



GRIEVANCE MECHANISM (GM)

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The Grievance Mechanism (GM) will effectively address grievances or answering questions from project affected people as well as indirect stakeholders. It is a core component of managing operational risks, enhancing citizen engagement, social inclusion, promoting accountability and transparency, all of which will support the project’s development objectives and enhance social and environmental sustainability

A grievance mechanism is an accessible and inclusive system, process, or procedure that receives and acts upon complaints and suggestions for improvement in a timely fashion and facilitates resolution of concerns and grievances arising in connection with a project. An effective grievance mechanism provides project-affected parties access to the project and helps address issues at an early stage.

To respond to concerns and grievances of project-affected parties (PAPs) related to the environmental and social performance of the project, the following grievance mechanism is proposed to receive and facilitate resolution of such concerns and grievances. However, the grievance mechanism for project workers will be provided separately, and the project grievance mechanism will likewise be adapted to incorporate specific procedures to manage Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH) complaints ethically and confidentially, accompanied by an appropriate response protocol.

Complaints will be addressed by different stakeholders—private companies; commercial financial institutions; financial, technical implementation agencies (BOAD and ECOWAS respectively); and the ECOWAS Commissioner for Energy and Mines. The matrix below shows potential complaints arising from project and sub-project activities and how they can be addressed. The fulfillment of their responsibility will be a pre-condition for each stakeholder to participate in the project. Accurate record keeping logging in complaints, location, date, intake person, nature of grievance, timeline for resolution, feedback communication loop to the complainant shall also be kept. An example of such a grievance log for non-Gender Based Violence (GBV), non-Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH) complaints is in **Annex A**.

Method of Addressing non-GBV/SEA/SH Grievances¹

Level	Description	Responsible Entity	Actions
Private Companies	Customer Complaints such as non-replacement of products, aggressive repossession of units from households for defaults, behavior of workers including inappropriate behavior that clearly violates the Codes of Conduct (for example, cases of sexual exploitation and abuse	Solar Equipment Distributors and Energy Service Providers	<ul style="list-style-type: none"> • Set up a call centers to receive feedback and complaints from customers, • Address customer complaints received at the Call Centers • Adhere to Warranty arrangements/terms • Solving the issues on repossession in amicable ways • In cases where workers do not behave properly with customers, use a local

¹ Separate procedures need to be developed for GBV/SEA/SH related complaints adhering to the guidance included in Annex B. A consultant with GBV expertise should be engaged to elaborate these procedures to ensure that they adhere to the guiding principles of being ethical, confidential, non-biased, rapid, and survivor-centered.



	and/or sexual harassment), etc.		<p>grievance mechanism that has authority to deal with complaints of this nature, if it exists</p> <ul style="list-style-type: none"> • Otherwise, customers should seek redress through the local courts in the country if amicable resolution of issues is unsuccessful
Commercial Financial Institutions	Solar Equipment Distributors and Energy Service Providers complaints about the loan processing, repayment requirements, and disputes related to interest charges	Commercial Financial Institutions, comprising banks, micro-finance institutions and leasing companies	<ul style="list-style-type: none"> • Ensure that the processing and requirement for loans are clearly communicated. • Resolve disputes amicably between the parties at the operational level • Establish local grievance mechanisms for dealing with complaints that cannot be resolved by the commercial financial institutions. Such mechanisms should include local representatives who have the authority to hear and resolve disputes of this nature. • Seek redress through the local courts in the country if amicable resolution of issues and/or grievance process is unsuccessful
Financial Implementation Agency	Complaints about the Credit Line, repayment requirements, and disputes related to interest charges	BOAD	<ul style="list-style-type: none"> • Clearly communicate the processing requirement for Credit Lines • Resolve disputes amicably between the parties in line with the credit line agreements. • If not already done so, establish an internal Grievance Mechanism for processing complaints that come to the Financial Implementation Agency i.e. BOAD. Complaints and the decisions regarding their resolution should be recorded. Seek redress through the local courts in the country if amicable



