

Annex G

Grievance Mechanism

Table 1.1 **Definition of Key Terms**

Term	Definition
Affected Party(ies)	Stakeholders who are affected by the company or operation, both positively and negatively. Within this it is possible to distinguish between those that are directly affected and indirectly affected by the company or operation.
Environmental and Social Impact Assessment	Process of evaluating and addressing potential social and environmental impacts resulting from ZRA’s Project and identifying any mitigation or corrective measures that will enable the project to meet the requirements of the World Bank Operational Standards, IFC Performance Standards and applicable Zambian and Zimbabwean laws and regulations.
Grievance	An issue, concern, problem, or claim (perceived or actual) that an individual or community group wants a company or contractor to address and resolve.
Grievance Database	System for logging and monitoring all grievances received, including any records of communication/consultation and details of grievance settlement.
Facilities / Operation(s)	A location or activity that is operated by ZRA or its contractors for the purpose of the Project. Locations could include the dam, construction camps, permanent villages, power houses, switchyard, access roads transmission lines, and offices including corporate head offices etc.
Records of communication / consultation	Records of communication / consultation may include key e-mails, letters, newsletters, memorandums, complaints, opportunities for improvement, records of distribution/attendance, records of formal and informal meetings and records of commitments.
Stakeholder	Persons or groups that are directly or indirectly affected by a project as well as those that may have interests in a project and/or the ability to influence its outcome, either positively or negatively. This can refer to shareholders, lenders, employees, communities, industry, governments and international third parties.
Stakeholder engagement	An umbrella term encompassing a range of activities and interactions between ZRA and stakeholders (two way communication) over the life of a project that are designated to promote transparent, accountable, positive, and mutually beneficial working relationships.
Vulnerable Groups	Individuals or groups within the project area of influence who could experience adverse impacts more severely than others based on their vulnerable or disadvantaged status. This vulnerability may be due to an individual's or group's ethnicity, gender, language, religion, political views, dependence on natural resources, sickness or disability or other factors.

G1 GRIEVANCE MECHANISM

G1.1 INTRODUCTION

The Zambezi River Authority (ZRA) is a statutory body and was established in 1987. It is jointly and equally owned by the Governments of Zambia and Zimbabwe. It is responsible for overseeing the development of the Zambezi River, which runs through the two countries. The ZRA, alongside the Governments of Zimbabwe and Zambia, is proposing to develop a hydro-electric scheme on the Zambezi River at Batoka Gorge.

The Batoka Gorge Hydro-Electric Scheme (HES) will provide up to 3000MW. It will help the Governments of Zambia and Zimbabwe to address power shortages being faced by the two countries and the region as a whole.

The proposed Batoka Gorge HES is anticipated to impact both directly and indirectly, positively and negatively on communities in the project area and upstream and downstream of the proposed scheme. These impacts can potentially affect the lives of people living and working in these communities, thus giving rise to grievances. These potential grievances may relate to any aspect of the project. They might be felt and expressed by a variety of parties including individuals, groups, communities, entities, or other parties affected or likely to be affected by the social or environmental impacts of the project.

G1.2 PURPOSE

The purpose of this Grievance Mechanism is to outline the Zambezi River Authority's (ZRA) approach to accepting, assessing, resolving and monitoring grievances from those affected by ZRA's, and its contractors', activities in relation to the Batoka Gorge HES. The aim is to identify and manage grievances from individual stakeholders or stakeholder groups. Timely redress or resolution of such grievances is vital to ensure successful implementation of the project

Grievances can encompass minor concerns as well as serious or long-term issues. They might be felt and expressed by a variety of parties including individuals, groups, communities, entities, or other parties affected or likely to be affected by the social or environmental impacts of the Project. It is essential to have a robust and credible mechanism to systematically handle and resolve any complaints that might arise in order that they do not escalate and present a risk to operations or the reputation of the company (nationally or internationally). If well-handled, an effective grievance mechanism can help foster positive relationships and build trust with stakeholders.

