

Grievance Policy & Procedure

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GRIEVANCE POLICY & PROCEDURE

1. Policy Statement

It is our policy to ensure that all participants of the Fair Cobalt Alliance (“FCA”) have access to a procedure to help address grievances without delay. We aim to investigate any formal grievance raised with the FCA with a fair, timely, comprehensive, transparent and consistent approach. It is therefore intended to allow that all participants of the project can raise concerns, and these are investigated fairly, without unreasonable delay and provide a remedy, in particular where rights are violated.

While this a voluntary process for complainants to engage with, all respondents are required to cooperate with the FCA Grievance Policy and Procedure (henceforth the grievance policy/procedure). All formal grievances received will be reported to the FCA within five business days. All parties will have the right to have a meeting held to discuss the grievance, to be informed of a written outcome and the right of appeal if unsatisfied with the outcome.

Please note that this grievance policy/procedure does not replace or limit access to judicial resolutions. Where grievances allege or imply criminal liability and or wrongdoing these should be addressed through formal police and governmental processes. Disputes of a legal nature fall outside the remit of this grievance policy/procedure.

2. Who is covered by the policy

This procedure applies to all parties of the FCA.

3. SCOPE

The grievance policy/procedure is designed to aid with the resolution of concerns or problems that arise between parties of the FCA. Agreeance to use grievance policy/procedure, all parties agree to accept the decisions made under this policy are binding on:

- The FCA Steering committee, in terms of governance and administration, responsible for financial and narrative reporting.
- Approved partners and participants, and their employees and

contractors.

In accordance with the grievance policy/procedure, all parties have the right of appeal, following the completion of the appeals process, there is no further opportunity to appeal.

4. Using this policy

- a. All parties to whom the grievance policy/procedure applies may submit a grievance and participate in the process of the grievance policy/procedure.
- b. Communication is to be open and respectful at all times, adequate notice should be given to all participants in order to respond.
- c. This grievance policy/procedure should not be used to complain about matters that are of an internal nature. These matters should be resolved internally through the appropriate level of management.
- d. The FCA has a separate Anti-harassment and Bullying Policy that may be useful for victims of bullying or harassment or for parties who wish to report an incident of bullying or harassment involving other parties.
- e. Each party will have the right, wherever possible to review any evidence put forward to a grievance panel convened by the FCA.
- f. Communication is to be timely and all decision-making is to be made promptly, where possible.
- g. Members of the grievance panel, or any investigators retained by The FCA must declare any actual/potential conflict of interest. They must be unbiased, and act without prejudice and in good faith.
- h. All decisions taken by the FCA, or any grievance panel convened by The FCA, will have taken into account all relevant considerations and mitigating circumstances.
- i. Disassociation by the grievance policy/procedure of any party should only be contemplated after attempts to correct a grievance and all avenues for resolution have been exhausted.

5. Raising and filing a formal Grievance

The complainant is the party submitting a grievance, this maybe in the form of an individual organisation or a coalition of organisations. The FCA will accept grievances from any of the above who believe that they have been affected or will be potentially affected or otherwise hold a stake in the outcome of the grievance. Such organisations or individuals may include, but are not limited to:

- A partner of a Project.
- Members of the FCA.
- Approved participant in a Project, and their employees and contractors.

Where possible a Complainant in the first instant should make all reasonable attempts to resolve the grievance directly with the other party (respondent) and give them adequate time to respond and/ or address the complaint. Whereby the grievance is against an organisation, it would be appropriate for the organisation to attempt to resolve the complaint/ grievance within a timely manner and at the appropriate level of management.

No prior action is expected should the complainant have a genuine fear of retaliation.