			resolution of issues is unsuccessful
Technical Implementation Agency	Complaints from all stakeholders. Issues related to following Sub-Components: (1A) Enabling Environment, (1B), Entrepreneurship Technical Support, (1C) Entrepreneurship Financing Support, (1D) Barrier Removal for Challenging Markets.	ECOWAS	<ul style="list-style-type: none"> • Set up a GM reporting portal on the website • Set up a GM team (Coordinator of the PIU, E&S Focal Person and the Administrative Officer) • Set up separate procedures for the treatment of sensitive GBV/SEA/SH related complaints in a rapid (within 72 hours), confidential, ethical, and survivor-centered manner (see sample Terms of Reference in annex for reference to what this entails); • Upon the receipt of any complaints, the GM team will review the issue and within 3 business days notify the complainant of receipt of the complaint and ask for additional information if needed. • Within 30 business days of receipt of full complaints (including any additional information received), the GM team shall send a proposal to the complainant(s) with an action plan and timeframe for its implementation • The GM team shall consult with the complainant(s) on the proposal (Complex complaints may require the team to extend the time limit for resolution of conflicts to 45 business days) • If the complainant(s) accepts the proposal, the project team implements it according to the process and timeframe set out in the proposal. The complaint is



			<p>closed when the actions in the proposal are satisfactorily implemented. Document all complaints and resolutions.</p> <ul style="list-style-type: none">• If the complainant does not accept the proposal, the complainant may file an appeal. The appeal will be made to the ECOWAS Commissioner of Energy and Mines who will have to act on the complaints within 30 days• ECOWAS will seek to use arbitration to resolve issues as much as possible in order to avoid resolutions at the courts.• Extremely complicated and/or issues that ECOWAS considers beyond its GM team and The Commissioner of Energy and Mines resolution, seek the advice of the World Bank in handling extremely complicated complaints. In such circumstances, further redress may be done through the local/international courts in the country where complaints originated or a regional court.
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Annex B: Sample Terms of Reference/Principles for a GBV/SEA/SH Grievance Mechanism

Project-Level Grievance Mechanism (GM) for Allegations of Sexual Exploitation and Abuse, and Sexual Harassment (SEA/SH) in World Bank-Financed Projects

I. MANDATE

1. The World Bank Environmental and Social Framework requires the Borrower to respond to project-related concerns and grievances of project-affected parties through a grievance mechanism.² Such a mechanism must be accessible, inclusive, and designed in a manner proportionate to the potential risks and impacts of the project. In this context, a grievance mechanism for allegations of Sexual Exploitation, Abuse, and Harassment (“SEA/SH GM”) is one element of the World Bank’s approach to addressing SEA/SH in World Bank-financed projects. A SEA/SH GM may take different forms, based on project context, needs, and level of risk. It may be a project-level GM that has been adapted to address SEA/SH allegations, it may link the project GM with an existing grievance mechanism for various types of gender-based violence (“GBV”) including SEA/SH, or it may be a stand-alone SEA/SH GM outsourced to a third party.³ The SEA/SH GM is generally managed by the Project Implementing Unit (“PIU”) and financed by the Project.⁴
2. Only grievances related to SEA/SH allegedly committed by any “individual associated with a World Bank project”⁵ fall under the mandate of a SEA/SH GM. The mandate of a SEA/SH GM is limited to: (i) referring , any survivor who has filed a complaint to relevant services, (ii) determining whether the allegation falls within the World Bank definition of SEA/SH, and (iii) noting whether the complainant alleges the grievance was perpetrated by an individual associated with a World Bank project. A SEA/SH GM does not have any investigative function. It has neither a mandate to establish criminal responsibility of any individual (the prerogative of the national justice system), nor any role in recommending or imposing disciplinary measures under an employment contract (the latter being the purview of the employer).
3. A SEA/SH GM operates without prejudice to any other complaint mechanisms or legal recourse to which an individual or community may otherwise have access under national, regional, or international law, or under the rules and regulations of other institutions, agencies or commissions, including the World Bank’s Grievance Redress Service (GRS),⁶ or the World Bank’s Inspection Panel.