This Grievance Mechanism has been considered in parallel to the Stakeholder Engagement Plan (SEP) due to the inter-relationship between these two

planning mechanisms. It has been designed to meet the legal requirements of both Zambia and Zimbabwe and the requirements of the International Finance Corporation (IFC) in relation to grievance management.

The mechanism for addressing employee grievances is not addressed through this mechanism which is solely to manage the interface with external stakeholders.

G1.3 *SCOPE*

This grievance mechanism will be applied to stakeholder complaints and grievances, perceived or actual which relate to the activities of the ZRA and its contractors' undertaken in relation to the Batoka Gorge HES.

A complaint or grievance is an issue, concern, problem, or claim (perceived or actual) that an individual stakeholder or community group has related to ZRA and its contractors' operations and activities. The mechanism does not impede access to judicial or administrative resolutions.

G1.4 *APPLICATION*

This Grievance Mechanism provides guidance to all ZRA employees and contractors on receiving, registering, assessing and resolving community complaints or grievances emanating from ZRA's operations and activities in relation to the Batoka Gorge HES. The fundamental objective of this mechanism is to:

- Provide a predictable, transparent, and credible process to all parties for resolving grievances, resulting in outcomes that are seen as fair, effective, and lasting;
- Build trust as an integral component of broader community relations activities; and
- Enable more systematic identification of emerging issues and trends, facilitating corrective action and pre-emptive engagement.

To maximise the effectiveness of the Grievance Mechanism, ZRA shall uphold the following values during implementation and operation of the system:

- Commitment to fairness in both process and outcomes;
- Freedom from reprisal for all involved parties - within ZRA and in the external stakeholder group;
- Clear operating rules, and accountability;
- Validity of all complaints submitted;

- Culturally accessible and applicable;
- Accessible to vulnerable groups of stakeholders;
- Confidentiality if requested.

G1.5 *ROLES, RESPONSIBILITIES AND RESOURCES,*

Implementation of the Grievance Mechanism for the Batoka Gorge HES will be the ultimate responsibility of the Grievance Manager. The Grievance Manager will be supported by a wider team. The various roles of the ZRA Grievance Management Team are detailed below:

Grievance Manager (Project Manager – currently Mr E Kasaro)

The Grievance Manager will:

- Implement the Grievance Mechanism procedure and management system providing guidance on solutions to complaints and grievances in consultation with the relevant departments and ensure consistency of redress for all grievances received in relation to the Batoka Gorge HES.
- Promote the Grievance Mechanism to maintain momentum and ensure company wide and community commitment to, and understanding of, its implementation and operation.
- Involvement in the investigation of grievances and the agreement of redress as well as overseeing interaction between various ZRA Departments and contractors as well as the senior managers as required.

All ZRA Departments and Contractors:

ZRA Departments and Contractors will:

- Receive and acknowledge any issue, concern, complaint or grievance from the community, verbally or in writing. They will record the issue and report it to the Grievance Manager in compliance with the Grievance Mechanism procedure.
- Involvement in the investigation of grievances as required depending on the nature and severity of the grievance and as directed by the Grievance Management team.

Board of Directors/CEO:

The Board of Directors/CEO will:

- Ensure that this Grievance Mechanism procedure is applied through all ZRA and contractor departments and levels that are undertaking activities related to the Batoka Gorge HES.

- Apply necessary controls to minimise risks that could result in stakeholder grievances.
- Contribute to the resolution and sign off of any grievances which have international repercussions,

The following resources will also need to be in place:

- An auditable system for receipt, recording and tracking of the process (for example a grievance log, database etc) shall be in place.
- Dedicated budget for resourcing management of Grievance Mechanism and addressing grievances through financial or in-kind compensation as and when needed.

G1.6 **NOTIFICATION**

ZRA (Chief Executive) will proactively inform affected communities and the wider stakeholder group of the details of the Grievance Mechanism. This will include information about where people can go and who they can talk to if they have a grievance. This information shall be widely and regularly publicised, throughout the duration of the public consultation exercise, through meetings and the distribution of fliers.

