



BONSUCRO GRIEVANCE MECHANISM – RULES OF PROCEDURE



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1. INTRODUCTION

- 1.1 Bonsucro is the Global Sugarcane Platform. Bonsucro's **vision** is a sugarcane sector with thriving, sustainable producer communities and resilient, assured supply chains. Our **mission** is to ensure that responsible sugarcane production creates lasting value for the people, communities, businesses, economies and eco-systems in all cane-growing origins. Bonsucro's **strategy** builds a platform to accelerate change and continuous improvement for the largest agricultural commodity in the world – **sugarcane**.
- 1.2 Complaints will be dealt with by individuals appointed by an independent, external service provider referred to throughout this grievance mechanism ("**Grievance Mechanism**") as the "Administrator" and the "Adjudicator". The Adjudicator will be appointed following completion of the mediation process, as set out at section 13 below.
- 1.3 Bonsucro will not be involved in handling or making decisions relating to complaints, save that the Adjudicator/Administrator will keep Bonsucro informed of all relevant dates and timescales throughout the process and will provide a copy of the following documents to it:
- a) the complaint and any associated evidence and materials;
 - b) the response and any associated evidence and materials;
 - c) reports received from the Certification Body, where applicable;
 - d) the written agreement reached at mediation;
 - e) the decision; and
 - f) any other materials deemed necessary.
- 1.4 Should a Respondent Member choose to withdraw membership following receipt of a complaint, but before a decision has been made, a decision will still be made in accordance with the Grievance Mechanism. The Respondent Member is invited to continue to engage with all steps to be completed by it under the Grievance Mechanism, but if it does not participate, those steps requiring participation of the Respondent Member will be passed over. The Adjudicator will take into account any refusal of a Respondent Member to engage in the Grievance Mechanism process when making its decision.

2. SCOPE

- 2.1 This Grievance Mechanism exists to address complaints against one or more Bonsucro Members ("**Respondent Member**") for breach of the ("**Relevant Standards**"), defined as:
- (a) the Code of Conduct and Code of Conduct Implementation Guidelines;
 - (b) if certified (or in the process of obtaining certification), the Bonsucro Production Standard, Bonsucro Production Standard for Smallholder Farmers, Bonsucro Chain of Custody Standard and Bonsucro EU RED Chain of Custody Standard (together "**Certification Standards**"); and

- (c) any policies, other codes, agreements or other documents as may be drafted, approved and/or issued by the Board, any Committee, Task Force, Working Group and/or the Secretariat from time to time and to which the Respondent Member is subject.

2.2 The following matters are out of scope of this Grievance Mechanism:

- (a) Matters alleging a breach of the Relevant Standards on the basis of adverse impacts or events which occurred outside the period of membership of the Respondent Member and are not, or will not be, continuing within the membership period (bearing in mind that a Respondent Member's obligations are defined by the Relevant Standards in place at the time of the alleged breach).
- (b) Allegations unrelated to Bonsucro's objectives, specifically outside a Respondent Member's sugarcane business or, where the member is not directly involved in the production, processing and sourcing of sugarcane, allegations unrelated to such sugarcane-related activities.
- (c) Complaints that are not made in *good faith*.
- (d) Complaints where there is no clear violation of the Code of Conduct and which are politically or commercially motivated, contain abusive or derogatory language, complaints that are based solely on media reports and/or that do not substantiate these reports and allegations with further evidence. Further evidence might include, for example, interviews with local community members, witness statements, photographs, investigation and fact-finding reports.
- (e) Complaints relating to matters (or substantially similar to matters) where a final decision has already been taken relating to that Respondent Member whether under this Grievance Mechanism or a predecessor Bonsucro complaints resolution procedure or grievance mechanism, unless the complaint relates to non-compliance with the outcome of that process.
- (f) Complaints about Certification Bodies relating to any deficiencies or failure to provide adequate services in the certification process by the Certification Body, which will be dealt with in the usual way as between Bonsucro and the Certification Body.
- (g) Breaches of the Code of Conduct related to non-payment of membership fees.

2.3 The Administrator may refuse any complaint on the basis that it is out of scope where it falls within one of the criteria at paragraph 2.2.

3. HOW TO SUBMIT A COMPLAINT

3.1 Before submitting a complaint, prospective complainants ("**Complainants**") should carefully consider the requirements of this Grievance Mechanism in full, including the remediation options available and consider whether this is the best forum for resolution of its complaint.

For example, this Grievance Mechanism may not be a suitable forum to resolve complaints where:

- (a) criminal issues are raised; and/or
- (b) urgent action is required.

In these cases it is recommended Complainants contact the relevant authorities, assuming it is safe to do so.

- 3.2 Any interested party or affected stakeholder may submit a complaint. Complainants should have some connection to the issues being complained of (for example, this would include communities or individuals directly affected by a member's activities or civil society and other organisations acting on behalf of communities or individuals) and must be able to supply information about these issues. The complaint should also state clearly what resolution or remediation is sought in accordance with paragraph 4.1(f) below.
- 3.3 Bonsucro may initiate a complaint against a Member through this Grievance Mechanism.
- 3.4 Complaints must be submitted by completing this online form and emailing it together with the "**Required Information**" (as defined in Section 4 below) and supporting evidence adr@cedr.com by posting the Required Information to:
The Commercial Disputes Team
Centre for Effective Dispute Resolution
IDRC
70 Fleet Street
London
EC4Y 1EU
England
- 3.5 Complaints must be submitted in written English, save for any audio and/or visual materials that may be included in line with paragraph 4.6 below. Only supporting evidence submitted in English will be taken into consideration.
- 3.6 Where a Complainant requires support to submit a complaint, for example, assistance compiling Required Information (see Section 4 below) or assistance with submission in English, they may contact a member of the Grievance Mechanism Support Group, details of which will be made available on Bonsucro's website.
- 3.7 By submitting a complaint, the Complainant agrees to comply with the requirements of this Grievance Mechanism outlined in this document.
- 3.8 Prior to submitting a complaint, a proposed Complainant may request all relevant details of whether sufficient funding is (or will be) available to complete the relevant processes under this Grievance Mechanism from the Administrator, including those set out at paragraph 7.5 below. Where available, the requested information will be provided within 10 Business Days of the request being received by the Administrator.

