), *the UN Guiding Principles on Business and Human Rights* (2011).

existence of the system and they understand how to access it. Complainants are kept informed and aware of the steps in their grievance procedure. NRPB reports to the general public on the status of the GRM through the annual report.

- **Fairness**: the NRPB strives for an equitable, unbiased grievance process by ensuring that complainants have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.
- **Efficiency**: responses will be provided as soon as possible and in accordance with the pre-determined timeframes, to ensure predictability of the process.
- **Collaboration**: the NRPB strives to reach collaborative resolutions, in which dialogue with the complainant is sought and cooperation with relevant internal - and external parties is encouraged and facilitated.
- **Confidentiality**: the dialogue between the NRPB and affected stakeholders who submit a complaint, is confidential unless otherwise requested. The manner in which confidentiality is ensured, is outlined in Annex 2.

## 6 Grievance Management in Projects

Complaints can arise throughout all projects that are prepared or implemented by the NRPB. Throughout the various projects, external partners such as Contractors, may have existing complaint procedures in place or specifically designed, to manage incoming complaints. Additionally, Contractors may be required to have a referral system, to ensure that complaints are referred to the NRPB's GRM for further handling, when necessary. The overall responsibility for complaint handling on projects implemented by NRPB, remains with NRPB. Incoming complaints at the Contractor's GRM, may be handled by the Contractor or by the NRPB.

There are three ways in which complaints are taken up by the NRPB.

- An individual or group verbally expresses a complaint to an NRPB staff member or consultant.
- An individual or group submits a complaint directly to the NRPB via one of the designated channels (phone, email, letter, website, office visit, social media)
- An individual or group expresses a complaint verbally or in writing to (an employee or consultant of) a Contractor, who reports to the NRPB, which takes up the complaint for processing.

The following factors guide whether the NRPB or the Contractor takes the lead in addressing the complaint. The details of the referral and reporting process from the Contractor to the NRPB is described in the respective project instruments, such as the C-ESMP and/or the LMP.

- (I) The sources of complaints: (sub-)contractors, (sub-)contractors' employees, beneficiaries, stakeholders, staff and consultants of the NRPB
  - Contractors are generally required to have a labor-GRM in place to address worker complaints.

- (ii) The level of the complaint: Level 1, 2 or 3 as described in Chapter 3.
  - Level 1 complaints might be resolved by the Contractor on the spot, where possible. The Contractor will consult NRPB's Complaints Officer when complaints cannot be resolved through the Contractor's GRM.
- (iii) The type of complaint (e.g. SEA/SH complaints)
  - Complaints with a SEA/SH component are always referred to NRPB immediately.

## **6.1 NRPB's GRM**

As the overarching GRM, NRPB's GRM is extended to receive complaints from any project affected individual or group, including workers affiliated with the project, such as staff and consultants of the NRPB and workers hired by a contractor or their sub-contractor.

NRPB will follow the process described in Chapter 8 of this document and may coordinate with the Contractor to address the complaint.

## **6.2 The Contractor's GRM and its relationship to the NRPB's GRM**

Contractor's GRM's are managed by the Contractor in collaboration with the NRPB. Contractors have a key role in identifying adverse impacts in the respective project area and in implementing resolutions. Furthermore, the Contractor's GRM should address labour complaints and, as such, be fully accessible and explained to the respective project workers.

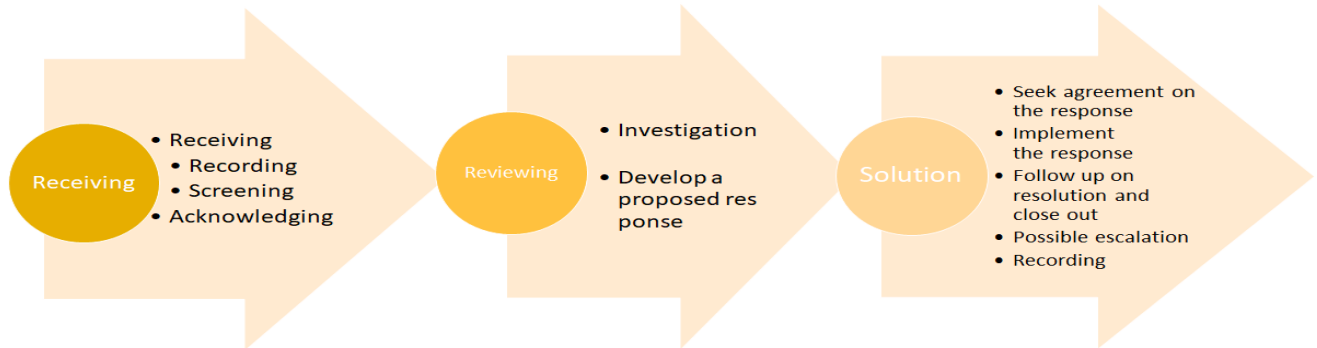
The requirements for the Contractor's GRM, and the referral process on an operational level, are mainly governed by the Safeguards/ESF instruments designed for the respective project, such as the (C-) ESMP and accompanying documents, Labor Management Procedures (LMP) and a Stakeholder Engagement Plan (SEP).

Contractors are obligated to report all submitted complaints. For Level 2 and Level 3 complaints, incidental reports are required to be submitted to the NRPB within 24 hours of the occurrence. Additionally, regular reports on grievances received are expected in the Contractor's monthly ESHS reports to the NRPB. The NRPB's Complaints Officer instructs the Supervisor and Contractors on the operation of the Contractor's GRM with regards to the respective complaint and the Complaints Officer may take over the management of the complaint, if deemed necessary by the NRPB. Chapter 9 provides further details on project worker complaints.

## **7 Processes of the GRM**

This section provides a detailed description of the series of actions comprising the GRM from the moment a complaint is submitted to the eventual resolution and close out.

Operating a Grievance Redress Mechanism requires a process with clearly defined steps, illustrated in the flowchart in Figure 1 and as explained in the complaint handling process presented subsequently.