ZRA will provide the information in a format and languages that are readily understandable by the local population and/or orally in areas where literacy levels are low during routine stakeholder engagement.

G1.7 **THE GRIEVANCE PROCESS**

The following steps outline the process that may be followed to resolve a grievance. This process is also presented in a diagram in *Appendix A* and all grievance forms are contained in *Appendix B*.

G1.7.1 **Submitting Grievances**

Grievances can be submitted in writing, telephonically or presented verbally to the Grievance Manager using the following details:

Name: Eng. E. Kasaro, Project Manager – Batoka HES

Phone number: 228401/2, 227970/1 or 238665

Email: zarahocoppernet.zm and Kasaro@zaraho.org.zm

Address: Kariba House, 32 Cha Cha Cha Road, P.O Box 30233, Lusaka, Zambia.

G1.7.2 **Logging Grievances**

All grievances shall be logged using the Stakeholder Grievance Form (*Appendix B*). ZRA will log, document and track all grievances received within the secure ZRA Grievance Database system. Grievances shall be

assigned a case number and records of communication/consultation shall all be attached with the relevant entry and filed. The database shall be monitored regularly for recurring grievances so that appropriate mitigation can be developed.

As a minimum the following information shall be recorded:

- Case number
- Complainant's name and contact details ⁽¹⁾
- Date of complaint;
- Details of complaint;
- History of other complaints / queries / questions (if known);
- Resolutions discussed and agreed with the party(ies) in question;
- Actions implemented (including dates) and;
- Outcome of the actions implemented.

G1.7.3 *Acknowledging Receipt of a Grievance*

ZRA shall acknowledge receipt of any grievance as soon as possible, but up to seven days from the date it was submitted and shall inform the complainant about the timeframe in which a response can be expected. A Grievance Receipt Form (Appendix B) shall be signed and a copy provided to the complainant.

G1.7.4 *Investigating a Grievance*

ZRA will investigate fully all grievances submitted, and will involve other departments, contractors and senior management as required in the process in order to fully understand the circumstances that led to the grievance being raised. This should be performed in a timely manner to avoid delaying the resolution of a grievance. ZRA will aim to resolve any grievances within 30 days from the date that it was received. This timeframe can be extended to 60 days for more complex grievances (eg level 4 grievances), if required. (Please see point 6 below on assessing grievance significance).

The following steps shall be performed in a timely manner to avoid delaying resolution of a grievance:

1. Obtain as much information as possible from the person who received the complaint, as well as from the complainant to gain a first-hand understanding of the grievance.
2. Undertake a site visit, if required, to clarify the parties and issues involved. Gather the views of other stakeholders including ZRA employees, if necessary and identify initial options for settlement that parties have considered.
3. Determine whether the grievance is eligible.

(1) Name and contact details are necessary for interaction around the resolution of the grievance. Anonymous submissions will be permitted, but the party submitting should understand that direct response will not be possible.

- Eligible grievances include all those that are directly or indirectly related to ZRA's HES Project and that fall within the scope of the Grievance Mechanism as outlined above.
 - Ineligible Complaints may include those that are clearly not related to ZRA HES Project or its contractors' activities, whose issues fall outside the scope of the Grievance Mechanism procedure or where other ZRA or community procedures would be more appropriate to address the grievance.
4. If the grievance is deemed ineligible it can be rejected however a full explanation as to the reasons for this must be given to the complainant and recorded in the Grievance Database.
 5. If the grievance is eligible, determine its severity level using the significance criteria in *Appendix C*. This will help to determine whether the grievance can be resolved immediately or requires further investigation and whether senior management will need to be informed of the grievance.
 6. If the grievance concerns physical damage, (e.g. crop, house, community asset) take a photograph of the damage and record the exact location as accurately as possible.
 7. Inform the complainant of the expected timeframe for resolution of the grievance.
 8. Enter the findings of the investigation in the Grievance Database.