6. Lodging a formal grievance

Organisations/ Parties submitting a grievance will be asked to provide the following information

- Basic information about the complaint(s) and the organisations involved. Except when submitting an anonymous grievance.
- Evidence to support the grievance put forward (verifiable information, records, personal knowledge and/or statements of fact, observations, which can be quantifiable and qualifiable).
- Details about the grievance, including all relevant stakeholders (with detailed summary).
- Expected outcomes of the complaint, including options that may help find a suitable resolution.
- Any other information that The FCA might deem to be relevant, appropriate and enabling in finding resolution.

Any incomplete complaints may be returned by The FCA, should further information and or explanation be necessary in order constitute a complete complaint.

Grievances are permissible to be lodged in the local language of the complaint.

7. Confidentiality and Anonymity

Our aim is to deal with grievances sensitively and with due respect for the privacy of any individuals involved. Should the complainant seek anonymity,

this must be declared in the submission process.

Anonymity maybe requested in one of two ways;

I. Complete Anonymity including with the FCA

The Complainant does not want to share their identity, they must be careful of the information submitted as this may make them identifiable. However, limiting information shared, may limit the respondents' ability to respond accordingly to the grievance, based on the information provided. It may also be possible that a grievance is not admissible if the information provided does not have the consent of Complainant.

II. Anonymity from other parties but not with the FCA

Steps will be taken to protect the identity of the complainant throughout the process as far as it is possible to do so. The complainant must be aware that they may be identifiable by the grievance that they make or by certain information submitted. While every effort will be made to consider a grievance on the basis of information provided, ultimately it might not be possible for a grievance to be admissible if the complainant does not consent to certain information being shared with the respondent. The respondent and others engaged in the process will be notified of the request for anonymity and advised on how to manage it.

8. The Formal Grievance Process

Grievance Submission review

Grievances will be dismissed as inadmissible if:

- It is not within the scope of the Grievance Policy and Procedure (see section 2 above).
- Events on which it is based occurred more than 5 years prior to the complaint.
- It is a legal matter required to be handled through the legal system.
- It is trivial, uncooperative or appears to have been generated to gain a competitive advantage.
- It is not supported by compelling, objective evidence. Save for exceptional circumstances, grievances cannot be investigated where they are based on hearsay alone.

The FCA will inform the complainant of the admissibility decision within 7 business days from when it acknowledged receipt of the grievance. Where an admissible grievance involves a third party, The FCA will also inform that party about the grievance at this time, unless there is fear of retaliation by the complainant.

If a grievance is deemed inadmissible, the grievance will be dismissed. Complainants may appeal a dismissed grievance through the appeals process discussed below.

Fact-finding

The FCA will appoint an investigator from its own staff to conduct the initial fact-finding in relation to the grievance (the "Investigator"). If the grievance concerns a member of TDI Sustainability, then a member of The FCA Steering Committee will be appointed as the investigator. The FCA can also decide to appoint a third party or good reputation as the investigator. The investigator will engage with the parties to conduct an initial review of the facts, including seeking a response from the respondent. In some circumstances, The FCA may decide that it is appropriate to convene a process that would allow similar grievances to be grouped and addressed together. Based on the information provided, the Investigator will determine the appropriate course of action. The FCA will communicate on the next steps with the parties within 7 business days of determining admissibility.

Action

There are three courses of action that can result from the initial fact-finding:

- I. Normal Course of Business Operations** Grievances may be addressed through the normal course of the FCA business operations.
- II. Investigation** Where necessary The FCA will carry out an investigation. The FCA will appoint an investigator to determine the facts, clarify the circumstances, or otherwise further examine the grievance to reach a decision. The investigator may be an FCA representative/ contractor or third-party individual appointed by The FCA Steering Committee through an independent firm.
The investigator will report the facts surrounding the grievance by reviewing evidence from all parties. Evidence may be in the form of documents, remote interviews or correspondence and site visits

or assessments. The parties shall provide to the investigator the means, resources and authority necessary to execute the investigation in a timely, comprehensive, consistent, transparent, and effective manner. The investigator will provide The FCA with a written report of the findings.