**Figure 1: Grievance Handling Process**

## 7.1 The Complaint Handling Process

### **Phase 1: Receiving, Recording, Screening and Acknowledging Complaints**

#### 1 Receiving

Complaints can be submitted via various channels, free of costs. Where possible, complaints will be resolved at first contact with the NRPB and handled by a designated Complaints Officer.

Complaints that are submitted via the website or e-mail, are automatically sent to the second Complaints Officer within the NRPB, to ensure complaints are received and recorded. In the event of any conflict of interest, the person handling the complaint will excuse themselves.

#### 2 Recording

NRPB will record the complaint and its supporting information and will assign a unique identifier to the complaint file. The complainant should only provide necessary information for the handling of his/her complaint, to prevent irrelevant personal data from being stored by the GRM.

The GRM stores the data provided by the complainant, or their authorized representative, in the e-mail box (complaints@nrpbsxm.org) and in its Case Management System. The Case Management System is on a secure digital server in a folder with restricted access. Personal data is managed in a confidential manner and in accordance with the National Ordinance on Data Protection.



The record of the complaint will document:

1. the contact information of the person making a complaint (this will be left blank if the complainant wishes for anonymity)
2. issues raised by the person making a complaint and the outcome/s they propose
3. any other relevant documents or information that is provided and
4. any additional support the person making a complaint requires

### 3 Acknowledging

NRPB will acknowledge receipt of each complaint promptly within 5 working days.

Communication will be made either verbally or in written form, or the Complainant's preferred contact method, as indicated by the complainant on the Complaint Form. If required, the acknowledgement provides an opportunity to ask for any additional information or to clarify any issues.

### 4 Screening

The GRM will typically generate three primary types of responses to complaints:

- Direct action to resolve the complaint: in case the complaint can be resolved quickly and easily, the NRPB will implement the resolution immediately and provide the complainant with reasons for the decision and a close out statement. These are generally level 1 complaints, as described in table 1.
- Determination that the complaint is not admissible for the GRM, because it does not meet the basic admissibility criteria (described in Chapter 3.3).
- In complex complaints, further assessment and engagement will be initiated with the complainant and other stakeholders to jointly determine the best way to resolve the complaint. These are generally level 2 or 3 complaints, as described in table 1.

After acknowledging receipt of the complaint, or simultaneously with acknowledging receipt, NRPB will confirm, within 10 days of receipt of the complaint, whether the issue(s) raised in the complaint is/are admissible. NRPB will also consider the outcome(s) sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be addressed separately.

Conflicts of interest, whether actual or perceived, will be managed in a way that removes any person within the NRPB from involvement in the complaint. Accordingly, if a complaint contains grievances directly related to a staff member or consultant of the NRPB, that respective person will be excused from having any responsibility in the complaint resolution process, other than providing information to the person responsible for that process. For example, if a complaint contains grievances on the conduct of the Complaints Officer, the complaint will be handled by the second Complaints Officer or Legal Officer. The NRPB will

advise complainants within 10 days after receipt of the complaint, when it is not possible to deal with any part of a complaint. Advice will be provided about where such issues and/or complaints may be directed (if known and appropriate).

The Complaints Officer will conduct the initial assessment to determine whether the grievance is Level 1, 2 or 3 as described in Chapter 3. If it is suspected that it may be a Level 2 or 3 grievance, the relevant parties will need to be included in further analysis of the grievance.

## **Phase 2: Reviewing Complaints**

### 5 Investigation

To investigate a complaint, the NRPB may:

1. Gather information from the person, group or institution making a complaint
2. Gather information about the product, area or from the person that the complaint is about
3. Review other sources of information, as relevant.

The investigation phase will lead to an assessment of the following:

- The issues and events that have led to the complaint
- The stakeholders involved in those issues and events
- The stakeholders' views, interests, and concerns on the relevant issues
- Whether key stakeholders are willing and able to engage in a joint, collaborative process (which may include joint fact finding, dialogue and/or negotiation) to resolve the issues
- How the stakeholders are represented, and what their decision-making authority is
- What work plan and time frame the stakeholders could use to work through the issues
- What resources they will need, and who will contribute them

The NRPB will keep the complainant updated on the progress, particularly if there are any delays. Time frames for progress updates will depend on the nature of the complaint. Situations where complaints are complicated, or require extensive investigation, will result in extended time for the provision of updates. However, a maximum of an initial ten (10) working days from the date of submitting the complaint is allowed for the provision of updates, regardless of the nature of the complaint. The update will include the time frame within which a response can be expected.

Actions decided to be taken will be tailored to each case. Each complaint will be assessed on its merits and involve the person making the complaint and/or their representative, in the process, as far as possible. The NRPB will assess and prioritize complaints in accordance

with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will be immediate and will be escalated to NRPB Management, according to the level 3 complaint process described in chapter 3. When similar complaints are made by related parties, the NRPB intends to communicate with a single representative of the group, if the parties agree to this.

Where a complaint involves multiple organizations, the NRPB will work with the other organization(s) where possible, to ensure that communication with the complainant and/or their representative is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organized to facilitate a timely response to the complaint.

## 6 Develop a proposed response

After the investigation of the complaint, NRPB will consider how to address it. Complaints will be addressed as soon as possible, in any case within six (6) weeks, with an extension possibility for complex cases. The complainant will be informed accordingly. If a person prefers or needs another person or organization to assist or represent them in the making and/or resolution of their complaint, NRPB will communicate with them through their representative if this is their wish. NRPB will take all reasonable steps to ensure that persons making complaints are not adversely affected because a complaint has been submitted by them or on their behalf. When determining how a complaint will be addressed, NRPB will consider:

- a. How serious, complicated or urgent the complaint is
- b. Whether the complaint raises concerns about people's health and safety
- c. How the person making the complaint is/has been affected
- d. The risks involved if resolution of the complaint is delayed, and
- e. Whether a resolution requires the involvement of other organizations

## **Phase 3 – Resolving Complaints**

### 7. Communicate and seek agreement on the response

The NRPB will communicate the outcome of the investigation and proposed response using the most appropriate medium. Telephone or in person conversations held throughout the process, will be followed up with a summary via e-mail, where reasonable and possible. The final response will always be communicated to the complainant in writing (e-mail or letter). Where the complainant has difficulty reading the final response, an authorised representative will be provided with the written response on the complainant's behalf, if such a representative is not available or does not exist, a verbal explanation will also be given by the NRPB to the complainant.

