

**Tokyo Organising Committee of the
Olympic & Paralympic Games**

**Grievance Mechanism
for
the Sustainable Sourcing Code**

Operational Standards

April 2018

Tokyo Organising Committee of the Olympic & Paralympic Games
Grievance Mechanism for the Sustainable Sourcing Code
Operational Standards

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Operational Standards

1. Introduction

The Tokyo Organising Committee of the Olympic & Paralympic Games (hereinafter, “Tokyo 2020”) has established a Grievance Mechanism for the Sustainable Sourcing Code (hereinafter, “Sourcing Code”) and the corresponding Operational Standards.

2. Objectives

The Grievance Mechanism for the Sourcing Code (hereinafter, “the Grievance Mechanism”) is established for the following purposes:

- (1) To receive grievances/reports on non-compliance with the Sourcing Code and to promptly and appropriately respond to these grievances/reports in a fair and transparent manner; and
- (2) In particular, to develop an appropriate solution by facilitating constructive dialogue between parties concerned to come up with agreed improvement measures to address problems caused by non-compliance with the Sourcing Code.

3. Basic Principles

The Operational Standards are based on the basic principles of legitimacy, accessibility, predictability, equitability, transparency, rights compatibility, sustainable learning sources, and engagement and dialogue, as stipulated in the “Effectiveness Criteria for Non-Judicial Grievance Mechanism” of the “Guiding Principles on Business and Human Rights.”

4. Implementation System

4.1. Tokyo 2020

Tokyo 2020 establishes and operates the Grievance Mechanism based on **Section 3. Basic Principles** in order to achieve the set **Section 2. Objectives**.

Tokyo 2020 requests the cooperation of relevant suppliers, licensees, and their corresponding supply chains (hereinafter, “suppliers, etc.”) as necessary, in order to smoothly implement the Grievance Mechanism. Given that the suppliers, etc., particularly primary suppliers that are required to encourage their supply chains to

comply with the Sourcing Code, are expected to demonstrate compliance with the Sourcing Code, to fully understand the Operational Standards and to cooperate in the smooth implementation of such Standards.

4.2. Advisory Panel

Tokyo 2020 establishes an Advisory Panel composed of experts in order to enhance the neutrality and fairness of implementing the Grievance Mechanism. The Advisory Panel advises from a neutral standpoint when processing each grievance/report. Matters necessary for the establishment and operation of the Advisory Panel are determined separately. The list of candidates for the Advisory Panel is publicly released.

4.3. Sustainable Sourcing Working Group

The Sustainable Sourcing Working Group (hereinafter, “the Working Group”) receives updates from Tokyo 2020 regarding grievances/reports received and how these are being responded to. The Working Group also advises Tokyo 2020 on how to effectively implement the Grievance Mechanism. The Working Group, which has expert knowledge from a neutral standpoint, is consulted regarding the selection of Advisory Panel members.

5. Scope (Coverage)

The Grievance Mechanism deals with grievances/reports about non-compliance with the Sourcing Code (e.g. grievances/reports on cases of, and cases suspected of non-compliance with the Sourcing Code), related to products and services procured by Tokyo 2020 and licensed products (hereinafter, “procured products, etc.”).

However, the Grievance Mechanism does not cover the following:

- (a) A pending case undergoing another conflict resolution process, wherein the issue in the conflict resolution process is substantially identical with the one in this Grievance Mechanism. For this case, it may be decided that there is no need to proceed with the Grievance Mechanism process in light of the purpose of the Operational Standards;
- (b) Cases where a substantially similar grievance/report has already been filed and is undergoing the process of the Grievance Mechanism, except if it is a grievance/report based on new facts; and
- (c) Malicious grievances/reports, grievances/reports on very trivial matters, grievances/reports made to gain competitive advantage, and in the case where it

has been clearly recognised as inappropriate to start the Grievance Mechanism process.

6. Period of Receiving Grievances/Reports

The grievances/reports can be received from April 2, 2018 until November 30, 2020.

7. Reporting Procedure

A grievance/report can be filed in writing, using a dedicated e-mail address (or website) of Tokyo 2020. For those who have difficulty accessing the Internet, Tokyo 2020 designates an address where grievances/reports may be sent by post. For grievances/reports in writing, there is a need to input the required information shown in **Section 8. Report Content**. The language of the report should be Japanese or English, but other languages are also responded to the extent possible.

8. Report Content

It is necessary to include the following information in the Reporting Form, either in English or Japanese, but other languages are also responded to the extent possible. Clarification may be required if necessary information is missing in the Reporting Form.

- (1) Name, address, contact details (e.g. phone number, e-mail address) of person/party reporting

※Real name and contact details must be provided. This information will not be disclosed, unless ordered by law. It is possible to mention if the person/party prefers to remain anonymous in the process.

- (2) Information about the person/party to be reported

※The “Person/party to be reported” refers to the person/party that are believed to commit non-compliance (or facts that lead to doubts of non-compliance) with the Sourcing Code according to the submitted grievance/report.