² The World Bank Environmental and Social Framework, Environmental and Social Standard (ESS) 10 on Stakeholder Engagement and Information Disclosure, paras 26-27 and ESS10 – Annex 1 on Grievance Mechanism.

³ For further details on these models (*i.e.*, Model 1, 2, and 3 respectively), refer to Annex on “Options for Designing a SEA/SH GM” (“Annex”) of these ToR and the Technical Note.

⁴ In Model 3, however, running the GM may be completely outsourced to the contracted third party. For further details, refer to Annex and the Technical Note pp. 14-20.

⁵ See definition below at section VI.

⁶ For further information, see, [Bank Procedure on Bank Grievance Redress Service \(GRS\)](#), issued on and effective from March 1, 2017. For information on how to submit complaints to the World Bank’s corporate GRS, visit <http://www.worldbank.org/GRS>.



II. GUIDING PRINCIPLES OF A SEA/SH GM

1. **Accessibility, transparency, and non-discrimination:** A SEA/SH GM must be accessible to all potential complainants and its existence and operation should be transparent to the community in which it is situated. SEA/SH GM accessibility should be sensitive to gender, age, disability, and other potential contextual barriers. Adequate information about the existence and operation of the SEA/SH GM must be provided in a language and manner accessible to any potential project-affected person.⁷ The principle of non-discrimination should be respected when receiving, processing, and referring the allegation.
2. **Survivor-centered approach:** All prevention and response actions must balance the respect for due process with the requirements of a survivor-centered approach under which the survivor's safety, confidentiality, choices, needs, and well-being remain central. The SEA/SH GM should also include processes that protect the rights of the alleged perpetrator, including confidentiality.
3. **Safety:** The survivor's physical and psychological safety as well as that of their family remains a priority at all times.
4. **Confidentiality:** Confidentiality should cover all information in a complaint that may lead to the identification of a specific incident or those affected by the allegation. This applies to the survivor and witnesses, but also the identity of the alleged perpetrator. Confidentiality is a key to protecting survivor's and witnesses' safety. Confidentiality requires that information gathered about the allegation not be shared with persons or entities unless there is explicit permission granted by the complainant.⁸ Even in such cases, information-sharing should take place on a strict need-to-know basis, limited to essential information,⁹ and based on pre-established information sharing protocols which are in line with best practices for the handling of SEA/SH cases.¹⁰ Reports of grievances to the Bank and PIU shall only include an anonymized summary of allegations based on pre-established information sharing protocols.¹¹
5. **Considerations regarding children and persons with intellectual disabilities:** When the survivor is a child, the best interests of the child is the governing principle. Children are considered incapable of providing consent because they do not have the ability and/or experience to anticipate the implications of an action, and they may not understand or be empowered to exercise their right to

⁷ In cases where there are mandatory reporting requirements under national law, information relating to such requirements need to be widely disseminated among affected communities as part of project information dissemination on the GM.

⁸ The identity of witnesses and alleged perpetrators must also be protected at all times.

⁹ To protect confidentiality, only the following elements are to be reported when needed: (i) age and sex of survivor; (ii) type of alleged incident (as reported); (iii) whether the alleged perpetrator is reported to be associated with the project (Y/N, as indicated by the survivor); and (iv) whether the survivor is referred to service provision.

¹⁰ Other measures may need to be taken into account to assure confidentiality, such as not writing down the complaint in a ledger accessible to many people, not noting the personal information in the ledger, or using a coding system to protect the identity of the survivor, using a locked cabinet for file, etc.

¹¹ Before logging the allegation, the complainant must be informed that an anonymized summary of the allegation will be shared with the World Bank and the PIU. For further details, see Sections IV and V of this ToR.



refuse. The World Bank considers that a child is anyone under the age of 18¹²and, as such, not able to give free and voluntary consent.¹³ Similar additional considerations and protective safeguards may also apply where the complainant or survivor is a person with intellectual disabilities.