4. REQUIRED INFORMATION

4.1 The Complainant is required to provide all of the following information before a complaint will be considered:

- (a) Information about the Complainant, including:
 - (i) contact person(s) making the complaint or, where applicable, name of representative organisation, contact person, and title/position;
 - (ii) where the Complainant is not an individual or a group of individuals: information that demonstrates legitimacy of a representative organisation as a legal entity or its alternative formal capacity;
 - (iii) details of the individuals or communities they are representing and evidence that they are representing their interests; and
 - (iv) contact information, including email, phone number and mailing address.
- (b) Identity of the Respondent Member(s) against whom the complaint is made, and the Certificate Holder(s) where the complaint relates to a breach of the Certification Standards.
- (c) Details of the nature of the complaint, by identifying:
 - (i) the Relevant Standard(s), referred to above at paragraph 2.1, that are alleged to have been breached;
 - (ii) the specific article(s) of the Relevant Standard(s), referred to above at paragraph 2.1, that are alleged to have been breached; and
 - (iii) details of factual allegations which support the complaint on the basis of (i) and (ii) above. Where allegations relate to social and/or environmental harm, details must be provided on whether the Respondent Member caused or contributed to the harm or whether the harm is linked to their operations, products or services through a business relationship.
- (d) Documentation and other supporting evidence to substantiate the factual allegations, including a clear and concise narrative with inclusion of supporting evidence. This may include, for example, witness statements from affected stakeholders, investigative reports, photographic evidence, findings by courts or non-judicial decision making bodies, outcomes of other grievance processes, etc.

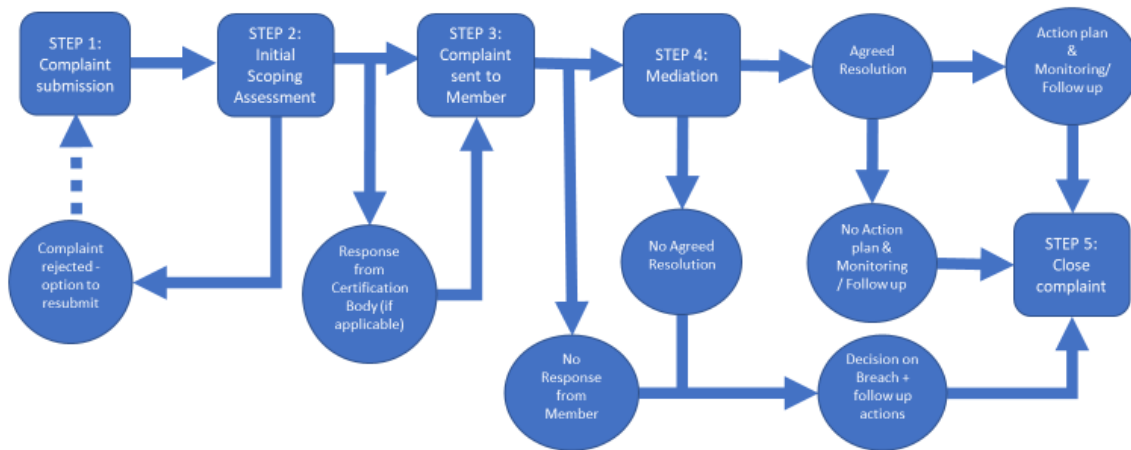
- (e) Written evidence that good faith steps were undertaken to seek resolution directly with the Respondent Member prior to initiating this Grievance Mechanism. Written evidence may include, for example, witness statements or accounts of meetings with the Respondent Member. If this is not possible, an explanation as to the reason that prior engagement was not possible should be provided. A lack of prior engagement will not prohibit access to the Grievance Mechanism where reasons are provided, but may be taken into account when reaching a decision.
 - (f) Specific actions or recommendations requested to resolve or remedy problems raised in the complaint with reference to paragraphs 13.5 to 13.8. The Complainants should also disclose whether any remedy has already been obtained in relation to the issues complained of.
- 4.2 If the Complainant considers that details of relevant individuals cannot be given, it should provide information and evidence as to why anonymity is required. The Administrator (in its absolute discretion):
- (a) may grant the request for anonymity if the Administrator considers that this will not prevent the complaint from being fairly taken forward, including any difficulties in responding to allegations that cannot be substantiated or supported by evidence; and
 - (b) may make any necessary and proportionate adjustments to the process set out below to ensure that anonymity can be appropriately maintained without adversely affecting the ability of either party to otherwise fully follow the process.
- 4.3 The Complainant must confirm that it has considered whether this Grievance Mechanism is an appropriate mechanism for the resolution of its complaint, taking into account the provisions of this Grievance Mechanism, including available remedies, and any other available mechanisms. This is intended to support appropriate interaction with other available mechanisms.
- 4.4 The Administrator or the Adjudicator (as applicable) may request further information from the Complainant or the Respondent Member at any time.
- 4.5 The Administrator may reject complaints that do not satisfy all of the requirements of this Grievance Mechanism, but will not unreasonably reject complaints that can be effectively addressed, especially where the circumstances of the complainant mean strict compliance with the criteria at 4.1 is challenging, and compliance cannot be improved by re-submission of a complaint under paragraph 7.8. Where a decision is made to reject a complaint, a Senior Administrator will review the decision and only where both Administrators agree that this paragraph has been complied with will the complaint be rejected. In the event of disagreement, the Administrator may request from the Complainant further information in accordance with paragraph 4.4.
- 4.6 Complaint submissions outlining the Required Information referred to at paragraph 4.1 above should not exceed 25 A4 pages. Complaint submissions may also include additional evidence up to a limit of 175 A4 pages or equivalent unless special permission is received from the Administrator, which will not be unreasonably withheld. Links to online materials, for example, websites, should be converted into a downloadable format and included within the

applicable page limit. Where audio and/or visual materials are included in a complaint, they should be described in the 25 A4 page limit with an explanation of how the materials relate to the relevant criteria referred to at paragraph 4.1 above. Audio/visual files included with the submission should be in English or accompanied by a transcript and should not exceed one hour in length.

