



ACCESS

ACCESS Facility

*The global platform that supports
rights-compatible, interest-based
problem solving to prevent and resolve
conflicts between companies and
communities*

About ACCESS's Online Resources

Terms of Use

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1. About ACCESS's online resources

1.1 Introduction

As a curator of information on company-community problem solving, collaboration, and preventative action, ACCESS provides an online platform for interested parties and the wider public. ACCESS's main resources are the Database of Grievance Mechanisms and the Case Story Library. ACCESS also offers a range of other resources related to company-community problem solving, including blogs, editorials, videos and reflections from practice.

The ACCESS website is a platform for sharing perspectives and experiences on company-community problem solving. ACCESS welcomes independent and published contributions to its online resources such as articles, case stories or other analytical pieces and evaluations that fall within the scope of company-community problem solving. [If you would like to know how to submit a contribution, click here.](#)

1.2 Database of Grievance Mechanisms

The ACCESS Grievance Mechanism Database addresses the lack of information available for businesses, communities and civil society organizations to make informed choices on grievance-handling options. It demonstrates the variety of non-judicial grievance mechanisms. It provides information about their processes and procedures. It aims to increase the visibility and accessibility of non-judicial grievance mechanisms in general. ACCESS does not approve or endorse particular mechanisms or approaches.

The Database contains descriptions of non-judicial grievance mechanisms that are relevant to addressing company-community problems. ACCESS summarizes the operator's description of the rules and procedures for each mechanism, and also provides practical information, such as where the mechanism is located and how it can be accessed. Experiences or cases that demonstrate how a mechanism works in practice are shared in the ACCESS Case Story Library. [Read more about the Database of Grievance Mechanisms.](#)

1.3 Case Story Library

The Case Story Library addresses the need to look at how non-judicial processes work in practice. It contains case stories that demonstrate how companies and communities have attempted to resolve their problems using non-judicial means, which offer an important source of learning and further analysis. ACCESS-commissioned case stories are written from a multi-stakeholder perspective, maintaining the voice and presenting the perspectives of the parties who were themselves involved in the dispute resolution process. The Case Story Library contains case stories from other sources, notably, from the BASESWiki compiled by the UN Secretary General's Special Representative on Business and Human Rights during his mandate. Individuals and organizations may also contribute resources to the ACCESS case story library. [Read more about the Case Story Library.](#)

1.4 Links to other websites

Some resources may include links to third party websites with additional information and perspectives. These links are provided for convenience only. ACCESS does not approve or endorse the content of these websites. Use of any such links will not render ACCESS liable to any person for loss or liability of any kind.

1.5 Complaints or concerns about ACCESS's online resources

ACCESS aspires to be fair and accurate. If you believe that something on our website is incorrect or misrepresented, please bring it to our attention by contacting ACCESS's Editor in Chief, Brian Ganson, at editor@accessfacility.org. If you think that something must be removed from our website, please see our [Notice and Take Down Procedure](#).

2. Submitting contributions to ACCESS's online resources

2.1 Introduction

As a platform for sharing perspectives and experiences on company-community problem solving, ACCESS welcomes proposals for inclusion of independent, previously published contributions to its online resources. These may include articles, case stories or other analytical pieces and evaluations that fall within the scope of company-community problem solving.

2.2 Guidelines

For those considering a submission, please respect the following guidelines before doing so.

In order to be considered for inclusion, contributions must:

- address a topic or theme related to company-community problem solving (mediation, dialogue or consensus-based processes);
- have already been published elsewhere, with the link provided;
- include the name of author(s) and organizational affiliation(s);
- identify all sources of funding for the research or analysis;
- make clear whether the views expressed are those of the organization or of the author alone;
- include contact details to enable those who want to respond to directly contact the author;
- contain an abstract of maximum 60 words;
- consist of original material;
- exhibit editorial independence, integrity, and a good faith effort to verify all factual assertions. ACCESS does not accept promotional material, and does not generally publish opinion pieces or editorials;
- be well-written. ACCESS may edit, but does not commit to doing so;
- provide proper attribution (in any standard format) to all third party materials;
- be ethical, proper, and in accordance with the law;
- be submitted in English. ACCESS may publish a contribution in its original language alongside the English translation.