III. COMPOSITION OF THE SEA/SH GM

1. An SEA/SH GM is composed of: (a) a GM Operator; and (b) a SEA/SH Committee,¹⁴ each with qualifications and experience satisfactory to the World Bank. All SEA/SH GM staff shall have received training on GBV and SEA/SH, and on how to conduct basic fact analysis regarding whether: (i) the allegation in question is one of SEA/SH; and (ii) the alleged perpetrator is associated with a World Bank-financed project. The SEA/SH GM staff shall have relevant knowledge and expertise to: (i) enable them to differentiate SEA from SH; and SEA/SH from other forms of GBV; (ii) address allegations where the survivor is a child; (iii) uphold the guiding principles¹⁵ and ethical requirements for dealing with survivors of SEA/SH; and (iv) communicate in the relevant local language(s). The GM Operator shall have adequate knowledge of GBV services available, how to access said services, who to contact, any financial support that may be provided, and available options for assistance within and outside of the SEA/SH GM.
2. Conflict of interest: Any actual or perceived conflict of interest must be avoided in selecting the SEA/SH GM members.¹⁶ The composition of the SEA/SH GM may need to change depending on the nature and source of the allegation.

IV. ROLES and RESPONSIBILITIES OF ACTORS IN THE SEA/SH GM:

1. The GM Operator is responsible for: (i) receiving, sorting, and logging allegations; (ii) referring all survivors who come to the GM to relevant GBV service providers; and (iii) notifying the PIU and the World Bank of the allegation in line with pre-established information-sharing protocols.
2. The SEA/SH Committee is responsible for determining whether the allegation: (i) falls within the definition of SEA/SH; and (ii) whether the alleged perpetrator is associated with the Project. Where the SEA/SH Committee determines that: (i) the allegation amounts to SEA/SH and (ii) the alleged perpetrator is associated with the Project, with the survivor's consent, it shall refer the allegation to the employer (and the authorities if required by domestic law).

¹² Even if national law stipulates a lower age.

¹³ See SEA/SH GPN (2020), p.8.

¹⁴ The Committee may include, *inter alia*, (i) a SEA/SH specialist from the PIU; (ii) a GBV Service Provider; (iii) [any other additional relevant personnel and their respective qualifications].

¹⁵ See Section II above.

¹⁶ Such actual or perceived conflict of interest include conflicts between an individual's private interests and his or her responsibilities in their official position of trust as an actor in a SEA/SH GM.



V. SPECIFIC STEPS OF THE SEA/SH GM¹⁷

1. UPTAKE, SORT, AND PROCESS

- (i) Upon receipt, the GM Operator sorts and processes the allegation. Allegations can be received by the SEA/SH GM through various means (*e.g.*, online, phone, writing, or in-person), submitted by multiple types of complainants (*e.g.*, survivor, witness, or whistleblower),¹⁸ and received through multiple channels (*e.g.*, the PIU focal point, Contractor, Supervision Consultant, or GBV service provider). When the allegation is received in person, the GM Operator records the survivor's account of the incident; this shall be conducted in a private setting, ensuring that any specific vulnerabilities are taken into consideration.
- (ii) The SEA/SH GM should not ask for, or record, information other than the following: (i) the nature of the complaint; (ii) if possible, the age and sex of the survivor; and (iii) if, to the best of the complainant's knowledge, the perpetrator is associated with the Project; and (iv) if possible, information on whether the survivor was referred to services.¹⁹ It is important to seek the survivor's consent during intake and referral to services by clarifying in advance the remit of the GM, what referral services entail, key elements that need to be collected, and informing of mandatory reporting laws as relevant. Standardized incident intake and consent forms should be used.²⁰ The GM Operator shall record all allegations and information received respecting the principle of confidentiality.
- (iii) The GM operator shall receive all allegations but shall, where the complainant is not the survivor, encourage the complainant to reach out to the survivor and explain the potential benefit of coming forward alone or with the person reporting to the GM. In the event that there is a credible concern about the safety of the survivor, the GM Operator may attempt to approach the survivor directly to offer a referral to services. Here, as elsewhere, the survivor's consent governs.