4.7 To make a decision on whether or not the complaint is in scope, in line with section 7 below, the Administrator will only refer to the 25 A4 page submission.

5. COMPLAINT HANDLING

5.1 Figure 1: Summary diagram of the complaint handling procedure



6. COMPLAINT SUBMISSION

6.1 Once a complaint has been received by the Administrator, the Complainant and the Respondent Member will be notified that:

- (a) a complaint has been received, within five Business Days ("**Business Days**" include any day other than Saturday, Sunday or a bank holiday in England) from the date of receipt; and
- (b) a decision on whether or not it is in scope will be made within ten Business Days.

- 6.2 If, in accordance with paragraph 4.6 the Administrator does not allow complaint submissions exceeding 25 A4 pages or other evidence exceeding 175 pages or imposes a higher limit which is not met in the initial submission, the Complainant shall have a further ten Business Days to re-submit their claim in a compliant form (in addition to the limit of times allowed for re-submission under this Grievance Mechanism).

7. INITIAL SCOPING ASSESSMENT

- 7.1 The parties will be notified of a decision on whether the complaint is in scope within ten Business Days of the date of notification served in accordance with paragraph 6.1 above, and that either:
- (a) a response will be requested directly from the Respondent Member, in accordance with section 10 below; or
 - (b) if applicable (because the complaint relates to certification), the complaint will proceed in accordance with sections 8 and/or 9 below.
- 7.2 A complaint will be in scope if the Administrator, in reviewing the 25 A4 page submission, determines that:
- (a) none of the matters at paragraph 2.2 above apply;
 - (b) the criteria at paragraph 4.1 above have been met to the satisfaction of the Administrator for the purpose of 7.9;
 - (c) there is enough information to warrant further examination of the issues raised with regard to the Respondent Member's responsibilities under the Relevant Standards; and
 - (d) sufficient funding is (or will be) available to complete the relevant processes under this Grievance Mechanism.
- 7.3 A determination that a complaint is in scope does not mean that there has been a breach of the Relevant Standards.
- 7.4 Where multiple complaints are made against the same or multiple Respondent Members relating to the same facts, the Administrator may (subject to obtaining the express consent of the Complainants in relation to each complaint) join the complaints and deal with them together, making adjustments to the time periods set out below so long as all of the parties to the complaint are kept informed of any new timetables.
- 7.5 Before making a decision, in accordance with paragraph 7.4, the Administrator shall inform the parties of its intended decision and invite the parties to make representations as to that decision within ten Business Days of being so notified. At this time the Administrator will confirm whether sufficient funding is available within the current financial year and/or the date on which further budgeted funds are expected to become available.

Where sufficient funding is not available to complete the relevant processes under this

Grievance Mechanism (and the Administrator has not already done so in accordance with paragraph 3.8 above), parties can decide to proceed on the basis of their own funding resources.

- 7.6 The Administrator shall take the representations of the parties into account in deciding whether to exercise the right to determine that a complaint is not in scope, including, but not limited to:
- (a) representations made as to the effect on affected stakeholders, personnel or to legitimate requirements of commercial confidentiality, if information needs to be shared between multiple parties; and
 - (b) agreements to ensure sufficient funding is available to complete the relevant processes under this Grievance Mechanism, where the Administrator confirms that funding would not otherwise be available (whether that funding is to be provided by one or other of the parties themselves, or by a third party, for example a charitable foundation).
- 7.7 The parties may request up to a maximum of ten additional Business Days to make the representations referred to in paragraph 7.5 above, which the Administrator shall not unreasonably refuse.
- 7.8 A complaint must contain all of the Required Information in the 25 A4 page submission to be in scope. If a complaint is rejected on the basis that it does not contain all of the Required Information, the Complainant will be notified of what further information is required. The Complainant may resubmit the complaint once.
- 7.9 The Administrator may allow a complaint to proceed even where all of the Required Information is not included if the Administrator considers that this will not prevent the complaint from being addressed effectively, or that the specific circumstances of the Complainant require that the complaint should be allowed to proceed.

8. COMPLAINTS RELATING TO CERTIFICATE HOLDERS

- 8.1 Paragraphs 8.2 to 8.6 will apply if:
- (a) the complaint includes any allegations that there has been a breach of the Certification Standards; and
 - (b) the allegations relate to a period ("**Relevant Period**") for which the Respondent Member was certified; and
 - (c) the Certification Body licensed to certify Bonsucro Members, which held a contract in respect of the Certificate Holder for all or part of the Relevant Period is still contracted in respect of the Certificate Holder, or the Certification Body who is currently contracted in respect of the Certificate Holder, is able to provide the information referred to at paragraph 8.2 below (the contracted Certification Body is referred to below as the "**Relevant Certification Body**").
- 8.2 Where the circumstances at paragraph 8.1 above apply, within ten Business Days of the date

of notification serviced in accordance with paragraph 7.1(b) above, the Administrator will:

- (a) provide the Relevant Certification Body with a copy of the complaint together with a list of key issues/questions that need to be addressed; and
- (b) specify the Relevant Period; and
- (c) request from the Relevant Certification Body:
 - (i) the audit report and/or any other certification data relating to the complaint and the key issues/questions identified above at paragraph 8.2(a) ("Certification Data") for the Relevant Period; and
 - (ii) confirmation of:
 - (A) when the next audit is due for the Respondent Member; and/or
 - (B) whether the Relevant Certification Body will consider moving this forward (or carrying out an additional audit in line with the Relevant Certification Body's own risk management process) to investigate matters relevant to the complaint and, if so, the new date proposed.
- (d) make clear any Certification Data provided in response to a request issued under this section shall only include information that is relevant to the complaint, shall not include any personal data, and may be redacted to protect the identity of individuals, as considered necessary in the sole discretion of the Relevant Certification Body; and
- (e) make clear that to the extent that the Relevant Certification Body provides information responsive to a request issued under this clause 8.2, that information may be shared by the Administrator with the Respondent Member and the Complainants, and may be relied upon by the Adjudicator in reaching its decision.

8.3 The Relevant Certification Body will have ten Business Days from the date the request is made in accordance with paragraph 8.2 above to provide a response to the Administrator. Any information provided by the Relevant Certification Body in accordance with paragraph 8.2 is provided with the understanding that all relevant consents have been obtained by the Relevant Certification Body and that the information may be shared with the Respondent Member and the Complainants. If the Relevant Certification Body requires further time to undertake or complete any investigations into the allegations it will notify the Administrator of the estimated amount of time that is required.

8.4 Within five Business Days of receipt of the Certification Data, the Administrator will determine whether or not it contains information relevant to the complaint. If the Certification Data does not contain information relevant to the complaint, the Administrator may request further information from the Relevant Certification Body. The Relevant Certification Body will have a further five Business Days to respond to this further request.

8.5 Within five Business Days of receipt of the information from the Relevant Certification Body in accordance with paragraph 8.4 above, the Administrator will share the Certification Data with the Respondent Member and the Complainant.

- 8.6 The Complainant will have fifteen Business Days, subject to any request for an extension of time to allow the Complainants to liaise with any individuals and/or groups on whose behalf they are making the complaint, to notify the Administrator that they will either:
- (a) agree to pause the Grievance Mechanism process, pending completion of the next audit by the Relevant Certification Body, following which any further relevant Certification Data, corrective action plan and suggested outcomes will be requested from the Relevant Certification Body by the Administrator and shared with the Respondent Member and the Complainant in accordance with the process described at paragraphs 8.2 to 8.5; or
 - (b) wish to continue with the Grievance Mechanism process, in which case the complaint will proceed to a response from the Respondent Member in accordance with section 10 below.

9. COMPLAINTS RELATING TO MEMBERS APPLYING FOR CERTIFICATION

9.1 Paragraphs 9.2 to 9.7 below will apply if:

- (a) the complaint includes any allegations that there has been a breach of the Certification Standards; and
- (b) the allegations relate to a period for which the Respondent Member is in the process of obtaining certification (where that Respondent Member is not currently certified), that is, a certification contract has been signed in respect of the Respondent Member with the Relevant Certification Body but the certification certificate has not yet been issued. This information is available on the Bonsucro website.

9.2 The Administrator will:

- (a) provide the Relevant Certification Body with a copy of the complaint together with a list of key issues/questions that need to be addressed; and
- (b) specify the Relevant Period; and
- (c) request from the Relevant Certification Body any available Certification Data for the Relevant Period including any corrective action plan and suggested outcomes that will be included in the certification process to address the issues raised in the complaint; and
- (d) make clear that any Certification Data provided in response to a request issued under this section shall only include information that is relevant to the complaint, shall not include any personal data, and may be redacted as necessary to protect the identity of individuals as considered necessary in the sole discretion of the Relevant Certification Body; and
- (e) make clear that to the extent that the Relevant Certification Body provides information responsive to a request issued under this clause 9.2, that information may be shared by the Administrator with the Respondent Member and the Complainants, and may be relied upon by the Adjudicator in reaching its decision.

9.3 The Relevant Certification Body will have ten Business Days from the date the request is made

in accordance with paragraph 9.2 above to provide a response to the Administrator. Any information provided by the Relevant Certification Body in accordance with paragraph 9.2 is provided with the understanding that all relevant consents have been obtained by the Relevant Certification Body and that the information may be shared with the Respondent Member and the Complainants. If the Relevant Certification Body requires further time to undertake or complete any investigations into the allegations it will notify the Administrator of the estimated amount of time that is required.

- 9.4 Within five Business Days of receipt of the Certification Data, the Administrator will determine whether or not it contains information relevant to the complaint. If the Certification Data does not contain information relevant to the complaint, the Administrator may request further information from the Relevant Certification Body. The Relevant Certification Body will have a further five Business Days to respond to this further request.
- 9.5 Within five Business Days of receipt of the information from the Relevant Certification Body in accordance with paragraph 9.4 above, the Administrator will share the response from the Relevant Certification Body, including any available Certification Data, corrective action plan and suggested outcomes with the Respondent Member and the complainant..
- 9.6 The Complainant will have fifteen Business Days to notify the Administrator that they are satisfied with the corrective action plan and suggested outcomes, subject to any requests for an extension of time to allow the Complainants to liaise with any individuals and/or groups on whose behalf they are making the complaint. If the Complainants are satisfied that their complaint is or will be satisfactorily dealt with by the certification process, the complaint will be closed in accordance with paragraphs 12.4 and 12.5 below.
- 9.7 If the Complainants are not satisfied that their complaint is or will be addressed by the certification process they will notify the Administrator of the reasons for this and this information will be shared with the Respondent Member. The complaint will then proceed to the response from the Respondent Member in accordance with section 10 below.