Following consideration of the complaint and any investigation into the issues raised, the NRPB will contact the complainant and advise them of:

1. the outcome of the investigation
2. the reason(s) for the decision
3. the remedy or resolution(s) that have been proposed or put in place

If during an investigation, any adverse findings about a particular individual are discovered that might be considered of a sensitive or confidential nature, the NRPB will consider any applicable privacy obligations under the National Ordinance on Data Protection<sup>12</sup> and any applicable exemptions in or made pursuant to that Ordinance, before sharing the findings with the person making the complaint.

## 8 Implement the response

The Complaints Officer will inform the respective Project Manager and/or Program Manager within the NRPB and/or the respective external Project Manager of the resolution to be implemented. The Complaints Officer will monitor the implementation of the resolution and coordinate where necessary.

## 9 Close out and follow up

As a final step in the process, the complaint will be closed.

### *What constitutes a resolution?*

NRPB follows the prescribed procedure and comes to a resolution that is accepted by the complainant. In complex cases, a written statement from the complainant may be requested, in which it is confirmed that the resolution is satisfactory.

If an agreed upon resolution is not achieved in the regular process, the Complaints Officer will escalate the complaint to the Review Panel.

### **Criteria for Escalation and Who Can Escalate a Complaint**

If the complainant does not agree with the NRPB's decision to deem their complaint inadmissible or if the complainant is not satisfied with the provided resolution, the complainant may escalate the complaint internally to NRPB's Review Panel, by sending an e-mail to [info@nrpbsxm.org](mailto:info@nrpbsxm.org). The complaint officer will accommodate the escalation by sending the Review Panel an escalation report, containing the following.

- Summary of the complaint
- Summary of the communication with the complainant and course of action undertaken

---

<sup>12</sup> Original text in Dutch: Landsverordening Bescherming Persoonsgegevens, 20-12-2012, AB 2010, GT, no. 2.

- Any suggestions provided by the complainant in order to reach a satisfactory resolution

### **Purpose of Escalation**

Escalation takes place when the complainant is not satisfied with NRPB's decision or does not agree with the proposed actions and requests further handling of the matter.

The Review Panel will review if the procedures of the GRM were properly followed.

Subsequently, the Review Panel will assess the complaint and the action taken. The Panel will review the course of events and decide if, and what kind of, follow up actions are required to resolve the complaint. A report will be provided to the Complaints Officer, with a summary of the review and the proposed course of action. The Complaints Officer will communicate the results of the review with the Complainant via letter and/or e-mail.

### **The Composition of the Review Panel**

The Review Panel will consist of Senior Management, as follows:

- Program Manager
- Safeguards (Team) Coordinator
- Legal Officer
- External Expert (such as a government official) and
- Any other NRPB Management Team member, upon request of the Panel (e.g. Communications or Finance).

The External Expert is dependent on the nature of the complaint and will be selected based on the needs of the situation.

The principle regarding (perceived) conflict of interest will lead the composition of the Review Panel. In other words, if a person on the Review Panel has a direct stake in the resolution of the complaint, the Review Panel will appoint a substitute to temporarily replace the excused individual.

After the complaint is addressed and resolved, the NRPB closes the complaint. This may be done by the Complaints Officer by phone but must be followed by written notification to the complainant, of the said closure.

In situations where an escalated complaint is not settled by the NRPB Senior Management  
or

the Review Panel, the complainant may seek, at any point, redress through alternative complaint mechanisms, such as the National Ombudsman or the World Bank's Grievance Redress Service. If the NRPB's GRM, in the regular process or by the Review Panel, was

not able to resolve a complaint, the NRPB may close the complaint and refer the complainant to the aforementioned alternatives for recourse. The NRPB's GRM remains open for the complainant in case they wish to revisit the initial decision to refuse the proposed resolution.

## 7.2 Specific procedure for complaints regarding SEA/SH

The specific nature of SEA/SH requires tailored measures for the reporting, and safe and ethical handling of such allegations. Any such complaints will be handled by NRPB's Grievance Committee for SEA/SH, consisting of two management team members and the Complaints Officer of the NRPB. The Grievance Committee for SEA/SH will be represented by diverse genders.

Key definitions and concepts:

- **Sexual exploitation and abuse (SEA):** Any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- **Sexual harassment (SH):** Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.
- **Confidentiality and informed consent:** the information contained as a product of this procedure is reserved and confidential; therefore, the persons involved in the procedure will take the necessary actions to guarantee the confidentiality of the case and, above all, the identity of the person who is the victim of SEA/SH. Confidentiality is essential throughout the entire process. Otherwise, the survivor runs the risk of retaliation and of losing her/his physical and psychosocial safety.
- **Survivor-centered:** Approach considerations related to SEA/SH prevention, mitigation and response through a survivor-centered lens,<sup>5</sup> protecting the confidentiality of survivors; recognizing them as principal decision-makers in their own care; and treating them with agency, dignity and respect for their needs and wishes.

The Grievance Committee follows the general process described in Chapter 7. The process is guided by the circumstances of each individual case and the needs of the survivor who is submitting the complaint.

Complaints will be dealt with a survivor-centered approach to ensure that anyone who has been the target of SEA/SH is treated with dignity, and that the person's rights, privacy, needs and wishes are respected and prioritized in any and all interactions. Any cases of SEA/SH brought through the GRM will be documented but remain closed/sealed and filed in a safe location to maintain the confidentiality of the survivor. SEA/SH cases will be reported to the WB, while ensuring confidentiality.

A list of GBV service providers will be kept updated and made available to the survivor by the project. The NRPB will inform the complainant of available services that might be applicable to the individual circumstances, such as the Police Department, Governmental social services, such as the Women's Desk<sup>13</sup>, and relevant NGO's, such as the women's shelter Safe Haven. Where needed, the Complaints Officer will provide assistance in establishing communication between the complainant and the relevant service provider, in order to ensure a proper transition of the case.