2. ACKNOWLEDGE AND FOLLOW UP

- (i) With the survivor's consent, the GM Operator shall, within the shortest timeframe possible, refer the survivor to the relevant GBV service provider²¹ for any specific service the survivor may need and want in accordance with pre-established and confidential referral procedures.²² These services may include

¹⁷ For further details on specific steps in the GM value chain, see pp. 21-24 of the Technical Note.

¹⁸ Survivors should be encouraged to self-report the alleged SEA/SH incident, but they may choose to do so with the assistance of a trusted individual, *e.g.* close family member, friend or trusted community member.

¹⁹ SEA/SH GPN (2020), at p. 37.

²⁰ For further details, see the Technical Note.

²¹ Such a referral can be made irrespective of whether the allegation is later verified to be a SEA/SH and the alleged perpetrator is associated with the Project.

²² Survivors should receive care regardless of whether the alleged perpetrator is known to be associated with the project or not. The GM Operator shall refer the allegation to the existing intermediary with GBV expertise or to the dedicated SEA/SH entity when the SEA/SH GM outsourced to a third party. For further details, see the Annex and the Technical Note.



legal,²³ psychosocial, medical care, safety and security-related support, and economic empowerment opportunities.²⁴

- (ii) The GM Operator shall, within 24 hours of receiving the allegation, inform the PIU of the SEA/SH incident,²⁵ copying the World Bank,²⁶ by sending an anonymized summary of allegation based on pre-established information sharing protocols. The GM Operator shall ensure that the information collected regarding the complainant and allegations respects the principles of confidentiality, anonymity, and consent.²⁷ Elements to be reported should only include: (i) the age and sex of survivor; (ii) the type of alleged incident (as reported); (iii) whether the alleged perpetrator is employed by the project; and (iv) whether the survivor was referred to a service provider.

3. FACT ANALYSIS

If the survivor wishes to pursue disciplinary action in addition to the referral to services provided, the GM Operator shall refer the case to the SEA/SH Committee to analyze the facts of the allegation by determining whether: (i) the allegation falls within the definition of SEA/SH; and (ii) the alleged perpetrator is an individual associated with a World Bank-financed project. If the SEA/SH Committee confirms these two elements, it shall refer the allegation to the employer, who shall then be responsible for investigating the allegations.²⁸ If national law requires it, the SEA/SH Committee may be obliged to refer the complaint to the local authorities for further investigation and eventual criminal prosecution. The survivor should be made aware of legal obligations of reporting certain incidents before disclosing the complaint, again consistent with the principle of consent. In all cases when there is no mandatory reporting, referral to local authorities should be done exclusively with the survivor's consent.

4. MONITOR AND EVALUATE

The GM Operator shall compile relevant data about SEA/SH allegations in accordance with the principles of safety and confidentiality. The GM Operator shall issue regular reports to the PIU and the World Bank, containing basic information on the types of SEA/SH allegations, the number of the allegations related to a World Bank-financed project, and the age and sex of the survivor to enable them to track grievances.

²³ It is also possible that the survivor independently pursues legal action through the justice system at this stage.

²⁴ In Model 2 and 3 where an existing intermediary with specific GBV qualifications or the dedicated entity to which the entire GM is outsourced, the GM Operator shall refer the survivor to these entities. They may refer the survivor to other GBV providers as relevant based on the survivor's consent.

²⁵ Other forms of GBV that are received and referred through the GM do not need to be reported further, unless there is a mandatory reporting law that governs reporting of specific instances, like cases of sexual abuse against a minor.

²⁶ Such reporting shall be conducted in accordance with the Environmental and Social Incident Response Toolkit (ESIRT) that has been introduced to outline procedures for World Bank Staff to report negative environmental and social incidents linked to IPF operations. ESIRT outlines the requirements for reporting GBV cases and has a protocol that defines incidents using three categories (*i.e.*, "indicative", "serious", and "severe"). Depending on the categorization, incidents are elevated to different actors/units.

²⁷ This should be read in accordance with any relevant requirements under domestic law.

²⁸ These ToR acknowledges that the identity of the alleged perpetrator may not always be known.