10. RESPONSE FROM MEMBER

- 10.1 If a complaint is shared with the Respondent Member in accordance with paragraph 7.1(a), the Respondent Member will acknowledge receipt of the complaint within five Business Days of the date of notification served in accordance with paragraph 7.1(a).
- 10.2 The Respondent Member will have thirty Business Days from:
 - (a) the date of notification served in accordance with paragraph 7.1(a) above; or
 - (b) the date of a response being shared with the Respondent Member in accordance with paragraph 8.5 or 9.5 above,

to provide a written response to the Administrator. If the Respondent Member does not respond within thirty Business Days, a further request for response will be sent to the Respondent Member specifying that the complaint will proceed to a decision on the basis of the Complainant's submission alone, if a response is not received within a further five Business Days of that further request being received by the Respondent Member.

- 10.3 The Administrator will share the Respondent Member's response with the Complainants

within two Business Days of receipt.

10.4 The Respondent Member's response should include:

- (a) a response to the specific allegations raised in the complaint, including any documentation and other supporting evidence to substantiate the response to any allegations, including a clear and concise narrative with links to or inclusion of supporting evidence;
- (b) comments on the resolution or remedy sought by the Complainant, whether they are possible to implement and any potential knock-on effects of their implementation, and any alternative suggestions; and
- (c) if applicable, an explanation of any difficulties faced by the Respondent Member due to the Complainants' request for anonymity.

10.5 Any response is not to exceed 25 A4 pages and evidence is not to exceed a further 175 pages of A4 or equivalent unless special permission is received from the Administrator, which will not be unreasonably withheld. If such special permission is sought the Respondent Member should set out why the matter cannot be dealt with more concisely at the time of submission. Links to online materials, for example, websites, should be converted into a downloadable format and included within the applicable page limit. Audio/visual files included with the submission should be in English or accompanied by a transcript and should not exceed one hour in length.

10.6 If the Administrator does not allow a response exceeding 25 A4 pages or evidence exceeding a further 175 pages or (in its absolute discretion) imposes a higher limit, the Respondent Member shall have a further ten Business Days to re-submit its response in a compliant form. If the Respondent Member fails to do so, the Administrator/ Adjudicator may disregard any material exceeding the relevant page limit.

10.7 The Respondent Member may agree to the specific actions or recommendations requested to resolve or remedy problems raised in the complaint (referred to at paragraph 4.1(f) above) or may offer an alternative proposal. If an alternative proposal is presented to resolve the complaint, the Complainants will have fifteen Business Days to accept or reject the proposal. If the proposal is rejected, the complaint will proceed through the Grievance Mechanism.

10.8 If the Respondent Member requires an extension of time they must:

- (a) make the request for an extension of time within ten Business Days of:
 - (i) receiving the complaint from the Administrator (where the complaint does not relate to certification and sections 8 and/or 9 do not apply); or
 - (ii) receipt of Certification Data in accordance with paragraph 8.5 or 9.5 above, whichever is the later.
- (b) specify to the Administrator the date that a response will be received.

10.9 The Respondent Member may be granted a maximum extension of thirty Business Days on application to the Administrator. The Complainant will be notified of any extension.

11. MEDIATION

11.1 Following the steps at paragraphs 6 to 10 above, and assuming that no agreement is reached in accordance with paragraph 10.7 above, the parties will attempt to resolve the complaint in accordance with CEDR's Model Mediation Agreement.

11.2 The parties will be required to select an independent person to act as mediator ("**Mediator**") from the list of mediators provided by CEDR. This list is available on Bonsucro's website. Their selection will be required within ten Business Days of the date of receipt of the response from the Respondent Member. If the parties are unable to agree on the joint appointment of an independent person to mediate within ten Business Days of the date of receipt of the response from the Respondent Member, CEDR will nominate an appropriate Mediator within a further ten Business Days. The Mediator appointed in accordance with this section may also appoint a co-mediator should he or she consider that it would assist the mediation.

11.3 The parties will agree with the Mediator the terms of reference for the mediation and any other relevant details required to enable the process of mediation to proceed. The mediation will take place by virtual mediation, save where all of the parties and the Mediator agree otherwise, and the parties agree to cover the costs of any alternative arrangements in accordance with paragraph 11.4 below. The mediation should take place within twenty Business Days of the appointment of an independent mediator in accordance with paragraph 11.2 above or as otherwise agreed by the parties. The Mediator will share the proposed mediation date with the Administrator, who will notify Bonsucro that a date for mediation has been agreed.

11.4 Subject to the confirmation that sufficient funding is available, in accordance with section 7 above, Bonsucro will make available funds to cover the cost of the Mediator for a maximum of two days mediation and one day preparation and follow up or up to a limit of £7,000, whichever is lower. Any costs incurred beyond these limits, including for travel to London or other locations, as agreed between the parties and the Mediator, will be covered by the parties.

11.5 If any party refuses to engage in mediation, the complaint will proceed to a decision by the Adjudicator on whether there has been a breach of the Relevant Standard(s). When making its decision as to any relevant sanction to be imposed on the Respondent Member, the Adjudicator will take into account any refusal to engage in mediation.

11.6 Any settlement reached in the mediation shall not have the effect of engaging paragraph 12.3 to 12.4 below until it has been reduced to writing and signed by, or on behalf of, the parties to the mediation. The Mediator shall assist the parties to the mediation in recording the outcome of the mediation.

12. AGREED RESOLUTION

- 12.1 Within five Business Days of the date of the Mediation, the parties will notify the Administrator that either:
- (a) they wish to pause the Grievance Mechanism for a further period to enable continued discussion and/or to request a non-binding recommendation from the Mediator in accordance with paragraph 12.6 and/or for their agreement to be recorded in signed writing, and notify the Administrator of the date on which that period will end, following which they will make a further notification to the Administrator; or
 - (b) they have agreed to resolve the complaint at mediation and this has been recorded in signed writing; or
 - (c) they have been unable to reach an agreement.
- 12.2 The Administrator will notify Bonsucro within one Business Day of receiving notification in accordance with paragraph 12.1 above.