2.3 Editorial independence and responses to contributions

ACCESS reserves for itself alone the role of editorial oversight of ACCESS online resources. It will decide in its sole discretion whether or not a submission will be included in the ACCESS online library, based on its determination of whether the submission, on balance, conforms to the guidelines set out above.

In the interest of balance and fairness, ACCESS may, at its own discretion, reach out to other parties to submit a response to the contribution. In this instance, both the contribution and the response will be published at the same time.

While ACCESS considers public submissions important assets of its library, it has limited editorial resources. ACCESS cannot commit to submissions being considered or published within any particular timeline.

2.4 How to submit a contribution

To submit a contribution to ACCESS's online resources, please send it by email to ACCESS's Editor in Chief, Brian Ganson, at editor@accessfacility.org indicating what the contribution is about, how it is relevant to company-community problem solving and where it was originally published.

2.5 Intellectual property rights

Unless otherwise agreed:

(a) External contributors retain copyright. ACCESS will ensure appropriate attribution to the author of the material.

(b) ACCESS has the following rights, which are worldwide, perpetual, irrevocable and sub-licensable from the date of delivery of external contributors' material: the right to syndicate, distribute, license, republish or retransmit the material in all present and future media and formats, including print, electronic, online, telephony, mobile and tablet apps and all others.

(c) In addition, ACCESS also has the following non-exclusive rights which apply to all material submitted to ACCESS and any contribution made to the website, whether that includes text, photographs, graphics, video or audio in any format: the right to store the material in any database or archive in any present or future media or format. External contributors are free to store and allow access to their material on databases for personal purposes provided nothing competes or conflicts with the rights they have granted ACCESS.

2.6 Warranties, indemnities and liability

External contributors warrant that the material they submit:

- is their own original work and that neither it, nor any exploitation or use which ACCESS might make of it, will infringe any person's rights, including but not limited to intellectual property, privacy, performance, data protection or any other right;
- is not defamatory of any person or entity; and
- is not likely to render the external contribution or ACCESS in contempt of court or in breach of any criminal law, including (but not limited to) improper obtaining, processing or disclosure of data, surveillance, harassment, trespass, bribery or any other law or regulation whether during the course of the contributors' journalistic activities or otherwise.

External contributors confirm that all content and contributions provided by them to ACCESS does not infringe intellectual property rights or other rights of third parties and external contributors will keep ACCESS harmless from and indemnify ACCESS against any third party claims for infringement of intellectual property rights or other rights in relation to their content and contributions.

To the extent permissible in law, ACCESS will not be liable for any loss including but not limited to the following (whether such losses are foreseen, known or otherwise) loss of data, loss of revenue or anticipated profit, loss of business, loss of opportunity, loss of goodwill or injury to reputation, losses suffered by third parties, any indirect, consequential or exemplary damages. In the event ACCESS is nonetheless held liable, its liability is in all events limited to direct damage and to the sum that ACCESS can recover under insurance in relation to the incident causing damage.

2.7 Change of Terms

Any comment or other external contribution supplied to us for publication is deemed to be supplied in full knowledge and acceptance of the most recent updated terms displayed in this document.

ACCESS Facility may change these Terms at any time by posting the changes online with reference to the date of change. It is the contributor's responsibility to check them every time he/she submits an external contribution.



2.8 Governing law and competent forum

These Terms shall be governed by and construed in accordance with the laws of the Netherlands. Any dispute under these Terms that cannot be resolved by amicable reconciliation will be resolved by the competent courts in The Hague, the Netherlands, unless ACCESS at its sole discretion chooses to bring the dispute before the court of your domicile.

If you find that content on the ACCESS website infringes (intellectual property) rights and/or statutory duties and/or is unlawful in any other manner, please contact the ACCESS secretariat. For more information about the Notice and Take Down procedure of ACCESS, [click here](#).