In case the complaint is inadmissible, the complainant will be referred to the local authorities, if so desired by the complainant and/or if so mandated by law. In case of a suspicion of a serious violation of relevant criminal law, the complaint will be reported to authorities. The NRPB reports to the police when this is legally required and when the complainant wishes for the authorities to be reported to. The local authorities have a mandate to investigate and, if applicable, prosecute any GBV-related criminal offenses.

If a complaint falls within the scope of the mandate of the Inspectorate of Labor of the Ministry of Public Health, Social Development and Labor, the complaint will be shared with the Inspectorate for further handling, while maintaining the anonymity of the complainant, if so desired. In this case, the NRPB will proceed to follow up on the resolution of the complaint and closure thereof, as described in Chapter 7.

### **7.3 Specific procedure for complaints regarding the Director of the NRPB**

Complaints filed against the Director of the Bureau will be handled outside the NRPB. These should be first lodged to the NRPB's Management Team, and then forwarded by the Management Team to the Prime Minister. It will be further managed by the Secretariat of the Council of Ministers, in order to ensure an independent procedure.

## **8 Responsibilities and Roles**

### **8.1 Internal Roles and Responsibilities**

The resolution of a complaint is a joint effort between NRPB team members, and where applicable, Contractor's team members and the Government of St. Maarten as an implementing partner. The GRM requires the description of the internal process between these internal stakeholders, with clear communication, monitoring and reporting lines. Table 3 below provides an overview of the roles and responsibilities.

### **8.2 NRPB Internal Operation for Complaint Handling**

---

<sup>13</sup> <http://www.sintmaartengov.org/government/VSA/Community-Development-Family-and-Humanitarian-Affairs/Pages/Services.aspx>, last accessed October 12<sup>th</sup>, 2021.

For the internal operation of the GRM, at least one staff member is designated as Complaints Officer<sup>14</sup> and, as such, this person is responsible for operating the GRM. The Complaints Officer coordinates the steps described in the GRM process. A second Complaints Officer may be designated if the volume and complexity of the incoming grievances require this.

Potential conflicts of interests, whether actual or perceived, will be managed responsibly. The person handling the complaint is different from any staff member whose conduct or service is related to the complaint.

Individual team members may be requested to contribute to ad-hoc tasks in the process, depending on the requirements of the specific complaint. The project team members, project managers, program managers and legal officer might have a role in the investigation and implementation of the resolution of a complaint.

Furthermore, individual team members of the NRPB and external individuals may be requested to take part in an ad-hoc or permanent Review Panel, which is described in Chapter 7. In case resolution of a complaint cannot be reached through the regular GRM process, the complaint may be escalated to the Review Panel. In this capacity, individual senior team members may have a role in designing and implementing the resolution of an escalated complaint.

**Table 2 Roles and Responsibilities**

| Role               | Responsibility  |
|--------------------|---|
| Complaints Officer | <ul style="list-style-type: none"> <li>• Monitor the various channels for the receipt of grievances</li> <li>• Acknowledge receipt of the complaint               <ul style="list-style-type: none"> <li>• Investigate the grievance and liaising with stakeholder/s.</li> </ul> </li> <li>• Develop resolutions and actions to remediate any issues</li> <li>• Inform the respective project manager of the submission of a complaint within the respective project</li> <li>• Draft advice for the respective project manager; assessment of the complaint and proposed resolution, accompanied by a draft letter to be sent out to the complainant to formally offer the resolution.</li> <li>• Coordinate inter-departmental communication on the proposed resolution</li> <li>• Follow up and track progress of grievance</li> <li>• Document any interactions with stakeholders.</li> <li>• Monitor the grievances and assign a safeguard specialist to support when necessary.</li> <li>• Facilitate meeting(s) with complainant in case there are any challenges in finding agreement on a proposed resolution               <ul style="list-style-type: none"> <li>• Call to form a GRM Review Panel or SEA/SH committee when needed</li> </ul> </li> <li>• Make sure the grievance mechanism procedure is being adhered to and followed correctly.</li> <li>• Maintain grievance register and monitor any correspondence</li> </ul> |

<sup>14</sup> The role of complaint officer is usually fulfilled by a Social safeguards specialist.