- 1) Name of the person/party to be reported
- 2) Address and contact details of the person/party to be reported
- 3) Information regarding products, etc. (e.g. type of products, product name, name of manufacturer/distributor/seller) procured by Tokyo 2020. For products difficult to distinguish, please write the details of the products’ unique characteristics. Also, please write the time the product was manufactured/delivered, lot number, and other detailed information, as

possible.

- 4) Relationship between the person/party reporting and the person/party to be reported (e.g. employer and employee)
- (3) Detailed information about the negative impact(s) experienced by the person/party reporting or negative impact(s) that has/have a probability of occurring in the future
- (4) Detailed facts of non-compliance (including information that can identify the non-compliance in the process of manufacture and delivery of the procured products, etc. specified in (2) 3) above), and the provision within the Sourcing Code that is subject to the non-compliance
- (5) Causal relationship between the Sourcing Code non-compliance and negative impact(s)
- (6) Expected solution of the person/party reporting
- (7) Record of dialogue with the person/party to be reported
 - ※ In order to encourage voluntary conflict resolution among parties, the person/party reporting is asked to make efforts to have a dialogue with the person/party to be reported prior to submitting a grievance/report. For this purpose, there is a need to specify the concrete actions of the person/party reporting towards a dialogue with the person/party to be reported, such as details about date and time, counterparts, and response/action taken. However, if it is not possible to have a dialogue between the two parties, details of the circumstances must be indicated in the grievance/report.
- (8) Whether or not it corresponds to a case pending in another conflict resolution procedure or a case where procedures in the Grievance Mechanism is currently ongoing (if applicable, provide specific details).
- (9) In the case where an agent submits a grievance/report on behalf of the person/party reporting, specify the need for using the agent and attach evidence that the person/party reporting authorizes the agent.

9. Grievance Mechanism Process

The standard process of handling grievances/reports received is shown in **Nos. (1) – (9)** below. There may be cases wherein some steps may be conducted in parallel or some steps may be omitted, depending on the content and nature of the grievance/report being dealt with. In the process, the term “party concerned” refers to the person/party not complying (possibility of not complying) with the Sourcing Code and the person/party that has been/ will be negatively affected by non-

compliance. In case wherein a person/party satisfies ① and ② below and if dialogue is possible and appropriate, a dialogue among the parties concerned, including agents of the parties, may be conducted as a part of this process:

- ① A person/party (individual, group, community) who was negatively affected or is likely to be negatively affected as a result of non-compliance with the Sourcing Code
- ② Agent of the person/party described above (However, if an agent is used, there is a need to identify the above-mentioned person/party and for that person/party to authorize the agent)

(1) Reception of Grievances/Reports

The person/party reporting submits a grievance/report by sending an e-mail to the designated e-mail address (or via website), containing information described in **Section 8. Report Content**. Upon receipt of the e-mail, Tokyo 2020 regards the grievance/report as officially received. It is also possible to submit a grievance/report in writing by sending it to the designated postal address. The detailed information is shown in **Annex 1: Reporting Form**.

(2) Confirmation of Grievances/Reports

Tokyo 2020 examines the grievance/report and decides on whether to go through the process of the Grievance Mechanism depending if the grievance/report meets the requirements stipulated in **Sections 5 – 8** above. In principle, Tokyo 2020 decides on whether to proceed with the process within five working days from the receipt of grievances/reports, which meet the requirements. However, the screening period may take longer depending on the content and nature of the grievance/report. In this case, the person/party reporting is promptly informed. In case the grievance/report does not proceed with the process, the person/party reporting is informed in writing the findings and reason behind the decision. In that case, Tokyo 2020 provides information regarding other grievance mechanism(s), wherever possible. In particular, Tokyo 2020 encourages the Tokyo Metropolitan Government or national governmental bodies to deal with the grievances/reports if related to the procurement/sourcing of such agencies.

(3) Compilation of Information and Establishment of Advisory Panel

For grievances/reports that have been decided to proceed with the process (refer to **(2) Confirmation of Grievances/Reports**), Tokyo 2020 collects information

about the grievance/report details from the parties concerned respectively. Tokyo 2020 listens to the parties concerned in a fair manner, conducts separate interviews in a manner of keeping trust in terms of neutrality, collects relevant documents, and organises discussion points. Tokyo 2020 decides on the members of the Advisory Panel after obtaining opinions of the Working Group and, when dialogue is to be organised, after receiving requests from the parties concerned. The Advisory Panel is established without delay.

(4) First Dialogue between the Parties Concerned

Tokyo 2020 creates an opportunity to have a dialogue between the parties concerned. Tokyo 2020 organises and presents relevant facts and discussion points based on the information gathered during **(3) Compilation of Information** above. Tokyo 2020 facilitates smooth implementation of dialogue in order to obtain a voluntary agreement between the parties concerned. The Advisory Panel provides advice as necessary, participates in the dialogue in some cases, and supports in facilitation of the dialogue. In cases where it has been recognised that other conflict resolution mechanisms (e.g. dialogues related to labour and management) can better resolve the issues, it is possible for Tokyo 2020 to request the parties concerned to use that mechanism upon confirming the intention of the parties. This policy about the other conflict resolution mechanisms is also applied in the following processes.