3. ACCESS Grievance Mechanism Database

3.1 Introduction

The ACCESS Grievance Mechanism Database (“the Database”) contains descriptions of non-judicial grievance mechanisms that are relevant to addressing company-community problems. ACCESS summarizes the operator’s description of the rules and procedures of the mechanism, and also provides practical information, such as where the mechanism is located and how it can be accessed. The descriptions do *not* include statements, determinations, or assessments about the effectiveness of a mechanism, or how the mechanisms work in practice. ACCESS does provide links to third party materials, including ones that may include such assessments, where available.

The Database illustrates a variety of non-judicial grievance mechanisms, and provides information about different processes and procedures. It aims to increase the visibility and accessibility of non-judicial grievance mechanisms in general. ACCESS does not endorse or approve a particular mechanism or approach.

The landscape of grievance mechanisms is constantly changing. New mechanisms may be created and existing mechanisms may change their rules and procedures. Therefore, building and maintaining the database is an ongoing process and the descriptions may change over time.

3.2 Approach to drafting the Grievance Mechanism descriptions

3.2.1. Source of information

The descriptions draw from publicly available information published by the mechanism.

3.2.2. Type of information

The descriptions are summaries of the rules and procedures of a mechanism and therefore do not aim to be exhaustive. The descriptions refer to the original source of information published by the mechanism.

The descriptions are drafted along the lines of the template below, which aims to capture some of the key issues of a mechanism’s procedure.

Overview

This section presents a general overview of the mechanism, including its stated objective.

Who can access it?

This section describes to whom the mechanism is available. This might be for instance an individual who has been negatively impacted by business activity, a person or an organization on his/her behalf, or even any person from the public with a concern.

How does it work?

This section may include information on:

- Type of complaints;
- How to submit the complaint, for example: by letter, phone or e-mail, in person or online, in a specific language, etc.;
- Statute of limitations: whether there is a time limit to lodging a complaint;
- Confidentiality of the complaint;
- Parallel proceedings: whether it is possible to submit a complaint when the complaint is already being dealt with by another institutions;
- Possible processes after a complaint has been submitted, for example: investigation, mediation, conciliation, fact finding, etc.

Outcome

This section describes the type of outcomes that might be available (financial compensation, apology, stop order, etc.). It also may include information about whether an outcome is made public, and whether it is binding.

Monitoring and Enforcement

This section describes what happens once a grievance process has resulted in an outcome. A mechanism may have a procedure in place for monitoring the implementation of the outcome including a solution agreed upon by the parties involved.

Appeal

Some mechanisms might provide for a procedure that parties may use if they object to the findings of the mechanism. If such a procedure is available, it will be described in this section.

References

This section provides hyperlinks to the website of the mechanism, as well as to any rules and procedures or regulatory frameworks referred to in the description.

3.3 Selection criteria

3.3.1. Types of mechanisms

The ACCESS Grievance Mechanism Database distinguishes among the following four types of mechanisms:

1. Company-level mechanisms: Mechanisms initiated and/or run by companies themselves to handle grievances related to their own operations or those of their suppliers/contractors.
2. Industry and Multi-industry level mechanisms: Mechanisms linked to multi-stakeholder or collaborative initiatives that focus on one or more industries.
3. National level mechanisms: Mechanisms that are organized through a national body or within a particular state, as well as civil society and community-based mechanisms, whether in the country of operations or in the home country of the company.
4. Mechanisms of Finance Institutions: Mechanisms run by public, private, and international Financial Institutions to handle grievances of citizens and communities adversely affected by projects funded by the Financial Institution.

3.3.2. Guidelines for including mechanisms in the Database

Within the above mentioned types of mechanisms the following guidelines are followed to decide whether to include a mechanism in the database:

1. It is a non-judicial mechanism, i.e., a complaint process that uses non-judicial means, such as mediation, dialogue, or other consensus-based processes.
2. The mechanism is relevant to addressing company – community problems.