|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>•Socialization of GRM; raise internal awareness of the grievance mechanism among contractors, employees and consultants of contracted firms and relevant stakeholders.</li> <li>•Provide training to the Contractors on the Grievance Redress Mechanism, to include use of the Grievance Forms <ul style="list-style-type: none"> <li>• Prepare reports on the GRM implementation to NRPB's management and WB.</li> </ul> </li> </ul>  |
| Second Complaints Officer  | <ul style="list-style-type: none"> <li>•Take note of incoming complaints</li> <li>• Take over handling of complaint in the event of a conflict of interest on the Complaints Officer's end</li> </ul>   |
| Environmental/Social Safeguards Specialist                         | <ul style="list-style-type: none"> <li>•Provide information and assistance in developing a response and close out of a grievance upon request of the Complaints Officer</li> <li>• Ensure all safeguards documents for all projects implemented by NRPB, are in accordance with the GRM</li> <li>• Monitor the operation of the GRM, to ensure environmental and social impacts are addressed properly.</li> <li>• Support the Complaints Officer in identifying and managing any trends in social risks emerging from the GRM.</li> </ul>  |
| Project Manager with support of project team                       | <ul style="list-style-type: none"> <li>• Identify any complaints regarding the project and refer the complainant to the NRPB's GRM. Provide assistance where needed, e.g. provide the webpage or phone number.</li> <li>• Provide information and assistance in developing a response and close out of a grievance.</li> <li>•Develop resolutions and actions to rectify any issues.</li> <li>•Complaints Officer consults the Program Manager at a later stage to ensure the proposed resolution fits within the framework of the project, unless this is required sooner due to the level and nature of the complaint.</li> </ul> |
| Program Manager  | <ul style="list-style-type: none"> <li>•Provide information and assistance in developing a response and close out of a grievance.</li> <li>•Develop resolutions and actions to remediate any issues, based on the Complaints Officer's advice.</li> <li>•Receives and follows up on guidance from the WB, in case a complaint is submitted at the GRS</li> <li>•Update the Complaints Officer on the resolution of the complaint <ul style="list-style-type: none"> <li>• Assume role as GRM Review panel member or SEA/SH committee member when needed</li> </ul> </li> </ul>  |
| Internal experts (e.g. Legal, Procurement - or Finance department) | <ul style="list-style-type: none"> <li>•Provide information and assistance in developing a response and close out of a grievance.</li> <li>•Develop resolutions and actions to remediate any issues.</li> </ul>   |
| Review Panel   | <ul style="list-style-type: none"> <li>•Review escalated complaints by assessing documentation, events and actions leading to and following the escalation, legal requirements</li> <li>•Call meeting(s) when necessary, to finalize review</li> <li>• Provide a report to Senior Management of NRPB containing the proposed course of action</li> </ul>  |
| Monitoring & Evaluation Specialist                                 | <ul style="list-style-type: none"> <li>• Support in creating a Case Management System (including the ability to digitally produce reports)</li> <li>• Support in analyzing the collected data and interpreting with the Complaints Officer.</li> </ul>  |
| Contractors  | <ul style="list-style-type: none"> <li>• Report grievance to the project manager or complaint officer.</li> <li>• Understand the process and communicate to stakeholders when asked.</li> <li>• Explain the mechanism to their employees and consultants and ensuring they all understand how to receive and report grievances and how to submit grievances themselves.</li> <li>• Operate the Contractor's GRM; receive and respond to complaints. Maintain a grievance register.</li> </ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Report regularly, in accordance with respective safeguards tools, to NRPB's Complaints Officer</li> <li>• Consult NRPB's complaint officer when complaints can not be resolved through the Contractor's GRM</li> <li>• Socialization of the GRM; raise internal awareness of the grievance mechanism among employees and consultants of contracted firms and relevant external stakeholders.</li> <li>• Provide information and training to their employees on the Contractor's GRM, to include use of the Complaint Form.</li> </ul> |
|--|--|

## 9 Labour Complaints and the Grievance Redress Mechanism

A grievance mechanism for labour issues to be raised by project workers, is provided by the NRPB and any companies and contractors hired by the NRPB to perform tasks under projects. Direct workers refer to staff and individual consultants contracted by the NRPB, and contracted workers to workers of a contracted company and sub-contractors. The NRPB GRM integrates a labour GRM, in order to handle complaints from project workers. This chapter describes the process for handling labour issues by the NRPB and describes the requirements of contractors in regard to labour issues.

### Direct Workers:

NRPB's workers can submit a complaint directly to the Human Resource department. For NRPB workers who qualify as civil servants, the relevant provisions of the National Ordinance for Civil Service apply.<sup>15</sup> The process for handling complaints from NRPB workers, will be described in the HR Cycle.

Complaints from direct workers regarding performance evaluation are described in the HR cycle, which is available to direct workers.

Complaints regarding other topics, such as harassment, safety concerns, ethics etc., are proposed to be submitted to the HR department, by visiting the HR-officers in person or sending an e-mail to [hr@nrpbsxm.org](mailto:hr@nrpbsxm.org)<sup>16</sup>.

Complaints made known to members of the management team, are referred to the HR department. The HR department is responsible for addressing the complaint from the respective NRPB worker.

### Contracted Workers:

<sup>15</sup> Original text in Dutch: Landsverordening Materieel Ambtenarenrecht, 16-08-2017, AB2017, 32. Weblink: <https://lokaleregelgeving.overheid.nl/CVDR156334/4>

<sup>16</sup> Subject to MT approval

Contracted workers can submit their complaint at the main Contractor. NRPB's labour GRM is available for contracted workers when they are not comfortable submitting a complaint at the Contractor.

1. At their respective employer

NRPB's contracted companies are required to operate a Grievance Redress Mechanism. Contracted workers can submit their complaint at their employer. Contracted workers are made aware of the possibility to submit a complaint through the induction training and signing of the Code of Conduct. Contractors will have information signs at the respective site and/or a complaint box on site. Complaints, including anonymous complaints, can be received through multiple channels, such as an e-mail address, a designated phone number and a drop box on the project site. If the worker's employer is a Sub-Contractor without a GRM, the main Contractor will operate the GRM for their Sub-Contractors.

2. At NRPB, via the following channels

➤ By visiting the office during office hours

National Recovery Program Bureau  
#57 Walter A. Nisbeth Road  
Philipsburg  
Sint Maarten

The complaint form will be provided for completion, for further processing of the complaint.

➤ Telephone

+1(721) 542-8886/7

The complaint form will be provided for completion, in order to further process the complaint, or completed for the complainant during the phone call.

➤ E-mail

labourcomplaints@nrpbxm.org with "Complaint [insert Project name] " in the title of the e-mail. For example, "complaint Emergency Recovery Project I".

### 9.1 Contractor process for handling labour related complaints

NRPB's (Sub-)Contractors are obliged to comply with national (labor) legislation and applicable World Bank standards. Furthermore, the NRPB requires its staff and consultants and (Sub-) Contractors to adhere to the NRPB ESHS Code of Conduct. The Code of Conduct prescribes that external partners (NRPB's (Sub-)Contractors) must allow access to a labour grievance redress mechanism without fear of reprisals.

Contractors are thus required to submit a labour Grievance Redress Mechanism for NRPB’s approval, as part of the C-ESMP and/or LMP, for operation during implementation of the works. The Contractor’s GRM will describe in detail the following processes:

1. Uptake (channels available for submitting complaints)
2. Investigation and
3. Resolution and/or
4. Referral of complaints to the NRPB’s GRM

The personnel arrangements in support of the operation of the Contractor’s GRM, must be described in the C-ESMP. The Contractor is required to communicate and train their workers on operating and using the GRM. The scope of the Contractor’s GRM includes all project-worker complaints related to labor issues. Any worker complaints that remain unresolved after fifteen (15) days, will be referred to the NRPB.