Tokyo 2020 notifies the parties concerned about methods of dialogue (e.g. direct meeting, teleconference, e-mail, etc.), standard processing period, and occasional updates regarding the status of the grievance/report.

The period of time from the receipt of a grievance/report until the completion of the first dialogue is expected to be 1-2 months. However, it may take more time depending on the content and nature of the grievance/report. In this case, the person/party reporting, the person/party to be reported, and other relevant parties are informed in a timely manner.

Items resolved through the first dialogue are processed according to **(8) Improvement Measures**.

(5) Examination of the Facts

In case the first dialogue in **(4)** above was not successful, Tokyo 2020 conducts a detailed investigation of items related to the grievance/report submitted. The detailed investigation mainly includes information not covered in **(3) Compilation**

of Information above, relevant documentation research, and if necessary, a field survey. During the field survey, information regarding how the parties concerned have dealt with the issues in the grievances/reports are investigated. As necessary, information and discussion points are organised based on opinions of third parties (e.g. experts of that matter, lawyers, local NGO's).

(6) Second Dialogue between the Parties Concerned

Tokyo 2020 creates an opportunity to have a dialogue between the parties concerned. Tokyo 2020 organises and presents relevant facts and discussion points based on the information gathered during **(5) Examination of the Facts** above. Tokyo 2020 facilitates the smooth implementation of dialogue in order to obtain a voluntary agreement between the parties concerned. There may be cases wherein third parties (e.g. experts of that matter, lawyers, local NGO's) are invited to attend the dialogue, upon obtaining the consent of the parties concerned. The Advisory Panel provides advice as necessary, participates in the dialogue in some cases, and supports in facilitation of dialogue.

Items resolved through the second dialogue are processed according to **(8) Improvement Measures**.

(7) Determination of Resolution

In case the second dialogue was not successful, Tokyo 2020 develops a draft resolution, reflecting information about background of the case, claims of both parties concerned, and summary of investigation results. The Advisory Panel is consulted regarding the draft resolution, and Tokyo 2020 determines the resolution whilst considering the responses from the Advisory Panel.

The period of time from the examination after the first dialogue until the determination of the resolution is expected to be three months. However, it may take more time depending on the content and nature of the grievance/report.

(8) Improvement Measures

Tokyo 2020 requests the person/party to be reported to provide improvement measures based on agreements in **(4)** or **(6)**, or the resolution in **(7)** above. Tokyo 2020 requests the person/party to be reported to submit an improvement plan, and to report the implementation status of the plan as well as the results of improvement. In addition, Tokyo 2020 informs relevant parties regarding the results of improvement.

In case there are delays in the progress or omissions from the improvement plan, Tokyo 2020 investigates the relevant facts, as necessary.

(9) Completion of the Case

After receiving the report regarding the results of improvement (refer to (8) **Improvement Measures** above) from the person/party to be reported, Tokyo 2020 confirms appropriate implementation of the improvement measures and then decides on the completion of the process. Relevant parties are informed about the completion of the process.

As deemed appropriate, Tokyo 2020 may decide on the closing of a particular grievance/report in cases such as:

- Resolution of the grievance/report, cancellation of the grievance/report, or difficulties to confirm non-compliance with the Sourcing Code in the course of each procedure mentioned above; or
- It is difficult to foresee a resolution even if the process moves forward; or
- There is no need for improvement measures as agreed by both parties concerned.

10. Other Provision of Information

As long as the information is related to the procured products, etc., Tokyo 2020 gives consideration to the following information:

- Information that do not meet the requirements in **Section 5. Scope (Coverage)**
- Information referring to Tokyo 2020 which is not reported to Tokyo 2020 directly but released through media

Tokyo 2020 may deal with such information using the same process stipulated in the Operational Standards, as deemed appropriate, considering non-compliance (possibility) with the Sourcing Code, specificity of information, scale of negative impacts due to non-compliance, and urgency and safety, etc.

11. Information Disclosure

(1) In principle, Tokyo 2020 discloses a brief summary, status of the process, and summary of the result of grievances/reports received, on its website, except if the person/party reporting prefers the case to be confidential. However, information deemed inappropriate for disclosure, such as information with malicious purpose (e.g. slander) and fabricated information to obtain competitive advantage, is not publicised.

- (2) Information stipulated in (1) above is updated regularly. With regards to public disclosure, consideration is given to the privacy of the individual.
- (3) Information publicised in the website is available in Japanese and English.

12. Reporting to the Working Group

Tokyo 2020 regularly reports a summary of the grievances/reports received and how these are being addressed to the Working Group.

13. Public Relations

Tokyo 2020 publicises the Operational Standards on its website. Pamphlets of the Grievance Mechanism are also produced and distributed through labour associations and networks of business organizations. Efforts are made to widely spread the existence and functions of the Grievance Mechanism.

Supplementary Provision

1. Enforcement

The Operational Standards is enforced on April 2, 2018