Mediation leads to agreement

- 12.3 If the parties agree to resolve the complaint at mediation and agree to this in signed writing, the notification by the parties will include a copy of the agreement reached, including any details of the agreement, action plan and agreed follow up or monitoring mechanisms.
- 12.4 Bonsucro will then:
- (a) take a decision to close the complaint and publish notification of the decision on its website; and, if applicable,
 - (b) Bonsucro will publish on its website an expected date for review when a decision will be taken following the implementation of any agreed action plan and follow up or monitoring mechanisms.
- 12.5 Any monitoring mechanisms agreed between the parties should ensure regular follow up and aftercare of rights-holders after the grievance process has concluded in order to track the impacts of the remedy and obtain feedback.

Mediation does not lead to agreement

- 12.6 If the parties to the mediation (or some of them, where there are multiple Respondent Members) are unable to reach a settlement in the mediation or during any subsequent further period of negotiation, and only if all the parties to the mediation so request and the mediator agrees, the Mediator will produce for the parties to the mediation a non-binding recommendation on the terms of settlement. This shall set out what the Mediator suggests are appropriate settlement terms in all of the circumstances.
- 12.7 Within ten Business Days of (i) a notification under paragraph 12.1© that the parties have been unable to reach agreement, or (ii) the parties' receipt of the Mediator's non-binding

recommendation under paragraph 12.6, the parties must notify the Administrator that either:

- (a) They agree that the Mediator should act as the Adjudicator, and make the decision as set out below; or
- (b) A separate Adjudicator should be appointed (in the latter case, any non-binding recommendation made under paragraph 12.6 will be shared with the Adjudicator).

12.8 Any separate Adjudicator to be appointed will be notified to the parties within a further ten Business Days of receipt of notification under paragraph 12.7(b).

13. NO AGREED RESOLUTION – CONTINUATION OF PROCESS

13.1 The Adjudicator will have thirty Business Days from the date of notification of continuance (where it also acted as a Mediator) (in accordance with paragraph 12.7(a)) or appointment (in accordance with paragraph 12.7(b), to make a decision on whether there has been a breach of the Relevant Standards and any resolution or remediation. If the Adjudicator requires additional time to make a decision, for example, because the complaint raises complex issues, the parties will be notified of the date that a decision will be made (up to a maximum of twenty further Business Days).

13.2 If the Adjudicator requires further expert support it may apply to Bonsucro to request that.

13.3 In making a decision, the Adjudicator will only take into account the submissions of the Complainant and the Respondent Member, any items specified elsewhere in this Grievance Mechanism, and, if applicable, any reports from the Certification Body and technical experts or other third parties commissioned by the Adjudicator in accordance with paragraph 13.2 to support in the resolution of the complaint.

13.4 The Adjudicator will then:

- (a) make a decision on whether there has been a breach of the Relevant Standards; and
- (b) make recommendations on what remedial action should be taken by the Respondent Member to remediate the situation and what sanctions should be applied to the Respondent Member.

13.5 The available sanctions may include:

- (a) imposition of conditions on continued membership or re-entry to membership;
- (b) suspension of the membership of the Respondent Member; and/or
- (c) termination of membership of the Respondent.

13.6 Any sanctions will take into account any remedy already received under previous complaints processes.

13.7 The conditions which may be recommended to be placed on continued membership or re-entry to membership may include:

- (a) development of a corrective action plan aligned with the requirements of the Relevant Standards and monitoring procedures;
- (b) meeting the steps outlined at paragraph 13.4(b) above;
- (c) putting in place actions to bring policies and processes into compliance with the Code of Conduct;
- (d) addressing identified risks;
- (e) arranging an independent audit to verify compliance with corrective actions;
- (f) payment of a specified sum into a sink fund, to be maintained by Bonsucro, to fund further cases being determined under the Grievance Mechanism and/or the appointment of a mediator; and
- (g) any other conditions that may support the continuous improvement of a Respondent Members' sugarcane production, processing and sourcing activities.

13.8 The conditions which may be placed on continued membership do not include:

- (a) the payment of an amount of financial compensation to be fixed by the Adjudicator;
- (b) actions that are beyond the scope of the obligations placed on the Respondent Member under the Relevant Standards.

13.9 Any conditions placed on continued membership or re-entry will be focused on continuous improvement of policies and processes and aimed at achieving positive outcomes for affected individuals and communities. This may include remedial action for adverse human rights impacts. They must include a time period for completion of the relevant activities and a mechanism for verifying compliance. The Respondent Member shall have the opportunity to apply to the Adjudicator for the extension of a relevant time period, such a request is to be made no less than twenty Business Days prior to the end of the relevant period, and the Adjudicator shall notify the Respondent Member of its decision on whether to grant an extension within twenty Business Days of the request being received.

13.10 The Adjudicator will consider the specific actions or recommendations requested to correct problems submitted by the Complainant and any representation made in this regard by the Respondent Member. It shall also consider any recommendations made by the Mediator pursuant to the process described at paragraph 12.6 above.

13.11 The Adjudicator will share with the parties the draft text of the decision and any recommendations made in accordance with paragraph 13.4 above to ensure factual accuracy. The parties will be given ten Business Days to reply and/or request a review before the decision is shared with Bonsucro in accordance with paragraph 13.12 below. If a response is not received from either party, the decision and recommendations will be shared with Bonsucro in accordance with paragraph 13.12 below unless a review has been requested in accordance with section 15 below.

