

DRAFT

EVALUATION OF MULTI-STAKEHOLDER INITIATIVES

MSI Evaluation Tool Indicators

INSTITUTE FOR MULTI-STAKEHOLDER INITIATIVE INTEGRITY
INTERNATIONAL HUMAN RIGHTS CLINIC AT HARVARD LAW SCHOOL



IHRC

INTERNATIONAL HUMAN
RIGHTS CLINIC
HUMAN RIGHTS PROGRAM
AT HARVARD LAW SCHOOL

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SCOPE

1. What is the stated mission or purpose of the MSI?
2. What industr(ies) does the MSI target?
3. What activities within those industr(ies) does the MSI seek to regulate?¹
4. What is the function of the MSI? (Select all that apply.)
 - A. To establish standards for targeted actors; (Yes / No)
 - B. To promote engagement and learning among stakeholders;² (Yes / No)
 - C. To establish accountability for targeted actors; (Yes / No)
 - D. To institute a certification or market-based program;³ (Yes / No)
 - E. Other. (Yes, Specify / No)
5. Do the MSI standards apply globally? (Yes / No) If no, select the geographic areas to which the standards apply:⁴
 - A. Africa. (Yes / No) If yes:
 - i. Specify the official languages spoken in countries in which the standards apply.
 - B. North America. (Yes / No) If yes:
 - i. Specify the official languages spoken in countries in which the standards apply.
 - C. Latin America and the Caribbean. (Yes / No) If yes:
 - i. Specify the official languages spoken in countries in which the standards apply.
 - D. Asia. (Yes / No) If yes:
 - i. Specify the official languages spoken in countries in which the standards apply.
 - E. Europe. (Yes / No) If yes:
 - i. Specify the official languages spoken in countries in which the standards apply.
 - F. Oceania. (Yes / No) If yes:
 - i. Specify the official languages spoken in countries in which the standards apply.

STANDARDS

1. Does the MSI set standards for targeted actors to follow? (Yes / No) *If no, proceed to III Internal Governance.*

¹ Identify the specific functions of the industry that are regulated. For example, if the industry manufactures a product, the targeted activities could include discrete functions such as monitoring labor conditions or evaluating sources of materials. Alternatively, the activities may encompass all the functions of the industry.

² This includes MSIs focusing on increasing education, sharing information regarding best practices, developing solutions to industry problems, and promoting policy awareness among stakeholders in an industry

³ Market-based programs include accreditation, rating systems, or other regimes providing market benefits.

⁴ The classification of the countries contained within each of these areas can be found at: <http://unstats.un.org/unsd/methods/m49/m49regin.htm> (last accessed Jan 10, 2011).

ACCESSIBILITY AND SUFFICIENCY

2. Are the standards publicly available? (Yes / No) If yes:
 - A. If the MSI impacts regions that speak more than one language, does the MSI make the standards available in multiple languages? (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)⁵
3. Does the MSI have multiple subgroups of targeted actors, each of which has its own set of standards?⁶ (Yes / No) If yes, answer the remaining questions in the **STANDARDS** section for each set of standards.
4. Does the MSI have a set of broad principles from which its standards are derived?⁷ (Yes / No) If yes:
 - A. Is there an umbrella paragraph (or preamble) introducing the principles? (Yes / No) If yes:
 - i. Does the umbrella mandate adherence to the principles?⁸ (Yes / No)
 - ii. Does the umbrella claim some basis in recognized sources of international law?⁹ (Yes, hard international law / Yes, soft international law / No)
 - B. List all of the MSI's promulgated principles. Do so by writing down the relevant principle, either by reference to the number of the principle, or if the MSI does not give enumerated principles, by reference to a key word.¹⁰ If a principle contains more than one action for the targeted actor to take,¹¹ list each action separately.¹² Then answer whether the principle exhibit each of the following characteristics:
 - i. Obligatory: Does the principle require the targeted actor to fulfill a commitment?¹³ (Yes / No)
 - ii. Basis in International Law: Does the principle claim some basis in recognized sources of international law?¹⁴ (Yes, hard international law / Yes, soft international law / No)
 - C. Does the MSI require targeted actors to adhere to the principles immediately upon joining the MSI? (Yes / No) If no:
 - i. Does the MSI provide a timeline for complying with the principles?¹⁵ (Yes / No) If yes:
 - ii. Is the timeline mandatory? (Yes / No)
5. Is there an umbrella paragraph introducing the standards? (Yes / No) If yes:
 - A. Obligatory: Does the umbrella mandate adherence to the standards?¹⁶ (Yes / No)

⁵ For information on regions that the MSI affects, see Q5.

⁶ For example, one set of standards for producers and another for suppliers.

⁷ For example, a set of principles and a set of criteria elaborating upon the principles.

⁸ This is a separate question from the "obligatoriness" of each principle. An umbrella paragraph that mandates adherence to the principles generally rather than the language of the individual principle itself, provides less clarity regarding its status as a core minimum for conduct.

⁹ "Hard law" includes international legal instruments like treaties, core ILO Conventions, and well-established custom (see Restatement of Foreign Relations Law of the United States §702), while "soft law" includes U.N. Declarations, general principles, and less-established customs.

¹⁰ For example, living wage, water, or trade unions.

¹¹ For example, "a company must not use child labor or forced labor."

¹² For example, "child labor" and "forced labor."

¹³ Do not consider the inherently voluntary nature of all MSIs when evaluating this aspect of each principle. No MSI principles are "obligatory" in the sense of state law. "Obligatory" here means that the principle requires the corporation to undertake some action or assume some responsibility against which their compliance can be evaluated, rather than an "aspirational" standard under which the corporation would strive to fulfill some future goal. "Obligatory" principles include words like "shall," "must," or "will," while "aspirational" principle use words like "will strive" or "may." If you cannot decide whether or not a given principle is obligatory or aspirational, insert the active word that the principle uses into the box and use your best estimate of the obligatory nature of the principle.

¹⁴ "Hard law" includes international legal instruments like treaties, core ILO Conventions, and well-established custom (see Restatement of Foreign Relations Law of the United States §702), while "soft law" includes U.N. Declarations, general principles, and less-established customs.

¹⁵ For example, requiring targeted actors to meet 50% of principles in their first year of MSI membership, 70% in the second year of their membership, etc. The MSI might specify that targeted actors meet certain principles (for example, #1-4) in their first year of membership, with increasing numbers of principles in future years.

¹⁶ This is a separate question from the "obligatoriness" of each principle or standards. A standard mandated in an umbrella paragraph or through a certification/enforcement process, rather than in the language of the standard itself, provides less clarity regarding its status as a core minimum for conduct.

- B. Basis in International Law: Does the umbrella claim some basis in recognized sources of international law?¹⁷ (Yes, hard international law / Yes, soft international law / No)
6. List all of the MSI's promulgated standards. Do so by writing down the relevant standard, either by reference to the number of the standard, or if the MSI does not give enumerated standards, by reference to a key word.¹⁸ If a standard contains more than one action for the targeted actor to take,¹⁹ list each action separately.²⁰ Then answer whether the standard exhibits each of the following characteristics:
- A. **Obligatory: Does the standard require the targeted actor to fulfill some commitment?**²¹ (Yes / No)
- B. **Verifiable: Does the standard state clearly what actions or obligations the targeted actor must undertake such that an inspector could objectively determine whether or not the standard had been met?**²² (Yes / No)
- i. Does the standard include an external referent?²³ (Yes / No)
- C. Comparative Index: Does the standard include a numerical figure or scale against which varying compliance between targeted actors could be measured?²⁴ (Yes / No)
- D. Basis in International Law: Does the standard claim some basis in recognized sources of international law?²⁵ (Yes, hard international law / Yes, soft international law / No)
7. **Does the MSI require targeted actors to adhere to the standards immediately upon joining the MSI?** (Yes / No) If no:
- A. **Does the MSI provide a timeline for complying with the standards?**²⁶ (Yes / No) If yes:
- i. Is the timeline mandatory? (Yes / No)
8. Does the MSI provide an optional set of principles or standards in addition to a set of basic obligatory principles or standards for targeted actors? (Yes / No) If yes, briefly describe the optional regime.

¹⁷ "Hard law" includes international legal instruments like treaties, core ILO Conventions, and well-established custom (see Restatement of Foreign Relations Law of the United States §702), while "soft law" includes U.N. Declarations, general principles, and less-established customs.

¹⁸ For example, living wage, water, or trade unions.

¹⁹ For example, "a company must not use child labor or forced labor."

²⁰ For example, "child labor" and "forced labor."

²¹ Do not consider the inherently voluntary nature of all MSIs when evaluating this aspect of each standard. No MSI standards are "obligatory" in the sense of state law. "Obligatory" here means that the standard requires the targeted actor to undertake some action or assume some responsibility against which their compliance can be evaluated, rather than an "aspirational" standard under which the targeted actor would strive to fulfill some future goal. "Obligatory" standards include words like "shall," "must," or "will," while "aspirational" standards use words like "will strive" or "may." If you cannot decide whether or not a given standard is obligatory or aspirational, insert the active word that the standard uses into the box and use your best estimate of the obligatory nature of the standard.

²² This requires a specific, objective basis for determining compliance with standards. These will often be in the form of indicators of compliance, and might include "documentation of procedures" or "compliance with all national laws." Vague terminology such as "effective management systems" or "minimal harm" should not be considered verifiable.

²³ For example, for a standard that obliged the targeted actor to "assess environmental risk," an external referent could require use of the International Finance Corporation's Social and Environmental Screening categories. For a standard that pledged the targeted actor to pay a "living wage," an external referent could reference the living wage or poverty level in the country where the targeted actor operates.

²⁴ A compliance index allows evaluators to distinguish between corporations that have fulfilled standards to greater or lesser degrees. For example, for a standard that obliged the business to allow workers to join independent organizations, a comparative index could distinguish between (1) Providing resources, information, and institutional structures to improve representation of workers by their organizations, (2) Allowing workers to be represented by their organizations, and (3) Not allowing workers to be represented by their organizations.

²⁵ "Hard law" includes international legal instruments like treaties, core ILO Conventions, and well-established custom (see Restatement of Foreign Relations Law of the United States §702), while "soft law" includes U.N. Declarations, general principles, and less-established customs.

²⁶ For example, requiring targeted actors to meet 50% of standards in their first year of MSI membership, 70% in the second year of their membership, etc. The MSI might specify that targeted actors meet certain standards (for example, #1-4) in their first year of membership, with increasing numbers of standards in future years.

CHALLENGE OF STANDARDS

9. Does the MSI allow members to challenge the standards? (Yes / No) If no, skip to INTERNAL GOVERNANCE, Q1. If yes:
- A. What groups are permitted to challenge the standards?
- i. MSI members only; (Yes / No)
 - ii. Targeted actors; (Yes / No)
 - iii. Affected populations (i.e., rights-holders); (Yes / No) If yes, what groups can challenge the standards?
 - a. Organized groups whose rights are affected by the targeted activities;²⁷ (Yes, specify groups / No)
 - b. Local communities affected by the targeted activities;²⁸ (Yes, specify groups / No)
 - c. Organized groups who have an interest in the targeted activities;²⁹ (Yes, specify groups / No)
 - d. Other (Yes, specify / No).
 - iv. NGOs and civil society; (Yes / No)
 - v. Governments; (Yes / No)
 - vi. Human rights consultants. (Yes / No)
- B. Does the MSI articulate the bases upon which challenges may be brought? (Yes / No) If yes, which bases may the challenges be brought?
- i. Discriminatory impact; (Yes / No)
 - ii. Inappropriate to the local context; (Yes / No)
 - iii. Difficulty of application; (Yes / No)
 - iv. Inconsistent with national law; (Yes / No)
 - v. Inconsistent with international law; (Yes / No)
 - vi. Other (Yes, specify / No)
- C. Is the MSI required to review the challenge? (Yes / No)
- D. Does the MSI have a procedure for reviewing the challenge? (Yes / No)
- E. Is the outcome of the review published? (Yes / No)

INTERNAL GOVERNANCE

TRANSPARENCY AND ACCESSIBILITY

1. Does the MSI hold public meetings? (Yes / No) If yes:
 - A. Where are meetings held?³⁰ (List the city or mechanism for selecting the location.)
 - B. How often are meetings held? (Provide the answer in months.)
2. **Does the MSI provide identifiable contact points³¹ in each of the geographic regions that the MSI standards apply to?** (Yes, all / Yes, some (list regions) / No)

²⁷ For example, labor or trade unions with an interest in the targeted activity or non-regulated members in the supply/production chain of the regulated industry, such as small-scale farmers.

²⁸ For example, residents of a town where a factory operates.

²⁹ For example, investor or consumer groups.

³⁰ For example, in Washington D.C., or by teleconference.

3. Are the following publicly available?
 - A. A list of members; (Yes / No)
 - B. A list of members of decision-making bodies such as, boards, caucuses, working groups or other bodies, where applicable; (Yes, all bodies / Yes, some bodies (list bodies) / No)
 - C. A copy of the previous financial year's accounts; (Yes / No) If yes:
 - i. Are the financial accounts audited? (Yes / No)
 - D. A copy of the constitution or equivalent document, which sets out the governing structure and decision-making processes of the MSI; (Yes / No)
 - E. A copy of the disciplinary procedures applicable where there has been a breach of the rules of internal governance; (Yes / No)
 - F. Annual reporting of the MSI's key activities and developments over the previous year. (Yes / No)
4. If the MSI impacts regions that speak more than one language, are the documents about the governance of the MSI referred to above, or governance-related reports, produced in multiple languages? (Yes all documents are produced in multiple languages (list languages), / Yes some documents are produced in multiple language (list languages) / No / Not Applicable as MSI only impacts regions that speak one language)³³
5. Does the MSI have a permanent headquarters? (Yes / No)
 - A. If yes: Where is the MSI's permanent headquarters based? List the city and country.
 - B. If no: Detail how the MSI is contactable.
6. Does the MSI have other permanent offices? (Yes / No) If yes:
 - A. Where are the offices located? List the city and country.