Any complaints regarding SEA/SH are immediately reported and referred to the NRPB for further handling. The Contractor’s grievance handling is monitored by the NRPB through incidental and regular reporting and possibly site visits and audits.

Contracted worker grievances generally contain complaints about specific categories. The table below serves as an illustration of the different categories. The listed categories are not exhaustive and are intended to provide an overview and awareness of potential labour issues. Note that all complaints from workers will be received by the GRM and processed accordingly.

3Table 2: Categories of labor complaints

| <b>Category of Labour Issues</b>   | <b>Details</b>  |
|--|---|
| Employment practices that are not compliant with either labor laws or applicable OP’s or ESS 2                     | Conditions of labor which constitute forced labor or other unscrupulous labor practices<br>Such as wages that are not proportionate with the tasks performed or within industry standards, withholding of the agreed upon financial compensation, unlawful termination of a labor contract, excess workload without provision of adequate rests and leisure, lack of hygiene facilities or inadequate facilities, discrimination against women and people with special abilities. |
| The conduct of hazardous work in violation of the respective health, safety, social and environmental requirements | Such as working at heights or in confined spaces without the required measures in place, irresponsible use of heavy machinery, or irresponsible management of hazardous materials   |
| Lack of adherence to Occupational Health and Safety (OHS) practice and procedures                                  | Lack of commitment to workplace health and safety by management/contractor  |
| Sexual Harassment/Sexual Exploitation and Abuse (SH/SEA)   | See definitions in section 7.2.   |

If a complaint falls within the scope of the mandate of the Inspectorate of Labor of the Ministry of Public Health, Social Development and Labor, and if the principle of confidentiality allows it, the complaint will be shared with the Inspectorate for further handling. In this case, the NRPB will follow up on the resolution of the complaint and closure thereof, as described in Chapter 7.

## 9.2 NRPB process for handling labour related complaints

NRPB's GRM receives complaints from contracted workers if they are not comfortable submitting a complaint at the Contractor.

In case the contracted worker submits the complaint directly to the NRPB, the contracted worker complaint will be received and processed by the NRPB, following the general guidelines and process described in this document.

The NRPB will mediate between the worker and his/her employer and aim for a mutually agreed upon resolution of the complaint with the employer, to the extent possible. Additionally, the respective employer may be instructed by the NRPB to undertake specific steps to resolve the complaint.

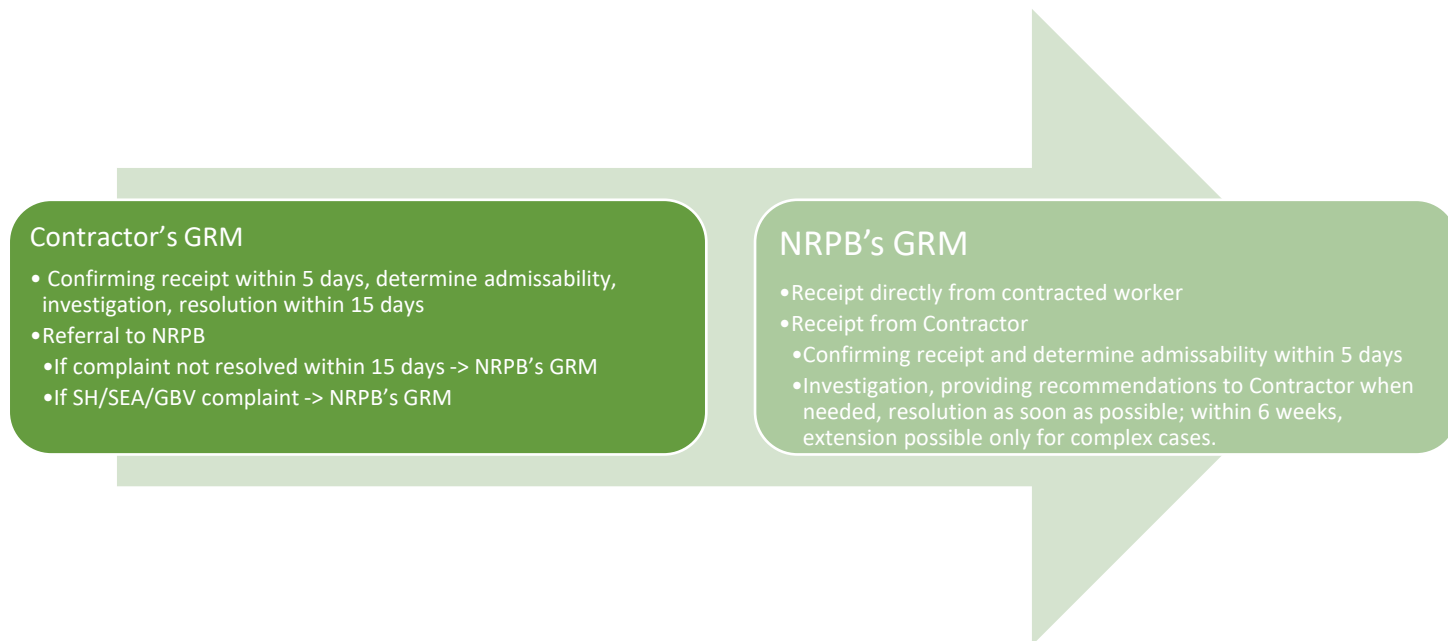


Figure 2: Simplified overview of project-worker complaint handling

## 10 World Bank Grievance Redress Service

The Grievance Redress Service (GRS) is an avenue for individuals and communities to submit complaints directly to the World Bank if they believe that a World Bank-supported project has or is likely to have adverse effects on them, their community, or the environment.

At any point, a complainant may also approach the World Bank's Grievance Redress Service. The World Bank procedures requires complainants to express their grievances by writing to the World Bank office in Washington DC with the completed GRS complaint form which can be found at the following URL link:

<http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service#5>.

Complaints will be accepted by email, fax, letter, and by hand delivery to the GRS at the World Bank Headquarters in Washington or World Bank Country Offices.