3.4 Related resources

ACCESS does not make statements, determinations, or assessments about the effectiveness of a mechanism, or how the mechanism works in practice. ACCESS does provide links to relevant case stories or perspectives presented elsewhere on accessfacility.org. This could be information commissioned by ACCESS, or contributions submitted by other parties.

3.5 Disclaimer

ACCESS retrieves the information in the database from external sources. Although this information has been compiled from sources believed to be reliable, no warranty (express or implied) is made regarding accuracy, completeness, or reliability of the information. ACCESS denies any liability for the content of any external websites referenced.

The landscape of grievance mechanisms is constantly changing. New mechanisms may be created, and existing mechanisms may change their rules and procedures. While ACCESS commits to keeping the information in the database up to date, we cannot guarantee the accuracy of the information at all times.

3.6 Complaints or concerns about ACCESS's online resources

ACCESS aspires to be fair and accurate. If you believe that something on our website is incorrect or misrepresented, please bring it to our attention by contacting ACCESS's Editor in Chief, Brian Ganson, at editor@accessfacility.org.

If you think that something must be removed from our website, please see our [Notice and Take Down Procedure](#).

4. The ACCESS Case Story Library

4.1 Introduction

ACCESS aims to provide a comprehensive collection of cases that involve diverse grievance mechanisms, processes, industries, types of grievances and geographies. The Case Story Library presents case stories that demonstrate how companies and communities have attempted to resolve their problems using non-judicial means. They offer an important source of learning and further analysis.

ACCESS has taken stewardship of the BASESwiki online resource platform, established by the UN Special Representative for Business and Human Rights, Professor John Ruggie, as part of his process of broad consultation to develop the UN Guiding Principles on Business and Human Rights. ACCESS is building on the work of BASESwiki, improving and expanding its resources. ACCESS is developing a reliable, *curated* online Case Story Library and discussion forum on non-judicial conflict resolution among companies, communities and other stakeholders, such as governments.

4.2 ACCESS case story series

ACCESS commissions a series of new case stories each year. ACCESS case stories are written from a multi-stakeholder perspective, maintaining the voice and presenting the perspectives of the parties who were themselves involved in the dispute resolution process. They are guided by an academic researcher, but written by senior neutral practitioners to maintain the variety of voices and perspectives on what was attempted, what was achieved, and the lessons to be learned. They tend to focus on process. They help explain in a particular context why preexisting approaches to conflict and its resolution were not meeting the needs of the parties, what new approaches appear more promising, and how the stakeholders moved from there to here. The case stories may also highlight a third party actor (facilitator, mediator) as an active role player.

4.3 ACCESS reflections from practice

ACCESS also commissions a series of Reflections from Practice from its community of senior mediators and dialogue facilitators. These are brief case narratives told uniquely from a third party perspective. They highlight themes of particular importance to parties in achieving rights-compatible, interest-based outcomes in company-community relations, whether proactively or after grievances arise.

4.4 Third party submissions

The ACCESS website is a platform for sharing perspectives and experiences on company-community problem solving. ACCESS welcomes independent, previously published contributions to its online resources such as articles, case stories or other analytical pieces and evaluations that fall within the scope of company-community problem solving. [Read more about submitting contributions.](#)

5. Notice and Take Down Procedure ACCESS website

5.1. Definitions

- 1.1 ACCESS - The foundation ACCESS (Stichting ACCESS Facility), Sophialaan 10, the Hague the Netherlands, governed by Dutch law.
- 1.2 ACCESS Website - The website <www.accessfacility.org> controlled by ACCESS
- 1.3 Supervisory Authority - Governmental agency or authority which has statutory powers to investigate and/or sanction.
- 1.4 Content - Information available through the ACCESS Website, such as case stories, comments and all other information thereon.
- 1.5 Notice - A notification that Content infringes (intellectual property) rights and/or statutory duties and/or is unlawful in any other manner.