FUNDING AND RESOURCES

Funding

7. Does the MSI impose membership fees? (Yes / No) If yes:
 - A. Does the MSI have different membership fees for different stakeholder groups?³⁴ (Yes / No)
 - B. Does the MSI have graduated membership fees within each stakeholder group?³⁵ (Yes, all / Yes, for some stakeholder groups / No). If "Yes, for some stakeholder groups", select the groups that have graduated fee structures:
 - i. Targeted actors; (Yes / No)
 - ii. NGOs and civil society organizations; (Yes / No)
 - iii. Affected populations; (Yes / No)
 - iv. Governments. (Yes / No)
 - C. Does the MSI allow members who are unable to pay membership fees to apply for a fee waiver? (Yes / No)

³¹ For example, direct offices, phone numbers, or email addresses.

³² The geographic reach of the MSI's standards was identified in **Scope of MSI Q5**. The geographic regions are: Africa, North America, Latin America, Asia, Europe, and/or Oceania.

³³ For information on regions that the MSI affects, see **Scope of MSI Q5**.

³⁴ For example, a payment structure that differentiates membership fees based on whether the member organization is an NGO, corporation (i.e., targeted actor), or affected population organization.

³⁵ For example, a payment structure that varies based on the size, income, or volume of business of each member within the category. Under such a structure, the fees might be different for NGOs that operate on a local scale versus NGOs that operate internationally; the fees might also be different for targeted actors with a small volume of business versus targeted actors that operate internationally.

8. Does the MSI permit organizations or individuals to make voluntary financial contributions or payments to the MSI? ³⁶ (Yes / No) If yes:
 - A. Are the individual contributions of members publicized?³⁷ (Yes / No)
 - B. Are the individual contributions of non-members publicized?³⁸ (Yes / No)
 - C. Does the MSI limit contributions from individuals or organizations? (Yes, state limits / No)
9. Does MSI permit funding from a range of sources?³⁹ (Yes / No) If yes:
 - A. Does the MSI value in-kind support in its financial reporting?⁴⁰ (Yes / No)
10. What sources of income does the MSI have? (Select all that apply)
 - A. Membership fees; (Yes / No)
 - B. Fees for services that the MSI performs; (Yes / No)
 - C. Grants; (Yes / No)
 - D. Government donations; (Yes / No)
 - E. Other (Yes, specify/ No)
11. Does the MSI have its financial reports audited? (Yes / No)

Level of Funding

12. Is the MSI fully endowed? ⁴¹ (Yes / No) If no:
 - A. Is the MSI partially endowed? (Yes, list the amount or percentage of operating budget that is endowed / No)
13. Is the MSI fully funded for a number of years? (Yes, list number / No)

MSI Resource Allocation

14. Do the MSI's financial reports or accounts list categories of expenditure?⁴² (Yes / No) If yes, continue. If no, skip to **MSI Recommendations to Targeted Actors**, Q152.
15. Does the MSI publish information about the proportion or ratio of expenditure dedicated to administrative (i.e., governance) costs? (Yes, this information is available because the MSI specifically publishes these details / Yes, this information is available by manually calculating the figures from annual accounts / No)
16. Does the MSI publish information about the proportion or ratio of expenditure dedicated to implementation (i.e., programs and services) expenditure? (Yes, this information is available because the MSI specifically publishes these details / Yes, this information is available by manually calculating the figures from annual accounts / No)
17. Is the proportion of expenditure on implementation greater than 33% of total expenditure?⁴³ (Yes / No / Information not available)
18. Does the MSI publish information about the proportion or ratio of its expenditure dedicated to:

³⁶ Where there are compulsory membership fees, voluntary contributions and contributions made in excess of any membership fees are payments.

³⁷ Note that this need not be a line-by-line exercise, but instead could be a summary (for example, "all members paid their fees in accordance with funding policy.") However, where payment amounts/structures are not specified, publication of line-by-line payment is necessary to ensure transparency.

³⁸ For example, line-by-line publications of contributions from other organizations.

³⁹ For example, in-kind support, individuals, project grants, institutional support (for example, from National Human Rights Institutes or governments).

⁴⁰ For example, would the MSI report the community hall space that a local NGO or community provides?

⁴¹ That is, is there a permanent external commitment to fund the MSI?

⁴² For example, are the administrative costs listed separately from the implementation costs?

⁴³ Charity Navigator uses this percentage to rate charities. See <http://www.charitynavigator.org/index.cfm?bay=content.view&cpid=35> (accessed March 1, 2011).

- A. Facilitating affected populations' involvement with the MSI (as distinct from programming targeted at the affected populations)? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not facilitate affected populations' involvement) If yes:
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- B. The incentive regime? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not have an incentive regime)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- C. Evaluations? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not require evaluations)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- D. Reporting? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not have a reporting mechanism)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- E. Other monitoring efforts? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not undertake other monitoring efforts)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- F. Stakeholder learning and engagement? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not undertake stakeholder learning and engagement)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- G. Systems development and operationalization? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not require targeted actors to amend systems/policies)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- H. Programming and outreach? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not undertake programming and outreach)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)
- I. The grievance mechanism? (Yes, [Specify proportion spent.] / No / Not applicable as MSI does not have a grievance mechanism)
 - i. Does the MSI itemize the expenditure on a line-by-line basis? (Yes / No)

STAKEHOLDER INVOLVEMENT

Membership: Inclusion and Quality

- 19. Does the MSI allow for different classes of membership that result in differing levels of participation or decision-making rights?⁴⁴ (Yes / No) If yes, detail the levels of membership and the different rights attached to each tier of membership, and continue below.
 - A. Does decision-making power vary, based on whether the member is a targeted actor, NGO or civil society organization, affected population representative, or government? (Yes / No) If yes:
 - i. **Do any groups have a reduced ability to participate in any of the functions of the MSI?**⁴⁵
 - a. Targeted actors; (Yes, specify limits / No)
 - b. **NGOs and civil society institutions;** (Yes, specify limits / No)
 - c. **Affected populations (i.e., rights-holders);** (Yes, specify limits / No)
 - d. Governments. (Yes, specify limits / No)

⁴⁴ For example, where there are different types of involvement within the MSI, such as participants, members, inactive members, engaged members, observing members, pillars etc.

⁴⁵ Reduced ability to participate occurs where certain groups are prevented from participating in the same substantive functions as other groups. It does not include where certain functions have been delegated into subgroups or representatives from *each stakeholder group*.

- ii. Do any groups have reduced decision-making power?⁴⁶ (Yes / No)
 - a. Targeted actors; (Yes, specify limits / No)
 - b. NGOs and civil society institutions; (Yes, specify limits / No)
 - c. Affected populations (i.e., rights-holders); (Yes, specify limits / No)
 - d. Governments. (Yes, specify limits / No)
20. **Are the following stakeholders represented in the MSI membership?** *If information is available on the exact or approximate number of each of these groups of stakeholders, include that information.*
- A. **Targeted actors.** (Yes / No) If yes:
 - i. Are there criteria for targeted actor membership? (Yes, detail criteria / No) If yes:
 - a. Does the MSI require targeted actors to have the written endorsement from their executive-level officers in order to become members? (Yes / No)
 - b. Does the MSI require targeted actors' representatives to have expertise in issues relevant to the MSI?⁴⁷ (Yes / No)
 - c. Does the MSI require targeted actors' representatives to have a specified level of seniority or experience? (Yes, specify level / No)
 - B. **NGOs and civil society institutions.** (Yes / No) If yes:
 - i. Are there criteria for NGO and civil society membership? (Yes, detail criteria / No) If yes:
 - a. **Are there criteria regulating payments or contributions from targeted actors to civil society or NGOs?**⁴⁸ (Yes, payments or contributions are prohibited / Yes, payments or contributions are limited [specify limitations] / No)
 - b. Are there other criteria regarding conflicts of interest with targeted actors or governments? (Yes, specify / No)
 - c. Does the MSI require the organizations' representatives to have expertise in issues relevant to the MSI? (Yes, specify / No)
 - C. **Affected populations (i.e., rights-holders).** (Yes / No) If yes:
 - i. What groups are represented?
 - a. Organized groups whose rights are affected by the targeted activities;⁴⁹ (Yes, specify groups / No)
 - b. Local communities affected by the targeted activities;⁵⁰ (Yes, specify groups / No)
 - c. Organized groups who have an interest in the targeted activities;⁵¹ (Yes, specify groups / No)
 - d. Other (Yes, specify / No).
 - ii. Are there criteria for affected populations' membership? (Yes, detail criteria / No)
 - iii. Does the MSI have a set of rules regarding the process for determining local community representatives? (Yes / No / Not Applicable as local communities are not represented) If yes:
 - a. Do the rules require that the local community select its own representative? (Yes / No)

⁴⁶ Reduced decision-making power occurs where certain groups are prevented from making the same decisions as other groups.

⁴⁷ "Representatives" indicates the individual(s) that the targeted actor designates to represent it in the MSI.

⁴⁸ These regulations may be qualitative, for example limiting contributions to those that are made in-kind, or quantitative, by placing monetary limits.

⁴⁹ For example, labor or trade unions with an interest in the targeted activity or non-regulated members in the supply/production chain of the regulated industry, such as small-scale farmers.

⁵⁰ For example, residents of a town where a factory operates.

⁵¹ For example, investor or consumer groups.

- b. Do the rules require that representatives be chosen in line with human rights principles? (Yes / No)⁵²
- c. Is there a provision for periodic community re-evaluation of the representative?⁵³ (Yes / No)
- D. Governments; (Yes / No)
 - i. Are there criteria for government membership? (Yes, detail criteria / No)

Diversity

21. Does each stakeholder group represented in the MSI (as identified in Q20) have at least one member from each geographic area in which the MSI's standards apply?
- A. Targeted actors:⁵⁴
- i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
- B. NGOs and civil society institutions:
- i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
- C. Affected populations (i.e., rights-holders):
- i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
- D. Governments:
- i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)

⁵² For example, freedom from discrimination.

⁵³ For example, term limits, periodic re-election, etc.

⁵⁴ The location of the head office of an organization may be used as a proxy for determining where that organization is geographically located. For example, if the MSI standards apply to Asia, North America, and Europe, is there at least one or more stakeholder(s) from each of Asia, North America, and Europe.

- iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
22. Does each stakeholder group represented in the MSI have at least one member from each of the geographic areas in which the MSI's standards apply that only operates on a local or national level?⁵⁵
- A. NGOs and civil society institutions.
 - i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - B. Affected populations (i.e., rights-holders):
 - i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)

DECISION-MAKING FUNCTIONS AND THE BALANCE OF POWER

23. Is there a body that is mandated to perform the following functions?⁵⁶
- A. Make ultimate or overall decisions for the MSI?⁵⁷ (Yes / No)
 - B. Administer and/or implement the decisions of the MSI?⁵⁸
 - i. Yes, MSI members undertake this function;
 - ii. Yes, *only delegated staff undertake this function*;⁵⁹ (Do not answer Q26 - 39 in relation to this function.)
 - iii. No.
 - C. Adjudicate disputes? (Yes / No) If yes:

⁵⁵ This does not include international organizations that have multiple national offices, nor does it include governments. It only includes organizations that are strictly local or national in their coverage.

⁵⁶ This question involves a fact-specific assessment of the MSI. When determining whether the MSI has a body or bodies empowered to perform these tasks, look to the substantive power of the body, rather than its formal title. In some MSIs one body may be mandated to perform one or more of these functions, in which case select all the functions that that body is mandated to perform.

⁵⁷ This is likely to be the main or most powerful decision-making body. For example, it may be responsible for making decisions relating to the strategic direction or future of the MSI, its governance structure, and other fundamental issues.

⁵⁸ This includes administration of the day-to-day business of the MSI, for example through a secretariat or other administrative organ.

⁵⁹ Delegated staff refers to non-MSI members who perform the function of the body. Examples include appointment of a director and staff, secretariat or a permanent office.

- i. Does this body develop jurisprudence?⁶⁰ (Yes / No)
- D. Compile technical or expert opinions on matters relevant to the MSI?⁶¹ (Yes / No)
- E. Review members' implementation of MSI standards and policies?⁶² (Yes / No)
- F. Evaluate the performance and/or process of the MSI as a whole? (Yes / No)
- 24. Is there more than one decision-making body that performs the functions identified above? (Yes/No)
- 25. Are there any bodies that perform functions not identified above? (Yes / No) If yes, list the name of the body and its function(s).