Email: [grievances@worldbank.org](mailto:grievances@worldbank.org)  
Fax: +1-202-614-7313

By letter:

The World Bank Grievance Redress Service (GRS)  
MSN MC 10-1018 NW, Washington, DC 20433, USA

*A complaint submitted to the Grievance Redress Service, does not suspend any complaint procedure at the NRPB. The GRS prescribes the following. “(..)If a complaint pertains to a Project with an existing Project-level GRM, the GRS makes the Complainant(s) aware of its existence. An existing Project-level GRM and/or a complaint to such Project-level GRM do not preclude the GRS from processing a complaint it receives. It is the decision of the Complainant(s) to withdraw or continue with a Project-level GRM and/or the GRS process.(..)”*

The NRPB may receive guidance from the WB in order to implement a resolution regarding a complaint submitted at the GRS.

### 10.1 World Bank's Inspection Panel

The Inspection Panel is a separate, independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected by a World Bank-funded project. The Panel is an impartial fact-finding body, independent from the World Bank management and staff, reporting directly to the Board of Executive Directors.

Panel members and the Panel Chair will continue to report to the Board and be independent of management. They will coordinate with but not be subject to the supervision of the Accountability Mechanism Secretary.

A request for inspection submitted to the Inspection Panel, does not suspend any admittance of the same complaint or suspension of the existing complaint at the NRPB.

## **11 Reporting and Monitoring & Evaluation**

Reporting is an integral part of the GRM of the NRPB. This is important to maintain the integrity and efficiency of the mechanism. The collected data will indicate to what extent the GRM meets its objectives as well as indicate the level of success of respective projects.

### **Recording**

NRPB will ensure that complaints are recorded in a systematic way to allow for easy retrieval of information for reporting purposes and analysis in an aggregated and anonymous manner. Those records are kept for a maximum duration in accordance with the relevant national legislation. Records are kept in accordance with the confidentiality guidelines prescribed in this document. Additional information on confidentiality is provided in Annex 2.

The NRPB will keep a Case Management System for entering, tracking and monitoring grievances. The Case Management System will contain the following information on each incoming complaint:

1. Basic information on the complaint, such as tracking number
2. Track record of how the complaint was managed
3. The outcome(s) of the complaint (including whether it, or any aspect of it, was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations)
4. Any outstanding actions that need to be followed up

The Case Management System automatically generates reports on the available data.

### **Reporting**

The NRPB reports to the Government of St. Maarten<sup>17</sup>, who reports to Parliament and the general public, and to the World Bank. Furthermore, an annual report is published, in which relevant data on the operation of the GRM may be included.

---

<sup>17</sup> Bi-annually based on article 17 of the Temporary National Ordinance on the NRPB.

Any data that will be published on the operation of the GRM, is confidential and will not contain personal information of complainants or information that may trace back to a complainant.

The NRPB reports grievances as part of the regular and/or incidental safeguards reporting obligations to the World Bank, as prescribed in the safeguard tools for the respective projects.

Level 2 and Level 3 complaints (see Chapter 3) generally fall within the scope of incident reporting and will be reported to the World Bank accordingly. Level 3 complaints are reported to the WB immediately. The NRPB's program managers report grievances directly to the Task Team Leader of the respective project when the complaint is considered a significant event.

### **Project-level Reporting**

The C-ESMP for all projects mandate that regular reporting on the Project-level grievances be included in the monthly ESHS reports. Contractors are expected to collect quantitative data and report to the NRPB on the following:

- The number of complaints received
- The number of complaints resolved
- Time taken to resolve complaints
- The type of complaints and responses provided
- Issues that are unresolved

### **11.3 Monitoring & Evaluation**

Data will be collected and compiled on the following:

- i. the number of complaints received
- ii. the date the complaints were received
- iii. the projects that were subject of the complaint
- iv. the level and nature of the complaints
- v. the progress (and dates) on the 9 steps of complaint resolution
- vi. the date the complaints were resolved
- vii. the outcome of complaints, including matters resolved immediately after receipt
- viii. systemic issues identified
- ix. the number of requests received for internal and/or external review of NRPB's complaint handling.



- x. communication activities (internal and external)
- xi. capacity building activities for organizational capacity to operate the GRM

The NRPB intends to collect data on the level of satisfaction of the complainants with the actions taken. A survey will need to be designed, distributed to and collected from the complainants.

Regular analysis of these reports will be undertaken to analyze and interpret the collected data, monitor trends, measure the quality of NRPB's services and make improvements. Reports will be provided bi-annually to the NRPB's Senior Management for review.

## Annex 1 Complaint Form



### COMPLAINTS FORM

This objective of this complaint form is to collect information to facilitate the receipt and review of complaints from affected persons and communities, those working on Trust Fund Projects, NRPB Staff, consultants, community members and all other stakeholders, in accordance with the complaints procedure, which can be accessed online: Complaints Procedure – National Recovery Program Bureau (nrpbxm.org)

Submitting this complaint is free of charge.

#### Personal and Contact Information (optional)

|   |  |
|---|--|
| FIRST and LAST name   |  |
| EMAIL ADDRESS (if you have an email account)                                  |  |
| PHONE NUMBER (this should be a number at which you can be reached, if needed) |  |
| ADDRESS   |  |

Are you submitting this complaint on behalf of others [the complainant(s)]?

Yes  No

If you selected Yes, please attach a copy of an authorisation letter, signed by the complainant(s)/members of the community.

*\* Anonymous complaint: if you wish to submit an anonymous complaint, you may leave the contact information section blank. Please note that we will not be able to contact you to provide any progress updates or to share the outcome of the complaint.*

Please select how you would prefer to be contacted:

Telephone

Email

Mail

At NRPB's office



### Information about the complaint

When did the issue you are complaining about take place? (mm/dd/yyyy)

...../...../.....

What is the nature of your complaint?

- I have a complaint regarding a staff member, consultant or (sub-) contractor of the NRPB
- I have a complaint regarding a service provided by the NRPB
- I have a complaint regarding a project or product of NRPB
- I am a project worker and I have a labour complaint regarding a project of NRPB\*
- Other:

\* Only for project workers: please describe the type of your employment (day labourer, staff, consultant), name of the company you work for and name/address of the project site you are working on.

