

Tokyo Metropolitan Government  
Grievance Mechanism for the Sustainable Sourcing Code  
Operational Standards

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## Grievance Mechanism for the Sustainable Sourcing Code Operational Standards

The Tokyo Metropolitan Government (hereinafter, “TMG”) respects the principle of “the Tokyo 2020 Olympic and Paralympic Games Sustainable Sourcing Code” (hereinafter, “Sourcing Code”) formulated by the Tokyo Organising Committee of the Olympic and Paralympic Games (hereinafter, “Toyo 2020”) and has established a Grievance Mechanism for the Sourcing Code and the corresponding Operational Standards.

### **1. 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 order to develop an appropriate solution by facilitating constructive dialogue between parties concerned (person/party reporting and person/party to be reported) to come up with agreed improvement measures to address problems caused by non-compliance with the Sourcing Code.

### **2. Scope (Coverage)**

The Grievance Mechanism deals with grievances/reports which meet either of the following (1) and (2).

- (1) Grievances/reports on the contracts with TMG, which fall under either the following (a) or (b):
  - (a) Cases related to the development of competition venues
  - (b) Cases related to the programmes held by TMG’s Bureau of Olympic and Paralympic Games Tokyo 2020 Preparation in collaboration with Tokyo 2020;
- (2) Grievances/reports on the status of compliance with the Sourcing Code (e.g. grievances/reports on cases of, and cases suspected of non-compliance with the Sourcing Code). 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) Other case where it has been clearly recognised as inappropriate to start the Grievance Mechanism process.

### **3. Period of Receiving Grievances/Reports**

The grievances/reports can be received from April 6, 2018 until November 30, 2021.

### **4. Reporting Procedure**

A grievance/report can be filed in Japanese or English, using a dedicated e-mail address. For those who have difficulty accessing the Internet, TMG 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 5. Report Content below.

E-mail address:	S1050702@section.metro.tokyo.jp
Postal address:	Operations Section, Planning and Promotion Division, Bureau of Olympic and Paralympic Games Tokyo 2020 Preparation, Tokyo Metropolitan Government 2-8-1 Nishi-Shinjuku, Shinjuku-ku, Tokyo 163-8001

### **5. Report Content**

It is necessary to include the following information in the Reporting Form, either in Japanese or English.

In addition, TMG may clarify with the reporting person/party if information required for the grievance/report is not correctly described except for information that does not fall under the main content of the grievance/report.

- (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) Sufficient information that enables identifying a case where there is need to proceed with the Grievance Mechanism.
- 4) Relationship between the person/party reporting and the person/party to be reported (e.g. employer and employee)
- (3) Detailed information about the impact(s) experienced by the person/party reporting or impact(s) that has/have a probability of occurring in the future
- (4) Detailed facts of non-compliance and the provision within the Sourcing Code that is subject to the non-compliance
- (5) Causal relationship between the Sourcing Code non-compliance and the impact(s) experienced by the person/party reporting (In case of no impacts, there is no need to include this information in the grievance/report.)
- (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 authorises the agent.

## 6. Grievance Mechanism Process

The standard process of handling grievances/reports received is shown in No. (1) to (9) below. Although the Grievance Mechanism will process grievance/report based on the following steps, 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 (likely) be affected by non-compliance.

In case wherein a person/party satisfies ① or 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 affected or is likely to be 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

Reporting person/party submits a grievance/report containing information described above in Section 5. Report Content in writing. The detailed information is shown in Annex 1: Reporting Form.

### (2) Confirmation of Grievances/Reports

TMG examines the grievance/report referring requirements in the above described Section 2. Scope (Coverage), Section 3. Period of Receiving Grievances/Reports, Section 4. Reporting Procedure, and Section 5. Report Content, decides on whether to go through the process of the Grievance Mechanism, and informs the person/party reporting of whether to go through the process of the Grievance Mechanism.

### (3) Compilation of Information

For grievances/reports that have been decided to proceed with the process (refer to (2) Confirmation of Grievances/Reports), TMG collects and organises information about the grievance/report details from the parties concerned

respectively. And TMG collects relevant documents as necessary, and organises discussion points.

(4) First Dialogue between the Parties Concerned

TMG creates an opportunity to have a dialogue between the parties concerned and facilitates smooth implementation of dialogue in order to obtain a voluntary agreement between the parties concerned. 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 TMG to request the parties concerned to use that mechanism upon confirming the intention of the parties.

The period of time from the receipt of a grievance/report until the completion of the first dialogue is expected to be approximately two months. However, it may take more time depending on the content and nature of the grievance/report including a grievance/report from abroad.

(5) Examination of the Facts

In case the first dialogue in (4) above was not successful, TMG conducts a detailed investigation of items related to the grievance/report submitted.

As necessary, information and discussion points are organised based on opinions of third parties such as experts of that matter, lawyers, local NGO's (hereinafter, "Experts").

(6) Second Dialogue between the Parties Concerned

TMG creates an opportunity to have a dialogue between the parties concerned. And TMG organises and presents relevant facts and discussion points based on the information gathered during (5) Examination of the Facts above.

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, TMG develops a draft resolution, reflecting information about background of the case, claims of both parties concerned, and summary of investigation results, based on opinions of the Experts as necessary. The period of time from the examination after the first dialogue until the determination of the resolution is expected to be about three

months. However, it may take more time depending on the content and nature of the grievance/report.

**(8) Improvement Measures**

TMG requests the person/party to be reported to provide improvement measures based on agreements in (4) or (6), or the resolution in (7) above. TMG 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, TMG informs relevant parties regarding the results of improvement. In case there are delays in the progress or omissions from the improvement plan, TMG 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, TMG 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, TMG 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.

**7. Other Provision of Information**

TMG gives consideration to the following information:

- Information that do not meet the requirements in Section 2. Scope (Coverage)
- Information referring to TMG which is not reported to TMG directly but released through media

TMG may deal with such information using the same process stipulated in the Operational Standards, as deemed appropriate, considering the facts and degree of non-compliance (possibility) with the Sourcing Code, specificity of information,

scale of impacts due to non-compliance, and urgency and safety, etc.

## **8. Information Disclosure**

(1) In principle, TMG 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.

## **Supplementary Provision**

### **1. Enforcement**

The Operational Standards is enforced on April 6, 2018

### **2. Amendment**

The Operational Standards is enforced on November 26, 2020