For each of the functions identified in Q23 as being performed by one or more bodies, answer the following:⁶³

- 26. What is the name of the body that performs this function?
- 27. Does the body that performs this function also perform any other function?⁶⁴ (Yes / No) If yes, list all the functions that the body performs.
- 28. Can any member sit on the body that performs this function? (Yes / No)
- 29. Does the body expressly require diversity of stakeholders within its membership?⁶⁵ (Yes / No) If yes, does the body require that at least one of each of the following stakeholders must be represented? If information is available on the exact or approximate number of each of these groups of stakeholders, include it.
 - A. Targeted actors; (Yes / No / Not Applicable as not represented in the MSI)
 - B. NGOs and civil society institutions; (Yes / No / Not Applicable as not represented in the MSI)
 - C. Affected populations (i.e., rights-holders); (Yes / No / Not Applicable as not represented in the MSI) If yes, what groups must be represented?
 - i. Organized groups whose rights are affected by the targeted activities; (Yes, specify groups / No)
 - ii. Local communities affected by the targeted activities; (Yes, specify groups / No)
 - iii. Organized groups who have an interest in the targeted activities; (Yes, specify groups / No)
 - iv. Other (Yes, specify / No).
 - D. Governments. (Yes / No / Not Applicable as not represented in the MSI)
- 30. Does the body have membership from at least one stakeholder in the different regions in which the MSI's standards apply? (Yes, from all regions in which the MSI's standards apply / Yes, from some regions (select below)/ No).
 - i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)

⁶⁰ For example, clarification of the interpretation of standards arising from disputes brought to the MSI's grievance body.

For example, in relation to setting new standards, providing general comments on existing standards, or examining technical issues relevant to the MSI.

⁶¹ For example, the results of the evaluations (see Implementation Q14) or targeted actors' periodic reports.

⁶² This requires an analysis based on the number of substantive functions that the decision-making body performs, as identified in Q17, rather than an analysis based on the formal number of decision-making bodies. For example, if one decision-making body in the MSI is mandated to perform both the functions of making ultimate decisions and to implement the decisions of the MSI, then answer this set of questions separately. First, answer the questions in relation to the ultimate decision-making function, and then again in relation to the implementation function.

⁶⁴ I.e., is the body that performs this function responsible for multiple functions?

⁶⁵ For example, whether the body specifies that a targeted actor, affected population, NGO or civil society institution, or government must be a member of the body.

- iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area):
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
31. Does the body expressly require any form of geographic diversity among stakeholders represented within its membership?⁶⁶ (Yes / No) If yes:
- A. Does the body require membership from at least one stakeholder the different regions in which the MSI's standards apply? (Yes, from all regions in which the MSI's standards apply / Yes, from some regions (select below)/ No).
 - i. Africa; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - ii. North America; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - iii. Latin America and the Caribbean; (Yes / No / Not Applicable as the MSI's standards do not apply in this area):
 - iv. Asia; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - v. Europe; (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
 - vi. Oceania. (Yes / No / Not Applicable as the MSI's standards do not apply in this area)
32. Does the body require that at least one member must be a local or national organization?⁶⁷ (Yes / No)
33. **Is the appointment/election process for the body transparent?**⁶⁸ (Yes / No)
34. Can members or stakeholders that do not sit on the body participate in the decision-making process of that body?⁶⁹ (Yes / No)
35. Are the decisions of the body publicly available?⁷⁰ (Yes, all / Yes, some / No) If yes:
- A. **Is there a record, or policy to record, the vote or discussion that led to the decision?** (Yes, all proceedings are recorded / Yes, some of the proceedings are recorded / No) If Yes, all or some:
 - B. Does the record identify specific parties? (Yes, all / Yes, some / No)
 - C. Does the record include statements expressing disagreement with the final outcome or have a policy regarding recording such statement? (Yes, if relevant specify policy / No)
36. **Does the decision-making process exclude a veto power?**⁷¹ (Yes / No)
37. **Are decisions made by vote?** (Yes / No) If yes:
- A. **Do the procedures specify the percentage or number of votes required to make a decision?** (Yes / No)
 - B. **Do votes have equal weight?** (Yes / No)
38. **Can the body make binding decisions?**⁷² (Yes / No)
39. **Are meetings conducted in multiple languages?** (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)

⁶⁶ For example, whether members must come from specific, under-represented, or diverse geographic areas.

⁶⁷ This does not include international organizations that have multiple national offices. It only includes organizations that are strictly local or national in their coverage.

⁶⁸ For example, through documentation of the process and results.

⁶⁹ "Participate" does not require voting powers. It may include, for example, observer status and informal contributions to discussions.

⁷⁰ For example, are minutes of the meetings kept or decisions otherwise recorded?

⁷¹ A consensus system is not considered a veto power.

⁷² That is, decisions that another MSI body does not need to approve?

DISPUTE RESOLUTION

40. Is there a system for taking grievances alleging breach of the rules of internal governance? (Yes / No) If yes, continue. If no, skip to **IMPLEMENTATION, Q52.**
41. Are there restrictions on who is permitted to file a complaint regarding breach of internal governance? (Yes / No) If yes:
- A. Is filing a complaint restricted to MSI members only? (Yes / No)
 - B. Is filing a complaint open to all stakeholder groups? (Yes / No) If no, select the stakeholder groups that are prohibited from filing:
 - i. Targeted actors; (Yes / No)
 - ii. NGOs and civil society institutions; (Yes / No)
 - iii. Governments; (Yes / No)
 - iv. Affected populations (i.e., rights-holders). (Yes / No)
42. Who is eligible to participate in evaluating complaints? (Select Yes / No for each.)
- A. Targeted actor against whom the complaint is filed; (Yes / No)
 - B. MSI Members (Yes / No). If yes, which members are eligible to be decision-makers?
 - i. Targeted actors; (Yes / No)
 - ii. NGOs and civil society institutions; (Yes / No)
 - iii. Governments; (Yes / No)
 - iv. Affected populations (i.e., rights-holders). (Yes / No)
 - C. Third party (Yes / No). If yes, who is eligible to be a decision-maker?
 - i. Paid MSI staff; (Yes / No)
 - ii. External industry auditor or expert; (Yes / No)
 - iii. Professional ombudsman, adjudicator, facilitator, mediator, conciliator or other decision-maker; (Yes / No)
 - iv. Other. (Yes, specify. / No)
43. Is the appointment process for decision-makers transparent? (Yes / No)
44. Is there a policy regarding conflict of interest of decision-makers? (Yes / No)
45. Is the number of complaints filed available? (Yes / No). If yes:
- A. Is it broken down based on the number of complaints filed against each individual targeted actor? (Yes / No)
46. Is the number of resolved complaints published? (Yes / No)
47. Are official decisions published? (Yes / No) If yes:
- A. Are decisions supported with reasons/justifications for the decision? (Yes / No)
48. Does the system set a time frame for evaluating each complaint? (Yes / No) If yes, for which events are timeframes provided?
- A. Appointing the person or body who will evaluate the complaint; (Yes, specify timeframe / No, there is a permanently established person or body / No, timeframe not specified)
 - B. Commencing the hearing, investigation or dialogue process; (Yes, specify timeframe / No)
 - C. Determining the resolution of the complaint; (Yes, specify timeframe / No)
 - D. Requiring compliance with the remedies imposed. (Yes, specify timeframe / No)
49. Does the system allow for complainants to remain anonymous to the public? (Yes / No)
50. Does the system allow for complainants to remain anonymous to the party against whom the complaint is filed? (Yes / No)
51. Are the procedures and decisions available in multiple languages? (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)

IMPLEMENTATION INCENTIVE REGIME

52. Does the MSI employ any regimes to incentivize targeted actors' participation or performance within the MSI?⁷³ (Yes / No) If no, skip to **Monitoring: Evaluations, Q62**. If yes, please select the regime used:
- A. Certification/Accreditation; (Yes / No)
 - B. Rating system; (Yes / No)
 - C. Market benefit; (Yes, describe benefits / No)
 - D. Other. (Yes, specify / No)
53. Is information about the incentive regime available in multiple languages? (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)
54. *Is the process for determining entitlement to the incentive separate from the process of joining the MSI?⁷⁴ (Yes / No)*
55. *Who determines whether the targeted actor is entitled to the incentive?*
- A. Targeted actor;
 - B. MSI body;
 - C. Third party;⁷⁵
 - D. Other. (Specify.)
56. *Does the MSI monitor the targeted actor's continuing compliance with the incentive regime standards after the party has been deemed entitled to the incentive? (Yes / No)*
57. Does entitlement to the incentive require the targeted actor to restrict or monitor business relationships with other entities?⁷⁶ (Yes, explain policy / No)
58. *Does entitlement to the incentive require that the MSI standards are complied with? (Yes / No)* If yes, continue. If no, detail the criteria for being eligible for incentives and skip to **Monitoring: Evaluations, Q62**.
59. Are different levels of incentives offered based on different levels of compliance with the standards? (Yes, explain operation of regime / No)
60. How many of the standards must the targeted actor comply with in order for the targeted actor to be entitled to the incentive? (List number or percentage).
61. *Is compliance with the incentive regime based on the results of an evaluation? (Yes / No).* If yes, proceed to **Monitoring: Evaluations Q63**. If no:
- A. *Is there a method for verifying compliance with the incentive regime? (Yes, specify method / No).*

MONITORING: EVALUATIONS

62. *Are evaluations used in the MSI framework to examine targeted actors' compliance with MSI standards? (Yes / No)* If yes, continue. If no, skip to **Monitoring: Other, Q78**.
63. *Does the MSI require evaluations of targeted actors? (Yes, for all targeted actors that are MSI members / Yes, only for members wishing to participate in the incentive regime / No, evaluations are voluntary)* If yes:

⁷³ An incentive regime may include certification/accreditation, rating systems, or other market benefits. Note that allowing a member to publicize its association with the MSI (for example, by using its logo) is not considered an incentive regime.

⁷⁴ As opposed to automatic entitlement to the incentive upon joining the MSI.

⁷⁵ For example, an industry auditor.

⁷⁶ For example, a certified member can still use a non-certified supplier and/or produce a product that is later used in another non-certified process; or a member government can still trade with non-member countries.

- A. Does the MSI allow targeted actors to be members for a period of time prior to requiring an evaluation? (Yes, specify time period or policy / No)
64. Does the MSI use multiple types of evaluations?⁷⁷ (Yes / No) If yes, answer Q65-77 separately for each type of evaluation.

Evaluator

65. **Who conducts the evaluation?**
 A. Targeted actor;
 B. MSI members;
 C. Industry auditor;
 D. Other; (Specify.)
 E. Not specified.
66. Do teams of evaluators conduct evaluations? (Yes / No / Not specified in the methodology) If yes:
 A. Do the teams include individuals from local organizations? (Yes / No / Not specified in the methodology)
67. **How are evaluators chosen?** (Select all that apply.)
 A. The MSI certifies evaluators for targeted actors. (Yes / No)
 B. The targeted actor chooses its own evaluator. (Yes / No) If yes:
 i. Must the MSI approve the targeted actor's choice? (Yes / No)
 C. Other; (Yes, specify / No)
 D. Not specified.
68. **Does the MSI have a policy prohibiting conflicts of interest between evaluators and targeted actors?** (Yes / No) If yes:
 A. Does the MSI prohibit evaluators from having a previous or existing financial relationship with the targeted actor? (Yes / No)
69. **Does the MSI have a policy prohibiting the targeted actor from paying the evaluator directly?**⁷⁸ (Yes/No)
70. Does the MSI require evaluators to have experience in or undergo training in a variety of disciplines?⁷⁹ (Yes / No)
71. Does the MSI require evaluators to have experience in the relevant culture or undergo training in cultural sensitivity? (Yes / No)
72. Does the MSI require evaluators to meet together periodically to share knowledge? (Yes / No). If yes, which aspects must be discussed:
 i. Methods of ensuring consistency of compliance with standards; (Yes / No)
 ii. Challenges in implementation for local managers; (Yes / No)
 iii. Best industry practices; (Yes / No)
 iv. Other. (Yes, specify / No)
73. Does the MSI require evaluators to meet any other standards or perform any other functions (excluding functions relating to conducting the evaluation or reporting on the evaluation)? (Yes, specify / No)

⁷⁷ For example, the MSI might require the targeted actor to conduct internal evaluations of itself and the MSI might also require an independent third party to conduct a separate evaluation. The MSI might also require all targeted actors to conduct an evaluation and also require all certified targeted actors to conduct a separate evaluation.

⁷⁸ A payment is considered direct when it made from the company to the evaluator. It does not include where the company pays the MSI for an evaluation, and the MSI organizes the evaluation.

⁷⁹ For example, in human resource management, operations management, health and safety, or human rights.