- 13.12 Within 15 Business Days of receiving the decision and recommendations, Bonsucro will then:
- (a) (through its independent Board members) take a decision to accept and/or modify the recommendations made by the Adjudicator under paragraph 13.4(b) above;
 - (b) close the complaint and publish notification of the decision on its website; and, if applicable,
 - (c) Bonsucro will publish on its website an expected date for review when a decision will be taken following the implementation of any agreed action plan and follow up or monitoring mechanisms. Any monitoring mechanisms will seek to ensure regular follow up and aftercare of rights-holders after the grievance process has concluded in order to track the impacts of the remedy and obtain feedback.

13.13 Once the decision has been published on Bonsucro's website, it is final.

14. MONITORING AND IMPLEMENTATION

14.1 Where the Respondent Member has agreed to an action plan and follow up or monitoring mechanisms in mediation or where the Adjudicator has made a decision in accordance with paragraph 13.4(b) above, the Respondent Member or the Adjudicator will share with Bonsucro the timeline and plan for follow up and monitoring.

14.2 Failure to adhere to the activities and/or timelines referred to at paragraph 14.1 above in circumstances where they are not extended in accordance with paragraph 13.9 above, could be considered non-compliance with the Code of Conduct, and may form the basis of a further complaint.

15. REVIEW PROCEDURE

15.1 Any of the parties to the complaint can request a review of whether the Administrator and/or the Adjudicator has properly complied with the procedure outlined in this Grievance Mechanism. The review will not re-examine the substance of a decision. It is intended to identify procedural errors.

15.2 A review can be requested within ten Business Days only where:

- (a) a complaint submission has been rejected a second time in accordance with paragraph 7.8 above; or
- (b) the text of a draft decision has been shared with the parties in accordance with paragraph 13.11 above.

15.3 If the Reviewer finds that the procedure outlined in this Grievance Mechanism has not been complied with, and that any procedural errors had the potential to materially affect the substance of the decision and recommendation made in accordance with paragraph 13.4:

- (a) the Complainants may re-submit the complaint within 10 Business Days of a decision being made in accordance with paragraph 15.6 below; and
- (b) the Reviewer may publish recommendations as to how the procedural errors can be

avoided.

How to request a review

- 15.4 A request for review must be made in writing to the Reviewer within ten Business Days from the date of a decision referred to at paragraph 15.2 above. The Reviewer will notify Bonsucro that a request for review has been made within two Business Days of receiving the request.
- 15.5 The Complainant will have a further 10 Business Days from the date that the request for review is made to provide the Reviewer with the full reasons why the Complainant thinks that the Administrator and/or the Adjudicator has not properly complied with the procedure outlined in this Grievance Mechanism.
- 15.6 The review process will normally be completed within thirty Business Days by an independent, external Reviewer. The Reviewer will notify the parties and Bonsucro of its decision within the thirty Business Days.

16. DOCUMENTATION

- 16.1 The Administrator will maintain a log of all complaints made under this Grievance Mechanism. Any original documentation submitted by the parties shall be returned to those parties as soon as reasonably practicable and the copies shall be stored at the office of Bonsucro for a period of six years beginning on the date on which the complaint was determined. Thereafter such copies will be destroyed.
- 16.2 No documentation shared in accordance with this Grievance Mechanism will be used by the parties for any purpose save as set out in this Grievance Mechanism.
- 16.3 All documentation shared between the parties to the complaint, the Administrator/ Adjudicator and the parties to the complaint or between the Administrator and the Certification Bodies will be shared with Bonsucro once there is an agreed resolution in accordance with section 12 above or once the steps outlined above at section 13 have been completed where there is no agreed resolution between the parties.

17. TRANSPARENCY

- 17.1 Each complaint will be assigned a unique tracking number. Bonsucro will publish the following information on its website, referencing the applicable tracking number:
 - (a) Initial Scoping Decision:
 - (i) where the complaint is in scope: a statement will be published on Bonsucro's website within five Business Days of a decision made in accordance with paragraph 6.1(b) above. The statement will state that a complaint has been received and is within scope, clarifying that this does not mean any determination has been made on whether there has been a breach of the Relevant Standards. The statement will include a list of specific parts of the Relevant Standards which are alleged to have been breached, and allocate a

case tracking number. The statement will not name the parties to the complaint. The statement will outline the process and next steps; and

- (ii) where the complaint is not in scope: a statement will be published on Bonsucro's website within five Business Days of a decision on initial scoping being made in accordance with paragraph 6.1(b) above. The statement will state that a complaint has been received and is not in scope. The statement will name the parties unless the complainant confirms it will not be re-submitting a complaint in accordance with paragraph 7.8 above.

- (b) Mediation - a statement will be published on Bonsucro's website within five Business Days of the notification to Bonsucro made in accordance with paragraph 11.3 above. The statement will outline that the complaint has progressed to mediation. The statement will not include the name of the parties.

- (c) Conclusion of the mediation process – within five Business Days of notification to Bonsucro made in accordance with paragraph 12.2 above, a statement will be published on Bonsucro's website that either:
 - (i) the parties have reached an agreement at mediation and the complaint has been closed, in which case no further details will be given unless otherwise agreed between the parties;
 - (ii) the parties have requested further time to reach a resolution; or
 - (iii) the parties have been unable to reach a resolution and the case will proceed to a decision.

- (d) Resolution - a statement will be published on Bonsucro's website within ten Business Days of the decision being made in accordance with paragraph 13.12 above, including reasons for the decision. The statement will include the name of the parties.

- (e) Where the resolution includes an action plan to be completed by the Member, it may apply to Bonsucro for the website to be updated where that action plan has been completed, and any conditions on the membership have been lifted.

- (f) Review – a statement will be published on Bonsucro's website that a review has been requested within five Business Days of the request being notified to Bonsucro in accordance with paragraph 15.4. At the conclusion of the review, a statement will be published on Bonsucro's website with the outcome of the review within ten Business Days of the decision being notified to Bonsucro in accordance with paragraph 15.6 above.

