

## **Human Rights Due Diligence on Migrant Workers**

### **Report on the first session**

### **“A Roadmap to Effective Remediation Mechanisms”**

CRT Japan hosts a seminar series on “Human Rights Due Diligence on Migrant Workers”. The first session “A Roadmap to Effective Remediation Mechanisms” was held online on Thursday, the 17<sup>th</sup> of February 2022, with **Archana Kotecha**.

The first session received 133 registrations from 68 companies in a wide range of industries (machinery/electric/automobile manufacturing, food, chemicals/pharmaceuticals, construction/real estate, transportation, information/communications, distribution/retail, consulting and other services) and 10 organizations (NGOs/NPOs, educational institutions, government agency) and 94 people were in attendance.

The first session aimed to provide a big picture of the regulatory environment for corporate initiatives on business and human rights, the key features and merit of effective remediation mechanisms, and practical guidance for effective remediation mechanisms.

Archana Kotecha cited the rapid development of legislation that requires or mandates corporate accountability and disclosure as the background for the need to conduct human rights due diligence in corporations. With emphasizing the importance of effectiveness of human rights due diligence process from conducting risk assessment in business and supply chain, identifying and prioritizing human rights risks, conducting impact assessment, and providing remedies to disclosing information, she explained the level of effectiveness as an opportunity to enhance corporate value as it may help companies stay appealing to investors and competitive in international markets.

She also stressed the need for a "remediation mechanism" (a mechanism that provides a fair and effective remedy for any grievance experienced by the worker) that goes beyond a grievance mechanism that only functions as a platform for workers to file complaints. She clarified that an effective remediation mechanism should be designed incorporating feedback from workers and other stakeholders, should operate based on impartial and unbiased decision-making by an independent body, and should be complementary to state-based mechanisms. She explained that the effective remediation mechanism helps pinpoint salient human rights issues faced by workers in a company's supply chain and identifies risk areas where further investigations might be needed. By linking this to operational practices such as revisions of internal policies,

it may help reduce the risk of recurrence of similar human rights issues and functions as risk management. As an operational note, she cited the possibility that sub-tier suppliers in the supply chain may have limited resources to operate an effective mechanism on their own and argued that buyer firms should take the lead in operating mechanisms that are accessible to all (multi-tier) suppliers.

Remediation mechanisms need to meet the effectiveness criteria for grievance mechanisms listed in Principle 31 of the UN Guiding Principles on Business and Human Rights: legitimate, accessible predictable, equitable, transparent, rights-compatible, source of continuous learning, and based on engagement and dialogue with stakeholders.

She clearly stated that the key to an effective remediation mechanism is to build trust with stakeholders, and provided practical guidance (see below) in the remediation mechanism, taking up several examples of grievance mechanisms.

Step 0: Build trust	Step 4: Redress the grievances
Step 1: Submit and Receive grievances	Step 5: Implement and monitor the remediation
Step 2: Verify the grievances	Step 6: Close the incident
Step 3: Investigate the grievances and determine response	Step 7: Incorporate feedback and evaluate results

A Q&A session followed, and the seminar was closed.

■ References

- The Remedy Project  
[“Mandatory Human Rights Due Diligence Legislation Guidance for Suppliers Operating in Asia”](#)
- IOM  
[“Operational Guidelines for Businesses on Remediation of Migrant Worker Grievances”](#)