Procedure for the evaluation

74. Does the MSI require evaluations to be conducted regularly? (Yes / No). If yes, how frequently do evaluations occur? (Answer in months: **24 months or less**)
- A. Does the MSI provide any procedures or methodologies for the evaluations? (Yes / No) If yes:
- B. Are the procedures mandatory? (Yes / No)
- C. Are the evaluation methodology procedures standardized for evaluations of all targeted actors?⁸⁰ (Yes / No)
- D. Does the evaluation methodology indicate an approximate or exact duration of the evaluation? (Yes / No) If yes, list. (Use the number of days as the unit.)
- E. Does the evaluation methodology permit or require stakeholders to provide input directly to the evaluator? (Yes, methodology requires evaluator to solicit such input / Yes, methodology permits evaluator to consider / No, the methodology prohibits such input / Not specified in the methodology) If yes, which stakeholders can provide input?
- i. Employees of targeted actor; (Yes / No)
 - ii. Affected populations; (Yes / No) If yes, what groups is information solicited from?
 - a. Organized groups whose rights are affected by the targeted activities;⁸¹ (Yes, specify groups / No)
 - b. Local communities affected by the targeted activities;⁸² (Yes, specify groups / No)
 - c. Organized groups who have an interest in the targeted activities;⁸³ (Yes, specify groups / No)
 - d. Other (Yes, specify / No).
 - iii. NGOs and/or civil society; (Yes / No)
 - iv. Governments;
 - v. Other. (Yes, specify / No)
- F. Does the evaluation methodology require on-site visits?⁸⁴ (Yes / No / Not Applicable to the industry) If yes:
- i. Is the evaluator required to visit all of the targeted actor's sites/facilities? (Yes / No) If no, detail how sites are chosen.
 - ii. Is the evaluator required to include an examination of site/facility work processes (as opposed to consisting only of a checklist of items to be inspected and verified)? (Yes / No)
 - iii. Is the evaluator required to complete the entire evaluation before moving to the next site/facility? (Yes / No)
 - iv. Do evaluations consist of announced evaluations, unannounced spot-checks, or both? (Announced / Unannounced / Both)
- G. Does the evaluation methodology require interviews? (Yes / No) If yes:
- i. Does the evaluation methodology specify who is required to be interviewed? (Yes / No) If yes, who must be interviewed:
 - a. Local managers; (Yes / No)
 - b. Workers; (Yes / No)

⁸⁰ Standardized methodology includes differing methodologies that apply to similarly situated targeted actors. For example, a specific methodology might apply to all targeted actors with a given number of employees or in a given country.

⁸¹ For example, labor or trade unions with an interest in the targeted activity or non-regulated members in the supply/production chain of the regulated industry, such as small-scale farmers.

⁸² For example, residents of a town where a factory operates.

⁸³ For example, investor or consumer groups.

⁸⁴ If the regulated industry does not involve physical sites, select "Not applicable to the industry."

- c. Local NGOs or other community organizations; (Yes / No)
- d. Other. (Yes, specify / No)
- ii. Does the evaluation methodology specify the selection process for interviewees? (Yes / No) If Yes, what is the process:
 - a. Local managers or other employees of the targeted actor select the interviewees; (Yes / No)
 - b. Evaluators randomly select interviewees in the workplace/on-site; (Yes / No)
 - c. Other. (Yes, specify / No).
- iii. Does the evaluation methodology specify where interviews are conducted? (Yes / No) If Yes, where are interviews conducted:
 - a. In the facility evaluated/in the workplace; (Yes / No)
 - b. In an outside location; (Yes / No)
 - c. Other. (Yes / No)
- iv. Does the evaluation methodology seek to protect interviewees from reprisals? (Yes, detail provisions / No)

REPORTING RESULTS OF THE EVALUATION

- 75. Does the MSI specify any standards for the evaluation reports prepared by the evaluator? (Yes/ No) If yes:
 - A. Does the MSI require that the evaluation reports examine the targeted actor's compliance with each MSI standard? (Yes / No)
 - B. Does the MSI require that the evaluation reports discuss incidences of noncompliance with standards? (Yes / No)
 - C. Does the MSI require that the evaluation reports summarize findings for each site/facility evaluated as opposed to containing a summary regarding the targeted actor as a whole? (Site / Whole / Not Applicable to industry / Not specified)
 - D. Does the MSI require that the evaluation reports contain detailed information as opposed to answers to a checklist, or both? (Detail / Checklist / Both / Not specified)
- 76. Is the evaluator required to give a copy of the results of the evaluation directly to the MSI? (Yes / No) If no:
 - A. Is the targeted actor required to provide an exact copy of the evaluation report to the MSI? (Yes / No) If no:
 - i. Is the targeted actor required to provide a report of the results of the evaluation report to the MSI? (Yes / No). If no, skip to **Monitoring: Reporting Q78**. If yes:
 - a. Does the MSI require that the reports provided to it examine the targeted actor's compliance with each MSI standard? (Yes / No)
 - b. Does the MSI require that the reports provided to it discuss incidences of noncompliance with standards? (Yes / No)
 - c. Does the MSI require that the reports provided to it summarize findings for each site/facility evaluated as opposed to containing a summary regarding the targeted actor as a whole? (Site / Whole / Not Applicable to industry / Not specified)
 - d. Does the MSI require that the reports provided to it contain detailed information as opposed to answers to a checklist, or both? (Detail / Checklist / Both)
- 77. Can the targeted actor comment on the evaluator's report? (Yes, MSI requires / Yes, MSI permits / No)

MONITORING: REPORTING

Reporting by Targeted Actors

78. Do targeted actors report information to the MSI?⁸⁵ (Yes / No) If no, skip to **Targeted Actor Reporting to the General Public, Q81**. If yes, what information
- A. Does the MSI require the reporting? (Yes / No) If yes:
- B. *Is reporting required on a regular basis or is it discretionary? (Regular / Discretionary) If regularly, how frequently is reporting required? (Answer in months: 24 months or less)*
79. *What does the targeted actor report to the MSI? (Select all that apply.)*
- A. *Level of compliance with standards;*⁸⁶ (Yes / No)
- B. *Efforts taken to implement MSI standards;*⁸⁷ (Yes / No)
- C. *Specific incidents implicating a breach of MSI standards;* (Yes / No)
- D. Remedial action taken on the basis of an evaluation showing noncompliance; (Yes / No)
- E. Progress on implementation of previous MSI recommendations; (Yes / No)
- F. Program and outreach initiatives; (Yes / No)
- G. Other. (Yes, specify / No)
80. Can other stakeholders contribute to the MSI's review of targeted actors' reports?⁸⁸ (Select all that apply.)
- A. General public (Yes / No)
- B. NGOs and civil society; (Yes, MSI member / Yes, nonmember / Yes, both / No)
- C. Affected populations; (Yes, MSI member / Yes, nonmember / Yes, both / No) If yes, what groups can contribute?
- i. Organized groups whose rights are affected by the targeted activities;⁸⁹ (Yes, specify groups / No)
- ii. Local communities affected by the targeted activities;⁹⁰ (Yes, specify groups / No)
- iii. Organized groups who have an interest in the targeted activities;⁹¹ (Yes, specify groups / No)
- iv. Other (Yes, specify / No).
- D. Governments; (Yes, MSI member / Yes, nonmember / Yes, both / No)
81. *Does the MSI have a policy prohibiting targeted actors from claiming that they are in compliance with MSI standards if the MSI has not reviewed the targeted actor's level of compliance? (Yes, describe policy / No)*
82. *Do targeted actors report directly to the general public? (Yes / No) If no, skip to **MSI Reporting to the General Public, Q84**.* If yes, what does the targeted actor report to the general public?
- A. Level of compliance with standards;⁹² (Yes / No)
- B. Efforts taken to implement MSI standards;⁹³ (Yes / No)
- C. Specific incidents of breach of MSI standards; (Yes / No)

⁸⁵ If evaluations are conducted and reports provided to the MSI, for example by answering "yes" to Q26 or 26.A then answer "yes" to this question. However it extends to any form of reporting to the MSI, such as reporting progress on systems development or development of community outreach initiatives to the MSI.

⁸⁶ For example, reporting the results of evaluations or self-reporting on compliance.

⁸⁷ For example, reporting the steps being taken to achieve compliance or improve existing efforts.

⁸⁸ For example, shadow reporting.

⁸⁹ For example, labor or trade unions with an interest in the targeted activity or non-regulated members in the supply/production chain of the regulated industry, such as small-scale farmers.

⁹⁰ For example, residents of a town where a factory operates.

⁹¹ For example, investor or consumer groups.

⁹² For example, reporting the results of evaluations or self-reporting on compliance.

⁹³ For example, reporting the steps being taken to achieve compliance or improve existing efforts.

- D. Remedial action taken on the basis of an evaluation showing noncompliance; (Yes / No)
 - E. Progress on implementation of previous MSI recommendations; (Yes / No)
 - F. Progress on other implementation efforts; (Yes / No). If yes, which implementation efforts:
 - i. Stakeholder learning and outreach; (Yes / No)
 - ii. Systems development and operationalization; (Yes / No)
 - iii. Program and outreach initiatives; (Yes / No)
 - iv. Grievances heard or filed in the targeted actors' own grievance mechanism; (Yes / No)
 - v. Other. (Yes, specify / No)
 - G. Other. (Yes, specify / No)
83. Does the MSI require the reporting? (Yes / No) If yes:
- A. Is reporting required on a regular basis or is it discretionary? (Regular / Discretionary) If regularly, how frequently is reporting required? (Answer in months.)

MSI Reporting to the General Public

84. Does the MSI issue public reports regarding implementation efforts of targeted actors? (Yes / No) If yes, continue. If no, proceed to **Monitoring: Other, Q89.**
85. What does the MSI report include? (Select all that apply.)
- A. Targeted actor' level of compliance with MSI standards; (Yes / No) If yes:
 - i. Does the report provide individual information for each targeted actor? (Yes / No)
 - B. Targeted actor' efforts to implement MSI standards;⁹⁴ (Yes / No) If yes:
 - i. Does the report provide individual information for each targeted actor? (Yes / No)
 - C. Targeted actor' specific incidents implicating breach of MSI standards; (Yes / No) If yes:
 - i. Does the report provide individual information for each targeted actor? (Yes / No)
 - D. Targeted actor' remedial action taken on the basis of an evaluation showing noncompliance; (Yes / No) If yes:
 - i. Does the report provide individual information for each targeted actor? (Yes / No)
 - E. Targeted actor' progress on implementation of previous MSI recommendations; (Yes / No) If yes:
 - i. Does the report provide individual information for each targeted actor? (Yes / No)
 - F. Targeted actor' progress on systems development and operationalization; (Yes / No) If yes:
 - i. Does the report provide individual information for each targeted actor? (Yes / No)
 - G. Targeted actor' community outreach initiatives; (Yes / No) If yes:
 - i. Does the report provide individual information for each targeted actor? (Yes / No)
 - H. Progress on stakeholder learning and engagement; (Yes / No)
 - I. Other (Yes, specify / No)
86. Can other stakeholders contribute to the reporting process?⁹⁵ (Select all that apply.)
- A. General public (Yes / No)
 - B. NGOs and civil society; (Yes, any / Yes, only MSI members / No)
 - C. Affected populations; (Yes, any / Yes, only MSI members / No) If yes, what groups can contribute?
 - i. Organized groups whose rights are affected by the targeted activities; (Yes, specify groups / No)
 - ii. Local communities affected by the targeted activities; (Yes, specify groups / No)
 - iii. Organized groups who have an interest in the targeted activities; (Yes, specify groups / No)

⁹⁴ For example, reporting the steps being taken to achieve compliance or improve existing efforts.

⁹⁵ For example, shadow reporting.

iv. Other (Yes, specify / No).

D. Governments. (Yes, any / Yes, only MSI members / No)

87. How frequently are public reports issued? (Answer in months.)

E. Are public reports issued at least every 24 months?

88. Are the reports available in multiple languages? (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)

MONITORING: OTHER

89. **Does the MSI use another system other than evaluations or reporting for monitoring compliance with MSI standards?** (Yes / No) If yes, continue. If no, skip to **Stakeholder Learning and Engagement, Q92.**

90. Is the system compulsory for targeted actors? (Yes / No)

91. Briefly describe the system.

STAKEHOLDER LEARNING AND ENGAGEMENT

92. Does the MSI have a program for promoting learning⁹⁶ among stakeholders about the targeted activity or relevant human rights issues? (Yes / No) If yes, continue. If no, skip to **Systems Development and Operationalization, Q104.**

93. Which stakeholders participate in the program?

A. Targeted actor; (Yes / No)

B. NGOs and civil society; (Yes / No)

C. Affected populations; (Yes / No) If yes:

i. What groups participate?

a. Organized groups whose rights are affected by the targeted activities; (Yes, specify groups / No)

b. Local communities affected by the targeted activities; (Yes, specify groups / No)

c. Organized groups who have an interest in the targeted activities; (Yes, specify groups / No)

d. Other (Yes, specify / No).

ii. Did the MSI offer training for affected populations on relevant issues? (Yes / No) If yes, what populations received training?

a. Organized groups whose rights are affected by the targeted activities; (Yes, specify groups / No)

b. Local communities affected by the targeted activities; (Yes, specify groups / No)

c. Organized groups who have an interest in the targeted activities; (Yes, specify groups / No)

d. Other (Yes, specify / No).

iii. Did the MSI facilitate the participation of affected populations in the learning program? (Yes / No) If yes, select how:

a. Advocate / liaison / support person; (Yes / No)

b. Pre-meeting consultations with the affected population; (Yes / No)

c. Translation services; (Yes / No / Not Applicable)

d. Other. (Yes, specify / No)

iv. Did the MSI bear the cost of the affected population's participation? (Yes, all / Yes, some [Specify amount.] / No)

⁹⁶ This includes programs focusing on increasing education, sharing information regarding best practices, developing solutions to industry problems, and promoting policy awareness among stakeholders.