Please describe what happened. Provide supporting documentation, if available.

Did the occurrence lead to any material damage to you (or the person on behalf of whom you are submitting the complaint), such as an injury, or to your property?

Yes

No

If the occurrence led to any damage to you or your property, please attach pictures to document the damage (maximum of three pictures)

#### Efforts to Resolve the Complaint

Have you raised your complaint to any of NRPB's staff, consultant or (sub-)contractor?

Yes

No

What action was taken by of NRPB's staff, consultant or (sub-)contractor to resolve the complaint?

By completing and signing this form, you give consent for your personal information to be shared with relevant third parties (e.g. contractors) of the project you are complaining about, if required for the review and/or resolution of your complaint. In case you are submitting your complaint anonymously, no shared information that is deemed personal, will be passed on to any third party. Your data will be managed in accordance with the National Ordinance on Data Protection.

Signature: \_\_\_\_\_

## Annex 2 Additional information on Confidentiality

The GRM only retains personal data when necessary and in accordance with National Ordinance on Data Protection<sup>18</sup>. As such, general data on complaints, including name and email address of complainants, is retained until the period set for submission of complaints has ended, being twelve(12) months after closure of the respective project. Other personal information, such as address/banking details/mobile number, will be deleted within six months after closing the complaint.

The GRM processes personal data provided by complainants and/or their authorized representatives through the Complaints Officer at the NRPB. Personal data includes names, contact information, and documents or information related to the issues raised in the complaint. The GRM may request additional personal information from complainants or their authorized representatives if this information is deemed necessary to process the complaint. Complainants are requested to not share unsolicited personal data if it is not relevant for case processing by the GRM (e.g., nationality, physical address, copies of contracts).

The GRM stores complainants' personal data and correspondences related to the issues raised in complaints in its designated mailbox (complaints@nrpbsxm.org) and an online Case Management System with secure access restrictions in place.

If the nature of the complaint is so specific that it cannot be resolved without disclosing identifying or personal information (as determined by the GRM), the NRPB will share the personal information and complaint with relevant third parties, including Project Contractors or a relevant governmental department, for follow-up and action in relation to the issues raised in the complaint. The complainant will be requested to sign for their consent to share information. In the case where complaints are submitted anonymously, the details of the complaint are provided without personal data and, as such, can not be shared.

The GRM uses anonymized data from the complaints it receives for analytical assessments, learning purposes, and reporting requirements. This may include analyzing trends observed in complaints, identifying recurring issues, preparing monthly status reports and other learning products. All personal data and complaints received by the GRM will be treated in a confidential manner, unless the complainant consents to the disclosure of their personal information to relevant government departments or third parties (such as the entity about which the complaint is being made).

---

<sup>18</sup> Original text in Dutch: "Landsverordening Bescherming Persoonsgegevens", 20-12-2012, AB 2010, GT no. 2.

## Annex 3 Case Management System

PM

The case management system is under development by M&E; a screenshot/extract of the system's interface will be placed here.

## Bibliography

'Guidance Note for Borrowers, Environmental & Social Framework for IPF Operations, ESS10: Stakeholder Engagement and Information Disclosure', 2018

'HOW-TO NOTES, Feedback Matters: Designing Effective Grievance Redress Mechanisms for Bank-Financed Projects, Part 1: The Theory of Grievance Redress'

'HOW-TO NOTES, Feedback Matters: Designing Effective Grievance Redress Mechanisms for Bank-Financed Projects, Part 2: The Practice of Grievance Redress'

'Evaluating a Grievance Redress Mechanism', 'Global Review of Grievance Redress Mechanisms in World Bank Projects', 2013

Grievance-redress-mechanism-11-june-2016-.pdf (muranga.go.ke)

Evaluating a Grievance Redress Mechanism Dispute Resolution and Prevention, World Bank, GANSON, B. (2016)

Company – Community Mediation: Application of Standards. Africa Centre for Dispute Settlement Working Paper Series 2016/3. (Africa Centre for Dispute Settlement: Cape Town). IFC. (2009).

Addressing Grievances from Project-Affected Communities: Guidance for Projects and Companies on Designing Grievance Mechanisms. Good Practice Note 7. (World Bank: Washington). IFC. Performance Standards. (Accessed December 10, 2017)

Corporate Social Responsibility Initiative, John F Kennedy School of Government (2008)

Rights-Compatible Grievance Mechanisms: A guidance Tool for Companies and their Stakeholders. (Harvard University: Cambridge, MA)

THE UN WORKING GROUP ON BUSINESS AND HUMAN RIGHTS. (2011). The UN Guiding Principles on Business and Human Rights: An Introduction. (OHCHR: New York). WILSON, E. & E. BLACKMORE (eds). (2013)

Dispute or Dialogue: Community Perspectives on Company-Led Grievance Mechanisms. (IIED: London). WORLD BANK, OFFICE OF THE COMPLIANCE ADVISOR OMBUDSMAN. (2008).

A Guide to Designing and Implementing Grievance Mechanisms for Development Projects: Advisory Note. (World Bank: Washington).

Site-Level Grievance and Community Response Mechanisms: A Practical Design and Implementation Guide for the Resource Development Industry, Mining Association of Canada, November 2015

Grievance Redress Mechanism Maldives COVID-19 Emergency Response and Health Systems Preparedness Project May 2020

Responsible Agricultural Investments: Knowledge Into Notes – Grievance Redress Mechanisms (Accessed on October 7<sup>th</sup> 2021)

Grievance Redress Mechanism OECS Regional Tourism Competitiveness Project. Candice Rowena Ramessar (Accessed on October 12, 2021)

Grievance Redress Mechanism Policy, Eastern Caribbean PCGC (Accessed on October 7<sup>th</sup>, 2021)

Strategy and Corporate Services Directorate Grievance Redress Mechanism for the Lusaka Transmission and Distribution Rehabilitation Project. 2018.

EBRD Guidance Note, Performance Requirement 2 Labour and working conditions, Employee grievance mechanism, December 2017

Ipieca, Worker Grievance Mechanisms Guidance Document for the Oil and Gas Industry, 2019