G1.7.5 *Grievance Settlement and Resolution Approach*

All grievances shall be dealt with on a case by case basis. However, all will require further discussions with complainants and community members that seek to jointly identify and select measures for grievance settlement. This will help to increase ownership of solutions and to mitigate perceptions that resolutions unfairly benefit ZRA.

Where possible, grievances will be addressed directly by ZRA. The resolution proposal shall be respectful and considered, including rationale for the decision and any data used in reaching it. If wider consultation is necessary, grievances will be forwarded to a third party. This third party should be neutral, well-respected, and agreed upon by both ZRA and the affected parties. These may include public defenders, legal advisors, local or international NGOs, or technical experts. In cases where further arbitration is necessary, appropriate government involvement will be requested.

As a last resort, aggrieved parties have a right to take legal action. This is a more formal rights based approach that shall only be taken if all other approaches have failed or when there are serious conflicts about facts and data. The final decision will be taken by the arbitrator or courts based on compliance with laws, policies, standards, rules, regulations, procedures, past agreements or common practice.

G1.7.6 *Monitoring and Reporting*

ZRA management will monitor grievances routinely as part of the broader management of the Project. This entails good record keeping of complaints raised throughout the life of the construction and operation of the Project. On receipt of grievances, electronic notification to management must be distributed. Grievance records must be made available to management at all times.

Monthly internal reports will be compiled by the Grievance Manager and distributed to the management team. These grievance reports will include:

- The number of grievances logged in the proceeding period by level and type.
- The number of stakeholders that have come back after 30 days stating they are not satisfied with the resolution.
- The number of grievances unresolved after 60 days by level and type.
- The number of grievances resolved between ZRA and complainant, without accessing legal or third party mediators, by level and type
- The number of grievances of the same or similar issue
- ZRAs' responses to the concerns raised by the various stakeholders.
- The measures taken to incorporate these responses into project design and implementation.

These reports and other records will be made available for external review if required.

An appropriate grievance report should be part of ZRA's annual reporting. Annual reports will be made available to the public. A hard copy will be located at the ZRA offices, and an electronic copy will be made available online.

Process	Description	Time
Grievance Reported		
<div style="border: 1px solid black; padding: 5px; text-align: center;">1. Identification of grievance</div>	<ul style="list-style-type: none"> • Face to face meeting with Stakeholder • Phone, fax, letter or email • Recorded by ZRA staff • Completion and submission of grievance form 	1 day
<div style="border: 1px solid black; padding: 5px; text-align: center;">2. Grievance logged and acknowledged</div>	<ul style="list-style-type: none"> • Record grievance in Grievance Form and log on Grievance Database • Receipt of grievance acknowledged through appropriate communication medium, but to be recorded in writing 	5 days
<div style="border: 1px solid black; padding: 5px; text-align: center;">3. Grievance significance is assessed</div>	<ul style="list-style-type: none"> • ZRA to assess and assign grievance significance 	7 days
Investigate Grievance and Develop and Respond to Grievance		
<div style="border: 1px solid black; padding: 5px; text-align: center;">4. Investigate Grievance and Development of response</div>	<ul style="list-style-type: none"> • Consult with relevant parties • Identify further action required • May require site visits and discussions with other stakeholders 	28 days after receipt of grievance
<div style="border: 1px solid black; padding: 5px; text-align: center;">5. Communication of response</div>	<ul style="list-style-type: none"> • Response provided to complainant including, if necessary an indication of additional time and resources required to resolve grievance 	30 days after receipt of grievance
<div style="border: 1px solid black; padding: 5px; text-align: center;">6. Complainant response</div>	<ul style="list-style-type: none"> • Confirm with complainant that grievance can be closed, or determine what follow-up is necessary. • If the grievance is to be closed, grievance sign-off is required . 	37 days
<div style="border: 1px solid black; padding: 5px; text-align: center;">7. Close grievance</div>	<ul style="list-style-type: none"> • Record final sign-off of grievance according to significance • If grievance cannot be closed return to step 2 to re-assess or recommend whether third-party arbitration is necessary 	37 days – 3 months, dependent on significance