- D. Governments. (Yes / No)
94. Are all MSI members able to participate in the program?
95. How often do participants meet? (Answer in months.)
96. What techniques are employed? (Select all that apply.)
- A. Focus groups; (Yes / No)
 - B. Roundtable discussions; (Yes / No)
 - C. Disseminating educational materials; (Yes / No)
 - D. Conducting research or studies; (Yes / No)
 - E. Utilizing the work of experts; (Yes / No)
 - F. Trainings; (Yes / No)
 - G. Other. (Yes, specify / No)
97. What topics does the program cover? (Select all that apply.)
- A. Understanding various stakeholder objectives and expectations; (Yes / No)
 - B. Understanding best practices; (Yes / No)
 - C. Evaluating approaches to targeted actor-level grievance mechanisms; (Yes / No)
 - D. Analyzing industry conditions; (Yes / No)
 - E. Discussing regionally-specific issues; (Yes / No)
 - F. Brainstorming innovations or experimental programs; (Yes / No)
 - G. Other. (Yes, specify / No)
98. Does the program cover learning about implementation of the MSI standards? (Yes / No) If yes, what aspects of implementation does the program include?
- A. Incentives; (Yes / No)
 - B. Monitoring: (Yes / No)
 - i. Evaluations; (Yes / No)
 - ii. Reporting; (Yes / No)
 - iii. Other. (Yes, specify / No)
 - C. Systems development and operationalization; (Yes / No)
 - D. Programs and outreach; (Yes / No)
 - E. Targeted actor' grievance mechanisms; (Yes / No)
 - F. MSI's grievance mechanism; (Yes / No)
 - G. Accountability:
 - i. Resource allocation; (Yes / No)
 - ii. MSI Recommendations. (Yes / No)
99. Does the MSI have a policy regarding confidentiality in the learning program? (Yes / No) If yes:
- A. Is the program conducted confidentially? (Yes, all discussions and outcomes are confidential / Yes, for certain aspects [Specify.] / No)
 - B. Is the program conducted under Chatham House rule? (Yes, all discussions and outcomes are confidential / Yes, for certain aspects [Specify.] / No)
100. Do the participants in the program periodically report to the MSI on their progress? (Yes / No)
101. Does the MSI report publicly on the learning programs that it sponsors? (Yes / No)
102. Are meetings conducted in multiple languages? (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)
103. Is the MSI required to incorporate the results of the learning program into its policies or existing or future standards? (Yes / No)

SYSTEMS DEVELOPMENT AND OPERATIONALIZATION

104. Does the MSI facilitate targeted actors' systems development and operationalization of MSI standards? (Yes / No) If yes, how does the MSI facilitate systems development?
- A. Designing and/or implementing pilot programs relating to systems development; (Yes, specify / No)
 - B. Developing model policies, contract clause or guidelines for adoption or modification by members; (Yes / No)
 - C. Disseminating information on best practice for grievance mechanisms operated by targeted actors; (Yes / No)
 - D. Providing an expert individual or body dedicated to systems development; (Yes / No)
 - E. Other. (Yes, specify / No)
105. Does the MSI require targeted actors to give effect to the standards by instituting or revising systems?⁹⁷(Yes, and the required changes are specified by the MSI⁹⁸/ Yes, required changes not specified by the MSI⁹⁹/ No) If yes and the required changes are detailed, continue. *Otherwise, proceed to **Programs and Outreach, Q112.***
106. What systems must be instituted or revised?
- A. **Mandatory policies or procedures;**¹⁰⁰ (Yes / No). If yes, for which areas:
 - i. Employment; (Yes / No / Not applicable to MSI and/or industry)
 - ii. Performance incentives for employees; (Yes / No / Not applicable to MSI and/or industry)
 - iii. Workplace conditions; (Yes / No / Not applicable to MSI and/or industry)
 - iv. Procurement; (Yes / No / Not applicable to MSI and/or industry)
 - v. Sales; (Yes / No / Not applicable to MSI and/or industry)
 - vi. Managing interactions with/requests from governments;¹⁰¹ (Yes / No / Not applicable to MSI and/or industry)
 - vii. Internal monitoring of implementation of MSI standards; (Yes / No)
 - viii. Internal mechanisms to address allegations of breaches of MSI standards; (Yes / No)
 - ix. Human rights impact assessments; (Yes / No)
 - x. Other (Yes, specify. / No)
 - B. Guidelines or other voluntary policies or procedures;¹⁰² (Yes / No). If yes, for which areas:
 - i. Employment; (Yes / No / Not applicable to MSI and/or industry)
 - ii. Performance incentives for employees; (Yes / No / Not applicable to MSI and/or industry)
 - iii. Workplace conditions; (Yes / No / Not applicable to MSI and/or industry)
 - iv. Procurement; (Yes / No / Not applicable to MSI and/or industry)
 - v. Sales; (Yes / No / Not applicable to MSI and/or industry)
 - vi. Managing interactions with/requests from governments;¹⁰³ (Yes / No / Not applicable to MSI and/or industry)

⁹⁷ This includes instances where the standards themselves require targeted actors to modify or institute systems.

⁹⁸ For example, where the MSI explicitly specifies that a particular policy, such as employment policies, or contract form must be amended.

⁹⁹ For example, where the MSI simply requires, in broad terms, targeted actors to amend company policy to give effect to the standards of the MSI without identifying the particular policies, procedures or practices that must be amended.

¹⁰⁰ The policies or procedures that a targeted actor requires its employees, constituents or the entity as whole to follow.

¹⁰¹ This includes, but is not limited to, lobbying government officials and responding to government requests for information.

¹⁰² The policies or procedures that a targeted actor encourages its employees, constituents or the entity as whole to follow.

¹⁰³ This includes, but is not limited to, lobbying government officials and responding to government requests for information.

- vii. Internal monitoring of implementation of MSI standards; (Yes / No)
- viii. Internal mechanisms to address allegations of breaches of MSI standards; (Yes / No)
- ix. Human rights impact assessments; (Yes / No)
- x. Other (Yes, specify. / No)

C. **Contracts;** (Yes / No). If yes, for which areas:

- i. Suppliers; (Yes / No / Not applicable to MSI and/or industry) If yes:
 - a. Is the targeted actor required to amend existing contracts with suppliers to reflect MSI standards? (Yes / No)
 - b. Is the targeted actor required to ensure that future contracts with suppliers reflect MSI standards? (Yes / No)
- ii. Producers; (Yes / No / Not applicable to MSI and/or industry) If yes:
 - a. Is the targeted actor required to amend existing contracts with producers to reflect MSI standards? (Yes / No)
 - b. Is the targeted actor required to ensure that future contracts with producers reflect MSI standards? (Yes / No)
- iii. Purchasers/Vendors; (Yes / No / Not applicable to MSI and/or industry) If yes:
 - a. Is the targeted actor required to amend existing contracts with purchasers/vendors to reflect MSI standards? (Yes / No)
 - b. Is the targeted actor required to ensure that future contracts with purchasers/vendors reflect MSI standards? (Yes / No)
- iv. Licensees and related business entities; (Yes / No / Not applicable to MSI and/or industry) If yes:
 - a. Is the targeted actor required to amend existing contracts with licensees to reflect MSI standards? (Yes / No)
 - b. Is the targeted actor required to ensure that future contracts with licensees to reflect MSI standards? (Yes / No)
- v. Contractors; (Yes / No / Not applicable to MSI and/or industry) If yes:
 - a. Is the targeted actor required to amend existing contracts with contractors to reflect MSI standards? (Yes / No)
 - b. Is the targeted actor required to ensure that future contracts with contractors reflect MSI standards? (Yes / No)
- vi. Governments; (Yes / No / Not applicable to MSI and/or industry) If yes:
 - a. Is the targeted actor required to amend existing contracts or agreements with governments to reflect MSI standards? (Yes / No)
 - b. Is the targeted actor required to ensure that future contracts or agreements with governments reflect MSI standards? (Yes / No)
- vii. Other. (Yes, specify. / No)

D. Establishing an internal procedure for resolving grievances where it has been alleged that the targeted actor breached MSI standards; (Yes / No)

E. Other. (Yes, specify / No)

107. Are any of the system changes identified above designed to encourage business relationships between parties that are in compliance with certain standards? (Yes / No) If yes:

- A. Does the MSI also require targeted actors to maintain business relationships with parties that are not yet in compliance but who are making financial investments in an effort to come into compliance with MSI standards?¹⁰⁴ (Yes / No / Not Applicable as the MSI does not require changes to the business relationships of targeted actors)

¹⁰⁴ For example, if a targeted actor's supplier is making investments in its factory in order to come into compliance with standards, can the targeted actor terminate its contract with the supplier?

108. Does the MSI prohibit targeted actors from entering business relationships with industry members who do not meet MSI standards?¹⁰⁵ (Yes / No / Not applicable)

PROGRAMS AND OUTREACH

109. Does the MSI offer relevant information so that the general public can learn about opportunities to patronize targeted actors' businesses, products, or services that are in compliance with the MSI standards? (Yes / No). If yes:
- A. What information is provided?
- i. A list of the targeted actors in the MSI, sorted by geographic location; (Yes / No / Not Applicable as sorting by geographic location is not relevant to MSI and/or industry)
 - ii. A list of MSI-certified brands or products, sorted by availability in geographic location; (Yes / No / Not Applicable to MSI and/or industry)
 - iii. A list of retailers or vendors for the goods or services produced by the targeted actors in the MSI, sorted by geographic location where relevant to the industry; (Yes / No / Not Applicable to MSI and/or industry)
 - iv. A list of products produced by targeted actors, sorted by availability in geographic location where relevant to the industry; (Yes / No / Not Applicable to MSI and/or industry)
 - v. Other. (Yes, specify / No).
- B. For each of the forms of information made available as selected above:
- i. Is information only available relating to targeted actors that the MSI has determined are in compliance with MSI standards? (Yes / No)
110. Is the information available only relating to those products, services, or businesses that the MSI has determined are in compliance with MSI standards? (Yes / No / Not applicable to the industry)
111. Does the MSI permit targeted actors to use an image or statement to show their membership in the MSI? (Yes / No / Not Applicable to MSI and/or industry)
112. Does the MSI sponsor program(s) designed to provide information about the MSI for non-members?¹⁰⁶ (Yes / No) If yes, continue. If no, skip to **Grievances, Q120**.
113. Does the MSI sponsor local programs in each geographic area that the MSI operates in?¹⁰⁷
- A. Africa; (Yes / No / Not Applicable as MSI does not operate in region)
 - B. North America; (Yes / No / Not Applicable as MSI does not operate in region)
 - C. Latin America and the Caribbean; (Yes / No / Not Applicable as MSI does not operate in region)
 - D. Asia; (Yes / No / Not Applicable as MSI does not operate in region)
 - E. Europe; (Yes / No / Not Applicable as MSI does not operate in region)
 - F. Oceania. (Yes / No / Not Applicable as MSI does not operate in region)

¹⁰⁵ For example, they consistently fail evaluations and make no effort to come into compliance with framework standards.

¹⁰⁶ For example, consumer awareness programs regarding the MSI's operation, industry conferences or community-based projects aimed to increase local knowledge of efforts being taken by targeted actors to protect and promote their human rights.

¹⁰⁷ For information on regions that the MSI affects, see Q5.

114. Do the program(s) include targeted information about the MSI? (Yes / No). If yes, to which groups is the information targeted:
- A. Local groups; (Yes / No). If yes, to which groups:
- i. Civil society and NGOs; (Yes / No)
 - ii. Affected populations (i.e., rights-holders); (Yes / No) If yes, what groups are targeted?
 - a. Organized groups whose rights are affected by the targeted activities;¹⁰⁸ (Yes, specify groups / No)
 - b. Local communities affected by the targeted activities;¹⁰⁹ (Yes, specify groups / No)
 - c. Organized groups who have an interest in the targeted activities;¹¹⁰ (Yes, specify groups / No)
 - d. Other (Yes, specify / No).
 - iii. Individual local community members;¹¹¹ (Yes / No)
 - iv. Local employees of targeted actors; (Yes / No)
 - v. Local management of targeted actors; (Yes / No)
 - vi. Local members of the regulated industry; (Yes / No)
 - vii. Local government officials; (Yes / No)
 - viii. Other. (Yes, specify / No)
- B. National and International Groups; (Yes / No). If yes, to which groups:
- i. Civil society and NGOs; (Yes / No)
 - ii. Consumers; (Yes / No)
 - iii. Affected populations; (Yes / No) If yes, what groups are targeted?
 - a. Organized groups whose rights are affected by the targeted activities; (Yes, specify groups / No)
 - b. Local communities affected by the targeted activities; (Yes, specify groups / No)
 - c. Organized groups who have an interest in the targeted activities; (Yes, specify groups / No)
 - d. Other (Yes, specify / No).
 - iv. Governments (if applicable); (Yes / No)
 - v. Other. (Yes, specify / No)
- C. Regulated Industry; (Yes / No). If yes, to which components of industry:
- i. Corporate employees; (Yes / No)
 - ii. Corporate management; (Yes / No)
 - iii. Shareholders; (Yes / No)
 - iv. Other. (Yes, specify / No)

For each group identified as being targeted by a program in Q113 above, answer the following:

115. Is information distributed in the local language? (Yes / No)
116. Does the information explain the following:
- A. The human rights issues that the MSI seeks to address; (Yes / No)
 - B. The MSI's standards; (Yes / No)
 - C. The MSI's monitoring and evaluation process; (Yes / No)
 - D. The MSI's grievance process; (Yes / No)

¹⁰⁸ For example, labor or trade unions with an interest in the targeted activity or non-regulated members in the supply/production chain of the regulated industry, such as small-scale farmers.

¹⁰⁹ For example, residents of a town where a factory operates.

¹¹⁰ For example, investor or consumer groups.

¹¹¹ "Communities" refers to geographic groupings that have a direct stake in the MSI's efforts. For example, a town near where the targeted activity occurs.