- III. Dialogue** Where grievances can best be resolved through dialogue between the parties, The FCA will initiate such a process. Both parties must agree to participate in and accept the results of the dialogue. The FCA will keep a record of the outcome of the dialogue.

Review

A review process will ultimately inform all parties of the decision for the grievance.

- **A Normal Course of Business Operations:** Grievances may go through the appropriate assessment process and working group(s) where necessary. This collective will review the grievance, supporting evidence, fact finding information, staff recommendations, and other appropriate information. The collected information will then be reported to the appropriate FCA Steering Committee to help support the investigation.
- **Investigation:** The entire Investigation will be reviewed by the appointed investigator. The investigator will report their findings and submit their written report from the investigation to inform both parties decision.
- **Grievances that go through Dialogue** will not require further review unless the dialogue fails to result in resolution of the grievance.

An appointed Panel of Experts will review and issue a decision on the grievance in three circumstances:

- The Investigator is unable to make a decision based on their investigation.
- Dialogue fails to result in resolution of the grievance.
- One of the parties appeals the decision, discussed in the appeals section below. In these cases, any appointed panel will carry out a fresh review of the grievance and all corresponding documentation received to date. The panel might comprise the FCA Steering

Committee, FCA legal counsel, and an independent expert agreed upon by the complainant and the respondent. In the event that the parties cannot agree, the FCA Steering Committee will appoint the independent expert. Care will be taken to ensure these individuals are not involved in the earlier stages of considering the grievance to avoid any actual or potential issues of fairness or independence.

Issue Decision

The grievance policy/procedure supports a spirit of resolution and continual improvement. While there are a range of potential outcomes, the FCA will encourage voluntary dialogue as well as corrective or improvement action where rights have been violated. Based on the review, the FCA may issue a decision to:

- Dismiss the grievance.
- Require an improvement plan / corrective action.
- Encourage / provide a remedy to be determined in consultation with the complainant taking into account the limitations on FCA to enforce compliance.

Communicate Decision

The FCA will issue a written response to the parties within 7 business days of issuing the decision. The written response will detail the process taken to come to the decision, the involvement of other parties in the decision (such as appointed third parties or the ad-hoc Panel), the date of the decision and other information related to the grievance that FCA considers relevant. Where appropriate we may hold a meeting to give the complainant the decision in person.

Appeal

All appeals should be lodged with The FCA within 10 business days of the decision. The complainant must submit justification for a re-consideration of the decision based on:

- **Procedural appeal:** The process was not followed in accordance with the grievance policy/procedure
- **Substantive appeal:** additional information or evidence is available for consideration together with an explanation of why this

information was not available when the grievance was originally considered.

The FCA has 10 business days to respond if the appeal has merit and is admissible.

If a grievance panel is appointed, it shall review the original grievance and all corresponding documentation. The panel may also consider additional evidence. If so, the panel will give the other party an opportunity to respond to the additional evidence. The panel must agree unanimously on the decision.

9. Confidentiality

Where necessary to protect the privacy and integrity of the parties involved, The FCA may keep the grievance and subsequent actions and decisions confidential. Parties that submit grievances and request anonymity will not be identified.

10. Costs of the Grievance Process

The FCA will endeavour keep the costs of the grievance process as low as possible for all parties. TDi Sustainability will keep a record of the costs it incurs by following the process of the grievance and may ask the parties of the grievance, including the complainant, to cover costs. Where legal advice is taken, the FCA expects other participants in the grievance to contribute to such costs.

11. Personal Data

As part of considering and managing a grievance, The FCA will be collecting personal data (which may include special category or sensitive data). This will be processed in accordance with the FCA's policies treating data protection.

12. Legal Disclaimer

The processes outlined in this mechanism are not intended to replace, contravene or otherwise alter the requirements of any applicable

international, national, state or local governmental statutes, laws, regulations, ordinances, or other requirements.