5.2 Notice

- 2.1 A Notice must be submitted to ACCESS by e-mail to secretariat@accessfacility.org or by telephone (number +31 70 3028 147) and might either be anonymous or be done by a known notifier.
- 2.2 A Notice will be considered by ACCESS only if it entails the following information:
 - The reason why the notifier considers the Content to be unlawful
 - If the Content does not originate from ACCESS but from another known entity proof has to be submitted of efforts to contact the entity or entities which ha(s)(ve) provided the Content. If the Notice is done by telephone, proof has to be submitted within a reasonable time after the Notice.
- 2.3 If a Notice is submitted by a known notifier, ACCESS will consider the Notice only if this notifier has, together with the information mentioned in section 2.2, submitted the following information:
 - The contact details of the notifier: name, address, city of domicile, e-mail and (mobile) telephone number;
 - If the Content is alleged to be unlawful because of infringement of Intellectual Property rights, the notifier has to prove its title to the allegedly infringed Intellectual Property rights or its power (of attorney) to act on behalf of the owner of these rights. In the latter case the notifier has to provide the name and address of the owner.
- 2.4 If the Notice originates from a Supervisory Authority and entails a crime and/or misdemeanor and/or misbehavior which is unlawful under (inter)national law, the Supervisory Authority has to prove its powers under (international) national law supported by the documents and/or court orders required to exercise these powers.
- 2.5 The Notice may entail the notification that it is urgent.

5.3 Procedure

- 3.1 ACCESS might consider an anonymous Notice, but might at its sole discretion decide not to do so.
- 3.2 If the Notice stems from a known notifier ACCESS will confirm the receipt of the Notice to the notifier by e-mail.
- 3.3 ACCESS will decide on the Notice within four weeks. If the Notice has been indicated urgent ACCESS might at its sole discretion decide to shorten this period.
- 3.4 If ACCESS considers a Notice, it decides:
 - 1) the Content is not unlawful;

- 2) the Content is unlawful at first sight;
 - 3) it is unable to assess whether the Content is unlawful or it is unclear whether the Content is unlawful.
- 3.5 If ACCESS decides the Content is not unlawful, the Content remains accessible on the ACCESS Website.
- 3.6 If ACCESS decides the Content is unlawful at first sight, it will deny further access to the Content on the ACCESS Website.
- 3.7 In case of the situation mentioned in section 3.4 under 3) and if the Notice is done by a known notifier ACCESS denies further access to the Content on the ACCESS Website for a period of 30 days. The Content will be made accessible at the ACCESS Website again after this period, unless the notifier submits:
- (i) proof of a (preliminary) decision by a court or an arbitral tribunal in which the Content on the ACCESS Website is deemed to be unlawful, and/or
 - (ii) proof that criminal authorities are pressing charges against the entity which has submitted the Content to the ACCESS Website, or
 - (iii) proof of a written agreement between the entity which has submitted the Content and the notifier that access to the Content should be denied, in which case the Content remains inaccessible.
- 3.8 If the Content on the ACCESS Website is made accessible again after the 30 day period mentioned in section 3.7, it will be made inaccessible if the notifier submits:
- (i) proof of a (preliminary) decision by a court or an arbitral tribunal in which the Content on the ACCESS Website is deemed to be unlawful, and/or
 - (ii) proof that criminal authorities are pressing charges against the entity which has submitted the Content to the ACCESS Website, or
 - (iii) proof of a written agreement between the entity which has submitted the Content and the notifier that access to the Content should be denied.
- 3.9 If the Notice is done anonymously and the situation mentioned in section 3.4 under 3 occurs, the Content on the ACCESS Website will remain accessible.
- 3.10 If ACCESS (temporarily) denies access to the Content on the ACCESS Website and the Notice refers to a part of the Content only, ACCESS will insofar as possible try to deny access to these parts of the Content which are deemed to be unlawful.

5.4 Applicable law and forum

- 4.1 By submitting a Notice the notifier accepts this notice and take down procedure is governed by Dutch law.
- 4.2 All disputes arising from this notice and take down procedure between the notifier and ACCESS will be (exclusively) settled by the district court in the Hague, the Netherlands, unless ACCESS and the notifier agree otherwise.