- E. Opportunities for public input/participation in the MSI; (Yes / No)
 - F. Contact information; (Yes / No)
 - G. Other. (Yes, specify / No)
117. How is the information distributed?
- A. Written documents; (Yes / No)
 - B. In-person training sessions; (Yes / No)
 - C. Permanent local MSI representative;¹¹² (Yes / No)
 - D. Through local media; (Yes / No)
 - E. MSI's website; (Yes / No)
 - F. Other. (Yes, specify / No)
118. Is the MSI's programming offered free of charge? (Yes, all / Yes, some / No)
119. Does the MSI publicize targeted actors' community outreach initiatives? (Yes / No)

GRIEVANCES

Targeted Actors' Grievance Mechanisms

120. Does the MSI have any policies regarding targeted actors' systems for handling grievances regarding breach of MSI standards or other human rights standards? (Yes / No). If yes, continue. If no, skip to **MSI Grievance Mechanism, Q127**.
121. Does the MSI require targeted actors to have their own grievance mechanism? (Yes / No)
122. Are complainants required to exhaust a targeted actor's system prior to filing a grievance in the MSI grievance mechanism?¹¹³ (Yes / No / Not applicable as the MSI does not have a system for taking grievances)
123. Does the MSI specify a time period for resolution of disputes at the targeted actor level before the grievance is referred to the MSI, or the MSI intervenes in some other form?¹¹⁴ (Yes, specify time period or mechanism of intervention / No / Not applicable as the allegations of breaches of MSI standards are not permitted to be considered by the targeted actor.)
124. Does the MSI require a targeted actor's grievance system to utilize at least one decision-maker that is independent from the targeted actor or, where relevant, from others in the supply-chain?¹¹⁵ (Yes, specify the policy regarding independence / No). If no:
- A. Does the MSI require the targeted actor's grievance system to utilize at least one decision-maker that is external from the regulated industry or, where relevant, from others in the supply-chain?¹¹⁶ (Yes, specify the policy regarding externality / No).
125. Does the MSI require the targeted actor with a grievance mechanism to utilize a decision-making process that is direct or mediated, rather than adjudicative? (Yes / No)
126. Does the MSI specify other requirements for the form or procedures of the targeted actors' systems for evaluating alleged breaches of MSI standards? (Yes / No) If yes, answer Q129 -151

¹¹² For example, a community liaison officer or local contact point.

¹¹³ Where the MSI has a grievance mechanism that provides targeted actors with the option of first examining the dispute through its own mechanism before it proceeds through the MSI's mechanism, answer "yes" to this question.

¹¹⁴ For example, specifying that if a complaint is not resolved within six weeks, the matter must be referred to the MSI.

¹¹⁵ An independent decision-maker is a person or body that does not have an interest in the targeted actor against whom the complaint is brought. It might include a designated trade union or worker representative, NGO, community representative or organization, or a governmental or regulatory body. Where complaints may be brought regarding supply-chain partners, to be considered independent the person must be outside of the supply-chain relationship.

¹¹⁶ A decision-maker is external when they not a employee of the targeted actor.

for the procedures that the MSI requires for targeted actors' grievance mechanisms. Then continue and answer Q 76-101 separately for the MSI's grievance mechanism.

MSI Grievance Mechanism

127. **Does the MSI have a system(s) for taking grievances?**¹¹⁷ (Yes / No) If yes, continue. If no, skip to **Accountability, Q152.**
128. Does the MSI have multiple types of grievance mechanisms?¹¹⁸ (Yes / No) If yes, answer Q129-151 separately for each type of mechanism.
129. Is any member of the general public permitted to file a complaint? (Yes / No) If no:
A. Who is permitted to file a complaint? (Select all that apply):
- i. **MSI members;** (Yes / No)
 - ii. **Members of local communities that targeted actors' operations impact;** (Yes / No)
 - iii. **NGOs and/or civil society organizations;** (Yes / No)
 - iv. **Employees of regulated industry;** (Yes / No)
 - v. Government; (Yes / No)
 - vi. Other. (Yes, specify / No)
130. Is any individual or group specifically prohibited from filing a complaint? (Yes, specify / No)
131. Are governments or NGOs and/or civil society organizations permitted to bring complaints on behalf of individuals or communities? (Yes / No) If yes:
A. Are those organizations required to first obtain consent from the individual or community? (Yes / No)
132. **Does the mechanism allow complainants to designate an advocate**¹¹⁹**to represent or assist them during the grievance process?** (Yes / No) If yes:
- A.** Is the advocate permitted to participate on behalf of the complainant throughout the grievance process? (Yes / No, specify when the representative is excluded)
 - B.** Is the complainant entitled to freely choose any advocate? (Yes / No, specify restrictions)
 - C.** Where the complainant does not file a complaint with the support of an advocate, does the MSI require the complainant to be informed about the right to an advocate? (Yes / No)
 - D.** Where the complainant does not file a complaint with the support of an advocate, does the mechanism provide the complainant with access to an advocate? (Yes / No). If yes:
 - i. **Are there measures in place to ensure that the advocate does not have a conflict of interest?** (Yes / No)
 - ii. Does the MSI require the advocate required to have technical training regarding and/or experience with:
 - a. The MSI's standards; (Yes / No)
 - b. International human rights standards; (Yes / No)
 - c. The MSI's grievance process; (Yes / No)
 - d. The complainant's cultural context. (Yes / No)
 - iii. Does the MSI require the advocate to meet with the complainant? (Yes / No)
 - iv. Is the advocate available to support the complainant throughout the grievance process? (Yes / No)

¹¹⁷ When answering these questions, do not consider any grievance mechanism that resolves breaches of internal governance, as this mechanism was considered in Internal Governance, Q32 - Q43 above.

¹¹⁸ For example, one mechanism for MSI members to submit complaints and a separate mechanism for members of the general public to submit complaints;

¹¹⁹ An advocate includes any support person, ranging from a lawyer to a family or friends.

- E. Does the MSI ever bear the cost of providing the advocate's service for the complainant?
(Yes, always / Yes, sometimes (specify circumstances) / No)
133. How can complaints be filed?
A. Online; (Yes / No)
B. Through the MSI's permanent headquarters/main office; (Yes / No)
C. Through local MSI contact points; (Yes / No)
D. Through contacts in the regulated industry; (Yes / No)
E. Through local MSI-designated third parties.¹²⁰ (Yes, please specify / No)
134. **Can complaints be filed via at least two of the above methods of filing?** (Yes / No)
135. Are there admissibility criteria for complaints?¹²¹ (Yes, specify / No)
136. Does the mechanism have a system for identifying or mapping all relevant parties to a complaint?¹²²
(Yes, specify / No)
137. Does the grievance mechanism allow one complainant to bring claims on behalf of multiple, similarly-situated individuals?¹²³ (Yes / No)

Evaluation of Complaints

138. Does the process for evaluating complaints entail different procedures or processes depending on the progress of the complaint throughout the different phases mechanism?¹²⁴ (Yes / No).
If yes:
A. What phases does the grievance mechanism include? (Answer Q140-151 separately for each phase identified)
i. Admissibility of the complaint; (Yes / No). If yes, on what grounds may the complaint be rejected:
a. Complaint, if considered, would not involve a breach of MSI standards; (Yes / No)
b. Complaint has been previously resolved and does not raise new allegations or evidence; (Yes / No)
c. Other (Yes, specify / No)
ii. Exhaustion of targeted actor's internal procedures: (Yes / No)
iii. Substantive evaluation;¹²⁵ (Yes / No)
iv. Appeal process; (Yes / No)
v. Remediation; (Yes / No)
vi. Other. (Yes, specify / No)
138. Does the process for evaluating complaints entail different procedures or processes depending on the severity of the alleged breach of MSI standards? (Yes / No). If yes, answer Q140-151 separately for each phase.

¹²⁰ An independent person is one who does not have an interest in the targeted actor against whom the complaint is brought. It might include an MSI-designated trade union or worker representative, NGO, community representative or organization, or a governmental or regulatory body. Where complaints may be brought regarding supply-chain partners, to be considered independent the person must be outside of the supply-chain relationship.

¹²¹ For example, limitations on who may bring a complaint, on which targeted actors a complaint may be filed against, or on the ability of a complainant to make use of more than one remedy avenue at a time.

¹²² For example, to hire an external facilitator to map the possible complainants and alleged violators.

¹²³ This includes representative or class actions, where complaints are permitted to collectively bring a claim.

¹²⁴ For example, using an investigative procedure to determine whether the complaint fits within the scope of the MSI's grievance mechanism, and then an adjudicative process to determine the substance of the complaint.

¹²⁵ I.e., evaluating the merits of the complaint.

¹²⁶ For example, using an investigative procedure to determine whether the complaint fits within the scope of the MSI's grievance mechanism, and then an adjudicative process to determine the substance of the complaint.

140. Is the complaint evaluated against the MSI standards? (Yes / No / Not relevant to this phase of the grievance process)
141. How is the complaint handled?
 A. Adjudication;¹²⁷
 B. Investigation;¹²⁸
 C. Negotiation between complainant and targeted actor;¹²⁹
 D. Mediation or conciliation;¹³⁰
 E. Facilitation.¹³¹
142. Is a decision-maker involved in the complaint process? (Yes / No). If no, skip to Q143.
 A. Is there a permanently established decision-maker?¹³² (Yes / No)
 B. Who is eligible to serve as a decision-maker? (Select all that apply)
 i. Targeted actor against whom the complaint is filed; (Yes / No)
 ii. MSI Members (Yes / No). If yes, which members are eligible to be decision-makers:
 a. Targeted actor; (Yes / No)
 b. NGOs and civil society institutions; (Yes / No)
 c. Governments; (Yes / No)
 d. Affected populations (i.e., rights-holders). (Yes / No)
 iii. Third party (Yes / No). If yes, which members are eligible to be decision-makers:
 a. Paid MSI staff; (Yes / No)
 b. External industry auditor or expert; (Yes / No)
 c. Professional ombudsmen, adjudicator, facilitator, mediator, conciliator or other professional decision-maker;¹³³ (Yes / No)
 d. Other. (Yes, specify. / No)
 C. Is the appointment process for decision-makers transparent? (Yes / No)
 D. Is there a policy regarding conflict of interest of decision-makers? (Yes, specify / No)
143. Is the number of complaints filed available? (Yes / No) If yes:
 A. Is it broken down based on the number of complaints filed against each individual targeted actor? (Yes / No)
144. Is the number of resolved complaints published? (Yes / No)
145. Are official decisions published? (Yes / No) If yes:
 A. Are decisions supported with reasons/justifications for the decision? (Yes / No)
146. Does the system set a timeframe for the grievance process? (Yes / No) If yes:
 A. For which events are timeframes provided?
 i. Identifying and contacting appropriate parties; (Yes, specify timeframe / No)
 ii. Appointing the person or body who will evaluate the complaint; (Yes, specify time frame / No, there is a permanently established person or body / No, no timeframe is specified)

¹²⁷ Where participants present arguments and evidence to a decision-maker who makes a determination.

¹²⁸ Where a third party investigates the complaint and determines the outcome, without any formally required involvement from the parties.

¹²⁹ Where parties directly enter a dialogue in order to reach an agreement, without the assistance of a third party.

¹³⁰ Where a third party works with the parties to help them identify issues, common interests and possible options for resolution. The resolution options are not determinative and the outcome remains subject to the agreement of the parties.

¹³¹ Where a third party assists parties in developing a dialogue, with the aim of making progress toward a resolution. The third party does not seek to advance or evaluate particular outcomes.

¹³² A decision-maker will be considered permanently established if the decision-maker was appointment or identified prior to the complaint being filed.

¹³³ For example, a professional mediator, adjudicator or referee.