17.2 The parties should not publish the complaint, response or any other document relating to the complaint that is not published by Bonsucro or otherwise in the public domain. This is to ensure a culture of trust and collaboration is engendered between the parties. If the parties do not comply with this requirement, this will be taken into account when reaching a decision.

18. CONFIDENTIALITY

18.1 Both parties agree to keep the fact and substance of the complaint confidential until the complaint is resolved, subject to the need for limited disclosure for the purposes of investigation of, and otherwise dealing with, the complaint.

18.2 The Adjudicator shall take any breach of confidentiality into account when making a decision in accordance with paragraph 13.4 above.

19. DATA PROTECTION

19.1 Data protection law regulates the handling of personal data about individuals. Where a party collects and transmits personal data as part of a complaint, it will be responsible for complying with locally applicable data protection laws. These may require that party, *inter alia*, to notify relevant individuals about the use of their data for the purpose of resolving the complaint, and to establish a lawful basis for that use (which may require obtaining consent from those individuals). The parties are responsible for ensuring that any personal data contained within a complaint has been collected lawfully, and may lawfully be disclosed to Bonsucro and/or the Adjudicator/Administrator and/or the other party/ parties to the complaint.

19.2 In general, the parties should not disclose sensitive personal data (that is, data about an individual's health, race, ethnic origin, religious or philosophical beliefs, trade union status, sex life or sexual orientation, biometric or genetic status or personal financial data (including bank account details)) as part of a complaint. Where it is strictly necessary to disclose such data, the party making the disclosure must obtain consent from the relevant individual(s) (such consent to specifically name Bonsucro and/or the Adjudicator/Administrator and/or the other party/ parties to the complaint as a recipient of the data, for the purposes of resolving the complaint).

19.3 Bonsucro is established in the UK, and is regulated by UK data protection laws (including the UK implementation of the General Data Protection Regulation ("**GDPR**")) as a data controller in relation to its processing of any personal data contained within a complaint. UK data protection laws provide individuals with certain rights, which may mean that Bonsucro is required (in its absolute discretion) to provide an individual with access to their personal data contained within a complaint, or to erase that data. Bonsucro maintains a publicly available privacy notice at <http://www.bonsucro.com/wp-content/uploads/2020/02/Bonsucro-Privacy-Policy-.pdf>

20. MISCELLANEOUS

- 20.1 Bonsucro is committed to resolving complaints efficiently and transparently. However, in some situations, for example, where the complaint raises complex issues, the Administrator/Adjudicator may need to extend the timelines set out in the Grievance Mechanism. In the event that timelines need to be extended, the Administrator/Adjudicator will notify both parties in writing.
- 20.2 Bonsucro has a zero-tolerance policy on retaliation, intimidation or harassment. All parties to a complaint will refrain from retaliating against, intimidating or harassing other parties to a complaint or any individual or community involved in the complaint, including human rights defenders.
- 20.3 Where there is evidence that any of the parties to a complaint have caused or contributed to retaliation, intimidation or harassment against another party to the complaint or any individual or community involved in the complaint, including human rights defenders, the Administrator/ Adjudicator may choose to take the following steps:
- (a) pause the Grievance Mechanism pending investigation into the allegations; and
 - (b) if verified, apply an immediate sanction as outlined above at paragraph 13.5.

Where parties to a complaint seek to rely on this clause, if the mediation process has been commenced, the parties will attempt to resolve the issue in the context of mediation.

- 20.4 The parties may agree to resolve the complaint at any point. In this situation, the Administrator will notify Bonsucro. Bonsucro will close the complaint in accordance with its internal procedures and publish a statement on its website to this effect. Any such statement will not give any further details of the complaint unless otherwise agreed between the parties.
- 20.5 If court proceedings on the same issues as those raised in a complaint are commenced against the Respondent Member and/or another relevant grievance mechanism or similar procedure has been commenced (or is in the course of this process commenced) the Administrator/ Adjudicator may, at any time, pause the complaint pending the conclusion of those proceedings.
- 20.6 Parallel proceedings in and of themselves will not automatically cause suspension of a complaint. The Administrator/ Adjudicator will only take a decision to suspend a complaint where there is a risk of serious prejudice to either party to the parallel proceedings and it is appropriate in the circumstances.
- 20.7 Bonsucro may make submissions to the Administrator/ Adjudicator that there is a risk of serious damage to the reputation of Bonsucro, which the Administrator/ Adjudicator will take into account.
- 20.8 At any time during the Grievance Mechanism process the parties to the complaint may agree to resolve the complaint, in which case the Administrator/ Adjudicator may close the complaint when exercising its duties under this Grievance Mechanism.
- 20.9 Bonsucro may request any information relating to the complaint from the Administrator/

Adjudicator at any time.

- 20.10 The parties may request an update from the Administrator/ Adjudicator as to the status of the complaint or the applicable timescales at any time.

21. CONDUCT

21.1 All parties to a complaint must:

- (a) comply with the rules and responsibilities set out in the document;
- (b) comply with the timescales, attend to requests for information in a timely manner and notify the relevant party if they foresee any delay in complying with the timescales;
- (c) act in good faith at all times; and
- (d) refrain from making statements that are prejudicial to the resolution of a complaint.

22. REVIEW OF THIS GRIEVANCE MECHANISM

- 22.1 Bonsucro will conduct an internal review of any complaints received, how they were handled by the Grievance Mechanism and lessons learnt every twelve months. Feedback will be sought from users of the Grievance Mechanism as well as any Respondent Members. A report will be provided to Bonsucro's board for review.
- 22.2 Bonsucro will commission an external assessment of its Grievance Mechanism every three years seeking recommendations for improvement. Feedback will be sought from users of the Grievance Mechanism as well as any Respondent Members. A report will be provided to Bonsucro's board for review.