5. PROVIDE FEEDBACK

If the survivor wishes to pursue disciplinary action, the GM Operator shall provide feedback to the survivor on the receipt and reporting of the allegation. The GM Operator shall also inform the survivor when the matter has been referred to the employer for disciplinary action. Survivors may also prefer to go directly to the employer themselves or through their legal representative after having consulted with referral services.

6. CLOSURE OF PROCESS

- (i) If the survivor does not wish that disciplinary action be pursued by the employer, and has not pursued legal action independently, the process is closed after the referral to services has been provided.
- (ii) In cases where the survivor seeks disciplinary action to be pursued by the employer or where the survivor pursues independent legal action,²⁹ the process is closed in the SEA/SH GM once that disciplinary or legal action has been initiated.³⁰ The GM's tracking records should show the results of the referral and the chosen follow-up action (*i.e.*, employment sanction or judicial verdict). Should the survivor seek further assistance from the SEA/SH GM, the survivor may return to the GM.
- (iii) All SEA/SH survivors who come forward before the project's closing date should be referred immediately to the GBV service provider for health, psychosocial and legal support. If a project is likely to close with SEA/SH cases still open, appropriate arrangements should be made with the GBV service provider, prior to closing the project, to ensure there are adequate resources to support the survivor for an appropriate time after the project has closed. Since funding cannot be provided by the project after the closing date, other funding arrangements shall be made (Borrower, other projects within the portfolio that may have aligned objectives and budget flexibility, extension of the closing date).³¹

VI. KEY DEFINITIONS

The definitions of all relevant terms can be found in the Interim Technical Note "Grievance Mechanism for Sexual Exploitation and Abuse in World Bank-Financed Projects" dated April 2020 and the Good Practice Note "Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing Involving Major Civil Works" dated February 2020. This section includes definitions of a select number of terms that are relevant to the context of these ToR, as well as a number of additional terms introduced in these TORs.

Child: refers to a person under the age of 18,³² and allegations of SEA/SH by or on behalf of a child shall be treated with additional safeguards to protect the child.

²⁹ This could occur where the survivor is represented by a legal service provider or where the case is being prosecuted by the authorities on behalf of the survivor.

³⁰ For further details, see SEA/SH GPN (2020) p. 47 on Resolving and Closing a Case.

³¹ *Id.*, para 127.

³² This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.



Complainant: A person who brings an allegation of SEA to the GM in accordance with established procedures, whether a SEA/SH survivor or another person who is aware of the wrongdoing.

Consent must be informed, based on a clear appreciation and understanding of the facts, implications and future consequences of an action. In order to give consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. The individual also must be aware of and have the power to exercise the right to refuse to engage in an action and/or to not be coerced. There are instances where consent might not be possible due to age, cognitive impairments and/or physical, sensory, or developmental disabilities. Consent may be withdrawn at any time, and the choice to withdraw consent must be respected.

Gender-based violence (GBV): GBV is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (*i.e.*, gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.³³

Individual associated with a World Bank project: Such individuals would include any worker hired with World Bank financing, consultants supervising the operation, consultants undertaking technical assistance activities or studies relating to the operation, security personnel hired to protect the project site, PIU staff (whether financed by the Bank or not), contractors or consultants on the project whose contracts are financed by a co-financier, World Bank staff, or anyone to whom the project GBV requirements apply.

Sexual exploitation and abuse (SEA)

- **Sexual exploitation:** 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.³⁴
- **Sexual abuse:** actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.³⁵

Sexual harassment (SH): Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.³⁶

Survivor: A survivor is a person who has experienced the SEA/SH incident in the context of this SEA/SH GM.³⁷

³³ See SEA/SH GPN (2020) Glossary and 2015 Inter-Agency Standing Committee Gender-based Violence Guidelines, p. 5.

³⁴ See SEA/SH GPN (2020) Glossary and UN Glossary on Sexual Exploitation and Abuse 2017, pp. 5-6.

³⁵ *Id.*

³⁶ See SEA/SH GPN (2020) Glossary.

³⁷ *Id.*