- iii. Commencing the hearing, investigation or dialogue process; (Yes, specify timeframe / No)
 - iv. Determining the resolution of the complaint; (Yes, specify timeframe / No)
 - v. Requiring compliance with the remedies imposed. (Yes, specify timeframe / No)
147. **Do the procedures require the MSI to communicate with complainants?** (Yes / No) If yes:
- A. When is communication required and do the procedures include mandatory timeframes?
 - i. When a complaint has been received; (Yes, with timeframe / Yes, without timeframe / No)
 - ii. When a targeted actor has responded to the complaint; (Yes, with timeframe / Yes, without timeframe / No)
 - iii. When a proposed course of action has been decided; (Yes, with timeframe / Yes, without timeframe / No)
 - iv. When an outcome has been reached; (Yes, with timeframe / Yes, without timeframe / No)
 - v. When the remedy has been fulfilled. (Yes, with timeframe / Yes, without timeframe / No)
148. Does the system allow for complainants to remain publicly anonymous? (Yes / No)
149. **Does the system allow for complainants to remain anonymous to the targeted actor against whom the complaint is filed?** (Yes / No)
150. **Does the MSI require the targeted actor to make information about the grievance mechanism available to the public?** (Yes / No). If yes:
- A. What information must be publicized?
 - i. **Contact points through which a complaint can be filed;** (Yes / No)
 - ii. **An explanation of the procedure for filing a complaint;** (Yes / No)
 - iii. A notice that the MSI complaint is without prejudice to a complainant's right to legal recourse; (Yes / No)
 - iv. Accessibility measures in place to assist a complaint to file a complaint; (Yes / No)
 - v. **Grievance process;** (Yes / No)
 - vi. **Required timeframes;** (Yes / No)
 - vii. Points within the process when complainants should expect communication; (Yes / No)
 - viii. **The MSI's standards.** (Yes / No)
 - B. Where must the information be publicized?
 - i. Targeted actor' website; (Yes / No / Not Applicable to MSI and/or industry)
 - ii. Targeted actor' offices, factories, or other physical sites; (Yes / No / Not Applicable to MSI and/or industry)
 - iii. In targeted actors' direct communication to employees; (Yes / No / Not Applicable to MSI and/or industry)
 - iv. Other. (Yes, specify / No)
 - C. How is the information publicized?
 - i. In writing; (Yes / No)
 - ii. Orally; (Yes / No)
 - iii. Other. (Yes, specify / No)
 - D. **If the MSI impacts regions that speak one language, does the MSI require information about the system to be available in multiple languages?** (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)
151. Is information about the system available in multiple languages? (Yes, list languages. / No / Not Applicable as MSI only impacts regions that speak one language)

ACCOUNTABILITY

MSI Recommendations to Targeted Actors

152. Does the MSI provide recommendations regarding implementation for each targeted actor? (Yes / No). If yes, continue. If no, skip to **Sanctions, Q158**.
153. What does the MSI provide recommendations about? (*Select Not if the MSI does not perform the particular function*)
- A. Targeted actor' evaluations and/or reports; (Yes / No / Not applicable)
 - B. Targeted actor' compliance with standards; (Yes / No / Not applicable)
 - C. Targeted actor' systems operations and operationalization; (Yes / No / Not applicable)
 - D. Targeted actor' participation in or implementation of stakeholder learning and engagement programs; (Yes / No) If yes:
 - i. Does the MSI also provide recommendations to other MSI members on their participation in or implementation of stakeholder learning and engagement programs? (Yes / No)
 - E. Targeted actor' programming and outreach; (Yes / No / Not applicable)
 - F. Targeted actor' internal grievance mechanisms; (Yes / No / Not applicable)
 - G. Other. (Yes, specify / No)
154. Are recommendations made public? (Yes, always / Yes, sometimes / No)
- A. Does the MSI have a policy regarding confidentiality of recommendations? (Yes, specify policy / No)
155. Are targeted actors required to comply with MSI recommendations? (Yes, all / Yes, some / No) If Yes, some, which recommendations must be complied with?
- A. Recommendations on targeted actors' evaluations and/or reports; (Yes / No / Not applicable)
 - B. Recommendations on targeted actors' compliance with standards; (Yes / No / Not applicable)
 - C. Recommendations on targeted actors' systems operations and operationalization; (Yes / No / Not applicable)
 - D. Recommendations on targeted actors' participation or implementation of stakeholder learning and engagement programs; (Yes / No / Not applicable) If yes:
 - i. Does the MSI also provide recommendations to other MSI members on their participation in or implementation of stakeholder learning and engagement programs? (Yes / No / Not applicable as not given to other members)
 - E. Recommendations on targeted actors' programming and outreach; (Yes / No / Not applicable)
 - F. Recommendations on targeted actors' internal grievance mechanisms; (Yes / No / Not applicable)
 - G. Recommendations on other issues. (Yes, specify / No)
156. **Is there a time frame for complying with recommendations?** (Yes / No)
157. **Is there a follow-up process to evaluate compliance with recommendations?** (Yes / No) If yes:
- A. Who conducts the follow-up?
 - i. Targeted actor; (Yes / No)
 - ii. MSI members; (Yes / No)
 - iii. Industry auditor; (Yes / No)

- iv. Third party; (Yes / No)
- v. Other. (Yes, specify / No)
- B. How does the evaluator assess compliance? (Select all that apply).
 - i. On-site visits; (Yes / No)
 - ii. Document reviews; (Yes / No)
 - iii. Other. (Yes, specify / No)
- C. Can other stakeholders contribute to the follow-up process?¹³⁴ (Yes / No) If yes:
 - i. General public; (Yes / No)
 - ii. Nonmember NGOs and civil society; (Yes / No)
 - iii. Affected populations; (Yes / No) If yes, what groups can contribute?
 - a. Organized groups whose rights are affected by the targeted activities; (Yes, specify groups / No)
 - b. Local communities affected by the targeted activities; (Yes, specify groups / No)
 - c. Organized groups who have an interest in the targeted activities; (Yes, specify groups / No)
 - d. Other (Yes, specify / No).
 - iv. Nonmember governments. (Yes / No)

Sanctions

- 158. Does the MSI have the power to sanction a targeted actor? (Yes / No) If yes, continue. If no, skip to **Development of the MSI, Q1.**
- 159. What is the basis for the sanctions? (Select all that apply.)
 - A. An evaluation showing noncompliance with MSI standards. (Yes / No / Not applicable as MSI does not have evaluations) If yes:
 - i. What type of sanction may be imposed?
 - a. Fines; (Yes / No)
 - b. Removal of entitlement to the incentive regime; (Yes / No)
 - c. Probation, by way of suspension of the targeted actor's MSI membership until compliance achieved; (Yes / No)
 - d. Suspension of the targeted actor's MSI membership for a specified period of time; (Yes / No)
 - e. Expulsion of the targeted actor from the MSI; (Yes / No)
 - f. Other. (Yes, specify / No)
 - ii. Does the MSI set out guidelines for imposing sanctions based on the severity of the noncompliance? (Yes / No, as only one type of sanction is available / No). If yes or no, as only one type of sanction is available:
 - a. Do the guidelines specify mandatory sanctions, where certain sanctions must be imposed when a specified act is found to have occurred? (Yes / No)
 - iii. Does the MSI set out timeframes for imposing the sanction following a finding of noncompliance? (Yes / No)
 - iv. Does the MSI set out timeframes for the targeted actor to comply with the sanction? (Yes / No / Not applicable as none of the sanctions require action from the targeted actor to be enforced)
 - v. Does the MSI require that the sanction be made public? (Yes, always / Yes, some times (specify policy) / No)

¹³⁴ For example, shadow reporting.

- B. **A targeted actor's failure to report to the MSI.** (Yes / No / Not applicable as MSI does not have a reporting regime) If yes:
- i. What type of sanction may be imposed?
 - a. Fines; (Yes / No)
 - b. **Removal of entitlement to the incentive regime;** (Yes /No)
 - c. **Probation, by way of suspension of the targeted actor's MSI membership until compliance achieved;** (Yes / No)
 - d. **Suspension of the targeted actor's MSI membership for a specified period of time;** (Yes / No)
 - e. **Expulsion of the targeted actor from the MSI;** (Yes / No)
 - f. Other. (Yes, specify / No)
 - ii. Does the MSI set out guidelines for imposing sanctions based on the severity of the noncompliance? (Yes / No, as only one type of sanction is available / No). If yes or no, as only one type of sanction is available:
 - a. Do the guidelines specify mandatory sanctions, where certain sanctions must be imposed when a specified act is found to have occurred? Yes / No)
 - iii. Does the MSI set out timeframes for imposing the sanction following a finding of noncompliance? (Yes / No)
 - iv. Does the MSI set out timeframes for the targeted actor to comply with the sanction? (Yes / No / Not applicable as none of the sanctions require action from the targeted actor to be enforced)
 - v. Does the MSI require that the sanction be made public? (Yes, always / Yes, some times (specify policy) / No)
- C. **A grievance brought against the targeted actor.** (Yes / No/ Not applicable as MSI does not have a grievance mechanism) If yes:
- i. What type of sanction may be imposed?
 - a. Monetary compensation for the complaint; (Yes / No)
 - b. Fine; (Yes / No)
 - c. **Removal of entitlement to the incentive regime;** (Yes /No)
 - d. **Probation, by way of suspension of the targeted actor's MSI membership until compliance achieved;** (Yes / No)
 - e. **Suspension of the targeted actor's MSI membership for a specified period of time;** (Yes / No)
 - f. **Expulsion of the targeted actor from the MSI;** (Yes / No)
 - g. Equitable relief; (Yes, specify / No)
 - h. Public apology; (Yes / No)
 - i. Other. (Yes, specify / No)
 - ii. Does the MSI set out guidelines for imposing sanctions based on the severity of the wrongdoing? (Yes / No, as only one type of sanction is available / No). If yes or no, as only one type of sanction is available:
 - a. Do the guidelines specify mandatory sanctions, where certain sanctions must be imposed when a specified act is found to have occurred? Mandatory / Discretionary)
 - iii. Does the MSI set out timeframes for imposing the sanction following a finding of wrongdoing? (Yes / No)
 - iv. Does the MSI set out timeframes for the targeted actor to comply with the sanction? (Yes / No / Not applicable as none of the sanctions require action from the targeted actor to be enforced)

- v. Does the MSI require that the sanction be made public? (Yes, always / Yes, some times (specify policy) / No)
- D. A targeted actor's failure to comply with recommendations. (Yes / No / Not applicable as the MSI does not issue recommendations) If yes:
- i. What type of sanction may be imposed?
 - a. Fines; (Yes / No)
 - b. Removal of entitlement to the incentive regime; (Yes / No)
 - c. Probation, by way of suspension of the targeted actor's MSI membership until compliance achieved; (Yes / No)
 - d. Suspension of the targeted actor's MSI membership for a specified period of time; (Yes / No)
 - e. Expulsion of the targeted actor from the MSI; (Yes / No)
 - f. Other. (Yes, specify / No)
 - ii. Does the MSI set out guidelines for imposing sanctions based on the severity of the noncompliance? (Yes / No, as only one sanction is available / No). If yes or no, as only one type of sanction is available:
 - a. Do the guidelines specify mandatory sanctions, where certain sanctions must be imposed when a specified act is found to have occurred? Yes / No
 - iii. Does the MSI set out timeframes for imposing the sanction following a finding of noncompliance? (Yes / No)
 - iv. Does the MSI set out timeframes for the targeted actor to comply with the sanction? (Yes / No / Not applicable as none of the possible sanctions require action from the targeted actor)
 - v. Does the MSI require that the sanction be made public? (Yes, always / Yes, some times (specify policy) / No)
- E. A targeted actor's unauthorized statement of compliance with MSI standards. (Yes / No) If yes:
- i. What type of sanction may be imposed?
 - a. Fines; (Yes / No)
 - b. Removal of entitlement to the incentive regime; (Yes / No)
 - c. Probation, by way of suspension of the targeted actor's MSI membership until compliance achieved; (Yes / No)
 - d. Suspension of the targeted actor's MSI membership for a specified period of time; (Yes / No)
 - e. Expulsion of the targeted actor from the MSI; (Yes / No)
 - f. Other. (Yes, specify / No)
 - ii. Does the MSI set out guidelines for imposing sanctions based on the severity of the noncompliance? (Yes / No, as only one type of sanction is available / No). If yes or no, as only one type of sanction is available:
 - a. Does the guidelines specify mandatory sanctions, where certain sanctions must be imposed when a specified act is found to have occurred? Yes / No
 - iii. Does the MSI set out timeframes for imposing the sanction following a finding of wrongdoing? (Yes / No)
 - iv. Does the MSI set out timeframes for the targeted actor to comply with the sanction? (Yes / No / Not applicable as none of the sanctions require action from the targeted actor to be enforced)

- v. Does the MSI require that the sanction be made public? (Yes, always / Yes, sometimes (specify policy) / No)
- F. Other (Yes, specify / No). If yes:
- i. What type of sanction may be imposed?
 - a. Fines; (Yes / No)
 - b. Removal of entitlement to the incentive regime; (Yes / No)
 - c. Probation, by way of suspension of the targeted actor's MSI membership until compliance achieved; (Yes / No)
 - d. Suspension of the targeted actor's MSI membership for a specified period of time; (Yes / No)
 - e. Expulsion of the targeted actor from the MSI; (Yes / No)
 - f. Other. (Yes, specify / No)
 - ii. Does the MSI set out guidelines for imposing sanctions based on the severity of the wrongdoing? (Yes / No, as only one type of sanction is available / No). If yes or no, as only one type of sanction is available:
 - a. Does the guidelines specify mandatory sanctions, where certain sanctions must be imposed when a specified act is found to have occurred? (Yes / No)
 - iii. Does the MSI set out timeframes for imposing the sanction following a finding of wrongdoing? (Yes / No)
 - iv. Does the MSI set out timeframes for the targeted actor to comply with the sanction? (Yes / No / Not applicable as none of the sanctions require action from the targeted actor to be enforced)
 - v. Does the MSI require that the sanction be made public? (Yes, always / Yes, some times (specify policy) / No)

DEVELOPMENT OF THE MSI

FORMATION OF THE MSI

1. Does the MSI reference other MSIs that also apply to the regulated industry? (Yes / No) If yes:
 - A. Does the MSI describe how it interacts with those MSIs? (Yes / No)
 - B. Does the MSI describe an attempt to harmonize, or minimize overlap, with those MSIs? (Yes / No / Not Applicable as the MSI has described that the initiatives have no overlap or cannot be harmonized) If yes, in which areas has the MSI attempted to harmonize or minimize overlap?
 - i. Standards; (Yes / No)
 - ii. Internal Governance; (Yes / No)
 - iii. Implementation (Yes / No). If yes, which areas:
 - a. Incentives; (Yes / No)
 - b. Monitoring: Evaluations; (Yes / No)
 - c. Monitoring: Reports; (Yes / No)
 - d. Stakeholder Learning and Engagement; (Yes / No)
 - e. Systems Development and Operationalization; (Yes / No)
 - f. Programs and Outreach; (Yes / No)
 - g. Grievances; (Yes / No)
 - h. Internal Review of MSI Effectiveness. (Yes / No)

2. Is there information available detailing the decision-making process that led to the establishment of the MSI or its components? (Yes / No) If yes, continue. If no, skip to **Review of the MSI, Q8.**
3. Did the MSI follow a separate and different process of formation for particular components of the MSI?¹³⁵ (Yes / No). If yes, select the components that were formed separately and differently from the other components. Answer Qs4-7 separately for each component, in addition to answering Qs4-7 for the general process of MSI formation.
 - A. Standards; (Yes / No)
 - B. Internal Governance; (Yes / No)
 - C. Implementation (Yes, all / Yes, some / No) If yes, some, which aspects were formed separately and differently:
 - i. Incentives; (Yes / No)
 - ii. Monitoring: Evaluations; (Yes / No)
 - iii. Monitoring: Reports; (Yes / No)
 - iv. Stakeholder Learning and Engagement; (Yes / No)
 - v. Systems Development and Operationalization; (Yes / No)
 - vi. Programs and Outreach; (Yes / No)
 - vii. Grievance mechanism. (Yes / No)
4. Was an industry impact assessment conducted during the process of formation? (Yes / No) If yes:
 - A. What effects were considered?
 - i. Local community impact of industry; (Yes / No) If yes, what impacts were considered?
 - a. Existing impacts on the local community; (Yes / No)
 - b. Potential impacts of the MSI on the local community. (Yes / No)
 - ii. Human rights implications of industry; (Yes / No) If yes, what impacts were considered?
 - a. Existing impacts on the local community; (Yes / No)
 - b. Potential impacts of the MSI on the local community. (Yes / No)
 - iii. Impacts on vulnerable and marginalized populations of industry; (Yes / No) If yes, what impacts were considered?
 - a. Existing impacts on the local community; (Yes / No)
 - b. Potential impacts of the MSI on the local community. (Yes / No)
 - iv. Impact of other industry initiatives; (Yes / No / Not applicable as no other industry initiatives exist) If yes, what impacts were considered?
 - a. Existing impacts of other initiatives on the local community; (Yes / No)
 - b. Potential impacts on the local community arising from the MSI's interaction with other initiatives; (Yes / No)
 - c. Duplication of costs or procedures for targeted actors; (Yes / No)
 - d. Other. (Yes, specify / No)
5. Did the MSI permit the general public to provide input during the formation process? (Yes / No)
6. Did the MSI invite representatives specifically from affected populations (i.e., rights-holders)¹³⁶ to participate in the formation process? (Yes / No). If yes:

¹³⁵ For example, if an MSI designed a component after it was launched, using a different procedure to create that component than from the remainder of the MSI. Another example could be the MSI allowing increased public participation regarding the formation of standards, compared to other aspects of the MSI.

¹³⁶ "Affected populations" refers to those that the targeted actors' activities affect, and will ordinarily be the "rights-holders" within the context of the MSI. For example, the "affected populations" may include labor representation, such as trade unions, or it may include individuals who have a special interest in the MSI, industry, or human rights issue. The affected population may also include representatives from local communities that the targeted activity affects, such as indigenous groups in a town where a factory operates, or consumers in developed countries.

- A. Which populations were invited to participate?
- i. Organized groups whose rights are affected by the targeted activities;¹³⁷ (Yes, specify groups / No)
 - ii. Local communities affected by the targeted activities;¹³⁸ (Yes, specify groups / No)
 - iii. Organized groups who have an interest in the targeted activities;¹³⁹ (Yes, specify groups / No)
 - iv. Other (Yes, specify / No).
- B. Did the MSI offer training for affected populations on relevant issues? (Yes / No)
- C. Did the MSI offer to facilitate the participation of affected populations in the formation process? (Yes / No) If yes, select how:
- i. Advocate / liaison / support person; (Yes / No)
 - ii. Consultations with the affected population; (Yes / No)
 - iii. Direct representation during discussions with other stakeholders;¹⁴⁰ (Yes / No)
 - iv. Written submissions; (Yes / No)
 - v. Other. (Yes, specify / No)
- D. Did the MSI offer to bear the cost of the affected population's participation? (Yes, all / Yes, some [Specify offer] / No)
7. Did at least one of the following types of stakeholders actually participate in the formation process?
- A. Targeted actor; (Yes / No)
 - B. NGOs and civil society institutions; (Yes / No)
 - C. Governments; (Yes / No)
 - D. Affected populations (i.e., rights-holders). (Yes / No) If yes:
 - i. What groups participated?
 - a. Organized groups whose rights are affected by the targeted activities; (Yes, specify groups / No)
 - b. Local communities affected by the targeted activities; (Yes, specify groups / No)
 - c. Organized groups who have an interest in the targeted activities; (Yes, specify groups / No)
 - d. Other (Yes, specify / No).
 - ii. Did the MSI facilitate the participation of affected population members in the formation process? (Yes / No) If yes, how? (Select all that apply).
 - a. Advocate / liaison / support person; (Yes / No)
 - b. Consultations with the population; (Yes / No)
 - c. Direct representation during discussions with other stakeholders; (Yes / No)
 - d. Written submissions; (Yes / No)
 - e. Other. (Yes, specify / No)
 - iii. Did the MSI bear the cost of the affected population's participation? (Yes, all / Yes, some / No)

¹³⁷ For example, labor or trade unions with an interest in the targeted activity or non-regulated members in the supply/production chain of the regulated industry, such as small-scale farmers.

¹³⁸ For example, residents of a town where a factory operates.

¹³⁹ For example, investor or consumer groups.

¹⁴⁰ For example, physical participation in the negotiations or consultations.

REVIEW OF THE MSI

8. Are there processes to review the effectiveness or operation of the components of the MSI, or the MSI itself?¹⁴¹ (Yes / No) If yes, continue. If no, the assessment is complete.

Components for review

9. Does the MSI have a process for reviewing existing standards and/or developing new standards?¹⁴² (Yes / No) If yes:
- A. Does the review process include:
- i. Periodically reviewing the sufficiency of existing standards? (Yes / No)
 - ii. Developing new standards? (Yes / No)
 - iii. Interpreting standards based on localized contexts or conditions? (Yes / No)
 - iv. Challenges to the standards (Yes / No / Not applicable as the MSI does not permit standards to be challenged)
- B. Does the review process include a mandatory review of human rights jurisprudence relating to the existing standards? (Yes / No) If yes, does the process include:
- i. Consultation with human rights lawyers? (Yes / No)
 - ii. Assessment of human rights jurisprudence as it applies to the MSI's interaction with affected populations? (Yes / No)
 - iii. Assessment of human rights jurisprudence as it applies to the MSI's interaction with vulnerable and marginalized populations?¹⁴³ (Yes / No)
- C. Does the review process consider how to harmonize, or minimize overlap, with the standards of other MSIs that apply to the regulated industry or activity? (Yes / No / Not applicable as there are no other MSIs that apply to the same regulated industry or activity)
10. Does the MSI have a process for reviewing the internal governance structures of the MSI? (Yes / No) If yes, does the review process cover the following aspects:
- A. Level of stakeholder involvement and/or the membership structure; (Yes / No)
 - B. Funding and resources; (Yes / No)
 - C. The governance and decision-making structure. (Yes / No)
11. Does the MSI have a process for reviewing the implementation of the MSI? (Yes / No) If yes, does the process review:
- A. Incentives; (Yes / No / Not applicable)
 - B. Monitoring: Evaluations; (Yes / No / Not applicable) If yes:
 - i. Does the review process consider how to harmonize, or minimize overlap, with the evaluation processes that apply to the regulated industry or activity? (Yes / No / Not applicable as there are no other evaluation process that apply to the same regulated industry or activity)
 - C. Monitoring: Reporting; (Yes / No / Not applicable)
 - D. Stakeholder Learning and Engagement; (Yes / No / Not applicable)
 - E. Systems Development and Operationalization; (Yes / No / Not applicable)
 - F. Programs and Outreach; (Yes / No / Not applicable)
 - G. Grievances mechanism. (Yes / No / Not applicable)
 - i. Does the review process consider how to harmonize, or minimize overlap, with the grievance mechanisms of other MSIs that apply to the regulated industry or activity?

¹⁴¹ If you answered yes to Q17E above, answer "Yes."

¹⁴² For example, a body that reviews the standards either as its exclusive task or as part of a broader mandate.

¹⁴³ Vulnerable populations include, but are not limited to, "women, children, youth, older persons, indigenous people, ethnic and other minorities." See ICESCR General Comment 7 ¶ 11. See also ICCPR General Comment 31 ¶ 15;

(Yes / No / Not applicable as there are no other MSIs that apply to the same regulated industry or activity)

12. **Does the MSI have a process for reviewing the overall effectiveness of the MSI?** (Yes / No). If yes:
- A. Does the process review the MSI's impact on:
- i. Targeted actor'; (Yes / No) If yes, what impacts are considered?
 - a. Impact on business practices; (Yes / No)
 - b. Impact on human rights compliance. (Yes / No)
 - ii. Industry practice, including the behavior of non-MSI members in the industry, regarding human rights; (Yes / No)
 - iii. NGOs and civil society; (Yes / No)
 - iv. Governments; (Yes / No)
 - v. Affected populations (i.e. rights-holders). (Yes / No) If yes, what impacts are considered?
 - a. Whether the MSI has a discriminatory impact on any population groups or subgroups; (Yes / No)
 - b. Actual impacts on the local community; (Yes / No)
 - c. Potential impacts on the local community; (Yes / No)
 - d. Actual impacts on vulnerable and marginalized populations; (Yes / No)
 - e. Potential impacts on vulnerable and marginalized populations. (Yes / No)
- B. **Does the MSI assess the level of awareness of the affected population of the MSI?** (Yes / No). If yes, does the process assess the level of awareness of:
- i. The human rights issues that the MSI seeks to address; (Yes / No)
 - ii. The MSI's standards; (Yes / No)
 - iii. The MSI's monitoring and evaluation process; (Yes / No)
 - iv. The MSI's grievance process; (Yes / No)
 - v. Opportunities for public input/participation in the MSI; (Yes / No)
 - vi. Contact information; (Yes / No)
 - vii. Other. (Yes, specify / No)
- C. Does the review process consider other forms of human rights standards that might apply to the regulated industry or activity? (Yes / No) If yes, does the MSI consider:
- i. Other MSIs that are relevant to the industry or targeted activity? (Yes / No / Not applicable as there are no other MSIs that apply to the same regulated industry or activity) If yes, which aspects are considered:
 - a. How to harmonize, or minimize overlap, with those MSIs? (Yes / No)
 - b. How to learn from the experiences of those MSIs? (Yes / No)
 - c. Other? (Yes, specify / No).
 - ii. Domestic regulations in relevant states? (Yes / No)
 - a. How the MSI's standards interact with domestic regulations? (Yes / No)
 - b. How to improve the quality of domestic regulations? (Yes / No)

Content of Review

For each of Questions 9, 10, 11, 12 that was answered "yes"; and for which a separate review process is conducted, answer the following:

13. **Does the review process require or permit input from:**
- A. Targeted actor; (Yes, required / Yes, permitted / No)

- B. **Affected populations (i.e., rights-holders);**¹⁴⁴ (Yes, required / Yes, permitted / No) If yes, what groups can participate?
- Organized groups whose rights are affected by the targeted activities;¹⁴⁵ (Yes, specify groups / No)
 - Local communities affected by the targeted activities;¹⁴⁶ (Yes, specify groups / No)
 - Organized groups who have an interest in the targeted activities;¹⁴⁷ (Yes, specify groups / No)
 - Other (Yes, specify / No).
- C. **NGOs and civil society;** (Yes, required / Yes, permitted / No)
- D. **Governments;** (Yes, required / Yes, permitted / No)
- E. **Human rights consultants.** (Yes, required / Yes, permitted / No)
14. Is the review process open to public input? (Yes / No)
15. Does the review process consider recommendations from the learning program?¹⁴⁸
16. Who conducts the review?¹⁴⁹ (MSI body / third party)
17. How long does each review take? (Enter in months.)
18. How frequently do reviews occur? (Enter in years.)
- A. **Do reviews occur at least every five years?** (Yes / No)
19. **Is the review funded by the MSI's general budget?** (Yes / No) If no, how are reviews funded? (Specify)
20. **Are there public reports issued disclosing the results of the internal review?** (Yes / No)
21. **Does the review provide recommendations for future action?** (Yes / No) If yes:
- A. **Is there a follow-up process to evaluate whether recommendations have been implemented?** (Yes / No)

¹⁴⁴ "Affected populations" refers to those that the targeted actors' activities affect, and will ordinarily be the "rights-holders" within the context of the MSI. For example, the "affected populations" may include labor representation, such as trade unions, or it may include individuals who have a special interest in the MSI, industry, or human rights issue. The affected population may also include representatives from local communities that the targeted activity affects, such as indigenous groups in a town where a factory operates, or consumers in developed countries.

¹⁴⁵ For example, labor or trade unions with an interest in the targeted activity or non-regulated members in the supply/production chain of the regulated industry, such as small-scale farmers.

¹⁴⁶ For example, residents of a town where a factory operates.

¹⁴⁷ For example, investor or consumer groups.

¹⁴⁸ See Stakeholder Learning and Engagement, **IMPLEMENTATION Q92.**

¹⁴⁹ If you answered yes to Q17E above, answer "MSI's own internal review body."